

*LONE STAR CITY COUNCIL
REGULAR MEETING
FIRE HALL – 201 WEST INDUSTRIAL
February 16, 2023, at 6:00 p.m.*

*We reserve the right to enter into Executive Session on any Agenda item pertaining to
TEX. GOV'T CODE ANN. Sections 551.071-551.078, 551.087-551.089*

In compliance with the Texas Open Meetings Act, Chapter 551, of the Texas Government Code, the City of Lone Star issues this public notice. If, during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the board will convene in such executive or closed session in accordance with Section 551 of the Texas Government Code, Et Seq. The City Council will consider and act on the following items:

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on the meeting notice.

MINUTES

Present were – Mayor Randy Hodges, Mayor Pro-Tem Jerri Chism, Alderwoman Mona Brown, Aldermen Rudy Dudley, Tony Johnson, Cody Wommack, and City Secretary Tina Love

1. CALL TO ORDER – Mayor Randy Hodges at 6:01 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation – Mayor Randy Hodges

Pledge of Allegiance – All in unison

3. CITIZEN COMMENTS: *At this time, anyone will be allowed to speak on any matter for a length of time not to exceed **three minutes**. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.*

Anita Winkles was unable to attend last month's meeting when the Council discussed the ordinance changing the permit fees. She identified multiple properties owned in Lone Star and expressed the increased permit fees suggested would discourage her from doing business in Lone Star and trying to improve the community.

Mayor Hodges made a comment that when the ordinance was presented a lot of information was misinterpreted and the ordinance was being re-written.

Mandy expected to see the EDC lawsuit on the agenda. The vote at the EDC was to proceed with legal action. The EDC can't move forward with legal action until presented to Council.

4. CONSENT ITEMS:

Minutes of Regular Council Meeting on December 15, 2022

Minutes of Special Meeting on December 19, 2022

Minutes of Meeting of January 19, 2023

Cody Wommack stated the minutes from January 19, 2023, referenced Absolute Technology technician Hunter Bonner installed and uninstalled the operating system on the court computer system. This was not discussed during the meeting. The City Secretary referenced the operating system was uninstalled and reinstalled; however, must have failed to discuss during the meeting. This statement will be removed from the minutes.

A motion to approve the consent items was made by Rudy Dudley with a second from Mona Brown. Four for, one no vote.

5. REPORTS:

- 5-1: Judge/Court Report
- 5-2: Police Department Report
- 5-3: Fire Chief Report
- 5-4: Public Works Report
- 5-5: Water District Report
- 5-6: EDC Report
- 5-7: Financial Reports
 - a. Water and Sewer Fund
 - b. General Fund

Cody Wommack discussed the Water District Report, the water rate at \$3.25 per 1,000 gallons, the annexation of Serendipity (should be Serenity) and whether the City signed a contract with the water district. Mayor Hodges referenced events that occurred at Serenity. The City waited 1 ½ yrs. for the required Engineering Study. The Commissioners court shut down activities due to some exceptions. When the Engineering Study was received, we had to wait on an agreement with NETMWD. Lone Star received the agreement but hasn't signed. Additional documentation was received from the commissioner's court. Lone Star took exception to the agreement which was to guarantee Serenity water for 30 yrs. We sign a contract with our customers guaranteeing them water for as long as we supply them water and water payments are received. We have sent documentation to legal counsel.

A motion to accept the reports as presented was made by Mona Brown with a second from Rudy Dudley. Four voted for, one no vote.

6. ACTION ITEMS

6-1 Review, Discussion, and Possible Action by the Council to approve the amended Financial Audit for the Fiscal Year Ending September 30, 2021, as presented by the audit firm of Arnold, Walker, Arnold, and Company, P.C. (tabled from previous meeting, Oct. 20, 2022, item 6-7) and to include status of the audit and communications with the auditing firm (tabled from previous meeting).

The Mayor referenced on July 21, 2022 in a Lone Star City Council Special Meeting Mr. Wommack made a motion to accept the audit from Arnold, Walker, Arnold, and Company, with a second from Mr. Dudley. All present voted Aye. Mr. Wommack stated immediately after he asked the question of Luke Arnold what would this audit find? Mr. Arnold replied we would find \$100 but not \$1.00. Mr. Wommack asked where do you get the values from the capital assets, land, and buildings? Mr. Arnold replied, the appraisal district. Mr. Wommack indicated his motion to vote was based upon Mr. Arnold's response to his questions. On Oct. 20, 2022 the item was on the City Council agenda again. Mayor Hodges read the minutes from the Oct. 20, 2022, City Council meeting and referenced the audit had been updated and revised to include the elementary school. Reference was made to the 2021 values being updated but the 2020 values were not. The 2020 audit and values were previously approved by Council.

