

APRIL 18, 2024

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

April 18, 2024

1. **Call to Order @ 6:30 pm**
2. **Pledge of Allegiance/Invocation-** Invocation given by resident Rita Williams
 - 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 but Councilman Clayton. He arrived at 7:15
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
 - **Rusty Howard-** States that the pothole at the beginning of Sweetgum needs to be repaired.
6. **Review/Approve Consent Items- M/M/2/C-** Councilman Merendino/Councilman Emmons-
Approved- Unanimous
 - a. **Financial Reports City of Bevil Oaks**
 - b. **Financial Report Public Works**
 - c. **Utility Innovations Report**
 - d. **Previous Meeting Minutes**
 - **Mayor Mitchell-** states that there were a lot of meeting minutes that needed to be updated so that they could be put on the website.
7. **Review/Action Items**
 - a. **Consideration/Discussion/Approval of bids received to dispose of the brush pile at the Event Center. M/M/2/C-** Councilman Merendino/Councilman Watson- **Approve bis of \$1,350.00 - Unanimous**
 - **Councilman Wright-** States that the three bids that were received, are all for different scopes of work.
 - **Councilman Merendino-** States that the bid that was received from Cousin's lawn service was different due to a misunderstanding between himself and Ruben (owner of Cousin's). States that he asked Ruben to give him a quote on weed eating around the brush pile and cutting down a few small trees. States that Ruben misunderstood what we were needing a quote for. States that his bid is no good, so there is only 2 bids.
 - **Councilman Wright-** asks about the pile that is in the back corner
 - **Councilman Thibodeaux-** States that the person that cut down the tree was asked to cut down the tree and place it in a pile. States that he (Councilman Thibodeaux) did not realize that it was so low in that spot.
 - **Councilman Wright-** States that the bids are for two different things then
 - **Councilman Merendino-** Yes, they are two different scopes. States that one of the bids is to burn the big brush pile with a machine on standby to push up the pile as it burns, however, he is not sure that someone will be there while it burns to do so.
 - **Councilman Wright-** asks Councilman Merendino what his opinion is on the bids?

- **Councilman Merendino-** States that he would like the pile to be gone. The wind has been blowing bad, which will make it difficult to burn. States that the pile has been there for two years. States that he planned on burning the pile, but he hasn't had time to do it. The weather has made it difficult as well since it has been windy and raining most days.
 - **Councilman Wright-** Asks if the bid included hauling off the pile and taking care of the stuff in the corner of the lot?
 - **Councilman Merendino-** No. States that there is a big log in the corner pile that he couldn't move with his tractor. States that if the guy can pick up the log and put it in the truck, then he will.
 - **Councilman Wright-** asks if we can cut the log in half?
 - **Councilman Merendino-** States that it's hard to get in there to the log to cut it.
 - **Councilman Wright-** States that he would like to have the pile picked up instead of burning it.
 - **Councilman Emmons-** agrees.
 - **Mayor Mitchell-** Asks how soon the guy can pick up the pile?
 - **Councilman Merendino-** Almost immediately.
- b. **Consideration/Discussion/Approval** of resolution for the City spending policy.
- M/M/2/C- Councilman Merendino/Councilman Watson- Approved with revision of \$2,500 spending limit- Unanimous**
- **Councilman Wright-** In the resolution, it states that if any Council member wants to spend over \$1,000, it must be approved by Council. States that if he needs to buy a pump that costs \$2,000, he will have to come to Council to do that. Asks if the amount should be changed to \$10,000.
 - **Councilman Watson-** asks Councilman Wright how many times since he has been over the water department, he has had to spend \$10,000?
 - **Councilman Wright-** Never.
 - **Councilman Watson-** Suggests making the amount \$5,000 rather than \$10,000.
 - **Mayor Mitchell-** States that the purpose of the resolution is that when Council is doing their job duties, they don't have to keep bringing it to Council when they need to purchase something.
 - **Councilman Watson-** States that he would like expenses that need to be made, that are not an emergency, be brought to Council so that everyone is involved in the decision-making process because money is being spent.
 - **Councilman Wright-** states that where he disagrees with that is that does Council need to be in the know before or after the fact?
 - **Councilman Watson & Councilman Merendino-** before.
 - **Councilman Wright-** i.e. there were several complaints about a sample point where Utility Innovations takes the TCEQ sample. The resident stated that she didn't want anyone sampling water on her property anymore. That job cost around \$2,000. States that is the kind of thing that he is mentioning. The job was done and he reported it after the fact.

