

CITY COUNCIL MEETING FEBUARY 12, 2024

MINUTES OF THE PLUM GROVE CITY COUNCIL REGULAR OPEN MEETING HELD ON THE 12th DAY OF FEBRUARY 2024, AT THE PLUM GROVE CITY HALL, 9485 PLUM GROVE RD, CLEVELAND, TEXAS 77327, IN THE CITY OF PLUM GROVE, COUNTY OF LIBERTY, STATE OF TEXAS AT 7:00 PM.

The Council met in a REGULAR session with the following council members present.

CM denotes Council Member

AM denotes Audience Member

1. Call Meeting to Order at 7:00 P.M.
2. Roll Call

Present-

Mary Arrendell-Mayor

Deborah Bell-CM 1

Danielle Enloe-CM 3

Kevin Lee-CM5 Mayor Pro-Tem

Melissa Pouncey-Secretary/Disaster Relief

Frank Longoria-Police Sgt/Security

Debra Mergel-City Attorney

Jillian Frazier-Court Administrator

Absent-

Rodney Walker-CM 2

Lee Walker-CM 4

3. Pledge of Allegiance-Mayor Arrendell
4. Invocation-Mike Pierce
5. Public Comments

ADJOURNED @ 7:03 P.M.

6. EXECUTIVE SESSION: the council will go into executive session under Texas Government Code - Section 551.071, to consult with the city's attorneys regarding the following litigation matters:
 - a. Pending or contemplated litigation concerning cause number CV2016249 - City of Plum Grove, Texas v. Quadvest, and related matters.

RECONVENED @ 7:19 P.M.

7. I authorize the mayor to sign the agreement and make a motion for litigation concerning cause number CV2016249 - City of Plum Grove, Texas v. Quadvest, made by CM Bell, 2nd by CM Lee, passed unopposed. **Discussion-** AM Sharron Reed- What did y'all pass can you tell us what this is about? Mayor Arrendell-It was the Quadvest. Secretary Pouncey- It was just for the Quadvest portion of Lawsuit, the sewage. Mayor Arrendell- yes, the sewage side of things the drainage. If you remember Colony Ridge, had it first then Quadvest took the sewage part over. We have been in litigation with them for the suit against them. So, we settled, Ms. Mergel, would you like to take this part over for me? City Attorney Mergel- There was a proposed settlement agreement your attorney has been working with Quadvest attorney to come to some mutual terms. The city will release their claim and they agree to do a whole list of things to the sewage systems and if they fail to do so they can be sued for breach of contract. AM Sharron Reed- When will we be able to see this? Mayor Arrendell-Once the minutes are finalized next month. AM Sharron Reed- That's what I am asking. City Attorney Mergel- Once it is courts records too. You will want to wait until that is released. Secretary Pouncey- Once I have Jose's blessing, I will release the information to you and print it out. City Attorney Mergel-Yes. Mayor Arrendell- Yes.
8. Motion to approve January 2024 Financial report made by CM Lee, 2nd by CM Bell passed unopposed.
9. Motion to approve minutes for
 - a. December 11, 2023, made by CM Enloe, 2nd by CM Lee, passed unopposed.

Discussion-Secretary Pouncey- The amended minutes are the new minutes. Geo with the Vindicator had sent the video over and I went off of the video. The first part of my recording was messed up. So, I added quite a bit more to the first portion of the minutes. **CM Enloe-** The amended are the new minutes. **Secretary Pouncey-** Yes mam.

b. January 8, 2024, made by CM Enloe, 2nd by CM Bell, passed unopposed.

10. Motion to approve Ordinance No 0212-2024 calling a general election for May 4, 2024, Election for council member Positions 2, and 4 and office of the Mayor providing that the county elections administrator shall conduct early voting for the city; setting county polling place for early voting and for the city election; naming the secretary as the custodian of the voting records; providing for notice of the election and authorizing the mayor and city secretary to do all things necessary to conduct an election made by CM Enloe, 2nd by CM Lee, passed unopposed.

11. Motion to table updating ordinance 1020 approving provisions regulating itinerant vendors, merchants or peddlers and mobile food trucks and restaurants in the city limits made by CM Lee, 2nd by CM Bell, passed unopposed.

