

**City of West Orange
Monday, July 10, 2023
Regular Session / Public Hearing**

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

COUNCIL MEMBERS PRESENT:

Mayor Randy Branch	Brent Dearing	Jay Odom
Lanie Brown		

COUNCIL MEMBER ABSENT:

Michael Shugart, Sr.	Meritta Kennedy
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APPOINTED OFFICIALS PRESENT:

Theresa Van Meter	Jon Sherwin	Christopher Leavins
Mike Stelly	Simmie Gibson	

OTHERS PRESENT:

Shari Medina	Christian Medina	Shurla Swope
Jane Branch	Bambi Bailey	James McCutcheon
Johnny Asevedo	Gail Langton	Bobby Ashworth
Mathew Frederick	Michael Corbett	Mohammed Konali (sp?)

Call to Order

Mayor Branch called the meeting to order at 5:00 p.m. Mr. Leavins 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 June 12, 2023 Council meeting and the June 29, 2023 Council workshop – A motion was made by Council Member Odom to accept the minutes of both meetings into record as presented. His motion received a second from Council Member Brown. Mayor Branch called for a vote on the motion, which passed unanimously.

Public Comments

Mr. Mohammed Konali, (owner of the Super 7 at the intersection of Western Avenue at SH 87), addressed Council, asking that they revisit the ordinance which addresses food trucks. He would like to have some park in the space on his premises where the car wash formerly operated behind the store.

Public Hearing

Mayor Branch then called the Public Hearing into session at 5:04 p.m. He explained that the purpose of the hearing was to discuss the substandard and hazardous conditions of five properties in the city, along with possible remedies to those conditions

Mr. Corbett, the City's Building Official, reported the following:

1. 2836 Bonham – The structure suffered severe fire damage and is beyond repair. It is dilapidated and substandard and is a hazard to the health, safety and welfare of the citizens of West Orange.
2. 2120 Crockett - The structure suffered severe fire damage and is beyond repair. It is dilapidated and substandard and is a hazard to the health, safety and welfare of the citizens of West Orange.

3. 218 Katherine – The structure has rotting siding and fascia boards. There is a substantial hole in the roof that has allowed water damage to affect the interior. The ceiling has collapsed. There are rotting rafters, a large hole in the floor and rotting floor joists. Animals go in and out (including raccoons, cats, opossums). The owner is deceased and there has been no success in locating any heirs.
4. 914 Lansing – Roof damage has led to interior and exterior water damage. There are rotting fascia and rafter ends around the perimeter. There are some collapsed ceilings and mold on the interior. The house is rotting down and is dilapidated, substandard and is a hazard to the health, safety and welfare of the citizens of West Orange.

Mrs. Bailey approached Council, explaining that her husband is deceased and he left no will. She has no ties to the property. Mr. Leavins asked if the estate had been probated. She responded that it had not. Mayor Branch asked Mrs. Bailey if she wanted the property. She stated that she could not afford to do anything with it. Mr. Leavins explained that the City would not “take” the property, but would demolish the structure. The mayor added that once the structure is removed, a lien would be placed against the property and should it ever be sold, the lien will be addressed at that time. Mrs. Bailey stated that she understood.
5. 1319 E. Milam - The structure suffered severe fire damage and is beyond repair. It is dilapidated and substandard and is a hazard to the health, safety and welfare of the citizens of West Orange.

With there being no further discussion on these properties, the mayor adjourned the Public Hearing and reconvened the Regular Session of Council at 5:12 p.m.

