

**City of West Orange
Monday, February 12, 2024
Regular Session**

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

COUNCIL MEMBERS PRESENT:

Mayor Randy Branch	Jay Odom	Michael Shugart, Sr.
Meritta Kennedy		

COUNCIL MEMBERS ABSENT:

Lanie Brown	Brent Dearing
-------------	---------------

APPOINTED OFFICIALS PRESENT:

Theresa Van Meter	Jon Sherwin	Christopher Leavins
David Roberts		

OTHERS PRESENT:

Kathy Smartt	Rita Dawes	Jane Branch
Leo LaBauve	James Fisette	Robert Dawes
Kirk Roccaforte	Keri Michutka	Tremaine Wilson
Sharon Thomas	Gerald Thomas	Gail Langton
Ida Schossow		

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 January 8, 2024 Council Meeting – These minutes were approved by vote following a motion from Council Member Shugart with a second by Council Member Odom.

Public Comments

Mr. Leo LaBauve introduced himself, stating that he was running for Orange County Republican County Chairman. He gave a brief history of how he currently came to hold this position, as well as why he believed he was the best candidate to hold the office.

Staff Reports

Police Department – Jon Sherwin

In Chief Stelly's absence, Mr. Sherwin gave the following statistics for the month of January, 2024:

- Traffic contacts: 254
- Crashes reported: 3
- Arrests: 53
- Reports: 48
- Calls for service: 432
- Miles driven: 12,077

Code Enforcement

Violations Investigated: 81
Violations filed w/court: 35

Public Works – Jon Sherwin

Mr. Sherwin reported the following activities for the month of January, 2024:

- **Construction Projects**
 - Waste Water Treatment Plant (WWTP) – exploring financing option to cover \$9 million shortage in funding
 - City Hall Generator Project – 30% complete
 - Drainage improvement project – on-schedule

- Acquisition grant – near completion with only demolition of structure remaining
- Pipe-bursting project has begun throughout city
- **Building Official**
 - 32 permits issued (no new construction)
 - 46 permits completed
- **Sanitation**
 - 12 loads of green waste collected (\$1,800)
 - -0- loads of C & D to landfill
- **Animal Control**
 - 93 calls
 - 18 intakes
 - 0 claimed/6 adopted/2 rescued
 - 4 court filings
- **Street**
 - 6 tons of cold mix place on streets
 - Cleared ditches & culverts
- **Parks**
 - Litter pickup continues
- **Shop**
 - 5 full-services performed
 - Normal repairs of city assets
 - Monthly 30-for-30 – All police and fire vehicles in good working condition

Mr. Sherwin reported that the EDC corporation has been filed and is completed with the State, although the Tax Exempt Status has not yet been approved.

General Administration – Theresa Van Meter

Mrs. Van Meter gave a brief report on Court collections made through the Linebarger Law Firm:

August – December, 2023: \$8,697.95

January – February 12, 2024: \$11,243.77

These collections were from individuals who had been tracked down and notified by the Linebarger Law Firm regarding their outstanding warrants in the WO Municipal Court. Mrs. Van Meter stated that she felt the program to be working well so far.

Volunteer Fire Department – David Roberts

Chief Roberts reported the following activity for the department during the month of January, 2024:

- Structure fires: 2
- Outside rubbish fires: 1
- Medical assist calls: 4
- Person “in distress:” - 2
- Smoke calls: 1
- Dispatched and canceled, enroute: 1

Regular Session

Discussion and Possible Action on an application submitted by Patrick Foreman for membership in the WOVFD – A motion to approve the membership application submitted by Mr. Foreman into the WOVFD was made by Council Member Shugart, followed by a second from Council Member Odom. With there being no discussion, Mayor Branch called for a vote, with the motion passing unanimously.

