

*LONE STAR CITY COUNCIL
FIRE HALL – 201 WEST INDUSTRIAL
May 20, 2021 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.

Citizens may join the GoToMeeting by logging on at <https://global.gotomeeting.com/join/503362541> . They may also join by calling [+1 \(571\) 317-3112](tel:+15713173112) and entering the Access Code: 503-362-541. Participants will be asked to **mute their phones/microphones**. There will be an audio recording made of the meeting and uploaded to the City website.

Members of the public who wish to submit their written comments on a listed agenda item must submit their comments by emailing citysecretary@lonestartx.net or by calling 903-656-2311 for staff assistance. Comments must be received before 3:00 p.m., May 20, 2021.

MINUTES

Present were Mayor Randy Hodges, Mayor Pro Tem Jerri Chism, Aldermen Rudy Dudley, Mona Brown, Lynn Cox, and City Secretary Tina Love. Absent was Jeremy Livingston.

1. CALL TO ORDER – Mayor Randy Hodges at 6:03 P.M.

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation – Lynn Cox

Pledge of Allegiance – All in unison.

3. ELECTION MATTERS:

Administer Oath to Newly Elected Officials – City Secretary – Tina Love

4. CITIZEN COMMENTS:

Trent Duke notified the Council that he is selling his saw mill and purchasing another one which could bring 8-10 new jobs to Lone Star.

5. CONSENT ITEMS:

Minutes of the Regular Meeting on April 15, 2021.

A motion to accept the minutes of April 15, 2021, as written, was made by Jerri Chism with a second by Mona Brown. All present voted aye.

6. REPORTS:

6-1: Judge/Court Report

6-2: Police Department Report

- 6-3: Fire Chief Report
- 6-4: Public Works Report
- 6-5: Water District Report
- 6-6: Financial Reports
 - a. Water and Sewer Fund
 - b. General Fund

A motion to approve Reports 6-1 through 6-6 a. and b. was made by Mona Brown, with a second by Jerri Chism. All present voted aye.

7. ACTION ITEMS

- 7.1 Review, Discussion, and Possible Action by the Council to consider Tax Resale Deed for property described as Lot 13, Block 3, Bradford Park Addition, City of Lone Star; 633 North Haven Drive to correct an issue with a previous tax sale.

Richard Brand, of Linebarger Attorneys at Law provided the City of Lone Star with a Tax Resale Deed for Lot 13, Block 3, Bradford Park Addition, Lone Star; Situs 633 Northhaven Drive for council consideration. The purpose is to correct an issue with previous property tax sale in which the period of redemption had expired. The sale of this property will benefit all taxing entities involved and return the property to respective tax rolls. Resolution 2021-310 was issued for consideration of the sale of Lot 13, Block 3, Bradford Park Addition, Lone Star.

Lynn Cox made a motion to accept Resolution 2021-310 with a second from Jerri Chism. All present voted aye.

- 7.2 Review, Discussion, and Possible Action by the Council Resolution 2021-309 donating surplus property, identified as a 2013 Chevrolet Tahoe, to the Daingerfield Lone Star ISD Police Department as discussed in council meeting on January 21, 2021.

A motion to accept Resolution 2021-309 donating the 2013 Chevy Tahoe to the Daingerfield/Lone Star ISD Police Department was made by Mona Brown, with a second by Jerri Chism. All present voted aye.

- 7.3 Review, Discussion, and Possible Action by the Council Resolution 2021-308 suspending the effective date for forty-five (45) days in connection with the CenterPoint Energy 2021 Annual GRIP adjustment for the Beaumont/East Texas division as discussed at the council meeting dated March 18, 2021.

A motion to accept Resolution 2021-308 suspending the effective date for the CenterPoint Annual Grip adjustment was made by Rudy Dudley, with a second by Jerri Chism. All present voted aye.

- 7.4 Review, Discussion, and Possible Action by the Council to discuss repairs to Lacewood street and payment for repairs.

Mayor Randy Hodges discussed the need for road repairs at Lacewood. The road conditions were not very good but were damaged more with the previous

infrastructure repair of one of our lift stations. Heavy equipment traveling up and down the roadway while working on the lift station worsened the road condition. Recent rains have added to the deteriorating road condition. Pictures were provided by Mona Brown showing the current road condition and trenches on each side of the road.

In November, 2020 the Council approved using \$18,289.20 from CD #92363 to repair the Lacewood road. Shane Townson discussed the usage of CD funds, \$5,000 from Public Works street repairs, along with funds received from the sale of several vehicles to make up the quoted cost of \$32,500 for the repairs. Shane has contacted Howard Brothers construction again and they will honor the street repair cost at \$32,500 as previously quoted. Shane is also trying to contact another contractor for an additional quote. Council discussed the various options to fund the repairs of Lacewood. Instead of using \$18,289.20 from CD #92363, as previously agreed upon, it was discussed to consider using the entire CD at \$26,783.12 to make up the difference in funds from vehicle sales along with the \$5,000 from the Public Works funds allocated for street repairs. The combined moneys total \$31,783.12 which is slightly less than the quoted value to repair the street. Additional resources will be utilized to make up the difference of \$716.88.

