

# CITY OF COFFEE CITY COUNCIL MEETING MINUTES

7019 Pleasant Ridge Rd.  
Coffee City, Texas 75763  
January 11, 2021

*The City Council of Coffee City, Council Meeting was held on January 11, 2021, at 6:00pm convened at the Coffee City Community Center, 7019 Pleasant Ridge Road, Coffee City, Texas. The following City Officials were present:*

*Chuck Jones, Alderman (Present)  
Marquis Castleberry, Alderman (Present)  
Kevin Swanson, Alderman (Present)  
Riley Standifer, Alderman (Present)  
Ray Ver Hey, Alderman (Present)*

*Doug Davis, City Secretary (Absent)  
Frank Serrato, Mayor (Present)  
Chris Moore, Fire Chief (Present)*

## **1. Call to Order.**

*Mayor Frank Serrato called the meeting to order at 6:01 pm*

## **2. Roll Call and announce if quorum is present.**

*Roll call was taken by Nanette Moss, all council were present a quorum was determined.*

## **3. Opening Remarks: Welcome to the City Council Meeting of Coffee City Texas**

*Mayor Serrato welcomed everyone to the meeting, asked that everyone to be patient as there would be a lot of discussion.*

## **4. Consider and Act upon Consent Items; 5, 6.**

*Councilman Standifer made the motion to approve the consent items 5 & 6. Councilman Castleberry seconded the motion. A vote was taken, and passed unanimously.*

## **5. Approve the Minutes from City Council Meeting on December 14, 2020 as written.**

## **6. Approve City Financials for December 2020.**

## **7. Swear in newly appointed:**

- Alisha Tobey – Chief Administrator; Police Dept.
- Peyton Robinson – Reserve Peace Officer
- Joseph Cintron – Reserve Peace Officer

*Public Notary Sandy Atteberry administered the Oath of Office to Alisha Tobey, Peyton Robinson & Joseph Cintron.*

## **8. Executive Session: Local Government Code 551.074 (Personnel Matters).**

*Mayor Serrato, stated that after further review the Executive Session would be tabled until next months meeting, the agenda did not include enough information to satisfy the Open Meeting Act Rule.*

*Mayor Serrato said that on February 8<sup>th</sup> the Executive Session would be placed on the agenda for discussion on former employee Shellena Bivens and current employees Doug Davis & Mary McDonald.*

## **9. Announce any action taken by the Executive Session**

*Mayor Serrato, moved on the item number 10, on the agenda. No action was taken.*

## **10. Consider and Act upon Removing Shellena Bivens off of any and all City Bank Accounts, except the EDC Accounts.**

*Councilman Ray Ver Hey asked that Item 10 be tabled until the next months meeting for the Executive Session discussion, Mayor Serrato explained why Item 10 should not be tabled, that Shellena Bivens was a former employee, pending investigations, she was never appointed by the council to be judge for another term. This was for the financial welfare for the city. Councilman Standifer stated that Shellena Bivens was sworn in at the prior*



months Council Meeting, Mayor Serrato stated that yes, she was sworn in but never appointed. Councilman Ray Very Hey made a motion to table item 10 until the February Council Meeting, Councilman Chuck Jones Seconded the motion with Riley Standifer voting yes, Councilman Castleberry, Councilman Swanson sustained from voting. Motion passed.

**1. Consider and Act upon Renew Maintenance Contract with Joey Ridgle's Septic Service (Expires 03/07/2021)**

Councilman Ver Hey asked that if this was for the Community Center property and Mayor Serrato answered yes. Councilman Castleberry asked if any other companies had submitted bids for the aerobic septic system service? Chief Moore advised that Joey Ridgle's Septic Service has been servicing the aerobic system since the installation, on a quarterly basis. Councilman Standifer said that he thought this was a standard contract, but if used the company's products then the cost would be considerably a higher additional cost. Councilman Ver Hey stated that the contract wasn't due for renewal until March 2021, and asked the other Councilmen if they were happy with the one contract or would they consider asking for other bids on the item? Councilman Swanson suggested that the City look into getting two more bids for this service. Councilman Swanson then made a motion to table this item until the next council meeting so that other bids could be submitted for this service, Councilman Castleberry seconded the motion, vote was made, with Councilman Standifer opposing. Motion passed.

