

*LONE STAR CITY COUNCIL  
REGULAR MEETING  
FIRE HALL – 201 WEST INDUSTRIAL  
January 19, 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 pm**

**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.*

**Sharon Ivey of 210 East Germany referenced a grass fire that occurred a few weeks ago and no one showed up to put the fire out. She asked if we could get East Germany on the map? Would like for someone to look into to see what happened.**

**Keith Reiter discussed the newly proposed ordinance number 305. He is upset about the rates and items identified in the ordinance and thinks it should be trashed.**

**Mike Sichta lives on Dogwood referenced ordinance 305, anything over \$1,000 you pay for a commercial utility permit. Asked who we have for inspectors.**

**Jim Sly, Scenic View, for 25 years people have been encouraged to move into Lone Star but thinks ordinance 305 is not encouraging people especially with the economy as it is.**

**Miranda Weldon strongly disagrees with ordinance 305 and thinks it is a way to put more money in the city's pocket and not growth for the city.**

**Theresa Flores referenced replacing her roof last year. Why should she pay fees to the city when she doesn't see any help from the City. She referenced Germany street has holes everywhere.**

**Jim Sly referenced a house down the street from him needs to be torn down.**

**Lanita Goodrum asked what are contractors supposed to do, come to the city during business hours to get permits?**

**4. CONSENT ITEMS:**

**A motion to table approval of the minutes until next month to allow additional time to review was made by Cody Wommack with a second from Tony Johnson. All present voted Aye.**

## **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 referenced the Water District Report and his recent attendance at the Northeast Texas Municipal Water District (NETMWD) monthly meeting. Mr. Wayne Owens, General Manager of NETMWD and Sandra Wexler, Lone Star representative of NETMWD were introduced and in attendance of the City Council meeting. Reference was made to the seven member cities which make up the NETMWD. Other cities could have joined but didn't. Mr. Owens expressed he would be glad to attend the City Council meetings if needed.**

**A motion to approve the Water District Report was made by Cody Wommack, with a second from Mona Brown. All voted Aye.**

**A motion to accept reports 5-1 thru 5-4 and 5-6 thru 5-7b, as presented, was made by Mona Brown, with a second from Jerri Chism. Four voted for, one no vote. Motion carried.**

## **6. NON-ACTION ITEMS**

6-1: Chief of Police, Steven Blythe, to present a Certificate of Appreciation to Citizen Zachary Griffin.

**Chief Steven Blythe presented a certificate of appreciation to 20-year-old Zachary Griffin for his quick, calm, and non-panicked approach in getting employees to the back of the Rabbit Hole recently, when he saw a man with a gun in the parking lot.**

## **7. ACTION ITEMS**

7-1. Review, discussion, and possible action on fencing of the city owned right of ways by private property owners and authorizing the mayor to draft a letter to the property owners at 529 N. Main Street, The Automan, instructing them to remove their property and fences from City owned right of way (Tabled from previous meetings).

**At the request of Cody Wommack, item 7-14 was asked to be addressed first being similar in content to item 7-1. Item 7-13, not item 7-14 is similar in content. Comments or actions made for item 7-13 are applicable to item 7-1.**

7-2: 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).

**Mr. Bob Arnold and Luke Arnold, of Arnold, Walker, Arnold, and Company attended the council meeting to discuss the financial audit for FY21. An email was sent to Bob Arnold, by Cody Wommack about concerns with the amended audit. During council discussions, Cody felt the city should be reimbursed for two years of audit fees. Mr. Bob referenced there was value for the work done and if the audit caused the city to lose any money, they would consider paying the money lost, but there was not any. Mr. Bob apologized for the oversight and admitted to making a mistake but could see no measurable financial harm made from the mistake. The corrected financial audit included the value of the old Elementary school which was not reported previously. The auditor referenced documentation is provided to each City prior to an audit which ask for all assets to be identified. The school was not identified for several years. Additional conversations continued about items in the audit report. Reference was made to the USDA loan made by the City and the possibility of the City getting a better interest rate if smaller loans were made at a local bank based upon available assets. Additional comments were made about the City's financial statements and the impact of all assets not being captured in the audit report.**

