

A regular meeting of the Groves City Council was held October 25, 2021 in the Groves City Council Chamber with Mayor Chris Borne, Mayor Pro Tem Sidney Badon, Councilmember Rhonda Dugas, Councilmember Mark McAdams, and Councilmember Paul Oliver in attendance. Mayor Borne called the meeting to order and welcomed the attendees. Mayor Pro Tem Badon led the prayer and pledge of allegiance.

APPROVE THE MINUTES OF THE OCTOBER 11, 2021 CITY COUNCIL MEETING AND THE OCTOBER 11, 2021 JOINT PUBLIC HEARING: Mayor Pro Tem Badon moved to approve the minutes of the October 11, 2021 City Council Meeting and the October 11, 2021 Special Meeting as written and Councilmember McAdams seconded. Mayor Borne asked for discussion and there was none. Motion passed unanimously.

Mayor Borne asked for reports. Public Works Director Troy Foxworth gave a report on improvements being made to City parks. Lions Park: The new playground area is waiting on two poles and grass will be placed around it. West Groves Park: Sanitation stations have been ordered for the workout area. He does not have a date on when the stations will arrive. We are also waiting on two park bench covers that should arrive by the end of next week. They will be installed when they arrive. Grass will be placed around the workout area. We are waiting on the restrooms to be completed. Mayor Pro Tem Badon asked if the restrooms at Lions Park are in working order. Mr. Foxworth stated that two doors are needed for the stalls. Mr. Sosa stated that the restrooms are still functional without the doors and that the Police Department locks them daily. Mayor Borne thanked Mr. Foxworth for his report. Fire Chief Lance Billeaud reported on progress being made on the new fire station. The roof will be completed next week. The station has power and it passed electrical and plumbing inspections. Work is being done on the interior. Tile is being installed and they will begin painting at the end of the week. The Fire Department expects to move to the new station in December. Mayor Borne thanked Chief Billeaud for the report.

RECEIVE THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING HELD ON 10/19/2021: Mayor Borne stated that the minutes would be received into the record as follows: "The City of Groves Planning and Zoning Commission met in the Public Works building, 4925 McKinley, on Monday, October 19, 2021, at 6:00 p.m. to consider the request for the property listed herein. 1. To vote on amendment changes to the ordinance: ART. VIII Zoning District Regulations, Section 8-300, (R-2) 1 & 2 Family Residential District and ART. VIII Zoning District Regulations, Section 8-700, (C-2) General Light Commercial District. Members

present: Rodney Pacetti, Chris Crain, Mike Presley. A quorum was achieved. Also attending was Councilmember Rhonda Dugas. Mr. Pedraza opened the meeting at 6:30 pm, with roll call. Let the records indicate a quorum was met. Mr. Mike Presley resigned his seat. Item of Business: Mr. Pacetti asked the commissioners if any discussion was needed. All commissioners replied "No". A motion was made by Mr. Presley to approve amendments as written. Seconded by Mr. Crain. Mr. Pacetti called for the vote and all three commissioners voted in favor to accept the amendments as written. With no further business, the meeting was adjourned at 6:47 p.m."

Mayor Borne asked for citizen comments. Robert Green of 5430 Main Ave. stated that 18 wheelers come in and out of Indorama and asked if there is any designated route for them and if it is legal for them to drive down Main Ave. Mayor Borne stated that City Manager D.E. Sosa would contact him regarding his concerns. Mr. Sosa stated that he would get Mr. Green's phone number after the meeting so that he could call him.

CONSIDER APPROVAL OF A REQUEST TO CLOSE LINCOLN AVE. FROM JEFFERSON TO WASHINGTON FROM 3:00 P.M. UNTIL 9:00 P.M. ON SATURDAY, OCTOBER 30, 2021 IN CONJUNCTION WITH THE FALL FESTIVAL 2021: Mr. Sosa explained that the City received this request from the downtown merchants and that the City has done this several times and has the barricades and manpower to do this. Councilmember McAdams made a motion to approve the request to close Lincoln Ave. from Jefferson to Washington from 3:00 p.m. until 9:00 p.m. on 10/30/2021 and Mayor Pro Tem Badon seconded. Mayor Borne asked for discussion and Beverly Herford, owner of Merle Norman/Bella Boutique, stated that all of the downtown merchants were on board with the festival. Councilmember Dugas asked Ms. Herford if she was the organizer and Ms. Herford responded that she was not, but that there is not much going on in the downtown area. Mr. Sosa explained that the City will provide the barricades during normal working hours and the festival organizers will set them up and take them down. The City will pick the barricades up on Monday and there will not be any overtime associated with this request. Councilmember Dugas asked if the merchants would be providing security and Ms. Herford stated they would not be having security. Councilmember Oliver asked if security is required and Mr. Sosa stated that it would not be required. Councilmember Oliver stated that the businesses on Lincoln Ave. have organized the event and asked if insurance will be provided. Mr. Sosa explained that this function does not change anything in regards to the City's liability, no more than any other day of the week. Mr. Sosa stated that the merchants are trying to generate interest on

Lincoln Ave. Councilmember Dugas stated that the City will not be at risk any more than usual and Mr. Sosa stated that was correct. Motion passed with Mayor Borne, Mayor Pro Tem Badon, Councilmember McAdams, and Councilmember Oliver voting in favor of and Councilmember Dugas voting against the street closing.

