

REGULAR MONTHLY MEETING MINUTES
JULY 16th, 2021
4:00 PM

Meeting was called to order by Mayor Bennett at 4:00 pm. Quorum was established with all Council members present, (Councilman Warren via phone). City Attorney Brad Elrod and invited guest Tyler County Chief Appraiser Mr. David Luther were present. Chuck Vonderlin provided the invocation and Mayor Bennett led the Pledge of Allegiance. Council meetings are lived streamed on YouTube and Facebook. In person audience attendance: 20 people.

Agenda Item #1 – Tyler County Chief Appraiser Presentation

Mayor Bennett opened the floor to Tyler County Chief Appraiser Mr. David Luther who was at the meeting to provide information on tax exemptions and the impact on the city income. Mr. Luther explained that the Appraisal Review Board has not completed hearings on property value protests yet and the certified tax value for the city is not ready yet. Based on the existing value figure each \$10,000 in exemption would require a 5 cent increase in the tax rate to raise roughly the same amount of tax revenue. For a \$25,000 exemption the Council would need to raise the tax rate by about 10 cents. The city has a couple of options for exemptions: a homestead exemption with a minimum exemption of \$5,000 that can be increased in increments of 1%, and the over 65 & disabled exemption. Mr. Luther clarified that any exemption cuts into the city revenue unless something is done to offset the loss; to retain the same income while granting an exemption, the tax burden would be shifted to property owners who do not qualify for the exemption. There are 274 over 65 homesteads and 472 general homesteads in Ivanhoe. A \$5,000 over 65/disabled exemption results in loss of approximately \$1 million in total value, and a \$5,000 homestead exemption will cause a loss of about \$2 million total value.

Mayor Bennett explained the tax rate must be set by the end of September, but will depend on when the Chief Appraiser sends the certified values to the tax entities. Mr. Luther said the no new tax revenue rate will have to be considered and he will be sending a postcard to all property owners notifying them they can go to the Appraisal District website to get tax information for all the taxing units that apply to their property. He added that he hopes to certify the 2021 tax roll on Friday, but there will be some protests that have not been heard by then. With no other questions or discussion on the agenda item, Mayor Bennett thanked Mr. Luther for providing the information.

Agenda Item #2 - Communication from the Audience

Mr. Jeff Heck addressed the Council regarding the property donated to the city on Sir Cedrick which is located just down the street from his home. He said the lot has been completely cleared and he found out that the city will be using it for a material lay down yard. He noted that he and the neighbors will benefit by the lot being better maintained. He expressed concern that the property is zoned residential and the city has not gone thru the Conditional Use process for light industrial use. Mayor Bennett thanked Mr. Heck for the comments.

She asked if there were any questions or comments from the on-line audience and noted that any comments or questions from the on-line audience may be submitted via email to the City prior to any public meeting or posted on Facebook livestream during the meeting and they will be addressed at the end. City WILL NOT respond to complaints, comments or questions on Facebook outside of the livestreamed meeting.

Agenda Item #3 - Consent Agenda Items

Mayor Bennett asked if there were any items on the consent agenda that needed to be removed. City Secretary asked that the minutes of June 17th Regular meeting, and June 28th Special meeting be removed since they are not ready. Mayor Bennett then asked if there were any objections to approval of the remaining Consent Agenda. There being no objection, Mayor Bennett declared the Consent Agenda Items approved including the Minutes of Town Hall on June 5th, 2021, Minutes of Special Meeting of June 5th, 2021, and Dam Inspection Reports for June 2021.

