

Regular Meeting Minutes
CITY OF BEVIL OAKS, TEXAS
October 20 ,2022

1. **Call to Order @ 6:30 p.m.**
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 except Councilwoman Vautrot
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
 - **Mrs. Childers-** Asks what is going to be done with Davida?
 - **Mayor Emmons-** states that Victoria from LJA will be discussing the road grant
 - **Mrs. Childers-** Asks if any roads have been done
 - **Councilman Mullins-** No
 - **Mrs. Childers-** Asks that Davida be kept in mind when the roads do get done
6. **Review/Approve Action items**
 - a. **Consideration/Discussion/Approval-** of all available and appropriate bids, potentially reject insufficient bids, consider qualifications and bids of various contractors and selecting contractors to perform work on Bevil Oaks roads using city, state and federal grant and otherwise specifically designated funds. **M/M/2/C-** Councilman Emmons/Councilman Mullins- **Approved-** *LJA's recommendation on selecting Allco as the contractor.*
 - **Councilman Merendino-** asks that the details of the bids be discussed before the Council makes a decision
 - **Victoria Dai (LJA engineering)-** The City was awarded money for Harvey infrastructure. \$1,696,612.00 from the GLO \$336,854 from FEMA. The roads could not just be picked out. It had to be a City-wide benefit. Sweetgum, Riverbend and Inwood are the main roads. The reason that Inwood was selected is because FEMA came out and did an assessment, Inwood was going to take a lot of money to repair. Allco, Gulf Coast and LD Construction put in bids. States that she has worked with all three companies and that all of them are qualified to do the work. Allco came in at the lowest bid with a bid of \$1,515,649.00. LJA suggests that the City selects Allco for the contractor. The City has around \$300,00.00 in funds that it can contribute to the grant to get more roads done. The additional roads that were added are Carroll Lane, Leaning Oaks and River Oaks Blvd.
 - **Resident-** The money that FEMA gave for Inwood is tied to that street
 - **Victoria Dai-** Yes. FEMA's money is road specific. The funds cannot be used on another road.
 - **Resident-** Who decided on the roads

- **Victoria Dai-** FEMA. FEMA came in after Harvey and assessed all the roads. Although it is 4 years after Harvey, FEMA is going off the assessment that they did after Harvey. LJA and the City asked FEMA if they could take the money that they have allocated to the City and put it in one lump sum to be spent on whatever roads the City wanted to do and FEMA rejected it.
- **Resident-** Is there a timeframe of when the money has to be used.
- **Victoria Dai-** States that she isn't sure, but she will check into it. States that she thinks it is 2 years.
- **Resident-** 2 years from when the City receives the grant until the job is completed?
- **Victoria Dai-** FEMA is giving the City two allocations. One for \$250,000. The City has already been given \$86,000. The larger allocation will be reimbursed once they start the construction. The good thing about the larger allocation is that they will get it at costs today. If a contractor comes in and says that it cost them \$20,000 more to do the repair, FEMA will pay that. The allocation that has already been given; FEMA will not adjust it to today's costs.
- **Councilman Merendino-** During the bid meeting, he asked Victoria who gave the information for the roads and she stated that it was Doug and Doug.
- **Victoria Dai-** Correct. States that she didn't understand what the question was. The list of the roads that were additive roads, were based off the list that Doug and Doug listed as priority roads. That's how those roads were added to the proposal.
- **Councilman Merendino-** Some of the frustration is because there was no representation from Ward 1 included in the process.
- **Councilman Emmons-** For the FEMA funding, we had no choice in the road. Last spring, we made a list for the County on prioritizing roads for them to do. That is when the roads were picked. We were told at first that the GLO grant was going to pay for chip and seal. Then they came back and said that we could use hot asphalt. The estimates for the hot asphalt were going to be over \$2,000,000 just for Riverbend and Sweetgum, so we didn't think that we were going to be able to any roads. We submitted the priority list to see if we would be able to get additional roads done.
- **Councilman Merendino-** Asks Councilman Emmons who he was referring to as "we"
- **Councilman Emmons-** The City
- **Councilman Merendino-** states that him nor Councilwoman Mitchell were not involved.
- **Councilman Mullins-** states that him and Doug did work in the City.
- **Mayor Emmons-** the reason why the priority list came in is because the Commissioner asked about it. We can use City funds to do the roads that the grant doesn't cover.
- **Victoria Dai-** Unfortunately, all the roads didn't get funding
- **Councilman Merendino-** Where are the rumble strips going to be?