- **Councilman Watson**- States that he agrees with what Councilman Wright is saying, but he doesn't think that the budget needs to be that large.
- **Councilman Wright**- States that he agrees that it doesn't need to be that big of a budget.
- **Mayor Mitchell**- States that when things were being done in the Event Center, that it was a communication between her, Councilman Thibodeaux and Councilman Clayton and then they kept everyone else in the loop.
- **Councilman Watson**- States that none of the stuff that needs to be done is a matter of life and death.
- **Mayor Mitchell**- Right, but we are improving what we have because we didn't have the technology.
- **Councilman Wright**- States that it is the principle that Councilman Watson is mentioning.
- **Councilman Merendino**- States that as long as the toilets flush and the water comes out of the spigot that Councilman Wright should be able to make the decision whether we need three booster pumps put in today. That's an emergency. States that the way that the resolution is written is that if i.e. Councilman Thibodeaux wants to put a bathroom at the park, he can call the Mayor and get it done and none of the rest of the Council know anything about it.
- **Mayor Mitchell**- States that the amounts are in the government code.
- **Councilman Merendino**- States he is just informing everyone how it has been since he has been in Bevil Oaks.
- **Councilman Wright**- States that it all boils down to accountability. States that if it is a Council member's job to take care of i.e. water plant, then that Council member is accountable for those expenses.
- **Councilman Merendino**- States that if it isn't an emergency and funds need to be spent, we have the ability to call a special meeting.
- **Councilman Emmons**- States that is micromanaging.
- **Councilman Watson**- States that it isn't micromanaging, it is spending our money wisely.
- **Mayor Mitchell**- states that number 5 is blank, so Council can fill in whatever amount they want.
- **Councilman Merendino**- States that he doesn't think that Mayor should be able to spend \$50,000 without the Council's approval unless it's an emergency. States that he doesn't think that the Council should have the authority to spend \$10,000 by a text message to the Mayor.
- **Mayor Mitchell**- Asks what amount he thinks Council should be able to spend without Council approval.
- **Councilman Merendino**- suggests leaving the Council budget at \$2,500 spending limit in non-emergent situations, excluding the water department.
- **Councilman Watson**- States that in an emergency situation, the Mayor needs to be able to spend whatever she needs to spend.

- **Councilman Merendino-** States that before in a previous emergency situation, we have had an emergency meeting.
 - **Councilman Thibodeaux-** States that nothing has been done independently. States that if something was done by him, he has always talked to another Council member and the Mayor.
 - **Mayor Mitchell-** asks if there is anymore discussion besides changing number 5 to a \$2,500 spending limit.
 - **Councilman Merendino-** States that he has a problem with all the amounts. The Mayor shouldn't be able to spend \$10,000 without Council approval either.
 - **Mayor Mitchell-** That \$10,000 is from the government code (#252). You can't take away from the government code. You can add to it, but you can't take away from it.
 - **Councilman Thibodeaux @ Councilman Merendino-** Asks what number he would suggest for the Mayor spending limit?
 - **Councilman Merendino-** \$2,500 except for water department.
 - **Mayor Mitchell-** You can't exclude just one portion. It is all or nothing.
 - **Councilman Merendino-** States that he would like everyone's spending limit to be \$2,500 including the Mayor's spending limit. With a spending limit of \$2,500, the Mayor can still buy a computer if she needs to. States that he thinks that critical maintenance should be the only exception.
 - **Councilman Thibodeaux-** should there be a cap on the critical maintenance.
 - **Councilman Wright-** No, but you should report it at the next meeting.
 - **Councilman Thibodeaux-** What would the number look like for critical maintenance?
 - **Councilman Merendino-** \$50,000 is the critical maintenance budget, but it has to go out for bid.
 - **Councilman Watson-** States that he agrees with there being a budget of \$2,500 across the board.
 - **Mayor Mitchell-** States that Council can come up with the spending limit and we can send it to Dru to make sure that he is okay with it being that he is the one that came up with the current numbers.
 - **Councilman Emmons-** States that the \$10,000 is from the government code.
 - **Mayor Mitchell-** states that you can be stricter than the government code. States that if Council decides on the \$2,500 spending limit, to keep in mind that it could be rejected by Dru and it will have to be brought back from Dru.
 - **Councilman Merendino-** makes a motion that Council accepts the resolution with a \$2,500 spending limit for each Council member other than critical maintenance.
- c. **Consideration/Discussion/Approval** of purchasing generators for City Hall and the Event Center. *M/M/2/C- Councilman Thibodeaux/Councilman Watson- Approved-committee will look at bids submitted and see which bid to take. Committee consist of Councilman Merendino, Councilman Watson and Councilman Thibodeaux.*

