

*LONE STAR CITY COUNCIL
REGULAR MEETING
FIRE HALL – 201 WEST INDUSTRIAL
March 23, 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, Aldermen Mona Brown, Rudy Dudley, Cody Wommack and City Secretary Tina Love. Absent was Tony Johnson.

1. CALL TO ORDER – Mayor Randy Hodges at 6:02 p.m. Mayor Hodges commented on last week’s meeting being cancelled due to not having enough people for a quorum.

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.*

Citizen Keith Reiter referenced the proposed water district contract. He doesn’t think it benefits the citizens of Lone Star.

4. CONSENT ITEMS:

Minutes of Regular Council Meeting on February 16, 2023
Minutes of Special Meeting on February 27, 2023

A motion to accept the minutes of Regular Council Meeting on February 16, 2023 and Minutes of Special Meeting on February 27, 2023 was made by Jerri Chism with a second from Rudy Dudley. 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 police reports. He commented about the number of tickets Officer Cole had written and wanted to address the hiring of officer Cole. The hiring of officer Cole was not listed as an item on the agenda and will be placed on the agenda for the next meeting.

A motion to accept reports 5-1 thru 5-7b was made by Mona Brown with a second from Jerri Chism. All present voted Aye.

6. NON-ACTION ITEMS

6-1: Presentation by Ark-Tex Council of Governments (ATCOG) about City of Lone Star 9-1-1- addressing.

The ATCOG representative was unable to attend the meeting. The purpose was for ATCOG to discuss managing the 9-1-1 address system for the City of Lone Star instead of it being manually managed by City employees. 9-1-1 addresses are currently identified as the physical address. There will be no cost to the City for ATCOG to coordinate and assign the 9-1-1 addresses as necessary. If the current address is adequate and meets the requirements no changes will be necessary. Addresses which do not meet the 9-1-1 addressing requirements will need to be changed.

No action.

7. ACTION ITEMS

7-1 Review, Discussion, and Possible Action by the Council on City Bidding Policies and Procedures and applicable statutes (carried forward from 2/16/23, item 6-3).

A motion to table this item was made by Cody Wommack with a second from Mona Brown. All present voted Aye.

7-2: Review, Discussion, and Possible Action by the Council to authorize the mayor to request Detailed Confidentiality Reports of sales tax receipts from the State comptroller" (carried forward from 2/16/23, item 6-8).

A request has been submitted to the State Comptroller's office, but nothing was received at meeting time. No action.

7-3: Review, Discussion, and Possible Action by the Council regarding status of removal of fence from City Street at Woodcrest and Hwy 259 (tabled from meeting 2/16/23, item 6-10).

Code Enforcement officer, Kyle Harrison has reviewed plats and looked at the different locations of the fence over a period. He was unable to attend the meeting to discuss details and Mayor Hodges suggested the item be tabled unless Trent Duke, who is the property owner, and in attendance, wanted to provide more details. Trent discussed the existing fence against the road, to the back gate, has existed there going on 15 years. The section from the gate to the back corner was moved approximately four (4) years ago to match the already existing fence against the road. The signpost, which no longer has a sign on it, are two feet away from the curb and have been there for 30 years. Discussed his father attending

a meeting several years ago, whether it was written in the minutes, voted on, or a gentleman's agreement, it was agreed the fence against the road, at least from the front to its previous location at the back of the building, out to the road was approved. A lot of vandalism had occurred which prompted placement of the fence around the property. Mayor Hodges indicated the City had no signed document on file about the fence placement. There was no commercial fence ordinance at the time, only a residential fence ordinance. Discussed there would be nothing gained by the movement of the fence, only the loss of four feet of parking space. Cody Wommack referenced the fence ordinance, the property is not an easement, and discussed the total footage of City owned property within the fenced area. Trent referenced the fence had been discussed in a previous meeting and he was there to discuss it again. A question was asked if Trent was planning to adverse possess the land? Trent wants the ability of it to be fenced in. He doesn't want a structure built on it, or to change it. He only wants to park vehicles on it and doesn't want people entering the property without his knowledge. If the City or anyone needs access to the property, they can contact him for access. Mayor Hodges stated we don't have anything definitive. This was a series of handshakes, and agreements, we don't have any legal documents, or anything to quantify it. Legal counsel indicated the City can allow anyone to move a fence and must maintain the definition of right of way and access to it. Mayor Hodges asked Counsel how they wanted to proceed?