**2. Consider and Act upon Accepting the resolution for the appointment of Frank Serrato as a reserve officer with the Coffee City Police Dept.**

21.003 Resolution was read by Mayor Serrato. Councilman Ver Hey stated that he had spoke with an attorney at TML (Texas Municipal League) about this matter, their advice was that according to the Attorney General it would be a conflict of interest for a Mayor to also be an officer of a City. The Mayor then advised the Council as well as the public his reasoning as to why he wanted to be a reserve officer for the City, that since he's been here it's always been about the City and nothing for him to gain, he's here to protect the City, the citizens safety, and everyone's health. He takes great pride in being a part of Coffee City, any discipline that should happen while on duty that he would not be expected to be exempt from any disciplinary actions taken. We are limited on officers, and most of the reserves that the City has lives out of town, and as of right now there are only 2 local officers, Frazer and Tobey, this is why he is asking the council to let him be a volunteer. Councilman Standifer asked that if Officer Tobey was the Chief, Mayor Serrato stated that she was the Chief Administrator, Councilman Standifer asked what the job duties were for Tobey and the Mayor explained patrol as well as any office administration work that need to be done for the Police Dept. The Mayor explained the reasoning for the hold up on the patrolling units in the city, was that the Police dept. was waiting on getting additional paperwork that needed to be completed on the TCIC/NCIC as well as a 24-hour non-terminal agreement with the County of Henderson. Mayor Serrato stated that he had all the classes that are required for him to start patrol. Councilman Ver Hey once again stated that he still felt that it was a conflict of interest. The council wanted to visit further about this item later, that he realized that the City was looking for more officers as well as a Chief, but he felt that it was still a conflict of interest and that what was told to him that the Attorney General felt that way as well.

Councilman Swanson then spoke about the Conflict-of-Interest Definition: A Local public official has a conflict of interest any matter if any action on the matter would involve a business entity, or real property in which a official has the substantial interest and acting upon, the matter would confirm economic benefit on the official. Councilman Swanson stated that after reading the definition it did not constitute a conflict of interest to him for the Mayor to also be a reserve officer for the City. Councilman Ver Hey said that the Mayor would be paid for that position and then was corrected that a reserve officer receives no pay for duties carried out. It was explained to Councilman Ver Hay that a reserve officer was strictly volunteer work. Mayor Serrato explained that the City holds the reserve officers' commissions only with no pay. Councilman Ver Hay asked the Mayor what his job duties would be if he was accepted as a reserve officer for the city, the Mayor then stated that it would be strictly patrol like he did before, enforce traffic laws and answer calls, accidents, emergencies. Councilman Ver Hey, asked that the item be tabled until further investigation could be done on whether not this would be a conflict of interest for the City. Councilman Castleberry asked that if the City could put the resolution on file, the mayor stated that the resolution was nothing to be files with the city as it was a resolution through TML. Councilman Standifer expressed his concerns about the Mayor also being a Police Officer for the City for the fact that the Mayor was over the Police Dept. Councilman Jones then made a motion that the item be tabled until the next council meeting in February, Councilman Swanson seconded the motion, vote was passed unanimously.



### **3. Consider and Act upon Revising Absences & Leaves in Chapter 5 -02 Paid Time Off (PTO) Personnel Policy and Procedure Manuel.**

*The present wording in chapter 5-02 reads as 1-4 years of service employees would receive 15 days of PTO, employees that have 5- 9 years of service would receive 20 days of PTO, employees that had 10+ years of service would receive 23 days of PTO in which was more hours allotted for the 160 hours that they can receive in one year and carry over from year to year. Councilman Swanson made the motion to revise the wording in Section 5-02 Paid Time Off (PTO) to the following*

