REGULAR MEETING OF THE CITY COUNCIL OF THE

CITY OF PORT NECHES

4:00 P.M.

November 2, 2023

MEETING

The regular meeting was called to order at 4:00 p.m. by Mayor Pro Tem Arnold at Port Neches City Hall, 1005 Merriman Street, Port Neches, Texas with the following members in attendance to wit:

Robert Arnold, Mayor Pro Tem
Chris McMahon, Councilmember
Adam Anders, Councilmember
Terry Schwertner, Councilmember
John Davenport, Councilmember

Also present:
Andre' Wimer, City Manager
Holly Alexander, City Secretary
Stephen Townsend, City Attorney

Absent:
Glenn Johnson, Mayor

PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Pro Tem Arnold led the Pledge of Allegiance and the invocation.

APPROVAL OF MINUTES

Councilmember McMahon a motion to approve the minutes of the regular meeting held October 5, 2023, seconded by Councilmember Anders. **MOTION PASSED BY UNANIMOUS VOTE.**

PROCLAMATIONS

There were no proclamations.

AGENDA ITEM 7 – DISCUSS AND TAKE ACTION REGARDING A REQUEST FROM THE CHAMBER OF COMMERCE TO CLOSE PORT NECHES AVENUE FROM NALL STREET TO MONTGOMERY STREET ON FRIDAY, DECEMBER 1, 2023 FROM 5:00 P.M. TO 9:00 P.M. FOR A "LIGHT UP THE AVENUE" CHRISTMAS TREE LIGHTING EVENT FOLLOWED BY A SHOPPING AND ENTERTAINMENT EVENT.

The City Council was provided with correspondence received from of the Port Neches Chambers of Commerce for review. The City Manager explained that the Chamber plans to have a "Light Up

the Avenue" celebration on Friday, December 1, 2023, followed by a shopping/entertainment event. He stated that the Chamber has requested that Port Neches Avenue be closed from 5:00 p.m. to 9:00 p.m. He noted that this is a new event to coincide with a Christmas tree lighting.

Councilmember McMahon made a motion to approve the closure of Port Neches Avenue, between Nall Street and Montgomery Street, on Friday, December 1, 2023 from 5:00 p.m. to 9:00 p.m., seconded by Councilmember Anders. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 8 - DISCUSS AND TAKE ACTION REGARDING THE APPROVAL OF A REQUEST FROM THE CHAMBER OF COMMERCE FOR A TEMPORARY PERMIT IN ACCORDANCE WITH SECTION 6-5 OF THE CITY'S CODE OF ORDINANCES TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON PORT NECHES AVENUE, FROM NALL STREET TO MONTGOMERY STREET, AND PORT NECHES ECONOMIC DEVELOPMENT CORPORATION PROPERTY ON FRIDAY, DECEMBER 1, 2023 FROM 5:00 P.M. – 9:00 P.M.

The City Council was provided with correspondence received from the Port Neches Chamber of Commerce for review. The City Manager explained that the Chamber has requested that the consumption of alcohol be permitted on public right-of-way on Friday, December 1, 2023 from 5:00 p.m. – 9:00 p.m.; this area will include Port Neches Avenue between Nall Street and Montgomery Street. The City Manager stated that in order to allow this, it is necessary for the City Council to issue a temporary permit as has been approved for other recent events. He noted that the Chamber has indicated that this will allow attendees of the "Light Up the Avenue" celebration to purchase and consume alcoholic beverages from merchants.

Councilmember Schwertner made a motion to approve the request from the Port Neches Chamber of Commerce to allow for the consumption of alcoholic beverages on Port Neches Avenue, between Nall Street and Montgomery Street, and on Port Neches Economic Development property on Friday, December 1, 2023 from 5:00 p.m. to 9:00 p.m. with the stipulation that all alcohol be required to be served in non-breakable containers, seconded by Councilmember Davenport. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 9 - DISCUSS AND TAKE ACTION REGARDING A REQUEST FROM THE CHAMBER OF COMMERCE TO CLOSE PORT NECHES AVENUE FROM THE PORT NECHES-GROVES ISD ALTERNATIVE CAMPUS TO LLANO STREET, AVENUE C FROM LLANO STREET TO MERRIMAN STREET, AND MERRIMAN STREET FROM AVENUE C TO RIVERFRONT PARK ON SATURDAY, DECEMBER 2, 2023 FROM 12:00 P.M. TO 3:00 P.M. FOR THE ANNUAL CHRISTMAS PARADE.