A motion to drop it was made by Mona Brown. Cody asked what does that mean? A discussion occurred about leaving the fence where it was located without meeting. Reference was made to a previous vote to have the fence moved to the property line. Cody thinks it is a bad idea legally to not continue with that.

A motion to leave the fence where it is was made by Mona Brown, with a second from Jerri Chism. Three voted for, one voted against. Motion carried.

7-4: Review, Discussion, and Possible Action by the Council to consider the execution of the Lone Star Subdivision Contract for the Serenity development subdivision between the City of Lone Str and Northeast Texas Municipal Water District (NETMWD) (tabled from meeting 2/27/23, item 3-2).

Dominik Sobieraj, Operations Manager, of NETMWD, was filling in for Wayne Owens, who was unable to attend the meeting. Mr. Sobieraj discussed the water rates for Serenity which is outside the jurisdiction of Lone Star -vs- the water rates for Lone Star. NETMWD provides water for seven member cities – Pittsburg, Ore City, Lone Star, Daingerfield, Avinger, Hughes Springs, and Daingerfield. The contract with member cities indicates any water provided outside the city limits of a member city must be approved by the NETMWD board. NETMWD board members had several meetings and approved supplying Serenity water. NETMWD will charge the City of Lone Star a rate of \$3.25 per 1,000 gallons to supply water outside the city limits to Serenity. The City will need to determine a rate to charge Serenity. Discussed a previous concern if the addition of the new subdivision would impact the water pressure for citizens within the city limits (this was prior to an engineering study). After the engineering study was completed, it was determined the current water tower capacity and pressure test meet the TCEQ guidelines and shouldn't affect the water pressure. The increased cost of chemicals affects the cost NETMWD charges for non-member water recipients. The City has paid the same rate for 13 years at \$1.48 per 1,000 gallons. Discussed the abundance of water availability, the above ground water tower and the new installed ground storage tank. The contract that was presented to Lone Star for review had some changes suggested and was returned for modification. It will be after the next NETMWD board meeting on April 24, 2023 before it will be available to review again. No action required.

7-5: Review, Discussion, and Possible Action for the Mayor or Legal Counsel to contact the Morris County Judge for the consideration of a waiver or variance to the Morris County Subdivision and Plat Regulation which references a 30-year minimum agreement for water supply to a subdivision e.g. Serenity Development subdivision (tabled from meeting 2/27/23, item 3-3).

Mayor Hodges referenced items 7-5 and 7-25 will be discussed together. Go to 7-25 for details.

7-6: Review Discussion, and Possible Action by the Council to proceed with actions for the sewage backup and overflow at 511 Wildrose.

The sewage backup and overflow at 511 Wildrose and the consideration to honor the claim for \$10k was discussed. Discussed the possibilities of a lawsuit, increased cost, and the City having legal representation from TML if the claim wasn't honored. Discussed the installation of a flapper valve at the residence to prevent a recurrence. Discussed if the claim was honored, how it would be paid – cash in a CD or borrow from a CD. A question was asked if the EDC could make a loan to the City and if so, consider this as another option. TML will be contacted about the EDC making a loan to the City, and the bank will be contacted about borrowing from a CD.

A motion to settle the claim for the \$10K was made by Rudy Dudley, with a second from Jerri Chism. All present voted Aye.

7-7: Review, Discussion, and Possible Action by the Council for the EDC to consult legal counsel and proceed with legal actions against Lone Star Concrete Technologies for breach of contract and poor workmanship on the City Park basketball court.