Discussion and Possible Action on a request submitted by Charles Brown for the City to “remove or forgive” a lien it has on 1118 Boston Street - Council Member Shugart made a motion that the City forgive the lien at 1118 Boston Street. Council Member Odom seconded his motion. Mr. Sherwin reported that there were no back taxes owed on the property. Discussion followed regarding the actual amount of the lien (\$9,472.73) and how much of that amount had been funded by a grant (\$8,771.25). Council Member Shugart then amended his motion for the City to forgive the lien, with the exception of the \$701.48 that the City was actually out on the project. Council Member Odom amended his second accordingly. With there being no further discussion, Mayor Branch called for a vote on the motion, which passed unanimously.

The mayor then explained to Mr. and Mrs. Dawes (who were present representing Mr. Brown who was working out of town) that the lien would be dropped once the \$701.48 was paid to the City. They responded that they would get this information to him.

Discussion and Possible Action on an Application for Solid Waste Franchise submitted by Neches Management Services, LLC – A motion was made to approve this franchise permit by Council Member Odom, followed by a second from Mayor Pro-Tem Kennedy. With there being no discussion on the item, Mayor Branch called for a vote, with the motion passing unanimously.

Discussion and Possible Action on acceptance of audit of fiscal year ending September 30, 2023 as prepared and presented by Keri Michutka, CPA – Ms. Michutka addressed Council, thanking them for the opportunity to perform the City's audit. She stated that she was issuing a "clean" audit report. She reported that, as of September 30, 2023, the City's General Fund had a Fund Balance of over \$6.3 million. Of that amount, \$3.9 million were restricted funds, while over \$3.25 million were unrestricted funds. She explained several reports within the Annual Comprehensive Financial Report which had been provided to each council member.

Ms. Michutka commended the City on having no long-term debt.

She then briefly explained the "Single Audit" which was government-mandated due to the City's having received over \$750,000 in federal grants during FY23. She further explained that the City actually had been awarded \$2,686,825 in federal funding during the year.

She then asked if there were any questions. There were none. Mayor Pro-Tem Kennedy then made a motion that the audit for FY23 be accepted into record as presented by Ms. Michutka. Council Member Odom seconded her motion. With there being no further discussion, Mayor Branch called for a vote, with the motion passing unanimously.

Discussion and Possible Action on Ordinance No. 6-C, an Ordinance repealing and replacing Ordinance No. 6-B in its entirety; pertaining to excavating, digging, grading, laying of utility products or pipelines, or the digging of a pit or mine within the City; and providing a penalty for the violation thereof – Council Member Odom made a motion that Ordinance No. 6-C, an Ordinance repealing and replacing Ordinance No. 6-B in its entirety; pertaining to excavating, digging, grading, laying of utility products or pipelines, or the digging of a pit or mine within the City; and providing a penalty for the violation thereof be adopted as presented. This motion received a second from Council Member Shugart. There was no discussion on the item, therefore a vote was called with the motion passing unanimously.

Discussion and Possible Action on Ordinance No. 77-E, an Ordinance repealing and replacing Ordinance No. 77-D, pertaining to the upkeep of lots, ditches, rights-of-way, etc. from weeds, rubbish, brush and other unsightly or unsanitary matter; providing for notice to be given to owners failing to comply; and providing for a penalty for the violation thereof – A motion to adopt Ordinance No. 77-E, an Ordinance repealing and replacing Ordinance No. 77-D, pertaining to the upkeep of lots, ditches, rights-of-way, etc. from weeds, rubbish, brush and other unsightly or unsanitary matter; providing for notice to be given to owners failing to comply; and providing for a penalty for the violation thereof was made by Mayor Pro-Tem Kennedy, with a second by Council Member Odom. Both Council Member Shugart and Mayor Pro-Tem Kennedy stated that they have problems with mandating citizens to mow ditches that actually belong to the City. Mayor Branch responded that the ordinance could be changed, however the City would have to hire several additional employees just to mow ditches, which would also mean an increase in property taxes. He did not believe anyone wanted that. With there being no additional comments, the mayor called for a vote on the motion. Those voting for adoption of Ordinance No. 77-E: Council Member Odom; Mayor-Pro Tem Kennedy and Mayor Branch. Voting against the adoption of Ordinance No. 77-E was Council Member Shugart. With the majority voting in favor of the motion, Ordinance No. 77-E was adopted as presented.

