

Regular Meeting
CITY OF BEVIL OAKS, TEXAS
MINUTES
August 21, 2014

1. Mayor Ford called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance/Invocation led by Citizen Bledsoe.
3. Roll Call: Councilman Tevis absent
4. Conflict of Interest Statement: None
5. Citizen Comments (3 minutes each) – No citizen comments
6. Report from Neighborhood Watch by Officer Jeff Chadney
7. Presentation from JCESD#1 – Mr. Lavon Jones discussed the reasoning behind the beginning of the appraisal district, as well as the effective tax rate. Mr. Jones continued by explaining the handout, and how there is a set rate of what they cannot go over, as it is established in the Constitution of the State of Texas. He continued by giving them the current tax rate, and how the citizens can calculate the amount due. He continued explaining how staying at the effective tax rate for any length of time can hurt the district, as insurance, fuel, costs of equipment, and more have all continued to go up. Of the 27 districts that tax property, JCESD#1 ranks #26, with JCESD#2 being the only one ranking any lower. If you go over the roll back rate of 8%, then you are looking at elections and other items. However, they are looking at a potential roll back rate of \$0.75892. That means an increase of approximately \$27.95 for every \$100,000 worth of valuation of property. Mr. Jones turned it over to Fire Chief Chris Gonzales. Chief Gonzales stated the reason it is being considered is the daytime coverage is essentially zero. They are volunteers, and when each one leaves to go out of district for work or whatever, they leave the district open without coverage. Example, if a child is choking, and everyone is out of the district, the closest help is likely from Beaumont, approximately 12 or more minutes. However, it could be coming from Silsbee or other areas as well, causing the delay to be a lot longer. They want to hire a full-time EMS who can have the education and training to get the proper help much faster. Chief Gonzales stated they are asking the citizens to consider a potential tax increase for the district. He continued stating that if they looked at their tax bill for 1992, they have probably gone down on what they pay to the district. Chief Gonzales listed costs of things, such as a fire truck is approximately \$250,000, and how some of their equipment is out of compliance with certain standards. The two newest districts are bringing in over \$300,000, while our district is bringing in only approximately \$90,000. He wants the citizens to consider that if they don't want to consider this increase, and they need to call 911, yet no one shows up, there isn't anything they can do right now. An example given was a couple of Sundays ago, a call came in and the volunteers were at Church themselves, and no one was available to take the call. He asked for the citizens to consider, if it comes up for a vote, to consider voting for an increase. Councilman Grimes asked with this increase, what would they be making? Chief Gonzales stated it would then be about \$150,000, which is still less than the other districts. This would allow them to man the station and pay them. They are hoping for fire fighters and EMS personnel from other districts to work on their time off and be able to pay them. This would cost about \$45,000. Councilwoman Adams stated that many times she and her husband are the only ones

available, and they are not EMT certified or qualified to do so much. Chief Gonzales reiterated all they are asking is for the citizens to consider the potential increase. He also discussed how having a fire department in the City helps each homeowner with their insurance rates, regardless if a citizen ever dials 911 or not. Mayor Ford wanted the citizens to also remember that Bevil Oaks is not the only City this district covers. Mr. Jones stated he wanted to also mention the district will be sending a letter to the citizens, and a public hearing will probably be held the first couple of weeks of September. The notice and hearings are not required since they are so small, but they are going to hold it anyway, because they feel it is the right thing to do.

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

a. July 17, 2014 Minutes of Regular Meeting

b. July 31, 2014 Minutes of Special Meeting

c. August 18, 2014 Minutes of Special Meeting

d. July 31, 2014 Financial Reports – Councilman Merendino asked about why the City side shows 3 columns on the City side, while the water side has 4 columns, and how the City side doesn't break down the administrative side. Kimberely Vandver stated Charlotte Yeates came out this time, and normally it is Mary O'Dell, so she may have just forgotten. I will make sure next time it is done.

e. Report by Utility Specialties (report in council packet)

f. Report by Carroll & Blackman (NO report this month)

9. Review/Approve Action Items

a. Consideration/Approval on various options to borrow funds necessary to replace all water meters within the City **M/M/2/C: Fruge/Merendino APPROVED** Mayor Ford stated she checked out the options, and feels the Government Capital Company given to the City by Rural Pipe (Badger meters). They have gone down on their percentage to 3.495%. Mayor Ford stated she is going to recommend using this company \$24,028.68 per year, with the first payment due September 2015. Councilwoman Adams asked the Mayor to explain briefly why we are looking at this. Mayor Ford stated we have had several meetings discussing how our water meters are not reading accurately, and with the Beaumont agreement, we have to show our meters are reading at 90% accuracy. She continued how going with this system, it will notify the citizens on leaks and other things almost immediately rather than a month later. However, individual bills may come in higher, because they are being charged for actual usage. Councilman Merendino asked if she found out if they had any points or other fees. Mayor Ford stated there are no points or fees. Councilman Fruge stated he had done several reference calls, and 3 of the 4 had been using Orion drive-by system beforehand, and all 3 stated as the Orion system aged, they started having problems. Westlake, one of the references, have tried before to do this type of system but couldn't in the past, because of hills and other items, but this system allows them to use it completely. All references said it was really a no brainer. One reference in Louisiana stated even if there is only one bar, it can read it. He continued with how this same reference used the APP to show a customer that he did in fact use the water, with a graph, and when the customer fixed his meter. It allows the customer to monitor their own usage and allows them to know if they have a leak. Councilman Fruge also stated one reference, at Stanford University in California, stated they use the system to find leaks due to droughts and fires. Ragley informed him about another meter that seems to be more accurate, that may be something to consider. Councilman Fruge did have a feeling of security regarding the

