

**City of West Orange  
Tuesday, May 9, 2023  
Special Session**

**West Orange Council Chambers  
2700 Western Avenue (rear entrance)  
West Orange, Texas  
5:00 P.M.**

**COUNCIL MEMBERS PRESENT:**

|                      |                 |             |
|----------------------|-----------------|-------------|
| Mayor Randy Branch   | Meritta Kennedy | Jay Odom    |
| Michael Shugart, Sr. | Brent Dearing   | Lanie Brown |

**APPOINTED OFFICIALS PRESENT:**

|                     |               |               |
|---------------------|---------------|---------------|
| Christopher Leavins | Mike Stelly   | Jon Sherwin   |
| Theresa Van Meter   | David Roberts | Simmie Gibson |

**OTHERS PRESENT:**

|                 |                     |                 |
|-----------------|---------------------|-----------------|
| Ida Schossow    | Jane Branch         | Meritta Norwood |
| Sharon Thomas   | Gail Langton        | Kathy Smartt    |
| Harold Hatcher  | Chad Eldridge       | Tremaine Wilson |
| Carl Thibodeaux | Michaela Thibodeaux |                 |

**Call to Order**

Mayor Branch called the meeting to order at 5:00 p.m. Council Member Shugart gave the invocation. The mayor then led in the Pledges of Allegiance to the American and Texas flags.

**Consent Agenda**

**Discussion and Possible Action on approval of the minutes of the April 17, 2023 City Council Meeting** - These minutes were approved and accepted into record by vote after a motion was made by Council Member Brown, followed by a second from Mayor Pro-Tem Kennedy.

Council members with expiring terms in May 2023 were then presented with Certificates of Appreciation for their service by Mayor Branch. Those individuals were:

Council Member Brent Dearing: May, 2021 – June, 2023  
Council Member Meritta Kennedy: May, 2021 – June, 2023  
Mayor Randy Branch: May, 2021 – April, 2023

**Staff Reports**

**Public Works – Jon Sherwin**

Mr. Sherwin reported the following activities for the month of April, 2023:

- **Construction Projects**
  - WWTP – waiting on EDA for approval; have asked for time extension
  - City Hall Generator Project – Generator delivery expected in October, 2023
- **Building Official**
  - 28 permits issued; 22 permits completed
- **Sanitation**
  - 14 loads (36 tons) of green waste collected
  - 14 cubic yards (4 tons curbside)
- **Animal Control**
  - 95 calls
  - 22 intakes
  - 2 claimed/1 adopted/3 rescued/0 euthanized
  - 0 court filing
- **Street**
  - Patching streets with cold mix and rock in drives
  - Cleaning 900 linear feet of ditches
- **Parks**
  - Mowing continues
- **Shop**
  - 2 full-services

- Normal repairs of city assets
- Monthly 30-for-30 (All police and fire vehicles in good working order.)
- Large outfall ditch mowing has begun

**Police Department– Mike Stelly**

Chief Stelly gave the following statistics for the month of April, 2023:

- Traffic contacts: 66
- Crashes reported: 1
- Arrests: 71
- Reports: 22
- Calls for service: 344
- Miles driven: 9,970

**Volunteer Fire Department – Simmie Gibson**

Assistant Chief Gibson reported the following activity for the department during the month of April, 2023:

- Trash fires: 1
- Gas Leak: 2
- Motor Vehicle Collisions: 1
- Medical assist calls: 3
- Service calls: 1
- Cancelled enroute: 2

Asst. Chief Gibson also reported that some electrical work will be done soon at the department for the installation of the gear washer, along with some new lighting in the bay and compressor room.

**Regular Session**

**Canvass of the May 6, 2023 General Election** – Mayor Branch explained that, as neither he nor Council Members Kennedy or Dearing drew any opposition for this election, they were certified as “unopposed” and thereby re-elected to their positions.

**Issuance of Statements of Elected Officers** – Mayor Branch, Council Member Kennedy and Council Member Dearing then read and signed their Statements of Elected Officers.

**Issuance of Oaths of Office** - Mayor Branch, Council Member Kennedy and Council Member Dearing were then given the Oath of Office by Mrs. Ida Schossow, Associate Municipal Judge of the City of Bridge City.

**Presentation of Certificates of Election** – Mrs. Schossow then presented Certificates of Election to Mayor Branch, Council Member Kennedy and Council Member Dearing.

**Discussion and Possible Action on election of Mayor Pro-Tempore** – Council Member Shugart moved that Council Member Kennedy be re-elected to serve in this position for the upcoming year. Council Member Brown seconded his motion.

