

STATE OF TEXAS }

June 27, 2023

COUNTY OF ORANGE }

BE IT REMEMBERED THAT a Regular Meeting of the Orange City Council of the City of Orange, Orange County, Texas, was held in the City Council Chambers (Orange Public Library Auditorium) on Tuesday, June 27, 2023.

COUNCIL MEMBERS PRESENT:	Larry Spears Jr.	Mayor
	Paul Burch	Mayor Pro-Tem
	David Bailey	Council Member
	Brad Childs	Council Member
	Terrie T. Salter	Council Member
	Mary McKenna	Council Member
	Caroline Hennigan	Council Member

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT:	Micheal Kunst	City Manager
	Jay Trahan	Assistant City Manager, Director of Economic Development
	Patricia Anderson	City Secretary (left mtg. at 6:37 p.m.)
	Jennifer Pool	Deputy City Secretary
	Lane Martin	Chief of Police
	Cheryl Zeto	Director of Finance
	Kelvin Knauf	Director of Planning and C o m m u n i t y Development
	Adam Jack	Director of Public Works
	John Bilbo	Fire Chief
	Hillary Gravett	Assistant EDC Director
	Divon Williams	Deputy Director of P l a n n i n g a n d C o m m u n i t y Development
	Leigh Anne Harrell	CVB/Event Manager
	Alison Clary	Communications and Marketing Coordinator
	Marvin Benoit	Building Official
	Chris Arnold	Police Baliff
	Mike Zeto	CIS Manager
	Guy Goodson	City Attorney
Kate Leverett	City Attorney	

STAFF MEMBERS ABSENT: Brenna Manasco Library Director

Mayor Spears called the meeting to order at 5:30 p.m.

Council Member Childs led the Invocation and the Pledge of Allegiance.

MOTION FINDING THAT THE ADVANCE POSTING AND NOTICE REQUIREMENTS OF ARTICLE 8.1200 OF THE CODE OF ORDINANCES OF THE CITY OF ORANGE, TEXAS HAVE BEEN MET IN RELATION TO ALL MINUTES AND PENDING ORDINANCES AND RESOLUTIONS ON THIS AGENDA AND THAT THE READING OF SUCH ITEMS BE CONFINED TO THE CAPTIONS AS ARE AGREED UPON BY THE ORDINANCES AND RESOLUTIONS.

Mayor Pro-Tem Burch moved to approve the motion. Second to the motion was made by Council Member Childs which carried with the following vote:

COUNCIL MEMBERS VOTING AYE: Mayor Spears, Mayor Pro-Tem Burch, Council Member Bailey, Council Member Childs, Council Member Salter, Council Member McKenna and Council Member Hennigan

COUNCIL MEMBERS VOTING NO: None

CITIZEN COMMENTS

Robbie Wimberly, 1208 Red Bud Drive, advised he is here on behalf of his mother, Ruby Wimberly. He advised he has contacted Council by letters and emails regarding his mother's water bill. He advised she has been paying her water bill for over sixty-seven years and it is normally \$75 per month, but the bill has been \$1,558.31 for two months. Mr. Wimberly advised he would like to resolve the issue regarding his mother's water bill and that he feels his mother is being treated unjustly.

Mark Wimberly advised he is Robbie's brother and wanted to reiterate on what his brother said. He advised he feels it may be related to the Little Cypress Groves Project. He advised their mother sold the access to Little Cypress Grove subdivision, which allows the contractors access to the subdivision. Mr. Wimberly advised he feels the big trucks and heavy equipment are what damaged the pipes, there for causing the water leaks and high water bills. He advised he is unsure where the fault lies, however he does not feel it is his mother's.

CITY ANNOUNCEMENTS

Ms. Harrell advised the next City of Orange event is the 2023 4th of July Concert and Fireworks Celebration on Tuesday, July 4th at the Riverside Pavilion. She advised the gates will open at 4:00 p.m., concert from 7:00 p.m. until 9:00 p.m. followed by the Fireworks display at 9:00 p.m.

Mayor Spears presented a Proclamation to the members of the OYBS 8U All Stars Team who are the 2023 USA Softball of Texas State Champions. A copy of this Proclamation is included in and

being made a part of these minutes.