**The City Council went into executive session at 6:26 PM for consultation with legal counsel for advice on contemplated litigation against Arnold, Waker, and Arnold. Executive session was adjourned at 6:57 PM.**

**A motion to go forward with legal action against Arnold, Walker, Arnold, and Company to recoup money for the recent audit was made by Cody Wommack. No second was received.**

**A motion to revise the audit with no legal action was made by Rudy Dudley with a second from Jerri Chism. Four voted for, one voted against. Motion carried.**

7-3: Review, discussion, and possible action to adopt the revised City of Lone Star Holiday Policy (tabled from previous meeting).

**The Holiday Policy was rewritten to clarify how employees are paid for worked holidays. The previous policy referenced pay at two-and one-half times for holiday worked hours which was being confused with non-worked holiday pay. Discussed overtime calculations during a holiday week. The law references overtime is paid for anything worked over 40 hours. An employee typically does not get paid for overtime unless 40 hrs. are worked. The City Secretary referenced other Cities paying the overtime during a holiday week to ensure adequate coverage. As an incentive, and to keep good employees, Rudy suggested we pay our employees overtime for emergency call out and for on call hours worked that occur during a holiday week. The council discussed and agreed to it being a good idea. The holiday policy will be updated to include a statement for this change. Additional discussions occurred about the policy. A suggestion was made to send any comments or changes to the City Secretary for implantation into the policy.**

**A motion to table this item and email comments to the City Secretary was made by Rudy Dudley with a second from Mona Brown. All present voted Aye.**

7-4: Review, Discussion and Possible Action by the Council to call the City General Election on May 6, 2023, by adoption of an Order of Election to elect a mayor and two aldermen to fill the expiring terms of Randy Hodges, Mona Brown, and Rudy Dudley.

**A motion to accept the Order of Election for the May 6, 2023, General Election was made by Rudy Dudley with a second from Jerri Chism. All present voted Aye.**

7-5: Review, discussion, and possible actions on installation and removal of Christmas lights, payment for services rendered, and management of roadway traffic in accordance with state DOT guidelines.

**EDC Chairman, Rudy Dudley, discussed the EDC could not pay for the installation and removal of the Christmas lights. Mayor Randy Hodges and EDC member Mitch Cox paid for these services. Mr. John Montana, of Montana Electric, installed and removed the Christmas lights. Mr. Montana was approached by a DOT representative about permits and a safety vehicle, with flashing lights, following him during light removal. No citations were issued, but it is necessary to follow DOT guidelines for future light placement activities.**

**Mr. Dudley commented there were a few light poles that had electrical issues and Bowie Cass would need to fix.**

**No action taken.**

7-6: Review, discussion, and possible actions to replace the six-year-old municipal court computer which is having serious issues supporting the upgraded court software.

**The municipal court computer is six years old and has been having problems supporting the newly installed court system. The computer continuously freezes up during transactions and the operating system has become unstable. Absolute Technology Technician, Hunter Bonner, has uninstalled and reinstalled the operating system to see if would help with the functionality, but it did not.**

**The consideration to purchase a computer was placed on the agenda so it could be presented to City Council; however, prior to the council meeting, the computer was freezing up for longer periods of time and taking up to fifteen minutes to print municipal court documentation. When the computer sat in idle mode, the CPU indicated 100% usage without transactions being processed. The computer began acting differently and concerns were expressed of it crashing before it could be presented to the City Council. Mayor Randy Hodges authorized the City Secretary to contact Absolute Technology to purchase a Dell OptiPlex Micro computer system that had been discussed.**

**For reporting purposes, no action.**

7-7: Review, discussion, and possible actions to implement new City Ordinance 305 identifying permits for construction, enlargements, repair, move, demolition or alteration of any buildings with the city limits of Lone Star; designating the person issuing permit, application notice, payment and permit fees.

