

Regular Meeting MINUTES

CITY OF BEVIL OAKS, TEXAS

January 15, 2015

1. Call to Order by Mayor Ford at 7:00 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) led by Linda Thomas
3. Roll Call: all present
4. Conflict of Interest Statement: Councilman Merendino excluded from Grass Cutting item under 8a.
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 yellow comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit. – Marilynne Mills – Dogs – issues with packs of dogs who are not necessarily hurting humans. People cannot walk down the street without them jumping on the people or potentially killing other animals; Barbara Emmons – Dogs – same dogs that attacked one of the neighbors are running again. Councilman Merendino stated that is a Sheriff's Department issue when they are dangerous. Councilman Merendino asked if Beaumont would take the dogs. Mayor Ford stated she checked with them in the past and they said they wouldn't in the past. Councilman Merendino stated maybe we could check to see if we can contract with them. Dru Montgomery, City Attorney, stepped up stating the issue with Jefferson County to take over; they go by State laws, not our City Ordinances. In order to go by our Ordinances, we would have to hire an independent company, which would cost thousands of dollars to run the program. Citizen Marilynne Mills asked about if they dig under her fence and attacks her goats, what is her recourse. Mr. Montgomery stated that State Law favors land owners protecting their livestock and their personal property. Councilman Merendino asked if we can review our Ordinance to see if it can be revised and/or amended. Mr. Montgomery stated if someone knows who they belong to; you can take pictures and bring to the Code Enforcement Officer. However, there has to be proof and witnesses in order to be prosecuted.
6. Report from the Neighborhood Watch – given by Detective Tiffany Sanders.
7. **Review/Approve Consent Items M/M/2/C: Grimes/Fruge APPROVED** None opposed for items a-c
 - a. November 20, 2014 Minutes of Regular Meeting
 - b. November 30, 2014 Financial Reports
 - c. December 31, 2014 Financial Reports
 - d. Reports by Utility Specialties – gave report orally; **M/M/2/C: Merendino/Fruge APPROVED for items d & e.** Mayor Ford stated two had already showed leaks within 24 hours which is wonderful. Mr. Will stated we received the results on our 3rd testing for lead and copper and they all came back good so we are now on a 3 year testing schedule.
 - e. Reports by Carroll & Blackman – Toby Davis gave his report and stated we would start the bidding process in a couple of weeks. Showed drawing of the route of the project and explained the project and what would need to be built. Drawings of each section of the project were also shown. The plan is to advertise soon and a pre-bid date will be set around the middle of February. The bid date was discussed as March 3rd, and that would put us awarding it around April. Mr. Davis also stated the TCEQ approval letter was received today as well.

Mr. Montgomery, City Attorney, stepped up stating there has been a recent development from Crown Pine and DD6 that should move our agreement along a little faster. At this time, we as the City cannot move forward with Crown Pine until DD6 has finished. The easement with Phelan and Vaughn has run very smoothly and will be sewn up quickly.

8. Review/Approve Action Items

- a. Consideration/Approval of Renewal of Grass Cutting Contract for 2015.
M/M/2/C: Adams/Grimes APPROVED None Opposed; Councilman Merendino abstained from voting based on Conflict of Interest Councilman Fruge stated he had chosen to not go out for bids this year because we have had such a hard time getting people to bid. He asked the current lawn service company if they want to do it again for the year 2015, and he asked if he could go up from \$600 per cut to \$675 per cut. He is still a lot less than other bids in the past, so it is his recommendation to continue with the same company.

9. Reports from the Mayor and following committees:

- a. Mayor Ford – Hiring of off-duty officers. – Mayor Ford stated after discussing it at the last Council Meeting and Kimberely Vandver checking with them with no response, she decided to contact them herself. However, in speaking to Captain Pieper, he did not feel comfortable giving us officers based on writing speeding tickets. However, they will try to give more time as it is available for the current officers on duty.
- b. Councilman Grimes – Christmas in the Park – Councilman Grimes stated it was a huge success. Councilman Grimes also stated that the events that come from the Community Development come from ideas from the citizens and committees, not from the Mayor or Councilmembers. Several years ago, Kim Roberts brought up wanting a Christmas in the Park. Both last year and this year, Kim Roberts and Barbara Emmons headed the project. This year we had a lot more lights and games. The entire event was a great success. Volunteers include: Santos and Evangeline Valdez, Jeff and Dee Chadney, Doug and Barbara Emmons, Ryan, Kim Roberts nephew, Johnny Johnson, Larry Landry, Becky Ford, Sherry Adams, Mabel Matthews, Shirley Collins, Richard Rhodes, Chris Gonzalez, Mr. Ladner, Jim Lyons III, Jackie Larson, Constable Saleme, Councilman Grimes listed the winners of the parade and bike decorations. Also a special thanks to the gentlemen who stopped and helped pickup and cleaned up from the Christmas in the Park. They are: Christian Lezama and Julian Lezama, and their friend Adrian. Also, Richard & Janet Markland would like to start volunteering and helping; City-Wide Yard Sale on April 11; City-Wide Clean up on April 25;
- c. Councilman Fruge – Roads & Drainage Update; Councilman Fruge stated there have been several comments on social media. He wanted to address some of those issues. One thing is a lot of calls are about holes in driveways. The policy for the County is they will do up to 4 feet only. However, some of the realities are a little different. Such as by Davida and Sweetgum, about a year ago, Councilman Fruge contact them and they told him that since the crews are out here already, they would take care of it, even though it isn't their policy. Another example was about 6 or 7 months ago, a gentleman called about another driveway down Sweetgum. Councilman Fruge called and they stated they would not take care of it. However, then a few months later, the County was out here working on Craig and Saddlewood. The gentleman called Councilman Fruge again, and so Councilman Fruge called again to the County.

The foreman said he would talk to the superintendent about dropping some rock they had left over from other sites, but they would not spread it. The next morning they dropped it and then Councilman Fruge started spreading it. The superintendent stopped by and said they would drop some of the black top if Councilman Fruge would spread it. So he did. So the reality is that the policy is they would not do so, but sometimes they will. Councilman Fruge continued stating he received a copy of the County's policy and once Commissioner Arnold returns and approves it, and then we will look into posting it onto the City's website soon. Councilman Fruge continued reading from their policy, such as for a new construction (not a new driveway for an existing home) the County will add a layer of dirt and rock. A new driveway that is an existing home already, just a new driveway, and the policy is only a layer of dirt. However, sometimes they will do both dirt and rock. Councilman Fruge continued with several examples of both where they did and did not add material. Councilman Fruge finished by stating that there is a policy in place. However, sometimes they may do other things, with no guarantees. If the culvert separates from the ditch, they will come in and reset the culvert, clean it out and apply rock on top of the culvert.

10. Comments by Councilmembers: none

11. Adjourn Regular Meeting at 8:18 p.m. M/M/2/C: Merendino/Tevis **APPROVED**


Rebecca M. Ford, Mayor


Sherry Adams, Secretary

Workshop Meeting
CITY OF BEVIL OAKS, TEXAS
January 27, 2015

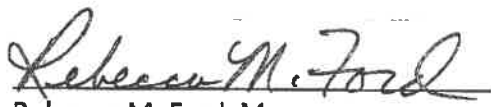
1. Call to Order by Mayor Ford at 4:33 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) led by Larry Landry
3. Roll Call: Present: Mayor Ford, Danny Fruge, Sherry Adams, Jimmie Grimes, Bud Merendino, Fay Roberts; ABSENT: Councilman Dave Tevis
4. **Presentation/Discussion of 2014 Annual Audit – Milton Bertolio, CPA, Chuck Reed and Associates**

Mayor Ford started by stating that if anyone is concerned, the Mayor does not hire an auditor, as shown in the October 2014 meeting minutes. The Council went out for bids, and those proposals were higher than our current auditor, and during the October 2014 meeting the Council voted to continue with the current auditor, Charles E. Reed & Associates, with Councilman Merendino voting against. The Mayor did not vote at all, as there was not a tie. Mayor Ford then turned the meeting over by introducing Mr. Milton Bertolio. Mr. Bertolio began by discussing how last year Councilman Merendino wanted to ask questions, however, the Council Meeting was not the time. He continued by stating this is why this year it has been chosen to meet today, during a workshop setting that is more laid back. Mr. Bertolio stated it is their job to give an opinion on financial statements, which is required by law to be completed within 6 months of the year-end. He stated the City of Bevil Oaks has great internal controls, which include policies and an outside CPA firm coming in and reviewing the financials on a monthly basis. Mayor Ford stated Charles E. Reed & Associates started auditing Bevil Oaks in 2007, and went back auditing 2004-2006 all at one time. Councilman Merendino asked if everyone had to have an audit, such as each City. Mr. Bertolio stated yes, each municipality, which includes cities, counties and school districts. He continued stating that in year's past, many firms did governmental audits, but once the G. A. O. got involved, many firms stopped doing them. Mr. Bertolio stated each firm that continues to do governmental audits are required to complete at least 80 hours of continuing education every 2 years, plus peer reviews each year. Councilman Merendino stated he had asked last year to be here while Mr. Bertolio did the audit, but was never called while he was here. Council continued by discussing a dating mistake on page 2, which read September 30, 2013, but should have been September 30, 2014. Mr. Bertolio stated this was the rough draft and would have the official presentation at the next council meeting in February. Councilman Merendino asked Mr. Bertolio how he confirms things when doing the audit. Mr. Bertolio stated he takes random items and reviews the invoice, who approved it, the checks written, and if they were cleared for the same amount. He stated he has a choice to request the information from the bank, which the bank will charge, or obtain the same information from the City Secretary, which is what he does. Councilman Merendino stated there is a lot of difference between a forensic audit and what you (Mr. Bertolio) are doing, as you are just checking the math. Mr. Bertolio stated that wasn't correct, that both forensic audits and financial audits are designed to express an opinion. However, a forensic audit is also specifically looking for fraud in every transaction. However, if anyone, both citizens and Councilmembers, feel there is a crime, call the police, not the auditor. The auditor is to give a financial opinion stating the house is in order, and the practices are sound so the City can get bonds and other such things. Mr. Bertolio stated the City of Bevil Oaks is

sound, which includes having in place many policies, such as a fraud policy. Mr. Bertolio stated the auditor does not make decisions on things such as budgets and line items, as Council approves that type of thing. He continued stating Council gets packets for the meetings for approval of money spent on items. Mayor Ford stated the Council already approved up to \$5,000 at a time that does not need council approval, but things such as the \$16,000 well that was replaced, came to Council for a vote. Things such as repairs, Mike of Utility Specialties will get bids or tries to get the lowest bill; if it is under \$5,000 it doesn't come to Council so it doesn't get delayed; anything over, goes to Council for approval. Mr. Bertolio stated there is nothing wrong with that procedure. Pricilla Bertolio spoke up and stated that is not improper; and continued stating if Councilman Merendino truly believes someone is stealing to report to the police. Councilman Merendino stated it is misrepresenting the citizens when they say the City received a 100 on the audit and never found anything wrong. Mr. Bertolio stated they do find little things that should have been adjusted differently, such as checks that need adjusting or put in a different line item, but nothing that rises to the level that would be brought to the Council and say you have a problem. Mr. Bertolio stated that Councilman Merendino says the City had a past employee who stole money. However, the error was caught before the auditor came in, by the C. P. A., and taken care of. He stated it had to do with overtime, and asked the following questions: If you work more than 40 hours you get overtime — what if you work more than 8 hours per day? What if holiday is in the middle of the day? The employee, who no longer works for the City, when the mistake was found, paid the money back in full, even though she didn't have to. Mr. Bertolio stated again, that if anyone thinks there is fraud or theft going on, or if you think Mr. Bertolio himself is covering up something, then take it and turn it into a police officer. Mr. Bertolio asked Councilman Merendino what he wanted, at which Councilman Fruge stated to find something wrong with the City period. Mr. Bertolio said they had the option to spend a large amount of money from the citizens and get a forensic audit that will come back to the same opinion he (Mr. Bertolio) did. Mr. Bertolio made the comment that if the City decided to pay \$5,000 on something when you can get it for \$2,000, it isn't a matter of what the auditor thinks about spending too much, as that is a council decision. It is the Council's responsibility to run the City, and Mr. Bertolio's responsibility to make sure everything is financially sound and proper procedures in place, and again, if anyone on Council, or a citizen, knows of anything going on; please turn it in to the police. Councilman Merendino asked Mr. Bertolio why he wanted the questionnaires filled out. Mr. Bertolio stated he read Councilman Merendino's, which is why he is here tonight. He stated Councilman Merendino raised questions about the payroll of the former employee, and that we now have a time clock in place. Councilman Merendino stated he had found a specific document stating the Mayor allowed the employee to pay it back. Councilman Fruge stated if he understood correctly, if the check was in the employees favor, the employee didn't have to pay it back. Councilman Merendino asked Mr. Bertolio how often he feels a City should change auditors. Mr. Bertolio stated in a City this size, changing auditors is not required. It does provide a new set of eyes, and some change every 3-5 years for larger cities. However, many no longer do governmental audits so it makes it harder to find one. They have also all increased their fees for doing them, requiring the City to pay more than currently budgeted. Councilman Merendino stated he asked an auditor friend of his and he told him they should change every 3 years. Mr. Bertolio asked which auditing firm was it, at which Councilman Merendino told him the name of the auditor. Mr. Bertolio stated he no longer did audits, where Councilman Merendino responded he did

Vidor's two years ago. Pricilla Bertolio stated if they (the auditors) find something wrong, they would go to the Council, if Council decides to not do something; then the auditors have to decide to go to the police and would probably pull out of the audit at that time. Mr. Bertolio stated that it is his findings that the City is well managed, and well-staffed, as well as has great internal controls. Councilman Merendino said he had one more question. He asked why it would be advantage to change auditors, at which Mr. Bertolio said he wasn't sure it would be as it is to express financial opinions and the City being the size it is. Pricilla Bertolio stated the advantage to having a new auditor is they go back to scratch, including all policies; the advantage to keeping the same auditor is they know much of the information already and specific areas to always review, and what policies are still current and don't need to be reviewed again each year unless there is a change. Councilman Fruge said the budget is around \$200,000 per year. With that being the case, if someone was embezzling money or stealing it in some sort of way, would the City be able to have money left over. Mr. Bertolio stated no. Mr. Bertolio asked Councilman Merendino what else he could do to make Councilman Merendino satisfied he did his job. Councilman Merendino stated he did his job he was hired to do, but wanted the citizens to understand his job wasn't to look for fraud. Pricilla Bertolio spoke up stating it is the entire Council that approves expenditures and not the auditor's place to say what they can or cannot spend the money on. Mr. Bertolio stated without a City Manager, that authority goes to the Mayor. All expenditures are paid for by a check with two signatures, and reviewed monthly by Edgar, Kiker & Cross, who is the current C. P. A. He stated he wanted to reiterate again if anyone believes something is remiss, call law enforcement. He encouraged everyone that instead of blowing little things up like accusations such as the payroll of the former employee that was paid back, ask the person involved what happened. Councilman Grimes asked, if in your (Mr. Bertolio's) opinion, a forensic audit wouldn't find anything. Mr. Bertolio stated it was his opinion they wouldn't find anything and would walk out with a very large check from the City. He said one last time if someone thought something was wrong, take it to the sheriff's office and if they said there is nothing to it, there is there is no need to go to a forensic auditor.

