

CITY COUNCIL MEETING APRIL 8, 2024

MINUTES OF THE PLUM GROVE CITY COUNCIL REGULAR OPEN MEETING HELD ON THE 8th DAY OF APRIL 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 7:01 P.M.
2. Roll Call

**Present-**

Mary Arrendell-Mayor

Deborah Bell-CM 1

Rodney Walker-CM 2

Danielle Enloe-CM 3

Lee Walker-CM 4

Kevin Lee-CM 5 Mayor Pro-Tem

Melissa Pouncey-Secretary/Disaster Relief

Frank Longoria-Police Sgt/Security

Jillian Frazier-Court Administrator

**Absent-**

3. Pledge of Allegiance-Mayor Arrendell
4. Invocation-Mike Pierce
5. Public Comments-No Public comments
6. Motion to approve March 2024 Financial report made by CM Lee, 2<sup>nd</sup> by CM L. Walker, passed unopposed.
7. Consideration, discussion, and possible action to approve minutes for
  - a. February 12, 2024, made by CM Enloe, 2<sup>nd</sup> by CM Lee, passed unopposed.
  - b. March 11, 2024, made by CM L. Walker, 2<sup>nd</sup> by CM R. Walker, passed unopposed.
8. Motion to approve \$1,000.00 payments a month to D & G contractors until debt is paid in full made by CM Lee, 2<sup>nd</sup> by CM Enloe, passed unopposed.

**Discussion-** Mayor Arrendell- Apparently when all of the renovations were done there was not a contract that had been signed by either the contractor or the city and there was just a promise of the city to pay a certain amount per month. Well, the gentleman has been calling and he wants to take us to court because he needs his money. So, I explained to him that we would place him on the agenda to make a higher payment. I do not think we a financially able to pay him off in full. CM L. Walker- Missy wasn't there something that in some meeting that y'all voted y'all were going to pay him so much per month? It was never approved by the council. Secretary Pouncey-There was something discussed and also when everyone on council walked in and saw that now the white walls are grey, they all freaked out. CM L. Walker- I bet they did I remember saying Missy what are they doing they are doing things without council permission. The former Mayor allowed them to do this. Secretary Pouncey- No, she and this one (pointed at Diana Chunn) was telling them to stop, stop, stop and they continued to do as they pleased. CM R. Walker- Who were the contractors? Secretary Pouncey- No, 2 employees. However, moving forward the contractors still completed the work that we owe them for. CM L. Walker- well some things were required right? Secretary Pouncey- No. Mayor Arrendell- No, nothing was required. CM L. Walker- the sign was required, the flagpole, and then we had to have ADA. Mayor Arrendell-No, thousands and thousands of dollars' worth of work that was spent that could have been used for something else. That is why I put all of this in here and the guy called this afternoon, but he is really sick with a cold. He is just a mom-and-pop company and he's not a big business. Secretary

Pouncey- In his defense he had absolutely no clue things needed to be on the agenda for council approval. He was going strictly off what those employees told him. CM L. Walker- the employee that was the wife of them wasn't D & G wasn't she the wife? Secretary Pouncey- No, so D & G is Dustin and Gary they are married to two sisters. Gary is former law enforcement. They are not married to any of the former employees. CM L. Walker- How Much is owed? Secretary Pouncey- If you look on the last page in your binder it has it all on there. Invoice number 1357. CM Bell- \$13,768.84 Mayor Arrendell- \$13, 768.84. CM L. Walker- Where did this start? Mayor Arrendell- The only thing we are not paying for is the Bullet proof door and window that was ordered. CM Lee- How much are we paying them a month right now? Mayor Arrendell- We are paying \$300.00 a month. I was going to suggest \$1000.00 a month. So, he can be paid off in 14 months. That's what I was going to find out. CM L. Walker- Can we afford that? Secretary Pouncey- Jill? Court Administrator Frazier- There are definitely some items that can be moved around, and we will need to do a budget amendment soon. We can move some finances around and make this work. CM L. Walker- Well we will get some money from the comptroller soon. Secretary Pouncey- I have not received a comptroller deposit yet this month to see if things are different. Court administrator Frazier- I have a question in the invoices does it finish out the bathroom the painting the trim and the handrails? Mayor Arrendell- That is what I went over, and I do not see that. Court administrator Frazier- Something that we need to look at I was looking through the minutes and it was on an agenda to be voted on to put the handrails up to be ADAD and the council at that time denied that and someone would volunteer their time to do this. So, either we need to have someone volunteer their time or hire someone to come in and finish out that bathroom. CM L. Walker- can you do that? (asks CM R. Walker). CM R. Walker- You are talking about just the handrails? Secretary Pouncey- Yes just hang a piece of plywood to make it sturdy to place the handrails. That way the rails are attached to the plywood and if someone pulled up on the rails it would not pull it out of the drywall. CM R. Walker- Yes, I can do that.