system, but also feels we will need another meeting regarding amounts and items. Mayor Ford asked to vote regarding this company for the money, and can set another date for the rest of this topic. Mayor Ford asked for a motion and second regarding using Government Capital for the cost of the meters. Councilman Fruge made the motion, Councilman Merendino seconded. Councilman Merendino also informed the citizens that it is expected for the cost of these meters will be out of the accuracy of the water bills, plus the \$3.00 second meter charge will go away. Mayor Ford continued that once we lock this down, we will send a newsletter out also offering citizens the ability to get a second meter at the discounted cost. The next meeting will be September 2, 2014 @ 4:30 p.m. upon the confirmation of Rural Pipe being able to attend.

b. Consideration/Approval of Resolution concerning certificates of obligations, bonds or other obligations & official intent to use proceeds therefrom to reimburse the City for original expenditures paid prior to the issue date of such obligations on projects to be financed **M/M/2/C: Fruge/Merendino APPROVED** Mayor Ford explained this resolution is to allow the City to be reimbursed for things such as the Engineers costs that are being spent now. City Attorney Dru Montgomery stated it needed to have the "Board of Trustees" to be changed to the City. Mayor Ford asked if there was a motion for approval with this correction. Councilman Fruge made the motion with Councilman Merendino seconding. Councilman Merendino also explained to the citizens how the City is hoping this will actually pay for itself without having to raise rates. Councilman Fruge explained this is not the City saying we are borrowing the money now, but that we can be reimbursed if and when we do. Councilman Merendino also explained one thing the City Council has been trying to do is make sure we don't borrow the money before it is needed, so the City is not paying on interest and other things before we are ready.

c. Consideration/Approval of Adopting Proposed 2014 Property Tax Rate **M/M/2/C: Adams/Grimes for option 3 APPROVED** Mayor Ford informed the City Council there are three options to accept, with the first option being that of last year's, the second being what the effective tax rate is, and the third option is the one closest to our actual budget that was set before we had the effective tax rate. Mayor Ford stated should we go with anything less than our budget; we will need to revisit the budget. Councilwoman Adams made a motion to use option 3; Councilman Grimes seconded. This year's effective tax rate is \$0.215774/\$100, giving \$104,809, which is option 2. Option 1, at \$0.215774/\$100 would give \$105,644, and option 3 at \$0.221567/\$100 gives \$113,193, for a small increase of \$8,384.

d. Consideration/Approval of Amendment to Ordinance 191, creating Ordinance 241 **M/M/2/C: Grimes/Fruge APPROVED** Mayor Ford explained last month our Code Enforcement officer had an issue of giving out notices for travel trailers, but in actuality, Ordinance 191 did not mention RV's or travel trailers. This ordinance would only add the language and definitions of RV's and travel trailers as residence. It does not include parking them in yards or driveways. Councilman Merendino asked if there was a time limit on visitors. Mayor Ford stated not on this ordinance. This is something that would need to be addressed on something different, and would probably need some kind of permitting process or something that would allow the neighbors to have a say that they approve or not. Councilwoman Adams felt it was ok to use it as a second bedroom for visitors, while Councilman Merendino felt this becomes a Code Enforcement issue. Councilman Merendino asked if we were going to add length of time or anything, and Councilman Fruge

stated that would come later in a different ordinance. Councilwoman Adams requested to abstain from voting. Mayor Ford approved.

e. Consideration/Approval of Contract from Carroll & Blackmon regarding Sewer Project **M/M/2/C: Fruge/Grimes APPROVED** Mayor Ford asked if there was a motion to approve the contract from Carroll & Blackmon as presented. Councilman Fruge made the motion, with Councilman Grimes seconding. Councilman Merendino asked if it wasn't approved right now, if it would hold up anything. City Attorney Dru Montgomery stated it is better for this contract, as it would authorize them to start under the contract, where if it isn't approved now, they would be charging per hour and need to give a new contract. Councilman Fruge stated it would also affect the date of February 1st to go out for bids for the Sewer Project. If we delay him a month, it would also delay that project. Councilman Merendino stated he was asking to see if there was time for him to go over it in further detail. Councilman Fruge asked Toby Davis, Engineer, if this was an individual contract specifically for Bevil Oaks, or was it used with other entities. Mr. Davis stated this is a contract that is pretty standard, and has been used in other projects, including with Lumberton MUD, City of Silsbee and others. Mr. Montgomery stated he gave recommendation to this contract.