The mayor asked for discussion. With there being none, he called for a vote, which passed unanimously.

**Discussion and Possible Action on approval of the following mayoral appointments:**

- a) **City Attorney** – Christopher Leavins
- b) **Municipal Court Judge** - Carl Thibodeaux
- c) **Alternate Municipal Court Judge** – Jay Odom
- d) **WOVFD Chief** – David Roberts
- e) **WOVFD Assistant Chief** – Simmie Gibson

Mayor Branch presented these individuals as his appointments to these positions in the form of a motion. Council Member Shugart seconded his motion. With there being no discussion on any of these appointments, the mayor then called for a vote on his motion, which passed unanimously.

**Administration of Statements of Appointed Officials and Oaths of Office for Appointed Officials** – The approved appointees then read and signed the Statements of Appointed Officials and were administered the Oaths of Office for their respective offices.

**Discussion and Possible Action on accepting into record the Quarterly Investment Report for January – March, 2023** – Council Member Brown made a motion that the Quarterly

Investment Report for January – March, 2023 be accepted as presented. This motion received a second from Mayor Pro-Tem Kennedy. Mayor Branch called for a vote, motion carried.

**Discussion and Possible Action on a request submitted by Chad Eldridge pertaining to 2025 Stakes Street** – Mr. Eldridge addressed Council, explaining that he had paid all of the back taxes and cleaned up the property. He had almost all of the old fencing torn down. He explained that his plan is to put a home on the property sometime during the summer of 2024. He does not intend to put a mobile home on it.

Council Member Odom then made a motion that Council release the lien against this property with the condition that Mr. Eldridge pay a \$500 administrative fee. The motion died for lack of a second.

Council Member Shugart then stated he would second the motion in order to allow for discussion. As it had already been called, Council Member Odom made the motion again to release the lien against the property at 2025 Stakes Street with the condition that Mr. Eldridge pay a \$500 administrative fee. Council Member Shugart seconded his motion.

Mr. Odom explained the reason for his motion was that the City was not out any money on this demolition as it had been torn down with grant funds. There was no stipulation on those grant funds prohibiting a release of the lien. He, himself, had come before Council several years back with the same request on a piece of property he was planning to build on. The scenario was the same. Council forgave the lien, but charged him a \$500 administrative fee.

Council Member Brown stated that her concern was that the funds spent on demolishing that structure could have been used to demolish other properties. Council Member Odom responded that \$48,000 of that grant had not been used. Council Member Brown stated that she does not have a problem forgiving the interest and penalties, but does have a problem forgiving the principal. Mayor Branch agreed.

Judge Thibodeaux was asked for his opinion on the matter. He responded that both opinions were verifiable. Mayor Branch stated that he was worried about setting a precedent. Council Member Odom stated that if the demolition had been done with taxpayer money, it would be different, but it was done with grant funds.

Mayor Branch then called for a vote on the motion. Those voting to approve Council Member Odom's motion to forgive the lien, but to charge Mr. Eldridge a \$500 administrative fee, included Mayor Branch, Mayor Pro-Tem Kennedy and Council Members Odom and Dearing. Those voting against the motion were Council Members Brown and Shugart. With there being a four-two vote for the motion, the motion passed.

City Attorney Leavins stated that he would draw up the proper paperwork, after which Mr. Eldridge could come in and pay the \$500.

**Discussion and Possible Action on Ordinance No. 479, an Ordinance authorizing the settlement of the proposed rate increase of Entergy Texas, Inc.; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date** – Mayor Pro-Tem Kennedy moved that Ordinance No. 479, an Ordinance authorizing the settlement of the proposed rate increase of Entergy Texas, Inc.; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date. Council Member Brown seconded her motion. Council Member Brown questioned if any other municipalities were refuting the request. The mayor responded that he did not know of any denying, but he knows that the city has a law firm representing it and multiple other cities against the total requested increase. What they have settled on is much less than the original request. Mr. Leavins interjected that he has heard of no municipalities rejecting this settlement. The mayor then called for a vote. Motion passed unanimously.

**Discussion and Possible Action on authorizing the Mayor to execute a contract for grant administration services with Traylor & Associates for the City's CDBG-DR 2019 Flood grant for flood and drainage improvements** – Council Member Brown made a motion that the mayor be authorized to execute a contract for grant administration services with Traylor & Associates for the City's CDBG-DR 2019 Flood grant for flood and drainage improvements. This motion received a second by Mayor Pro-Tem Kennedy. With there being no discussion, a vote was cast; motion passing unanimously.

