

CITY COUNCIL MEETING JUNE 10, 2023

MINUTES OF THE PLUM GROVE CITY COUNCIL REGULAR OPEN MEETING HELD ON THE 10th DAY OF JUNE 2022, AT THE PLUM GROVE CITY HALL, 7733FM 1010, 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.

Mary Arrendell-Mayor

Deborah Bell

Froy Ortiz

Danielle Enloe

Diana Chunn

Kevin Lee

\*\*\* 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

Kevin Lee-Mayor Pro-Tem

Froy Ortiz-CP2

Diana Chunn-CP4

Melissa Pouncey-Secretary/Disaster Relief

Frank Longoria-Police Chief/Fire Chief

Jillian Frazier-Court Administrator

**Absent-**

Deborah Bell-CP1

Danielle Enloe-CP3

3. Pledge of Allegiance lead by Mayor Mary Arrendell
4. Invocation lead by AM Cynthia Silvia
5. Public Comments-

**CM-Chunn** made an announcement audience member has 1 chance to speak up to 3 minutes and one time to use the 3 minutes. Do not interrupt the council or others speaking. We will be keeping all comments into the comment section moving forward.

**Mildred Sowell-** So was the water and sewer in consideration from the company did they receive approval from previous council? Who will be the water and sewer provider? Is it the city of Plum Grove or will it be a contractor and when will it become available for city of Plum Grove residents? Is the decorum Policy for the council if so its great for it to be in place moving forward. About city hall why wasn't it built above the hurricane Harvey flood plane and who was that contractor?

**Cybthia Silvia-** I have noticed a lot of Spanish speaking people are attending the meeting if you would like for me to translate the agendas I will. I can then post them on my newspaper for everyone to view.

6. Motion to approve May 2024 Financial report made by CM Chunn, 2<sup>nd</sup> by CM Ortiz, passed unopposed.
7. Motion to approve minutes for
  - a. May 20, 2024, made by CM Chunn, 2<sup>nd</sup> by CM Ortiz, passed unopposed.
  - b. June 6, 2024, made by CM Chunn, 2<sup>nd</sup> by CM Ortiz, passed unopposed.

8. Motion to deny retail water and sewer service to Dollar General Plum Grove Store 30850 made by CM Lee, 2<sup>nd</sup> by CM Chunn, passed unopposed.
9. Motion to approve Resolution no. 0610-2024R. A resolution of the city council of the city of Plum Grove, Texas to rescind the passage of agenda items 9 and 10 from the regular city council meeting held on December 11, 2023,(reinstating John Joslin as chief of police and restoration of lost wages, benefit, and peace officer time-in-service) as null and of no effect; authorizing the mayor to take all actions necessary for and on behalf of the city of Plum Grove, Texas to cease efforts to achieve such reinstatement; providing for severability and providing for an effective date made by CM Chunn, 2<sup>nd</sup> by CM Ortiz,

**Discussion-** CM Lee- He has been cleared of all of his charges. Mayor Arrendell-I have something I would like to read. Six months ago, on December 11, 2023, a motion was made and passed to reinstate John Joslin as the Chief of Police for the Plum Grove Police Department. Since then, John Joslin has refused to comply with the mandatory steps to be appointed as the Chief of Police through TCOLE. Specifically, he has not completed and submitted the necessary Personal History Statement (PHS) so that a proper background investigation could be conducted. It is mandatory that a background investigation be completed prior to appointment and failure to adhere to mandated procedures poses a significant risk to our city's compliance with state standards and could have legal and operational ramifications for our police department. As outlined in Chapter 22 of the Texas Government Code, it is the mayor's responsibility to ensure that the laws and ordinances of the city are properly carried out. Additionally, I am tasked with inspecting the conduct of subordinate municipal officers relating to negligence and carelessness. When identified, I must provide the information to the governing body and recommend measures for improvement. Therefore, I am recommending that the council consider rescinding the appointment of John Joslin to ensure that we remain in full compliance with TCOLE requirements and uphold the integrity of our law enforcement agency. CM Chunn- 1<sup>st</sup> we can't afford his salary, 2<sup>nd</sup> he has been under inditement at almost every place that he has been employed. Some were dismissed because they are HR related and they did not want to release all the information. We cannot afford an HR incident then have to pay for that and all the legal ramifications. CM Lee- Where is the proof he has never done a proper background check? Mayor Arrendell- He has never contacted me. CM Lee-Where is the proof? Mayor Arrendell- He has never contacted me. If you look in all your papers you will see the emails and that he tried to go above me and do his own background check and TCOLE told him he has to go through the mayor. I have found a background investigator that is unbiased for him, and he has not contacted me until today. He responded today to say he was cleared of all of his charges. That's the first time he has contacted us, he has never emailed or called the city. We sent snail mail and certified mail he never responded we have not heard a word from him. He has kept the city in limbo for 6 months. Do y'all have any more questions? CM Chunn- Kevin is there anything else you would like to discuss? CM Lee- No- CM Chunn- I make the motion.