5. Adjourn Regular Meeting at p.m. **M/M/2/C: 5:56 Fruge/Adams APPROVED**


Rebecca M. Ford, Mayor


Sherry Adams, Secretary

SPECIAL WORKSHOP MEETING MINUTES

CITY OF BEVIL OAKS, TEXAS

February 10, 2015

1. Called to Order by Mayor Rebecca Ford at 6:05 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) led by Rusty Howard.
3. Roll Call: Present: Mayor Becky Ford, Councilmembers: Danny Fruge, Sherry Adams, Jimmie Grimes, Bud Merendino; ABSENT: Councilmembers Dave Tevis and Fay Roberts
4. Conflict of Interest Statement: None
5. **Review/Approve Action Items**
 - a. Discuss and if appropriate take action to approve a resolution authorizing the publication of a notice of intention to issue certificates of obligations. Mayor Ford began by reading part of the Notice of Intent and turned it over to Mr. Jim Gilley, of U. S. Capital Advisors, LLC. Mr. Gilley began by stating this meeting and notice were to satisfy the law for Certificates of Obligation, and that two notices of intents would be published. The first publication would be this Thursday, the 12th, and the second a week later on the 19th. He continued by explaining the notice of intent was for the Certificates of Obligation for the amount of \$2.1 million, which is believed to be more than what the City will need, and it listed as a "not to be exceeded" amount. They added the extra margin of money with Toby Davis's guidance, of Carroll & Blackman. However, Mr. Davis expects the bids to be less than the \$2.1 million. Mr. Gilley continued by explaining that Mr. Davis would be receiving bids on or around March 3, 2015, and will contact Mr. Gilley by March 5th with the bid he (Mr. Davis) feels is the best overall. Once this is completed, Council will vote on an Ordinance to be provided by Bond Counsel Lance Fox. That Ordinance and other items will then be given over to the Attorney General to continue the process. This will allow Council to meet on April 23rd and potentially award the bid around May 1st. He continued by stating this will allow the City to know the cost of the bids beforehand so the City will know if there is excess money or if the City will be short and need more money. The \$2.1 million is set to pay the construction cost as well as to reimburse the City for expenses already spent. Mr. Gilley then turned it over to Mr. Lance Fox, Bond Counsel. Mr. Fox stated this meeting is to approve publishing the notices of intent for the Certificates of Obligation, and Council is not, at this time, committing to issue those certificates. Mr. Fox asked the Council to make sure each Council person review Exhibit A to make sure everything is correct. Councilman Merendino asked about the address of 8200 Shipley, continuing with he thought the retention pond was going to be built on the south side of the street, and the south side of each street is odd numbers and not even. Councilman Fruge stated the 8200 Shipley is the address of the sewer plant as a

whole and nothing else is down there. Mr. Fox said he could change some of the wording if needed. Councilman Merendino said he thought it was referring to the retention pond. Mayor Ford stated she felt adding about or around to the wording would take care of it. Councilman Fruge stated he had a question for Mr. Gilley. He continued stating the reason Mr. Toby Davis suggested to increase the overall amount to \$2.1 million was due to the recent oil boom. However, if we asked for \$1.8 million and then found we needed more, how long did you say it would set us back? Mr. Gilley began by saying it would set the City back a minimum of 6 weeks if special meetings were called, as well as additional fees from Mr. Fox and publishing notices again. Councilman Fruge stated in going back to whether the City reimburses them or not will depend on the bid costs. If the City can, they will, but if it costs too much to do so the City won't reimburse them. Councilman Merendino stated he had a question for the attorney, Dru Montgomery. Councilman Merendino then asked Mr. Montgomery if it was okay for the City to do this at a workshop, as it wasn't a meeting. Mr. Montgomery stated we took particular care with the notice to make sure the City could take action. He continued stating a workshop is designed for free exchange of discussion, but doesn't prevent action from being taken. Mayor Ford stated if you have an action item on the agenda then action could be taken. Councilman Merendino stated we had a workshop before and couldn't take action. Mr. Montgomery stated sometimes workshops are used to discuss everything before meeting again to take action; in this case it is a pretty straightforward action that can be done at the same time after the discussion. Councilman Merendino went on asking if in the extra money included for reimbursement if that included the meters. Mayor Ford stated no, it includes the engineering fees. Councilman Merendino asked about the surveys, if they were included. Mayor Ford stated yes. Mr. Fox stated to clarify, if approved tonight, he would make the arrangements and corrections and have it posted. Councilman Merendino asked why the meters can't be included in the reimbursement. Councilman Fruge stated the discussion was if we paid for them by some other source, it couldn't be reimbursed in the bond sale. Mr. Fox stated it looked like the interest rate was also good. Citizen Jane Hebert asked how the purchase of the property was going. Mr. Montgomery stated approximately 70% of it is relatively controversial free. It isn't signed, but the Phelan property is close to be signed. Also, we are still waiting on DD6 to finalize theirs first. After further discussion, Councilman Merendino stated that basically, we cannot award the contract until this is finalized. Mr. Montgomery stated yes, you can award the contract. Councilman Fruge stated the bid process from Toby Davis tells the contractors there may be a time where they have to stop and come back if we have not finished finalizing everything, so there is no surprises to them, and will already be in the bids. **M/M/2/C: Merendino/Fruge**

APPROVED; none opposed

6. Adjourn Meeting at 6:33 p.m. **M/M/2/C: Fruge/Merendino APPROVED**

Rebecca M. Ford
Rebecca M. Ford, Mayor

Sherry Adams
Sherry Adams, Secretary

**Regular Meeting MINUTES
CITY OF BEVIL OAKS, TEXAS
February 19, 2015**

1. Called to Order by Mayor Ford at 7:00 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) led by Shirley Collins
3. Roll Call: in attendance: Mayor Ford, Councilman Fruge, Grimes, Tevis, Merendino, Councilwomen Adams & Roberts; ABSENT: None
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 yellow comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit.

Judy Fisher: Enjoys living in Bevil Oaks. However, one of her cats was killed as well as a neighbor's cat. They didn't see who did it, but both had the same puncture wounds. Other cats have been killed.

Report from the Neighborhood Watch given by Detective Erik Boman

6. Special presentation from Rod Carroll, Jefferson County Sheriff's Office regarding dogs and other animals in Bevil Oaks. Deputy Rod Carroll began by saying we are not alone. It costs less to regulate a human shelter than an animal shelter, and discussions continued regarding things the City can and cannot do. Deputy Carroll also explained individuals could use pepper spray or any necessary and reasonable force if they are threatened. Detective Boman stated everyone needed to remember they are responsible for their bullet if shot until it stops. Mayor Ford informed the citizens we will be looking at having an animal workshop at a later date to be announced, and will look into options. She explained Beaumont stated they would take the dogs, but we would have to call them first to make sure there was room, as well as pay them \$20 for each animal. They will also put the animal down after 3 days. Councilman Merendino stated that is an option, and that our code enforcement officer could also be the animal control officer.

7. Review/Approve Consent Items M/M/2/C: Fruge / Grimes APPROVED

- a. January 15, 2015 Minutes of Regular Meeting
- b. January 27, 2015 Minutes of Special Meeting
- c. February 10, 2015 Minutes of Special Meeting
- d. January 31, 2015 Financial Reports
- e. Reports by Utility Specialties
- f. Reports by Carroll & Blackman

Councilman Merendino stated there were a few typos with the workshop minutes, and that it was not what Councilman Fruge had actually stated. Mayor Ford instructed Councilman Merendino to bring those changes into the office to Kimberly Vandver, at City Hall to view the changes he suggested. (Councilman Merendino never brought in any changes or corrections.) Councilman Merendino continued by stating he had a question regarding the Balance Sheet on the City side. He said the top states the total assets are \$473,906.53, and if go to the bottom where it says total liabilities & equity, it gives the same number. Mayor Ford stated a Balance Sheet is supposed to balance, and the accountant can go over that with you if you would like. She continued stating our accountant provides the Council with the financials, not the girls in the office. Councilman Merendino requested to have a copy of the Heartfield Law Firm invoices for both sides (City and Water) in the financials so the Council could see the complete breakdown of what the charges are for, at which Kimberly Vandver stated, it could be done with no issues.

8. Review/Approve Action Items

- a. Consideration/Approval of FY2013-2014 Audit Reports for City and Public Works **M/M/2/C: Grimes /Fruge APPROVED Councilman Merendino Opposed.** Mayor Ford turned over to Milton Bertolio. Mr. Bertolio read paragraph 2, which discusses the opinions, stating it was a clean opinion. He continued stating the City was well governed, well managed and financially sound. He pointed out the changes to the final packets, stating there were only 2 changes. One change was the statement of the City operating as a Type A General Law City under Mayor - Council on page 18, paragraph 1, and one was stating it is a 6 member council, not 5 members (not counting a Mayor), on page 18, paragraph 3. Mr. Bertolio continued explaining all the numbers were covered during the workshop. Councilman Merendino stated the packets seemed thinner than before. Mr. Bertolio stated, "Mr. Merendino, in all due respect, it becomes quite clear to me that you are either do not possess the mental capability to understand what we have talked about, and/or you are not familiar with the running of a City Government, or maybe both." Councilman Merendino stated that was his opinion, however we get the updated audit 20 minutes before yet Mr. Bertolio picked up the original ones and didn't allow time to go through them together. Mr. Bertolio stated if Councilman Merendino was questioning his professional capability, he is welcome to file a complaint with the State Board of Public Accountants.
- b. Consideration/Approval of Variance to Ordinance 241 as requested by Mike Livingston. **M/M/2/C: Adams /Tevis APPROVED** Mayor Ford explained there was a letter in the packets as sent to Mr. Livingston, explaining the same procedure was done for Mr. Lichenstein. This gives Mr. Livingston time to come up with a plan and come back stating what is planned for taking care of the issue, giving him 90 days. Councilwoman Adams stated she wanted to make a comment. She said she was going to vote the way she feels like she needs to vote, even though she was threatened twice with embarrassment if she voted. Councilwoman Adams continued by stating she was ready to vote, and she wants to make the motion. Councilman Merendino stated he didn't feel it was proper if you broke an ordinance, to be voting on a variance. Councilwoman Adams stated she didn't believe it was fair to be warned not to vote.
- c. Consideration/Approval of Ordinance 242 calling for election of three (3) Council Members and a Mayor in a City Election to be held on May 9, 2015. **M/M/2/C: Grimes /Merendino APPROVED** Mayor Ford read the beginning paragraph of the ordinance, explaining it was needed to call for the election of the Mayor and 3 Councilmembers.
- d. Consideration/Approval of Election Services Agreement Contract with Jefferson County. **M/M/2/C: Merendino / Tevis APPROVED** Mayor Ford explained the City has entered into a contract several years now, to use their machines and election personnel.
- e. Consideration/Approval of Waiver permitting the Mosquito Control aircraft to fly at low altitudes over the territory under Bevil Oaks jurisdiction. **M/M/2/C: Merendino /Fruge APPROVED** Mayor Ford explained this agreement allows Jefferson County Mosquito Control to fly over Bevil Oaks and spray. Councilman Merendino asked if this was just for the airplanes or the vehicles too, which Mayor Ford stated it is just for the airplanes.
- f. Consideration/Approval of the renewal of Mobile Home Park Permits. **M/M/2/C: Fruge / Tevis APPROVED** Mayor Ford stated they all have been inspected and paid the fee. Councilman Merendino stated we went up on the Civic Center rental fees, has it been discussed or considered going up on the mobile home park fees. Mayor Ford stated it has been discussed, but the homeowners already pay taxes. Councilman Merendino stated if the fee went up, they would just pass it on to the renters. Mayor Ford explained the City receives tax money on the

personal property tax from the mobile home parks as well. However, if Council wants to consider an increase, it can be looked at closer to budget time.

9. Reports from the Mayor and following committees:

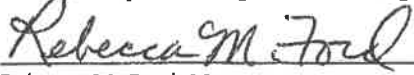
- a. Councilman Grimes – City-Wide Yard Sale on April 11; City-Wide Clean-Up on April 25; 4th of July committee met a week or so ago and all is running well.

10. Comments by Councilmembers:

- a. Councilman Merendino – Discuss the current neighborhood watch program – Councilman Merendino asked about the signs that used to be on vehicles as were used when the program started. Jane Hebert stated each person purchased their own sign and it is magnetic to attach to the cars. Councilman Merendino stated it may be good to see about getting some more signs and get a sign-up sheet. Mayor Ford stated Deputy Carroll is over it and we need to get with him to see what is needed. Ms. Hebert stated she may still have a copy of the rules, she would have to check.; Reimbursements to volunteers – Councilman Merendino stated if some volunteers are going to get paid, it may not be in the best interest of the program as there are many volunteers who have given time and money to things for only a few to get reimbursed.; Community Development ideas – Councilman Merendino said there wasn't any mention of the Park and a lot of citizens are asking about it, and wanted to know what is earmarked for the park. Councilman Grimes discussed the community development budget was decreased several months ago when the Council voted to approve insurance for the ladies in the office, leaving \$7,800 for park development. Councilman Merendino asked if that was earmarked for anything else. Councilman Grimes stated it was only for park development. However, he considers the basketball court in park development, as well as walking trails that has been discussed. Councilman Grimes continued explaining Santos Valdez looked at the current park equipment and stated it could be repaired. Once he started working on it, a citizen who requested to remain anonymous stopped by asking what was going on. That anonymous citizen stated they wanted to donate the money for material and labor to fix the current equipment as long as they could remain anonymous. Councilman Merendino asked what is actually budgeted for new playground equipment. Councilman Grimes stated there is \$7,800 in the park development, but that includes things such as a parking lot for the basketball court and more. Councilman Fruge stated he talked to Robbie with Precinct 1 and it looks hopeful that it may can be done this year, if they can get out here and do road work for us. Councilman Merendino asked how much it was going to cost to do the parking lot. Councilman Fruge stated last year when he checked on it, it was going to be about \$2,000 - \$3,000 for the material and labor would be free. Councilman Grimes stated it depends on if the parking lot could be done, and that in checking on playground equipment costs, it is staggering. He continued stating he was in the preliminary planning stages to find proper funds. Councilman Fruge stated it sounded like it was a long range plan, where some was purchased here, some next year, etc.; Councilman Merendino stated several citizens have asked about putting a center stripe on Sweetgum, at least on the south end of Sweetgum. Councilman Fruge stated he saw this was listed when he picked up his packet, so he called Robbie at precinct 1. Robbie stated they don't do striping, but if needed, they would contract it out. Robbie continued stating the cost for the contractor would be around \$2,800 for Sweetgum and to add Riverbend would cost around \$4,200. Councilman Merendino stated someone received a ticket for turning in to Kings Grocery, and that citizens do it all the time to turn into Bevil Oaks. Mayor Ford stated that is something TXDOT has to do. Councilman Merendino went on to state another citizen wanted to know about a place to shoot guns, and maybe we could use the inside of the bay area of the

Civic Center. Councilman Grimes stated the insurance would be outrageous. Councilman Merendino stated it could be a revenue maker for the City.

11. Adjourn Regular Meeting by Mayor Ford at 8:25 p.m. M/M/2/C: Fruge /Merendino APPROVED



Rebecca M. Ford, Mayor



Sherry Adams, Secretary

**SPECIAL Meeting MINUTES
CITY OF BEVIL OAKS, TEXAS
March 5, 2015**

1. Called to Order by Mayor Ford at 4:02 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) Invocation was led by Rusty Howard and Pledges by Councilman Grimes.
3. Roll Call: in attendance: Mayor Ford, Councilman Fruge, Grimes, , Merendino, Councilwomen Adams & Roberts; ABSENT: Councilman Tevis
4. Conflict of Interest Statement: None
5. **Review/Approve Action Items**
 - a. Consideration/Approval of the Revision to Ordinance 242, creating 242-A, calling for election of three (3) Council Members and a Mayor in a City Election to be held on May 9, 2015.
M/M/2/C: Grimes /Merendino APPROVED Mayor Ford turned it over to Kimberly Vandver to explain why this was needed. Kimberly explained after sending in the original Ordinance to Jefferson County, they came back saying we needed to remove Mabel Matthews name off from Election Judge. Jefferson County will assign an Election Judge to Bevil Oaks.
 - b. They also had finalized the names of the canvassing board to put into the ordinance, as well as set the official dates for early voting in Bevil Oaks.
 - c. Review, Evaluate and Select, if appropriate, proposals and alternative proposals for duly noticed City project relating to capital improvements of wastewater treatment facilities, including demolition work related thereto and construction of a force main sewer line. The City may reject all bids or parts of bids if it serves the interests of the City. **M/M/2/C: Adams/Fruge APPROVED Councilman Merendino OPPOSED** Mayor Ford began by reading the agenda, and then turned it over to Toby Davis of Carroll & Blackman. He began by giving out a handout showing the bids received on March 3, 2015. He explained there were 5 bids received and the handout gave the list in order of bids. Councilwoman Adams asked if all of the contractors were local, at which Mr. Davis stated yes. He continued stating we are not here to award the project today. However, since there were some alternates, the Council needed to give direction on how to proceed with those alternates so Mr. Gilley can receive the financial information by tomorrow so Mr. Gilley can continue working on the financial plan. Going to the second page, he explained there were 3 alternate items. Number 1 was to concrete the bottom and about 2 feet up on the pond, at about \$175,000. Number 2 of the alternates was to do the entire pond in concrete, at about \$457,000. Number 3 was for an outfall to the drainage ditch if needed to the DD6 ditch. This alternate is \$9,000. Mr. Davis explained he has also figured in a 15% contingency. On the first portion of the page, he explained the costs of each section, and how the total project cost would be \$2,001,184 to go with alternates 1 and 3. He showed on the second section the total being \$1,789,464, which is the cost without alternates 1 and 3. Mr. Davis continued explained the anticipated monthly connection costs based on the information given by Mr. Gilley in the past, ranging between \$7 – to a little over \$12 per connection. Mr. Davis made the recommendation that if the City can afford it, they should go with the alternates. One reason is because the pond will get some sludge in it periodically, and will have to be cleaned out. It is easier to do with concrete. Councilman Grimes asked if we didn't

concrete the bottom or sides would we still spend the same amount or more? Mr. Davis said it is too hard to make that official determination. However, if after a few years and it is used quite a bit it would have to be taken out. Mr. Will spoke up stating China didn't have a concrete bottom and to get theirs cleaned out when he worked with them cost between \$40,000 - \$50,000 for each clean up. He continued stating that it will be diluted many times over, however, over time stuff would settle to the bottom and need to be cleaned out. Councilman Fruge stated that it needed to be understood as well that during high rainwater flows, the flow of water could go from a couple of hundred thousand gallons to a million or more at a time. The water gets in there through leaks that may be in pipes or other reasoning. When it seeps through the pipes, it collects dirt and raw sewage that needs to be cleaned out. Councilman Merendino stated if we have grass, the water can seep through the ground and stuff left can turn into fertilizer. He continued asking about the cost per connection, and how that averages out to be at least \$50 per year per household as per these numbers. Mr. Davis stated they added the alternate bid items in to see what the costs would be and if it would be feasible. Councilman Merendino asked Mr. Davis to help him with the math, and that at a cost of \$12.68 per hookup, to pay back \$2,000,000. If you take off \$184,000 off the bid price, it is going to take off \$4 off everyone's water bill. That leaves only about \$8 per connection, so if we knocked off another \$360,000 of the entire project then it would be free? Councilman Fruge stated Mr. Gilley had an entire chart he went by to figure up per year, and those numbers vary per year, and we pay him to arrive at those numbers. Councilman Merendino continued stating for someone to do the math, by taking 500 times \$10 you'll get \$5,000, times 12 months, that is \$70,000 per year. Take that times 20 years, you are only paying back \$1,200,000. Councilman Fruge stated what is not being taken into consideration that we as the City already have some money already going into it, and it is not going to be paid solely by raising rates. Mayor Ford called Mr. Gilley asking him to explain. Councilman Merendino asked Mr. Gilley if we went with the cost of adding the alternates 1 & 3, if the cost per connection would be up to \$12.68 as per the paper. Will that be the total including the principal and interest to pay the loan back? Mr. Gilley stated yes, it is the additional money from what the citizens are already paying in their rate as per the revenues. Councilman Fruge stated what is skewing the thinking is that they are not taking into consideration the revenue the City will already have on our own to pay the loan back. Councilman Merendino asked where he got the \$72,000 showing as already available. Mr. Gilley stated it came from the previous audit that was used showing revenue left over for payment, and that this number could change with new numbers. Mayor Ford stated all of these numbers had been gone over with each Councilmember back in the July Workshop, and this is not the first time everyone has seen these numbers. Councilman Merendino stated he wanted to make sure those numbers were correct. Councilman Fruge stated that everyone needed to understand if the water department's revenue went up, those numbers would go down and vice versa. He continued explaining our current water meter project is not completely online yet, and we have no idea what kind of extra revenue they will bring in; until we do know, those numbers can change. Councilman Fruge stated we needed to get back to discussing the pond. He continued explaining these alternates came about after a conversation with Mike Will, who explained if there is only grass; it can cause other maintenance issues. This includes if we have a wet summer where the grass cannot be cut. The grass mowers will come out and if it is too wet they won't cut it. If it continues to grow and gets too tall, it will have to be cut and cleaned out by hand. TCEQ says you have to keep that pond clear and clean.