10. **Reports from the Mayor and following committees:**

a. Mayor Ford – Update on proposed FEMA flood map & the appeal; CenterPoint Energy update; Mayor Ford stated we started by hiring an engineering firm to challenge FEMA. In talking to the engineer, he felt we should be happy with the approximately 50% we were given from FEMA. She also stated there were several areas that were too small to show on the map, and those areas could apply for a LOMA once the new maps become effective. If awarded a LOMA, it would give you the best rate for insurance, pulling the home out of the special hazard area of the flood zone. Mayor Ford also informed the Council and citizens that in order to continue appealing the map, we would have to do an entirely new study, which would have to include specific elevations at each location, and cost the City a lot more money. Should there not be any more studies, and we move forward, we should receive revised maps within 3-5 months. It could take up to a year or more for the new maps to become effective. At that time, anyone with an elevation certificate showing their home is built above the BFE (Base Flood Elevation) the City can submit the paperwork for a LOMA on their behalf. Mayor Ford then turned it over to Kimberly Vandver to discuss CenterPoint Energy. Mrs. Vandver stated several months ago the City Council voted to not adopt their new proposed rate, which was at an increase of \$1.21 per residential meter. Because of that decision by City Council, the City will now receive the amount currently awarded them through their GRIP application, which is \$1.20 per residential meter. However, the gentleman from CenterPoint Energy also stated they have up to 5 years to file a final application with the state, at which the state could come back stating they should not have been able to be reimbursed for parts, giving potential refunds by then; but again, they have up to 5 years to do the final process, and there is no guarantee of a refund at all.

b. Councilman Fruge – Drainage update: Councilman Fruge stated DD6 was out here cleaning out the ditch at Riverbend to about Wayside, over to River Road, because the ditch was about a foot higher than the culvert. They also cleaned out behind the fire station. At this time, that equipment has been taken back to another job elsewhere. We do not have any promises as to when they will be back out here. Councilman Fruge stated both he and Mayor Ford met with Commissioner Arnold, and Robbie Griffin, his superintendent, stated he would try to get the current list of work orders that have been

open for about a year and a half, done by December, but that is if all goes well. However, they only have 9 employees, and all workers are on the road crews when possible.

- c. Councilman Grimes – Christmas in the Park has received some gifts from DPS, and it will be December 6th starting at noon. Parade will start at 1:30, and trophies will be given for both adults and kids. There will be games, face painting, food and more. They have also requested to put up a permanent type of horseshoe thing in the park. There will also be prizes, Santa, and the Sons of Confederate Veterans. There will not be any gun battles, but the cannon will sound the start of the parade. City-wide yard sale will be held October 18th; City-wide cleanup will be held October 25; Pet Clinic will be held October 2 from 6-9 p.m. It was requested for more volunteers for all events, including the pet clinic and Christmas in the Park. There was also a yard of the month for August, Mr. & Mrs. Martin on Thousand Oaks, but they have not been able to get in touch with them.

11. Councilmember Comments:

- a. Councilman Merendino – Discuss the rules of conduct during the meeting and enforcement. Councilman Merendino stated he wanted to discuss the rules that was adopted a while back, and we hired a police officer. However, several people have stopped coming to the meetings because they feel intimidated. However, just like how Kim Roberts and Jane Hebert just spoke out, it states they are given one warning and then escorted out or arrested. Councilman Merendino asked if we could revisit this as he wants to hear from all of the citizens if they want to talk. City Attorney Dru Montgomery addressed the fact that this is not for those who throw a little out, but rather for those who come to disrupt the meetings, it undercuts the rules of the quorum. The compromise of everyone saying what they want when they want, versus no one being able to talk at all... For the most part, there are activists that exploit the lack of rules to interrupt meetings. After reviewing a lot of policies and rules, it is either having the rule or not. Councilman Merendino asked if we could give it another go, and Mr. Montgomery stated that was up to the Council. Mayor Ford stated at the time, there were a lot of citizens who stated without it they would not come to the meetings if we didn't have them. Councilman Merendino stated he wanted to know when and how were the rules going to be enforced. Mayor Ford stated as long as people are behaving, why worry about it? Councilman Merendino stated if someone wanted to talk, they need to raise their hand and be called on. Mr. Montgomery stated the way it works is the Mayor has the ability to state someone is out of order and needs to be quiet. However, if they are congratulating someone or a small comment, if they are being polite, it means he feels the rules are working. Mr. John Byrn asked Mr. Montgomery if the Council can talk back if it is his turn. Mr. Montgomery stated the Mayor has the opportunity Mr. Montgomery stated the open meetings act is a protector to those citizens who are here, and there has to be limits. Councilman Merendino stated

12. Mayor Ford adjourned Regular Meeting at 8:57 p.m. **M/M/2/C: Merendino/Fruge**
APPROVED