

**MINUTES**

A regular meeting of the City Council of the City of Pinehurst was held on March 14, 2023, at 6:00p.m. at Pinehurst City Hall Council Room. The following council members were present: Cynthia Adams, Sarah McClendon, J. Michael Shahan, Joey Vance, Greg Willis, and Troy Pierce. Mayor Sarah McClendon called the meeting to order and established a quorum. Mayor Pro Tem J. Michael Shahan gave the invocation followed by the reciting of the United States and Texas Pledges of Allegiance. The following business was transacted.

On a motion made by Councilwoman Cynthia Adams and seconded by Mayor Pro Tem J. Michael Shahan, council members unanimously voted to approve the minutes of the Regular Session held on February 14, 2023.

Council members reviewed the budgeted expenditures for December 2022 and January 2023. They elected to have only the January 2023 financial report publicly reviewed for the record. City Secretary Debbie Cormier advised that there was a capital expenditure of \$46,255 for one of the new Chevy Tahoe police units in December 2022. Ms. Cormier pointed out that YTD General Fund revenues for January 2023 were behind YTD General Funds revenues for January 2022 by approximately \$279,000. She noted that this was due to grant funds received in 2022. She went on to say that YTD January 2023 Garbage Fund revenue exceeded January 2022 by slightly more than \$25,000. She informed that the Water/Sewer Fund YTD January 2023 revenue was behind January 2022 by about \$403,000 but explained the entire amount was due to grant funds received in 2022. She summarized by saying that overall revenues were behind the previous year by slightly more than \$676,000. Again, she noted the shortfall was completely due to General Land Office (GLO) grant funds received in fiscal year 2022. Ms. Cormier continued by saying that revenues exceeded expenditures in all funds except the Water/Sewer Fund, in which YTD expenditures were almost \$75,000 more than YTD revenue. She advised that overall revenues exceeded expenditures by slightly more than \$56,000. Ms. Cormier finished the report by informing that December 2022 reserves were 6.80 months and January 2023 reserves had increased to 7.06 months. Council members had no questions or comments regarding this report.

At this time, Mayor McClendon skipped to agenda item 6, Consideration of approving the contract between the City of Pinehurst and Schaumburg & Polk, Inc. for engineering services for the Texas Department of Agriculture CDBG CDV21-0385 grant. City Administrator Jerry Hood explained that agenda items 6, 7, 8, 9, and 10 would be discussed before returning to agenda items 4 and 5 as a courtesy to grant administrator Leslie Waxman. Mr. Hood noted that the grant administrator contract for this grant had been approved at the February 2023 meeting. Ms. Waxman advised that she and City Administrator Jerry Hood had both reviewed the engineering contract and agreed that the fee was in line with the grant application that had been submitted. Mr. Hood and Ms. Waxman recommended approval of the engineering contract. On a motion made by Councilman Joey Vance and seconded by Councilman Greg Willis, council members unanimously voted to approve the Schaumburg & Polk, Inc. engineering contract for the TDA CDBG CDV21-0385 grant.

Regarding the discussion and possible action to approve a Resolution adopting civil rights plans and policies for the Pinehurst CDV21-0385 CDBG grant, Grant Administrator Leslie Waxman

advised that civil rights plans and policies were very standard for all CDBG grants. City Attorney Tommy Gunn read the corresponding resolution aloud and in its entirety. It should be noted that this resolution included adoption of the following policies:

1. Citizen Participation Plan and Grievance Procedures (Form A1013)
2. Excessive Force Police (Form A1003)
3. Fair Housing Policy (Form A1015)
4. Section 504 Policy and Grievance Procedures (Form A1004)
5. Code of Conduct Policy (Form A1002)

In addition, the City of Pinehurst affirmed its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

6. Section 3 economic opportunity
7. Limited English Proficiency
8. Activity to affirmatively further Fair Housing choice

On a motion made by Mayor Pro Tem J. Michael Shahan and seconded by Councilwoman Cynthia Adams, council members unanimously approved the Resolution adopting civil rights plans and policies for the Pinehurst CDV21-0385 CDBG grant.

On consideration of approving a Resolution authorizing signatories for the Pinehurst CDV21-0385 CDBG grant, Leslie Waxman explained that this would allow the City to open the bank account for this grant. City Attorney Tommy Gunn read the resolution aloud and in its entirety. On a motion made by Councilman Greg Willis and seconded by Councilman Joey Vance, council members unanimously voted to approve the signatories resolution for Pinehurst CDV21-0385 CDBG grant.