Councilman Merendino asked what kind of debris is expected to come out of there, at which Councilman Fruge answered toilet paper and other things. However, if lined with concrete, when it goes down it can be cleaned easily. Councilman Merendino stated the next time it comes a rain event, he will call Councilman Fruge to come see what comes out of it. Councilman Merendino stated it was designed with about 6 foot concrete so it could be cleaned, at which Councilman Fruge stated the bottom of the basin was about 300 foot wide, and asked Toby Davis to clarify the size. Mr. Davis stated ballpark it was about half an acre at approximately 150 foot. Councilwoman Adams spoke up stating while she is on a fixed income herself, as many of our citizens are, she felt it needed to be done correctly. ADAMS motioned; Fruge seconded to go with alternate items 1 & 3. Councilman Merendino stated he didn't think we needed to do it because of the cost to each homeowner.

6. Adjourn Special Meeting by Mayor Ford at 4:51 p.m. **M/M/2/C: Merendino /Fruge APPROVED**



Rebecca M. Ford, Mayor



Sherry Adams/Secretary

Notice of a Regular Meeting
CITY OF BEVIL OAKS, TEXAS
March 19, 2015

1. Called to Order at 7:00 p.m. by Mayor Ford
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) led by citizen Ronnie Adams
3. Roll Call: Mayor Ford, Councilman Fruge, Councilwoman Adams, Councilman Tevis, Councilman Grimes, Councilman Merendino, Councilwoman Roberts all present
4. Conflict of Interest Statement: None; Councilman Merendino asked if it was okay for Councilman Fruge to vote on the retention pond with it being so close to Councilman Fruge's back yard. Mayor Ford asked the City Attorney, Dru Montgomery, who stated it was okay for him to vote and was not a conflict of interest.
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 yellow comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit.

Michelle Nelson – wanted to go on record saying she wanted the Council to consider designating the area by the basketball court for any new playground equipment. Barbara Emmons – Inform all the citizens of the Dog/Animal Workshop that will be held on March 26th at 7:00 p.m. She also discussed the use of the area by City Hall for new playground equipment and walking trails. Mrs. Emmons also stated it was her opinion that the auditor was disrespectful to everyone at the

last Council meeting and felt he owed the entire Council an apology, and she would not vote to hire him again.

6. Report from the Neighborhood Watch given by Officer Jeff Chadney.

7. Review/Approve Consent Items M/M/2/C: Grimes/Fruge APPROVED Councilman Merendino stated he listened to the last meeting and Mike Will of Utility Specialties stated it cost between \$40,000 & \$50,000 to clean out the retention pond each time, and he wanted to make sure that is what was said. Mayor Ford stated yes, that is what he stated. Councilman Merendino continued asking what the TML Multi-State check was written for; Kimberely Vandver, City Secretary, stated it was to the Texas Municipal League for the employ health insurance for two months. Councilman Merendino continued stating in the Engineer report, it states that the Council should keep in mind that the project is still waiting on Crowne Pine and DD6 to develop their mutually agreeable easement along the DD6 ditch, and then we can get our easement from Crowne Pine, and that while it is believed this shouldn't delay the contractor, we could not be certain. Councilman Merendino stated at the last meeting Dru Montgomery stated we could go on with the project, and he has been working on the easements for over two years. However, the Engineers report makes it clear the work could be stopped if the easements are not obtained. Dru Montgomery, City Attorney, stated he can report on the status of it, and the context of it is the City has the right to eminent domain and can acquire the property by exercising eminent domain if needed. Specifically, that is where DD6 and Crowne Pine are at, but it is up to Crowne Pine whether they will require DD6 to do so or not. Councilman Merendino asked if we had the

right to imminent domain two years ago when this all started rather than just keep going for years. Dru Montgomery stated that everyone must remember that with imminent domain, you have to have the money then. Had the City gone forward two years ago with imminent domain, the City would have had to deposit the money within days of the Judge issuing the order. With the financing just now being approved, the City could have been out that money, with no guarantee of any kind of financing, and whatever the Judge sets is what the City is required to pay. Councilman Merendino stated the City hasn't gotten anywhere in the two years and spent money on the attorney without any results. Dru Montgomery stated there is no reason to start once you get financing, but rather approach the land owners and try to work it out first before just taking their property. He continued stating the City informed him they wanted, which he agreed, to try to work it out first, and because of such, the Phelan property donated theirs at no cost. Had the City enforced imminent domain it would have cost the City tens of thousands of dollars through a current verbal agreement. Councilman Fruge stated at the last meeting Dru Montgomery didn't state it had all been taken care of, but that there was no foreseeable issue that would cause us from getting the easements, and that what hasn't been mentioned is how about a year ago DD6 decided they wanted more easement from Crowne Pine.

- a. February 19, 2015 Minutes of Regular Meeting
- b. March 5, 2015 Minutes of Special Meeting
- c. February 28, 2015 Financial Reports
- d. Reports by Utility Specialties
- e. Reports by Carroll & Blackman

8. Review/Approve Action Items

- a. Consideration/Approval for selection of accounting firm to serve for annual audit for FY 2014-2015. **M/M/2/C: Fruge/Tevis APPROVED OPPOSED by Councilman Merendino** Mayor Ford stated everyone has had time to read over the agreement and has heard the citizen comment. Councilman Fruge asked if the price went down. Kimberely Vandver, City Secretary, stated the price we paid last year was \$12,500. Councilman Merendino stated he had no doubt about Chuck Reed, who is a CPA. However, Mr. Bertilio is not a CPA, yet he is the one doing the audit out here. Mayor Ford stated he was not doing it by himself. Councilman Merendino asked how he got picked in the first place. Mayor Ford stated the Council picked Chuck Reed & Associates several years ago, and they had been recommended by the accountant. Councilman Merendino asked how long Mr. Bertilio has been doing our audit. Mayor Ford stated he hasn't been doing the audit, Chuck Reed & Associates does the audit and Mr. Reed has the final say on the audit, and Mr. Bertilio only came out to give the final report. Councilman Merendino stated he gave the Council a preliminary audit to review, but when he came back for the final audit, he took up the preliminary packet and didn't give anyone on Council time to review and compare the two. Mayor Ford stated the only thing that changed was a couple of words, but none of the numbers were changed. Councilman Merendino stated how could we know that for sure. Mayor Ford stated the question today is does the Council want to vote to rehire these people again, and as we know the other firms are

considerably higher. Councilman Merendino asked if we had to vote right now without more discussion. Mayor Ford stated there is not anything to discuss except if the Council is going to hire this firm again or not.

Councilman Merendino stated the Council has never voted this early for an auditor. Mayor Ford stated it was explained that we had to rush them this year and they prefer to work throughout the year rather than be called at the last minute and rushed. Councilman Merendino stated there was also an election coming up and would we be bound to these people should Mayor Ford lose the election. Mayor Ford stated they did not require us to sign a contract so if Council decides later to change firms they can do whatever the Council wants to do if Council approves it.

- b. Discuss and review bids for the City's Tax and Revenue Certificates of Obligation, Series 2015, and if appropriate take action to approve an Ordinance awarding the bid and authorizing the issuance of the City's Tax and Revenue Certificates of Obligation, Series 2015, which Ordinance is titled as follows: "ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$2,000,000 CITY OF BEVIL OAKS, TEXAS TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2015; LEVYING TAXES TO PROVIDE FOR PAYMENT THEREOF; AND CONTAINING OTHER MATTERS RELATED THERETO" The final title of the Ordinance may be revised at the meeting as approved by the City Council to reflect the final approved principal amount of authorized Certificates of Obligation. **M/M/2/C: Grimes/Tevis APPROVED** Mayor Ford read the title of the ordinance and turned it over to

Mr. Jim Gilley of US Capital Advisors. Mr. Gilley gave a packet to each Councilmember, explaining the City received 5 bids, all listed in the packet. He continued that because the lowest bidder for the sale of the bonds was aggressive, the City benefitted from it. It also helped that the A rating received from Standard and Poors, showing the City is considered financially sound with good budgeting performance. Mr. Gilley continued by going over the packet, explaining that not only had the City received the A rating, but also got bond insurance. This allows the bidder to choose whether to get the bond insurance or not. This benefited the City because they were able to get a much better interest rate at 2.97% from 1st Southwest, of which they did choose to obtain the bond insurance. Mr. Gilley stated this is fantastic, especially for a City our size. He continued stating that the par amount ended up being \$1,930,000 instead of the original \$2,000,000, saving the City money from the rating. Everything is expected to close on or about April 21st, and the first payment will be due August 1st for the amount of a little more than \$16,000, with the second payment due in February. Two payments a year will need to be done, each February and August. Mayor Ford turned it over to Lance Fox, Bond Attorney. Mr. Fox stated each Councilmember has previously received a copy of the ordinance for review. What happens if the City Council approves the ordinance is there will be a stack of documents to sign, and those documents will be sent to the Texas Attorney General's Office to sign off on it, which will take approximately a month or so to receive it back. Mayor Ford asked for a motion to approve the

Ordinance 2015-243A, for the amount of \$1,930,000. Councilman Grimes made the motion; Councilman Tevis seconded. Councilman Merendino asked if we did not spend the entire amount, could the City roll it back into the payments. Mr. Fox stated early payments could not be made for 10 years, but starting February 1, 2024, early payments can be made.

- c. Consideration/Approval of the purchase of a Radar Controlled Speed Limit Sign. **M/M/2/C: Grimes/Tevis TABLED** Mayor Ford stated Mr. Doug Emmons gave the Council information in the last regular City Council meeting packets, and is now here to present the information to Council. Mayor Ford then turned it over to Doug Emmons. Mr. Emmons gave a slide show presentation on his research of radar controlled signs to help deter speeders in the City. He gave information on three separate options, which included signs ran from either generators or solar panels. After the presentation, Councilman Tevis asked if the County had some we could borrow or rent from them, or if there were grants available to help offset the costs. Councilman Fruge stated he wasn't sure if we had the money in the current budget, but could keep this in mind for the next budget workshop, normally held in August or so. Mayor Ford stated there is a lot of interest, but didn't want to turn it completely down, and asked Council if they felt it should be tabled. Councilman Grimes motioned to table it at the current time with Councilman Tevis seconding. Mayor Ford thanked Mr. Emmons and Councilman Tevis said he appreciated it when citizens such as Mr. Emmons brought things to the Council's attention.

9. Reports from the Mayor and following committees:

- a. Councilman Grimes – City-Wide Yard Sale on April 11; City-Wide Clean-Up on April 25; 4th of July committee met about a month ago and another one will take place in April. He stated the canopy has also already been reserved; Mr. Grimes stated he wanted Council to think about consider designating City owned property between Sweetgum & Riverbend a City Park, & have any new playground equipment & park development located there, being built to TML standards

10. Comments by Councilmembers:

11. Councilman Merendino – Discuss the cementing of the rainwater retention pond; discuss the proposed drainage ditch that we didn't have the opportunity to discuss at the 4:00 p.m. special meeting. Councilman Merendino stated there had been a 4:00 p.m. the other day about the cement retention pond and a drainage ditch that was never discussed regarding some kind of temporary drainage ditch. Councilman Fruge stated that would not be a temporary structure at all, but a permanent one. Councilman Fruge continued stating we don't know yet if we will need it and won't know until we get further into the construction project and after all the land is cleared. There is a concern that the construction could trap water back in the area, but that is not known yet because there is so much timber and underbrush on the ground back there that the Engineer cannot get back in there to survey it or see it. Councilman Fruge continued stating the road down at the Sewer plant runs east to west and the highest part of it is along that road, causing the water to generally run south to the DD6 ditch. At the current time, neither the Lewis's nor the Howard's have complained about

the water flooding their property, so the water must be draining currently as it should. Right now, we don't know if the construction will affect that natural drainage to the DD6 ditch. DD6 will not allow anyone to design surface water to run straight off into their ditch. They want the water to go through a culvert first so it doesn't wash down the sides of their ditch. Councilman Fruge continued stating again we do not yet know if we will need it or not, and the Engineer feels that it should continue to do so, but that is no guarantee. He continued by saying that if it doesn't, is why the City asked for the alternate bid came in for \$9,000 if it is needed, but if it is not needed, it will not be built and that money will be kept to help pay back against the debt service. Councilman Merendino said that most construction jobs use pumps to help pump out the rain water that gets in the way of construction which would be cheaper. Councilman Fruge stated pumps will not be used as this will not be determined if needed until after the pond is built. Councilman Merendino and Councilman Fruge discussed the layout of the sewer project, with Councilman Fruge having the plans laid out for Councilman Merendino to view. Councilman Merendino stated the plans show the size of the pond bottom show it will be 151 feet by 167 feet, not over 300 feet as previously stated. Councilman Fruge stated that was correct, that the top of the pond will be an elevation 15, with it only sloping a foot to the outfall. Councilman Merendino asked if the 300 foot by 300 foot would be cemented, which Councilman Fruge stated no. Councilman Merendino stated that meant that particular area would still need to be maintained. Councilman Fruge agreed the grass area would still have to be mowed. Councilman Fruge said he wanted to explain to the

citizens that the real reason to concrete the bottom is twofold. First, think about the ditches. While they normally drain properly to the DD6 ditch when clean, but over time they will have grass grow up in it and will catch silt, resulting in the ditch needing to be cleaned out within a few years, which everyone has seen with the regular ditches.

Councilman Fruge continued stating this is exactly what will happen in a grass lined pond. The more silt that is there, the less it can hold. However, the difference is entire area of the sewer pond will have been touched by sewer water. Once it has been touched by sewer water, it has to be handled completely different than anything else. If it was a grass lined bottom, it would be very difficult to get in there and clean out the sludge. Sludge is what TCEQ calls it because it has been touched by sewer water, and would be required to be cleaned out over time because it would build up changing the hydraulics. In order to get down to the bottom of the 13 – 14 foot pond, would be messy and the equipment would tear up the bottom. Everything that comes out of that bottom has to be placed into a roll off air tight container and taken to a sludge disposable facility. Councilman Fruge continued saying that not only would that be time and labor intensive, but it would be costly. Councilman Fruge went on to explain that over time the rain water would mix with the sewer water that goes through there, setting up in any pockets in the ground. TCEQ has regulations regarding vector control, which includes bugs, mosquitos and odor that could grow over time. Councilman Fruge said that someone had asked at the 4:00 p.m. meeting if someone could determine what it would cost to deal with the sludge removal over time. Toby Davis, the Engineer and Mike Will of Utility Specialties both said no,

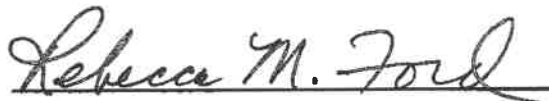
because we don't know how often the water would be in there. However, looking back to 2013, there would have been 10 – 12 days were water would have been in the pond for 6 – 10 days. Councilman Fruge stated there is no real way to determine how often or how long that water would be there, but the one thing that is certain, over time sludge would build up in the pond and become an issue. There are already plans to have provisions for a 2" line to put a fire hose monitor on each end allowing a concrete slab to be washed down. Councilman Fruge stated there was no way to know how much the cost would be, but if the City concretes the bottom the City would never have to hire someone to come clean out the sludge, rent roll offs, pay someone to haul it off to a sludge facility or the disposal fees. Councilman Merendino asked how many things were considered for lining the bottom of the pond, because every other Engineer he has spoken too couldn't believe we were going to concrete it when there was other types of material such as vinyl rubber that could be used at a considerable price difference. Toby Davis of Carroll & Blackman stated they had originally designed an earthen pond and then added the concrete into the price for the bids, and didn't consider anything else. Councilman Merendino asked whose idea was it to consider only concrete. Mr. Davis said, "Call it mine." Councilman Fruge asked Mr. Davis if he had ever built a storm water retention pond or an equalization basin (Councilman Fruge explained to the citizens that an equalization basin stays wet all the time, whereas this would stay dry until the next heavy rain) and lined it with anything other than concrete. Mr. Davis stated no, any of either one he has ever built or seen in fabrication has been either earthen or concrete. Councilman

Frugé asked if there were any in the Golden Triangle area that he was aware of that had any other kind of liner, other than concrete. Mr. Davis stated there may be, but not that he was aware of. Councilman Merendino said at the beginning of the discussions for this project, Councilman Frugé stated it would be rainwater. Councilman Frugé stated it doesn't matter if it is pure rainwater or not, because if it comes through the sewer system it is considered sewer, regardless if it is 10,000 parts to 1, because TCEQ says it is still sewer and must treat it that way. Councilman Frugé stated the Council has already decided to spend it and voted tonight so it is a moot topic. Councilman Merendino stated it was not a moot point because a petition could be gotten and the thing shut down. Councilman Frugé stated the time for a petition has passed. Councilman Merendino disagreed. Councilman Frugé stated he felt everyone in the room understands the situation except Councilman Merendino. Councilman Merendino stated everyone in the room understands we are spending an extra \$200,000 we didn't have to and don't have. Councilman Frugé stated just because we didn't think about it at the beginning of the project, luckily someone did now before we got several years down the road and had to spend \$40,000 to have it cleaned out and someone asked why it wasn't thought of before. Mayor Ford spoke up saying we already know how much money we need, and that included making everything as maintenance free as possible. Should the City go back to having something that would need to be maintained we would have to go back to consider we would still have an expense and reduce what the City would have to pay back the debt service. Should the City not have enough, that cost would then have to revert back to the citizens, and

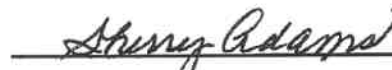
what they were trying to do is keep this where the number is as low as possible. This means that if we had this expense, the City would have to keep in mind there would come a time where the City would have to have \$40,000 to clean the thing out, and that money would have to be set aside and reserved. This helps keep the maintenance cost down. Councilman Fruge stated everyone needed to keep in mind the debt service for this project is 20 years, but the life expectancy of the project could go on forever, as it is just a hole in the ground and a lift station. He continued stating the savings in doing this could be seen and would go on for years and years and not just the life of the debt service. He finished by saying to not look at it for 20 years, but that the citizens would be reaping the benefits for 40 or 50 years.

