

Notice of Regular Meeting Minutes
CITY OF BEVIL OAKS, TEXAS
September 15,2022

1. **Call to Order @ 6:30 pm**
2. **Pledge of Allegiance/Invocation**
 - a. The United States Flag
 - b. The Texas state flag: "*Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*"
3. **Roll Call- All Present**
4. **Conflict of Interest Statement- None**
5. **Citizen Comments (3 minutes each)** – An opportunity for the citizens to address Council on agenda items or concerns not on the agenda – those wishing to speak must complete the comment card, present the comment card to the City Secretary prior to the beginning of the meeting, and observe a 3-minute time limit
6. **Discussion**
 - a. **Agenda Request from resident Jennifer Joyce-** Questions about road grant
 - **Jennifer Joyce-** asks who put the bid packets together for the road grant. Asks who is in charge of that.
 - **Councilman Emmons-** LJA
 - **Jennifer Joyce-** Asks if Council gets to see the paperwork before it goes out for bid
 - **Councilman Emmons-** No
 - **Jennifer Joyce-** Asks who is charge of doing the streets, speed bumps, the 2 inch or inch and a half thickness. Who makes the decision on that.
 - **Councilman Emmons-** Once the bids come in, LJA and the grant administrator do the review then the Council.
 - **Councilman Mullins-** Are you asking about the thickness?
 - **Jennifer Joyce-** Who voted on that? The speed bumps, the rumble strips.
 - **Councilman Emmons-** We haven't voted on anything yet.
 - **Jennifer Joyce-** Asks who would vote on that? Would Council vote after the bids?
 - **Councilman Emmons & Councilman Mullins-** Yes
 - **Jennifer Joyce-** Asks who the grant administrator is
 - **Mayor Emmons-** Michael Migvad with Public Management
 - **Jennifer Joyce-** Asks if it can be altered after the bids have been received.
 - **Councilman Emmons-** No
 - **Jennifer Joyce-** IS there something in the bid papers
 - **Councilwoman Mitchell-** Change the scope?
 - **Jennifer Joyce-** Yes
 - **Dru-** There are some restrictions about the percentage that can be changed. There are some changes that can be considered alterations and some may require more like a change order. Otherwise people would bid low and change it to be more expensive later on. There's a difference

between non-material alterations versus material ones. There's not a simple answer to that question. As a rule, amendments and changes are possible depending on the materiality.

- **Jennifer Joyce-** Asks who told LJA, which is the people that did the bid packet, what had to be put in the paper.
- **Councilman Emmons-** GLO
- **Dru-** the grant has limits and LJA worked within those limits
- **Jennifer Joyce-** If there is something that is in there and GLO said that it had to be changed, how does that get changed. For example, they are putting a speedbump in the middle of the road. Can that be changed?
- **Councilman Emmons-** Asks if he can go ahead and do his report
- **Mayor Emmons-** Yes, that will answer her questions
- **Councilwoman Mitchell-** What if the bids come in over our budget?
- **Councilman Emmons-** Informs everyone that the bid meeting was held the week prior to the Council meeting. That is where LJA sat down with the bidders and went over the scope of work and let them ask questions. Once the meeting was over, they came back and asked for an extension to submit the bids. They asked for 2 weeks making the bid opening September 29th. When the bids are open, that does not mean that it's an award. It strictly says who bid what and that's it. LJA will go over the bids and make sure that the bidders followed the guidelines. Michael Miguard will go through and make that that all the government regulations. This is a government job. The bidders have already been told that they have to follow those guidelines. In the bid package, we did include that GLO's guideline was for inch and a half thickness, but they were told to provide a second bid for 2 inch thickness. The GLO part of the grant is to cover main traffic areas. Sweetgum, Riverbend and Inwood. We did ask them to bid alternate roads. There is a second part of this which is the FEMA grant. The FEMA grant lays different spots in Bevil Oaks. It is only for pothole work. Their definition of pothole work is that they cut a whole section of road out, redo the base and cove it. Please be aware that originally the GLO was calling out for 2 layers of chip seal. Which is inexpensive to do. They came back and said that they would pay for top asphalt. Its about 11 % more for the hot asphalt. We will have to wait on the bids to come out. The Council has talked about moving some of the City's funds to help pay for some of the work that needs to be done. Until the bids come back, we will not know what the cost is going to be. During the beginning, the topic was brought up about speeders and people running stop signs. There was talk about putting rumble strips at the stop signs. We did not want to put the rumble strips anywhere else on the roads because of the noise. During the pre-bid meeting, the bidders mentioned that the cost on the rumble strips would be astronomical. The lady from LJA asked the bidders to come up with alternate ideas that we could look at. One of the companies mentioned the rumble strips that are located on 105. States that those are not what

