

Notice of a Regular Meeting Minutes
CITY OF BEVIL OAKS, TEXAS
August 25, 2022

1. **Call to Order @ 6:31 pm**
2. **Pledge of Allegiance/Invocation**
 - a. The United States Flag
 - b. The Texas state flag: "*Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*"
3. **Roll Call - All Present**
4. **Conflict of Interest Statement None**
5. **Citizen Comments** (3 minutes each) – An opportunity for the citizens to address Council on agenda items or concerns not on the agenda – those wishing to speak must complete the comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a 3-minute time limit
 - **Nathan Wright** – Wanted to know about the road repair grant that the City has.
 - **Matthew Godfrey**- Introduces himself. Asks questions about the grant.
 - **Doug Clark**- heard that the City wants to change the garbage company that is used in Bevil Oaks. Suggests that we get someone to investigate the City. States that per the water code that the water meters are supposed to manually be tested once a year.
 - **Rodney Robichau**- Suggests that the Council listens to the citizens and their concerns
6. **Discussion**
 - a. **Officer Donte Miller** – school security
 - **Officer Miller**- states that there are officers at the school now due to the recent shootings. States that the state has opened grants to have more officers on school campuses. States that the officers have taken training to deal with a live shooter if there was one present at the school. States that the Sherriff's office has increased patrol in Bevil Oaks to try to keep the speeding down. Suggest that the parents talk to their kids about situations such as shootings, so they are aware of what needs to be done in those scenarios. Suggests if someone sees something to tell an officer if they see one.
 - b. **Agenda Request** made by resident Dennis Klumpp
 - States that one of the trees that is on the City property by his house was struck by lightning and cause his house to burn down. He wants the trees that are on the City property removed. There are 5 dead trees with no tops on the property. States that Allen Pride (former Councilman), was going to have a ditch dug on the backside of his property to relieve some of the water caused by the dirt that was brought in by former Councilwoman Adams. States that the neighbors have all brought in dirt to build their property up causing his property to flood. States that the back of his property has standing water because it doesn't drain properly.

- **Mayor Emmons-** asks when he spoke to Allen, was it during a Council meeting
- **Mr. Klumpp-** No, it wasn't in the Council meeting
- **Councilwoman Mitchell-** Are the trees that Mr. Klumpp is talking about in the Utility easement because Utility easements are usually 30 to 50 feet depending on what the deed restriction says?
- **Mr. Klumpp's daughter-** The builder stated after doing the survey, that there is only a 10-foot easement on each side.
- **Councilwoman Mitchell-** Are the trees on your property
- **Mr. Klumpp's daughter-** no
- **Councilman Merendino-** No, they are on the City's property.
- **Councilwoman Mitchell-** Is there a reason why the City can't remove those trees? Asks the Mayor if she can write an agreement between the City and Mr. Klumpp.
- **Mr. Klumpp-** What is so important about those three trees?
- **Councilwoman Mitchell-** You asked to have those trees removed, correct?
- **Mr. Klumpp-** yes.
- **Councilwoman Mitchell-** states that is why she asked the Mayor what we could do to appease the City and you (Mr. Klumpp) at the same time to have the trees removed for you. States that she will take personal responsibility to write something up to appease the City and possibly you (Mr. Klumpp) that way we can come up to some type of agreement to remove the trees for you.
- **Mr. Klumpp-** and dig a ditch?
- **Councilwoman Mitchell-** States that she has a backhoe on her tractor that she could dig the ditch with.
- **Councilman Merendino-** states that it seems that it would be beneficial to the City to have those trees removed because the plan is to rebuild the Civic Center and if the trees were removed, it would create more room for parking.
- **Councilman Mullins-** The trees are 10 feet on the other side of his fence?
- **Mr. Klumpp-** states that he has had several people living in his house. He is worried that those trees will end up falling on his house and hurting someone, so he won't build a new house until the trees are removed.
- **Mayor Emmons-** Asks Council if this is something that needs to be brought back to a meeting to vote on or if it can be taken care of without doing that. States that since there are other houses on the property, it will need to be somebody licensed and bonded.
- **Doug Mullins-** If we cut down the trees on Mr. Klumpp's property are we setting a precedent for the rest of the residents? Are we going to be responsible to cut down every tree on City property that a customer has a problem with?