*1-4 Yrs. of Service 15 days*

*5+ Yrs. of Service 20 days.*

*Councilman Standifer seconded in the motion; vote carried unanimously.*

### **4. Consider and act upon The City holding the commissions of 30 reserve peace officers.**

*Councilman Jones asked about holding liability Insurance on all officers, Mayor Serrato spoke to say no, strictly volunteer, that the reserve officers were on their own. Pam Drost spoke to say that the city carried liability insurance that covers the reserves officers as a whole not as an individual with TML coverage. Mayor Serrato spoke to say that there had been no officer showing in the area, for a while, and that now that the city has a couple of officers working now that the businesses in the area are very happy to see police presence once again. Mayor Serrato asked for 30 reserve officers for the fact that if the city could provide 24 hour / 7 days a week coverage, the city would be eligible for grants. Mayor Serrato introduced reserve officer Cedric Watson and asked Mr. Watson to give a brief explanation about the grant funding. Officer Watson then spoke to the council and public about the Uniform Crime Reporting Act. (UCR) That it allows the agency stats to have 24-hour coverage, federal funding, when the Police Dept. reports crimes within the city, over a course of a year when the city does their UCR there will be a great deal of funding that comes through the agency. Mr. Watson explained that the City Police Dept. has to be covered 7 days a week with 24-hour coverage in order to qualify for these federal grants. This also helps grant writers to reach out for more funding.*

*Councilman Ver Hey, asked if officers would be strictly reserve. The Mayor stated yes. Councilman Ver Hey then asked what would the city be entitled to as in supporting these reserve officers? Use of Cars? Basically, what expense would come from the city to have these 30 reserve officers? Mayor Serrato said that some cities provide uniforms, but Coffee City doesn't have that for the officers. The only thing the city pays for is the fuel when patrolling. Wayne Frazer is a reserve officer with the City and he uses his own vehicle as well as his own fuel, Mayor Serrato stated that Officer Frazer does have a City fuel card but never uses it for his duty time when working.*

*The Officers would work 12-hour shifts. Officer Tobey explained the 12 hour shifts with 2 officers' situation on being able to be seen more, and work more area of calls. Councilman Swanson, then suggested 40 officers, Officer Tobey then said that 40 officers would be a greater help with the shifts required for the 24/7 coverage funding, the officers could then work 8-10-hour shifts.*

*Councilman Castleberry, asked if we have enough officers to fulfill the 24/7 requirement and receive the federal funding how would that affect the budget? Mr. Watson said that the funding from the grant can be used within the department only. The money is to be allocated for specific use within the police dept. The fuel expense was discussed for the PD from the December printout, Mayor Serrato ask Mary McDonald if these numbers that were on the report, were from December or November, Mary McDonald said that the report numbers were from November. Reserve Officer J. Cintron spoke to say that he was a grant writer and one of the requirements is for a dept. to have 24 hr. coverage but some grants that cover different areas for the dept. ex: speeding, dwi. Etc. Cintron expressed that Coffee City was missing out on these grants for the fact the City doesn't have the 24-hour manpower & reports that is required to receive these certain grants.*

*Mayor Serrato asked Officer Watson if the funding could also help bring in another paid officer? Watson said yes that if a certain area requested an officer as in example Briarwood Bay Subdivision, requested additional help with burglaries, speeding, etc. then the funding could help with that officer's salary for that area, not the City. Councilman Ver Hey asked how long would it take for the City to meet these said criteria's for being able to receive the funding for the grant monies? Mayor Serrato stated as soon as the City had the 24/7 coverage.*

*Councilman Swanson spoke to say that he agreed that the City needed extra Police coverage, he expressed that he thought 30 was a low number of officers and that he himself would like to have 40 officers added to*



*have the presence and coverage needed for the City.*

*Councilman Swanson made the motion to have 40 reserve officers instead of the 30 requested, then it becomes a problem to fill these positions then the council could re visit the request, but he would like to have the coverage and police presence seen in the City.*

*Councilman Ver Hey said what if we leave it as is with 30 officers and always add when needed.*

*Pam Drost spoke to clarify about the struggle of 20 officers, it was struggle of 20 officers working the 24/7 coverage, not a struggle finding 20 officers.*

*Councilman Swanson again made a motion to work toward 40 reserve officers, Councilman Standifer seconded the motion, motion carried unanimously.*