the City is looking for. If the bidders do come up with different ideas, it will have to be approved by the Council.

- **Councilman Merendino-** How are Sweetgum, Riverbend and Inwood be our main travel roads instead of Sweetgum, Riverbend and Shipley? Mentions that Councilman Mullins and Councilman Emmons stated that they picked the roads.
- **Councilman Mullins-** Explains that they graded the roads by how many potholes they had.
- **Councilman Emmons-** Explains that it was for the work that the City was going to have the County do. We told them about that and it was added as alternates in the bid package, but not of that is set in stone. Until Council decides, everything is up in the air.
- **Councilman Merendino-** Mentions that when Councilman Emmons mentioned the bid meeting, it was actually the pre-bid meeting. Mentions that we only have so much money to spend.
- **Councilman Emmons-** The grant is only allowing so much money. The things that we are going to have to look at are the fact that we are going from a one and half in to a two inch, that money has to come from some place. 11 % don't sound like much but when you are looking at this big of a project, that's a whole side street. We are looking at almost \$150-\$200,000.
- **Councilwoman Mitchell-** This is the \$2,000,000 grant, right?
- **Jennifer Joyce-** Last month it was an inch and a half and now it's two inch.
- **Councilman Emmons-** No, the main bid is for inch and a half. There is an alternate bid for two inch. There is two different bids. Council will have to decide because if the grant doesn't have enough money for the two inches, if that's what Council decides to do, Council will have to come up with more money to pay for it.
- **Jennifer Joyce-** The scope can be changed?
- **Councilman Emmons-** To a degree. IF we want to add anything to it, that means that the bids are no good and we have to go back out for bid.
- **Dru-** The scope isn't necessarily changed, its requesting an alternate. It's requesting an alternative. One alternative is meeting the grant. If the second alternative is accepted, its because City Council decided to add to it, to contribute to it. The scope won't be changed. What the City is choosing to pursue on may be different than what the grant does based on public resources available.
- **Councilwoman Mitchell-** If we change the streets, are we changing the scope?
- **Councilman Emmons-** Yes. There is enough streets in it right now, the alternate streets that were put in, are over \$1,000,000.
- **Councilwoman Mitchell-** This is a \$2,000,000 grant plus the FEMA grant?
- **Councilman Emmons-** No. The FEMA grant is only going to do potholes. FEMA picked what streets can be repaired with that part of the

grant. With the type of work that will be done with that, we may do pretty good on those streets.

- **Mayor Emmons-** The FEMA grant is not only on the main roads. It includes the side roads.
- **Councilman Emmons-** Mentions that the roads that him and Councilman Mullins looked at, if the FEMA grant does fix those, we may not have to do any more work.
- **Jennifer Joyce-** Has the Council, past and present, ever voted on anything extra, stop signs, rumble strips or any of that for any grant or anything?
- **Dru-** The roads have been done two or three years before Harvey.
- **Jennifer Joyce-** States that she was asking if anything was approved by Council as far as speed bumps, rumble strips, stop signs or anything similar.
- **Mayor Emmons-** Mentions that stop signs get ordered when they need to be replaced.
- **Dru-** Asks Jennifer Joyce if she means related to grants or ever
- **Jennifer Joyce-** In the last 10 years
- **Dru-** There have been votes on stop signs.
- **Mayor Emmons-** There has been discussions
- **Councilman Emmons-** states that there was a council meeting a long time ago where we voted on putting speed bumps in Bevil Oaks. It wasn't a grant.
- **Mayor Emmons-** There was a big stickler about speeding in Bevil Oaks. It was a year or two before Harvey, before the street lights were installed, there were two accidents back to back at night. That's when people on Council started listening to the issue and that's when the talk about lowering the speed limit started.
- **Councilwoman Vautrot-** Mentions that when the rumble strip was voted on, was when Becky was Mayor. She gave several suggestions. In 2019.
- **Jennifer Joyce-** Asks If the rumble strips have been done
- **Councilwoman Mitchell-** They only approved the one at the stop sign
- **Jennifer Joyce-** Has there been any discussion since then?
- **Mayor Emmons-** Mentions that it was before any of us were on Council.
- **Dru-** Suggests that she defers to the meeting minutes.
- **Councilwoman Vautrot-** Mentions that there was a discussion about the speeding when her and Councilman Merendino were on Council together the first time. The people wanted something done. Doug suggested a few things that we couldn't afford.
- **Councilman Merendino-** the radar signs. States that the speedhump that is in place is not making people stop.
- **Councilman Emmons-** asks Jennifer Joyce if that answered her questions about the roads