EDC Chairman Rudy Dudley discussed the circumstances at the City Park basketball court. He indicated the EDC didn't want to take legal action, even though it was discussed, but only wanted the job done right. Discussed items that were not completed per the contract, and the workmanship. Discussed the EDC offer, and counteroffer made by Lone Star Concrete Technologies. Discussed whether to have the City legal counsel draft a letter and other options on how to proceed. Determined not to pursue any additional actions.

7-8: Review, Discussion, and Possible Action by the Council to appoint Election Judge and Alternate Election Judge for the Lone Star General Election to be held on May 6, 2023.

A motion was made by Jerri Chism to approve items 7-8, 7-9, and 7-10 as presented with a second from Mona Brown. Three voted for, one voted against.

7-9: Review, Discussion, and Possible Action by the Council to approve the Election Services Contract with the County Elections Officer Brittany Andrews and the City of Lone Star, Texas for the May 6, 2023, election.

A motion was made by Jerri Chism to approve items 7-8, 7-9, and 7-10 as presented with a second from Mona Brown. Three voted for, one voted against.

7-10: Review, Discussion, and Possible Action by the Council to approve the Joint Election Agreement between the Daingerfield-Lone Star ISD, the City of Daingerfield, the City of Lone Star and Northeast Texas Community College.

A motion was made by Jerri Chism to approve items 7-8, 7-9, and 7-10 as presented with a second from Mona Brown. Three voted for, one voted against.

7-11: Review, Discussion, and Possible Action by the Council to approve the CenterPoint Energy 2023 Annual Gas Reliability Infrastructure Program (GRIP) adjustment for the Beaumont/East Texas Division (which includes Lone Star) and determine if to suspend the effective dates for a period of no longer than forty-five (45 days).

The GRIP interim rate adjustment will go into effect May 1, 2023, unless the City decides to suspend for a period not longer than forty-five (45) days. Citizen Keith Reiter asked if there were any other service providers ever considered another utility provider.

A motion to delay the GRIP adjustment for 45 days was made by Rudy Dudley with a second from Jerri Chism. Two voted for, one no vote. Motion passed.

7-12: Review, Discussion, and Possible Action by the Council to authorize the City Secretary to contact Sanitation Solutions and proceed with the Jack Anderson scholarship at \$1,000 to be awarded to two Daingerfield high school seniors from the city of Lone Star (\$500 each).

A motion to approve the City Secretary to contact Sanitation Solutions for the \$1,000 for the Jack Anderson scholarship fund was made by Rudy Dudley with a second from Cody Wommack. All present voted Aye.

7-13: Review, Discussion, and Possible Action by the Council regarding 2023 Consumer Price Index (CPI) Adjustments to Municipal Telecommunications Right-Of-Way Access Line Rates and to accept or decline a rate increase of 4.2883% from 2022 rates.

A motion to notify them (Public Utility Commission of Texas) that we are not increasing the rate was made by Cody Wommack, with a second from Jerri Chism. All present voted Aye.

7-14: Review, Discussion, and Possible Action by the Council to approve the annual Spring cleanup dates of April 1 – 15, 2023 and Fall cleanup dates of September 1 – 15, 2023.

A motion to approve the annual Spring and Fall cleanup dates as presented was made by Rudy Dudley, with a second from Jerri Chism. All present voted Aye.

7-15: Review, Discussion, and Possible Action by the Council to provide Ark-Tex Council of Governments (ATCOG) Board of Directors documentation designating Mayor Randy Hodges as the City of Lone Star's appointment to the ATCOG Board of Directors as referenced in Resolution 2023-318.

The City was contacted by an ATCOG representative indicating the City of Lone Star did not have documentation identifying an appointment for the ATCOG Board of Directors.

A motion designating Randy Hodges as the City of Lone Star's appointment for the ATCOG Board of Directors was made by Cody Wommack with a second from Rudy Dudley. All present voted Aye.