Agenda Item #4 – Conditional Use Permit application: Yessica Montserrat Magana Santa Ana (dba Wisdom Universe)

Planning and Zoning Commission (P & Z) Secretary Ms. Valerie Weber presented the recommendation of the P & Z on the Conditional Use Permit application of Yessica Montserrat Magana Santa Ana (dba Wisdom Universe). The P & Z met following the joint public hearing with the city Council on July 1st. After reviewing the application and information provided during the public hearing the Commission developed a report to Council based on the required standards in the codified ordinance. The P & Z recommended not approving the CUP permit. Councilman Warren submitted the motion to deny the Conditional Use Permit for Yessica Montserrat Magana Santa Ana (dba Wisdom Universe). Councilman Herrington provided the second and the motion passed unanimously.

Agenda Item #5 – Mayor’s Report

- A blood drive is scheduled at the Ivanhoe Fire Station for Sat. July 17th. Participants will receive a T-shirt.
- The first meeting with the engineer and the Ivanhoe Property Owners Improvement Association Board (IPOIA) occurred on July 15th regarding the requirements of the \$11.48 million grant for mitigating hazards with the breached Ivanhoe Dam, Tristan Dam emergency spillway, and Camelot Dam and spillway. There will be additional meetings with the IPOIA as well as Town Hall meetings as the projects progress but nothing will be done until a contract is signed with the TX General Land Office.
- Grant Works representatives will be in Ivanhoe Tuesday & Wednesday July 20th and 21st to do assessments of the infrastructure in the city. A public hearing on the Comprehensive Planning grant will be held at 6 PM on July 20th. A draft of the Community Survey has been provided to Council to make any changes or additions before the updated survey is posted to the city website for citizen’s response.
- The pre-construction meeting for the TX Water Development Board project to replace the culvert on Ivanhoe Dr. below Ivanhoe Dam will take place Friday, July 23rd.
- The Mayor discussed with County Judge Jacques Blanchette the \$69 million mitigation funding for zip code 75979. Ivanhoe is in line for approximately \$22 million of the mitigation funds being funneled thru the Deep East Texas Council of Governments. Those funds must be used to benefit areas deemed low to moderate income.

Agenda Item #6 – Discuss/Action Supervisor of Dam Report

- Mr. Rusty Harrison was not available. Councilman Warren informed Council that the void assessment on Charmaine Dam is still waiting on Chance Construction. The contractor has mowed

the dams and herbicide has been sprayed to get the vegetation cleared from the dams. The report was information only, no action was required.

Agenda Item #7 – Municipal Court Activity Report

Judge Rader had provided her monthly report indicating total fines collected of \$2,064 for June with \$1,294 retained by the city and \$736 sent to the state. The report was information only, no action was required.

Agenda Item #8 – City Marshal Activity Report

Marshal Terry Riley reported the total calls/activity handled with CopSync received by City Marshall Office: 120 compared to 188 last month and 17 calls received from Sheriff's Office. There were 14 citations/violations written. The call/activity reports by the City Marshal Office include security checks, traffic stops, calls for service, license and registration search, suspicious persons and miscellaneous activities. Councilman Warren requested the Marshal have authority to enforce violations on IPOIA property. City Attorney Brad Elrod said he would look into the ability/legality to do so. The report was information only, no action was required.

Agenda Item #9 – Code Enforcement Activity Report

- Ms. Malissie Taylor summarized the monthly Code Enforcement activities: total number of 2020 open cases: 113 with 4 citations. Two of these cases are currently in warrant status and the individuals need to communicate immediately with the Municipal Court. The Code Enforcement Dept. will begin filing with Ivanhoe Municipal Court for abatement of the violations.
 - There are 85 junk vehicle cases and the Code Enforcement Dept. has restarted filings on Junk Vehicles now that the State has resumed vehicle registrations.
 - City will continue to focus on older code violations first before actively issuing new violations.
 - Code Enforcement cases are now being entered into the new iWorQs software platform.
- The report was information only, no action was required.