Unanimous vote to put generators at City Hall and Civic Center with the exception of Councilman Merendino. He did not approve of putting generator at City Hall, only at Event Center.

- **Councilman Merendino-** States that we have a small generator that was bought for the office that will power the entire building. All we need is a plug to plug it into the building.
- **Mayor Mitchell-** Asks what happened to the plug that was at the building?
- **Councilman Merendino-** States that it was a temporary plug.
- **Mayor Mitchell-** Asks what the downfall was to having a permanent generator vs. the temporary one.
- **Councilman Watson-** The only downfall to using the temporary generator is that it won't run the a/c. The rest of the building will run.
- **Councilman Merendino-** States that if we just have the temporary generator and the lights go out, the office staff can come the Event Center to operate the City.
- **Mayor Mitchell @ Councilman Merendino-** So you are suggesting that we just have a generator at the Event Center?
- **Councilman Merendino-** Yes.
- **Councilman Wright-** Don't the computers at City Hall have a battery back up?
 - **Mayor Mitchell-** Yes. A 2-hour back up. The whole purpose of putting a generator at the Event Center is so that in the case of an emergency, we can use it as a command center. States that we need to be self-sufficient.
 - **Councilman Merendino-** States that he would like to have just the generator at the Event Center. States that he thinks that is spending the citizens money wisely. States that if there is a imminent storm coming, the girls don't need to be there anyways
 - **Councilman Thibodeaux-** Asks what the size of the temporary generator is?
 - **Councilman Watson-** 6,250 watts
 - **Councilman Thibodeaux-** States that he wouldn't recommend a gas generator because of the fact that gas has to be stored and fresh gas has to remain in the generator. States that they don't offer clean power either. States that with a portable generator, you have to have gas on site, and you have to have someone to roll the generator to where it needs to be. Who is going to do that? The maintenance on that is going to be more. States that if the power goes out and there is only a generator at the Event Center, the girls will have to bring computers down to the Event Center and then back to City Hall once the power comes back on. States that the generator is more than just for a storm.
 - **Councilman Merendino-** States that even with the permanent generator, it won't run the water heater at City Hall because it is a tankless water heater.
 - **Councilman Thibodeaux @ Councilman Merendino-** Ask who told him that?