**Discussion and Possible Action on authorizing the Mayor to execute a contract for grant administration services with Traylor & Associates for the City's CDBG-DR 2019 Flood grant for street improvements** – A motion was made by Council Member Brown to authorize the Mayor to execute a contract for grant administration services with Traylor & Associates for

the City's CDBG-DR 2019 Flood grant for street improvements. This motion received a second from Council Member Odom. With there being no discussion on the matter, a vote was called, with the motion passing unanimously.

**Discussion and Possible Action on a rate increase from Piney Woods Sanitation for sanitation services pursuant to contract** – Council Member Brown made a motion that Council take action on a rate increase from Piney Woods Sanitation for sanitation services pursuant to contract. Council Member Shugart seconded her motion. Council Member Brown then asked when the last rate increase request had been made. Mayor Pro-Tem Kennedy responded that they had made two in the past two years. Mayor Branch explained that the current request is for \$0.92 cents per month per customer and he believes the City will be able to absorb that without passing in on to the citizens.

Ms. Smartt, representing Piney Woods Sanitation, explained that the company is facing may cost increases, including insurance and landfill fees.

With there being no further discussion, Mayor Branch called for a vote on the motion, which passed unanimously.

**Discussion and Possible Action on the assignment of the Piney Woods Sanitation contract** – Mayor Pro-Tem Kennedy made a motion that Council approve the assignment of the Piney Woods Sanitation contract. Council Member Brown seconded her motion. With there being no discussion, Mayor Branch called for a vote on the motion, which passed unanimously.

**Discussion and Possible Action on a rate increase for alternate waste services** – Mr. Sherwin requested that Council consider increasing the curbside pickup of "C & D waste" (construction and demolition waste) from the current charge to the citizens of \$20 per cubic yard to \$30 per cubic yard. He explained that the City is experiencing higher fees at the landfill also, as well as increased fuel prices.

Council Member Brown made a motion that alternate waste services be increased from \$20 per cubic yard to \$30 per cubic yard. Mayor Pro-Tem Kennedy seconded her motion. The mayor asked if there was any further discussion on the matter. With there being none, he called for a vote, with the motion passing unanimously.

**Discussion and Possible Action on a Resolution amending the budget to fund the purchase of security cameras for court** – Mayor Pro-Tem Kennedy made a motion that the Resolution amending the budget to fund the purchase of security cameras for court be passed as presented. Council Member Shugart seconded the motion. Mayor Branch called for a vote, motion carried.

**Discussion and Possible Action on reviewing and approving the City of West Orange Investment Policy** – Council Member Brown made a motion that the City of West Orange's Investment Policy be reviewed and approved. Mayor Pro-Tem Kennedy seconded her motion. The mayor pointed out that, per the policy, he and the City Secretary are named as the individuals responsible for handling the investments for the City. In the past, that has been done with First Financial Bank. Mayor Branch called for a vote on the motion, which passed unanimously.

**Discussion and Possible Action on selecting a Public Entity Investment Pool for City investments and further authorizing the Mayor to execute any and all Resolutions and documents associated with participating and investing with the selected firm and further designated authorized representatives to have access** – Mayor Pro-Tem Kennedy "so moved." Council Member Brown seconded. Chief Stelly explained two possible pools to choose from for these investments: TexPool, which is administered by the State Comptroller's Office and Lone Star, which is administered by the Texas Association of School Boards. The interest rates being paid by both are very similar. He did add that there are other options "out there."

Mayor Pro-Tem Kennedy then stated that she could amend her motion to include the selection of Lone Star Pool. Council Member Brown stated that she preferred TexPool.

Mayor Pro-Tem Kennedy then amended her motion to include the selection of TexPool for the City's investments. Council Member Brown seconded. With there being no further discussion the mayor called for a vote. The motion to select TexPool for City investments and to authorize the Mayor to execute any and all Resolutions and documents associated with participating and investing with the selected firm and further designating authorized representatives to have access passed unanimously.

**Announcements**

Mayor Branch then announced that the next Council meeting was scheduled for Monday, June 12, 2023 at 5:00 p.m.

**Adjournment**

With there being no further business before Council, Mayor Branch adjourned the meeting at 6:01 p.m.

*R R Branch*

Randy Branch, Mayor

ATTEST:

*Theresa Van Meter*

Theresa Van Meter, City Secretary