Regarding the presentation on Section 3 as required by Texas Department of Agriculture for CDV21-0385, Sewer Improvements Project, Grant Administrator Leslie Waxman noted that council members were given a copy of a slideshow presentation in their packets and could follow along with her presentation. Ms. Waxman advised that this grant would provide for a generator and electrical improvements. She informed that the funds for this grant came from HUD and were administered by the Texas Department of Agriculture. She stated that Section 3 applied to low-to-moderate income (LMI) persons and businesses within a local area. Ms. Waxman explained what constituted a low-to-moderate business and person. She advised that HUD had a website where LMI businesses could register and noted that her office would post all bid opportunities on that website. She explained that business opportunities for this grant included grant administration, engineering, and prime & sub-contracting. Ms. Waxman explained how the Section 3 project area/target area for the grant was calculated. She stated that her office would track the hours worked by all employees involved with the project. She noted that Section 3 was a goal, not a requirement. She again stated that this presentation was a requirement. She advised that there was no penalty if Section 3 persons or businesses were not hired for this grant but stated that every effort would be made to hire such persons and businesses. She informed that more information could be obtained at TDA's website link, as shown in the last slide. At the end of the presentation, council members had no questions or comments for Ms. Waxman.

On consideration of approving a Proclamation declaring April as Fair Housing Month, City Attorney Tommy Gunn read the Proclamation aloud and in its entirety. On a motion made by

Mayor Pro Tem J. Michael Shahan and seconded by Councilman Troy Pierce, council members unanimously voted to approve the Proclamation.

No one signed up to address the Council under the Citizen Comments section of this agenda.

City Administrator Jerry Hood reported that city crews were continuing to dig ditches in between street repairs and mowing.

Mr. Hood advised that the grapple truck was broken and was in a shop in Lake Charles, LA for repairs. He noted that the debris was piling up but stated that it would be removed once the truck had been repaired. He anticipated having the truck back in service in about a week.

Mr. Hood reported that Code Enforcement Officer Leonard Roff had been getting the shopping centers cleaned up.

Mr. Hood and Mr. Roff met with representatives of Pinehurst Villas. He informed that the delay was due to criteria imposed by the Drainage District, which included retention ponds and other safety measures. He noted that a meeting between the City, Pinehurst Villas, and the Drainage District was scheduled for the following day.

Mr. Hood reported that McDonald's had started pulling permits. He stated that he did not have an exact date for the groundbreaking.

Mr. Hood advised that the City had ordered seven sets of Fire Department bunker gear using ARPA funds. He noted that the company through which the gear was purchased would provide loaner gear until the purchased gear arrived. He stated that the department had adopted uniform criteria. He noted that he attended every meeting of the Pinehurst Volunteer Fire Department.

Mr. Hood informed with the coming of Pinehurst Villas, McDonald's, HEB, and potentially a hotel, the City would need to dig another water well. He advised that the estimated cost would be approximately \$2 million. He stated that Texas Water Development Board had a great program for loans. Working in conjunction with Schaumburg & Polk, the City created a project information file (PIF) and submitted it to TWDB. He stated that the TWDB accepted the PIF and the city should know by the end of the year if it will be approved for a loan.

Mr. Hood reported that the parts had been received for the Hwy. 90 lift station repair near the senior housing location. He noted that the lift station needed rehabilitation in order to handle the additional wastewater that would be coming from the Pinehurst Villas. He explained that the rehabilitation was being paid for with the \$20,000 grant funds received from the Sabine River Authority.

Mr. Hood advised that ARPA Grant Administrator Traylor & Associates had supplied documentation showing that the City could consider up to \$10 million in ARPA funds as lost revenue with no documentation required. He stated that the process would require a Resolution approved by the City Council. He noted that the funds would still have to be tracked but the criteria

for spending would be lessened. He advised that there would be more on this topic at next month's meeting.

Mr. Hood reported that there would be a Hazardous Material Collection Day on April 15, 2023 at Ford Park in Beaumont.

Mr. Hood informed that April 1, 2023 would be Shred-It Day at Sabine Credit Union.

Mr. Hood advised that the Pinehurst Spring Market would take place on April 28 & 29 at the Pinehurst Pentecostal Church on 40<sup>th</sup> Street. He stated that there would be up to 26 vendors and lots of food. He advised that there would be limited parking at the church with additional parking at the former Bancroft School location on 41<sup>st</sup> Street. He informed that buses would run between the 41<sup>st</sup> Street location and the church.

On consideration of canceling the May 6, 2023 City of Pinehurst General Election, City Secretary Debbie Cormier read her Certification of Unopposed Candidates. Ms. Cormier noted that incumbents J. Michael Shahan and Troy Pierce were unopposed. In addition, she advised that Joey Vance did not submit an application. She stated that she contacted the Texas Secretary of State Office to see what to do since there were three positions and only two applications. She was told that the third position would be considered vacant after the election and the remaining council members could appoint someone to that position. Mr. Vance stated that he did not sign up to run because he had started a new job. City Attorney Tommy Gunn read the Cancellation Ordinance aloud and in its entirety. On a motion made by Councilwoman Cynthia Adams and seconded by Mayor Pro Tem J. Michael Shahan, council members unanimously voted to cancel the May 6, 2023 election and approve the corresponding Ordinance.

