

A regular meeting of the Groves City Council was held August 15, 2022 in the Groves City Council Chamber with Mayor Chris Borne, Mayor Pro Tem Rhonda Dugas, Councilmember Rob Vensel, Councilmember Mark McAdams and Councilmember Paul Oliver in attendance. Mayor Borne called the meeting to order and welcomed the attendees. Councilmember Oliver led the opening prayer and pledge of allegiance.

APPROVE THE MINUTES OF THE AUGUST 1, 2022 CITY COUNCIL MEETING AND AUGUST 1, 2022 CODES HEARING: Councilmember Vensel moved to approve the minutes of the August 1, 2022 City Council meeting and August 1, 2022 CODES Hearing as written and Councilmember McAdams seconded. Mayor Borne asked for questions and there were none. Motion passed unanimously.

PRESENTATION OF A PROCLAMATION DESIGNATING AUGUST 15, 2022 AS BENNY TODD DAY: Mayor Borne then issued a Proclamation designating August 15, 2022 as Benny Todd Day to Mr. Todd.

SPECIAL RECOGNITION OF B SHIFT FIREFIGHTERS FOR ASSISTING A CITIZEN IN DISTRESS: Mayor Borne then gave special recognition to the B Shift Firefighters. These Firefighters are as follows: Josh Nelson, Curtis Trahan and Daniel Callesto.

Mayor Borne then asked City Manager D.E. Sosa if there are any reports and there were none.

Mayor Borne then asked for citizen comments and Michael Campese of 6575 Verde spoke about Mr. Todd and Mr. Campese stated that Mr. Todd received two bronze stars for his service.

Melony Pino of 6199 Garner stated that she wanted to come here today to speak up about protection for our kids while in school. No matter how that protection comes as far as Police Officers or whatever they have to provide to keep safety in our schools for our children. Mrs. Pino asked that Council please take this into consideration.

Linda Brown of 6161 Meyer stated that she also was wondering about the school safety for these kids. Mrs. Brown also stated that with the shootings steadily increasing in schools it makes the kids scared to death to go to school and how can we tell these kids that we don't know what we can do for their safety.

Margarita Rodriguez of 3715 Lincoln Ave. stated that she would like to add on to what they have said and how can Port Neches already approve something and we haven't added anything here. Mrs. Rodriguez also stated that we need to keep in mind the safety of our kids.

April Grantland of 2649 Oleander spoke about having a 9 year old son going to school and that is the same age as the Uvalde students. Mrs. Grantland said she is scared for her son to go to school and the only safety precautions is locked doors. Mrs. Grantland said it would be nice to know there is someone there to protect the students, and that would give parents a piece of mind. There were no other citizen comments.

CONSIDER APPROVAL OF HEALTH, DENTAL AND VISION INSURANCE FOR OCTOBER 1, 2022 TO SEPTEMBER 30, 2023: Councilmember Rob Vensel made a motion to consider approval of Health, Dental and Vision Insurance for October 1, 2022 to September 30, 2023. Mayor Pro Tem Dugas seconded. Human Resource Director Stephanie Gaspard then stated that she is asking for the approval of Blue Cross Blue Shield Health Insurance for the City of Groves Employees and also Guardian for Dental and Vision Insurance. Mrs. Gaspard stated that the City went out for bids and besides Blue Cross Blue Shield we only received one other proposal from Humana and it was not competitive at all. Mrs. Gaspard then stated that the City is asking to stay with Blue Cross for the Health Insurance and Guardian for Dental and Vision Insurance. Mayor Borne then asked what kind of increase was it for Blue Cross Blue Shield and why are they only offering a one-year deal. Mrs. Gaspard responded that it was a 21% increase and that was determined by our loss ratio from last year. She also said that they had other plans within the renewal that we could look at and by going to a little higher deductible we were able to bring the cost down to a 6 % increase and we also offer a buy up for an 8.43% increase. Mayor Pro Tem Dugas then asked if this is still affordable for the employees and Mrs. Gaspard stated that it is and that we are still very competitive overall. There were no further questions and motion passed.