12. Adjourn Regular Meeting at 8:54 p.m. **M/M/2/C**

Tevis/Merendino APPROVED



Rebecca M. Ford



Sherry Adams

**MINUTES of WORKSHOP Meeting
CITY OF BEVIL OAKS, TEXAS
Thursday, March 26, 2015**

1. Called to Order at 7:00 p.m. by Mayor Ford.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) led by citizen Ronnie Adams
3. Roll Call: All present
4. Conflict of Interest Statement: none; Mayor Ford informed the Council this Workshop was for the Council to listen only, and no decisions would be made at this time.
5. **Review/Approve Action Items**
 - a. Discuss potential actions that can be taken regarding unrestrained animals within the City Limits of Bevil Oaks. Mayor Ford turned it over to Barbara Emmons. Mrs. **Barbara Emmons** stated she went over the notes given to her by Mayor Ford from the last time the City looked into animal issues. Mrs. Emmons went on to discuss that both herself and Mayor Ford went to Sour Lake to discuss their solution to animal control, and they have an animal control officer who would be willing to euthanize our animals if needed. The City would have to build pens to hold the animals, either by the sewer plant or water plant, and have people who would feed them daily and catch them as needed. She continued by discussing how Sour Lake requires the owners to register the animals with the City and turning in the vaccination records. Mrs. Emmons explained there was a recent attack on another dog by a vicious dog near their home in which another citizen, Larry Landry, had also witnessed. **John Gundolf** – opposed to any ordinance that he can't take a dog with him; feels you should knock on the door and tell them if it is a dangerous dog and would cost the City too much money. **David Barrows** – owns 3 dogs and 2 cats; his lab which is 4 years old he spent over \$4,000 on training to include hunting, but they are still animals, but the City doesn't need to spend a bunch of money chasing down animals and is opposed an ordinance. **Dorothy Markland** – has an irish wolfhound with a chain link fence. She feels the answer is to fence the animal in put that putting a dog on a chain will only make it more aggressive. **John Fisher** – While he is concerned about vicious dogs, he is opposed to any more rules. **Joan Howard** – Oversees the pet clinic that is normally held in October each year; she is very against animals being on a chain, and stated the Humane Society is against it too. She stated they suffer physical, psychological and other damages when on a chain. She also stated she is very much against dogs being held down by the poopie pond. **Julie Arisco** – She owns Australian shepherds but doesn't understand dogs running loose, barking at everyone and sure doesn't appreciate them pooping in her yard, stating that doesn't make for a good neighbor. She is for a City ordinance. **Miranda DeLaTorre** – Her dogs run loose and she rescues dogs that are not currently trained. She stated she could not afford a fence and is also against chains. She stated she does have an issue with vicious dogs but the City must define vicious. She continued stating she is opposed to any new ordinance or rule and would vote to keep the same rules and regulations that are now in place. She discussed how she also has a dashound that lies in the road, but that just makes people slow down and keeps her children safe, and if anyone has an issue they can come knock on her door. **Nan Nelson** – She stated if someone has an animal, regardless of what type, they take on that responsibility, which includes vets, training, etc., otherwise, don't

have the animal. She finished by saying if someone could not afford a fence, then they cannot afford a dog, and she has seen multiple animals killed by loose dogs. She is for any ordinance that would help take care of such an issue. **Michelle Nelson** – She stated that we must remember the intention of this workshop, which is loose/stray dogs and vicious animals, which are not good or nice pets. She stated we must find a balance and that there must be a compromise from all. **Kim Roberts** – She stated she has dogs in a fence, but that the lab can get out sometimes. She continued by stating the cats all stay inside. The dogs used to run loose until recently, but she has been on the other side of the spectrum. She has had a neighbor continually call the cops on her dogs even though they didn't do anything, and the neighbor even would open her gates to let them out. Eventually, Mrs. Roberts stated the Sheriff's office finally told the neighbor about harassment. She stated if we have an ordinance, the neighbor could then complain about the dogs, when in actuality it could be about the grass. She is opposed to any ordinance. **Jennifer Rhoades** – She stated she agrees with Michelle Nelson and there needs to be balance, but she will protect her 10 year old daughter over anyone's pet. **Celeste Fisher** – She stated everyone has a right to dogs but must have something to hold them responsible, especially so when going to the neighbor first doesn't work. **Paige Y'Barbo** – She asked if a mastiff attacks her little dog, can she shoot the dog. Mayor Ford stated Rod Carroll, of the Jefferson County Sheriff's Office, stated everyone has a right to protect themselves, but suggested pepper spray as an alternative. Mrs. DeLaTorre stated a dog coming towards you barking does not mean it is an attack. **AJ Brisco** – Mr. Brisco stated he moved out here for freedom but is slowly losing that freedom when you cannot even walk down the street without worrying about getting attacked. He continued by stating the Council is trying to find a reasonable solution to the problem. **Ken Barrington** – He stated he had to put up a fence and that bad dogs are a problem. **Doug Emmons** – He discussed how he used to have a border collie on a leash and it had never been aggressive. However, it got loose one day and bit a guy. The Sheriff Officer at the time told him it could be the wrong cologne, scent, another dog, or any smell, etc., and it can make them attack. He had to put his dog down. **Glenn Timberlake** – He stated he has 3 dogs he walks and all are on leashes. But he has seen many things, such as children riding on or after midnight on golf carts with no lights or no reflection. He did state his dog Sam has been bit 3 times, and he is against having to build a fence. **Larry Landry** – He stated he doesn't have any pets, but others keep pooping in his yard. He doesn't want a pound, but does want to get the troubled dogs out of Bevil Oaks. He stated we need to find some way to fine the owners so high that it will make them do something. He is for doing something, but against any kind of pound. **Nan Nelson** – She asked if the Council could think about registering the animals for a fee, then the nuisance and vicious animal owners could be found and fined.

6. Adjourned Workshop Meeting by Mayor Ford at 8:57 p.m. M/M/2/C:
Meredino/Grimes APPROVED


Rebecca M. Ford, Mayor


Sherry Adams, Secretary

Regular Meeting
CITY OF BEVIL OAKS, TEXAS
April 23, 2015

1. Call to Order by Mayor Ford at 7:00 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) led by citizen George Bryant
3. Roll Call: PRESENT: Mayor Ford, Councilman Fruge, Councilwoman Adams, Councilman Tevis, Councilman Merendino, Councilwoman Roberts; ABSENT: Councilman Grimes
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 yellow comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit. NONE; Mayor Ford explained if someone wants to be on the agenda to discuss any issue with Council needs to get with Kimberly Vandver at City Hall before the agenda goes out so Council can discuss it, as the Open Meetings Act does not allow for items not posted on the agenda to be discussed. If anyone was at the previous meeting, they would have seen how Mr. Doug Emmons did just that and had an item posted on the agenda to be discussed with Council.
6. Report from the Neighborhood Watch given by Detective Erik Boman
7. Presentation by Carolyn L. Guidry and staff on voting procedures and the upcoming election. Carolyn Guidry and staff were on hand to show the new voting machines to any citizen interested. Ms. Guidry explained they were going to be administering the election for the City of Bevil Oaks, including the Early Voting. Citizens can vote early at any polling location being run by Jefferson County, including Bevil Oaks, China, Nederland and any Beaumont location. The Jefferson County staff will be available during the entire process, and will be open during all voting hours. The phone # to the main office is 835-8475 and the elections office is 835-8760. Ms. Guidry stated if you get a ballot and feel it is not the right ballot, call BEFORE casting that ballot, as there is nothing that can be done once the ballot has been cast. Councilman Merendino asked who picks the people who will be working the polls. Ms. Guidry stated they have a list of election workers who are submitted to the Commissioners Court for approval, and she is the Early Voting Clerk. Councilman Merendino asked if they will be people within the city. Ms. Guidry said most are, as they try to not make them travel. Councilman Merendino stated he thought the workers would be from an outside area as there was some issue and concern during the last election. Ms. Guidry stated all her election personnel have taken oaths and she hopes they take those very seriously. She also stated they are monitored and she has not had any complaints on any of her clerks or judges in the past. Councilman Merendino asked what is an election monitor, or poll watcher. Ms. Guidry said any candidate can fill out a poll watcher form, which can be given to the Election Judge. That person, not the candidate, can sit and watch and observe the process. They cannot interfere with anything happening. Councilman Merendino asked if they had to have any special training. Ms. Guidry stated no, anyone can be a poll watcher if they have the paperwork signed by the candidate and given that day to the Election Judge.

8. Review/Approve Consent Items M/M/2/C: Fruge/Tevis APPROVED

- a. March 19, 2015 Minutes of Regular Meeting
- b. March 26, 2015 Minutes of Workshop Meeting
- c. March 31, 2015 Financial Reports Councilman Merendino asked about the City's financials, and where the insurance is over the budgeted amount. Mayor Ford stated that was for the employee insurance.
- d. Reports by Utility Specialties
- e. Reports by Carroll & Blackman

9. Discussion by Carroll & Blackman, Inc. on issues related to the sanitary sewer project. Toby Davis of Carroll & Blackman brought the presentation. He began by saying there was a lot of concern on websites and wanted to give a little history of how we got to where we are today. He stated this goes back to July 2014 where they had presented probable construction costs for earthen basin. At that time, no other type of basin was considered, as it was never the intention to investigate liners, concrete or any other type of basin at that time. The base bid was for an earthen basin, and is sufficient as is, and the City is very fortunate to have the proper clay needed. However, as we got closer to bidding time, we thought it was a good idea to look at a concrete basin as generally concrete is easier to clean out. He continued stating it is his opinion that there will be some deposits and concrete is easier to clean. Therefore, they added an alternate bid item to include a concrete liner so the Council could make the decision which direction to go, but concrete is not required. Mr. Davis continued stating that it has been written that I (Toby Davis) insisted on concrete, and that is simply not the case. He stated you will not find a statement in any of the March 5th or March 19th meetings where I insisted on concrete. The base bid is earthen basin, which was identified in the July 2014 meeting. During the March 5th meeting there were two columns on the document, one the earthen basin and one with the concrete option. Had I (Toby Davis) felt it was required, it would not have been an alternate but rather part of the base bid. In fact, 5 times during the March 5th meeting he told Council they had to make the decision. He did state that he felt concrete was a better option and easier to clean up, which he still stands by today, but they, the Council, had to make that decision. Three times he explained the differences, and he continued stating he doesn't care if it is concrete or earthen, as it doesn't affect him either way and there is nothing to gain either way. Councilman Merendino stated he asked whose idea it was, and Mr. Davis told him, "Say it's mine." Mr. Davis said sure. Councilman Merendino continued stating he never said he insisted, but he did say it was his idea. Mr. Davis said he never said anyone, including Councilman Merendino said he (Mr. Davis) insisted, but that it was written he insisted. Mr. Davis went on to say that the next part he did with a heavy heart and didn't want to have to do this, but he does it with all respect to the Mayor, Council and the office of the City. He said, "Mr. Merendino, on or about March 25th, you posted a comment on Facebook talking about the cement lining of the pond, and various things such as costs and other things. But one thing in particular you said in that post was, #4, our engineer is paid approximately 10% of the total project, so of course he would want to use the most expensive option. Councilman Merendino asked if Mr. Davis was saying he doesn't get 10%. Mr. Davis asked if he was really under the impression that was how the contract was written. Councilman Merendino said he thought that was how Mr. Davis' bid the contract, because what he saw was the engineering fee was \$200 something thousand of a \$2,000,000 project which is about 10%. Mr. Davis stated those numbers aren't even correct, and that the engineering contract is for \$146,892, which is a lump sum contract, which was agreed upon in July of last year. He continued stating if the bids come in at \$1.2 million, or \$4 million, he

doesn't get another dime. Councilman Merendino stated he understood that. Mr. Davis stated the ramifications of the statement are this: it appears to the 73 people who saw that post on that day, and no telling how many since, that I (Toby Davis) recommended a higher price to get more money out of the City. Councilman Merendino asked to Mr. Davis, so what you are trying to say is you would not get paid any extra if you add on to the scope of the project. Mr. Davis said if you came to me and said you wanted to design a tower out there that wasn't in the scope of the project, we would have to negotiate a fee. He continued stating he could have come to Council and said I can put a design to include a concrete liner for an additional \$3000 or more, but he didn't do that. Mr. Davis continued stating there is nowhere in the contract does it state they get a percentage of the construction cost. Councilman Merendino said so if we altered the contract right now, and wanted to change something or add more pumps you wouldn't charge us for that. Mr. Davis said if Council came to him and said you wanted to add more to the scope then yes, he could ask for more money. Mr. Davis said he could have asked for more money to design the concrete liner, but he didn't. He continued stating some engineering firms do contracts based on percentages, but he does not do that, because it lends itself to not represent the best interest of his client, and Mr. Davis stated he feels that is unethical. Mr. Davis asked Councilman Merendino if he was under the impression that was how the contract was written. Councilman Merendino stated that was the impression he got when Mr. Davis stated at the March 5th meeting that it was his idea as changing the scope of the work, which is what happened if you put something else in there. Mr. Davis told Councilman Merendino that he made the assumption he did that to make more money on it. Mr. Davis stated that was not correct, and that Councilman Merendino has a copy of the contract with Mr. Davis in his possession from the September 2014 meeting, as Councilman Merendino questioned Mr. Davis heavily on the articles of the contract. Mr. Davis said he was going to ask Councilman Merendino, if he will, in the same form of which Councilman Merendino posted the statement that he would retract that statement and send him a copy. Councilman Merendino stated he would, but also wanted Mr. Davis to understand that while he understood he wasn't going to charge the City for it, anytime things change when paying for things, such as adding things on to it, the price changes. Mr. Davis stated that regardless, posts made after the initial post had people saying it sounded pretty bad that the engineer was getting paid based on the construction cost. Mr. Davis continued stating he asked it be retracted because it is damaging to his reputation and the only thing he has to do business with is his reputation. Councilman Merendino stated okay.

10. Review/Approve Action Items

- a. Discussion by Councilman Fruge regarding the Sanitary Sewer Lift Station Rehabilitation and Force Main Project management and construction schedule. Councilman Fruge set up a large display that he discussed throughout the presentation. Councilman Fruge stated as most know, Councilman Merendino on this same Facebook page has taken him (Councilman Fruge) to task, calling him a liar, unfit for service, couldn't be trusted and should be tarred and feathered. He continued stating this was all over a reference Councilman Fruge made in the sewer project update item in the newsletter, as well as the clarification letter posted on the City website, which was later posted on the same Facebook page, all in reference to the sediment problem China has with their storm water retention pond. Councilman Fruge stated he was going to explain that situation. He said back in 1989 another engineering firm which is like Carroll & Blackman, first designed a storm water retention pond for China that was an earthen basin with a grass bottom, just like Mr. Davis designed originally for us at Bevil Oaks. We know this because Mr.

