

## **REGULAR MEETING**

### **MINUTES**

September 10<sup>th</sup>, 2020

6:30 PM

Meeting was called to order by Mayor Bennett at 6:30 PM. Quorum established with all Council members present. City Attorney Brad Elrod was present. Councilman Vonderlin provided the invocation and Mayor Bennett led the Pledge of Allegiance. Mayor Bennett noted the meeting was being live streamed on Facebook in order to comply with open meetings requirements during the Covid-19 health emergency.

#### **Communications from the audience-Agenda items**

No communications from the public had been submitted. Mayor Bennett reminded anyone viewing the meeting on FaceBook that they can submit comments or questions during the meeting and they would be addressed at the end of the meeting.

#### **Agenda Item #1 – Consent agenda items**

Mayor Bennett asked if there were any items on the consent agenda that needed to be removed. Hearing none, Mayor Bennett then asked if there was any objection to approval of the consent agenda. There being no objection Mayor Bennett called the consent agenda items approved including the minutes of the Special Council meeting August 7<sup>th</sup>, 2020, Regular meeting August 13<sup>th</sup>, 2020, Budget hearing August 12<sup>th</sup>, 2020, Planning Grant Public hearing August 19<sup>th</sup>, 2020, GLO-MIT Public hearing August 24<sup>th</sup>, 2020 and Special meeting August 28<sup>th</sup>, 2020.

#### **Agenda Item #2 – Mayor's report**

The Mayor provided information on several items:

- The Durwood project is complete. Gulf Coast Construction did the work on the Community Development Block Grant \$275,000 project.
- Charmaine South asphalt overlay is scheduled to begin next week. The work is expected to take a couple of days, which will minimally impact homeowners.
- \$49,000 held back from final payment on the Chanticleer and Charmaine Dr. South rehab projects. Mason Construction has sent a letter to LJA Engineering providing options on prospective repairs. LJA Engineering will submit a response on behalf of the city.

- Work on the \$249,000 TX General Land Office grant started today. Gulf Coast Construction is doing the rehab/overlay on 16<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup> Streets and Lakeview Circle.
- \$215,000 is in escrow from TX Water Development Board on the culvert upgrade project on Ivanhoe Dr. below the Ivanhoe Dam. The work is hung up with environmental questions on the emergency project that has been in the works for almost 2 years.

### **Agenda Item #3 – Supervisor of Dams report**

Supervisor of Dams Mr. Rusty Harrison informed Council that he was having trouble with his email and his monthly inspection reports on the dams for inclusion in the Council packet has been delayed. There have been two separate 1 inch or more rain events during the past month. The investigation holes need to be drilled in Charmaine Dam towards the park end to determine the size of the voids. Mayor Bennett thanked Mr. Harrison for his work getting lake levels adjusted for Hurricane Laura. The agenda item was information only, no action was taken by Council.

### **Agenda Item #4 – Public works report**

Public Works Coordinator Mr. David Marshall was not available. Mayor Bennett informed Council that Mr. Marshall had scheduled the Public Works crew to do drainage work and culvert replacement on the streets prior to the contractor beginning the surface overlay, resulting in the contractor being able to do \$65,000 additional surface work. The agenda item was for information only, no action was taken by Council.

### **Agenda Item #5– Municipal Court report**

Mayor Bennett provided a summary of the Court report for August prepared by Judge Cathy Rader. Total fines collected of \$212. \$44.57 is retained by the city, and the rest goes to the state. Ivanhoe Municipal Court is open for in-person communication using the State specified procedures. The Judge has also issued reminder that the appearance date listed at the bottom of a citation is not a suggested date. Anyone getting a citation must appear and enter a plea on or before that date. After a plea is entered several options are available depending on the plea and can be discussed with the Judge. A failure to enter a plea or any other court ordered procedure will result in additional costs being levied and a warrant or warrants being issued. The agenda item was information only, no action was taken by Council.

### **Agenda Item #6 – Marshal office report**

Deputy Marshal Chuck Marshall reported 46 calls handled by the city and 37 thru the Sheriff's office during the preceding month. 9 citations were written and 7 warnings were issued. An accident at the entrance resulted in damage to the flower bed, and a lady was not paying attention and drove thru the barricade at Camelot Dam where the contractor was working. Both individuals left the scene of the accident, video at the entrance and investigation resulted in both individuals being located and charged. The agenda item was for information only, no action was taken by Council.

