

A regular meeting of the Groves City Council was held February 13, 2023 in the Groves City Council Chamber with Mayor Chris Borne, Mayor Pro Tem Mark McAdams, Councilmember Rob Vensel, Councilmember Rhonda Dugas and Councilmember Paul Oliver in attendance. Mayor Borne called the meeting to order and welcomed the attendees. Representatives from the local VFW then led the prayer and pledge of allegiance.

APPROVE THE MINUTES OF THE JANUARY 30, 2023 CITY COUNCIL MEETING: Councilmember Rob Vensel moved to approve the minutes of the January 30, 2023 City Council Meeting as written and Mayor Pro Tem Mark McAdams seconded. Mayor Borne asked for questions and there were none. Motion passed unanimously.

PRESENTATION OF A PROCLAMATION DESIGNATING FEBRUARY 23, 2023 AS "VIOLENCE IN THE WORKPLACE DAY": Mayor Borne then presented the Proclamation to Misty Dantin from Christus Health.

Mayor Borne asked for reports and Interim City Manager Lance Billeaud stated that in the last month or so that Mr. Foxworth and Mr. Tentrup has been updating him on some issues that we have in our wastewater system. The three of them would like to ask Council if they could get together to schedule a Work Session so that they can update Council on some things. Council agreed to put it on the next agenda to discuss setting a date for the Work Session. There were no further reports.

Mayor Borne then asked for citizen comments and there were none.

CONSIDER APPROVAL OF A REQUEST FROM OAK GROVE NURSING HOME TO RECEIVE A DISCOUNTED RATE FOR PERMITS ON UPCOMING EXPANSION PROJECT: Councilmember Rob Vensel made a motion to consider approval of a request from Oak Grove Nursing Home to receive a discounted rate for permits on the upcoming expansion project and Councilmember Oliver seconded. Councilmember Dugas asked how much the permits are and Interim City Manager Billeaud stated that they will be about \$36,000. Daniel Duplechin from Oak Grove Nursing Home spoke about the project and how the cost ended up being way more than originally discussed so any help from the City would be greatly appreciated. Mayor Borne stated that Finance Director Lamar Ozley and Building Official Don Pedraza stated that this is something we have ran into before by not having a cap on the larger projects. Mayor Borne then asked Mr. Duplechin if they are adding beds and he stated that they are doubling in square footage of the facility and adding 20 new beds.

Councilmember Vensel recommended that we give Oak Grove Nursing the same discounted rate as the School District received on their permits. Councilmember Vensel amended his motion to consider approval of a request at a discounted rate of 66% for the permit fee and Mayor Pro Tem McAdams seconded. Motion passed unanimously.

DISCUSS AND APPROVE PURCHASE OF A NEW GARBAGE TRUCK:

Councilmember Vensel made a motion to discuss and approve purchase of a new Garbage Truck and Councilmember Dugas seconded. Michael Tentrup addressed Council and stated that this would be an additional truck on top of the one that is already on order. Mr. Tentrup stated that the first truck was placed on order October of 2021 and is still not here. Mr. Tentrup then stated that the one they are asking for now is currently a demo truck that they will use it to demo for a month and after that they will bring it back to their shop and completely rebuild it then offer it up for sale. Mayor Borne then asked Mr. Tentrup what the pricing difference is between a new truck and a demo truck and Mr. Tentrup stated \$16,000. Interim City Manager Lance Billeaud then asked Finance Director Lamar Ozley how much money we have in the equipment replacement fund and Mr. Ozley stated around \$916,000. Mayor Borne then asked if any of the money in the equipment replacement fund is earmarked for anything else and Mr. Ozley said no. Councilmember Dugas asked if the \$380,016 for the truck would be paid all at once or installments and Mr. Ozley stated all at once. Motion passed unanimously.

DISCUSS AND CONSIDER A DRAFT AMENDMENT TO THE EXISTING SIGN ORDINANCE PERTAINING TO TEMPORARY OFF-SIGHT SIGNAGE IN THE CITY OF GROVES RIGHT OF WAYS AND EASEMENTS: Councilmember Vensel motioned to discuss and consider a draft amendment to the existing sign ordinance pertaining to temporary off-sight signage in the City of Groves right of ways and easements and Councilmember Oliver seconded. Councilmembers then discussed what they would like changed in the Draft of this Ordinance. There were no votes taken on this.