9. Motion to approve the maximum fine on ordinance no. 0213-2023 made by CM Bell, 2<sup>nd</sup> by CM R. Walker, passed unopposed. **Discussion-** Mayor Arrendell- I am going to read section 8 that has the fine. Section 8 reads-Any person who violates a provision of these rules and any person who is the permit holder of or otherwise operates a food service establishment that does not comply with the requirements of these rules and any responsible officer of that permit holder, or those persons shall be fined not more than \$2000.00 dollars. So, Missy, can you explain this part? Secretary Pouncey- yes mam, so this ordinance was passed with the understanding that we need to put that maximum fine in there, but it got lost with transition of attorneys. Jill had contacted the prosecuting attorney, and he came up with the maximum fine I sent to our attorney to make sure this was put in the correct areas on the ordinance. When I explained all this to Ms. Debra, our attorney, she said it needed to be placed on the agenda and passed saying that the council was ok with the maximum fine. Then this will give Mr. Frank the ability to fine the ones not complying. CM L. Walker- so we all agree there are no mobile food services in the city. Secretary Pouncey- No there is this ordinance that was signed that allows this. They just have to get permits. CM L. Walker- no, what about the one that I signed with Stephanie. Secretary Pouncey- It allows them they just have to get permits. CM L. Walker- I thought we outlawed taco trucks. Secretary Pouncey- It is the 1020 ordinance that we have been discussing every meeting. It is not on the agenda until the next item. Mayor Arrendell- That is the ordinance you are talking about. Alright then we can go to the next item and then discuss that there.
10. Motion to hire someone to remove bandit signs and place road signs and other odd jobs, made by CM L. Walker, 2<sup>nd</sup> by CM Lee, passed unopposed. **Discussion-** Mayor Arrendell- Missy Secretary Pouncey- I have talked with Mr. Whitmire and they do come and do things for the city but they are very

busy so they cannot come out and replace or place road signs for us all the time. So, we just need someone that Mary can say hey Missy, I need you to call such and such and they need to come place said road sign or please have them come pick up all the bandit signs on the telephone poles and in the ditches. Once a month or twice a month y'all can decide how much to pay them by the day or by the hour. Then decide if it is once or twice a month. Mary would be the one to make the call and decide what duties need to be completed. CM L. Walker-Do you have anyone in mind? Secretary Pouncey- There has been a gentleman that came by the office and is interested in helping out our city. CM L. Walker- What is the liability on this? Mayor Arrendell- That would be some information we will need to find out. Mayor Arrendell- I have also spoken with Mr. Whitmire about the trash pickup and we all know this looks like a big mess. Especially the end that's not in our city limits by Harris County. I brought it to his attention. I know we need help and adult probation or community service. Secretary Pouncey- Adult probation and community requires someone to sit with them the entire time they are picking up the trash. We don't have that. Mayor Arrendell- Correct we don't have that availability. CM Lee-They don't do an inmate program? I'm talking about Whitmire himself? Mayor Arrendell- He said no that's not available and the adult probation said no too. I don't know if they feel like it is just too dangerous out here. CM L. Walker- Can we do like a Saturday morning trash clean up. I know everyone wants to roll their eyes but it's their civil duty. If we tell everybody on Saturday morning from 9 am to noon if you feel like it go out and pick up trash. Secretary Pouncey- Me and Danielle tried this and only her, Sharla Kay, my son, her husband, and Carly showed up. Mayor Arrendell- Mr. Whitmire said that he would get back with me if we could hire a crew every two to three months to come through for us that would be in our better interest. We don't have time on the weekends, we want to help but we don't have time. He did say that if we placed all the trash in one location they would eventually come out and pick that up. CM L. Walker- I make a motion to instruct Missy to find out what the requirements are insurance wise to hire someone to complete the tasks. Kevin, do you know what the rate is hourly? CM Lee- I would say 15 to 21 an hour depending on if it is their own vehicle and insurance. Mayor Arrendell-I would think that if the person is insured and bonded, we would need to pay them a little more.

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 L. Walker, 2<sup>nd</sup> by CM Lee, passed unopposed.