- **Mayor Emmons-** There are not going to be any
- **Victoria-** Initially there were rumble strips. The rumble strips will be painted on
- **Councilman Emmons-** We don't want to rumble strips
- **Victoria Dai-** It was part of the bid package, so it has to be awarded
- **Councilman Emmons-** We are going to do a change order.
- **Victoria Dai-** If the City doesn't want the rumble strips, then we can do a change order, we just have to award it up front, then a change order can be done. The rumble strips were presented as part of the bid package because a change order can't be done until the contract/contractor is awarded. The contract will have to be for the amount of the base bid and what the City wants to add. Once the contract is signed by the contractor then a change order can be submitted. Legally we can't change a contract unless publicly presented.
- **Mayor Emmons-** not only was Allco the lowest bidder but they had the quickest turnaround time. Allco was 85 days, Gulf Coast was 87 days and LD Construction was 200 days.
- **Councilman Emmons-** Keep in mind that those days are working days. That's not saying that it will be done in that many days.
- **Mayor Emmons-** Asks Victoria to explain how long it will be to get the contractor mobilized.
- **Victoria Dai-** If the City selects them as the contractor, the contractor will submit their bond and insurance. LJA has to get their contract together and the attorney has to review it. It will most likely take around 4 weeks.
- **Councilman Merendino-** Allco is ready to mobilize?
- **Victoria Dai-** As soon as there is an executed contract, they will be ready to go.
- **Councilman Merendino-** According to some of the contractors that he has spoken with, the temperature that is needed to lay hot asphalt is between 50 – 70 degrees. How will that be possible in the winter.
- **Victoria Dai-** The contractor will make sure that temperatures are right before beginning work.
- **Councilman Merendino-** What kind of warranty do we have?
- **Victoria-** The contract is a 12-month warranty. There will be a final walk through once the work is completed. There will be a Certificate of Completion issued. The date on the certificate will mark when the warranty period starts.
- **Mrs. Clark-** States that she asked her husband, that's from Iowa, about the temperature and he said that down here you could do road work all year.
- **Councilman Merendino-** DOT has specifications that you have to go by. You can lay it down year around, but the material and the structure will not have near the life span as it would if you did it in the right temperatures and correct moisture content.
- **Victoria Dai-** Part of the contract is that they will have to meet density requirements, patching requirements.

- **Resident-** Asks who is going to hire the testing lab?
- **Victoria Dai-** the contractor has their choice
- **Victoria Dai-** states that he does this kind of work and it's not a good idea for the contractor to hire them. The City needs to hire them. You do not ever let the contractor hire them.
- **Victoria Dai-** States that they will keep that in mind
- **Councilman Merendino-**Asks if LJA has seen roads fail in 12 months
- **Victoria Dai-** When there is a drought, yes. Complete failure is not likely.
- **Councilman Merendino-** What is the general life span of the roads?
- **Victoria Dai-** A Geotech done an analysis based on traffic and conditions in Bevil Oaks and they said around 10 to 15 years. Keep in mind that it is based on what they consider the traffic flow. On the design that the Geotech did it is 10 to 15 years. If you see a crack, the sooner you get to it, that will keep the longevity of the road.
- **Resident-** Regular road work would be done by the County?
- **Mayor Emmons-** Yes
- **Victoria Dai-** The next step is to accept LJA's recommendation. The City will have to put some funds forward outside of the funds that they will be getting from the GLO and FEMA
- **Resident-** How much will the City be paying?
- **Victoria Dai-** \$257,989.79
- **Mayor Emmons-** \$200,000 will be coming from the ARPA funds and the \$57,989.79 will be coming from the road fund.
- **Councilman Emmons-** The FEMA part of the grant is pothole repair. What FEMA defines as pothole repair is they take the whole section and cut it out and put all new in. It is not what the County does.
- **Victoria Dai-** After the construction is done FEMA will come out and do an assessment.
- **Councilman Emmons-** There will be road closures.
- **Mayor Emmons-** There will be call-outs done to let everyone know.
- **Councilman Merendino-** According to FEMA and the GLO, the roads that are being done have to be beneficial to the majority of the citizens throughout the City.
- **Victoria Dai-** Any money from the GLO has to have City-wide benefit.
- **Councilman Merendino-** GLO has 90 % of the funding?
- **Victoria Dai-** Yes
- **Councilman Merendino-** So the City won't be responsible if the GLO comes back and says that Inwood is not beneficial to the majority of the citizens.
- **Victoria Dai-** FEMA is paying \$135,000. The contractors' bid came in at \$138,000.
- **Councilman Merendino-** That's for asphalt?
- **Victoria Dai-** Yes, the entire contract is for asphalt.