A motion to cash in CD #92363 at \$26,783.12 and \$5,000 from Public Works Street funds to repair Lacewood was made by Lynn Cox with a second from Jerri Chism. All present voted Aye.

7.5 Review, Discussion, and Possible Action by the Council for Kevin Martin to speak about his opposition to 217 W. Germany variance.

Mr. Martin presented the Council a packet filled with pictures of his property along with text messages communicated between himself and Mr. & Mrs. Smith. Pictures were of his property prior to the construction of Rocky Point Adventures and current pictures. Mr. Martin asked to see what type of paperwork was issued by the Smiths for the variance at 217 W. Germany. The City Secretary provided a copy of the paperwork drawn up for the variance at 217 W. Germany which includes six picnic tables, a handicap parking spot, and a turn around. Mr. Martin expressed his opposition of the six picnic tables identified in the variance because they are thirty feet from his property and he is concerned that additional picnic tables may be added in the future. He discussed others issues of concern with the 217 W. Germany and Rocky Point Adventures.

No action taken.

7.6 Review, Discussion, and Possible Action by the Council for drawing variance at 217 West Germany provided by Rocky Point Adventures.

In accordance with our City Ordinance, Kenny Taylor identified 217 W. Germany as a residential property which can be used to build a single-family dwelling and/or for agricultural growth. Issuance of the variance is necessary to put the roadway in for the turn-around of vehicles traveling to and from Rocky Point Adventures and to allow a handicap parking spot as identified on the variance request.

Rudy Dudley made a motion to deny the variance. No second was made. The Mayor asked if there were any more decisions. Mr. Karl Cochran asked to speak and presented that Rocky Point Adventures is abiding by the Laws of Texas and of Lone Star. They have added 34 jobs to the community and are open 100 days of the year and are asking the Council to consider approval of the variance to allow for the turn-around. Kevin Martin asked to speak and stated the Council voted to abolish the Zoning and Planning Committee which was the voice for citizens. He asked the council to table the variance.

Lynn Cox made a motion to table this issue with a second from Jerry Chism. All present voted Aye.

7.7 Review, Discussion, and Possible Action by the Council to consider re-electing Sandy Wexler as the Northeast Texas Municipal Water District Director for Lone Star whose term expires on May 31, 2021.

A motion was made by Mona Brown to select Sandy Wexler to serve as the Northeast Texas Municipal Water District Director for Lone Star with a second from Jerri Chism. All present voted Aye.

7.8 Review, Discussion, and Possible Action by the Council to discuss the sale of a 1997 Chevrolet Van purchased by the Fire Department in March 2005.

Interest was expressed to sale the Fire Department's 1997 Chevrolet Van to make room for the new fire truck. Currently, the van is mostly used to store various fire equipment and is very seldom used at fire scenes. Pictures of the van will be placed on the website with a starting bid at \$2,500 minimum.

A motion to sale the 1997 Chevrolet Van was made by Mona Brown with a second from Jerri Chism. All present voted Aye.

7.9 Review, Discussion, and Possible Action by the Council to discuss Absolute Technologies discontinuance of current server backup service subscription and changing to a new system with a price increase of \$10.00/month.

Absolute Technology is our IT service provider which provides the necessary Firewall protection, security, server maintenance, external hard drive storage and updates to windows applications. The current server backup service subscription is changing, and Absolute Technology has decided to go with a new service provider. The new service provider will cost an additional \$10.00/month.

Jerri Chism made a motion to accept item 7.9 referencing Absolute Technologies price increase with a second from Mona Brown. All present voted Aye.

7.10 Review, Discussion, and Possible Action by the Council to discuss if the City insurance provides Employee Assistance Program and if not, what steps are necessary to offer EAP to the City employees.

Rudy discussed issues encountered by our police and fireman can cause post-traumatic stress. In February, the Council approved up to 72 hrs. leave for an

employee involved in a traumatizing experience. Rudy asked the Council to consider providing EAP to the employees if the cost is not too high. The City Secretary discussed that TML is changing their insurance provider to Blue Cross Blue Shield in the future. One of the options identified in the training webinar is optional EAP. This may/may not be considered as part of the package in which the city purchases but may be considered as an option for the employee to purchase. TML is to provide additional information on the insurance changes, but it will be later this year.

A motion to table this item pending additional information was made by Mona Brown with a second by Jerri Chism. All present voted Aye.

- 7.11 Review, Discussion, and Possible Action by the Council to discuss the purchase of a Christmas tree topper as approved by the Economic Development Board and not to exceed \$300.00.

Rudy discussed that we did not have a topper for our Christmas tree last year. The EDC approved the purchase of a topper not to exceed the cost of \$300.00. Temple Display provided a bid for a topper at \$256.50 if purchased before May 31st. Rudy is asking the Council for consideration to purchase this topper.

Jerri Chism made a motion to approve the purchase of the Christmas topper for \$256.50 with a second from Mona Brown. All present voted Aye.

- 7.12 Review, Discussion, and Possible Action by the Council to discuss the City's permit and fee schedules, including, but not limited to variances fees, etc.