CONSENT AGENDA

MAY 23, 2023 ORANGE ECONOMIC DEVELOPMENT CORPORATION MEETING MINUTES

JUNE 6, 2023 SPECIAL CALL CITY COUNCIL MEETING MINUTES

JUNE 13, 2023 REGULAR CITY COUNCIL MEETING MINUTES

Council Member Hennigan moved to approve the foregoing three items on the Consent Agenda in one motion. Second to the motion was made by Council Member Bailey which carried with the following vote:

COUNCIL MEMBERS VOTING AYE: Mayor Spears, Mayor Pro-Tem Burch, Council Member Bailey, Council Member Childs, Council Member Salter, Council Member McKenna and Council Member Hennigan

COUNCIL MEMBERS VOTING NO: None

PRESENTATION

PRESENTATION REGARDING PROPOSED NOVEMBER 2023 CHARTER CHANGE ELECTION.

Mr. Goodson advised that he, Kate Leverett and City Staff have worked to bring this item to Council. He made the following comments regarding a Charter Change Election:

- *he explained that the suggested changes are considered effectively non-substantive to clarify matters primarily with changes in state law, since the last Charter change;
- *he advised it is a work in progress;
- *if Council considers changing the Charter, the City will have to call an election along with the Constitutional Election, 78 days before that date. This will need to be at the August 8th Council Meeting or possibly a Special Call Meeting to meet the statutory deadline and it is at the pleasure of the Council, if a Charter Change Election is called;
- *the intention is to give a quick overview, of matters which are mostly clarifications to bring the Charter in conformance with state law and to eliminate inconsistencies between the Charter and state law;
- *he advised each change/amendment will be a separate item on the ballot and is voted on separately and it must be noted if there is any possible fiscal impact to the City or budget, per state law. He also advised there are no financial impacts on the budget with these proposed changes;
- *he advised we will keep this item on future agendas.

Mayor Spears advised that if the people choose to keep certain items in the Charter, he does not agree something can not be enacted because it is old; for example if someone is indebted to the City, they can not hold a position. Mr. Goodson advised state law states this, but can not be enforced as it was deemed unconstitutional and can not be enforced.

Mr. Goodson advised the election is not mandatory, but discretionary and there is not a rush. He advised if the Council wishes not to change, to stay with what the City has and revisit in 2025 and Counsel is completely neutral as to put on the ballot or not. Mayor Spears advised the citizens have been asking for a Charter change.

Mayor Pro-Tem Burch advised the citizens will be voting on changes that are suggested to them and not on items they may want to change. Mayor Spears advised if it goes to the public, they would be able to discuss and make the changes they would like.

Council Member Salter asked Mr. Goodson who he met with to discuss these changes. He advised they looked at the items that were non-substantive changes that were contrary to state or case law.

Mayor Spears wanted to advise the public that these changes are being brought to Council by the City Attorney.

Council Member Salter advised she would like to see the Council seats not be "termed out". Mayor Spears said he appreciates that, but would not want that to be changed under their current terms. Council Member Salter advised she feels the pay is not correct and needs to be revised, as many people can not afford to serve for \$100 a month and there are a lot of other cities that are paid a lot more. Mayor Spears and Council Member Hennigan advised they do not want to change the pay while they are seated on Council. Council Member Childs advised that it takes a servant's heart to do this. Mr. Goodson advised removal of the five consecutive term limit would be a substantive change and is at the pleasure of Council. Mayor Spears advised this should be a public meeting for discussion. Mr. Goodson advised this item will be on every agenda until Council advises to take off and at the first August meeting, the Council will need to decide to "pull the trigger".

ORDINANCES

FINAL READING:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE, TEXAS AMENDING THE ORANGE CODE OF ORDINANCES, CHAPTER 12, "PLANNING AND ZONING" BY ADDING ARTICLE 12.3000 PERTAINING TO ELECTRIC VEHICLE CHARGING STATIONS; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR A PENALTY; PROVIDING AN EFFECTIVE DATE; AND OTHER MATTERS. (FIRST READING JUNE 13, 2023)

Council Member Salter moved to approve the ordinance. Second to the motion was made by Council Member Bailey which carried with the following vote:

COUNCIL MEMBERS VOTING AYE: Mayor Spears, Mayor Pro-Tem Burch, Council Member Bailey, Council Member Childs, Council

Member Salter, Council Member McKenna and Council Member Hennigan

COUNCIL MEMBERS VOTING NO: None

A copy of this Ordinance is being made a part of these minutes as Ordinance Number 2023-08.