7-16: Review, Discussion, and Possible Action by the Council to consider an Interlocal Agreement for City 9-1-1 addressing with Ark-Tex Council of Governments (ATCOG) and the City of Lone Star referenced in Resolution 2023-319.

A motion to table this item was made by Cody Wommack, with a second from Jerri Chism. All present voted Aye.

7-17: Review, Discussion, and Possible Action by the Council to consider the destruction and removal of a structure located at 260 San Jacinto St. Lone Star Texas 75668, referenced order no. 2023-316-01.

The Code Enforcement officer was unable to attend the meeting to discuss item 7-17.

A motion to table this item was made by Cody Wommack with a second from Mona Brown. All present voted Aye.

7-18: Review, Discussion, and Possible Action by the Council to consider the destruction and removal of a structure located at 708 Northaven Dr., Lone Star, Texas, 75668, reference order no. 2023-316-02.

The Code Enforcement officer was unable to attend the meeting to discuss item 7-17.

A motion to table this item was made by Cody Wommack with a second from Mona Brown. All present voted Aye.

7-19: Review, Discussion, and Possible Action by the Council to approve/disapprove bid received from RCC Excavation and Fabrication, LLC, in the amount of \$64,600.00 to replace fencing and dugouts located at the Lone Star City Park baseball/softball field.

The EDC solicited bids for the replacement of fencing, backstop, and dugouts located at the City Park baseball/softball field. Two firms submitted bids for the project. EDC Chairman Rudy Dudley contacted TML about the receipt of only two bids, instead of three, to determine if there would be an issue. TML advised the bids could be accepted as received, reject one or both bids, or accept both bids and proceed. The bids were opened and reviewed by the EDC and discussed. RCC Excavation and Fabrication LLC had the lowest bid of the two bids. Bowie Cass will remove the light fixtures and wiring on the light poles for free prior and ensure there is no electricity connected prior to the installation of new fencing. The light poles will be cut down and saved for a park border or could be sold. RCC will remove the light poles and existing fences. The backstop to dugout fencing will be replaced with nylon netting and the remaining with chain link fencing. The outfield fencing will be located at 200 ft. to enable play for all ages and consider placing picnic tables between the fencing and woods as a family area. Develop a policy identifying guidelines for field usage. Rudy is asking the Council to consider approving the project.

Cody Wommack referenced the cost of the project, and the council having to approve all expenditures. Discussed historically underutilized businesses in Morris County not being contacted for projects and the legal requirements. Rudy Dudley discussed the legal requirements were met, bids were posted on the website and in the newspaper for two weeks for those interested to bid.

A motion to approve the expenditures for the fencing was made by Rudy Dudley, with a second from Jerri Chism. Three voted for, one voted against. Motion passed.

7-20: Review, Discussion, and Possible Action by the Council to approve/disapprove the EDC to prepare bids for pier repairs and the swimming area cleanup at the City Park.

EDC Chairman Rudy Dudley discussed the condition of the swimming area and the pier located at the City Park. He has asked for Council's approval to proceed with getting bids to clean out the swimming area and repairs to the pier.

A motion authorizing EDC Chairman Rudy Dudley to move forward with getting bids for the swimming area and pier was made by Mona Brown with a second from Jerri Chism. Three voted for, one voted against. Motion carried.

7-21: Review, Discussion, and Possible action by the Council to approve/disapprove the EDC to purchase the softball/baseball field, a four-row set of aluminum bleachers for an estimated \$1,081.00 plus shipping and handling and allow up to \$500.00 for assembly and placement of bleachers at softball/baseball field.

Consider the purchase of one aluminum bleacher to replace the old wooden bleacher. To repair the old bleachers would cost between \$2500-\$3000 due to the cost of wood, which is estimated at \$70-\$80 each per 2' x 12' at 12-15 ft. long. The expenditure is less than \$2K and does not require approval but is being present for approval anyway.