Agenda Item #10 – Public Works Report

Mr. David Marshall informed Council of a meeting with representatives from TX Municipal League Risk Pool regarding Hazardous & Safety matters. The state is doing spot checks to verify that cities are in compliance; Material safety data sheets and other documents must be on file. Other items in his report:

- With Gulf Coast getting close to beginning work on the culvert replacement project on Ivanhoe Dr. this will be the ideal opportunity to get the fog seal applied to the asphalt on Chanticleer.
- Due to the anticipated cost being over \$50,000 a Request for Quote had been sent out and material quotes have been received for the flexbase needed for the detour on Ivanhoe Dr. East and Ivanhoe Dr. West: Yarbrough submitted \$44 per ton delivered Vulcan Materials quote was \$40 per ton delivered. East Texas Asphalt gave the low quote of \$37.50 ton delivered.
- The detour work is about 75% complete in preparation for the belly dump trucks to commence delivering the flexbase. The detour should be ready for closing Ivanhoe Dr. on August 16th when the contractor starts moving in equipment.

The report was information only, no action was required.

Agenda Item #11 – Marshal Dept. laptops with wireless internet capability

Marshal Terry Riley submitted a request for 3 laptop computers; two for the patrol vehicles and one for his office.

He explained that the existing laptops are not able to keep up with the software requirements of CopSynch and WarrantSynch and the conditions in the vehicle on the rough roads in the city. The quote for 3 Motorola Toughbooks is \$5,850. Councilman Herrington asked if the Officers can function safely until the new budget year. Marshal Riley commented that his department would have to work with what is available until replacements arrive. Councilman Herrington made the motion to research options for 24 hours and authorize purchase from Capital Acquisitions line item. Councilman Blackstone provided the second and the motion passed unanimously.

Agenda Item #12 – Planning & Zoning Commission appointment

Mayor Bennett explained that Ms. Brydie Mosur had submitted her resignation from the P & Z Commission in February. Mayor Bennett had discussed with Ms. Carla McCaulley to fill the unexpired position (thru Feb. 2023) and Ms. McCaulley had been attending the P & Z meetings since February. Mayor Bennett then made the official appointment for Ms. McCaulley to fill the unexpired term. Council unanimously agreed to the appointment.

Agenda Item #13 – Planning & Zoning Committee Recommendations

Councilman Craven as liaison to the Planning & Zoning Commission reported there was nothing from the P & Z.

Agenda Item #14 – Fee increase for Variance and Conditional Use applications

City Secretary Woodrome informed Council that the current \$75 fee charged for a property owner to submit application for a Variance or Conditional Use permit does not cover the cost of posting the required public notice in the paper. The requirement to notify all property owners within 200 feet of applicant adds to the cost. Councilmember Craven made the motion to increase the Variance and Conditional Use application fee. Councilman Herrington asked what amount would cover the city's cost and following discussion Councilman Craven revised his motion for the fee to be set at \$250. Councilmember Herrington submitted the second and the motion passed unanimously.

Agenda Item #15 – Budget amendments

Mayor Bennett informed Council the TX Dept. of Emergency Management had finalized the reimbursement amount for Coronavirus Relief Act grant funds. The auditor requires any additional funds to be added to the budget. She reviewed the amounts totaling \$71,448.70 for force account labor, force account material and the amount to be sent to the Warren ISD under the interlocal agreement. Councilman Blackstone made the motion for the addition of Corona Virus Relief Act reimbursement funds to the FY-2021 budget and disburse eligible Corona Virus Relief Act reimbursement funds to Warren ISD. Councilman Craven provided the second and the motion passed unanimously.

Agenda Item #16 – Order of General Election for Nov. 2nd, 2021

Councilman Morris submitted the motion to order the city general election for 3 Council positions for November 2, 2021. Councilman Herrington seconded the motion and the motion passed unanimously.

Agenda Item #17 – Authorization for Mayor to submit request for American Rescue Plan Act funds and signing any documents related to the grant.