The City Council was provided with correspondence received from of the Port Neches Chamber of Commerce for review. The City Manager stated the Chamber has requested various street closures on Saturday, December 2, 2023 from 12:00 p.m. to 3:00 p.m. for the Christmas Parade.

Councilmember Anders made a motion to approve the closure of Port Neches Avenue from the Port Neches-Groves ISD Alternative Campus to Llano Street, Avenue C from Llano Street to Merriman Street, and Merriman Street from Avenue C to Riverfront Park on Saturday, December 2, 2023 from 12:00 p.m. to 3:00 p.m. for the annual Christmas Parade, seconded by Councilmember Schwertner. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 10 - DISCUSS AND TAKE ACTION REGARDING APPROVAL OF RESOLUTION NO. 2023-11, APPROVING THE CERTIFIED ROLL JURISDICTION SUMMARY OF THE TAX ROLL FOR TAX YEAR 2023.

The City Council was provided with proposed Resolution No. 2023-11 and supporting documentation from the Jefferson County Tax Assessor Collector for review. The City Manager explained that Section 26.09 of the Texas Property Tax Code requires that the City Council approve the Certified Roll Jurisdiction Summary of the tax roll for the 2023 tax year.

Councilmember Davenport made a motion to approve Resolution No. 2023-11, approving the Certified Roll Jurisdiction Summary of the tax roll for the 2023 tax year, seconded by Councilmember Schwertner. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 11 - DISCUSS AND TAKE ACTION REGARDING THE APPROVAL OF THE ANNUAL REVIEW OF THE CITY'S INVESTMENT POLICY.

The City Council was provided with a copy of the City's Investment Policy for review. The City Manager explained that as required by State statute, it is necessary to review this document on an annual basis. He stated that there are no proposed changes to this document and that Amy Guidroz is present at the meeting to address any questions.

Councilmember Anders made a motion to approve the annual review of the City Investment Policy, seconded by Councilmember McMahon. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 12 - DISCUSS AND TAKE ACTION REGARDING THE APPROVAL OF RESOLUTION NO. 2023-12, AUTHORIZING PARTICIPATION IN THE TEXPOOL INVESTMENT POOL, AND THE TEXPOOL INVESTMENT POOLS PARTICIPATION AGREEMENT.

The City Council was provided with proposed Resolution No. 2023-12 and the TexPool Investment Pools Participation Agreement for review. The City Manager informed City Council that staff has requested that the City Council approve the City's participation in the TexPool investment pool. He noted that TexPool was created in 1989 as a means for local governmental entities to pool funds to manage funds and receive higher interest earnings and that this entity is overseen by the State Comptroller of Public Accounts and currently includes approximately 2,800 participants with combined assets of $41 billion. He further noted that TexPool is managed conservatively to provide safe and liquid investment alternatives to Texas governments and operates within the statutory requirements of the Texas Public Finds Investment Act and invests exclusively in U.S. Government securities, repurchase agreements collateralized by U.S. Government securities, and AAA-rated no-load money market mutual funds. He stated that TexPool is rated AAAm by Standard & Poor's, which is the highest rating a local government investment pool can achieve.

The City Manager explained that the City would deposit some amount of its available cash in TexPool, which would then manage the investment of the funds. He stated that interest is accrued daily and paid monthly, and deposits and withdrawals can be made on any business day of the week.

He further explained that TexPool does not depart from the City's conservative approach in managing funds due to their types of investments which are also inherently conservative and that staff believes that participation in TexPool will prove beneficial for the City.