Rudy Dudley discussed we have various activities going on in town in which we could possibly be charging permit fees. He discussed the various permit fees charged by other cities and would like to see Lone Star charge similar fees. Rudy visited with representatives from Daingerfield and Hughes Springs about inspections performed and permit fees charged. Rudy also visited with a gentleman named Steve Derrick from Hughes Springs who does all the inspections for Daingerfield and Hughes Springs, with exception to electrical inspections, in which are performed by Mr. Joe Bush. If a person needs a permit in Daingerfield or Hughes Springs, a form is completed and given to Mr. Derrick and he will identify the necessary permits required to complete the job. He charges \$100 per inspection and the city charges a flat fee of \$25.00 per inspection; therefore, the total cost to a home owner is \$125.00 per inspection. It was suggested that we review, update, and evaluate our ordinances to ensure we are in compliance with the 2015 International Building Code and consider adopting a plumbing code, building code and electrical code if they are not currently identified in our ordinance.

Mona Brown made a motion to table this item pending additional information with a second from Jerri Chism. All present voted Aye.

- 7.13 Review, Discussion, and Possible Action by the Council to discuss the Visual Improvement Program the EDC has approved.

The EDC created a questionnaire that is being passed out to businesses throughout Lone Star to see who is and is not aware of the EDC and its functions. As a type "B"

EDC, there are limitations on how money can be spent. Rudy researched several cities throughout the state of Texas to see what type of programs were successful. One program was a Visual Improvement Program. A Visual Improvement Program allows a business to apply and participate in the program by completing an application. If approved, the EDC can match up to 50% of cost, up to a maximum of \$2,000 in an 18-month period. Tenants and property owners are eligible to participate in the program. Tenants who may want to participate must have owner approval in writing before any work is performed. If approved for the program, a business must be ready to begin construction within 60 days of approval date and complete within six months. Qualifying expenditures can be used on doors, entrance upgrades, signage replacement, correction to city code violations, windows, awnings, shrubbery, trees, etc. Reimbursable expenditures will be paid after receipts and paperwork are received and the job is finished. No partially completed project will receive funding and all projects must meet permit and building code requirements. All improvements must be defined and provided to the EDC for approval.

Lynn Cox made a motion to approve the Visual Improvement Plan if the EDC wants to implement it with a second from Jerri Chism. All present voted Aye.

- 7.14 Review, discussion, and possible action to discuss the implementation of a hotel tax for the city with intent to use these taxes for the procurement and building of a city community center.

Rudy discussed the possibility of upcoming Air B & B's, cabins, and motel in Lone Star. Currently the city does not charge a Hotel Occupancy Tax (HOT) but is considering it. Rudy discussed HOT collected from other cities, rates, payment by patrons and not owners, and the usages of the funds received. The Council was provided an information packet which included the HOT, Short Term Rental HOT, Texas Occupancy Tax Forms from the Comptrollers website, information on when to file, the reporting period, exemptions, refunds, retention of records, how to apply for hotel tax permit, forms to file, and a quick reference guide. Various usages of the HOT were discussed and reporting frequency to state.

Mona Brown made a motion to accept 7.14, as presented, excluding the city community center referenced (example), at a percentage rate of 7%, effective June 1, 2021, with a second from Jerri Chism. All present voted Aye.

- 7.15 Review, discussion, and possible action by the council the construction proposal to repair the pier/dock located at the City Park in Lone Star.

The pier located at the City Park needs repair. The EDC approved a short-term fix so it can be utilized this summer safely. A request for proposal was issued for repairs and three bids were received. The EDC approved an amount up to \$500.00 for the repairs and is asking for the council's approval to proceed with the repairs if one of the three received bids is less than the approved amount.

A motion to proceed with the pier repairs but not to exceed \$500.00 was made by Lynn Cox with a second from Jerri Chism. All present voted Aye.

- 7.16 Review, discussion, and possible action by the council review Zoning Ordinance 54 amendment to include short term rental properties.

The city secretary contacted legal about the zoning ordinance and was notified the council could review and approve, but to be aware that an active lawsuit may require us to change the ordinance in the future. Short term rental properties must be inspected annually and meet all building codes. The city does not have an established inspection fee, but other cities charge between \$200 - \$400.

Lynn Cox made a motion to accept the zoning ordinance at a fee of \$250.00 annually plus additional cost for inspections with a second from Mona Brown. All present voted Aye.

- 7.17 Review, discussion, and possible action by the council to consider for hire, Collin Way, as a replacement police officer for David Hood.

Chief Blythe introduced Collin Way as a candidate to consider for replacement of officer David Hood. Collin provided the Council personal details about himself, education, and previous work experiences. Chief Blythe complimented Collin in successfully passing the physical fitness test, written exam, and interview board and thinks he would be a good candidate for consideration.

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

- 8.1 To consider for hire, Collin Way, as a replacement police officer for David Hood's position (TEX. GOV'T CODE ANN. § 551.074). The council will then re-convene in open session for review, discussion, and possible action on this matter.

No action was taken during executive session.

9. ADJOURN

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

/s/Randy Hodges
Randy Hodges, Mayor

/s/ Tina Love
Tina Love, City Secretary