Staff Reports

Public Works – Jon Sherwin

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

- **Construction Projects**
 - WWTP – No new information available
 - MacArthur lighting project complete; TxDot working on troubleshooting 4 lights that are staying on all day
 - City Hall Generator Project – ATS received; expecting delivery of generator in October
 - Plans ready for drainage improvement project and is ready for bid
- **Building Official**
 - 38 permits issued; 37 permits completed
- **Sanitation**
 - 40 loads (104 tons) of green waste collected
- **Animal Control**
 - 68 calls
 - 23 intakes (0 surrendered)
 - 0 claimed/ 4 adopted/ 7 rescued
 - 0 court filings
- **Street**
 - Patching streets with 4 tons cold mix and 2 cubic yards rock in drives
 - Cleaning 800 linear feet of ditches
- **Parks**
 - Mowing continues
 - Repairs to gazebo
 - Advertising to fill vacancy
- **Shop**
 - 3 full-services
 - Normal repairs of city assets
 - Monthly 30-for-30 (All police and fire vehicles in good working order.)
 - Large outfall ditch mowing continues

Police Department– Mike Stelly

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

- Traffic contacts: 24
- Crashes reported: 7
- Arrests: 65
- Reports: 37
- Calls for service: 525
- Miles driven: 8,978

Code Enforcement

Violations Investigated: 182

Violations filed w/court: 15

Regular Session

Discussion and Possible Action on Orders by Resolution to either repair, remove or demolish the following structures:

1. **2836 Bonham** – Council Member Brown made a motion that the owners of 2836 Bonham be given 30 days to repair, remove or demolish the structure located at that address or the City will begin demolition proceedings at that location. Council Member Odom seconded her motion. With there being no discussion on the matter, Mayor Branch called for a vote, which passed unanimously.
2. **2120 Crockett** - Council Member Brown made a motion that the owners of 2836 Bonham be given 30 days to repair, remove or demolish the structure located at that address or the City will begin demolition proceedings at that location. Council Member Dearing seconded her motion. With there being no discussion on the matter, Mayor Branch called for a vote, which passed unanimously.
3. **218 Katherine** - Council Member Brown made a motion that the owners of 2836 Bonham be given 30 days to repair, remove or demolish the structure located at that address or the City will begin demolition proceedings at that location. Council Member Dearing seconded her motion. With there being no discussion on the matter, Mayor Branch called for a vote, which passed unanimously.
4. **914 Lansing** – Council Member Brown made a motion that the owners of 914 Lansing be given 30 days to repair, remove or demolish the structure located at that address or the City will begin demolition proceedings at that location. Council Member Dearing seconded her motion. With there being no discussion on the matter, Mayor Branch called for a vote, which passed unanimously.
5. **1319 E. Milam** - Council Member Brown made a motion that the owners of 1319 E. Milam be given 30 days to repair, remove or demolish the structure located at that address or the City will begin demolition proceedings at that location. Council Member Dearing seconded her motion. With there being no discussion on the matter, Mayor Branch called for a vote, which passed unanimously.

Discussion and Possible Action on a request submitted by Shari Medina representing Medina Property Group, LLC for a variance to Ordinance No. 302-F to place a HUD-code manufactured home at 2015 Crabtree – Mrs. Medina addressed Council stating that she was asking for a variance in order to move a mobile home onto the property at 2015 Crabtree. She had sent out property requests to the three abutting property owners, but had only received responses from two (which were both in approval of her request). She had tried several times/ways to contact the third owner, but had been unable to get a response.

Council Member Odom suggested that, as this would be a rental property, the Medinas consider adding the cost of trash collection into the rental fee and paying it themselves.

Council Member Brown asked if the current structure on the property would be torn down. Mr. Medina responded that it would.

The Medinas currently own two other rental properties in West Orange. They have property managers handling the properties.

Council Member Brown then made a motion to approve Mrs. Medina's (representing Medina Property Group, LLC) request for a variance to Ordinance No. 302-F to place a HUD-code manufactured home at 2015 Crabtree. Council Member Dearing seconded her motion. The mayor called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on entering into a Professional Service Agreement with Leavins Engineering & Design, LLC (LEAD) – Council Member Brown made a motion that the City enter into a Professional Service Agreement with Leavins Engineering & Design, LLC. A second to her motion was made by Council Member Odom. With there being no discussion on the matter, Mayor Branch called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on allowing SPI to solicit bids for the CDBG-MIT No. 20-085-067-D324 Flood and Drainage Improvements project – Council Member Brown made a motion that Schaumburg & Polk, Inc. (SPI) be allowed to solicit bids for the CDBG-MIT No. 20-085-067-D324 Flood and Drainage Improvements project. Council Member Odom seconded her motion. With there being no discussion, a vote was cast; motion carried.

