

City of Beasley

MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY – FEBRUARY 20, 2018 – 7:30 P.M.
BEASLEY CITY HALL
319 SOUTH 3RD ST., BEASLEY, TX 77417

Call to Order: Mayor Kenneth Reid called the meeting to order at 7:30 p.m.

Roll Call: Council Members Dale Lindemann, Jerri Lindemann, Al Becan, Yvonne Meyer and Douglas Harris were all present.

Approve minutes from January 23, 2018 meeting: Ms. Meyer made the motion to accept the minutes as written and Mrs. Lindemann seconded. *Motion carried.*

Mayor Announcements: Enclosed is a letter from the Comptroller's office stating they may ask the Attorney General to file a lawsuit for \$3.62 on Bureau of Collection Recovery, LLC located in Michigan for delinquent sales taxes. City of Beasley will automatically be included in this lawsuit since it includes city sales tax.

Early voting for the March 6th primary begins here at City Hall on Tuesday, February 20th and ends March 2nd. Election Day is March 6th.

There will be a city wide garage sale held Saturday February 24th. The Pavilion will be available for anyone wishing to use a space. Contact Samantha at samanthaallynreid@gmail.com if you are interested for a space at the Pavilion.

OLD BUSINESS

- A. Consult with Attorney pursuant to the Texas Open Meetings Act §551.071 regarding Cause No. 4:17-cv-02091; *KEM Texas, Ltd. vs. City of Beasley, et al*; United States District Court for the Southern District Court of Texas Houston Division.

Council went into closed Executive Session at 7:34 p.m.

- B. Discuss and take appropriate action regarding matters discussed in Executive Session regarding Cause No. 4:17-cv-02091; *KEM Texas, Ltd. vs. City of Beasley, et al.*, including, without limitation, consideration of a proposed settlement of the *KEM Texas, Ltd.* case.

Council returned to Open Session at 7:52 p.m. In the second mediation meeting, the City agreed to allow KEM Texas to keep the sign at its present location. KEM will pay the legal fees through the dismissal of this suit and a \$25,000 settlement. They also agreed to indemnify the City if anyone should sue because City settled. Mrs. Lindemann made the motion for City to change the sign ordinance making the sign legal and to remain in its present location, KEM Texas to pay the City's expenses to this point for attorney fees up to a total of \$25,000 and also agree to indemnify and protect the City in the event Mr. Lalani or anyone else decides to sue the City as a result in making this settlement. Mr. Becan seconded and *motion carried.*

C. Discuss and act on U.S. Underwater Services bid

The estimated project cost submitted is \$4,300.00. Since the water tower has never been inspected or cleaned, Ms. Meyer made the motion to accept U.S. Underwater Services' cost to get the inspection and cleaning done in order to meet TCEQ's standards and Mr. Becan seconded. *Motion carried.*

D. Discuss and act on hiring CPA

Mr. Phil Stephenson has not responded to our request for a bid. Al Sandersen has been the City's CPA since 2013. Mrs. Lindemann made the motion to continue Mr. Sandersen's services and Ms. Meyer seconded. *Motion carried.*

NEW BUSINESS

A. Discuss and act on signage

Kandice Gremillion has placed an off premise real estate sign on the city easement at the corner of Loop 540 and South Seventh Street. Ms. Meyer made the motion to remove the sign within thirty (30) days and Mr. Becan seconded. *Motion carried.*

B. Discuss and act on the activities of the city code enforcer

Mr. Harris made the motion to cease all citations and existing litigations referring to automobiles, trailers, RV's, boats and basically anything with wheels or anything that can be propelled on water until the codes can be reviewed and amended. Mr. Lindemann seconded and the *motion carried.* Let the records show that the motion was made with three (3) ayes and two (2) nays by Mr. Becan and Ms. Meyer.

The next court date is March 8th. Rocky Poehls will not need to attend due to this stop action that Council just approved.

C. Discuss and act on winery construction

Ms. Annette Gonzalez and her husband are planning to construct a full production winery, wine tasting room and food truck on the corner of Loop 540 and South Fourth Street. Construction is planned to begin next month and be finished by October. No action taken by Council.

D. Discuss and act on City Hall repairs

Rodriquez Construction submitted a bid for \$17,676.65 to repair the floor and paint the walls in City Hall's middle room and level the floor, repair the roof paint and finish work inside and outside the conference room and City Hall and install an underground drainage pipe where the two structures meet. Mr. Lindemann made the motion to allow the repairs and Mr. Harris seconded.

Motion carried.

E. Discuss and act on changing city council meeting time from 7:30 p.m. to 6:30 p.m.

Ms. Meyer made the motion to change the meeting time from 7:30 p.m. to 6:30 p.m. and Mr. Becan seconded. *Motion carried.*

Financial Report: Ms. Wanda Andel presented Council with a Financial Statement showing the General Fund with \$168,436.08 and the Water/Sewer Account with \$69,732.32. A check for \$10,000.00 was issued out of the General Fund to Rodriquez Construction as a down payment on City Hall repairs and a check for a down payment of \$20,400.00 was issued out of Water/Sewer to RSC Roofing Steel Construction for the SHOP addition. Mrs. Lindemann made the motion to accept the report, pay the bills and Ms. Meyer seconded. *Motion carried.*

City Building Report: The following permits were issued for a total of \$1,588.51:

#0801	02/06/2018	Educator's DePot	7903 Loop 540	Storage Bldg.	\$1,513.51
#0802	02/06/2018	BBQ Barn	7103 Loop 540	Add to kitchen	\$ 50.00
#0803	02/06/2018	BBQ Barn	7103 Loop 540	"Electrical	\$ 25.00

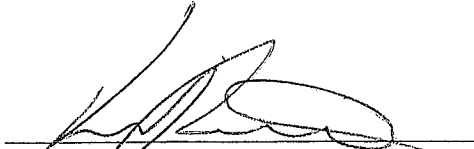
Water/Sewer Report: The ground water storage tank has been flushed out. Samples at the Waste Water Treatment Plant are good. The average flow rate is 50% capacity and approximately 85% during peak time. To get an accurate rate would require purchasing a flow meter. City is still waiting for TCEQ's answer concerning Water Well #2 to see if it needs testing since it has been off line for several months.

A pre-bid meeting will be held at City Hall on Wednesday February 28, 2018 at 2:00 p.m. to begin sewer line replacement. Sewer lines to be replaced first are on Avenue H between South Sixth and Seventh Streets, Avenue J between South Fifth and Sixth

Streets and two manholes on Loop 540. The bid date is scheduled for Wednesday, March 7th at 2:00 p.m. also here at City Hall.

Adjournment: Ms. Meyer made the motion to adjourn the meeting and Mr. Becan seconded. *Motion carried* and meeting adjourned at 8:40 p.m.

ATTEST:


Kenneth Reid, Mayor


G. B. Michulka, Recording Secretary