- **Councilman Merendino-** The guy who installs the permanent generator.
- **Councilman Thibodeaux-** States that the other people that gave us a quote, said that it can be put on a delay.
- **Councilman Watson-** States that his personal generator will drop out what power source isn't needed.
- **Councilman Thibodeaux-** States that the office has been open for a long time without hot water, so it is a non-critical item. States that he would recommend that a natural gas generator be installed at City Hall.
- **Councilman Merendino-** How many hours is the office open.
- **Councilman Thibodeaux-** States that is irrelevant. City Hall is the heartbeat of the City and our only revenue resource, so we need to give them the best that we can offer. States that he did receive another quote, however, he couldn't email it.
- **Councilman Watson-** How much was that bid?
- **Councilman Thibodeaux-** States that he can't get the quote to open.
- **Councilman Merendino-** Suggests tabling the decision on the generators until we receive the other quote.
- **Councilman Watson-** States that Kent Burch (owner of gulf coast generators) is fantastic to work with.
- **Mayor Mitchell-** Suggests setting a budget for generators and putting a committee of 3 Councilmembers to decide on it instead of it being brought back to Council.
- **Councilman Merendino-** States that he doesn't see what the rush is because we haven't had a generator up to this point, so he doesn't see why it can't wait until next month's Council meeting.
- **Councilman Clayton-** States that tabling it is just delaying the decision.
- **Councilman Watson-** informs Councilman Clayton that a spending limit was set for each Council member earlier in the meeting of \$2,500.
- **Councilman Merendino-** asks if we are doing both buildings
- **Mayor Mitchell-** Please keep in mind that the fund for the generators is coming out of the insurance fund.
- **Councilman Merendino-** Do we get a discount if we do both generators at the same time?
- **Councilman Clayton-** States that whoever is on the committee can discuss that along with who is going to install the generators.

8. Discussion

a. Discussion/clarification on Council responsibilities

- **Councilman Merendino-** states the he brought it to the agenda because he got a bid for the debris removal at the Event Center and so did Councilman Thibodeaux, so he wanted clarification on who was over what. States that he would like more communication if another Councilman is getting a bid for one of his areas of responsibility or if they something that is wrong in one of his areas of responsibilities.

b. Removal of rock pile at old City Hall location

- **Councilman Merendino-** States that since he is over the parks, he doesn't want it to be a stockpile area. States that he wants the pile of rock moved. States that there will be a new County Commissioner. Suggests asking the new Commissioner what the County can do to help us get it removed.
- **Councilman Clayton-** States that something needs to be done with the rock pile because it is a liability to the City. States that kids climb on it all the time.
- **Councilman Emmons-** States that the previous County Commissioner (Commissioner Pierce) agreed to move the rock to the Sewer Plant, but we held off on it because Commissioner Pierce thought that the County would be able to buy it from the City and use it. Commissioner Pierce couldn't get the funds to purchase it. Being that Commissioner Pierce passed away, Councilman Emmons states that he would contact the field superintendent to see if the County would still honor the Commissioner's deal and move the rock to the Sewer Plant.
- **Councilman Merendino-** Why would the City keep the rock? There is an agreement signed by the previous Mayor (Mayor Barbara Emmons) and Commissioner Pierce, that states that the County will not do any road work in the City, other than patching potholes, for 4 years.
- **Councilman Emmons-** States that we can get them to move the rock pile and use it later on down the road or we can try to sell it. That means it has to be put out for bid and it can't be moved until it is sold. It may be two or three months if we bid it out.
- **Councilman Merendino-** asks why the County can't buy it?
- **Councilman Emmons-** States that they couldn't get the funds to purchase it.
- **Councilman Clayton-** States that it seems feasible to move the rock back to the Sewer Plant if we are going to be able to use it later on.
- **Councilman Merendino-** suggests getting the Commissioner to come look at the rock pile to confirm that it can be moved at no cost.
- **Councilman Thibodeaux-** asks Councilman Merendino to please allow the other Councilman to complete their sentences before saying anything else.
- **Councilman Emmons-** states that he is going to call and see if the current Commissioner will still honor the deal that he made with Commissioner Pierce and get the rock pile moved. States that we will lose money if we try to sell the rock because the cost for that material has dropped.
- **Councilman Wright-** States that there are two solutions to having the rock pile. We can move it or we can sell it. The first solution is to see if we can move it.

c. Process of removing the steps and ramp at old City Hall location

- **Councilman Merendino-** States that the steps are another hazard that is at the park area. Suggests posting them on the website for free at a first come first serve basis. Suggests giving whoever wants them, two days to remove it.