RESOLUTIONS

FINAL READING:

RESOLUTION APPROVING AN EDC INFRASTRUCTURE GRANT AGREEMENT WITH COVE MARINA AND BOAT STORAGE LLC, 1804 MISSISSIPPI, ORANGE, TEXAS 77630 IN AN AMOUNT NOT TO EXCEED \$150,000. (FIRST READING JUNE 13, 2023)

Council Member McKenna moved to approve the resolution. Second to the motion was made by Council Member Bailey which carried with the following vote:

COUNCIL MEMBERS VOTING AYE: Mayor Spears, Mayor Pro-Tem Burch, Council Member Bailey, Council Member Childs, Council Member Salter, Council Member McKenna and Council Member Hennigan

COUNCIL MEMBERS VOTING NO: None

A copy of this resolution is being made a part of these minutes as Resolution Number 2023-59.

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 WITH BRYSTAR CONTRACTING INC. FOR THE MLK LIFT STATION CONSTRUCTION BID 2022-50 WITH THE AMERICAN RESCUE PLAN ACT (ARPA).

Council Member Childs moved to approve the resolution. Second to the motion was made by Council Member Hennigan which carried with the following vote:

COUNCIL MEMBERS VOTING AYE: Mayor Spears, Mayor Pro-Tem Burch, Council Member Bailey, Council Member Childs, Council Member Salter, Council Member McKenna and Council Member Hennigan

COUNCIL MEMBERS VOTING NO: None

A copy of this resolution is being made a part of these minutes as Resolution Number 2023-60.

RESOLUTION AUTHORIZING AND APPROVING REVISION #1 TO CITY OF ORANGE HURRICANE HARVEY LOCAL BUYOUT & ACQUISITION GUIDELINES FUNDED THROUGH GLO CONTRACT #20-066-039-C258 TO ADD A BUYOUT ELEMENT, REMOVE FLOOD

INSURANCE REQUIREMENT, UPDATE PROGRAM DEADLINES, UPDATE INCOME LIMITS, AND CLARIFY INCENTIVE REQUIREMENTS.

Council Member Bailey moved to approve the resolution. Second to the motion was made by Council Member Hennigan which carried with the following vote:

COUNCIL MEMBERS VOTING AYE: Mayor Spears, Mayor Pro-Tem Burch, Council Member Bailey, Council Member Childs, Council Member Salter, Council Member McKenna and Council Member Hennigan

COUNCIL MEMBERS VOTING NO: None

A copy of this resolution is being made a part of these minutes as Resolution Number 2023-61.

DISCUSSION/ACTION

MOTION APPROVING ACTION TAKEN BY THE EDC CONCERNING A TIMELINE EXTENSION THROUGH DECEMBER 31, 2023, FOR PINEY WOODS SANITATION, 2004 DUPONT DRIVE, ORANGE, TEXAS 77630, DUE TO WEATHER AND CONTRACTOR DELAYS.

Council Member Hennigan moved to approve the motion. Second to the motion was made by Mayor Pro-Tem Burch which carried with the following vote:

COUNCIL MEMBERS VOTING AYE: Mayor Spears, Mayor Pro-Tem Burch, Council Member Bailey, Council Member Childs, Council Member Salter, Council Member McKenna and Council Member Hennigan

COUNCIL MEMBERS VOTING NO: None

MOTION APPROVING ACTION TAKEN BY THE EDC CONCERNING A TIMELINE EXTENSION THROUGH DECEMBER 31, 2023, FOR LITTLE TEXAS TEAHOUSE, 308 BORDER STREET, ORANGE, TEXAS 77630 DUE TO MATERIAL DELAYS AND INSPECTIONS.

Council Member Salter moved to approve the motion. Second to the motion was made by Council Member Hennigan which carried with the following vote:

COUNCIL MEMBERS VOTING AYE: Mayor Spears, Mayor Pro-Tem Burch, Council Member Bailey, Council Member Childs, Council Member Salter, Council Member McKenna and Council Member Hennigan

COUNCIL MEMBERS VOTING NO: None

MOTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT, INDEMNITY AND RELEASE WITH THE NELDA C. AND H.J. LUTCHER STARK FOUNDATION FOR THE USE OF STARK PARK FOR THE GUMDROP SHOP SATURDAY, DECEMBER 2, 2023.

