**CITY OF IVANHOE**

**REGULAR MONTHLY MEETING MINUTES**

**DECEMBER 15, 2022**

**6:00 PM**

**Newly Elected Council Members Statement of Officer and Oath of Office**

City Judge, Cathy Rader, presided over the swearing in of the Mayor, Skip Blackstone, and two City Councilmembers, Will Warren and Carolyn Williams.

**Marshal Department Officers Statement of Officer and Oath of Office**

City Judge, Cathy Rader, presided over the swearing in of Terry Riley, Marshal, and Robert Crossman, Steven Drumm and Jim Zachary as Deputy Marshals for the City of Ivanhoe.

Meeting was called to order by Mayor Blackstone at 6:08 pm. Quorum was established with all councilmembers present with the except of the vacated seat by Councilmember Blackstone. Invocation was given by Brad Elrod and followed by The Pledge of Allegiance. The meeting is live streamed on YouTube.

The following agenda items were discussed and action taken out of agenda sequence to facilitate a better understanding of the steps needed to be taken. Meeting minutes are in agenda item number sequence.

**Presentation of Delinquent Tax & Court Collections by Mr. James Guest of Linebarger Goggan Blair & Sampson, LLP**

(See Agenda items #17, 18, 19 & 20)

Mayor Blackstone asked if there are any questions or comments from the audience. There being no comments the mayor proceeded to the consent agenda items.

**Consent Agenda Items**

* Mayor Blackstone asked if there were any items on the consent agenda that needed to be removed. There being none, the following items were adopted as presented:
  + Minutes of Regular Monthly Meeting of November 17, 2022

**Agenda Item #1 – Nomination to Fill Councilmember Seat Vacated by Skip Blackstone**

* Councilmember Warren made the motion to nominate Justin Gregory to fill the council seat vacated by Skip Blackstone. The motion was seconded by Councilmember Williams. A discussion was had regarding Mr. Gregory’s qualifications and if he had previous council experience. Councilmember Morris submitted John Craven to serve as he was a previous councilmember. Councilmember Warren stated that there was already a motion and a second on the floor which required a vote per Roberts Rules of Order. The vote was split 2-2 and Mayor Blackstone broke the tie vote for Mr. Gregory.
* City Judge, Cathy Rader, presided over the swearing in of Councilmember Justin Gregory.

**Agenda Item #2 – Discuss/Action of Appointment of Mayor Pro-Tem**

* Councilmember Herrington nominated Councilmember Warren as Mayor Pro-Tem. The motion was seconded by Councilmember Morris and the motion passed unanimously.

**Agenda Item #3 – Discuss/Action of Resolution R2023-3R Bank Signatories**

* Councilmember Williams made the motion to adopt Resolution of R-2023-3R Bank Signatories. The motion was seconded by Councilmember Morris and the motion passed unanimously.

**Agenda Item #4 - Mayor’s Report**

* Special thanks to the audience and Cathy Bennett and her help with moving forward. Ms. Bennett is a small individual with big shoes to fill.
* Provided a summary of the video meeting with GLO representative, engineer and grant administrator.
* Wetlands have been found on the downstream side of Lake Camelot.
* The “S” curve on Tristan Dam at boat ramp and parking lot will be impacted by the emergency spillway work

The agenda item was for information only, no action taken.

**Agenda Item #5 - Supervisor of Dam Report by Rusty Harrison**

* Attempting to control the water level on Lake Charmaine to keep the spillway dry for caulking repair with 5-1/2 inches of rain. Still no communication from Chance Construction about dates for the re-caulking work to commence (weather related). Mayor Blackstone asked if there was anyone else that could do the job. Mr. Harrison stated that the city hasn’t looked for anyone, because in the past no one else wanted to do such small projects.

The agenda item was for information only, no action taken.