**5. Consider and Act upon instructing and appointing the EDC to change their fiscal year to July - June to coincide with the City's fiscal year per Auditor's suggestion.**

*The EDC has changed their fiscal year to coincide with the City's fiscal year. President Jim Beggerly stated that this has previously been done in a prior EDC meeting.*

**6. Consider and Act upon instructing the EDC to change the structure of their 7 member seats to 2- year term according to the following: if any reason a seat is vacated, the seat will be filled for the remaining of term for that seat.**

Place 1. Don Weaver	seat will be up for renewal July 2021
Place 2. Jim Beggarly	seat will be up for renewal July 2021
Place 3. Sandy Atteberry	seat will be up for renewal July 2021
Place 4. Vacant	seat will be up for renewal July 2022
Place 5. Ray Ver Hey	seat will be up for renewal July 2022
Place 6. Greg Malkoch	seat will be up for renewal July 2022
Place 7. Micah Wolfe	seat will be up for renewal July 2022

*Reviewed the appointment dates and it stands as written.*

*Councilman Swanson Made the motion to keep the dates as is, Councilman Standifer seconded the motion, motion carried unanimously.*

*Councilman Castleberry stated that whatever the EDC is acting upon be brought to the City Council as well. Jim Beggerly said that it is required by state to bring any project that the EDC is working forward to the City council before any money can be spent. Geo Jan Wright-Hunter brought to attention about the EDC Elections dates, if these dates have gone before the EDC and has the EDC excepted & voted on these elections' dates? Jim Beggerly said yes, these dates stand as written.*

*Councilman Castleberry asked about the place 4 vacancy had there been any action taken on filling the vacancy? Jim Beggerly stated no, at this time, once a person has stepped forward or recommended that the EDC Board will recommend to the Council for appointment for the position to be filled.*

*Mayor Serrato asked Jim Beggerly how did the EDC fill their vacant positions, as in a questionnaire or by interviews with the candidate?*

*Jim Beggerly stated that the EDC voted among themselves to fill a vacancy. Mayor Serrato so no questionnaire just an interview and Jim Beggerly said yes.*

**7. Consider and Act Upon naming a new Mayor ProTem**

*Mayor Serrato asked the City Council Members to suggest a candidate for the Mayor Pro Tem position and why would they suggest that person?*

*Councilman Ray Ver Hey, nominated Councilman Riley Standifer for the fact that Riley had been here the longest, has the most experience on being on the City Council.*

*Councilman Riley Standifer, stated that he was leaving that up to the Mayor.*

*Councilman Kevin Swanson, nominated Councilman Riley Standifer as well for the same reason as Councilman Ver Hey.*

*Councilman Castleberry, nominated Riley Standifer.*

*Councilman Chuck Jones, nominated Riley Standifer as well.*

*Mayor Serrato asked Councilman Standifer if he was up to filling in as Mayor Pro Tem if he the Mayor wasn't available and Councilman Standifer said yes.*

*Councilman Swanson made the motion to accept Councilman Riley Standifer as the Mayor Pro Tem, Councilman Chuck Jones seconded the motion, vote was taken and it carried unanimously.*

## **8. Open Forum**

- a. Open Forum may contain any suggestions and ideas about the City.
- b. Complaints must be in writing. Forms are available at City Hall Lobby.
- c. Speakers will be given 3 minutes to speak.
- d. Speakers must sign in prior to speaking.

*Any person that is unable to attend and wishes to submit questions to the council can e-mail the questions to the City Secretary at [citysecretary@cityofcoffeecity.com](mailto:citysecretary@cityofcoffeecity.com), or [mayor.serrato@cityofcoffee.city.com](mailto:mayor.serrato@cityofcoffee.city.com)*

*The Open Forum sign in sheet was checked and no one had signed up to speak in open forum.*

*Mayor Serrato, said that originally you had 10 minutes to sign up prior to the Council Meeting starting. The Mayor asked that all open forum signee requests, only to be discussed for ideas for the City, the person that has signed up to speak at the open forum part of the council meeting had 3 minutes to speak, that any complaints that were to be heard he asked that these needed to be done by filling out a complaint form that is located at City Hall lobby.*

