

A regular meeting of the Groves City Council was held December 6, 2021 in the Groves City Council Chamber with Mayor Chris Borne, Mayor Pro Tem Sidney Badon, Councilmember Rhonda Dugas, and Councilmember Paul Oliver in attendance. Councilmember Mark McAdams was not present. Mayor Borne called the meeting to order and welcomed the attendees. Councilmember Dugas led the prayer and pledge of allegiance.

APPROVE THE MINUTES OF THE NOVEMBER 22, 2021 CITY COUNCIL MEETING: Mayor Pro Tem Badon moved to approve the minutes of the November 22, 2021 City Council meeting as written and Councilmember Oliver seconded. Mayor Borne asked for discussion and there was none. Motion passed unanimously.

Mayor Borne asked for reports and there were none. He then asked for citizen comments. Isaac Barbosa of 3017 Main Avenue addressed the Council. Mr. Barbosa made comments regarding the City and the Chamber of Commerce. He reported that he had served on a board at the Lamar Institute of Technology for a number of years and suggested that the City check the Texas Administrative Code to insure compliance. Mr. Barbosa stated that his daughter had received a letter from the Groves Chamber of Commerce that denied her request to become a member. He handed a copy of the letter to Mayor Pro Tem Badon. He remarked that he wants the Chamber and the City to work together for the good of the business community.

DISCUSS REZONING CERTAIN EXISTING COMMERCIAL TRACTS IN GROVES AS COMMERCIAL ONLY: City Manager D.E. Sosa explained that several weeks ago Council was given zoning maps and asked to identify what areas they might want to sub-zone as commercial only and that this would be a discussion item only. Mayor Borne asked for areas Council would like to consider rezoning and called on Councilmember Oliver to begin the discussion. Councilmember Oliver stated that his question was if an area is zoned as a Central Business District can the Council/City keep anything zoned less than Central Business District from building or locating in that area. City Manager D.E. Sosa stated that years ago the City of Port Neches had tried this by having nothing less than commercial allowed in a commercial zone. After many years Port Neches has gone back to cumulative zoning, where anything less than commercial is allowed in an area that is zoned commercial. Councilmember Dugas asked if they were talking about strategic places to be rezoned. Councilmember Oliver stated the areas would be where it will benefit the City, maybe not now but in the future. He also remarked that the City is limited on its tax base and he would like for the Council to look at strategic areas on the main thoroughfares through the City, such as Main Ave., 39th St., and SH 73 for possible locations to designate as commercial only. Mr. Sosa suggested that Council turn in the areas they want to look at so that the City's draftsman (Darren Racca) can color

code areas on the City map that are identified by the Council for review. He explained that existing homes or businesses would be grandfathered as legal, non-conforming, and that once ownership changed hands and/or the structures are torn down the property would become commercial only. Mayor Borne asked what would happen if one of the structures were to burn down and Mr. Sosa stated it could be rebuilt. Councilmember Oliver stated he did not want to take anything away from anyone and was only trying to protect the property the City has. Mayor Borne stated that he understood what Councilmember Oliver was saying, but the City does not own real estate. Mayor Borne also voiced that if Council does this they will be restricting the present owner of the property in question and if the property is an empty lot, the City will be eliminating half the numbers of potential buyers of the property. Buyers looking for property to build a house on will not be interested in purchasing the property. Mayor Pro Tem Badon agreed with Mayor Borne and stated that it will limit the person who already owns the property, and that some property has been vacant for 70 years with nobody building a business on it. City Attorney James Black stated that there are different types of zoning and that Council would have to have a reason to limit zoning for everybody. Councilmember Oliver asked if the zoning change would be possible and Mr. Black stated that it depended on what the Council is wanting to do. Mayor Borne reported that he did identify a few areas where this could possibly be done and that he would submit his map to Mr. Sosa along with the rest of the Council so that the common areas can be looked at. Councilmember Oliver remarked that the Fire Station and Water Plant were built with EDC funds and that the City needs to grow its taxes with EDC funds. Mr. Black explained that non-conforming use is a use that was legal when it was built, but if you change zoning today it will be able to continue on as it is. Mr. Sosa gave the example of trailers that have been in the City a number of years, but when they are moved they are not replaced. Mayor Borne asked that the map be ready for the first meeting of 2022.