On consideration of approving an Aerial Waiver authorizing Orange County Mosquito Control District to fly low altitudes as required for the application of insecticides for the abatement of mosquitoes within the limits of the City of Pinehurst, Texas, Ms. Cormier explained that this was an annual waiver that was sent to the City by Mosquito Control Director Patrick Beebe. She stated that the waiver was required by the FAA. On a motion made by Councilman Joey Vance and seconded by Councilman Greg Willis, council member unanimously voted to approve the Aerial Waiver.

Regarding the discussion and possible action on adopting an Ordinance to define regulations for coin operated machines within the city limits, City Administrator Jerry Hood requested that this item be tabled. He explained that the amendment of the permit fees ordinance required more time than expected and asked that this ordinance be tabled until next month.

Regarding the discussion and possible action to amend or replace the Pinehurst Code of Ordinances, Chapter 18, Article II, Section 18-43, Permit Fees, Appendix B, City Administrator Jerry Hood advised that these fees had not been amended since 2021. Mr. Hood stated that Leonard Roff had attended a Code Enforcement Seminar and that he was doing a phenomenal job. Mr. Hood went through the changes made to the fee schedule. He commented that most were minor. He noted that major changes were made to the Inspection Fees. Mr. Hood advised that a Type A General Law City with a population of less than 5,000 allowed a non-licensed Code

Enforcement Official to conduct inspections. However, he stated that he did not feel that was appropriate and could cause liability for the City. He advised that many cities contract with license officials to conduct HVAC, electrical, plumbing, etc. inspections. He noted that this put the liability on the licensed official, not the City. Mr. Hood stated that he had spoken with City Attorney Tommy Gunn and both felt that contracting these inspections was the prudent course of action. He stated that most contractors charged \$40 per inspection. Mr. Hood noted that Pinehurst had been using Mr. Randy Holman, the building official from the City of Orange for recent inspections. He stated that the resident or business owner would pay the inspection fee to the city. Then, Mr. Holman would invoice the City and the city would pay the invoice. On a motion made by Councilman Troy Pierce and seconded by Mayor Pro Tem J. Michael Shahan, council members unanimously voted to approve the amendments to the permit fees.

Regarding discussion and possible action to approve a Resolution authorizing the submittal of a 23/24 TxCDBG application to the Texas Department of Agriculture, committing matching funds, agreeing to comply with programmatic requirements, and adopting/reaffirming civil rights policies, City Administrator Jerry Hood advised that this was a \$500,000 grant. He stated that this would cover pipe bursting on Sparrow, Starling, Swallow, Redbird, 40<sup>th</sup>, and 41<sup>st</sup> Streets. He noted that this would help with the flow of wastewater from the Pinehurst Villas. He stated that there was a 5% cost share. He advised that this grant was not a guarantee but pipe bursting was a high priority project and the City met the LMI requirement. City Attorney Tommy Gunn read the resolution aloud and in its entirety. It should be noted that this resolution included adoption of the following policies:

1. Citizen Participation Plan and Grievance Procedures (Form A1013)
2. Excessive Force Police (Form A1003)
3. Fair Housing Policy (Form A1015)
4. Section 504 Policy and Grievance Procedures (Form A1004)
5. Code of Conduct Policy (Form A1002)

In addition, the City of Pinehurst affirmed its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

6. Section 3 economic opportunity
7. Limited English Proficiency
8. Activity to affirmatively further Fair Housing choice

On a motion made by Councilwoman Cynthia Adams and seconded by Councilman Joey Vance, council members unanimously voted to approve the Resolution authorizing the submittal of a 23/24 TxCDBG grant application to the TDA.

Concerning discussion and possible action to approve a Resolution designating authorized representatives in matters pertaining to the City's participation in the 23/24 Texas Community Development Block Grant Program, City Attorney Tommy Gunn read the resolution aloud and in its entirety. On a motion made by Councilman Joey Vance and seconded by Councilman Troy Pierce, council members unanimously voted to approve the resolution designating authorized representatives for the 23/24 Texas Community Development Block Grant Program.

Regarding discussion and possible action on selecting a firm for grant administration services in conjunction with the submittal of an application for funding through the 2022 Resilient Communities Program grant to provide application preparation, project administration, and

project-related management services, if awarded, City Administrator Jerry Hood advised that this was a \$300,000 grant to codify ordinances and enter them on the City’s website. He noted that there was a zero-cost share. Mr. Hood informed that Traylor & Associates was the only applicant for grant administration services. Mr. Hood recommended approval. On a motion made by Mayor Pro Tem J. Michael Shahan and seconded by Councilman Greg Willis, council members unanimously voted to select Traylor & Associates as grant administrator for the 2022 Resilient Communities Program grant.

There were no announcements, comments, and requests from Council.

There being no further business to transact, Mayor McClendon adjourned this meeting at 7:20p.m.

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Mayor

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City Secretary