- **Jennifer Joyce-** for the most part
- **Councilman Emmons-** suggests that if anyone has any questions about the roads, to please call him. We will probably hold a special Council meeting just for the bids that the City receives. We can't wait long to get this done.
- **Councilman Merendino-** How many miles are the people bidding on? What do we do with the money left over from the grant?
- **Councilman Emmons-** There isn't going to be any money left over
- **Mayor Emmons-** States that she can't remember how this grant works, but with other grants that we have, the grant administrator helps with all of that. Mentions that she remembers that the grant was supposed to cover all the roads in Bevil Oaks, but due to the rise in costs, we can't.
- **Councilman Merendino-** Mentions that a year ago, the Council was told that we needed to wait to go out for bid. He doesn't understand why we had to wait.
- **Councilman Emmons-** There is nothing that says that we have to do anything right now. It is up to the Council if they want to move forward with the hot asphalt. The grant originally covers 2 layers of chip-seal, which is less. We could get more roads done with the 2 layers of chip-seal than we could the hot asphalt. GLO wants us to move forward and get the money spent.
- **Dru Montgomery-** states that there is a strong seasonal issue. Some contractors will only hold the price for so long. For example, you can't bid something in August for the warm weather. There may be a timing issue on when you publish, receive the bids and are able to get started.
- **Councilwoman Vautrot-** Councilman Merendino has showed us pictured of what the road would look like with chip-seal installed.
- **Councilman Merendino-** states that it was improperly installed by the County. They did not come back with a final layer like they were supposed to.
- **Councilman Emmons-** Mentions that a question that came from the bidders was about street closures. States that Sweetgum and Riverbend will not be closed at the same time, but they may close off a whole section of Sweetgum.
- **Councilwoman Mitchell-** Who will pick the street that they start on?
- **Councilman Emmons-** they will pick it. One of the things that they asked was where they could store the materials because they are going to bring in truckloads so they can start doing the work. The big grassy area that we have at the sewer plant is where they will be storing it. We will have to get it mowed before then.

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

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

- **Councilman Merendino-** states that the monthly bills that are paid are mixed together in the financials. States that the Council is now receiving the bills broken down by each time they are paid. States that he has a question as to why Cousin's Lawn Service was paid twice. States that he took pictures of the areas that Cousin's are not mowing according to the map.
- **Councilwoman Vautrot-** That's why we are trying to hire someone for the Public Works Department, so we don't have to pay that much for it.
- **Mayor Emmons-** Cousin's was having trouble receiving their check through the mail due to the address, so what we paid them this month could be for a few months' worth of service.
- **Mayor Emmons-** explains that when the bills are paid, one Council member approves the bills, then two separate Council member signs the checks. The invoices are attached to the checks until the checks are signed. The check has been copied and is ready to be mailed out. Whichever council members sign the checks can look at the invoices as well.
- **Dru Montgomery-** The accounting practices changed. There is nothing that isn't done by a third party that is individually making a decision.
- **Councilwoman Mitchell-** states that if she doesn't agree with what is being paid, she will not approve it.