A motion to approve the purchase of one aluminum bleacher was made by Mona Brown, with a second from Jerri Chism. Three voted for, one voted against. Motion carried.

7-22: Review, Discussion, and Possible Action by the Council to approve/disapprove the EDC to purchase a forty-six-inch round ADA handicap accessible picnic table, blue in color, estimated at \$828.85, a mounting kit, estimated at \$28.85, plus shipping and handling, and allow up to \$250.00 for assembly and placement of picnic table at the City Park.

EDC Chairman Rudy Dudley discussed the need for the City Park to become ADA compliant. The EDC voted and approved the purchase of an ADA handicap accessible picnic table for placement in the City Park and was presenting the purchase to Council for approval. The estimated cost is listed above.

A motion to purchase an ADA handicap accessible picnic table for the City Park was made by Jerri Chism, with a second from Rudy Dudley. Two voted for, one voted against. Motion carried. Note – Alderwoman Mona Brown left early due to illness.

7-23: Review, Discussion, and Possible Action by the Council to approve the EDC to pursue gathering information on a new storm siren system for the city and research payment options (grants, loans, etc.).

On March 6, 2023, a representative from Safety.com made a presentation to the EDC on storm siren systems. The system discussed is the same system installed in Daingerfield. If purchased, it is possible the Daingerfield and Lone Star systems could be tied together and use some of the same features, such as radio repeaters. Money could be saved if two placement poles are purchased locally instead of purchasing from the supplier. Discussed some small cities received FEMA grants to pay for a storm siren system. The EDC is asking for permission to proceed with gathering information about the storm siren systems and available grants. Also discussed the consideration of a blast notification system in addition to the storm siren system.

Citizen Keith Reiter discussed that storm sirens are designed to be heard outside and not designed to be heard inside and feels it is a huge expense when there are better technological ways to communicate. Various options and blast systems were discussed.

A motion to look at a storm siren system as an alternative was made by Rudy Dudley, with a second from Jerri Chism. Two voted for, one voted against. Motion carried.

7-24: Review, Discussion, and Possible Action by the Council regarding future plans for the Lone Star Elementary Property.

Cody Wommack made a motion to table item 7-24. The item was not tabled but discussed further on what could be done at the school. The biggest problem is the school contains asbestos and it could cost \$1 to \$1.5 million to have asbestos abated. Discussions continued about previous asbestos reports, the structures containing asbestos, and various options in which the property could be used after the asbestos was removed, but nothing conclusive was decided. No action.

7-25: Review, Discussion, and Possible Action by the Council to legal issues surrounding municipal regulations of subdivision in extraterritorial jurisdiction of the City of Lone Star.

Items 7-5 & 7-25 were discussed together. Cody Wommack described research he had done about the 30-year minimum water agreement as required for Morris County. Described as model subdivision rules which were created as an attempt to prevent las-colonias, which is like a small community or shanty town without water, sewer, or plumbing. Almost all counties within fifty miles of the border have adopted these rules. Other counties can adopt the rules to get a subsidy from the government. Some counties have adopted the rules but have not received the subsidy. Morris County was identified as one. It was described that Morris County adopted the rules to try to get funding to bring water to the interstate area. It was discussed who is supposed to regulate a subdivision within extraterritorial jurisdiction. Reference was made to Chapter 242 of the government code. A municipality and county may n ot both regulate subdivision. A written agreement between the city and county identifying who is going to regulate a subdivision in accordance to chapter 242 should have been done before April 1, 2002. We need to decide if the city is going to regulate the subdivision or let the county. Discussed the perimeter of the extraterritorial jurisdiction. Discussed considering annexing the subdivision or not. Mayor Hodges wants to speak with Judge Reeder about some of these issues.

Item was tabled. No action

8. ADJOURN

A motion to adjourn was made by Jerri Chism with a second from Rudy Dudley. All present voted Aye.

/s/ Randy Hodges
Mayor

/s/ Tina Love
City Secretary