Mayor Bennett informed Council that the city stands to gain approximately \$350,000 in funds from the US Treasury American Rescue Plan Act, but the request must be submitted thru TX Dept. of Emergency Management by August 2nd. Councilman Herrington made the motion to authorize the submission requesting American Rescue Plan Act funds and approving the Mayor to sign any documents related to the funds. Councilman Blackstone provided the second and the motion passed unanimously.

Agenda Item #18 – Authorize Request for Administrative Proposals for American Rescue Plan Act funds

City Secretary C. D. Woodrome informed Council that the time required and expertise needed to make sure the city stays within the guidelines of the Treasury Dept. for procurement and use of American Rescue Plan Act funds justifies seeking a qualified funds administrator so funds are not “clawed back”. Councilman Herrington made the motion to publish notice with a second provided by Councilman Blackstone. The motion passed unanimously.

Agenda Item #19 – Authorize Mayor to sign all documents relating to the TX General Land Office Hazard Mitigation grant.

Mayor Bennett informed Council that the contract for the \$11.48 million is expected to come from the TX General Land Office soon. So there are no delays in getting the Engineer working on the projects she asked for Council approval to sign the contract and any associated documents. Councilman Blackstone made the motion to authorize the Mayor to sign any documents related to the mitigation grant. Councilman Craven provided the second and the motion passed unanimously.

Agenda Item #20 – Authorize auction of two Ford Crown Victoria vehicles

Marshal Terry Riley informed the Council that he had arranged for the city to acquire three nice Chevrolet Tahoe SUV’s thru a program with TX Dept. of Public Safety. The cost is \$1,000 each, which means the city will get over \$60,000 worth of vehicles for \$3,000. The 2017 Ford Interceptor will be used as a standby unit. The white Crown Victoria and Grey Crown Victoria will no longer be used or needed by the Marshal’s Dept. Councilman Herrington made the motion to auction one or both of the Crown Victoria’s. Councilman Craven provided the second and the motion passed unanimously.

Agenda Item #21 – Financial Report-June 2021

City Treasurer C. D. Woodrome reported:

- The June 2021 Financial Summary Report from the accountant had been submitted to Council for review prior to the meeting. All accounts at Citizen’s State Bank and at TX CLASS have been reconciled for June.
- Sales tax for June. Total year to date sales tax collected is \$.
- Ad Valorem Collection Rate: 84.7%. Ivanhoe North (2010) Ad Valorem Collection Rate: 3.74%. Total delinquent Ad Valorem due to City is \$101,432.16 (from 2010 to present).

Other items the city treasurer reviewed for the monthly report were:

Following the report, Councilman Herrington made the motion to approve the financial report for June 2021 Councilman Craven provided the second and the motion passed unanimously.

Agenda Item #22 – Agreement with Ivanhoe Property Owners Improvement Association for access to IPOIA Property for Mitigation projects surveying

Mayor Bennett explained that discussions have begun with the IPOIA board relating to property owned by the IPOIA that will need to be acquired by the city in order for the hazard mitigation projects to proceed. In the process the engineer will need to arrange for surveys of the properties. In order for the survey crew to work an agreement is needed with the IPOIA to allow them to access the properties. Councilman Herrington made the motion to authorize the agreement. Councilman Craven provided the second and the motion passed unanimously.

Agenda Item #23 – Update on Ontiveroz legal proceeding

City Attorney Brad Elrod informed Council that the lawsuit is in the discovery phase and there is nothing to report.

Agenda Item #24 – Executive Session

No executive session was needed.

Agenda Item #25 – Communications from Audience

No comments or questions from the audience or from YouTube viewers.

Agenda Item #26 – Council Comments

None.

Agenda Item #27 – Adjourn Meeting

Councilman Herrington made the motion to adjourn the meeting with a second by Councilman Craven and the motion passed unanimously. Meeting adjourned at 5:35 pm.

Respectfully submitted,
C. D. Woodrome, City Secretary

Approved by Council August 19, 2021

Cathy Bennett, Mayor