8. Discussion/Action Items

- a. **Consideration/Discussion/Approval** of changes to Water Ordinance # 252 affecting rates, charges and other related issues. **Tabled-** until the ordinance is rewritten- **M/M/2/C-** Councilwoman Mitchell/Councilman Merendino
 - **Councilwoman Mitchell-** explains that part of the reason for looking at this ordinance is because the office does not accept cash anymore, but in the ordinance is says that it does. Suggests that the City needs to address lowering the water rates and the user fee. There is a \$3.00 administration fee on the irrigation meter, which makes it look like the water rate is calculated at .014 instead of .013. States that she suggested that there be a separate line item showing that \$3.00 fee. There needs to be more transparency on the water bills. Residents should be allowed to turn their water off. Suggest no application fee for homeowners. The deposit for the renters need to go up. Suggests that the entire ordinance needs to be done by a professional. The rate schedule is listed with the current and suggested prices.
 - **Dru-** states that 90 % of what Councilwoman Mitchell is saying is policy changes that can be made by Council. The rates that we pay to the City of Beaumont is set making it hard for the City to change the rates that the residents pay.
 - **Councilwoman Mitchell-** states that the City isn't paying Beaumont all the money that it receives from the residents, it is only paying about half of it.
 - **Councilman Emmons-** states that the City has to pay to run the pumps and the money has to come from some place.

- **Councilwoman Mitchell-** We need to figure out how to give something back to the residents.
- **Councilman Emmons-** states that prices have increased, but we haven't gone up on the rates.
- **Councilwoman Mitchell-** our rates are higher than Meeker compared to some of our surrounding areas.
- **Councilman Mullins-** states that it isn't a comparison to the surrounding areas because they are bigger than we are.
- **Mayor Emmons-** states that Cheri Mitchell is the one over the water rates and that she could suggest a change in rates.
- **Councilwoman Mitchell-** states that she suggested, in the budget meeting, that we take \$5.00 off the user fee and to pay off the bank loan.
- **Councilman Mullins-** states that he is for lowering the user but not lowering the water rate right now.
- **Councilwoman Mitchell-** suggest that we are change the rates for commercial because commercial rates are not what they should be.
- **Councilwoman Vautrot-** mentions that when Becky was in office, something was signed stating that the water rates would be evaluated every 3 months.
- **Mayor Emmons-** asks Councilwoman Mitchell if she can see herself evaluating the water rates every 3 months
- **Councilwoman Mitchell-** yes. States that 3 months ago she did a rate study. One way to lower the cost is to eliminate an office position. We can look at getting rid of expenses to be able to give something back to the people.
- **Councilman Merendino-** states that the girl in the office (luz Rodriguez) did not file the proper paperwork to be on medical leave.
- **Mayor Emmons-** There is paperwork.
- **Councilwoman Mitchell-** if positions are eliminated, we can cut expenses. States that Sabrenna deserves a raise and a title.
- **Mayor Emmons-** states that she agrees.
- **Resident-** If the rates are lowered then it lowers what we owe for the bond? States that she wasn't here when the bond was taken out, but we can't get rid of the bond.
- **Councilwoman Mitchell-** states that she would like to see the user fee lowered by \$5.00.
- **Councilman Mullins-** states that there needs to be more documentation to change the water ordinance. States that he is willing to look at it.
- **Councilwoman Mitchell-** states that she will include where she thinks expenses can be cut.
- **Councilman Mullins-** states that he is for cutting expenses, but we need to make sure that it is going to be something that is going to help everybody in the long run.
- **Councilman Merendino-** states that most of the people that go to the office is not for an emergency.