*Councilman Ver Hay asked that he be issued a City email, Councilman Swanson asked as well for a City email, Councilman Castleberry stated that he needed his password reset.*

**9. Mayor's Report.** *Mayor Serrato Thanked everyone for being here, as well as thanking the council for their input on the agenda.*

**10. City Secretary's Report.** *P & L statement discussed, Mayor Serrato asked that Geo Jan Wright – Hunter read and explained the City account for the absence of the City Secretary Doug Davis. Geo Jan Wright-Hunter then read and explained the report. Councilman Ver Hey, asked about the Covid 19 expenses if anyone knew, Chief Moore stated that there was 8 thousand dollars spent and as far as he knew the money had already been reimbursed back to the city.*

**11. EDC Report.** *Check register was read by Sandy Atteberry; Hotel Occupancy Tax account as of January 4, 2021- \$ 63,048.53. Mrs. Atteberry said that next month the council will also have a December and January report given. Mrs., Atteberry said that their General Fund account total was \$428,898.31. Jim Beggerly gave a quick review of the checking accounts, with the transition of the EDC fiscal year to match the City's fiscal year. The budget money was decided that no money could be spent on any projects without the council's approval. Budget was put together with #1 no expenses, #2 money available for projects. Then there was explanation of the 2 accounts; the General Fund account is funded by the ½ % sales tax. The Hotel Occupancy Tax account is revenue by the Hotel room rentals from the Lake Palestine Hotel and Lake Palestine Resort. Jim Beggerly said that the EDC has had some interruptions in their admin procedures, EDC doesn't have the completed minutes from the last couple of meetings. These items are presented to the Council not for approval but for acceptance from the Council.*

**12. Municipal Court Report.** *Nothing to be noted at this time.*

**13. Police Report.** *Chief Administrator Alisha Tobey gave a quick summery, on the inventory, that was taken once Chief Admin. Tobey was sworn in back in December. See inventory list of what items that are not accounted for. These items were compared to a prior inventory list. Mayor Serrato then introduced Nanette Moss as a contract employee for the City to help with inventory and other items that needed additional attention for helping the City. Geo Jan Wright – Hunter asked the Mayor if it was normal protocol, that inventory was to*




be taken if one Chief leaves and another takes over. All inventory, re: evidence, supplies, & patrol units? Mayor Serrato stated yes. Geo Jan Wright – Hunter also asked was there anything (inventory items list) found from the prior chief? Mayor Serrato stated that nothing could be found from Chief Miers, including his personal employee file. Chief Tobey spoke about the patrol units and their batteries either had been replaced either by warranty or purchased. All patrol units are back up and in working order as far as battery issues. Tobey also said that the 24-hr. non terminal agreement with Henderson County Sheriff's Office had been terminated prior to her returning to the City. Tobey stated that the paperwork needed for this had been submitted to the County for the agreement to be placed back in force. Tobey advised that including herself as a full-time officer she has 3 reserves officers with a total of 4 officers at this time. Reserve Officer Wayne Frazer, Reserve Officer Peyton Robinson, Reserve Officer Joseph Cintron.

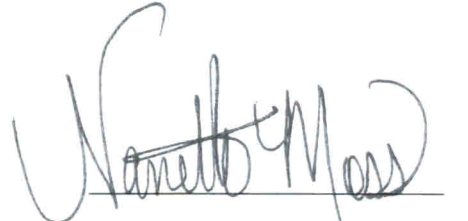
- 14. **Fire Dept. Report.** Chief Moore gave the Fire Department Report, see attached report for more information. Mayor Serrato asked Chief Moore could he please email the him a list of the fire department members names and their phone numbers for the City's Information. Chief Moore said that he would do that.
- 15. **Adjournment.** Councilman Swanson made a motion to adjourn the meeting with Councilman Standifer seconded, motion carried and the meeting was adjourned at 7:59 pm.

Attestation:

These minutes were approved on:



Frank Serrato – Mayor



Prepared by: Nanette Moss, for  
the City of Coffee City