Discussion- CM Enloe-Missy was going to look into this. **Secretary Pouncey-** I looked into this and the cities surrounding us do not allow this in their city limits. That's why I had included this in the email asking for y'all's help to set prices and time limits. There is nothing to bring to y'all to compare what they do or do not do. **CM Lee-** I don't like that they bounce around with no permits or health inspections. **Secretary Pouncey-** They are supposed to come to me for this. **CM Lee-**I understand that. **Mayor Arrendell-**We should have a code enforcement officer but that goes back to setting up the PD and codes. All of this should have been put into place before we started playing house. That means there are a lot of things that need to be amended and put into place. There are fines that need to be put into place. If not y'all know what will happen here. That is just my opinion here. **Secretary Pouncey-** They are being served stop work orders with a copy of this ordinance. They are still not coming to my office and getting anything or stopping. **Mayor Arrendell-** Another issue that I am going to say is that a private landowner like you and I, if we want to have a business here, they are leasing out spots to the vendors and we are not seeing any tax revenue off of this. **CM Bell-** They are selling items out of the back of SUVs and on tailgates of trucks. Selling boiled shrimp from a vehicle. I do not have an issue with people trying to make money, I just want them to follow the rules. **Mayor Arrendell-** That is right everyone follows the rules. **CM Lee-** I agree. **Secretary Pouncey-**There needs to be more charged for the permit and set it per month or 3 months. **CM Lee-** But they are not coming up here at all. **Mayor Arrendell-** No **Secretary Pouncey-** No, they are doing as they please. **Mayor Arrendell-**that is why we need to find out can our officers give a fine **CM Lee-**well if it is not allowed, I would think we can. **Mayor Arrendell-** Right. **CM Lee-** we need to table this until we can figure this out. **Mayor Arrendell-** We definitely need to figure something out. **AM Sharron Reed-** I have asked the officers about that ok about them enforcing the ordinance. That they were sending someone to get certified for this. **Mayor Arrendell-** they were, and he quit. So, we are at square one, we have to start somewhere. We have never had one since the PD started and we have to do something. **Secretary Pouncey-** There are some fines that can be put into place if the Ordinance is amended. **Mayor Arrendell-** Yes, that the officer can enforce. **AM Sharron Reed-**Liberty County does not have health inspections. **Secretary Pouncey-** My sister has a food truck, and they go to Harris County for health inspections. That is how she keeps her license current. **AM Diana Chunn-** Could we make an agreement with Liberty or Montgomery County to temporarily enforce this. Until we are able to hire someone? An interlocal agreement. **Mayor Arrendell-** Does anyone know if Liberty County has code enforcement? Mr. Frank, do you know? **Sergeant Longoria-** No I do not believe so. **Secretary Pouncey-** What do Bill and Nat do? **Mayor Arrendell-** Just fire Marshall. **Court Administrator Frazier-**They are not code enforcement just fire marshals. **CM Lee-**So we need to figure something out until we have the money to hire someone to do this? **Mayor Arrendell-**If we don't what will happen to us. **Secretary Pouncey-** What if we first just hired someone for the weekend since that is when this is happening the most? Like Friday- Sunday? **AM Diana Chunn-** Who is going to reach out to Liberty County? **Secretary Pouncey-**Me or Mary can make some calls. **Mayor Arrendell-**I can if that is alright with the council? **Secretary Pouncey-**Maybe check with Montgomery County too? **CM Enloe-**Yes, Montgomery County would be good. **Secretary Pouncey-** I am getting so many complaints and calls about this all the time. **CM Bell-** I agree with Kevin. **Court Administrator Frazier-** Table it but give Mary permission to move forward to find out more information. So, if they need anything in writing they have an authorization already. **Secretary Pouncey-** Mayor and staff. **CM Lee-** I make a motion to table this but give the Mayor and Staff permission to find out more information.

12. Motion to deny a RV park for 7940 Plum Grove Road by CM Lee, 2nd by CM Bell, passed unopposed.

Discussion- Secretary Pouncey-The two gentlemen towards the back row are here to discuss this. **Mayor Arrendell-** Do y'all know where this is located at the store. **CM Lee-** At the store? **AM Diana Chunn-** They are in a floodway. **Mayor Arrendell-** That map in your packet explains that the store is in a floodway. A little tidbit of my information prior to the store coming to light before I was mayor the first time. It was discussed apparently and agreed to and there are no paper trails, no permitting, there was nothing. I mentioned that the store was being built in a floodway. So, I started investigating on my own what the difference between a floodway and a flood plain was. A floodway is not supposed to be built in the water should flow through the floodway. So now they are wanting to build an RV park. Would you guys like to speak? **AM Store Owner-** What are the rules for this? **Secretary Pouncey-** Hold on, I want to explain he is not the original owner, he purchased the property from the original owner. **AM Store Owner-** This came to my mind with the recent flooding, and they moved all of the RVs to my parking lot last week.

So, we were hoping to have an RV park. We have a retention pond, and an engineer will tell me what I need to do. Mayor Arrendell-I am going to stop you. What are the rules? Secretary Pouncey- There are no RVs allowed in city limits unless they are building and want to watch the materials, or they are storing the RV on their property. AM Diana Chunn- Some of the problems is the retention pond is not done correctly. It really needs to be investigated. They should not have to pump out a retention pond if it functions properly. Plus, when the river rises it will cause even more issues. Mayor Arrendell- Yes, they pump it onto the property next door and in the middle of the road. CM Bell- Did y'all not see the flood from the slight rain that we had. If its heavier rain, then where are you going to move the RVs to. Mayor Arrendell- This is y'all's action y'all speak for the city. CM Lee- This is not a good idea for our city.