Davis has a set of those drawings. In 1996 China hired Carroll & Blackman to do some modifications to their sewer plant and the storm water retention pond. Somewhere between 1989 and when Mr. Davis took on the project in 1996 China had concreted the pond. Councilman Fruge said he asked Mr. Davis if he knew why, at which Mr. Davis said he didn't. Councilman Fruge stated one thing they did was add a concrete wall (he pointed it out on the drawings) saying it was about 1' 8" high. Councilman Fruge stated the reason they did so is highlighted (he pointed it out and read it) saying it is proposed flow equalization basin 30,000 gallons. Councilman Fruge stated that is small. He explained in small communities such as ours and China, there are higher peak flows in the morning and evenings, but to have an even flow and regulate the water, they use an equalization basin. However, in events of high water rain events, it will still fill up and overflow. During the March 5th meeting where these things were discussed, I (Councilman Fruge) asked Mr. Will about this issue. Councilman Fruge read, verbatim, what was stated from Mike Will, stating it was between \$40,000 - \$50,000 per cleanout for the City of China, which is smaller than what we are building. Councilman Fruge continued stating where China had a problem was with the sediment being trapped behind the wall, which was no more than 20" tall. Councilman Fruge stated had the wall not been there, sediment would still have been there, but it may not have been as much. Councilman Fruge stated that sometime in the mid-2000, around 2003-2006, Mr. Will parted company with the City of China over this issue and how to clean out the basin. Councilman Fruge stated since then, the City of China has made it a full equalization basin and is ran in a totally different manner than what it was originally designed. Councilman Fruge stated he hoped someone could run out and turn the fire out from under the tar pot. Councilman Merendino spoke up saying that what Councilman Fruge said was almost true, but failed to mention that China's raw sewage flows directly into the pond, where ours would be pumped straight to Beaumont. Councilman Fruge said no that was not correct. He stated that now, raw sewage does flow into it, but when it was built as a storm water retention pond, rain water would fill during heavy rains. What matters is when it was operated as a storm water retention pond, they had sediment that had to be treated. Councilman Fruge continued saying that based on what has been told to the City by Mr. Davis and Mr. Will, we will have some sediment that will need to be treated and the easiest way is if we have a concrete bottom where we can take a hose and wash it out. Councilman Merendino stated the tar and feather statement was over the sale of the backhoe. Councilman Fruge went on to state that later on in the agenda the Council will consider awarding the contract to the low bidder. At this time, the low bid is to award the bid with alternate items 1 and 3, which was the concrete lining of the bottom of the pond and a drainage structure that we may or may not need. On March 19th the Council voted again to sell the certificates of obligation for the amount that included all 3 things. Tonight the Council will vote to award the contract, which includes those 2 alternates in it. The reason is if Council decides to not award the alternate bids and a few months into the project find they are needed, the contractor is under no obligation to honor his bid. He can change the price to increase it to an unknown amount. If we approve it now with the bid prices and decide to change and take it out or change to the liner as will be presented by Councilman Merendino, the City can legally do so. Councilman Merendino stated he was under the impression that once you award the contract, you are legally bound to that contract for the full amount. Mr. Davis stated that

in contracts such as this with a City that you can change an order down up to 18% without their agreement and up to 25% with their agreement, known as change orders. Mayor Ford stated we need to remember this is done to be maintenance free, so if we change something the Council needs to remember we would have to put back the money to maintain it. Councilman Fruge went on to say that something else Councilman Merendino accused Councilman Fruge of was voting to concrete the pond because he lived close to it. He stated it doesn't make him any difference if it is lined with concrete or not, only if it is going to save the City money over the next 40-50 years as that is how long it will last. Councilman Fruge continued by showing on the map where the pond will be versus his land, stating the length is a little over 700 feet from the back of his property to the edge of the pond, and he is not the closest property to the pond. Councilman Fruge went on to discuss there was a study done on data from 2013, showing if any smell becomes an issue it would only be during approximately 2 month period, with a reality of only about 10 days that this could happen. However, a group of people including the Mayor, Mr. Davis, and some from the community such as Mr. Bledsoe and Mr. Lowery road around to other ponds and surprisingly, there was no or very little smell, and doesn't think that smell will be any issue. Councilman Fruge finished up saying the cost of the concrete lining is \$175,000, and if you borrow for 20 years at 3% interest rate, which is what the City will be paying, the cost per month is \$970 per month. If you divide that by the connections we have of 534, which is the number we have been using all along, the payment comes to about \$1.82 per connection. Therefore if we had to add a fee to pay for this or raise rates, for \$2 per month is what it would cost to finance it. So, Councilman Fruge stated he was posing the question to Council, is it worth being wrong for \$2 per month?

- b. Consideration and possible action to award the Sanitary Sewer Lift Station Rehabilitation and Force Main Project. **M/M/2/C: Adams/Fruge APPROVED** See all notes above for many of the comments regarding this action item. Mayor Ford began by stating we had waited to award this contract to make sure we had the funds, and the money did go into our account this past week, and are now ready to take action. Mayor Ford asked for a motion to award the contract as presented to MK Constructors. Councilwoman Adams made the motion with Councilman Fruge seconding. Councilman Merendino stated he wanted to make sure to put it on record that if we did decide to alter or go without the concrete lining that the money left over won't be a problem. Mr. Davis stated as long as there is an adjustment made before the contractor purchases any material there won't be an issue as the City has a right to do so as long as you stay under the 18% that can be done without permission from the contractor.

11. Reports from the Mayor and following committees:

- a. Councilman Fruge – Roads & Drainage Report – Councilman Fruge stated he has met with the County several times now, and as everyone knows we did not get a lot of things done this year from them, both roads and/or ditches. However, they pledged to us they are going to try to get them all, or at least the majority of them, completed by the end of the year, but no promises. Regarding the roads, they were here and patched some of the roads just yesterday. They haven't been here since November of last year to patch the potholes because we did not have near the number needing repair as we did back in November of last year. While individual streets or areas may have been bad, City wide, which is what has to be looked at, were not as bad. Back in November, it took them 2


days with 2 dump truck loads; this time it took 1 day with a little less than 1 dump truck to patch everything. Another thing regarding roads is the repair of the roads. The County feels they have their issues resolved so they can come out now and work on our roads. Councilman Fruge stated that at the next meeting there will be an estimate of what it will cost to fix the roads reviewed. The cost will only be the materials and not the labor, because we have an inner local agreement with them. If we didn't have that, it would cost us quite a bit more. Another benefit is we have a pile by the fire station that was pre-purchased that can be used. While we have them out here, we are going to try to get them to do everything we can. Since we have over \$178,000 in the bank for roads, I will bring an estimate to the next meeting for the roads that we will be repairing and the cost of materials. Council will then need to vote whether to draw funds from that road account at that time. Councilman Fruge said we need to get them while we can, as their season is May to September for roads. He also said there has been a work order for over a year for a parking lot down at the basketball park. They will come out and put in a culvert and put the rock base, then come back out while they are doing the roads and grade it and put the top on it at the same time. Councilman Fruge went on to discuss the spraying of the ditches by DD6 with weed killer. Councilman Fruge stated he had spoken several times last year regarding the issue, and has been told they don't like to spray until the grass is growing quite well and the weather is warm. He stated they will then come in and mow, weed eat, and then when the grass starts growing back, they will spray the ditches.

12. Comments by Councilmembers:

- a. Councilman Tevis – Toilet flappers; Councilman Tevis discussed the water cut off valves on toilets. He stated everyone needs to check their toilets by turning the valve off over night and watching it. A simple \$2 flapper that sits inside the drainage area of the toilet can get a buildup of film, causing a leak that cannot be heard. However, it can cause the water usage to go up. It doesn't take just a minute to change it out and can save money. He continued saying that if you suspect a leak or think your bill is a little high, you can check the toilets, and can also call City Hall to check it to see how much water you have used each day. Councilman Merendino also reminded everyone of the APP now available for phones and/or computers.
- b. Councilman Merendino – Discuss the differences between China's sewer accumulation pond and our rainwater retention pond; I would like to show some polypropylene samples to the council members to discuss an affordable solution to lining our rainwater retention pond. Councilman Merendino stated that during the 4:00 p.m. meeting it was discussed the concreting of the pond. He stated we didn't need a liner, as stated by TCEQ, which only requires an earthen bottom. During his time at the refinery, polypropylene liners were used. Councilman Merendino stated he has been down to the sewer plant the last two rain events and we will not have raw sewage running into it, but rather treated rain water. He continued that it will be pumped and any time it rains the pumps will pump the sewage to Beaumont. Councilman Merendino stated the difference between China and ours will be China has sludge that sits and has to be treated differently. Councilman Merendino explained our engineer designed the pond to operate properly on a bad day. However, if we don't fix any of the I&I out here, it won't get better, especially since we are not doing any smoke testing. Councilman Fruge stated what he had previously stated we would not have to smoke test as a part of the contract with the agreement with

Beaumont. However, we will be smoke testing as part of our current SSO plan in place with TCEQ. Councilman Fruge stated that even though it is not part of the contract with Beaumont, we will probably continue to do smoke testing. Mr. Davis spoke up stating that any drop of water that goes into the pond will be treated sewage water, regardless of how diluted it is. The pond was designed based on the historical data of the worst rain water that has been received, and how much may need to be stored during that event. The data shows the past worst case scenario would have a total of 1.5 million gallons. The pond is designed for 2 million gallons with a freeboard of about 3 feet of natural ground. Councilman Merendino stated we would be pumping the entire time to Beaumont. Mr. Davis stated yes, but it would be at a slower rate. Mr. Davis explained the slowing of the pumping will be because with a heavy rain event it could shut down Northwest Forest and their pump system if it isn't slowed. Councilman Merendino stated he looked into a less expensive way to line the pond to be able to wash it down as discussed doing with the concrete bottom. Councilman Merendino brought samples from a company called Western Environmental Liners have liners for every possible type of application needed and do this all over the world. He continued stating they make a one piece liner for the pond that is warrantied for 20 years, but could last more if it doesn't have water in it all the time or have limbs and things all in it. Councilman Merendino stated they could make this liner for our pond for approximately \$17,000, and would allow anything such as debris to be washed down just like with the concrete. Then, we could take the remainder of the money set aside for the concrete, and take that money and put it back towards the loan amount and would knock off the amount of money owed each month. Councilwoman Adams asked Councilman Merendino if it was guaranteed against the sun. Councilman Merendino stated yes, this is why it is made out of this type of material for such things as this. Councilman Fruge asked to see the liner sample, and took a knife and sliced it. Councilman Fruge stated that it was now ruined the first time a vandal goes in there. Councilman Merendino's response was that it could be patched or repaired. Councilman Fruge asked if this was something that we wanted as opposed to 4 or 5 inches of concrete that doesn't have to be fooled with again. Councilman Fruge then asked Mayor Ford to direct Mr. Davis and his company to investigate a liner and bring back the results. He continued stating to the entire Council that this is not part of his contract with this job and would cost a little extra for his service.

13. Adjourn Regular Meeting by Mayor Ford at 8:50 p.m. M/M/2/C: Tevis/Fruge APPROVED



Rebecca M. Ford, Mayor



Sherry Adams, Secretary

Regular Meeting

CITY OF BEVIL OAKS, TEXAS

April 23, 2015

1. Call to Order by Mayor Ford at 7:00 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) led by citizen George Bryant
3. Roll Call: PRESENT: Mayor Ford, Councilman Fruge, Councilwoman Adams, Councilman Tevis, Councilman Merendino, Councilwoman Roberts; ABSENT: Councilman Grimes
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 yellow comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit. NONE; Mayor Ford explained if someone wants to be on the agenda to discuss any issue with Council needs to get with Kimberly Vandver at City Hall before the agenda goes out so Council can discuss it, as the Open Meetings Act does not allow for items not posted on the agenda to be discussed. If anyone was at the previous meeting, they would have seen how Mr. Doug Emmons did just that and had an item posted on the agenda to be discussed with Council.
6. Report from the Neighborhood Watch given by Detective Erik Boman
7. Presentation by Carolyn L. Guidry and staff on voting procedures and the upcoming election. Carolyn Guidry and staff were on hand to show the new voting machines to any citizen interested. Ms. Guidry explained they were going to be administering the election for the City of Bevil Oaks, including the Early Voting. Citizens can vote early at any polling location being run by Jefferson County, including Bevil Oaks, China, Nederland and any Beaumont location. The Jefferson County staff will be available during the entire process, and will be open during all voting hours. The phone # to the main office is 835-8475 and the elections office is 835-8760. Ms. Guidry stated if you get a ballot and feel it is not the right ballot, call BEFORE casting that ballot, as there is nothing that can be done once the ballot has been cast. Councilman Merendino asked who picks the people who will be working the polls. Ms. Guidry stated they have a list of election workers who are submitted to the Commissioners Court for approval, and she is the Early Voting Clerk. Councilman Merendino asked if they will be people within the city. Ms. Guidry said most are, as they try to not make them travel. Councilman Merendino stated he thought the workers would be from an outside area as there was some issue and concern during the last election. Ms. Guidry stated all her election personnel have taken oaths and she hopes they take those very seriously. She also stated they are monitored and she has not had any complaints on any of her clerks or judges in the past. Councilman Merendino asked what is an election monitor, or poll watcher. Ms. Guidry said any candidate can fill out a poll watcher form, which can be given to the Election Judge. That person, not the candidate, can sit and watch and observe the process. They cannot interfere with anything happening. Councilman Merendino asked if they had to have any special training. Ms. Guidry stated no, anyone can be a poll watcher if they have the paperwork signed by the candidate and given that day to the Election Judge.

8. Review/Approve Consent Items M/M/2/C: Fruge/Tevis APPROVED

- a. March 19, 2015 Minutes of Regular Meeting
- b. March 26, 2015 Minutes of Workshop Meeting
- c. March 31, 2015 Financial Reports Councilman Merendino asked about the City's financials, and where the insurance is over the budgeted amount. Mayor Ford stated that was for the employee insurance.
- d. Reports by Utility Specialties
- e. Reports by Carroll & Blackman

9. Discussion by Carroll & Blackman, Inc. on issues related to the sanitary sewer project. Toby Davis of Carroll & Blackman brought the presentation. He began by saying there was a lot of concern on websites and wanted to give a little history of how we got to where we are today. He stated this goes back to July 2014 where they had presented probable construction costs for earthen basin. At that time, no other type of basin was considered, as it was never the intention to investigate liners, concrete or any other type of basin at that time. The base bid was for an earthen basin, and is sufficient as is, and the City is very fortunate to have the proper clay needed. However, as we got closer to bidding time, we thought it was a good idea to look at a concrete basin as generally concrete is easier to clean out. He continued stating it is his opinion that there will be some deposits and concrete is easier to clean. Therefore, they added an alternate bid item to include a concrete liner so the Council could make the decision which direction to go, but concrete is not required. Mr. Davis continued stating that it has been written that I (Toby Davis) insisted on concrete, and that is simply not the case. He stated you will not find a statement in any of the March 5th or March 19th meetings where I insisted on concrete. The base bid is earthen basin, which was identified in the July 2014 meeting. During the March 5th meeting there were two columns on the document, one the earthen basin and one with the concrete option. Had I (Toby Davis) felt it was required, it would not have been an alternate but rather part of the base bid. In fact, 5 times during the March 5th meeting he told Council they had to make the decision. He did state that he felt concrete was a better option and easier to clean up, which he still stands by today, but they, the Council, had to make that decision. Three times he explained the differences, and he continued stating he doesn't care if it is concrete or earthen, as it doesn't affect him either way and there is nothing to gain either way. Councilman Merendino stated he asked whose idea it was, and Mr. Davis told him, "Say it's mine." Mr. Davis said sure. Councilman Merendino continued stating he never said he insisted, but he did say it was his idea. Mr. Davis said he never said anyone, including Councilman Merendino said he (Mr. Davis) insisted, but that it was written he insisted. Mr. Davis went on to say that the next part he did with a heavy heart and didn't want to have to do this, but he does it with all respect to the Mayor, Council and the office of the City. He said, "Mr. Merendino, on or about March 25th, you posted a comment on Facebook talking about the cement lining of the pond, and various things such as costs and other things. But one thing in particular you said in that post was, #4, our engineer is paid approximately 10% of the total project, so of course he would want to use the most expensive option. Councilman Merendino asked if Mr. Davis was saying he doesn't get 10%. Mr. Davis asked if he was really under the impression that was how the contract was written. Councilman Merendino said he thought that was how Mr. Davis' bid the contract, because what he saw was the engineering fee was \$200 something thousand of a \$2,000,000 project which is about 10%. Mr. Davis stated those numbers aren't even correct, and that the engineering contract is for \$146,892, which is a lump sum contract, which was agreed upon in July of last year. He continued stating if the bids come in at \$1.2 million, or \$4 million, he

doesn't get another dime. Councilman Merendino stated he understood that. Mr. Davis stated the ramifications of the statement are this: it appears to the 73 people who saw that post on that day, and no telling how many since, that I (Toby Davis) recommended a higher price to get more money out of the City. Councilman Merendino asked to Mr. Davis, so what you are trying to say is you would not get paid any extra if you add on to the scope of the project. Mr. Davis said if you came to me and said you wanted to design a tower out there that wasn't in the scope of the project, we would have to negotiate a fee. He continued stating he could have come to Council and said I can put a design to include a concrete liner for an additional \$3000 or more, but he didn't do that. Mr. Davis continued stating there is nowhere in the contract does it state they get a percentage of the construction cost. Councilman Merendino said so if we altered the contract right now, and wanted to change something or add more pumps you wouldn't charge us for that. Mr. Davis said if Council came to him and said you wanted to add more to the scope then yes, he could ask for more money. Mr. Davis said he could have asked for more money to design the concrete liner, but he didn't. He continued stating some engineering firms do contracts based on percentages, but he does not do that, because it lends itself to not represent the best interest of his client, and Mr. Davis stated he feels that is unethical. Mr. Davis asked Councilman Merendino if he was under the impression that was how the contract was written. Councilman Merendino stated that was the impression he got when Mr. Davis stated at the March 5th meeting that it was his idea as changing the scope of the work, which is what happened if you put something else in there. Mr. Davis told Councilman Merendino that he made the assumption he did that to make more money on it. Mr. Davis stated that was not correct, and that Councilman Merendino has a copy of the contract with Mr. Davis in his possession from the September 2014 meeting, as Councilman Merendino questioned Mr. Davis heavily on the articles of the contract. Mr. Davis said he was going to ask Councilman Merendino, if he will, in the same form of which Councilman Merendino posted the statement that he would retract that statement and send him a copy. Councilman Merendino stated he would, but also wanted Mr. Davis to understand that while he understood he wasn't going to charge the City for it, anytime things change when paying for things, such as adding things on to it, the price changes. Mr. Davis stated that regardless, posts made after the initial post had people saying it sounded pretty bad that the engineer was getting paid based on the construction cost. Mr. Davis continued stating he asked it be retracted because it is damaging to his reputation and the only thing he has to do business with is his reputation. Councilman Merendino stated okay.

10. Review/Approve Action Items

- a. Discussion by Councilman Fruge regarding the Sanitary Sewer Lift Station Rehabilitation and Force Main Project management and construction schedule. Councilman Fruge set up a large display that he discussed throughout the presentation. Councilman Fruge stated as most know, Councilman Merendino on this same Facebook page has taken him (Councilman Fruge) to task, calling him a liar, unfit for service, couldn't be trusted and should be tarred and feathered. He continued stating this was all over a reference Councilman Fruge made in the sewer project update item in the newsletter, as well as the clarification letter posted on the City website, which was later posted on the same Facebook page, all in reference to the sediment problem China has with their storm water retention pond. Councilman Fruge stated he was going to explain that situation. He said back in 1989 another engineering firm which is like Carroll & Blackman, first designed a storm water retention pond for China that was an earthen basin with a grass bottom, just like Mr. Davis designed originally for us at Bevil Oaks. We know this because Mr.