Councilmember McMahon made a motion to approve Resolution No. 2023-12, authorizing participation in the TexPool Investment Pool, and the TexPool Investment Pools Participation Agreement, seconded by Councilmember Anders. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 13 - DISCUSS AND TAKE ACTION REGARDING THE APPROVAL OF AN AGREEMENT WITH UTILITY ASSOCIATES, INC. FOR NEW BODY-WORN CAMERAS AND IN-CAR VIDEO CAMERAS FOR THE POLICE DEPARTMENT.

The City Council was provided with proposed agreement with Utility Associates, Inc. for review. The City Manager explained that this document pertains to the acquisition of new body-worn camera and in-car camera systems for the Police Department. He stated that the current year budget includes funding for this purpose and after research of the various options available, Chief Griffith has recommended the equipment and systems offered by Utility Associates, Inc. He further stated that the total cost of the agreement is $180,148.60 which is paid over a five (5) year period; the initial payment is $70,020.60 with four (4) subsequent annual payments of $27,532.00. He noted that some amount of State grant funding may be available for this purchase.

Councilmember Davenport made a motion to approve an agreement with Utility Associates, Inc. contingent upon concurrence by the City Attorney, seconded by Councilmember Anders. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 14 - DISCUSS AND TAKE ACTION REGARDING THE APPROVAL OF A BID AWARD FOR IMPROVEMENTS TO TWO (2) AERATOR BUILDINGS AND THE RAW WATER BUILDING, WATER TREATMENT PLANT REHABILITATION, 2022 CERTIFICATES OF OBLIGATION.

The City Council was provided a memorandum from Clint Fore and supporting documentation for review. The City Manager stated that the 2022 Certificates of Obligation included funding for a variety of improvements at the Water Treatment Plant. At the October 5, 2023 meeting, the City Council rejected the one (1) bid received for the project based upon pricing concerns expressed by staff and it was noted at that time that staff would seek individual pricing for the various components of this project.

The City Manager explained that for the building improvements component of the Water Treatment Plant Rehabilitation project, staff obtained pricing from two (2) contractors: Gentile Construction - $32,000.00 and LLB Construction - $38,890.00. As a point of comparison, please note that the cost included in the comprehensive bid for the project was $213,534.00. He noted that both Gentile Construction and LLB Construction were provided with the same plan set and specifications as provided for in the comprehensive bid.

Councilmember McMahon made a motion to award a bid award for improvements to two (2) aerator buildings and the raw water building, Water Treatment Plant Rehabilitation, 2022 Certificates of Obligation, to Gentile Construction in the amount of $32,000.00, seconded by Councilmember Anders. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 15 - DISCUSS AND TAKE ACTION REGARDING THE APPROVAL OF RELEASE OF RETAINAGE, CHANGE ORDER NO. 2, FINAL PAYMENT, BLOCK AND LEE FLEXIBASE PROJECT, 2022 CERTIFICATES OF OBLIGATION.

The City Council was provided a memorandum from Clint Fore and supporting documentation from Leavins Engineering & Design, LLC for review. The City Manager explained that work has been completed and approved on the Block and Lee Flexibase project. He stated that the original cost of the project was $858,712.20, Change Order No. 2 results in an increase of $694.47 due to final materials quantities resulting in a revised contract of $859,406.67 and the final payment amount is $85,940.67, which represents the release of retainage. He noted that this agenda item also allows for acceptance of the project.

Councilmember Schwertner made a motion to approve Change Order No. 2, release of retainage, final payment, and acceptance of the Block and Lee Flexibase project, 2022 Certificates of Obligation, seconded by Councilmember Davenport. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 16 - DISCUSS AND TAKE ACTION REGARDING THE APPROVAL OF THE AWARD OF BID FOR PLASTIC GARBAGE BAGS.