- **Councilwoman Mitchell-** If another citizen has an issue similar to Mr. Klumpp's about trees, they will have to come to Council about it. If she takes responsibility for the company that cuts down the trees, can she choose a company that is not bonded and insured. Asks to take a vote.
- **Council took a vote.** *Councilwoman Vautrot, Councilman Mullins, Councilman Merendino & Councilwoman Mitchell all approved. Councilman Emmons did not vote. No one opposed.*

7. Presentation

- Dru Montgomery-** Clarification of issues relating to how grant funds are accessed, paid, transferred and overseen. **Skipped due to technical difficulty. Will come back after the audit is presented.**
- Milton Bertolio with Charles E. Reed and Associates - 2021 Audit for the City of Bevil Oaks and the Public Works Department**
 - **Mr. Chuck Reed-** Presents the preliminary audit.
 - **Councilman Merendino-** Asks if his company is the only company that has audited the City?
 - **Mr. Reed-** states that they have been the City's auditor
 - **Mayor Emmons-** asks if he can explain what the single audit is?
 - **Chuck Reed-** states that every grant has different rules that must be followed. What has triggered the City's single audit is the Elevation Grant. As soon as \$750,000 is spent, a single audit must be performed.
 - **Councilwoman Vautrot-** every penny has to be accounted for in a grant?
 - **Charolette Yeates-** No auditor will be able to account for every penny, but yes, the grants are looked more heavily than regular financials
 - **Mr. Reed-** states that there are a few typos that need to be fixed but nothing that has to be changed will affect the numbers.
 - **Dale Darby (got skipped during citizens comments) –** States that he is tired of all the secrets with Council. He is tired of Council doing stuff and then telling the citizens about it. States that the secrets are the reason why he wanted to get a forensic audit done.
- Charlotte Yeates (City CPA) - Review of grants received since 2017.**
 - **Just for clarification-** presents an overview of the grants that the City has received since 2017. Opens the grant portal for the citizens and Council to review.
 - **City Hall/Civic Center** are 90/10. The government gives 90% and the City has to pay 10%.
 - All the grants that the City has through this system are reimbursement grants, meaning that the City has to incur the expense first, then submit it to FEMA for reimbursement. All the grants are looked over by a grant administrator to help the City stay in compliance with FEMA and that everything is done correctly.
 - Realistically the City is supposed to pay the invoice first and then submit a reimbursement request.
 - **Cathy Crane-** Are the grants that are being presented approved through Council

- **Charolette Yeates-** the grants that are currently in place, have been applied for since 2017.
- **Councilman Merendino-** When grants are received, why can't they be done right then.
- **Charolette Yeates-** States that she doesn't have the access to do anything with the grant portal, she only has the option to view the projects. The payments were only approved after the invoices are received. **Buyout Grant-** the City bought out properties that were substantially damaged
- **Charolette Yeates-** The next set of grants are from the TWDB on the water side. The grants were all \$500,000 a piece. There were 3 of them. **The Water Plant, The Lift Stations & the Sanitary Sewer Plant.** The \$1.5 million for these three grants were placed into an escrow bank account (not the City's bank account). Once the outlay requests are submitted to the TWDB and everything is approved the funds are then wired to the City's bank account. **Elevation Grant-** explains that the contractor and the grant administrator get paid out of the grant funds. Everything is done in phases. **Road Grant-** this grant is through the GLO (general land office). This is also a reimbursement grant. The invoices have to be submitted before the money can be disbursed to the City. **Covid Grants-** There was a small grant that was received. It was probably to buy sanitizer and masks. **Coronavirus Local Fiscal Recovery Fund-** This grant can only be used for infrastructure.
- **Councilman Merendino-** Council and the citizens are wanting to know how much grant money we have in the bank and how much we have left to spend.
- **Charolette Yeates-** We can go ahead and do the financials if the Council wants to.
- **Charolette Yeates-** Goes over the financials. Explains what each line item is on the financials.
- **Councilwoman Mitchell-** being that it's restricted, can it be put toward another grant?
- **Charolette Yeates-** if there is money left over, you would have to ask to keep the funds.
- **Councilwoman Mitchell-** for the franchise fees, can we make sure that they go into the road account? Would we need to pass a resolution for that?
- **Charolette Yeates-** If you want it placed into a certain account, a resolution will need to be passed, then it can be placed into whatever account the Council decides on.
- **Councilwoman Mitchell-** Can we put the balance sheet on the website?
- **Charolette Yeates-** yes
- **Mayor Emmons-** once they are approved, yes.
- **Councilman Mullins-** how much insurance money do we have and can we make the funds unrestricted?
- **Charolette Yeates-** yes

d. **Dru Montgomery-** Clarification of issues relating to how grant funds are accessed, paid, transferred and overseen.

- Over the past few months, accusations have been made that the Mayor and the Council have stolen grant money. States that he has received several complaints from citizens about the accusations that have been made.