**Discussion**-Mayor Arrendell- This is the ordinance that is in the back of your packets that we have discussed for several months. CM L. Walker- I was under the impression that I will go back and look it up again guys that we outlawed and do not allow anything but what was grandfathered in. That, we do not allow any taco trucks there would be no more mobile food vendors. It is not fair to the restaurant that are going to come. Mayor Arrendell- I got you and I understand but I have looked and what the city attorney has looked through for our ordinances. Secretary Pouncey- This is the food truck ordinances that was signed by you and Stephanie. However, there is a lengthy list of items that they need to obtain a permit. They have to have all of the items listed they are just not coming to get the permits. We need fines added to this ordinance so when they are not complying, they receive a citation. Mayor Arrendell- That would make it where we can use our officers instead of waiting for code enforcement. They will just require separate ticket books. CM L. Walker- Missy have you checked around as to what the averages are. Secretary Pouncey- I have given y'all what I found from Cleveland. I have searched numerous surrounding cities and I found nothing. CM Lee- What was that again? Secretary Pouncey- It was the permit application and different amounts that they charge. How much do they charge and how long the permits are for? Mayor Arrendell-Just an example of the store owner he owns that property, but we don't have anything set in stone saying he can't lease out his property to the pop-up vendors. So, if we go onto his property be like me telling you that you can't have a lemonade stand. Secretary Pouncey- I think if you hurt them money wise this will get their attention more than anything else. Mayor Arrendell- so we also need to do is like one, two, three, then the fourth fine then completely shut down. Secretary Pouncey-Whatever y'all can find email it to me I will print it out to have as part of the discussion. CM Lee- So fine wise start out light at around 250.00 then go up from there. Secretary Pouncey- That too would depend on the maximum that we can fine them per the state of Texas. Frank or Jill would this come through our court if the Pd writes the citation? Court administrator Frazier- It is

a class C misdemeanor. CM Bell- that would make sense. Secretary Pouncey- Do we want to table this again? Mayor Arrendell- So CM L. Walker- So we need a fee table. Secretary Pouncey- Yes, for this ordinance. Come up with something. CM L. Walker-If we look around at cities for this. Secretary Pouncey- I have looked. CM Lee-For the permit or what? Secretary Pouncey- Different fee for the permit and how long the permit is good for. Then a fine amount if they do not have a permit. CM L. Walker- So we can tell them you can only set up on the weekends or weekdays. Mayor Arrendell- yes, you can amend this ordinance to say that. I did see that Dayton had some ordinances. Y'all want to make a motion to table this. CM L. Walker- we can table this, but can we look into privately hiring a health inspector? Secretary Pouncey- That would be code enforcement. CM L. Walker- Can we see if the agricultural would come in and do something.

12. Consideration and discussion on list of items needed to start zoom meeting.

**Discussion-** Mayor Arrendell-This list of things was from Ms. Debra y'all take a minute to look it over. Then we can go into discussion. CM L. Walker- Are we prepared to go up. We talked to senator Nichols, we set it up so Stephanie Denman could talk to senator Nichols. So, if senator Nichols can talk to Stephanie, we should be able to make that work. Secretary Pouncey- The senator sent IT that had the program on their laptop they literally just hooked it up to the tv, With that being said we have to have a policy, we have to have an additional screen behind council so the audience can see, we have to have microphones, we need a laptop assigned specifically for zoom meetings, we have to have IT on staff and present at the meeting if zoom goes down the whole meeting has to stop and we have to wait until the zoom is back online, unless after six hours the meeting is automatically adjourned. CM L. Walker- don't y'all want to see what's going on. I can't make all the commissioners' meetings I watch online. Mayor Arrendell- I have been there when the county went offline, and you have to stop everything until it is back up and going. We just had to sit there and wait for it to get figured out. Secretary Pouncey- We also have to figure out where we will store all of the meetings. The videos are not small, so we need a large capacity to store the recordings. CM Bell-It is the same thing at the school. If it is not online, we have to stop everything and wait. CM L. Walker-I just remember Bo Reeves sitting on the zoom just looking around, looking around, Bo Reeves the only one that was just looking around. So, what is all of this going to cost us? Mayor Arrendell- I have looked into the cost of everything and the equipment will cost us around \$1500.00 or less. Secretary Pouncey- That is just for equipment only not the other costs. CM L. Walker- Well there are people in our community who are disabled and can not come to the meetings. Mayor Arrendell- We will have to get someone for IT. CM L. Walker- can we talk to Splendor and see who their IT person is and see what the cost for that will be. They may not even need to be here with us. Secretary Pouncey- No, they have to be present. Mayor Arrendell- Also on another note Ms. Bell was absent for a funeral and I thought ok. We can do the zoom and we can't do the zoom because we do not have the social media policy and TML does not let anyone do this since covid is not here. Unless you have a doctor's note, you cannot make the meeting. CM L. Walker- The way this was explained to me by Drew and the attorney this is 2024 its Plum Grove a lot of us travel for our jobs. I had two or three people that would like to sign up to run for city council to get some new blood on here, but they travel. What would happen if I am traveling it should be like anyone else and just hop on to a zoom. Knowing how many of us travel would make it easier on us who are on council and would like to run. Court administrator Frazier- The only thing is you have to have a quorum present here at city hall. So, let's say you were on vacation and wanted to hop on a zoom. There would still have to be three here present at the city hall. CM L. Walker- but you still get to vote. Court administrator Frazier- So, it does not replace anyone there would still need to be three present in a room. So, the person on the zoom does not count as a quorum. AM Sharron Reed- When you are watching Liberty County David Whitmire is not there and Leon Wilson is not there, they are all connected with a zoom meeting. So, the county does not have everyone present. Secretary Pouncey- There are also different laws and rules for a county vs a city. Mayor Arrendell- And of course one of them is sick. I don't know what the policies and procedures are for the county. Secretary Pouncey- We are all on the same page to get this done.