Davis has a set of those drawings. In 1996 China hired Carroll & Blackman to do some modifications to their sewer plant and the storm water retention pond. Somewhere between 1989 and when Mr. Davis took on the project in 1996 China had concreted the pond. Councilman Fruge said he asked Mr. Davis if he knew why, at which Mr. Davis said he didn't. Councilman Fruge stated one thing they did was add a concrete wall (he pointed it out on the drawings) saying it was about 1' 8" high. Councilman Fruge stated the reason they did so is highlighted (he pointed it out and read it) saying it is proposed flow equalization basin 30,000 gallons. Councilman Fruge stated that is small. He explained in small communities such as ours and China, there are higher peak flows in the morning and evenings, but to have an even flow and regulate the water, they use an equalization basin. However, in events of high water rain events, it will still fill up and overflow. During the March 5th meeting where these things were discussed, I (Councilman Fruge) asked Mr. Will about this issue. Councilman Fruge read, verbatim, what was stated from Mike Will, stating it was between \$40,000 - \$50,000 per cleanout for the City of China, which is smaller than what we are building. Councilman Fruge continued stating where China had a problem was with the sediment being trapped behind the wall, which was no more than 20" tall. Councilman Fruge stated had the wall not been there, sediment would still have been there, but it may not have been as much. Councilman Fruge stated that sometime in the mid-2000, around 2003-2006, Mr. Will parted company with the City of China over this issue and how to clean out the basin. Councilman Fruge stated since then, the City of China has made it a full equalization basin and is ran in a totally different manner than what it was originally designed. Councilman Fruge stated he hoped someone could run out and turn the fire out from under the tar pot. Councilman Merendino spoke up saying that what Councilman Fruge said was almost true, but failed to mention that China's raw sewage flows directly into the pond, where ours would be pumped straight to Beaumont. Councilman Fruge said no that was not correct. He stated that now, raw sewage does flow into it, but when it was built as a storm water retention pond, rain water would fill during heavy rains. What matters is when it was operated as a storm water retention pond, they had sediment that had to be treated. Councilman Fruge continued saying that based on what has been told to the City by Mr. Davis and Mr. Will, we will have some sediment that will need to be treated and the easiest way is if we have a concrete bottom where we can take a hose and wash it out. Councilman Merendino stated the tar and feather statement was over the sale of the backhoe. Councilman Fruge went on to state that later on in the agenda the Council will consider awarding the contract to the low bidder. At this time, the low bid is to award the bid with alternate items 1 and 3, which was the concrete lining of the bottom of the pond and a drainage structure that we may or may not need. On March 19th the Council voted again to sell the certificates of obligation for the amount that included all 3 things. Tonight the Council will vote to award the contract, which includes those 2 alternates in it. The reason is if Council decides to not award the alternate bids and a few months into the project find they are needed, the contractor is under no obligation to honor his bid. He can change the price to increase it to an unknown amount. If we approve it now with the bid prices and decide to change and take it out or change to the liner as will be presented by Councilman Merendino, the City can legally do so. Councilman Merendino stated he was under the impression that once you award the contract, you are legally bound to that contract for the full amount. Mr. Davis stated that

in contracts such as this with a City that you can change an order down up to 18% without their agreement and up to 25% with their agreement, known as change orders. Mayor Ford stated we need to remember this is done to be maintenance free, so if we change something the Council needs to remember we would have to put back the money to maintain it. Councilman Fruge went on to say that something else Councilman Merendino accused Councilman Fruge of was voting to concrete the pond because he lived close to it. He stated it doesn't make him any difference if it is lined with concrete or not, only if it is going to save the City money over the next 40-50 years as that is how long it will last. Councilman Fruge continued by showing on the map where the pond will be versus his land, stating the length is a little over 700 feet from the back of his property to the edge of the pond, and he is not the closest property to the pond. Councilman Fruge went on to discuss there was a study done on data from 2013, showing if any smell becomes an issue it would only be during approximately 2 month period, with a reality of only about 10 days that this could happen. However, a group of people including the Mayor, Mr. Davis, and some from the community such as Mr. Bledsoe and Mr. Lowery road around to other ponds and surprisingly, there was no or very little smell, and doesn't think that smell will be any issue. Councilman Fruge finished up saying the cost of the concrete lining is \$175,000, and if you borrow for 20 years at 3% interest rate, which is what the City will be paying, the cost per month is \$970 per month. If you divide that by the connections we have of 534, which is the number we have been using all along, the payment comes to about \$1.82 per connection. Therefore if we had to add a fee to pay for this or raise rates, for \$2 per month is what it would cost to finance it. So, Councilman Fruge stated he was posing the question to Council, is it worth being wrong for \$2 per month?

- b. Consideration and possible action to award the Sanitary Sewer Lift Station Rehabilitation and Force Main Project. **M/M/2/C: Adams/Fruge APPROVED** See all notes above for many of the comments regarding this action item. Mayor Ford began by stating we had waited to award this contract to make sure we had the funds, and the money did go into our account this past week, and are now ready to take action. Mayor Ford asked for a motion to award the contract as presented to MK Constructors. Councilwoman Adams made the motion with Councilman Fruge seconding. Councilman Merendino stated he wanted to make sure to put it on record that if we did decide to alter or go without the concrete lining that the money left over won't be a problem. Mr. Davis stated as long as there is an adjustment made before the contractor purchases any material there won't be an issue as the City has a right to do so as long as you stay under the 18% that can be done without permission from the contractor.

11. Reports from the Mayor and following committees:

- a. Councilman Fruge – Roads & Drainage Report – Councilman Fruge stated he has met with the County several times now, and as everyone knows we did not get a lot of things done this year from them, both roads and/or ditches. However, they pledged to us they are going to try to get them all, or at least the majority of them, completed by the end of the year, but no promises. Regarding the roads, they were here and patched some of the roads just yesterday. They haven't been here since November of last year to patch the potholes because we did not have near the number needing repair as we did back in November of last year. While individual streets or areas may have been bad, City wide, which is what has to be looked at, were not as bad. Back in November, it took them 2

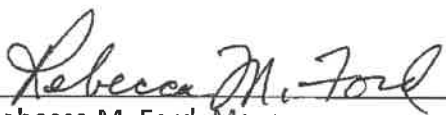
days with 2 dump truck loads; this time it took 1 day with a little less than 1 dump truck to patch everything. Another thing regarding roads is the repair of the roads. The County feels they have their issues resolved so they can come out now and work on our roads. Councilman Fruge stated that at the next meeting there will be an estimate of what it will cost to fix the roads reviewed. The cost will only be the materials and not the labor, because we have an inner local agreement with them. If we didn't have that, it would cost us quite a bit more. Another benefit is we have a pile by the fire station that was pre-purchased that can be used. While we have them out here, we are going to try to get them to do everything we can. Since we have over \$178,000 in the bank for roads, I will bring an estimate to the next meeting for the roads that we will be repairing and the cost of materials. Council will then need to vote whether to draw funds from that road account at that time. Councilman Fruge said we need to get them while we can, as their season is May to September for roads. He also said there has been a work order for over a year for a parking lot down at the basketball park. They will come out and put in a culvert and put the rock base, then come back out while they are doing the roads and grade it and put the top on it at the same time. Councilman Fruge went on to discuss the spraying of the ditches by DD6 with weed killer. Councilman Fruge stated he had spoken several times last year regarding the issue, and has been told they don't like to spray until the grass is growing quite well and the weather is warm. He stated they will then come in and mow, weed eat, and then when the grass starts growing back, they will spray the ditches.

12. Comments by Councilmembers:

- a. Councilman Tevis – Toilet flappers; Councilman Tevis discussed the water cut off valves on toilets. He stated everyone needs to check their toilets by turning the valve off over night and watching it. A simple \$2 flapper that sits inside the drainage area of the toilet can get a buildup of film, causing a leak that cannot be heard. However, it can cause the water usage to go up. It doesn't take just a minute to change it out and can save money. He continued saying that if you suspect a leak or think your bill is a little high, you can check the toilets, and can also call City Hall to check it to see how much water you have used each day. Councilman Merendino also reminded everyone of the APP now available for phones and/or computers.
- b. Councilman Merendino – Discuss the differences between China's sewer accumulation pond and our rainwater retention pond; I would like to show some polypropylene samples to the council members to discuss an affordable solution to lining our rainwater retention pond. Councilman Merendino stated that during the 4:00 p.m. meeting it was discussed the concreting of the pond. He stated we didn't need a liner, as stated by TCEQ, which only requires an earthen bottom. During his time at the refinery, polypropylene liners were used. Councilman Merendino stated he has been down to the sewer plant the last two rain events and we will not have raw sewage running into it, but rather treated rain water. He continued that it will be pumped and any time it rains the pumps will pump the sewage to Beaumont. Councilman Merendino stated the difference between China and ours will be China has sludge that sits and has to be treated differently. Councilman Merendino explained our engineer designed the pond to operate properly on a bad day. However, if we don't fix any of the I&I out here, it won't get better, especially since we are not doing any smoke testing. Councilman Fruge stated what he had previously stated we would not have to smoke test as a part of the contract with the agreement with

Beaumont. However, we will be smoke testing as part of our current SSO plan in place with TCEQ. Councilman Fruge stated that even though it is not part of the contract with Beaumont, we will probably continue to do smoke testing. Mr. Davis spoke up stating that any drop of water that goes into the pond will be treated sewage water, regardless of how diluted it is. The pond was designed based on the historical data of the worst rain water that has been received, and how much may need to be stored during that event. The data shows the past worst case scenario would have a total of 1.5 million gallons. The pond is designed for 2 million gallons with a freeboard of about 3 feet of natural ground. Councilman Merendino stated we would be pumping the entire time to Beaumont. Mr. Davis stated yes, but it would be at a slower rate. Mr. Davis explained the slowing of the pumping will be because with a heavy rain event it could shut down Northwest Forest and their pump system if it isn't slowed. Councilman Merendino stated he looked into a less expensive way to line the pond to be able to wash it down as discussed doing with the concrete bottom. Councilman Merendino brought samples from a company called Western Environmental Liners have liners for every possible type of application needed and do this all over the world. He continued stating they make a one piece liner for the pond that is warrantied for 20 years, but could last more if it doesn't have water in it all the time or have limbs and things all in it. Councilman Merendino stated they could make this liner for our pond for approximately \$17,000, and would allow anything such as debris to be washed down just like with the concrete. Then, we could take the remainder of the money set aside for the concrete, and take that money and put it back towards the loan amount and would knock off the amount of money owed each month. Councilwoman Adams asked Councilman Merendino if it was guaranteed against the sun. Councilman Merendino stated yes, this is why it is made out of this type of material for such things as this. Councilman Fruge asked to see the liner sample, and took a knife and sliced it. Councilman Fruge stated that it was now ruined the first time a vandal goes in there. Councilman Merendino's response was that it could be patched or repaired. Councilman Fruge asked if this was something that we wanted as opposed to 4 or 5 inches of concrete that doesn't have to be fooled with again. Councilman Fruge then asked Mayor Ford to direct Mr. Davis and his company to investigate a liner and bring back the results. He continued stating to the entire Council that this is not part of his contract with this job and would cost a little extra for his service.

13. Adjourn Regular Meeting by Mayor Ford at 8:50 p.m. M/M/2/C: Tevis/Fruge APPROVED



Rebecca M. Ford, Mayor



Sherry Adams, Secretary

Regular Meeting
CITY OF BEVIL OAKS, TEXAS
May 27, 2015

1. Call to Order by Mayor Ford at 7:00 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible)
led by Ronnie Adams
3. Roll Call: PRESENT: Mayor Ford, Councilman Fruge, Councilwoman Adams, Councilman Merendino, Councilwoman Roberts, Councilwoman Nelson, Councilman Tevis; ABSENT: Councilman Grimes
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 yellow comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit.
Mike Livingston – 7230 Sweetgum: house has been removed, but with weather, funding etc. Has had help from neighbors, would like extension for travel trailer but don't have much choice. Hope to get through with everything in the next 2 months or so. Kicking around putting around same type home that was there, but newer and more up-to-date. Mr. Livingston stated he reached out to Governor Abbott who is a friend to help out. Would like an extension for 4 months, feels can beat that deadline. Plans to go by the codes required including windstorm and above floodplain. Mayor Ford stated will need permitting and the following.
6. Report from the Neighborhood Watch given by City Clerk Kimberely Vandver.
7. **Review/Approve Consent Items M/M/2/C: Fruge/Tevis APPROVED**
 - a. April 23, 2015 Minutes of Regular Meeting
 - b. April 30, 2015 Financial Reports
 - c. Reports by Utility Specialties

d. Reports by Carroll & Blackman

8. Special Recognition in honor of Councilman Jimmie Grimes

Mayor Ford explained tonight would have been Councilman Grimes' last night on Council had he not been in the hospital. Mayor Ford continued by reading the recognition plaque listing many of his accomplishments for the City of Bevil Oaks, and will be given to Councilman Grimes upon his return home.

9. Proclamation of May: Mental Health Month

Mayor Ford read the Proclamation for Mental Health Month. Sally Broussard and Monique Sennett with the Spindletop Center were both present. Mayor Ford turned the floor over to Ms. Sennett. She began by thanking Mayor Ford and the City for having her. She also gave out packets raising awareness of mental health, and explained the importance of bringing awareness to mental health.

Review/Approve Action Items

- a. Consideration/Approval of extension to Variance of Ordinance 241 for Mike Livingston. **M/M/2/C: Merendino/Tevis**

APPROVED

Time requested was 4 months. Fruge stated let's do 4 months. Councilwoman Adams asked if he would give more details of his plans. Mayor Ford stated he will get with Kim at City Hall.

- b. Consideration/Approval of Variance to Ordinance 241 as requested by Clay Dennis. **M/M/2/C: Merendino/Tevis**

APPROVED

City Clerk Kim Vandver explained he is only remodeling a home to resell or rent out at a later time and wanted the variance in case he works late into the night.

- c. Consideration/Approval of bids for Smoke Testing. **M/M/2/C: Adams/Tevis APPROVED for expenditure up to \$25,000, not actual bid**

Mayor Ford asked Mike Will to give an overview of what it is and why we need it. Mike Will explained exactly what smoke testing is and how it shows issues and concerns in the lines tested. Councilman Fruge stated we needed to approve up to \$25,000, not to award the actual bid at this time, and can vote

on overage if needed at the time it is needed. Motion to approve amount of up to \$25,000 made by Councilwoman Adams. Adams/Tevis. Councilman Merendino asked if a non-toxic smoke; Mike Will stated yes.

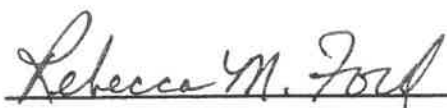
- d. Consideration/Approval for expenditures from Roads account regarding road repairs. **M/M/2/C: Fruge/Adams APPROVED**
Councilman Fruge gave a handout showing the roads to be repaired. He continued discussing how he went around with DD6 looking at the streets that would need repair, as well as what has already been repaired in the past. Councilman Fruge requested Council approve the request of expenditures up to \$110,000 from the Roads account. Fruge made the motion and Adams seconded.
- e. Consideration/Approval of Official Canvas for the May 9, 2015 election results. **M/M/2/C: Roberts/Merendino APPROVED**
No discussion
- f. Consideration/Approval – amendments to Ordinance 236 including but not limited to allowance for entry upon land for purposes of I&I and compliance matters, adjustment and inclusion of commercial rates, and charges for various repair, replacement, inspection and related actions by utility representatives. **M/M/2/C: Fruge/Merendino APPROVED**
- g. Consideration/Approval – Smoke Testing Ordinance pertaining to specific authorization for smoke testing of plumbing and drainage systems, entry on land to mark violations and penalties for violators. **M/M/2/C: Merendino/Tevis APPROVED**

10. Reports from the Mayor and following committees:

- a. Mayor Ford –Animal committee; Community Development; Budgets, including comments by City Attorney regarding various legal options and recommendations. Mayor Ford began by stating we had appointed an animal control committee of 8 citizens. We have had one meeting and will be planning another meeting in the next week or two. She continued stating they hoped to have a new ordinance hopefully by June

meeting for Council to review, that isn't set in stone yet; Community development – They hope to have a meeting soon with the Community Development volunteers and Councilwoman Nelson; budgets – start thinking and looking at your budgets if you have one as budget meetings will start sometime in late July or early August.