A motion to accept the audit was made by Mona Brown, with a second from Rudy Dudley. Four voted for, one voted against. Motion carried.

6-2: Review, discussion, and possible action to adopt the revised City of Lone Star Holiday Policy (tabled from previous meeting).

The holiday policy was revised and presented to the Counsel for review.

A motion to accept the Holiday Policy was made by Rudy Dudley, with a second from Mona Brown. All present voted Aye.

6-3: Review, discussion, and possible actions on City Bidding Policies and Procedures and applicable statutes (carried forward from previous meeting).

Cody Wommack referenced competitive bidding is not required for purchases less than \$50,000 and suggested the city should consider imposing a lower threshold for competitive bids. The City uses Local Government Code, Chapter 252 as a guideline for procurement activities. Sec. 252.0215 was quoted in reference to competitive bidding in relation to historically underutilized business. "A municipality, in making an expenditure of more than \$3,000 but less than \$50,000, shall contact at least two historically underutilized businesses on a rotating basis, based on information provided by the comptroller". "If the list fails to identify a historically underutilized business in the county in which the municipality is situated, the municipality is exempt from this section". The City has referred to the list of historically underutilized businesses, but has found there are very few in the Morris county area or the businesses did not offer the needed services. Discussed the website and the Bee newspaper are not the best marketing for projects. A bidder's list for people to sign up for and be contacted for future procurements was suggested. Discussed the need to create a bid policy or procedure.

A motion was made for Cody to write a draft bid policy and provide at the next meeting was made by Mona Brown with a second from Tony Johnson. All present voted Aye.

6-4: Review, Discussion, and Possible Action Regarding Justice of the Peace handling of misdemeanor cases for the City (carried forward from previous meeting).

Cody referenced discussions about eliminating our city court and sending our misdemeanor cases to Judge Easley. It was suggested the City would save money if the court was eliminated. Discussed Judge Easley being approached to be the Judge for the City of Lone Star several months ago and discussed Judge Easley handling the misdemeanor cases for the City. Judge Easley could handle the cases but would appreciate if the City would notify her in advance if we did away with the city court, and not drop it on her without notice. Mayor Hodges asked Judge Monica Sampson to provide additional information if the city court was eliminated. Judge Sampson indicated it could possibly save some money, but does not know how much. The City will have to pay Judge Easley's salary and also pay the Daingerfield court clerks salary for any Lone Star cases handled. If the City doesn't have a city court, the City cannot enforce ordinances, which could be huge. Ordinances are being reviewed and updated.

No action.

6-5: Review, Discussion, and Possible Action Regarding unauthorized or unapproved expenditures by the EDC and applicable statutes (carried forward from previous meeting).

Cody wanted to review the local government code Chapter 501 Sect.73, the chapter that authorizes the creation of the Economic Development Corporations. Supervision by Authorizing. The corporation's authorizing unit will approve all programs and expenditures of a corporation and annually review any financial statements of the corporation. It was just a reminder the City Council has to approve all expenditures, in which it does. No action.

6-6: Review, Discussion, and Possible Action to consider publishing contact information for city council members and mayor on the City website.

Cody Wommack asked for the City Council to consider posting their email and contact information on the City website. Mayor Hodges and others indicated they did not have a problem with their information being posted; however, the Mayor would understand if the ladies didn't want their information posted. Mayor Pro Tem Jerri Chism indicated she didn't want her personal information posted on the website. Individuals interested in contacting Ms. Jerri can contact City Hall.

A motion to add contact information to the City website for City Council members with exception to Ms. Jerri's was made by Mona Brown, with a second from Cody Wommack. Four voted for, one no vote. Motion carried.

6-7: Review, Discussion, and Possible Action to modify the format of the City Application for Utility Service."

Cody Wommack referenced the social security number on the City Application for Utility Service is a liability and should be considered for removal from the form. Some didn't think it was an issue to leave on or remove from the form.

A motion to remove the social security number from the City Application for Utility Service was made by Mona Brown, with a second from Cody Wommack. Three voted for, two voted against. Motion carried.