**A new ordinance was created to rescind out of date information referenced in ordinances 1, 12, and 63 which were created years ago. The ordinance identified updated fees for various inspections, permits, remodels, and new construction. Members discussed the qualifications to perform the inspections, current staffing qualifications, and contracting out inspections. Miranda Weldon asked if the city planned on employing the inspectors or contracting and stated the City doesn't have any incentives for a business to come to Lone Star. Several in attendance were opposed to the ordinance and increased fees. The Code Enforcement Officer was unavailable to discuss the ordinance and answer questions. It was suggested to table this item until the Code Enforcement Officer was available to discuss.**

**A motion to table this item was made by Rudy Dudley, with a second from Jerri Chism. Four voted for, one voted against.**

7-8: Review, discussion, and possible actions for the EDC to solicit bids for repairs/ replacement of the baseball field fencing located at the Lone Star City Park.

**EDC Chairman Rudy Dudley discussed improvements to the City Park. One improvement is the revitalization of the old baseball park. Several have expressed interest in practicing, league play, and possible tournaments on the field. The fence needs to be replaced before any games can be played. Rudy discussed various possibilities that could occur if ballgames and tournaments were held at the ball field. It could increase tourism and revenue for the local economy. As the EDC Chairman, Rudy is asking for the council's consideration to move forward with getting three bids for the fence replacement.**

**A motion to allow the EDC to proceed with getting three bids for the baseball field fencing was made by Mona Brown, with a second from Jerri Chism. Four voted for, one voted against. Motion carries.**

7-9: Review, discussion, and possible actions to renew or replace the City Hall copy machine, lease agreement, and lease agreement terms.

**The City Secretary was contacted by TLC office about the expired lease agreement for the City's primary copy machine. The maintenance agreement expires in August and covers repairs until then unless parts are unavailable. If parts are not available, then the maintenance agreement is void. If the City has to pay for repairs, it is estimated to cost \$75-\$125/ hour, and toner replacement is at \$125 minimum per toner cartridge (times four).**

**A new lease agreement was proposed for a similar machine. A five-year lease was quoted at \$158.00/month, and a 39-month lease was quoted at \$230/month. The new copy machines have advanced features and technology built in to help prevent hackers from hacking into the copier, then server and desktop.**

**Options discussed for consideration were to keep the current copy machine until problems were encountered, consider a 5-year lease, consider a 39 month-lease agreement, or consider offering to purchase the copier through a buy back program.**

**A motion to not sign a lease and consider buying the copier we have and continue using it until it breaks was made by Cody Wommack with a second from Mona Brown. All present voted Aye.**

7-10: Review, discussion, and possible actions for Lone Star Senior Citizens Gadabout Club Inc., Board of Directors member Jolyn Meadows to discuss the \$30,000 the Economic Development Corporation spent on the revitalization of the Senior Citizens building.

**Jolyn Meadows, is the secretary of the Lone Star Senior Citizens Gadabout Club. She spoke about the \$30K provided by the EDC to revitalize the senior citizens building by repairing the roof and other structural improvements. She discussed never hearing about the money provided by the EDC as being a loan. It was always presented as a project when discussed. Lanita Goodrum expressed concerns about it being a loan, and when it was presented to the senior citizens board, it was referenced as being under the discretion and control of the EDC and the City Council and any decisions made by the senior citizens organization could be overruled by the EDC or City Council. She thought the goal was to get the organization up and running so it could be self-sustainable. Several citizens volunteered their time to get the structure cleaned up and the organization functional for the good of the community. Discussed paying 10% of fees received for rental of the property to the EDC as a good faith effort towards the loan. If the board had to pay back a loan at \$15.00 per time the building was rented, it would take several years to pay back the \$30k. Lanita would like something in writing relieving authority of the EDC and City Council to be overseer of the senior citizens organization. The organization needs to be self-sustaining, and if it fails, it fails, but it would not fall back on the City or EDC. Mayor Hodges asked EDC Chairman Rudy Dudley about the laws and regulations that govern this. Rudy had contacted TML to see if the EDC could help with this project and could do so as a community enrichment. The intended purpose was to provide activities for local citizens to participate in. Discussions occurred about all the required steps that were necessary to get the non-profit status reinstated, necessary paperwork submitted to the state, IRS, the organizations by-laws, reporting requirements and the need to implement financial controls. The EDC or City will not have oversight of the daily activities of the senior citizens organization; however, as identified in the organizations by-laws, if for any reason the organization became inactive, the building would revert to the EDC/City. It was concluded the money provided to the Senior Citizens Organization was not a loan, but the organization would need to continue to pay the EDC 10% of funds received for building rental, as previously agreed upon, as a good faith gesture to replenish funds supplied for the building revitalization. Mayor Hodges, Rudy Dudley and the Senior Citizens Organization board members will meet to discuss additional issues that need to be resolved.**