- **Councilman Emmons-** states that giving them two days to get the steps and ramp may not be feasible.
 - **Councilman Clayton-** asks if the City is allowed to post it on Facebook market place?
 - **Councilman Emmons-** No
 - **Mayor Mitchell-** the Council member that is over grounds and maintenance can.
 - **Councilman Merendino-** states that he would post it on Facebook.
 - **Mayor Mitchell-** suggests doing a call out.
- d. Changes to the water ordinance
- **Mayor Mitchell-** suggests raising the deposit for homeowners since the deposit for the renters deposit has been raised because the City has been stuck with bills from homeowners as well, not just from renters
 - **Councilman Merendino-** asks how much she is suggesting it be raised to?
 - **Mayor Mitchell-** The same as a renter.
 - **Hether Steelman-** there is a current situation where a renter left a bill and the homeowner had to pay the renters bill plus the deposit to have the water turned back on in the owner name. States that is why the renter deposit is higher.
 - **Mayor Mitchell-** states that there isn't much difference in an owner and a homeowner because they both leave bills
 - **Heather Steelman-** States that we also need to charge a turn on fee for new service because we have to pay Utility Innovations to come out and turn the water on. All the things that are highlighted in blue are suggestions from Sabrenna.
 - **Mayor Mitchell-** States that there be a separate line item on the financials for deposits instead of it being taken out of the general fund. States that she will do a rate sheet and bring it back to Council.
 - **Councilman Wright-** Suggest adding the quote will be given by the contractor prior to the sewer tap being done.
 - **Heather Steelman-** states that people were getting disconnected for just owing a late fee, so it is being suggested that the services not be disconnected for only owing a late fee. Council needs to decide on how much the services will get disconnected for.

9. Reports

- a. **Councilman Merendino-** No report
- b. **Councilman Watson**
 - States that the call out system is great. States that he has administered call out through the office for various things. States that he has rode through Bevil Oaks doing a survey of the streetlights. States that there is only one streetlight out at Riverbend and Moss Hill. States that there are some areas that need streetlights that don't currently have them.
 - **Councilman Clayton-** Suggests looking at the areas that need the streetlights the most since it is expensive to have them installed.

- **Mayor Mitchell**- Suggests starting with Riverbend because it is dark.
- c. **Councilman Emmons**
- States that there are some ditches that need to be cleaned out. States that the ones that need to be cleaned out, are just leaves that are piled up. States that the County will come out next week and get all the work orders that he turned in, completed. States that if they do come out next week, that he will try and get them to move the rock since they will already have equipment in the area. States that he would like to look into getting a contract with someone to maintain the leaves in ditches rather than getting the County to do it because that takes away from the other work that the County does for the City.
- d. **Councilman Clayton**
- Commends the Council on getting things done.
- e. **Councilman Wright**
- States that there was a leak on Yellowstone. States that when there is a localized leak and it only affects certain houses, only those homeowners are notified. The entire neighborhood isn't notified if only one street is under a boil water notice. States that the water department is dead on with the budget. States that the only part that is lacking in the budget is revenue. States that one of the problems that we have had is meter failures and we have also had a problem with getting the replacements delivered. States that the items that were mentioned at the town hall meeting have been sorted out so that it can be looked at in the next budget meeting.
- f. **Councilman Thibodeaux**
- States that in order to stay compliant with the temporary C.O.O. for the Event Center, there needed to be a emergency disconnect on the outside of the building. States that installing a generator would suffice that. States that he has a quote of \$1,800 to just install the emergency disconnect or it can be done with the installation of the generator. States that there isn't any lighting on the outside of the building. States that he has gotten a quote for wall pack lights on the outside of the building for \$2,700. States that he has worked on the Event Center rental agreement. Suggests that alcohol isn't allowed when someone rents the Event Center. Discusses items in the Event Center rental agreement.
 - **Mayor Mitchell**- states that she is looking into the additional things that need to be done for the vacant properties.

10. Adjourn Meeting @ 8:33 pm Councilman Emmons/Councilman Thibodeaux



 Mayor Cheri Mitchell

Attest: 

 City Secretary, Jeff Thibodeaux

Approved on this 19 day of September, 2024.