- b. **Consideration/Discussion/Approval-** of resolution to approve 2022 Certified Tax Roll presented by the Jefferson County Tax Assessor-Collector. **M/M/2/C-** Councilman Emmons/Councilman Merendino- *Approved*
- c. **Consideration/Discussion/Approval-** of Ordinance for Entergy declining to approve the change in rates requested in Entergy Texas, Inc.’s (“ETI” or “Company”) Statement of Intent - Entergy’s UODG (Back Up Electric Service) tariff. **M/M/2/C –** Councilman Emmons/Councilman Mullins- *Approved*

7. Discussion

- a. Agenda Request from citizen- Erin Gentry- proposal for organization of community development group
 - **Councilman Mullins-** States that he would like to apologize for peeling out in the parking lot at City Hall. He has paid to have it fixed. Apologizes for his behavior.
 - **Erin Gentry-** States that she would like to start a Community Development group that will be community based. It will not be through the City. Asks that the City allows them to use the City green spaces for events. Mentions that she has done this before in previous places.
 - **Mayor Emmons-** States that the City does have money set aside for Community Development. States that the City does have decorations that can be used. Mentions that Sabrenna can do callouts for the events and put it on the City website.
 - **Erin Gentry-** Would like to bring the Community together.
 - **Councilwoman Mitchell-** states that the some of the companies that we get franchise fees from, may make donations. Being that this isn’t going to be done through the City, how would we separate the donations to go to her?
 - **Councilman Merendino-** States that we should be able to just put it in the Community Development and then give her the money.
 - **Mayor Emmons-** Thanks Mrs. Gentry.
 - **Mayor Emmons-** States that the consent items need to be done before doing the other discussion items listed below.
- b. **Councilman Merendino -** Agenda Request Item # 1 – discussion on mowing for site preparation
- c. **Councilman Merendino-** Agenda Request # 2 – conduct of ward 3 councilman
- d. **Councilman Merendino-** Agenda Request # 3 – road grant discussion
- e. **Councilman Merendino-** Agenda Request # 4 - – item # 3 related future council involvement request

8. Review/Approve Consent Items – M/M/2/C- Councilwoman Mitchell/Councilman Emmons- *Approved.*

- a. Financial Reports for City of Bevil Oaks
- b. Financial Reports for Public Works
- c. Report by Utility Specialties
- d. Previous Meeting Minutes
 - Councilman Merendino- On the Attorney invoice, on August 12, it states *meeting with Mayor and Vautrot on number of issues regarding governance*

including management of abandoned houses, impact of public works part time employee and cancellation of election. What was that for?

- **Dru Montgomery-** On cancelling the election, it was just for one Ward. Technically you cancel that election, so it's not submitted on the ballot.
- **Councilman Merendino-** What happened on with the Mayor and Mrs. Vautrot regarding governance?
- **Dru Montgomery-** A large project that she asked me to evaluate was the ability to take action on abandoned houses. That requires a lot of notice, it requires the enforcement of how the ordinances are. She wanted to know what we could do to the abandoned houses. A lot of people have asked about the abandoned houses, and she wanted to know the legalities of what can be done.
- **Mayor Emmons-** mentions that she complained about it before she was on Council.
- **Resident-** How do other Cities handle abandoned houses?
- **Mayor Emmons-** they have the money
- **Dru-** that's a complicated answer. About 10 years ago the City demolished a house and put a lien on the property. When the property was sold at a Sherriff sale, they have no obligation to recover the City's funds. Ultimately, the purchaser only needs to meet delinquent taxes not the lien. The lien is distinguished at a sheriff sale. Is the City willing to pay that money.
- **Mayor Emmons-** That was the big thing with creating the maintenance department to be able to take care of the tagged houses. After the notice is given, they have 10 days to clean it up. After 10 days straight, we can post a notice on the door, with out maintenance department, we can have the lawns mowed, have the windows boarded up if needed. That is one of the things that we were looking at doing.
- **Councilwoman Mitchell-** We have a new ordinance that we could enforce, but it needs to be revisited because it needs to be publicized in the newspaper.
- **Councilman Merendino-** What do we do about the ones that are not abandoned. People are living in the house.
- **Resident-** What do we do about the houses that have knee-high grass and garbage stacked up outside?
- **Dru-** The way that the ordinances are that we have now are structured for a code enforcement officer. An ordinance is in place but as a practical matter it's difficult
- **Mayor Emmons-** That's why we were looking at doing the Mayor or her appointed person. It would be ordinance enforcement not code enforcement.
- **Dru Montgomery-** Jefferson County Appraisal District has records of ownership. It's not always easy to find out who the owner is. There is a process. One of our biggest needs is replacing our code enforcement officer because he's currently working.
- **Mayor Emmons-** Under the high weed ordinance, the Mayor can go out or one of her appointees.