RECEIVE REQUEST FROM BEAU WILSON TO USE LIONS PARK ON JUNE 10, 2023 FOR A FREE EVENT FOR THE CITIZENS: Councilmember Mark McAdams made a motion to receive a request from Beau Wilson to use Lions Park on June 10, 2023 for a free event for the citizens. Councilmember Vensel seconded. Beau Wilson then introduced himself to Council. Mr. Wilson then stated that about 7 years ago he held an event at Lions Park called Wet and Wild Summer Bash 2015. Mr. Wilson then

stated that he had a lot of local businesses who wanted to be sponsors. Mr. Wilson's event had 6 inflatable water slides, a 100 ft. slip n slide, live music, several kiddie pools, Frisbees, and water guns. Mr. Wilson stated that it was a great turn out, they had bought 500 wristbands and ended up having over 800 attendees. Mayor Borne then asked if he had access to water in 2015 and Mr. Wilson stated that he did. Mayor Borne then questioned Mr. Wilson asking if all he would need from the City is some security, emergency response and sanitation for garbage cans. Mr. Wilson stated that he would need help with all of that and he also stated that it is in fact a one-day event starting about 11 a.m. and then they will shut the rides down about 8 p.m. for a movie night in the park. Councilmember Mark McAdams then asked about having enough porta potties for 800 people and Mr. Wilson stated that he would love to have them if anyone could help with contacts. Mayor Pro Tem Dugas then asked Mr. Wilson if he would be willing to come back with updates for City Council and Mr. Wilson said that he absolutely would. City Manager D.E. Sosa then stated that if Council approves this then the City will make sure the park is blocked off for the day and help Mr. Wilson in any way they can. Mayor Pro Tem Dugas then asked if insurance would be required for this and Mr. Wilson stated that last year he had to purchase an umbrella insurance for the day. There were no further questions. Motion passed.

DISCUSS AND AUTHORIZE SECOND PAYMENT TO GREENSCAPES SIX, LLC IN THE AMOUNT OF \$217,314.00 FOR THE CONCRETE CURB RIBBON REPLACEMENT PROJECT ON WOODLAWN DRIVE & KENT AVE.:

Councilmember Mark McAdams made a motion to discuss and authorize second payment to Greenscapes Six, LLC in the amount of \$217,314.00 for the Concrete Curb Ribbon Replacement Project on Woodlawn Drive & Kent Ave. Councilmember Paul Oliver seconded. City Manager D.E. Sosa then stated that we have Jeremy Mitchell who is the Engineer on this project here to answer any questions. Councilmember Rob Vensel asked how many more payments do we have and Mr. Mitchell stated that it should be one more payment after this one. Councilmember Mark McAdams then asked if there have been any additives on this project and Mr. Mitchell stated that there has only been one that has put us slightly over budget by about \$1,500. There were no further questions. Motion passed.

AWARD BID FOR PIPE BURSTING TO TEXAS PRIDE UTILITIES, LLC IN THE AMOUNT OF \$1,970,291.50: Councilmember Rob Vensel made a motion to award bid for pipe bursting to Texas Pride Utilities, LLC in the amount of \$1,970,291.50. Councilmember McAdams seconded. Utilities Supervisor Mike Tentrup stated that

this is a pretty big project covering a large portion of the City. Mr. Tentrup stated that this money is coming from the Corona Virus relief fund. Mayor Borne asked how many bids we received and Mr. Tentrup responded that we received 3 bids. There were no further questions. Motion passed.