It's just following the law and getting it done correctly. CM L. Walker- Then let's get this done. That way everyone can watch it.

13. Motion to sign the election contract for May 4, 2024, made by CM L. Walker, 2<sup>nd</sup> by CM Lee, passed unopposed.
14. Consideration and discussion on election location, times,  
**Discussion**-Secretary Pouncey- In the back portion of the contract all of times, locations, and addresses are included in that. It lists where curbside voting is available also. Voting day will be the only day that voting will be available in Plum Grove. Numerous other voting places will be available for early voting.
15. Receive reports, discuss, and provide input on reports from:
  - a. the Plum Grove Police Department Report,  
2 minor crashes, 102 citations, 34 warnings, 3 DWI, 140 calls, Officer Palacios is registered for Background investigator class in Galveston. CM L. Walker- Across the street from my house on the weekends they are shooting I have a recording of it. My Neighbors called but they were shooting rapid automatic fire and loose cannons. It was spring break and there were kids riding their Polaris's we called and finally I called Bobbys cell phone and said never mind Bobby I will just go out there and deal with it myself and hide behind a tree. There not shooting at our houses they are shooting at our livestock they are just shooting down the road. I get it there is only one of y'all.
  - b. the Plum Grove Fire Department Report, **Discussion**- Court administrator Frazier- Chief Frazier was going through all of the calls and he will get you a report as soon as he can. CM L. Walker- what's going on with the new fire department? Court administrator Frazier-There are still a few loose ends they are tying up. CM L. Walker- Are you still the secretary for the fire department? Court administrator Frazier-For the 430 CM L. Walker- So are they going to be working out of both fire departments. Court administrator Frazier- Yes mam. CM L. Walker- So Colony Ridge will be buying equipment for that fire department? Court administrator Frazier- No, we have our own equipment. CM L. Walker- That's what I thought. Court administrator Frazier- ok so for example at station one we have booster 1 and booster 2 we have intentions of growing in the future to expand equipment. So, the trucks are split between locations. CM L. Walker- So what's going on with the medics? Court administrator Frazier- The Ems is local and are for all of Liberty County I do not know what their plans are they are their own agency. CM L. Walker- Where are they based at right now? Court administrator Frazier-Right now they are based at station 1. AM Sharron Reed- Why dot they turn their sirens on every morning at 6 am and go to the store? Every Morning for the last year.
  - c. the Plum Grove Municipal Court. Report included. Report included.
  - d. GLO and AG Grant Updates, Discussion- Secretary Pouncey- We sent a letter off to the IRS that me and Mary both had to sign because they have information that the previous secretary set up and I don't have the correct answers. I explained we lost all the information was lost in the flood for Hurricane Harvey. Then CM Lee did the final walk through for the ag grant here in front of city hall. CM Lee- They added cement to the problem areas and tight bladed it and reprocessed the base itself. They put a little more asphalt than was required. We shall see there is a year's warranty on this is what I was told.
  - e. FEMA Updates, and AM Sharron Reed- So when will the million dollars from Fema be sent to us? Secretary Pouncey- Fema will not be sending us a million dollars that is not even been discussed. We have received the GLO grant for a million dollars for orange branch. Fema will not just send you money. They won't just send us a million dollars and say have fun. They have to have pricing and cost estimates and breakdowns. They won't send large amounts at one time; it all is sent in increments. Fema has never discussed sending us a million dollars.
  - f. Discussion of Local, County, and State Updates.
16. Motion to Adjourn @ 7:58 P.M. made by CM Lee, 2<sup>nd</sup> by CM R. Walker, passed unopposed.