- **Councilman Emmons-** the reason why the statement about the meters is in the ordinance is because whenever the meters were first installed, people were disconnecting the endpoints thinking they wouldn't get charged for water. The endpoints were damaged and they were being charged for the damaged endpoints.
 - **Councilwoman Mitchell-** Between eye on water and Beacon, we spend \$1,000, so we should be able to tell if someone disconnects the endpoint.
 - **Councilman Merendino-** States that if someone damaged the endpoint, then yes, they should pay for it, but if they have a leak, they should be able to turn it off.
 - **Councilman Emmons-** Every property out here needs to get a shut off on their side of the line so if something happens, they can turn it off.
 - **Dru-** if the issue is to rewrite the ordinance, he can work with Councilwoman Mitchell to fix the ordinance.
 - **Mayor Emmons-** asks to table the decision on changing the water ordinance until it is rewritten.
- b. **Consideration/Discussion/Approval** of variance request from resident.
Approved- 6-month payment plan. M/M/2/C- **Councilman Mullins/Councilwoman Vautrot**
- **Councilman Merendino-** He had a leak under his house and didn't know. The City sent him an email to let me know, but he didn't get the email. Customer states he wasn't notified until a month after it started. He is going through some financial issues right now. He wants a payment plan.
 - **Mayor Emmons-** How long is he wanting to do it for?
 - **Councilman Merendino-** states that he isn't sure, but he is guessing 6 months like the other ones that we have done. Will he be charged a late charge since he isn't current?
 - **Mayor Emmons-** no, not if he makes the payment on time.
- c. **Consideration/Discussion/Approval** of resolution to change City office hours of public operation *Approved-* M/M/2/C- **Councilwoman Mitchell/Councilman Merendino**
- **Councilman Emmons-** right now we only have one employee, if she can't be there, who is going to run the office?
 - **Councilwoman Mitchell-** Mentions that she would volunteer. Martha can help too.
 - **Mayor Emmons-** states that there isn't a lot of foot traffic in the office. The reason for the office being closed on Thursday and Friday was to get caught up on grant paperwork and filing because it was a mess when we all got in there.
- d. **Consideration/Discussion/Approval** of cost of living raise for City employee
Approved- Office Manager Title and \$2.00 cost of living raise. M/M/2/C- Councilwoman Mitchell/Councilman Mullins
- **Councilwoman Mitchell-** Suggests giving Sabrenna the title of Office Manager and give a cost-of-living increase because she is having to do a lot of things outside her scope of work like changing endpoints. She is having to use her truck and gas to do that.

- **Mayor Emmons-** She hasn't been able to go out for the past couple of months.
 - **Councilwoman Mitchell-** if we give her a stiffen for gas, it should be done on her paycheck instead of using the City credit card. The City can just reimburse her.
 - **Mayor Emmons-** there is a difference in cost-of-living increase and a raise. Asks Councilwoman Mitchell how much she was wanting to give.
 - **Councilwoman Mitchell-** \$2.00.
 - **Councilman Merendino-** asks what Council thinks.
 - **Councilwoman Mitchell-** Is there educational requirements to make someone City Manager.
 - **Mayor Emmons-** Yes, she has been looking into it.
 - **Dru Montgomery-** If there was a City Manager, the charter would have to be changed. It would be fairly expensive and it would change our government.
 - **Mayor Emmons-** if she can get back out in the field on Thursday and Friday's. What about paying for gas? How do you want to do that? Reimbursement?
 - **Councilwoman Mitchell-** Yes, reimbursement
 - **Councilman Mullins-** Don't we have to keep a log?
 - **Dru-** yes
- e. **Consideration/Discussion/Approval** of voting on and selecting Council officers- *Approved-* Councilwoman Mitchell- **Mayor Pro-Tem** & Councilman Mullins- **City Secretary**
- **Councilwoman Mitchell-** suggests that Councilman Mullins stay City Secretary
 - **Councilman Merendino-** suggests that Councilwoman Mitchell stay as Mayor Pro-Tem and Councilman Mullins stay as Secretary
 - **Councilman Emmons-** suggest Councilman Vautrot as Mayor Pro-tem and Councilman Mullins stay as Secretary
 - **Mayor Pro-Tem-Councilwoman Mitchell- M/M/2/C- Councilman Merendino/Councilwoman Mitchell-** I's- 3/ Councilman Merendino & Councilwoman Mitchell & Councilwoman Vautrot. Neh- 1 - Councilman Emmons. Councilman Mullins abstained from voting
 - **City Secretary-** Councilman Mullins- Unanimous I's- **M/M/2/C- Councilwoman Mitchell/Councilwoman Vautrot**
- f. **Consideration/Discussion/Approval** of putting the grants that the City currently has and the grants that have previously been obtained and completed. *Approved-* Councilwoman Mitchell/Councilman Merendino
- **Councilwoman Mitchell-** Put grants that we are working on and grants that we have gotten on the website.
 - **Mayor Emmons-** How far do we need to go back?
 - **Councilwoman Mitchell-** Just a list of what we have
 - **Councilman Mullins-** suggests that above the grant a paragraph be added to state that the City hasn't been received any money.