DISCUSS AND AUTHORIZE CITY TO LEASE FORMER FIRE CHIEF'S OFFICE ONLY TO JM TEST FOR .75 PER SQUARE FOOT ON A MONTH TO MONTH BASIS: Councilmember Vensel made a motion to discuss and authorize City to lease former Fire Chief's Office only to JM Test for .75 per square foot on a month to month basis. Mayor Pro Tem Dugas seconded. Councilmember Paul Oliver asked how many square feet the office is and City Manager D.E. Sosa stated that it's a little over 500 square feet and that we came up with about \$408 a month. City Manager D.E. Sosa also stated that this would help cover most of the utilities required to keep the building dry and not mildewing. City Manager D.E. Sosa also said it is a good thing because it is month to month that way if someone wants to buy or lease the whole building it would still be doable. Mayor Borne stated so this would only pay for utilities and Mr. Sosa stated that it would cover almost all of the utilities which have to stay on whether someone is in there or not. Mayor Pro Tem Dugas then asked if the .75 is proper rate and City Manager D.E. Sosa stated that he has talked to a couple of realtors and that is a fair price. Mayor Borne then asked if they would have their own door to enter into that office and Mr. Sosa stated that they would not have access to the rest of the Fire Station. Motion passed unanimously.

AUTHORIZE CITY ATTORNEY TO CONTRACT WITH OUTSIDE ATTORNEY TO DISCUSS AND CONTRACT FOR CABLE FRANCHISE FEE UNDERPAYMENTS: City Attorney Brandon P. Monk stated that this issue has recently come under our radar as a result of a suit that we identified which was filed in Dallas. Mr. Monk then stated that ultimately this issue is one where certain revenue may be lost in the City as a result of the fact that cable providers use to provide most of the services to the citizens and there was a franchise fee that came in as a result. Mr. Monk then stated now services like Hulu, Netflix and Disney streaming services are now providing these kinds of services and they have not been paying the franchise fees in Cities. City Attorney Brandon P. Monk then stated the issue now would be to decide if we would want to look into this further to try and recover some of that lost revenue from these franchise cable payments. Councilmember Mark McAdams then asked if this was some kind of class action suit and Mr. Monk stated that it was not. Mr. Monk stated that they are looking at from 2007 to 2020 for initial back revenue then if you can get them on the line and convince them to pay it would be a steady stream of income for the City. Councilmember Mark McAdams made a motion to authorize City

Attorney to contract with outside Attorney to discuss and contract for Cable Franchise Fee Underpayments. Councilmember Rob Vensel seconded.

Mayor Borne then asked Mr. Monk what kind of costs do you think we would incur if we decide to go forward and pursue this. Mr. Monk stated that it's a little unknown at this point, he thinks there are some avenues to pursue it on a contingency fee basis and also look at doing it in a way that doesn't have a risk for the City in terms of cost. Councilmember McAdams stated that this line item is to contract with an outside Attorney, he then asked Mr. Monk if this is something he could handle himself. Mr. Monk then responded it is possible that we could handle it ourselves with a little less risk to the City by knowing that if there were no recovery then there would be no cost to the City. Councilmember McAdams then asked Mr. Monk that if we gave him authorization to take over this and do it himself or through his office would his salary cover this type of work or would additional payments be needed. Mr. Monk then responded that for this type of work there would be an additional hourly rate but if there were no recovery then Mr. Monk would not charge for his services. Mayor Borne then stated that this line item would let Council give Mr. Monk permission to go out and get more information regarding this possible law suit and Mr. Monk stated that was correct. There were no further questions. Motion passed.