DISCUSS AMENDING THE CURRENT CITY CODE OF ORDINANCES CHAPTER 28-14, SECTION 108.4 (PLAN CHECKING FEE) FROM 50% OF PERMIT FEE TO 10% OF PERMIT FEE: Mr. Sosa stated that Public Works employee Gala Brown had suggested capping the plan review fee at \$2,500 and that Building Official Don Pedraza and Code Enforcement Officer Adam Mayea were in agreement. He explained that the plan review fee goes hand in hand with the building permit. Mayor Borne asked Fire Chief Lance Billeaud how many man hours it took to review the West Groves Elementary School plans and he responded approximately 8 hours. Councilmember Dugas asked if this would include buildings that are being renovated or just new structures. Mr. Pedraza stated that it depends on the size of the renovation. He referred to Magnolia Manor's renovation and stated that when they brought in their plans, it also involved the Fire Department. There were two reviews on the Magnolia Manor plans, but most of them only have one review. Councilmember Dugas asked if this is just for commercial buildings and Mr. Pedraza stated that is correct. Mr. Sosa recommended that the Council go with Ms. Brown's suggestion and cap the plan review fee at \$2,500. Mayor Borne clarified that the plan review fee for any permit over \$1,000,000 would be \$2,500 and anything lower than \$1,000,000 will be charged at the current rate. Mr. Sosa stated that City Attorney James Black would review any proposed changes. Mayor Borne requested the numbers for anything over \$1,000,000 for 2020 and 2021 at the next Council meeting to see the impact it would have on the City's revenues. He also stated that the item to be considered will be to change the plan review fee.

DISCUSS REZONING CERTAIN EXISTING COMMERCIAL TRACTS IN GROVES AS COMMERCIAL ONLY: Mayor Borne asked Councilmember Oliver if he wanted to state his reasoning for this item. Councilmember Oliver stated that the City is limited on its commercial property and that once it loses commercial areas it can't get them back. The City has new businesses coming in and 20 years down the road will there be locations for businesses—the City should try to sustain business properties. He went on to say that he owns a business on Hansen in a C-2 business district and a duplex has been built across the street from him. When 39<sup>th</sup> St. was widened it took in the parking space from in front of commercial buildings along 39<sup>th</sup> St. He suggested that the Council look at strategic areas in the City and zone them commercial only.

Councilmember Dugas asked Councilmember Oliver how this affects his business. He stated that when he gets deliveries the trucks block the driveway at the house across the street. Councilmember Oliver also voiced concerns as to if a neighboring residential dwelling would hurt the value of his commercial property. He referred to similar situations on Main Ave. with houses being built among businesses. Councilmember Dugas asked about problems with noise and Mayor Borne stated that there are laws in place that apply to businesses and the hours that noise is allowed in a commercial district. Mayor Borne asked James Black to explain the two options he had provided. Mr. Black stated that the zoning ordinances for Port Neches and Nederland are similar to Groves. They are generally cumulative, with residential being the most restrictive and then becoming less restrictive as they move through the different commercial zonings. Some cities do modified cumulative which allows residential in commercial, but not in heavy industrial. Mayor Borne asked if the City were to change the zoning and an existing house is in commercial and needs to be rebuilt what would happen. Mr. Black stated that it would be a non-conforming use. Mayor Borne asked Mr. Sosa about properties at 6124 Jefferson, 6125 Hansen, and 3600 Pure Atlantic. Mr. Sosa stated that for 10 years no one built on those commercially zoned properties. But now that they have homes built on them the City is realizing \$7,800 annually in property tax revenue, which in 10 years would equal \$78,000. Mayor Borne remarked that a parking lot is not going to generate dollars for the City and that the Council needs to be careful in limiting expansion for commercial or residential. Councilmember Oliver wanted to know where the revenue comes from and Mayor Borne asked how many homes have been built in the last 5 years. Mr. Sosa stated 300 homes had been built over the past 5 years. Councilmember Oliver asked if the City can take strategic property that it can try to preserve for commercial use. Mayor Borne asked Councilmember Oliver to get a zoning map and target properties that he felt would be advantageous. Mayor Borne asked Mr. Sosa to email a zoning map to all councilmembers and put another discussion item on the agenda in a month.