**No action taken.**

7-10A: Review, Discussion, and Possible Action Including Legal Action Regarding the 2021 Financial Audit from Arnold, Walker, and Arnold.

**Item number 7-10 was duplicated in error. An alpha "A" is being added for clarity. Comments and actions for 7-2 and 7-10A are combined and reported in item 7-2.**

7-11: Review, Discussion, and Possible Action on City Bidding Policies and Procedures and applicable statutes.

**Item carried forward to next meeting**

7-12: Review, Discussion, and Possible Action Regarding Justice of the Peace handling of misdemeanor cases for the City.

**Item carried forward to next meeting**

7-13: Review, Discussion, and Possible Action Regarding the City's duty to enforce the public's right of access to City streets and right of ways.

**Item 7-13 is an extension and similar to item 7-1. Comment's and actions for this item will be used for item 7-1 also.**

**Cody Wommack was speaking as a citizen and as a taxpayer and demands the city to do its duty and enforce his right of access as a citizen and taxpayer to the public streets. Texas Transportation Code, Chapter 311 and Chapter 316 were referenced and the definition of municipal streets, roadways, and sidewalks were discussed. It is the law to have access to streets and sidewalks. Per chapter 316 a sidewalk is described as "the portion of a municipal street between the curb lines or lateral lines of a roadway and the adjacent property lines that is improved and designed for or is ordinarily used for pedestrian travel."**

**Mayor Hodges discussed contacting TML and asked about property right of ways, and what can be done in this situation. If it is brought before the City Council and council votes to approve it, they can give the private owner permission to do so. In review of old city council records, nothing was found indicating this was ever approved. Mayor Hodges contacted two former mayors to see if either one had knowledge of the fencing placement. One mayor indicated it was something that was allowed but was never brought before city council for a vote.**

**Mayor Hodges suggested sending our Ordinance officer to the property for measurements. The property being discussed is described as 12' x 40' and not just a few inches. Pictures and property plats were previously provided for review. The current fencing location restricts pedestrian travel. Discussed some activities in the past were verbal and not presented to council for approval. Mayor Hodges asked council how they wanted to proceed since there was nothing in writing?**

**The property was previously for sale. If it remains for sale, should the owner consider relocating the fencing prior to the sale or have it written in the contract to be moved? Keith Reiter stated a fence on another person's property will fail title work.**

**A motion for the fence to be moved before the property sales, was made by Tony Johnson with a second from Jerri Chism. All present voted Aye.**

7-14: Review, Discussion, and Possible Action Regarding unauthorized or unapproved expenditures by the EDC and applicable statutes.

**Item carried forward to next meeting**

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

8-1: To seek the advice of legal counsel for contemplated litigation against Arnold, Walker, and Arnold (TEX. GOV'T CODE ANN. § 551.071). The council will then re-convene in open session for review, discussion, and possible action on this matter.

**Executive session began at 6:26 PM and ended at 6:57 PM**

**No action was taken during the executive session.**

**9. ADJOURN**

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

/s/ Randy Hodges  
Randy Hodges, Mayor

/s/ Tina Love  
Tina Love, City Secretary