8. Discussion/Action Items

- a. **Consideration/Discussion/Approval** of 2021 audit previously presented by Milton Bertolio. *Approved-* M/M/2/C- **Councilwoman Mitchell/Councilwoman Vautrot**
- b. **Consideration/Discussion/Approval** of ordering of November 2022 General Election. *Approved-* M/M/2/C- **Councilwoman Mitchell/Councilman Mullins.**
 - Council approved to enter into a contract with Jefferson County to conduct the general election.
- c. **Consideration/Discussion/Approval** of Appointment of Council Officers- *The vote was not clear; it will put on the next agenda to be voted on again.*
 - Mayor Pro-Tem- **Martha Vautrot** – yes- Councilman Emmons
Councilwoman Mitchell- abstained
Councilman Merendino- said no
- d. **Consideration/Discussion/Approval** of 2022 Tax Rate **Discussed after 8.i.** M/M/2/C- *Approved-* **Councilman Merendino/Councilwoman Mitchell- no-new revenue**
 - **Charolette Yeates-** Explains how the tax rate is determined.
- e. **Consideration/Discussion/Approval** of resolution for authority to perform time-sensitive road repair, maintenance or construction per interlocal agreement. *Approved-* M/M/2/C- **Councilman Emmons/Councilwoman Vautrot**
 - **Councilman Emmons-** states that the County will come out and do work for the City when they have time and equipment to do so. The roads that need the repairs first have been looked at by the County and himself. Most of the roads still have a good base. The County and City agreement states that the County will do a mile of road a year. The County unofficially stated that they will do more work than that if they are available. We need to have the material on hand because we don't have a timeline of when the County will be coming out. This amount of rock will give enough to do around 2 miles of road. The cost of the material will be around \$50,000.
 - **Resident-** The first road that needs to be done is Leaning Oaks.
 - **Councilman Emmons-** That's the first road on the list
 - **Resident-** Is this part of the grant?
 - **Mayor Emmons-** No
- f. **Consideration/Discussion/Approval** resolution to cancel FEMA grants for the City Hall/Civic Center- *Approved-* M/M/2/C- **Councilwoman Mitchell/Councilman Mullins- All I's**
 - **Councilwoman Mitchell-** If we decide to not stay with the grant, will we be able obtain the \$200,000 that has been paid out to Blueline?

- **Councilman Merendino-** If we stayed with the grant, would we be able to change the scope of work?
- **Mayor Emmons-** When we first talked to someone from FEMA, we asked them for additional funds, they pretty much laughed in our faces because it's a 428 grant which means that the funds that the City are obligated to get are pretty much set in stone.
- **Councilman Mullins-** The City does not have the money to pay their 10 % of the grant.
- **Councilwoman Mitchell-** Mentions that she spoke with Brad (TDEM representative) and he said that there was no guarantee that FEMA would allow a change in the scope of work.
- **Councilman Mullins-** If we wanted to change the scope of work, it would take FEMA at least 6 months to a year to get a decision back to the City on approving or denying the change in scope of work.
- **Councilman Merendino-** A lot of the grants that the City have are repayment grants, where you spend the money then you get reimbursed? If we didn't get rid of the grants, spent the money to redo the buildings, started working on the buildings, requested a change in the scope of work from FEMA; a year from now if FEMA said yes to the change in the scope of work, then we submit the cost to redo the buildings, then they would send us the money?
- **Attorney Dru Montgomery-** Explains that isn't the way that the grant works. You have to do the work that they approved. If you don't comply with the approved scope of work, which we are unable to do because of the size of the contract.
- **Mayor Emmons-** Most of the money that was paid to Blueline was done before any of us were on Council. The money came out of insurance money.
- **Councilman Merendino-** Could we rescope it? If we did and a year from now they approved it
- **Mayor Emmons-** We can't do any work until we hear back from FEMA
- **Councilman Mullins-** If do work ahead of their approval, we wouldn't get reimbursed.
- **Resident Dale Darby-** The original part of the grant was to repair it?
- **Mayor Emmons-** Yes, Becky changed it and asked for more money. It was right around \$1,000,000, but the buildings had to be torn down and then we had to have new buildings built 14 feet in the air. We are trying to do away with the grant so that we can get these buildings renovated.

g. **Consideration/Discussion/Approval** of variance requested by resident that damaged a water main during fence install

- *Approved a six-month Payment Plan-* M/M/2/C- **Councilman Merendino/Councilman Mullins**

h. Consideration/Discussion/Approval of ordinance for a Public Maintenance Department- *Approved- M/M/2/C- Councilman Mullins/Councilwoman Mitchell*