CONSIDER CANCELING THE REGULARLY SCHEDULED CITY COUNCIL MEETING OF DECEMBER 20, 2021 AND SCHEDULING A SPECIAL MEETING FOR DECEMBER 21, 2021 AT 5:00 PM: Councilmember Dugas moved to cancel the regularly scheduled City Council meeting of 12/20/21 and schedule a Special Meeting for 12/21/21 at 5:000 p.m. and Mayor Pro Tem Badon seconded. City Clerk Kim Lowery explained that the final numbers for the runoff election would not be available until 12/21/21, so the canvass would be held on that day. Motion passed unanimously.

CONSIDER APPROVAL OF A RESOLUTION SUPPORTING THE ADOPTION AND APPROVAL OF THE TEXAS TERM SHEET, APPROVING THE ALLOCATION OF ANY AND ALL OPIOID SETTLEMENT FUNDS WITHIN THE STATE OF TEXAS: Mr. Black presented proposed Resolution No. 2021-06, reading the caption as follows: "A resolution of the City Council of the City of Groves, Texas, adopting the allocation method for opioid settlement proceeds as set forth in the State of Texas political subdivisions' opioid abatement fund council and settlement allocation term sheet." Mayor Pro Tem Badon made a motion to approve Resolution No. 2021-06, approving and supporting the Texas Term Sheet, and approving the allocation of any and all opioid settlement funds and Councilmember Dugas seconded. Mayor Borne asked for questions and asked Mr. Black for an explanation. Mr. Black stated that the State of Texas brought suit against pharmaceutical companies and has entered into a settlement. The term sheet lists political subdivisions and the attachment has the listing of the cities and counties and the amounts due to them according to population. Groves is due to receive approximately \$50,000. Mr. Sosa stated that the City will receive a check for the settlement funds and it will go into the General Fund to be used for first responders as stipulated in the settlement. The City will make the funds available to first responders to be used for training, equipment, and other needs identified. Mr. Black remarked that this is similar to the tobacco settlement years ago. Mayor Borne asked for a timeline of receiving the funds and Mr. Black stated they should be received by December 31, 2021 and that by adopting the resolution the City will be included in the settlement. There was no further discussion and the motion passed unanimously.

INVOICES: City Manager D.E. Sosa presented invoices for payment totaling \$71,930.36 as follows:

Basco Const.	City Hall roof repairs.	5,669.00
City of Port Arthur	Sludge disposal(1348.00); landfill fees (18,335.00) partial October/November 2021.	19,683.00
Jefferson Co.	2021 Joint Election- Jefferson Co. and other entities.	14,533.44
Republic Svc.	New construction and Peace & Dignity Program: 4748 Beaumont, 6141 25 th , 6919 39 th , Monroe/Indian Springs, 4739 Bellaire, 3308 Canal, 3732 Charles, 5225 33 rd , 6616 32 nd , 4432 Lawndale, 5905 25 th , 3801 Dunn, 6751 Howe, 6200 Jackson, 6200 Mire, 2730 Montrose, 3328 Pure Atlantic, 6199 Terrell, 7052 Willow, 3251 Woodlawn, 5600 39 th , 2620 1 st , 3211 Canal.	14,017.82
TCEQ	Water System Fee for 2022	18,027.10

Councilmember Dugas moved to approve payment of the invoices totaling \$71,930.36 and Councilmember Oliver seconded. Mayor Borne asked for questions. Mayor Pro Tem Badon asked what was located at 3328 Pure Atlantic and Mr. Sosa responded that it was an auto repair shop by the donut shop. Councilmember Dugas asked if the water system fee was paid annually and Mr. Sosa said that was correct. Mayor Borne asked if there would be any other election expenses and Kim Lowery stated yes and they would mostly be for paying the election workers. Councilmember Dugas asked about the Peace & Dignity Program and Mr. Sosa explained that the City works with customers and pays the tipping fees. There was no further discussion and the motion passed unanimously.

Mayor Borne asked for Councilmember comments and Mayor Pro Tem Badon thanked Councilmember Dugas for filling in for him at the Christmas tree lighting ceremony. Councilmember Dugas reported that the tree lighting was a very nice event. Mayor Borne thanked Olivia Wellings and the Beautification Committee for their work on the tree lighting and for all they do throughout the City with very little help and very little funds. Mayor Pro Tem Badon suggested that next year the Beautification Committee submit a request to the Council for funds to advertise the tree lighting.

There was no further business and Mayor Borne adjourned the meeting at 5:52 p.m.



Mayor

ATTEST:



City Clerk