CONSIDER ADOPTION OF A RESOLUTION APPROVING THE 2021 CERTIFIED TAX ROLL FOR THE CITY OF GROVES, TEXAS: James Black presented proposed Resolution No. 2021-04, reading it as follows: "Be it resolved pursuant to the Texas Property Tax Code, Section 26.09, that the City Council of the City of Groves hereby approves the 2021 Tax Roll this 25<sup>th</sup> day of October, 2021." He stated that the resolution was presented and requested by the Jefferson County Tax Office. Councilmember Dugas moved to approve Resolution No. 2021-04 approving the

Certified Tax Roll for the City of Groves for 2021 and Mayor Pro Tem Badon seconded. Motion passed unanimously.

CONSIDER APPROVAL OF AN ORDINANCE AMENDING ARTICLE VIII. ZONING DISTRICT REGULATIONS OF THE CITY OF GROVES CODE OF ORDINANCES: James Black presented proposed Ordinance No. 2021-15, reading the caption as follows: "An ordinance amending the City of Groves, Texas, zoning ordinance by amending Article VIII. Zoning District Regulations, Section 8-300. "R-2 District: One and Two Family Residential District" by changing the minimum requirement for lot width for two family duplex to eighty (80) feet; and by amending Article VIII. Zoning District Regulations, Section 8-700. C-2 District: General Light Commercial District, Subsection (8-705) Permitted Uses and Parking requirements within this district, by removing "Freight Depot or Terminal, Railroad and/or Truck" as a permitted use with a parking ration of 1/400; and by amending Article VIII. Zoning District Regulations, Section 8-800. C-3 District: General Heavy Commercial District, Subsection (8-805) Parking Regulations and Permitted Uses, by adding "Commercial Vehicles and Storage/Depot Facilities" as a permitted use; and by amending Article IX. Supplementary District Regulations and Exceptions by adding Section 9-1700. Special Provisions Pertaining to the Permitted Use: "Commercial Vehicles and Storage/Depot Facilities in C-3 District"; providing that no other portions of said ordinance shall be affected hereby; providing a savings clause; providing a penalty; providing for codification; providing for publication by publishing the caption only; and providing an effective date."

Mayor Pro Tem Badon moved to approve Ordinance No. 2021-15 amending the City of Groves zoning ordinance and Councilmember McAdams seconded. Mayor Borne asked for questions and Mayor Pro Tem Badon asked Building Official Don Pedraza if this has to do with dump truck companies. Mr. Pedraza stated that three out of the four trucking companies in question are conforming. Mayor Pro Tem Badon asked if the company not complying can be issued a citation. Mr. Black stated that the City can file charges against the company, but it is already there (in that location). Mayor Borne stated that the City does not need to overstep and asked Mr. Pedraza if the 80' is just changing the frontage area and not any other restrictions. Mr. Pedraza responded that was correct. There was no further discussion and the motion passed unanimously.

INVOICES: City Manager D.E. Sosa presented invoices for payment totaling \$317,502.04 as follows:

Jefferson Co. Auditor	Inmate costs (40,851.25; 1,512.50).	42,363.75
Republic Services	Dumpster and sludge disposal.	6,985.79
Texas Municipal League	2022 Workers Compensation.	268,152.50

Councilmember Dugas moved to approve payment of the invoices totaling \$317,502.04 and Mayor Pro Tem Badon seconded. Mayor Borne asked for Questions. Councilmember McAdams questioned the payment for inmate costs. Mr. Sosa explained that in 2018 the City was notified that inmate costs were going down, and the City had overpaid for 2016 and 2017. The City did not pay inmate costs in 2018. The County is now billing us for the unpaid balance and we currently pay \$50 per person per day. The usual cost is \$2,500 per month. Mr. Sosa explained that once a person is booked in at the County, they are no longer a Groves prisoner. Motion passed unanimously.

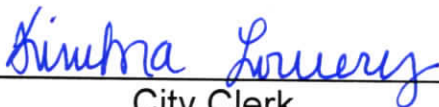
Mayor Borne asked for Councilmember comments and Councilmember Dugas asked when the audio will be available on the website. Mr. Sosa stated that it should be done this week by the IT Department. Councilmember McAdams stated that he wants to put up a stop sign at Jackson and Kent. It is currently a three way stop sign. He stated that in order to put it on a future agenda he needed another councilmember to agree. Councilmember Dugas voiced her support for this item. Mayor Borne stated that he had seen a commercial advertising the Pecan Festival and that he was looking forward to everyone coming out to enjoy the festival.

There was no further business and Mayor Borne adjourned the meeting at 6:13 p.m.



Mayor

ATTEST:



City Clerk