11. Administering of the Pre-Oath of Office administered to Mayor Ford, Councilman Tevis, Councilwoman Nelson, Councilman Fruge; by City Clerk Kimberely Vandver
12. Administering the Oath of Office administered to Mayor Ford, Councilman Tevis, Councilwoman Nelson, Councilman Fruge; by City Clerk Kimberely Vandver
13. Executive Session. Mayor Ford dismissed the Council members to go into the Council Chambers for the Executive Session.
M/M/2/C: Adams/Tevis APPROVED
 - a. Discussion and action regarding the purchase of real property;
 - b. Consultation with City Attorney regarding potential litigation.
14. **BACK TO ORDER 8:55 P.M. NO ACTION ITEMS OUT OF SESSION.**
Adjourn Meeting at 8:56 p.m. **M/M/2/C: Fruge/Merendino APPROVED**



Rebecca M. Ford, Mayor



Sherry Adams, Secretary

Regular Meeting MINUTES CITY OF BEVIL OAKS, TEXAS

Thursday, August 20, 2015

1. Called to Order by Mayor Ford at 7:00 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) Allegiance led by George Bryant and the invocation was led by Nancy Miguez.
3. Roll Call: ALL PRESENT: Mayor Ford, Councilman Fruge, Councilwoman Adams, Councilwoman Nelson, Councilman Tevis, Councilman Merendino, Councilwoman Roberts
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 yellow comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit.
Thurman Bobo: Spoke regarding the dumpster on Sweetgum needs to be addressed as there is no ordinance yet; appliances now in driveways too, and if he wanted to live in Vidor, he would have moved there. **George Bryant:** Spoke regarding dogs; his wife had her hand broken by a rust colored dog running into her front wheel of her bicycle on Yellowstone, and the City needs to do something regarding loose animals and feels the ordinance presented is a step forward.
6. Report from the Neighborhood Watch given by Kimberly Vandver.
7. Election of Council Officers – Mayor Pro-Tem & Secretary/Treasurer. Councilwoman Adams nominated Councilman Fruge for Mayor Pro-Tem. Councilwoman Nelson 2nd. **M/M/2/C: Adams/Nelson APPROVED.** Councilwoman Nelson nominated Councilwoman Adams for Secretary/Treasurer. Councilwoman Roberts seconded. **M/M/2/C: Nelson/Roberts APPROVED.**

8. Review/Approve Consent Items M/M/2/C: Tevis/Fruge

APPROVED

- a. July 23, 2015 Minutes of Regular Meeting
- b. July 31, 2015 Financial Reports for City
- c. July 31, 2015 Financial Reports for Water
- d. Report by Utility Specialties
- e. Report by Carroll & Blackman

Councilman Merendino stated he had a concern, and he was sure the Secretary/Treasurer already knew this and all the other Councilmembers already saw this, but on July 23 we had a meeting up here, and on the minutes it states the "Mayor Ford asked for approval from Council to go ahead and pay this \$4,000 fee as this is a golden opportunity for this person who owns the home currently." So why would we vote on July 23rd to vote on a check that was written on July 7? Councilman Merendino states he feels foolish to be called up here and vote on something that had already been done, and there was at least one more councilmember who knew about it and signed that check. Mayor Ford stated she thought she had told the Council at that time that it had already been done, because it had to be done by a certain date. Councilman Merendino stated it had not been told to them, and this would have been a good time to have had an emergency meeting if needed.

Councilman Merendino continued by stating what would have happened if Council didn't approve of it. Mayor Ford replied the check would not have been cashed if Council hadn't approved it, as the check was sent with the application. Mayor Ford stated if it wasn't made completely clear, she apologizes, but that was the case. Councilwoman Adams stated we will get that money back, correct? Mayor Ford stated yes, if the application is approved for grant money. Councilman Merendino stated he called FEMA and they told him they didn't know anything about the application fee being returned. Mayor Ford stated it is all part of the fees given for demolition, cleanup and other fees and does come back to the City.

Mayor Ford again apologized if she didn't make that clear. Councilman Merendino stated he didn't feel that was even legal. City Attorney Dru Montgomery, stated it is extremely common for such things to happen, and with a city like ours with no City Manager, the Mayor acts as the City Manager. The \$4,000 check is well in her powers of authority to do so, but needed an official record that the board is also behind it in the minutes. Councilman Fruge asked Mr. Montgomery if the Mayor was in fact, authorized to spend up to \$5,000 without Council approval? Both Mayor Ford and Dru Montgomery stated yes.

9. Review/Approve Action Items

- a. Consideration/Approval of a Resolution of the City of Bevil Oaks, Texas to apply for the Local Park Grant Program by the Texas Parks & Wildlife; Mayor Ford stated this is a matching grant for the improvements everyone wants. This grant allows for the City to use volunteer hours, land value (which is currently approx. \$8,000 per acre, and we will have about 7 or so acres available), and other things on the City side to match the funds given by the Texas Parks & Wildlife grant. This is just to apply, and we don't have to set the amount right now. Councilwoman Nelson stated this is also not a onetime grant, as we can apply each year with more projects. The volunteer hours are all rated at minimum wage, but all hours do count as money given by the City. Mayor Ford stated there is a survey going in the mail tomorrow to all citizens, and we need the citizens to fill it out and turn it back into City Hall by the due date on the letter. The deadline for this grant is October 1st, and there is a lot of information we have to provide before that date. Councilman Merendino asked if the Committee or who will decide what is installed. Councilwoman Nelson said she will get the Committee together and review the results of the survey and the proposals of such projects. The maximum amount that can be requested each year is \$75,000 with the

City matching \$75,000. **M/M/2/C: Merendino/Nelson APPROVED**

- b. Consideration/Approval of Adopting the Proposed 2015-2016 Budgets for both the City and Public Works; Mayor Ford stated there were some minor changes, such as in payroll, but that was it. Councilwoman Nelson stated there was talk about raising Community Development back up to \$20,000, but it is still at \$18,000 on this budget sheet. Councilman Merendino stated he felt we needed to change it now, since it shows that much left anyway. Mayor Ford stated we could do that if everyone is in agreement. **M/M/2/C: Fruge/Tevis APPROVED**
- c. Consideration/Approval of Adopting the 2015 Property Tax Rate; Mayor Ford stated the amount used during the budgeting process was the maximum operating rate, which is \$0.0235316/\$100. **M/M/2/C: Fruge/Nelson APPROVED**
- d. Consideration/Approval of Ordinance 246 Requiring registration of animals within the City Limits of the City of Bevil Oaks, Jefferson County, Texas, requiring vaccination of animals, controlling the confinement of animals and providing a penalty for violations; Mayor Ford turned it over to Barbara Emmons, who was on the committee. Councilman Merendino stated he had spoken to Mrs. Emmons earlier, and just by looking at it he wasn't in agreement, but after talking to Barbara, it was made clear that this wasn't a one person show, but rather an entire committee that had spoken to others in the community, allowing others in the City input. Citizen Thurman Bobo asked if that was posted somewhere. Mayor Ford stated it was on Facebook a lot, at which Mr. Bobo stated he never heard a word about this. Councilwoman Nelson stated it has definitely been discussed not only in the committee meetings but also at the Council meetings and is on the meeting minutes and been posted. Mayor Ford stated this was started a couple of meetings ago and were both posted, with a large turnout of

citizens attending. From those meetings a committee was formed and have worked on this item for the last 3 or 4 months. Councilman Merendino stated there is no reason to have to vote on this tonight since Mrs. Emmons told him it was not going to take effect until November, after the pet clinic. After more discussion, it was decided to table this matter at this time, and a post card would be mailed to each and every household. The proposed ordinance will be available online or can be picked up at City Hall. **M/M/2/C: Nelson/Tevis TABLED**

10. Reports from the Mayor and following committees:
 - a. Councilwoman Nelson – Community Development; Councilwoman Nelson stated most of the information has been discussed above. They also had a 4th of July wrap up meeting, and things went well this year. If anyone is interested in volunteering and helping, please contact her as we are looking for new ideas and more volunteers.
11. Comments by Councilmembers:
 - a. Councilwoman Roberts – 5K Ribbon Run (The Color Rush); Councilwoman Roberts gave out items related to the upcoming 5K Ribbon Run. This year it is held downtown, at the Civic Center, on October 3. It is \$30 per person, but you can also start a team. Each participant will receive a t-shirt along with other things. It is a color run, but if you don't want the color, there is an alternate route. Breast cancer & ovarian cancer survivors can participate for free. Kids under 6 are also free, unless they want a t-shirt, then they must pay the fee. There are some flyers, calendars, mints and lip balm available in the back, and flyers will be available at City Hall.
12. Adjourn Regular Meeting at 8:14 p.m. **M/M/2/C: Merendino / Tevis APPROVED**



Rebecca M. Ford, Mayor



Sherry Adams, Secretary

**Regular Meeting MINUTES
CITY OF BEVIL OAKS, TEXAS
September 17, 2015**

1. Called to Order by Mayor Pro-Tem Fruge at 7:00 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) Mayor Pro-Tem Fruge led the pledges and Citizen Rusty Howard did the invocation.
3. Roll Call: ABSENT: Mayor Rebecca M. Ford; PRESENT: Danny Fruge, Sherry Adams, Dave Tevis, Bud Merendino, Fay Roberts, & Michelle Nelson
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 yellow comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit. NONE. (Mayor Pro-Tem Fruge announced for Mrs. Markland, a Bevil Oaks citizen, that today, September 17th, is National Constitution Day.)
6. Report from the Neighborhood Watch by Kimberely Vandver.
7. Proclamation of September: Suicide Prevention Week 2015. Mayor Pro-Tem introduced Monique Sennet from the Spindletop Center. Ms. Sennet read the proclamation in the Council packets. Upon completion of the reading, Ms. Sennet explained that Spindletop Center offers many different programs to the surrounding area, including Bevil Oaks residents. She also announced an upcoming Suicide Walk to be held on September 26th at Terrell Park for those who are interested.
8. Presentation by Doug Emmons: Radar Trailer Rental: Mayor Pro-Tem Fruge gave the floor over to Mr. Doug Emmons of Bevil Oaks. Mr.

Emmons explained that several months ago, he made a presentation on purchasing radar equipment for the City. He was then approached by a Councilmember to check into the cost of renting the equipment rather than outright purchasing. Upon checking into renting, Mr. Emmons found two potential solutions. The first is on a trailer that can be moved around and is solar paneled. This option costs \$1,800 per month, or \$90 per day. The second option is on a pole type setup that rents for \$20 per day. Mr. Emmons continued stating that he had been asked who would be responsible for the property if vandals struck. After checking, it would be the City responsible for all damages. Councilman Merendino asked if the companies he contacted offered any kind of insurance for such issues, as many rental companies do. Mr. Emmons stated he wasn't sure but could check into it. Mr. Emmons continued by stating he would be happy to volunteer his time to move it and set it up as needed, as he also has chains and locks to secure the item, and could use a game camera if needed for pictures. Mayor Pro-Tem Fruge stated he had also been looking into a couple of long term options, as the rental was a short term option, and hoped to have all the information at the next Council meeting to present, along with this information.

9. Review/Approve Consent Items M/M/2/C: Adams/Roberts

APPROVED

- a. August 20, 2015 Minutes of Regular Meeting
- b. August 31, 2015 Financial Reports for City
- c. August 31, 2015 Financial Reports for Water
- d. Report by Utility Specialties
- e. Report by Carroll & Blackman

Toby Davis of Carroll & Blackman spoke regarding his report, stating that at the last meeting, it was talked about tying in the lift station at the end of the Boulevard to the force main. However, after further review, this is probably not a good idea, and they are now looking at another collection system or

options. Councilman Merendino asked what was the thickness of the 150' x 150' concrete piece that had a big price tag attached. Mr. Davis stated it was approximately 6".

10. Review/Approve Action Items

- a. Consideration/Approval of extension of variance for David Lichenstein **M/M/2/C: Tevis/Nelson APPROVED w/Councilwoman Adams OPPOSING.** Mayor Pro-Tem Fruge explained that Mr. Lichenstein's house had burned down, and the Council has given him two extensions. The first one was for 90 days, and the last one was for one year. That year is now up, and Mr. Lichenstein is requesting an additional 90 days so he can finish up on his home. Councilwoman Roberts asked where the home was located, at which Councilman Merendino explained where the home burnt down. Councilman Tevis stated he was building a new home off Hwy 105 just up the road. Councilwoman Adams stated she felt he didn't need another extension, as he may already have electricity there with his shop, and if he doesn't yet, he probably would soon, and may have water and an aerator system for sewer soon. With these amenities, he could move his travel trailer to that location. Councilwoman Adams asked Kimberely Vandver how many extensions had Mr. Lichenstein had already, at which Mrs. Vandver stated his first one was for 90 days, then a second extension was given for a year. This will be his second extension to the variance.
- b. Consideration/Approval of ballot regarding TML Multistate 2015 Board of Trustee Election **M/M/2/C: Adams/Tevis APPROVED.** Mayor Pro-Tem Fruge stated that the Southeast Texas Regional Planning Commission had cast their vote for Michael Stelly, as several know him and felt he would be a good officer. Mayor Pro-Tem Fruge asked if any of the Council knew any of the others or had comments, at which no one spoke up. Councilwoman Adams made the motion to vote for Mr. Stelly,

and Councilman Tevis seconded. Vote taken, all in favor of voting for Mr. Stelly.

- c. Consideration/Approval of Docket No. 45083; Application of Entergy Texas, Inc. for Authority to Implement a Distribution Cost Recovery Factor. **M/M/2/C: Nelson/Roberts to DENY. ALL OPPOSED.** Mayor Pro-Tem Fruge read the email from the City Attorney, Dru Montgomery, which states, "Entergy has applied for additional funds to be billed each user for their electrical usage. The extra charge is in the form of a Distribution Cost Recovery Factor rider. It is designed to collect 10.1 million annually from all of Entergy's customers. The current rider is designed to collect 3.6 million annually. The changes will take place in 2016. As a matter of course, the City does not have to agree to accept the request. A denial or decision to not take any action will result in an automatic appeal and review of the propriety of the charges to the Public Utility Commission. I recommend affirmatively denying acceptance of the DCR Rider rate increase." Councilwoman Nelson made the motion to deny the request. Councilwoman Roberts seconded. Application denied by unanimous vote.

11. Reports from the Mayor and following committees:

- a. Mayor Ford – Resolution of the City of the Bevil Oaks, Texas regarding the Local Park Grant Program by the Texas Parks & Wildlife. – Mayor Pro-Tem Fruge explained that we are seeking a \$75,000 matching grant from the Texas Parks & Wildlife. This means that if we are approved, they will give us \$75,000 and we have to match it in funds and/or equity. We can use the valuation of a portion of the land behind City Hall as a part of our \$75,000 matching share of the grant. This land valuation can only be used the first time as part of our matching \$75,000. A survey of the land has been completed for this project, and the entire application is due by October 1st, taking

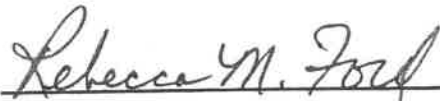
approximately 5 months to hear back whether we are accepted or not.

b. Councilwoman Nelson – Community Development –

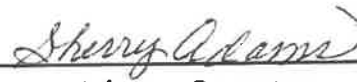
Councilwoman Nelson explained that we can apply for this same grant each year, as long as it is a different aspect of the grant. We cannot purchase playground equipment this year, then request more playground equipment next year. It is also required to give the Texas Parks & Wildlife our plan in phases, such as Phase 1 being the playground equipment, and phase 2 possibly the walking trails and so forth. Councilwoman Nelson also announced the following upcoming events: Flu clinic: 9/23 from 9-12 & 1-4; Pet clinic: 10/8 at 6:30 p.m.; Yard sale: 10/10; City wide clean up on 10/17 from 7-1 p.m.

12. Adjourned Regular Meeting at 7:43 p.m. **M/M/2/C:**

Tevis/Nelson APPROVED



Rebecca M. Ford, Mayor



Sherry Adams, Secretary

Regular Meeting
CITY OF BEVIL OAKS, TEXAS
October 15, 2015

1. Call to Order by Mayor Ford at 7:00 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) led by citizen Nancy Miguez.
3. Roll Call: Present: Mayor Rebecca Ford, Danny Fruge, Dave Tevis, Bud Merendino, Sherry Adams, Michelle Nelson, Fay Roberts
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 yellow comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit. Jimmie Grimes – Thanked all the volunteers who help with Community Development; Also discussed that while he didn't always agree with the Mayor, but they worked out any issues they had face-to-face and that is how it should be done. Thurman Bobo – Dumpster on Sweetgum is an eyesore and we do have an ordinance that discusses refuse and things have to be sanitary, yet nothing has been done about the dumpster.
6. Report from the Neighborhood Watch given by: Kimberely Vandver.
7. Jerry Smith or representative from NewWave Communications regarding customer issues. Mayor Ford turned the meeting over to Councilwoman Adams. Councilwoman Adams explained many years ago she was asked by Mayor Hall to look into getting a Cable T.V. company for Bevil Oaks. Timberlake in Sour Lake was selected. Over the years the name of the company has been changed several times. However, recently the newest company, NewWave, has had some issues that citizens would like answered. Councilwoman Adams then asked the following questions to Mr. Jerry Smith of NewWave.

1. The internet has been out for at least 3 days for some, and others longer, up to 3 weeks. Some customers say it is going in and out. Can you tell me why this is happening, and when our citizens will see a credit on their bill for this loss of services? Mr. Smith stated he received a list of complaints approximately 2 weeks ago from the City Secretary, Kimberely Vandver, and they have been fixed. He continued by stating he didn't know of any outstanding complaints.
2. There are citizens that complain that they can't get any channels above #42, while others can't get any channels above #45. Some citizens say there is no sound, and one even complained about having to lip read. Can you explain what is causing this? Mr. Smith stated the channel lineup changed recently, and there shouldn't be any reason unless a wiring issue or a splitter was used.
3. The citizens got a letter stating the prices were going up as new channels were added. When they called the office to ask a question, the person they were talking to had no clue what they were talking about. Mr. Smith explained that letters may have gone out before changes actually happened and the girls may not have been fully trained yet. However, he did state another increase would be coming in the next few months.
4. Can you tell me why it took so long when citizens were sending emails extending an invitation to Jerry Smith to attend a City Council Meeting so that NewWave could answer the citizens of Bevil Oaks questions and concerns? The first contact we know about was sent on or before August 23rd, and a response was not given and agreed to until September 28th. Mr. Smith stated he gets 400+ calls and emails a day, and could have simply missed it.
5. Why have technicians never shown up for scheduled appointments when some of our citizens have had to take off work for these appointments? Mr. Smith stated there was no excuse except they have been "fighting fires." He stated if a larger group is out they go there first.
6. Why are the citizens having so many problems with the customer service? Mr. Smith asked if it was to the call center or locally. Then he continued by stating they only have 3 techs and each tech is allowed 1.5 hours at each location, while in reality it can take up to 4 or 5 hours at each place.
7. Why, when I called as a Councilperson to the local number, the call went to an answering service in Missouri. I told them I needed to talk to someone in charge at the local level. When I explained to them I needed to talk to someone in person, I was told they would send them an email to call me. I was not satisfied with this answer, so I went to Sour Lake. I asked the ladies in the office, who was over this office that I could speak with. They told me Jerry. When I asked for his phone number, they called someone to see if they could give it to me. When they got off the phone, I was told they could not give it to me. Mr. Smith stated that was because he didn't want his phone number given out, as he would like to be off sometime. Councilwoman Adams

stated that it should have been given to her as a Councilperson, at which Mr. Smith agreed.