**Agenda Item #6 – Municipal Court Activity Report for November 2022**

Total Fines & Court Costs Collected $ 1,334.00

Total Fines Collected by City $ 1,007.87

Total Fines Sent to State $ 326.13

Year to Date Fines Collected $ 1,334.00

Previous Year to Date Fines Collected $ 3,158.00

Citations Processed for October & November (Current Fiscal Year) 25

Citations Processed for Previous Fiscal Year 35

Warrants/Capias Issued Fiscal Year-To-Date 13

Warrants/Capias Issued for Previous Fiscal Year 30

Citations Closed for Fiscal Year-To-Date 19

Citations Closed for Previous Fiscal Year 20

**Court’s Code Enforcement Activity for October & November 2022**

Code Enforcement Hearings Scheduled 13

Code Enforcement Hearings Held 7

(Working with property owners to bring properties into compliance.

No Shows 6

(Some were issued failure to appear notices which may result in warrants issued by the Court.)

The most common violations were pool fence, lot maintenance, travel trailer without current registration or sticker, abandoned/substandard building and junk vehicles.

This agenda item was for information only, no action taken.

**Agenda Item #7 – City Marshal Activity Report for November 2022**

Total Calls/Activity 60

Total of Activity Calls to Marshal’s Office 38

Total Calls Received from Tyler County Sheriff’s Office 22

Calls range from civil disobedience, animals, theft, etc. Also assisted Warren ISD with a pursuit. Next month racial profile training is required, state reports must be submitted and a grant application needs to be submitted.

This agenda item was for information only, no action taken.

**Agenda Item #8 – Code Enforcement Activity Report for November 2022 (Postponed)**

Postponed-the Code Enforcement Official was not present due to Court Clerk training.

**Agenda Item #9 – Public Works Report for November 2022**

* Public Works is trying to simply reporting and would like to do in-depth reports quarterly, instead of monthly. Councilmember Morris asked if pictures could be included in the notebooks. Mr. Marshall said this was part of the plan, especially for FEMA work where you must prove the work done for reimbursement.
* Catching up on culvert and patching work as weather permits.
* Will start using miles, instead of tonnage, when using ash mix material. 214 tons of ash = 642 tons of mix of approximately 1.2 miles of fly ash street surface since the city has started using the material.
* Currently has distributed 498 tons of ash mix with 142 tons currently on hand.
* Using ash mix cost the city $3,008.26 as compared to $28,252.92 for #2 limestone for a saving of $25,144.66. Ash mix cannot be used on asphalt. Councilmember Warren inquired as to how well the ash mix was holding up during the recent rains. Mr. Marshall stated very well.
* Open Work Orders – 7.

The agenda item was for information only, no action taken.

**Agenda Item #10 – Discuss/Action of Resignation of Dave Rader from Planning & Zoning Commission**

* Councilmember Warren made the motion to accept the resignation of Dave Rader from the Planning & Zoning Commission due to health issues. Councilmember Morris seconded the motion and the motion passed unanimously. Mayor Blackstone commented that Dave Rader was a member of the 101st Airborne and jumped out of perfectly good airplanes. Everyone is wishing Mr. Rader all the best.

**Agenda Item #11 - Discuss/Action Planning & Zoning Commission Recommendations (Postponed)**

* Copies need to be given to new councilmembers.

**Agenda Item #12 - Discuss/Action Livable Space Definition for Codified Ordinances**

* Councilmember Herrington stated nothing new to report at this time.

**Agenda Item #13 - Discuss/Action Approval or Disapproval of Derksen Type Preconstructed Buildings for Move in as Habitable Building**

* Councilmember Herrington stated nothing new to report at this time.

**Agenda Item #14 – Discuss/Action on Approval of Engineer for Bond Construction Work for FY-2023**

* Councilmember Morris stated that the committee met to review the proposals that were submitted. with three acknowledgments of receiving the Request for Proposals. Only one engineering firm providing a proposal: LJA for Bond Construction and for the TxCDBG 2023-2024 Grant Application. Councilmember Morris made the motion to approve LJA as the engineering firm for both the Bond Construction and the TxCDBG. The motion was seconded by Councilmember Williams and the motion passed unanimously.