CONSIDER AND APPROVE A DRAFT WAIVER FOR VENDOR'S PARTICIPATING IN THE SPRING FEST EVENT: Councilmember Rob Vensel made a motion to consider and approve a draft waiver for vendor's participating in the Spring Fest Event and Mayor Pro Tem McAdams seconded. City Attorney Brandon P. Monk addressed Council and showed them the application for the Vendor's for the event and that specifically we had a recommendation from TML that we include some indemnification language. City Attorney Brandon P. Monk then stated that since we

have that language he thought that we should get it approved by Council. There was no further discussion and motion passed unanimously.

DISCUSS AND TAKE VOTE ON SCHEDULING A DATE TO SELECT AN EXECUTIVE SEARCH FIRM TO HIRE CITY MANAGER: Councilmember Dugas made a motion to discuss and take vote on scheduling a date to select an Executive Search Firm to hire City Manager and Councilmember Oliver seconded. Councilmember Dugas amended her original motion to schedule a date to include February 21, 2023 at 5:00 pm to select a search firm to hire City Manager and Councilmember Oliver seconded. Motion passed unanimously.

AUTHORIZE THE CITY ATTORNEY TO ENGAGE THE SERVICES OF THIRD PARTIES INCLUDING BUT NOT LIMITED TO FORENSIC ACCOUNTANT AND ANY OTHER THIRD PARTY THAT IS REASONABLY NECESSARY TO DETERMINE IF THE CITY'S FINANCES HAVE BEEN HANDLED APPROPRIATELY AND TAKE A RECORD VOTE: Councilmember Dugas made a motion to authorize the City Attorney to engage the services of third parties including but not limited to forensic accountant and any other third party that is reasonably necessary to determine if the City's finances have been handled appropriately and take a record vote and Councilmember Oliver seconded. Councilmember Oliver then stated that we are in the process of looking for a City Manager and by having this audit it would give Council a better understanding of where our finances really are and also give the new City Manager a clean slate and Councilmember Dugas agreed. Councilmember Vensel asked Finance Director Lamar Ozley when our next scheduled audit is and Mr. Ozley stated that we are in the middle of one right now and you have a questionnaire in front of you to fill out from the auditors. Mayor Borne then asked do we know how much a forensic audit would cost and Mr. Ozley stated \$65,000 minimum. There were no further questions Mayor Chris Borne, Mayor Pro Tem Mark McAdams and Councilmember Rob Vensel against the motion and Councilmember Paul Oliver and Councilmember Rhonda Dugas for the motion. Motion failed.

CONSIDER AND DISCUSS AUTHORIZING THE CITY ATTORNEY TO CONDUCT AN INVESTIGATION INTO ACCUSATIONS ALLEGING VIOLATIONS OF THE OPEN MEETINGS ACT AND TAKE RECORD VOTE: Councilmember Rhonda Dugas made a motion to consider and discuss authorizing the City Attorney to conduct an investigation into accusations alleging violations of the Open Meetings Act and take record vote. Councilmember Paul Oliver seconded. City Attorney

Brandon P. Monk stated that there have been numerous accusations that have been presented to him regarding potential violations about this. Mr. Monk then stated that to be clear what he can offer is not the answer to if there has been a violation but he could present it to the District Attorney for him to investigate. Mr. Monk also stated that he does have the authority to look into the procedures and determine if there has been a violation and try to correct that. There were no further questions with Mayor Pro Tem Mark McAdams, Councilmember Rhonda Dugas and Councilmember Paul Oliver in favor of this motion. Mayor Borne and Councilmember Rob Vensel against the motion. Motion passed.

AMEND RESOLUTION AUTHORIZING PARTICIPATION IN THE TEXPOOL INVESTMENT POOLS AND AMENDING DESIGNATING AUTHORIZED REPRESENTATIVES: Councilmember Rhonda Dugas made a motion to amend the Resolution authorizing participation in the TexPool investment pools and amending designating authorized representatives and Mayor Pro Tem Mark McAdams seconded. Mayor Borne stated that this will remove Mr. Sosa and add Mr. Billeaud as designating authorize representatives. There were no further questions. Motion passed unanimously.