Discussion and possible action allowing for the advertisement and solicitation of proposals for the demolition of 2108 Travis (acquisition grant 20-066-029-C223) – The advertisement and solicitation for proposals for the demolition of the structure at 2108 Travis Street (through GLO grant 20-066-029-C223) was authorized by unanimous vote after a motion was made by Council Member Brown, followed by a second from Council Member Odom.

Discussion and Possible Action on allowing the Chief of Police to execute a contract for disaster-related services between the City of West Orange and Ash Britt – Council Member Brown made a motion to allow the Chief of Police to execute a contract for disaster-related services between the City of West Orange and Ash Britt. A second was made by Council Member Odom. Mayor Branch explained that Ash Britt is the company that comes in after a disaster to get rid of the debris. With there being no discussion, the mayor called for a vote, with the motion passing unanimously.

Discussion and Possible Action on approval of Ordinance No. 480, an Ordinance calling a Special Election to be held in the City of West Orange, Texas to adopt a sales and use tax of one-fourth of one percent for economic development under Texas Local Government Code, Title 12, Subtitle C1, Chapter 505 (Type B Corporations), in order to undertake projects for the purpose of economic development as described in Chapters 501 and 505, Type B Corporations, Texas Local Government Code; providing for the Conduct of the Election; providing for Early Voting; providing for polling places; providing for election judges; providing for Notice of Election; providing for the method of voting; providing an effective date; providing severability and Open Meetings clauses; and providing for related matters - Council Member Brown made a motion that Ordinance No. 480, an Ordinance calling a Special Election to be held in the City of West Orange, Texas to adopt a sales and use tax of one-fourth of one percent for economic development under Texas Local Government Code, Title 12, Subtitle C1, Chapter 505 (Type B Corporations), in order to undertake projects for the purpose of economic development as described in Chapters 501 and 505, Type B Corporations, Texas Local Government Code; providing for the Conduct of the Election; providing for Early Voting; providing for polling places; providing for election judges; providing for Notice of Election; providing for the method of voting; providing an effective date; providing severability and Open Meetings clauses; and providing for related matters be approved as presented. This motion received a second from Council Member Odom.

Council Member Odom wanted to put a few facts regarding this tax out to the public:

- West Orange sales tax is currently 8%; Orange, Pinehurst, Vidor, Bridge City, Rose City are at 8¼%
- Should the tax pass, the additional tax on a \$100 purchase would only be \$0.25.
- These funds would be used only for economic development purposes and there are very strict guidelines for the use of the funds.

Mayor Branch added that the City already has a ¼% road maintenance tax that brings in about \$250,000 per year. “By not having the City’s sales tax at 8¼%, like everybody else, we are cutting ourselves short of a quarter of a million dollars a year in funds that the City can use to do economic development.”

With there being no further discussion, the mayor called for a vote on the motion. The adoption of Ordinance No. 480, calling for the ¼% economic development sales tax election, passed unanimously.