10. Motion to accept Brandon Frazier's resignation made by CM Chunn, 2<sup>nd</sup> by CM Ortiz, passed unopposed. **Discussion-**Mayor Arrendell- I'm going to let Diana read Brandons resignation letter. CM Chunn- On March 22, 2022, I was approached about being the Chief of Police for the City of Plum Grove. I was warned that the police department was in bad shape, but it wasn't until March 30, 2022, when I accepted the duties and responsibilities associated with the position that I would learn the extent of the issues. The city was at risk relating to violations of the Equal Pay Act Provisions by not having employees in similar positions at similar pay and violation of the Texas Labor Code by employees not appropriately being compensated for hundreds of hours worked. The issues continued to stack up. The department was massively overbudget with tens of thousands of dollars in outstanding debt, personnel files were out of compliance with the Texas Government Code and Texas Occupations Code, incident reports were blank and/or missing violating Management and Preservation of Records requirements, and the integrity of the evidence log was compromised by whiteout being on the log rendering the department noncompliant with Texas Administrative Code standards of conduct. The department was out of compliance with CJIS requirements and TCOLE requirements. The list of issues goes on seemingly forever, and I don't think the magnitude of how

these issues could have negatively impacted the city can be expressed in full. Nevertheless, I set out to correct these issues and try to protect the city. The path was not simple and bringing the department into compliance was further complicated considering the city's financial state. Those that pushed for the creation of a police department while simultaneously extending hundreds of thousands of taxpayers' dollars pursuing legal actions had placed the city in a massive deficit. As a result, I was forced to attempt to repair these issues with minimal staffing and minimal funding. There were many long hours spent, not only working on these issues, but physically performing vehicle maintenance and repairing dangerous wiring from upfitting that placed the city's officers at risk of injury. For nearly two years, I did this for minimal compensation and at times, no compensation at all. On December 11, 2023, the Plum Grove City Council passed a motion to "retroactively reinstate" the former Chief of Police. Considering police departments tend to only have one Chief of Police, the council's motion for all intents and purposes deleted me. They did not place me in another position nor address my existence. Despite the council's motion violating several mandatory appointment requirements associated with the Texas Occupations Code, I respectfully relinquished my department issued items without saying a word and departed from the meeting. In the past six months since this action was taken, I have been placed in an extremely awkward position. I have continued to be the person responsible for the department relating to audits and other issues, while having my abilities limited and no compensation due to the city's inability to reappoint the former Chief of Police. To exacerbate the situation further, defamatory false statements have been made regarding me from a now former councilmember. False information was intentionally and maliciously spread to the public claiming that I engaged in a corrupt backroom meeting in a scheme to circumvent taxes and that I verbally resigned when surrendering my department equipment on December 11, 2023. It doesn't stop there, threatening comments have been made towards the fire department and false allegations against me have been sent to my primary employer. What I have done to warrant this treatment I will never understand. It was abnormalities that I identified and questioned that prompted the audit that discovered missing court funds. I initiated an investigation that was halted by the actions taken on December 11, 2023. I want to address the allegations relating to the back door meeting. The meeting in question was in no way secret nor was cheating taxes a topic in any way. The meeting had nothing to do with the fire department. I requested the meeting in question, and at least six people were present. The meeting was simply to discuss rebuilding a professional working relationship between the county and the city. It was my opinion that years of public fighting and disagreements had effectively isolated the city from any assistance that anyone around them could offer and the citizens were left to suffer. I simply proposed that everyone find a way to work together moving forward. Most of the police department related issues stated above, including the investigation, were openly disclosed either verbally, in monthly council reports, and/or in the Annual Performance Report to the council much like the existence of the Brady Letter associated with the prior Chief. It was very clear that the Brady Letter existed and how it could affect prosecution in cases. Even if someone had the personal belief that it was issued under some alternative motive, I don't understand how a council could pretend it doesn't exist or means nothing, especially considering it had been challenged and upheld. I have no idea why a council would place a department or a city in that situation voluntarily. Furthermore, I don't particularly understand how demands relating to a claim of wrongful termination beyond 180 days of separation could have such weight with a council. Regardless, these were not my decisions to make. Prudent financial management and ethical decision-making rests on the shoulders of the council. There very well may be information I don't have or understand, and I accept that. Despite all this and what I have been subjected to over the past 26 months, I harbor no ill will towards this city. You have received no demand letters from me or threats of lawsuit. You have received no complaints that I have still been obligated to carry out the duties associated with the Chief of Police without compensation. I pray that everyone gains a better understanding of who is really hurting this city and holding it back. I have faith that the current council and mayor can put the city back on the right path. I have accomplished everything that I promised the city I would do. Police department spending is balanced, officer pay has improved, and the department is both CJIS and TCOLE compliant. The department is compliant with all mandatory reporting including Racial Profiling, Asset Forfeiture, and NIBRS. The current staff is trained in how to maintain this baseline. They have a solid understanding of how to rebuild the fleet following the flood, how to meet the new CJIS requirements that will be mandated as of October 2024, and the remaining necessary steps to improve staffing and pay. With my promises met, my