The City Manager stated that pursuant to the decision of the City Council to restore garbage bag delivery to residents, the City initiated the bid process for this purchase. The City Council was provided with a memorandum from Clint Fore and supporting documentation for review. As indicated, only one (1) bid was received:

Vendor	Total Cost	Per Roll Cost
Houston Poly	$72,600.00	$4.40

The City Manager explained that the low bidder, Houston Poly, meets specifications and that the City has utilized this vendor in the past. He stated that based upon the surprisingly low cost, it will be possible to reduce the $1.75 monthly fee recently approved by the City Council. He noted that staff is currently analyzing the revised amount and the next agenda will include an ordinance with the updated fee.

Councilmember Anders made a motion to award the bid for plastic garbage bags to Houston Poly in the amount of $72,600.00, seconded by Councilmember McMahon. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 17 - DISCUSS AND TAKE ACTION REGARDING THE APPOINTMENTS TO THE LIBRARY BOARD.

The City Council was provided a with a memorandum from Mark Durham for review. The City Manager explained that the terms of the following Library Board members expire on December 31, 2023: Rhonda Melancon and Janice Kimler. He stated that the Library Board has recommended that all individuals be reappointed and that all persons have expressed an interest in continuing their service on the Library Board. He noted that the terms are two (2) years in duration and that the new terms will expire on December 31, 2025.

Councilmember Davenport made a motion to reappoint Rhonda Melancon and Janice Kimler to two (2) year terms on the Library Board, expiring December 31, 2025, seconded by Councilmember Schwertner. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 18 - DISCUSS AND TAKE ACTION REGARDING THE APPROVAL OF THE CREATION OF A CUSTODIAN POSITION AND ESTABLISHING A PAY SCALE.

The City Manager explained that approximately two (2) years ago, the City's long-term custodial contractor retired which necessitated selecting a new vendor and the term of this contract expires on December 31, 2023. He stated that the City will be releasing an RFP to solicit responses from interested parties.

He informed the City Council that in considering the routine cleaning and maintenance of City facilities, staff has proposed that it may be more cost-effective, in conjunction of an increased level of service, for the City to employ a Custodian. He stated that it would be necessary for the City Council to authorize the creation of such a position which would then allow staff to advertise for this job. He further stated that the City would concurrently advertise for both a contractor and an in-house position and dependent upon the results of both processes, the best option in terms of cost and services provided would be selected.

He noted that the proposed pay grade for the Custodian position is 15 which has a wage scale ranging from $35,365-$49,807. Pay grade 15 is between the non-CDL Sanitation Specialist I and Sanitation Specialist II which does hold a CDL.

Councilmember Davenport made a approve the creation of the Custodian position and establish pay grade 15 as the wage scale, seconded by Councilmember Anders. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 19 – DISCUSS AND TAKE ACTION REGARDING THE APPROVAL OF THE TAX OFFICE MONTHLY COLLECTION REPORT AND REFUNDS.

The City Council was provided with the monthly tax collection report from the County for September 2023:

Current Collections:	$4,843.27
Delinquent Collections:	$2,402.20
Regular & Supplemental Refunds:	$0.00
Penalty & Interest:	$2,368.75
Total:	$9,614.22

Current Collections YTD: 98.40%
Current Collections YTD Last Year: 98.68%

Councilmember Davenport made a motion to approve the report as submitted by the County for September 2023, seconded by Councilmember Anders. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 20 – EXECUTIVE SESSION

Mayor Pro Tem Arnold recessed the regular meeting to enter into Executive Session at 4:32 p.m. to discuss the following matters:

Real Property – Texas Government Code, Section 551.072

Discuss acquisition, exchange, sale, and/or lease of property.

Litigation – Texas Government Code, Section 551.071

Economic Development Negotiations – Texas Government Code, Section 551.087

Consultation with City Attorney – Texas Government Code, Section 551.071

AGENDA ITEM 21 – RECONVENE INTO REGULAR SESSION

Mayor Pro Tem Arnold reconvened the regular meeting of the City Council at 4:53 p.m.

AGENDA ITEM 22 – ADJOURN

There being no further business the meeting was adjourned at 4:54 p.m.

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Robert Arnold, Mayor Pro Tem

ATTEST:

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Holly Alexander, City Secretary