Discusión y Posible Acción sobre la aprobación de la Ordenanza Núm. 480, una Ordenanza que llama a una Elección Especial que se llevará a cabo en la Ciudad de West Orange, Texas para adoptar un impuesto sobre las ventas y el uso de un cuarto del uno por ciento para el desarrollo económico en Texas Código de Gobierno Local, Título 12, Subtítulo C1, Capítulo 505 (Corporaciones Tipo B), para emprender proyectos con el propósito de desarrollo económico como se describe en los Capítulos 501 y 505, Corporaciones Tipo B, Código de Gobierno Local de Texas; prever la realización de la elección; prever la Votación Anticipada; provisión de lugares de votación; provisión de jueces electorales; proporcionando Aviso de Elección; prever el método de votación; proporcionar una fecha de vigencia; proporcionar cláusulas de separabilidad y reuniones abiertas; y previendo asuntos relacionados

El Concejal Brown hizo una moción para que la Ordenanza No. 480, una Ordenanza que llama a una Elección Especial que se llevará a cabo en la Ciudad de West Orange, Texas, para adoptar un

impuesto sobre las ventas y el uso de un cuarto del uno por ciento para el desarrollo económico bajo el Gobierno Local de Texas Código, Título 12, Subtítulo C1, Capítulo 505 (Corporaciones Tipo B), para emprender proyectos con el propósito de desarrollo económico como se describe en los Capítulos 501 y 505, Corporaciones Tipo B, Código de Gobierno Local de Texas; prever la realización de la elección; prever la Votación Anticipada; provisión de lugares de votación; provisión de jueces electorales; proporcionando Aviso de Elección; prever el método de votación; proporcionar una fecha de vigencia; proporcionar cláusulas de separabilidad y reuniones abiertas; y disponer que los asuntos relacionados se aprueben tal como se presentan. Esta moción recibió el apoyo del concejal Odom.

El concejal Odom quería exponer algunos datos sobre este impuesto al público:

- El impuesto sobre las ventas de West Orange es actualmente del 8%; Orange, Pinehurst, Vidor, Bridge City, Rose City están al 8¼%
- Si se aprobara el impuesto, el impuesto adicional sobre una compra de \$100 sería de solo \$0.25.
- Estos fondos se utilizarían únicamente con fines de desarrollo económico y existen pautas muy estrictas para el uso de los fondos.

El alcalde Branch agregó que la Ciudad ya tiene un impuesto de mantenimiento de carreteras del ¼% que genera alrededor de \$250,000 por año. "Al no tener el impuesto sobre las ventas de la Ciudad al 8¼%, como todos los demás, nos estamos quedando sin un cuarto de millón de dólares al año en fondos que la Ciudad puede usar para el desarrollo económico".

Sin más discusión, el alcalde pidió una votación sobre la moción. La adopción de la Ordenanza Núm. 480, que exige la elección del impuesto sobre las ventas para el desarrollo económico del ¼%, fue aprobada por unanimidad.

Discussion and Possible Action on authorizing the City Secretary to enter into a Joint Election Agreement Services Contract with the Orange County Elections Administrator regarding the November 7, 2023 election – Council Member Brown made a motion to authorize the City Secretary to enter into a Joint Election Agreement Services Contract with the Orange County Elections Administrator regarding the November 7, 2023 election. Council Member Odom seconded her motion. With there being no discussion on the matter, Mayor Branch called for a vote, with the motion passing unanimously.

Discusión y posible acción para autorizar al Secretario de la Ciudad a celebrar un Contrato de Servicios de Acuerdo de Elección Conjunta con el Administrador de Elecciones del Condado de Orange con respecto a la elección del 7 de noviembre de 2023 (pendiente de aprobación del punto de la agenda anterior)

El Concejal Brown presentó una moción para autorizar al Secretario de la Ciudad a celebrar un Contrato de Servicios de Acuerdo de Elección Conjunta con el Administrador de Elecciones del Condado de Orange con respecto a las elecciones del 7 de noviembre de 2023. El concejal Odom apoyó su moción. Como no hubo discusión sobre el asunto, el alcalde Branch pidió una votación y la moción fue aprobada por unanimidad.

Announcements

Mayor Branch then announced that the next Regular Council meeting was scheduled for Monday, August 14, 2023 at 5:00 p.m.

Adjournment

With there being no further business before Council, Mayor Branch adjourned the meeting at 5:37 p.m.



Randy Branch, Mayor

ATTEST:



Theresa Van Meter, City Secretary