6-8: "Review, Discussion, and Possible Action to authorize the mayor to request Detailed Confidentiality Reports of sales tax receipts from the State comptroller."

Cody Wommack discussed a Detailed Confidentiality Report which identifies the local sales tax paid by each business. The information is confidential and not open for the public, but the Mayor can write a letter to the state Comptroller's office requesting the information. A letter must be issued monthly if a monthly report is desired. A suggestion was made to request five years of data to be used for forecasting. A month was suggested until it is known what type of data is available in the report and how many pages the report will be.

A motion to submit a letter and ask for five years of the Detailed Confidentiality Report was made by Cody Wommack. A discussion occurred amongst the members about requesting five years of data and suggested again to request one month. The motion was withdrawn.

A motion was made by Cody Wommack to authorize the Mayor to submit a letter to the Comptroller requesting the most recent month of the Detailed Confidentiality Report, with a second from Mona Brown. All present voted Aye.

6-9: Review, Discussion, and Possible action of the January 30, 2023, Baseball/Softball field renovation pre-bid meeting.

Cody Wommack referenced a Public Notice posted on the website about the Baseball/ Softball field renovation pre-bid meeting and a possible quorum of EDC and/or City Council members. Cody referenced this meeting should have been listed as an official meeting with an agenda.

No action.

6-10: Review, Discussion, and Possible Action regarding status of removal of fence from City Street at Woodcrest and Hwy 259.

Kyle Harrison has researched documents to see where the City easement is located for this property. The waterlines were described as being in the middle of the roadway, and if the roadway had previously been widened, it could possibly affect how far into the curb the easement extends. Cody identified the property as City owned property and it did not have an easement also indicated the width of the road had not changed since it was not a platted subdivision. The fence location was also discussed. It was stated in 2019 the fence was not there and in 2022 the fence was there. Additional research is necessary. The letter is drawn up, but the City wants to make sure we have the correct information. Kyle asked for additional time to do more research.

A motion to table this item and allow Kyle more research time was made by Rudy Dudley with a second from Mona Brown. Four voted for, one no vote. issued

6-11: Review, Discussion, and Possible Action to consider changing city attorney.

Cody Wommack discussed the fees charged by our city attorney are higher than fees charged by the Daingerfield City attorney. The Daingerfield City attorney was stated to charge \$150 per hour. The Lone Star City attorney charges \$225 per hour. Omaha pays \$325 per hour for their attorney. Judge Monica Sampson stated she had heard good things about the Daingerfield attorney.

A motion to hire the Daingerfield attorney was made by Cody Wommack, then was withdrawn after additional discussions.

A motion to consult with the Daingerfield attorney was made by Tony Johnson, with a second from Cody Wommack. All present voted Aye.

6-12: Review, Discussion, and Possible Action on how the City should proceed with the sewage overflow at 511 Wildrose, residence of Mary Robinson.

The City Council adjourned into its first Executive session at 6:04 p.m. to discuss the sewage overflow at 511 Wildrose with legal counsel.

6-13: Review and Discussion of Andrew Cole as a full-time police officer.

The City Council adjourned into its second Executive session at 8:22 p.m. to discuss items 6-13 and 6-14.

Officer Andrew Cole was introduced to Council. No action.

6-14: Review, Discussion, and Possible Action to remove the city secretary from office pursuant to Section 22.077 of the Local Government Code.

The City Council adjourned into its second Executive session at 8:22 p.m. to discuss items 6-13 and 6-14.

A motion to terminate the city secretary was made by Cody Wommack. No seconds. No action.

7. EXECUTIVE SESSION: City Council to convene into executive session for the following issues:

7-1: To seek the advice of legal counsel for contemplated litigation for the sewage overflow at 511 Wildrose, residence of Mary Robinson. (TEX. GOV'T CODE ANN. § 551.071).

No action was taken in Executive Session.

7-2: The introduction of Andrew Cole as a full time Police Officer (TEX. GOV'T CODE ANN. § 551.074).

No action was taken in Executive Session.

7-3: To discuss the removal of the city secretary from office pursuant to Section 22.077 of the Local Government Code and pursuant to TEX. GOV'T CODE ANN. § 551.074).

No action was taken in Executive Session.

8. ADJOURN

A motion to adjourn was made by Jerri Chism, with a second from Mona Brown. All present voted AYE

/s/ Randy Hodges
Randy Hodges, Mayor

/s/ Tina Love
Tina Love, City Secretary