- **Councilwoman Mitchell-** The grants that are still open cannot have as much information until they are closed.
- g. **Consideration/Discussion/Approval** of the City hosting a public workshop to discuss agenda items before they are placed on the agenda. **M/M/2/C-Councilwoman Mitchell/Councilman Mullins- *Approved***
- **Councilwoman Mitchell-** the purpose of doing that is so the citizens can come and discuss what they want on the agenda. If we have workshops, then we know ahead of time what we are going to talk about.
 - **Mayor Emmons-** mentions that one of the things that her and Councilwoman Mitchell discussed was at least 2 weeks before the Council meeting.
 - **Councilwoman Mitchell-** no one is required to come because it's a workshop.
- h. **Consideration/Discussion/Approval** of putting yearly budget and monthly expenses on the website **M/M/2/C- Councilwoman Mitchell/Councilman Merendino- *Approved***
- **Councilman Emmons-** States that it's too much information on the website. Opposed on putting it on the website.
- i. **Consideration/Discussion/Approval** of a resolution of the City Council of the City of Bevil Oaks, Texas, to remove all authority unless voted on. **M/M/2/C-Councilwoman Mitchell/Councilman Merendino- *Opposed/Denied***
- **Councilman Merendino-** City Council runs the City. There are emergencies that come up, so we gave the Mayor a \$5,000.00 limit. The Mayor should not be able to not disclose information to the Council.
 - **Councilwoman Vautrot-** So you are wanting the Council to get together any time something happens and money needs to be spent?
 - **Councilman Merendino-** No.
 - **Councilman Emmons-** Anytime we need to go out and buy toilet paper, we are going to have to have a meeting?
 - **Councilman Merendino-** We ran the City without the \$5,000 limit before.
 - **Dru Montgomery-** That isn't how the resolution is written. It states that no Council may approve any expenses unless approved by Council action.
- j. **Consideration/Discussion/Approval** of budgets for the City of Bevil Oaks for fiscal year 2022-2023 previously presented in budget meeting on September 13, 2022. **M/M/2/C-Councilman Mullins/Councilman Emmons- *Approved***
9. **Discussion**
- a. **Agenda Request** made by Councilman Merendino for various items.
- **Councilman Merendino-** would like clarification on the mowing contract map. If the work isn't completed, then it shouldn't be paid.
 - **Councilwoman Mitchell-** Can we call them out here to finish what they are supposed to be doing.
 - **Mayor Emmons-** Sabrenna documents when she talks to them

- **Councilman Merendino-** The trees that they cut down were supposed to be cut up and placed by the road for the citizens to have access to it if they wanted it. It was not put out by the road; they shoved the tree into the woods. He cut a tree at the Civic Center and crams the tree in with the other tree that had fallen.
- **Councilwoman Vautrot-** We can call them and tell them and tell them to come out and clean up what they were supposed to.
- **Councilman Merendino-** Are we going to have a City- wide garage sale?
- **Mayor Emmons-** Community Development isn't over that. If the citizens can agree on a date, then we can have one.

b. Agenda Request made by Councilwoman Mitchell for various items- **everything was covered.**

10. Reports- No reports from anyone

- a. Councilwoman Vautrot – Grounds and Maintenance
- b. Councilman Merendino – Flood Prevention Project
- c. Councilman Emmons – Roads and Drainage
- d. Councilwoman Mitchell- Water & Sewer Rates
- e. Councilman Mullins – Water & Sewer
- f. Mayor Emmons – Various Items

11. Adjourn Meeting @ 8:27 p.m. – M/M/2/C- Councilwoman Mitchell/Councilwoman Vautrot

Barbara Emmons

Mayor, Barbara Emmons

Attest: *Doug Mullins*

City Secretary, Doug Mullins