Mayor Spears moved to approve the motion. Second to the motion was made by Council Member Hennigan which carried with the following vote:

COUNCIL MEMBERS VOTING AYE: Mayor Spears, Mayor Pro-Tem Burch, Council Member Bailey, Council Member Childs, Council Member Salter, Council Member McKenna and Council Member Hennigan

COUNCIL MEMBERS VOTING NO: None

MOTION APPROVING A QUOTE FROM A-1 AMERICAN FENCE, INC. TO INSTALL APPROXIMATELY 626 LINEAR FEET OF NEW 6 FOOT TALL BLACK VINYL CHAIN LINK FENCING WITH THREE GATES AND ONE 20 FOOT CANTILEVERED GATE IN THE AMOUNT OF \$30,245 AT LIONS DEN PARK..

Council Member Hennigan moved to approve the motion. Second to the motion was made by Council Member Bailey which carried with the following vote:

COUNCIL MEMBERS VOTING AYE: Mayor Spears, Mayor Pro-Tem Burch, Council Member Bailey, Council Member Childs, Council Member Salter, Council Member McKenna and Council Member Hennigan

COUNCIL MEMBERS VOTING NO: None

DISCUSSION OF THE DEVELOPMENT OF A PROPOSED MASTER PLAN FOR THE RIVERSIDE PAVILION, BOAT RAMP, AND SIMMONS FIELD AREA.

Mr. Kunst advised that the last several years, items have been discussed that needed improvement. He advised he and Mr. Jack will work on a plan and submit to Council and the public for their input. He advised he would like any and all suggestions, which have not already been expressed from Council, to be submitted to him via email within the next two weeks.

Mayor Spears advised he would like to add a covered pavilion, similar to the one at Lion's Den Park, to be located at the Boat Ramp.

DISCUSSION OF RENAMING SIMMONS DRIVE.

Council Member Childs advised this is a discussion item only. He read his memo, which is included in and being made a part of these minutes. He suggested renaming Simmons Drive to, "Simmons Riverside Parkway". He advised this would keep the name "Simmons" and highlight the waterway to draw people into the area. Council Member Childs advised this is a follow up to Mayor Spear's original suggestion.

Mayor Spears, Mayor Pro-Tem Burch and Council Member Salter advised they like this idea.

Mr. Jack advised he will follow up with TxDOT for an update on the signs and if there is time for a name change for Simmons Drive.

CITY MANAGER REPORT

Mr. Kunst advised Tuesday, July 4th is a City holiday and City offices will be closed.

CITY COUNCIL REPORT

Council Member Bailey advised he was notified sometime in July, a portion of Tulane Road will be closed due to construction and there will be no through traffic to HWY 62. He also advised he would like the speed limit slowed down to 35 mph from Old Timer's to past the curve.

Council Member Salter advised that Mr. Lazenby, 702 W. Park contacted her regarding a water leak on 6th Street.

Council Member McKenna wished everyone a Happy 4th of July and encouraged them to attend the 4th of July Celebration.

Mayor Pro-Tem Burch advised a citizen contacted him concerned about citizens speeding on Sunset Drive near the Sunset Golf Course.

Mayor Spears thanked Krewe de Onyx for all their hard work for the Juneteenth Celebration. He congratulated the OYBS 8U All Stars Team. He advised he will follow up with emails better. He thanked the other Council Members for responding to the Wimberlys and hopes the City could help them out.

ADJOURN TO CLOSED EXECUTIVE SESSION

- 11. a) Deliberation with City Attorney pursuant to Chapter 551 of the Texas Government Code:
 - (1) Deliberation with legal counsel pursuant to Texas Government Code, Section 551.071 - consultation with City Attorney regarding pending litigation - Mack Toler, III versus City of Orange, Texas.
 - (2) Deliberation with legal counsel pursuant to Texas Government Code, Section 551.071 - consultation with City Attorney regarding pending litigation - Edward Lee Gonzales & Michele Renne Gonzales versus City of Orange et al.

The Council met in a closed executive session at 6:41 p.m.

RECONVENE IN OPEN SESSION

The Council reconvened in open session at 6:57 p.m.

TAKE ACTION AS NECESSARY REGARDING ITEMS 12 a (1) and 12 a (2) above.

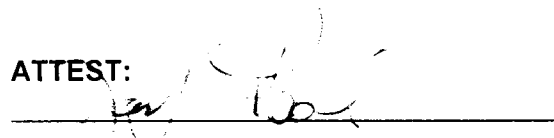
No action was taken.

ADJOURNMENT

There being no further business before the Council, Council Member Bailey moved to adjourn the meeting. Second to the motion was made by Council Member McKenna, which carried unanimously.

The meeting adjourned at 6:57 p.m.

ATTEST:



Jennifer Pool, Deputy City Secretary



Larry Spears Jr., Mayor