**Agenda Item #15 – Discuss/Action on Approval of Engineer for TxCDBG 2023-2024 Grant Application**

* Included in Agenda Item #14.

**Agenda Item #16 – Discuss/Action of the November 2022 Financial Report**

* Mr. Woodrome informed Council that the November financial report is not complete due to delay on reconciliation reports from the accountant and requested that approval be postponed.
* The other monthly reports of Profit & Loss, sales tax and ad-valorem tax collections were presented to Council.
* Councilmember Warren stressed the importance to monitor payroll closely and make adjustment when needed.

**Agenda Item #17 – Deliberate, Consider & Take Action, if any, to Adopt & Approve an Order Authorizing a Collection Fee in the Amount of 30% as Provided by Article 103.0031, Texas Code of Criminal Procedure for the Collection of Debt & Account Receivables for Municipal Fees & Fines**

* Mr. Guest explained that the 30% collection fee passes the burden to the delinquent account. The city pays zero out-of-pocket. The law allows collection from 2003 forward.
* Councilmember Herrington made the motion to adopt and approve an order authorizing a collection fee in the amount of 30%. The motion was seconded by Councilmember Warren and the motion passed unanimously.

**Agenda Item #18 - Deliberate, Consider & Take Action, if any, to Adopt a Resolution, Approve a Contract & Any Findings Required to Hire Linebarger Goggan Blair Sampson, LLP to Enforce the Collection of Debt & Account Receivables for Municipal Fees & Fines**

* Councilmember Warren made the motion to hire Linebarger Goggan Blair Sampson, LLP to enforce the collection of debt and account receivables for municipal fees and fines. The motion was seconded by Councilmember Williams and the motion passed unanimously.

**Agenda Item #19 – Deliberate, Consider & Take Action, if any, to Terminate the Contract with McCreary, Veselka, Bragg & Allen, PC to Enforce the Collection of Debt & Account Receivables for Municipal Fees & Fines**

* Councilmember Warren made the motion to terminate the contract with McCreary, Veselka, Bragg & Allen, PC. The motion was seconded by Councilmember Gregory and the motion passed unanimously.

**Agenda Item #20 – Discuss/Action to Acquire Struck Off Property R028820, Lot 39, Block 1, Lake Ivanhoe, Section 3, an Addition in Tyler County, Texas, According to the Map of Plat thereof, Recorded in File #56, Plat Records of Tyler County, Texas**

* The city needs access property to Lake Ivanhoe without having to acquire or utilize Ivanhoe Property Owners Improvement Association parks. If authorized by the city, Linebarger, Goggan, Blair Sampson, LLP will work with all taxing entities involved to acquire the foreclosed property on Saxon Circle, probably at little to no cost. Linebarger will not charge any fees. Councilmember Warren made the motion for Linebarger to proceed with acquiring the property. The motion was seconded by Councilmember Morris and the motion passed unanimously.
* Mayor Blackstone gave special thanks to Cathy Bennet for being on top of this issue.

**Agenda Item #21 – Executive Session**

Mayor Blackstone requested that Executive Session be postponed due to length of meeting.

**Agenda Item #22 – Communications from Audience – Other Items**

* Patsy Morris thanked everyone who has served and who is currently serving on city council.

**Agenda Item #23 – Council Comments**

* Councilmember Morris thanked Councilmember Williams and Gregory for being willing to serve on Council
* Councilman Warren provided a reminder of the toy drive and showing of the movie “Grinch” at Chuck Marshal Park the following night. He noted the Grinch might put in an appearance.

**Agenda Item #24 – Adjourn Meeting**

Councilmember Gregory made the motion to adjourn the meeting. Councilman Warren seconded the motion and the motion passed unanimously. Meeting adjourned at 7:35 pm.

Respectfully submitted,

C. D. Woodrome, City Secretary

Approved by Council January 19, 2023

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Skip Blackstone, Mayor