#### **Agenda Item #7 – Code Enforcement report**

Councilman Vonderlin reviewed the code enforcement breakdown compiled by Office Assistant Malissie Taylor: 47 open cases, with an additional 47 cases that need further action by Council/Legal. So far 25 time extensions have been granted due to the coronavirus. 14 cases are in investigative status. 53 cases have been closed. There are 4 hearings to be scheduled. 6 violation notice letters returned on bad addresses. 4 stop work orders currently active, 8 non-conforming properties, and 9 septic cases under investigation. The agenda item was information only, no action was taken by Council.

#### **Agenda Item #8 – Planning & Zoning Commission recommendations**

Councilman Vonderlin as liaison to the P & Z Commission reported the Commission is still working on several recommendations and postponed the agenda item.

#### **Agenda Item #9 – Codified Ordinance Chapter 153 Tree Preservation**

Mayor Bennett informed Council that she had worked on clarifying and cleaning up the chapter on tree preservation and harvesting to be submitted to Franklin Legal for review and inclusion in the Codified Ordinance that will be transferred from American Legal Publishing in October. Councilman Vonderlin made the motion to adopt the changes as developed by the Mayor. Councilman Morris made the second and the motion passed unanimously.

#### **Agenda Item #10 – Appointment to Tyler County Appraisal Review Board**

Mayor Bennett explained that with the passing of Mr. Earl Johnson who was the City of Ivanhoe representative on the Tyler County Appraisal Review Board, the vacancy needs to be filled. Consideration of a replacement has been ongoing and Ms. Susie Fortenberry has agreed to serve in the position if appointed. Councilman Vonderlin made the motion to appoint Ms. Fortenberry to represent Ivanhoe on the Tyler County Appraisal Review Board. Councilman Herrington provided the second and the motion passed unanimously.

**Agenda Item #11 – Ordinance #2020- contractor general liability insurance**

Councilman Warren said he is still gathering information and developing the Ordinance. He postponed the agenda item to the October Council meeting.

**Agenda Item #12 – Request for proposals Contractors for street maintenance FY-2021**

Mayor Bennett noted the agenda item is an annual public notice Request for Proposals to cover the city for procurement if the need arises to utilize contractors for street maintenance that the Public Works crew is unable to do. Councilman Herrington made to motion to issue the RFP. Councilman Warren made the second and the motion passed unanimously.

**Agenda Item #13 – Request for proposals Material supplies for street maintenance FY-2021**

Mayor Bennett noted the agenda item is an annual public notice Request for Proposals to cover the city for procurement on the various materials and supplies the city needs for street work. Councilman Herrington made to motion to issue the RFP. Councilman Vonderlin made the second and the motion passed unanimously.

**Agenda Item #14 – Request for Qualifications for Engineering services on GLO-MIT grant applications**

Mayor Bennett explained the October 28<sup>th</sup> deadline for submitting grant applications to the Texas General Land Office for hazard mitigation projects. The grant funds were appropriated thru HUD as a result of the 2015 and 2016 floods and from Hurricane Harvey. Councilman Herrington made to motion to issue public notice for RFQ's. Councilman Vonderlin made the second and the motion passed unanimously.

**Agenda Item #15 – Agreement with Troy Priddy for Building Inspections**

Mayor Bennett explained the agreement is still being worked on and would be postponed to the next regular meeting.

**Agenda Item #16 – Official newspaper for FY-2021**

Mayor Bennett commented that the city has to annually designate the official newspaper that is used for public notices. Councilman Morris made the motion to designate the Tyler County Booster as the official newspaper for FY-2021. Councilman Herrington submitted the second and the motion passed unanimously.

#### **Agenda Item #17 – Holiday schedule for FY-2021**

Mayor Bennett noted there is another annual requirement; designating employee holidays for the coming year. Councilman Morris made the motion to approve the holidays for FY-2021. Councilman Vonderlin voiced the second and Council unanimously approved the motion.

#### **Agenda Item #18 – No Thru truck signs at entrance**

Councilman Warren explained his request for the agenda item due to the increasing number of tractor trailers that are coming into Ivanhoe, and the concern of damage to the new street overlays. Mayor Bennett commented that the Planning & Zoning Commission is currently working on a recommendation to Council. Councilman Vonderlin observed that a sign prohibiting thru truck traffic would not apply to trucks coming in and going out the entrance/exit. Deputy Marshal Marshall informed Council that he is working on weight limits for dams and streets and no parking of truck/trailer rigs in the city. Mayor Bennett expressed concern about extremely long manufactured homes brought in on the new streets, not necessarily the weight, it is the turning with multiple wheels that damage the street surface. The Mayor postponed action on the agenda item until the October Council meeting.