Discussion and Possible Action on Ordinance No. 486, an Ordinance calling the General Election to be held in the City of West Orange, Texas on May 4, 2024 to fill the offices of three Aldermen

Discusión y posible acción sobre la Ordenanza No. 486, una Ordenanza que convoca las Elecciones Generales que se llevarán a cabo en la Ciudad de West Orange, Texas, el 4 de mayo de 2024 para cubrir los cargos de tres Concejales

Council Member Odom made a motion to pass Ordinance No. 486, an Ordinance calling the General Election to be held in the City of West Orange, Texas on May 4, 2024 to fill the offices of three Aldermen. Mayor Pro-Tem Kennedy seconded this motion. Mayor Branch stated that the three current Aldermen up for re-election are Aldermen Lanie Brown, Jay Odom and Mike Shugart. With there being no further discussion on the item, Mayor Branch called for a vote, with the motion passing unanimously.

El concejal Odom presentó una moción para aprobar la Ordenanza n.º 486, una ordenanza que convoca las elecciones generales que se celebrarán en la ciudad de West Orange, Texas, el 4 de mayo de 2024, para cubrir los cargos de tres concejales. El alcalde provisional Kennedy apoyó esta moción. El alcalde Branch declaró que los tres concejales actuales que buscan la reelección son los concejales Lanie Brown, Jay Odom y Mike Shugart. Al no haber más discusión sobre el tema, el alcalde Branch convocó a votación y la moción 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 Administration Office for the May 4, 2024 Election

Discusión y posible acción sobre la autorización al Secretario de la Ciudad para celebrar un Contrato de Servicios de Acuerdo Electoral Conjunto con la Oficina de Administración de Elecciones del Condado de Orange para las Elecciones del 4 de mayo de 2024

A motion was made by Council Member Odom to authorize the City Secretary to enter into a Joint Election Agreement Services Contract with the Orange County Elections Administration Office for the May 4, 2024 Election. Council Member Shugart seconded this motion. A vote was cast; motion carried.

El concejal Odom presentó una moción para autorizar al secretario de la ciudad a celebrar un contrato de servicios de acuerdo electoral conjunto con la Oficina de Administración de Elecciones del Condado de Orange para las elecciones del 4 de mayo de 2024. El miembro del consejo Shugart apoyó esta moción. Se emitió una votación; moción llevada a cabo.

Discussion and Possible Action on a Resolution regarding the 2024-2025 Homeland Security Grant Program – NPA - Council Member Odom made a motion that this Resolution regarding the 2024-2025 Homeland Security Grant Program (NPA) be passed as presented. A second to the motion was made by Council Member Shugart. A vote was cast; motion carried.

Discussion and Possible Action on accepting into record the Quarterly Investment Report for Oct. – Dec., 2023 – Council Member Shugart made a motion to accept the Quarterly Investment Report for Oct. – Dec., 2023 into record as presented. Council Member Odom seconded this motion. With there being no questions or discussion, Mayor Branch called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on accepting the recommendation of OCWCID #2 to award Dayton Street Generator project to electrical contractor – A motion to accept the electrical contractor recommendation of OCWCID #2 for the Dayton Street Generator project (C.F. McDonald Electric) was made by Mayor Pro-Tem Kennedy, followed by a second from Council Member Shugart. A vote was called by Mayor Branch, passing unanimously.

Announcements

Mayor Branch then made the following announcements:

- Period to file for place on May 4, 2024 General Election ballot: January 17, 2024 (8:00 a.m.) - February 16, 2024 (5:00 p.m.)
Periodo para solicitar el lugar en la boleta de las elecciones generales del 4 de mayo de 2024: 17 de enero de 2024 (8:00 a.m.) – 16 de febrero de 2024 (5:00 p.m.)
- City Offices closed in observance of Presidents’ Day – Monday, February 19, 2024
- Next Council Meeting – Monday, March 11, 2024; 5:00 p.m.

Adjournment

With there being no further business before Council, Mayor Branch adjourned the meeting at 5:35 p.m.





Randy Branch, Mayor

ATTEST:



Theresa Van Meter, City Secretary