DISCUSS THE DRAFT ORDINANCE FOR FOOD TRUCK REGULATIONS: Mayor Pro Tem Dugas made a motion to discuss the draft Ordinance for the Food Truck Regulations and Councilmember Oliver seconded. Mayor Pro Tem Dugas stated that she has concerns that the draft did not mention weathered surfaces and concrete asphalt, that was something that Building Official Don Pedraza had mentioned he wanted. Mr. Pedraza responded that yes it should be in a C3 Zone with all weather surface. Mayor Pro Tem Dugas then mentioned about Mr. Theall's barbecue and how it would be classified since he can't move immediately and is tied into the City water services and sewer services. Mr. Pedraza said it is a trailer but it's permanent with water, sewer and a grease trap. Councilmember Oliver stated that he agrees that Mr. Theall's business is more of a permanent structure. Councilmember Oliver then asked Mr. Pedraza if his department would handle all of the regulations for the food trucks and Mr. Pedraza stated that he would. Mayor Pro Tem Dugas then mentioned that if we get rid of the temporary permit and just do a year then it would be different and City Attorney Brandon P. Monk stated that he thinks it's also different in terms of logistics and that there is a decision to be made there. Mr. Monk then went on stating whether you want them to come in that frequently to receive approval for their site plan or maybe come in once a year to help lessen the cost on staff. Mr. Monk stated

That there are choices, if we do it once a year we would raise the fee to \$500 or if you want them in more frequently to receive approval for the site plan then keep the fee of \$50 and have them come in each time.

Mayor Pro Tem Dugas then asked about identification, vehicle registration, proof of registration with the County and if we are allowed to ask for that. City Attorney Brandon P. Monk responded that absolutely and we do have some of those requirements already listed and we could add additional requirements if Council would like. Council then decided they would like the lease execution to require notarization which would need to be updated in the draft ordinance. Mayor Pro Tem Dugas then stated that when looking at Port Neches and Nederland's ordinances regarding food trucks it states that the City is allowed to perform criminal background checks before issuing permits. Councilmember Paul Oliver agreed with the criminal background checks also. Mayor Pro Tem Dugas then asked about adding to the non-profit section of the ordinance that "no more than 14 consecutive days and no more than 30 total per year and also must have proper parking space requested." Council then agreed with said request to add it to the ordinance. There were no further questions and City Attorney Brandon P. Monk then stated that he has everything he needs to be able to re-draft this ordinance. This item was for discussion only and no vote was needed.

INVOICES: City Manager D.E. Sosa presented invoices for payment totaling \$271,219.00 as follows:

Blue Iron Technologies	Anti-Virus subscription and equipment.	9,731.67
City of Port Arthur	Sludge disposal and landfill fees. (6/27/22-7/25/22)	19,396.00
DXI Industries, INC	Chlorine used for disinfection.	6,321.60
Greenscapes Six, LLC	Second payment to Greenscapes Six, LLC for the Woodlawn Drive & Kent Concrete Curb Ribbon Replacement Project.	217,314.00
M & R's Elite Janitorial Solutions	Janitorial services for July and August 2022. (City Hall, Public Works, Police Dept. and Library).	5,394.00
Republic Services	July Commercial Container Services.	6,648.49

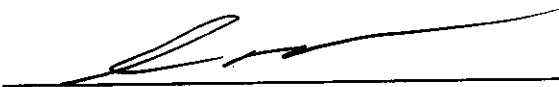
Soutex Surveyors	Engineering services for 2022 Pipe Bursting Program funded by the CLFRF Grant.	6,413.24
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Mayor Pro Tem Dugas made a motion to approve payment of the invoices totaling \$271,219.00 and Councilmember Oliver seconded. Councilmember Rob Vensel asked about the Anti-Virus subscription and City Manager D.E. Sosa stated that this is a recommendation from our IT Department to help keep our computers safe. There were no further questions. Motion passed unanimously.

Mayor Borne asked for Councilmember comments. Councilmember Mark McAdams asked Mr. Sosa to give us an update on the 12 Oaks project. City Manager D.E. Sosa then stated that it is the same contractor that is doing the Curb Ribbon Replacement Project on Woodlawn and Kent. Mr. Sosa then explained that as soon as the Ribbon Replacement is done then they will be moving on to the 12 Oaks project. There being no further business, Mayor Borne adjourned the meeting at 6:19 p.m.



Mayor Borne

ATTEST:


City Clerk