#### **Agenda Item #19 – Stop sign placement (postponed from September)**

Mayor Bennett asked Council for recommendation on stop signs to be placed at the intersection of Prince's Circle and Charmaine Dr. East and the intersection of Ivanhoe Estates and Sir Robert Burns. Councilman Morris made the motion for 4 way stop signs be placed at Ivanhoe Estates & Sir Robert Burns, and a stop sign be placed on Prince's Circle. Councilman Herrington concurred with a second and the motion passed with Councilman Blackstone voting against.

#### **Agenda Item #20 – Financial report-September 2020**

City Treasurer had provided Council with the Spreadsheet summary of City financial standing as of the end of August. He noted the city had paid \$169,900 for the new Fast Attack Fire Truck. The city will be reimbursed for the full amount thru the TX Dept. of Agriculture grant which had been approved in the spring. It might be after the new budget year starts when the reimbursement is received. Other info

provided by the Treasurer included the August Ad-valorem tax which had just arrived totaling \$4,391.81 for the general fund and \$1,161.50 for interest & sinking. The collection rate stands at 88.48% for the year. The sales tax payment for September has not arrived, but expecting the total sales tax to be close to \$60,000 for the year. Following the report, Councilman Vonderlin made the motion to approve the Financial report for September 2020. Councilman Herrington added the second and the motion was approved unanimously.

### **Agenda Item #21 – Software program for Code Enforcement and Building Permits**

City Secretary informed Council that he and the Office Assistant had participated in a weeklong webinar focused on a software program from iWorQs that will streamline the document preparation and report generation for Code Enforcement and permitting. The software is from the same company the city currently utilizes for the Public Works Dept. for street maintenance and cost documentation. Councilman Vonderlin made the motion to approve the software for the annual cost of \$2,000. Councilman Morris gave the second. In discussion Councilman Warren expressed concern about the cost and postponing getting the software until FY-2021. Councilman Vonderlin observed that \$4,000 remains in the Code Enforcement budget line item. Following the discussion the motion passed with Councilman Warren voting in opposition.

### **Agenda Item #22 – Deferred payroll taxes**

Mayor Bennett informed Council that employees had been polled regarding the option of having payroll taxes deferred until the end of the year, and then paying the deferred taxes from January to April 15<sup>th</sup>. None of the employees were interested in the option allowed by presidential order. Mayor Bennett said not only would it be an accounting nightmare, but there is the question of what would happen if an employee that took the option were to depart and the city would have to pay the amount owed which opens up another set of problems. Consensus of Council was to not allow deferred payroll taxes.

### **Agenda Item #23 – Council approval of any city employee termination.**

Mayor Bennett moved the item to be discussed in executive session.

### **Agenda Item #24 – Executive session**

Mayor Bennett delayed the agenda item until after Agenda item #25 and #26.

### **Agenda Item #25 – Communications from the audience**

Via Facebook: Fred Trask asked what is the balance remaining in the Bond account? There was another comment from a Facebook audience member but no address was included with the post and it was not addressed.

### **Agenda Item #26 – Council comments**

Mayor Bennett commented that the amount remaining in the Bond account is \$1 ½ million after payment for the roadwork on Chanticleer and Charmaine South. There will be additional draws by the contractor when the asphalt surface is finished on Charmaine South. She noted that a Special meeting will be held Saturday in order to determine the proposed tax rate to provide to the Tyler County tax assessor /collector for publication in the newspaper.

Councilman Vonderlin complimented the Public Works Dept. crew for the work drainage work done in preparation for the street surface work that contractors have or will soon finish. He noted that with the Public Works crew doing the ditch and culvert work over a hundred thousand dollars in change orders with the contractors allowed more and better surface material to be placed. He also asked the status of new financial software to make keeping up with the multiple bank accounts easier to keep up with. Mayor Bennett responded that it has been an extremely busy month and finding time to review the prospective accounting software has been difficult. Hopefully she and the City Treasurer will be able to look into the capabilities of the software the next day.

### **Agenda Item #24 – Executive session**

Mayor Bennett called the regular session to recess at 7:33 PM for executive session per Texas Gov. Code 551.071 and 551.074. She called the regular session back from recess at 8:04PM and stated that a resolution pertaining to Council approval of any city employee termination (Agenda item #23) would be developed for Council action at the October Council meeting.

### **Agenda Item #25 – Communications from the audience**

An additional question via Facebook was submitted: Trisha Jones asked when street work would be done on Merlin. Mayor Bennett asked that the question be referred to the Public Works Coordinator.

### **Agenda Item #27 – Adjourn**

Councilman Herrington made the motion to adjourn with a second by Councilman Warren and the meeting was concluded at 8:06 PM.

Respectfully submitted,

C. D. Woodrome, City Secretary