- **Resident-** Does someone need to initiate the process? Does someone need to make a complaint? I can print the form out and give it to Sabrenna.
- **Dru Montgomery-** Advises him to turn the form in.

Rest of discussion items

- e. Councilman Merendino - Agenda Request Item # 1 – discussion on mowing for site preparation
- f. Councilman Merendino- Agenda Request # 2 – conduct of ward 3 councilman
- g. Councilman Merendino- Agenda Request # 3 – road grant discussion
- h. Councilman Merendino- Agenda Request # 4 - – item # 3 related future council involvement request
 - **Mrs. Currie-** Is there a way to get community funds to mow the ditches and take care of the side of the road?
 - **Mayor Emmons-** The City does not take care of the ditches. When we get a maintenance department, we can get someone to take care of that.
 - **Mrs. Currie-** It is a concern.
 - **Councilman Merendino-** It is in the mowing contract to take care of the corner of Blackgum and Sweetgum and it hasn't been done. It got taken out when Fruge was here.
 - **Resident-** When the City takes over the mowing, the ditches can be taken care of?
 - **Mayor Emmons-** They can be. The council will have to address it.
 - **Resident-** There is an ordinance in Beaumont that says you are responsible for the property to take care of everything to the ditch. If everyone would take care of it all the way to the road, that would be better.
 - **Resident-** Some of the ditches are hard to mow when they are dug out.
 - **Mrs. Currie-** between my property and the abandoned house, is not taken care of, is that the City's responsibility?
 - **Mayor Emmons-** The City has a right of way, but it is not the City's responsibility to mow it.
 - **Mrs. Currie-** Is there anything that we can do about the speeding on Sweetgum?
 - **Mayor Emmons-** Call the Sherriff's office
 - **Mrs. Currie-** States that she has called them.
 - **Mayor Emmons-** If you have someone speeding by your house at the same time every day, the Sherriff's office will come out.
 - **Resident-** There was a Marshall out here years ago
 - **Mayor Emmons-** The is a lot of liability to having a Marshall.
 - **Dru Montgomery-** The City is responsible for the cost if they arrest someone.
 - **Councilman Merendino-** At Jefferson County, you have to rent the beds in case someone is arrested, you have guaranteed jail space.
 - **Resident-** Would someone get in trouble if they mowed someone else's ditch?
 - **Dru Montgomery-** Someone would have to complain about the trespassing.

- **Councilman Merendino-** States that he talked to DD6 and they have mowed their ditches and that they are spraying the bottom of the ditches.

9. Reports

- a. Councilwoman Vautrot – Grounds and Maintenance
- b. Councilman Merendino – Flood Prevention Project
- c. Councilman Emmons – Roads and Drainage
- d. Councilwoman Mitchell- Water & Sewer Rates
- e. Councilman Mullins – Water & Sewer
- f. Mayor Emmons – Various Items
 - **Mayor Emmons-** All the houses left on the elevation grant are on phase 4. They are almost complete.
 - **Councilwoman Mitchell-** In the meantime, can something be done about the dump trucks that are up and down River Bend? They are dumping stuff on that property
 - **Councilman Merendino-** They have a landfill.
 - **Dru-** We do have an ordinance that regulates the heavy traffic. We can reevaluate that ordinance.
 - **Mayor Emmons-** Where the property is located, is by a DD6 ditch and the bayou. They are building the land up, so it is going to cause flooding.
 - **Dru-** They have to have a permit to they are going to affect the flow of water.
 - **Councilman Merendino-** TCEQ regulates any kind of dumping.
 - **Mayor Emmons- Does anyone know how far back that property goes back.**
 - **Councilman Merendino-** No. Suggests that Sabrenna calls TCEQ. If TCEQ comes out, they can go on the property and fine them based on what's in the ground.
 - **Dru-** We have some options.

10. Adjourn Meeting @ 8:05 p.m. M/M/2/C- Councilwoman Mitchell/Councilman Mullins

Barbara Emmons

Mayor Barbara Emmons

Attest: *Doug Mullins*

City Secretary, Doug Mullins