DISCUSS AND CONSIDER AUTHORIZING AT THE REQUEST OF STEPHEN MARCANTEL, OWNER OF THE BONUS GAME ROOM AT 5130 TWIN CITY HWY, THAT HE BE ALLOWED TO TEMPORARILY CONTINUE OPERATIONS DURING THE SUSPENSION OF APPLICATIONS PENDING THE CONSIDERATION OF PROPOSED AMENDMENTS TO THE GAME ROOMS AND GAMING MACHINE ORDINANCE: Councilmember Vensel made a motion to discuss and consider authorizing at the request of Stephen Marcantel, owner of the Bonus Game Room at 5130 Twin City Hwy, that he be allowed to temporarily continue operations during the suspension of applications pending the consideration of proposed amendments to the Game Rooms and Gaming Machine Ordinance and Councilmember Dugas seconded. Mayor Borne stated that we are in the process of trying to change the Game Room Ordinance to include a Specific Use Permit and this would allow him to stay open until Council is done with these changes if this amendment is approved. Mr. Marcantel then addressed Council about his concerns with this Ordinance and what would happen to his business and employees if he has to shut down. Mr. Marcantel also stated that he was told that he should be grandfathered in by his legal representation. Councilmember Dugas then asked City Attorney Brandon P. Monk what his opinion is regarding this and Mr. Monk stated that application is a yearly application so he has a hard time understanding that someone would be grandfathered in. Mr. Monk also stated that he does however feel that this was

unfortunate timing but he thinks that is what we are trying to correct with this agenda item, to possibly allow Mr. Marcantel to temporarily remain open and give him an opportunity to see what happens. Mayor Borne then asked Mr. Marcantel if he would be willing to accept a temporary extension that Council would vote on tonight and Mr. Marcantel replied that he would. Council then discussed how long the temporary extension would be for and they agreed on 3 months and Mr. Marcantel felt that would be very fair. Councilmember Vensel then amended the motion to extend operations during the suspension of applications for 3 months and Councilmember Dugas seconded. Motion passed with Mayor Pro Tem McAdams, Councilmember Vensel, Councilmember Oliver and Councilmember Dugas in favor of this item. Mayor Borne abstained from voting. Motion passed.

INVOICES: Interim City Manager Lance Billeaud presented invoices for payment totaling \$146,623.82 as follows:

City of Port Arthur	Landfill fees. (12/27/22-1/25/23).	19,490.00
DXI Industries, INC	Chlorine for Water Plant.	6,861.60
DXI Industries, INC	CL2 & SO2 for Water Plant.	9,031.20
Entergy	Electric Bill for all City Buildings.	46,140.61
Heil of Texas	Replacement dump arm for Rapid Rail system on Garbage Truck.	5,639.96
Lower Neches Valley Authority	Raw Water Purchased.	23,940.74
Novus Wood Group	Grinding and haul off of greenwaste debris.	10,904.90
Philpott Motors	Catalytic converter job for two Police Cars.	7,052.02
Republic Services	Commercial dumpster collection.	6,448.08
Roto-Rooter Beaumont	Replacement of RPZ at Fire Station.	5,923.78

Vulcan Construction
Materials

Base material for backfilling roadways
after utility installation.

5,190.90

Councilmember Rob Vensel moved to approve payment of the invoices totaling \$146,623.82 and Councilmember Rhonda Dugas seconded. Mayor Borne asked for Questions. Mayor Pro Tem Mark McAdams asked if these were replacement converters or repair and they stated it was for replacement. Councilmember Vensel asked what RPZ was Mr. Billeaud stated that it was actually the backflow preventer that was on the outside of the Fire Station that was caught up in the freeze. There was no further questions and the motion passed unanimously.

Mayor Borne asked for Councilmember comments and Councilmember Vensel stated that anything Mr. Billeaud finds while in his position he would like to have Work Sessions on to go over them. Councilmember Vensel also wanted an update on the Mike Harris building and Building Official Don Pedraza stated that there is a buyer interested in those building but he is not sure where they stand on it. Councilmember Dugas then stated that the two items on this agenda F and G were asked to be put on the last agenda and they were not. Councilmember Dugas stated that if something is asked to be put on the Agenda and it is seconded then it needs to be put on the Agenda.

Meeting was adjourned at 7:08 p.m.



Mayor

ATTEST:



City Clerk