8. When one of your lines was discovered to be down on Sweetgum, one of our main roads into our city, two of our citizens and a tree trimming company were able to lift it off the road and tie ribbons around it to show low clearance. That was a dangerous situation, so why did it take several days to be repaired after a call was made to your company to report it? Mr. Smith stated they did go look at the location in question, and it turned out to be a phone line down, not a cable line. He stated in actuality, they had tied the phone line to his cable line, not the other way around.
9. Why has a contact person and their phone # not been given to our City office in case of an emergency until September 28, which was just less than a month ago? Mr. Smith simply stated that the office has his number now.
10. How long will it take to successfully correct all of these issues we have addressed tonight? Mr. Smith stated the techs received new meters last week and are now learning to use them, and it will take some time.

8. Review/Approve Consent Items M/M/2/C: Fruge/Tevis

APPROVED

- a. September 17, 2015 Minutes of Regular Meeting – Mayor Ford explained that consent items are to make the meeting go faster and smoother, and if there is a controversy over something it will be pulled to be discussed at the next Council meeting. If it is something like a misspelled word or something of that nature, it is okay to point out during the meeting and will be corrected. Councilman Merendino stated he had asked Toby Davis how thick the concrete was going to be down at the rain water retention pond, because he had a couple of concrete companies do some calculations. Councilman Merendino continued stating Toby had stated it was 4 or 5 inches and in the minutes it states 6 inches, which is a difference of thousands of dollars, and since he is the engineer, we want to go by Toby's. Mayor Ford asked again what Councilman Merendino was saying Toby said, at which Councilman Merendino stated he said 4 or 5 inches, as he had gone back and listened to the tape himself. Mayor Ford stated we would review the minutes and correct them if needed.
- b. September 30, 2015 Financial Reports for City
- c. September 30, 2015 Financial Reports for Water

- d. Report by Utility Specialties
- e. Report by Carroll & Blackman – Jeff Scroggin stated that progress has been made, and all the 8” force main pipe has been installed, the connection to Beaumont has been made, and about 95% of the pond is completed. However, the lift station pump schedule has been delayed possibly by a month or so due to a delay from the manufacture.

9. Review/Approve Action Items

- a. Consideration and possible action on a change order to construct a pressurized wash down system for the raw water holding pond. Mayor Ford turned this over to Mayor Pro-Tem Fruge. He stated we will not be voting on this item tonight. Councilman Fruge stated he had been talking to the utility operator regarding what type of equipment needed to be installed, such as fire hoses on a reel, fire monitors or other items. However, we don't have the pressure required to install the fire monitor needed, and would be extremely expensive to do so. Councilman Fruge spoke to Fire Chief Gonzales, who had a suggestion the fire department uses for grass fires, that is mobile and can be moved. He stated he was going to go view it soon, and would be better than a fire monitor to throw out water about 150 to 160 feet. He stated to stand up at the corner of the levee is about 160 feet out across. After further discussion, Councilman Fruge stated he was going to investigate some numbers and hopefully have them for the November council meeting so we can do this in the cheapest manner and still allow the contractor to plan it before they are finished. Councilman Fruge stated he would be back with all the details at the next meeting. **TABLED**
- b. Consideration/Approval of up to a \$25,000 expenditure for Smoke Testing & repairs of sewer lines. Councilman Fruge informed everyone that the City has an agreement with TCEQ called the SSOI (Sanitary Sewer Overflow Initiative) plan. The reason we had to sign it was due to the overflow from rain water during high rain events. In this agreement, we agreed we would test all sewer lines within 4 years. Councilman Fruge continued

by stating that we have approximately 68,000 feet of sewer lines within the City, or 13 miles. It also includes checking the manholes, which means testing 17,175 feet of sewer lines and 42 manholes per year, as well as some other stuff. We have been working on the manholes and are almost complete with them, but it has been too wet to conduct the smoke testing each year. If you remember, we approved funds earlier in the year to conduct some smoke testing this year. We have completed just over 25,000 feet so far, which is from the Blvd. to HWY 105, and from Riverbend Dr. over to Lowery Place. Surprisingly, there were much fewer leaks than anticipated. There were 13 leaks on the City Side. Some of these repairs have already been made. This leaves approximately 11,000 feet that still needs to be done, leaving us still 2 years behind. Each year we send a report to TCEQ explaining what we have done and this January we will send in a report explaining what we have completed and request a 2-year extension. Councilman Fruge explained that during this time, we have found a sewer line at the corner of River Road and Moss Hill, coming up to tie in almost in front of Doug Emmons house that has grown up in spots. The drawing the City has only showed one manhole, while in reality there were 5. This is an area we are proposing to smoke test on this next round. Councilman Merendino asked if anyone is hooked up to it, and if not, if we could just kill it. Councilman Fruge stated after further review with Carroll & Blackman, a good portion near River Road and other surrounding areas run to it. He continued stating part of the sewer line actually runs above ground for a section, with a tree across it. But, no tree has fallen across it and broken it, as the current tree is from flooding and floated up to it. Councilman Fruge stated the SSOI plan also requires all manholes that are down in the bottom of the ditches to be raised to be even with the top of the ditch. While doing the first round of smoke testing, 6 were found on private property. One was located here at the Civic Center, which was caused by the seals around the toilets and from a vent upstairs that wasn't

properly ran outside. So, when they smoke tested, white smoke filled up the civic center and McAdams Plumbing had to be called to correct it. Another one was under their home and not an I&I issue, but the homeowner was notified. Councilman Fruge gave out a handout showing the amount already spend and what is still needed this fiscal year. He stated that at this time, it is estimated we will need \$23,460, so he is asking for an even \$25,000. Upon completion of this second round of smoke testing, we will be slightly finished with over ½ of the entire sewer lines to be tested. Councilman Fruge stated he had discussed with the Mayor how we would handle the budget, at which Mayor Ford stated we would have to revisit the budget after the first of the year because of the closing of the sewer plant and other items that will be changed and an adjustment can be made in the budget at that time. **M/M/2/C: Fruge/Adams APPROVED**

10. Reports from the Mayor and following committees:
 - a. Councilman Fruge – Roads & Drainage Report; TCEQ update - The county has completed Leaning Oaks and Wayside Drive. Thousand Oaks to Shipley is still dusty. Councilman Fruge stated if there is no rain, they will cover everything up and the roads will be completed by the end of the week. Along the line of roads, Councilman Fruge stated at the last meeting citizen Doug Emmons spoke regarding radar signs for speeders, for the second time. He spoke to Mr. Emmons recently about his (Councilman Fruge) concern over the cost of those that leave the ability to be stolen, destroyed, or more. So, he had been investigating items to help with speeding, which includes low speed bumps, rumble strips and the yellow buttons you see in the roads sometimes. A rumble strip costs approximately \$4,000 for two sets of strips which include 5 strips in each set. Those strips are the same kind that are currently out on Highway 105 right before the Tram Road red light. If you drive across it at a higher rate of speed, such as the 60 mph speed limit there, you don't notice it as much. However, if you drive across them at a

slower speed, such as 30 mph out here, you will feel them. These are made to melt into the road after being heated up to approximately 450 degrees so they stay in place. However, ultimately, only police patrolling the area and hitting their pocket books will help the most. Councilman Merendino suggested we go back to the police department, especially now that election time is coming up. Councilman Fruge went on to discuss TCEQ. Councilman Fruge informed everyone that TCEQ has fined the City for effluent violations at the old worn out sewer plant. SSOI program is for overflows, not for the samples taken each week that contractors conduct. In August of this year, TCEQ did a record review and found 4 violations of the effluent. So, the SSOI is on the quantity going through, while the effluent is the quality. Upon the review being completed, there were 4 months of violations, which 3 were only slightly, and the first one in March was after a huge rain event. This fine was given at \$4,500, but the TCEQ agreed to waive \$900 if we paid within 30 days. The check has been written and will be put in the mail tomorrow.

- b. Councilwoman Nelson – Community Development Clean-up will be October 24th starting at 7:00 a.m. and ending at 1:00 p.m. Planning a Community Development meeting soon, hopefully this coming Thursday. We plan to post it to make it an open meeting for anyone, including Council, who want to attend. Councilwoman Nelson thanked Jimmie Grimes for help putting out the signs and making sure they are taken care of; also thanked Joan Howard for the Pet Clinic, Councilman Fruge, Doug Emmons and Jimmie Grimes for getting others to help for the City-Wide Clean up, and Stacey Smith for helping with the City-Wide Yard Sale. On a final note, the grant for community development has been put into the mail, so cross fingers and say prayers.

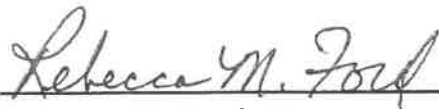
11. Comments by Councilmembers:

- a. Councilman Merendino – Discuss the specifications of the concrete bottom of the rainwater retention pond with the

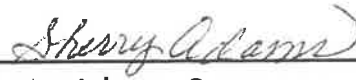
Engineer, hopefully with Toby. Also go over the bid for the concrete work. Councilman Merendino stated he wanted to discuss the concrete floor in the pond. He spoke to someone at the polypropylene place and told them how much we were spending. He had been thinking we would save money going with the polypropylene, but the concrete has already been placed, so he went to a couple of concrete companies to get quotes. Councilman Merendino also stated he had filed a public information request to get copies of the bids Toby Davis received but hasn't received them yet, and therefore don't have the official specifications yet. But from what he is seeing, it seems to be about \$100,000 over with the specifications of 150x150 at concrete being 4 to 5 inches, which is what has been stated. However, after receiving the public information request documents, he will recalculate it and get back with everyone.

12. Adjourn Regular Meeting at 8:45 p.m. M/M/2/C:

Nelson/Fruge APPROVED



Rebecca M. Ford, Mayor



Sherry Adams, Secretary

Regular Meeting
CITY OF BEVIL OAKS, TEXAS
November 19, 2015

1. Called to Order by Mayor Ford at 7:00 p.m.
2. Pledge of Allegiance/Invocation (Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible) – Pledges were led by citizen George Bryant; Invocation by citizen Ronnie Adams.
3. Roll Call: Present: Rebecca M. Ford, Danny Fruge, Sherry Adams, Michelle Nelson, Bud Merendino, Fay Roberts; ABSENT: Dave Tevis
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 yellow comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a three-minute time limit. – Citizen Jane Hebert signed up but requested to postpone it until a later date.
6. Report from the Neighborhood Watch given by Kimberely Vandver.
7. **Review/Approve Consent Items M/M/2/C: Fruge/Nelson APPROVED**
 - a. October 15, 2015 Minutes of Regular Meeting
 - b. October 31, 2015 Financial Reports for City
 - c. October 31, 2015 Financial Reports for Water
 - d. Report by Utility Specialties
 - e. Report by Carroll & Blackman
8. **Review/Approve Action Items**
 - a. Consideration/Review of proposed Dumpster/Storage Ordinance. Mayor Ford stated that it is not up for vote, but rather for the Council to review it and get it to those in their Wards to see if there are any issues or other situations that may come up that is not addressed in the current proposed ordinance. Mayor Ford also stated the proposed ordinance has been posted to the website for people to see, or people could stop by City Hall for a copy. Mayor Ford continued by stating if anyone had comments or concerns to please get with Kim at City Hall so if it is something we need to look at or have the attorney look at, we would have time to do so. Councilwoman Nelson asked if there would be a grace period, such as if it was approved, would they have a week or so to come in and get the permit. Mayor Ford stated yes, those with a current dumpster would be given a week or two to come in and obtain a permit, then a 30-day permit could be given. However, if they have a building permit the dumpster permit will be the same length as the building permit. Councilman Merendino stated with this ordinance, there wouldn't be any dumpsters in the City, and then asked if Dru Montgomery, the City Attorney, had written this ordinance. Mayor Ford stated that Kim from City Hall wrote it by taking pieces from other cities and made it fit what was felt would be needed in Bevil Oaks. Councilman Merendino stated it says the dumpsters have to be painted and no corrosion, and wants to know who would paint the dumpster. Councilwoman Nelson stated that section is for commercial use, not residential. Mayor Ford stated we would not be deciding over this tonight, and everyone needed to take them and review it so if there are any changes we can do so before the next meeting. Councilman Fruge stated that Kim went out and looked at several other ordinances and wrote it up into one ordinance, then both myself (Councilman Fruge) and the Mayor reviewed it for any changes needed. Councilwoman Nelson stated the looks of the dumpsters for residential purposes is not addressed in this ordinance, only under the

commercial section is it addressed. She continued stating it gives plenty of leeway for projects and areas that may arise.

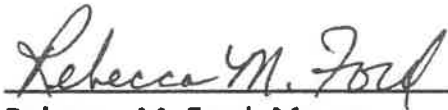
- b. Consideration/Approval for the Resolution of the 2015 Certified Tax Roll Summary – Mayor Ford read the resolution. Mayor Ford explained the Tax Roll Summary shows we have 707 parcels with a market value of \$72,956,813, and the total assessed value is \$72,857,881. The partial exempt values are \$15,145,525 leaving a taxable value of \$52,268,605 and a total levy amount of \$123,021.51 which is pretty close in alignment with what the City used for budgeting purposes. **M/M/2/C: Nelson/Adams APPROVED**
- c. Consideration and possible action on a proposed pond wash down system for the raw water holding pond. Mayor Ford turned it over to Toby Davis, of Carroll & Blackman. Mr. Davis explained that during a meeting with Charlie Adams of Utility Specialties and Danny Fruge, they came up with a plan he wanted to present to Council. This new proposed action would allow for the washing down of the pond at the sewer plant. Mr. Davis handed out a drawing of the proposed plant and rock road. This new plan would require bringing in spigots to the concrete level and purchase a hose reel similar to ones on the back of a fire truck. This would require about a 150 foot of hose with a nozzle on a cart. There would be two spigots on opposite sides of the pond allowing the operator to move the reel around to wash down the pond. This type of reel allows for the hose to roll itself back up. There are two options, with the first being used off the distribution system pressure. After some rough testing of the pressure for this system, there looks to be about 25-35 gallons of water pressure per minute from the hose, which are rough numbers and depends on the time of day. This is the cheapest option. However, if it turns out there isn't enough pressure, the second option is to install a small tank and pump that would take water off the system and use the tank which would give 40-60 gallons of pressure. Councilman Merendino asked if it was a 1" hose. Mr. Davis stated yes it was. Mr. Davis handed out an Opinion of Probable Cost form to the Council. Mr. Davis stated in going this route, we would save approximately \$10,000, and there is an additional \$18,600 of probable savings from various bid items in the project as a whole. These costs are rough costs that still need to be firmed up with the contractor, but are as follows: Wash system using existing distribution system pressure: Cost: \$39,306; potential savings: \$28,600; possible additional funds needed: \$10,706. Or for the wash system using pump and tank: Cost: \$46,093; potential savings: \$28,600; possible additional funds needed: \$17,493. Councilman Merendino asked how many square feet is around the pond that is grass that will never be washed down, and why would we spend forty grand on a system to wash down a pond that may have water in it a few times a year. Councilman Fruge stated we don't want to pay a man \$55 per hour with a ¾" hose at a day to a day and a half each time washing it down which is what our utility operators charge. After a little more discussion, the motion was made by Councilman Fruge to approve up to \$15,000 of additional funds for Mr. Davis to spend to install phase 1 of the wash down system as advised. Motion seconded by Councilwoman Adams. **M/M/2/C: Fruge/Adams APPROVED with Councilman Merendino OPPOSING**

9. Reports from the Mayor and following committees:

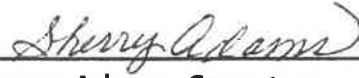
- a. Councilwoman Adams – Building & Grounds – Councilwoman Adams stated she asked Kimberly and Naomi at City Hall to get a list of what all the Civic Center has been used for this year so far. The results are as follows: 4 birthday parties; 3 baby showers; 1 meet the candidate; 1 family reunion; 1 memorial; 1 wedding; 5 voting days; 3 dog meetings; 11 council meetings; 2 garage sales; 2 clean ups; 2 fire department meetings; 3 special meetings and/or workshop; 1 flu clinic and 1 Christmas in the Park. This came out to \$2,200 in rental income.
- b. Councilwoman Nelson – Community Development – Councilwoman Nelson informed everyone the park will be decorated Saturday, November 21st at 1:00 p.m. and need as many people as possible. The inside decorating will take place on Friday, December 11 at 9:00 a.m. and the event itself will be on Saturday, December 12 starting at noon with the parade line up. The

parade itself will be starting at 1:00 p.m. Judging will take place before the parade begins. Games, food will start at 1:00 p.m. and prizes will be given out sometime after the parade ends. Volunteers to help with the games and make cakes/cupcakes are still needed. Community Development will start a monthly scheduled meeting, probably on the second Tuesdays of each month and will be posted as an open meeting so everyone can attend.

10. Adjourned Regular Meeting at 7:42 p.m. **M/M/2/C: Merendino/Nelson APPROVED**



Rebecca M. Ford, Mayor



Sherry Adams, Secretary