13. Receive reports, discuss, and provide input on reports from City staff, including:

- a. the Plum Grove Fire Department Report included.
- b. the Plum Grove Police Department Report. Sergeant Longoria-We did have a TCOLE Audit and we passed and there were two deficiencies that have been corrected. Oil changes are due next month. There was a small fleet accident, and a report will be filed to fix the vehicle. Secretary Pouncey- The 2 deficiencies that he is talking about were included in Brandons end of the year report for 2023. Mayor Arrendell- No questions for Mr. Frank?
- c. Plum Grove Municipal Court.
Court Administrator Frazier-There were one hundred cases paid and 135 cases were touched in January. The court date for February is the last Monday of the month due to the 19th being a holiday. Judge Steely and myself were in Galveston at the yearly conference on January 29th,30th, and 31st. This will almost complete the hours needed for CEUs. The rest of the hours will be completed locally. I want to update on the deposit audit. There have been questions, and it keeps being brought up. It was requested by the city council and the mayor, which was Barbara prior to Mrs. Mary coming on. This was not asked to be performed by Judge Steely, Mayor Norris and that council requested that the audit be performed. Judge Steely was made aware of this request. He knows everything that is going on, but he is not who requested the audit. After the audit was completed, I presented the evidence and then we went from there. Lee Walker has asked numerous times for an outside agency for a forensic audit to find the \$6,000.00 that is missing and for various reasons they do not want to use our local government. I have contacted the attorney general, and they will not perform any audit until the Liberty County DA invites them to do so. That is standard practice. The district attorney is performing their own internal investigation into the evidence, and they will update us on where to go from there. I am at a standstill. I can't do anything or give y'all an update. I can't go anywhere until I am told who to contact. So, I just wanted to clear the air and let everyone know where we stand with this. We are trying to move forward and figure out what we need to do. We have to play by the rules. Mayor Arrendell- Thank you Jill. Do y'all have any questions for her?
- c. GLO and AG Grant Updates Mayor Arrendell- Melissa. Secretary Pouncey- The Grant was supposed to start last week but they delayed due to the weather. I thought they were going to start today but I haven't heard anything from them. They will start where the Cones are placed. They will pulverize it first then start with subbase, base, and topping.
- e. FEMA Updates- Mayor Arrendell- what about FEMA? Secretary Pouncey- The quarterly reports are done and 2-time extension letters back. We still need a generator for city hall, and we can then close that project out. CM Enloe- What did they say about the washout? Secretary Pouncey- They came to city hall for the meeting. Basically, they said that we are going to try to move forward with the funding for this project. They do not understand how the project can cost close to \$400,000.00. It was explained that all materials have greatly increased due to inflation. They are also not understanding every time that it rains it causes more damage. Mayor Arrendell- We have gotten this far now I just pray that we can get this back open.
- f. Discussion of Local, County, and State Updates. Secretary Pouncey- March 5th election day will be here at this building. CM Enloe- Is there an update on the taxes for the store? Mayor Arrendell-Its not on the agenda but we can talk afterwards. CM Enloe- Can we discuss it under local even with it not on the agenda? Mayor Arrendell- Yes, we could I suppose it is local. City Attorney Mergel- What is she referring to? Secretary Pouncey- The issue with the store. Mayor Arrendell-The sales taxes will be quarterly so the first deposit we would have gotten would be January. We waited until January, and nothing arrived from the comptroller. So, I asked Missy to call the comptroller and see what is going on with the payments. Secretary Pouncey-Literally it took 2 weeks to get answers from someone after numerous phone calls were placed and emails were sent.

Mayor Arrendell-so we have a report filed now. Secretary Pouncey- and I made a request for a confidential um what was it called a detailed confidential report and we won't be able to discuss it out here it will have to go into executive session to be discussed once we get that. That is if they release it to me the Mayor may have to turn around and send in a request they may not release this to me. Mayor Arrendell- Its just like if you open a business and you get your tax id number. It is up to the business owner to get with the comptroller and pay your taxes. It is not up to the city to handle this. I just want you guys to know that that is not part of our duties for every single business that comes into the city. It is just not part of the city's job. We can't tell them hey you forgot to pay your taxes we can't do that. CM Enloe-Yea Secretary Pouncey- Once the deposit from the comptroller was in the bank account and I was looking at it I was like \$3000.00 is not include anything from the store. There is absolutely no way. Mayor Arrendell- We are on top of this now as soon as we know more, we will notify y'all. Secretary Pouncey-The comptroller sent letters out stating hey you do know you are in the city limits. Mayor Arrendell-We will update y'all. Secretary Pouncey-I will send y'all another email. City Attorney Mergel- What is the plan for going forward? Secretary Pouncey-They also sent letters stating you are in the city limits of Plum Grove. Mayor Arrendell-They did not even claim to be in our city limits. CM Lee- They know that they are in the city limits. Secretary Pouncey- Yes, they had to have multiple permits to build the store. That they purchased from the city. CM Enloe- They can't make them pay back fees. Secretary Pouncey- If they were not collected, they cannot make them back pay. I also may be wrong, but I think Pizza Hut has done their paperwork properly. I may be wrong. They didn't clarify about Pizza Hut or the donut shop. Then they got hush hush and said I had to request the confidential report. City Attorney Mergel- So there may be some enforcement coming from the comptroller office we just don't know. Mayor Arrendell- Yes.

14. Motion to adjourn @ 7:55 P.M. made by CM Lee, 2nd by CM Enloe, passed unopposed.