- **Mayor Emmons** - This will be for someone to mow properties, fill potholes, change meters and endpoints, etc.
- **Mayor Emmons**- The big DD6 ditches that run through the properties that DD6 can't get to because they don't have enough room for their equipment to fit down.
- **Councilwoman Mitchell**- This is Community Development.
- **Mayor Emmons**- States that she got Sabrenna to go through Utility Innovations invoices to see how much the City could eliminate paying the Utility company.
- **Councilwoman Mitchell**- When BOMUD was in the City, they even had a Community Development

i. Consideration/Discussion/Approval of submitting Community Disaster loan application for an amount not to exceed the forgivable amount calculated by FEMA. *Discussed after financials 7.C. Approved- M/M/2/C- Councilwoman Mitchell/Councilman Mullins for \$140,000*

- **Charolette Yeates**- Explains that the community disaster loan. This type of loan becomes forgiven which means that it turns into a grant.
- **Dale Darby**- If the funds were used on utilities, then the money that was going to be used to pay the utilities can redirected to something else.
- **Charolette Yeates**- Yes.

j. Consideration/Discussion/Approval of Ordinance for Entergy Declining to Approve Change in Rates Request. *Approved- M/M/2/C- Councilman Mullins/Councilwoman Mitchell*

9. Review/Approve Consent Items – Approved- M/M/2/C- Councilwoman Mitchell/Councilman Mullins

- a. Financial Reports for City of Bevil Oaks
- b. Financial Reports for Water
- c. Report by Utility Specialties
- d. Previous Meeting Minutes

10. Discussion

- a. **Agenda Request** made by Councilman Merendino for various items.
 - **Councilman Merendino**- states that years ago when a pump or something went out, the Council would have to have an emergency meeting to decide to purchase a new one, so the Mayor was given the authority to spend \$5,000. Suggests that the \$5,000 only be used for emergencies.
 - **Resident**- asks what if something happens, like a tree falling.
 - **Dru Montgomery**- You can't have a meeting without 72 hours' notice. There was a resolution that past stating that unless it was over \$50,000, it didn't have to be put out for bids.
 - **Councilman Merendino**- Can the Mayor hire and fire?

- **Attorney Dru Montgomery-** Yes, the Council has given her permission to do so. The City Council has the power over the payroll, to fire someone that the Mayor hired.
- **Councilman Merendino-** Let's go back to hiring someone. Can the Mayor hire someone?
- **Attorney Dru Montgomery-** Administration of the office has always been given to the Mayor.
- **Councilman Merendino-** There is no background checks done on the employees.
- **Resident-** Can the Council set guidelines to the people that are hired?
- **Councilman Merendino-** The mowing contractors don't have a current copy of the insurance for them. The contract that we currently have with them is expired.
- **Councilwoman Vautrot-** I have asked the Council to go out for bid for a new mowing contract.
- **Councilman Merendino-** What about Republic?
- **Councilman Merendino-** Suggests that the attorney bills get put in the packet for everyone. Also suggests that the spreadsheet that is done by Sabrenna when the bills are paid be put in the Council packets as well.
- **Councilman Merendino-** States that the DD6 sign that is located by the park is not visible enough for kids. A kid could run into it. Mentions that there are trees growing over and through the chain link fence that's at the sewer plant. At one-point Cousin's brush hogged the field, it needs to be done again. Asks why they mow the cul-de-sac side of the Inwood.

11. Reports

- a. Councilwoman Vautrot – Grounds and Maintenance – **No report**
- b. Councilman Merendino – Flood Prevention Project- **No report**
- c. Councilman Emmons – Roads and Drainage
 - **This grant is a GLO grant.** The total for the grant that the City will receive is close to \$2,000,000. The GLO & engineer suggested that the City wait until the prices of material drop. They wanted to get the work started, so the GLO changed the type of material that can be used. The roads that can be done with the GLO grant are the high traffic roads. States that some sections of Sweetgum and Riverbend have already been identified as not needing to be done. Describes the type of material that will be used to do the roads.
 - The City also received a grant from FEMA to do the roads. The FEMA money is specified to fix potholes.
- d. Councilman Mullins – Water & Sewer- **No Report**

e. Mayor Emmons – Various Items- **No Report**

12. Adjourn Meeting @ 10:54 pm – M/M/2/C- Councilman Emmons/Councilwoman Mitchell



Mayor, Barbara Emmons

Doug Mullins
Attest: Doug Mullins (Oct 10, 2022 11:34 CDT)

City Secretary, Doug Mullins