tasks are complete. Effective immediately, I resign from the position of Chief of Police and recommend that Sergeant Frank Longoria be appointed as the Chief of Police. Sergeant Longoria is by far one of the best supervisors I have ever had the privilege to serve with. The city is blessed to have such a quality law enforcement officer with his experience. He is honorable, has integrity, and sound decision making. He has trained many of the law enforcement officers in the area and is well respected throughout the county. I hope that you consider my recommendation and allow him the opportunity to continue building this police department.

11. Motion to appoint Frank Longoria, subject to verification from TCOLE of his/her eligibility made by CM Chunn, 2<sup>nd</sup> by CM Ortiz, passed unopposed. **Discussion-** Mayor Arrendell- My recommendation is Mr. Frank Longoria. CM Lee- Is he going to work for free? CM Chunn- He is already our sergeant and receiving pay. CM Lee- Are you going to hire another officer. CM Chunn- Not at this moment until we get the budget under control. CM Lee- Ok I just wanted to make sure. CM Chunn- We can not afford a high dollar chief. CM Lee- I know so I was trying to figure out how you were going to swing that. CM Chunn- He will still work his shift and can be police chief. Mayor Arrendell- Mr. Frank are you willing to accept the appointment? Sergeant Longoria- Yes mam.
12. Motion to table Ordinance No. 0610-2024 adopting the decorum policy for elected and appointed officials of the City of Plum Grove, Texas; providing for a penalty in an amount of not more than \$500.00 for filing a false complaint or giving false testimony; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for severability made by CM Lee, 2<sup>nd</sup> by CM Ortiz, passed unopposed.
13. Representative not Present for FEMA SBA loans no action on this item.
14. Motion to table signing settlement for May 3, 2024, flood insurance claim for Plum Grove city hall made by CM Lee, 2<sup>nd</sup> by CM Chunn, passed unopposed.
15. Receive reports, discuss, and provide input on reports from:
  - a. the Plum Grove Police Department Report Chief Longoria stated-May1- June 1 67 citations, 3 DWI, 1 EVO, 3 warrants, and 12 towed vehicles, and recovered one stolen vehicle. Constable Mark Davison will donate 2 Tahoe's to the PD to replace 2 of the flooded vehicles. Sergeant Palacios completed the background investigation course to ensure the PD is in compliance with TCOLE.
  - b. the Plum Grove Fire Department Report included.
  - c. the Plum Grove Municipal Court included,
  - d. Grant Updates
  - a. Glo (Orange Branch) Waiting on the IRS to mail the city a form. The city has mailed at two different times a certified letter requesting the form.
  - b. AG (Plum Grove Rd repair at 347 South) Waiting on the amendments that was made to the grant to pass with TDA then payment paperwork to be completed. Once that paperwork is complete the city is obligated to pay \$20,000.00 with the funds from TDA.
  - c. ARPA (PG PD Body cam/IT grant) waiting on all the bids for the laptops for PD.
  - d. FEMA Updates, and f. Discussion of Local, County, and State Updates.
16. Motion to adjourn made by CM Chunn, 2<sup>nd</sup> by CM Lee, passed unopposed.