**CITY OF COFFEE CITY**

**SPECIAL CALLED - COUNCIL MEETING AGENDA**

**MINUTES**

**7019 Pleasant Ridge Rd.**

**Coffee City, Texas 75763**

**Monday at 4:30 PM.**

**March 22, 2021**

NOTICE IS HEREBY GIVEN OF A MEETING OF THE CITY COUNCIL OF COFFEE CITY. TO BE HELD ON **Monday, MARCH 22, 2021.** **AT THE COFFEE CITY COMMUNITY CENTER, 7019 PLEASANT RIDGE ROAD,** COFFEE CITY, TEXAS. FOR THE PURPOSE OF CONSIDERATION OF THE FOLLOWING AGENDA ITEMS. THE CITY COUNCIL RESERVES THE RIGHT TO MEET IN A CLOSED SESSION ON ANY AGENDA ITEM SHOULD THE NEED ARISE AND APPLICABLE PURSUANT TO AUTHORIZATION BY TITLE 5, CHAPTER 551, OF THE TEXAS GOVERNMENT CODE.

THIS MEETING WILL BE OPEN TO THE PUBLIC, SOCIAL DISTANCING WILL BE OBSERVED DURING THIS MEETING.

**Council Members**

Frank Serrato – Mayor Riley Standifer – Mayor Pro Tem, Place 4

Chuck Jones Place 1 Marquis Castleberry Place 2

Kevin Swanson Place 3 Ray Ver Hey Place 5

THE ITEMS LISTED BELOW ARE PLACED ON THE AGENDA FOR DISCUSSION AND/OR ACTION.

1. **Call to Order.** *Mayor Serrato called the meeting to order at 4:30 pm.*
2. **Roll Call and announce if quorum is present.** *Roll Call was taken by City Secretary, Nanette Moss. Advised the Mayor he had a quorum.*
3. **Consider and Act upon: Removal of Jim Beggerly from the EDC, due to term expiration.** *Mayor Serrato advised the council that before moving forward with this item, he explained that the certification date was a typo on the date posted, and after City Secretary had visited with TML it was determined that the meeting could still take place for the fact that there was no statue stating that this had to be posted. After Mayor Serrato, spoke with the City Attorney about the EDC Bylaws it was the Attorney’s recommendation to call for the removal of the EDC President Jim Beggerly as well as the EDC Treasurer Sandy Atteberry for they had extended their term limits.**Going by the Bylaws on record, Mayor Serrato reiterated with the City Attorney about the removal of these two EDC Members by asking the Attorney if he was suggesting that the City Council remove these two members and the Attorney stated “YES”. Mayor Serrato also said that he had this confirmation in an email from the Attorney of the Councilman would like to see that, they were more than welcome to come by City Hall and read that email that was on his computer, Mayor Serrato also stated that he didn’t feel it was appropriate to forward the email to the Councilman, as in the confidentiality laws. Councilman Ver Hey asked if that was the only reason that the council was doing this consider and act upon for being in accordance of the Bylaws? Mayor Serrato responded by saying that there were a few other things that had also been found in the files but he was primarily going by what the City Attorney had advised, that we pay him to give us facts, and he wasn’t about to argue with the City Attorney. Councilman Ver Hey wanted verification that the council was going off the Bylaws of the EDC that was given to the Council in the last Council Meeting, Mayor Serrato said yes, that was the only Bylaws that the EDC has at this time. Councilman Ver Hey asked, if anyone had discussed this with Jim or Sandy prior to this Special Meeting? Mayor Serrato told Councilman Ver Hey that he could ask Jim Beggerly any questions that he had at this time since Jim was present. Councilman Ver Hey asked Jim Beggerly what he knew about the Bylaws that was on file VS. the one’s that he had presented to the EDC for approval? On the term limitation fact. Mr. Beggerly stated that the Bylaws that were in place for the EDC was from approximately since 2010. 2010 was when the EDC was formed as a Corporation, for Coffee City and 2011 is when they were approved. With the Bylaws and certificate is what the EDC was working with. Mr. Beggerly, said that at the later part of last yr. the EDC came to the Council saying that the EDC had lost track on the term limits. That no one could actually find the original documentation on the term dates for the board members so that’s when the EDC asked at the January 11 th Council Meeting that the proposed dates be accepted, Mr. Beggerly then explained that the Council voted to accept the term limits as written in that meeting, Mayor Serrato stated yes, because none of the EDC board members could find the documentation after being asked. But once City Hall had been given the information that had been asked of the EDC for seeing their files and computer is when the documentation had actually been found, and it was appalling to Mayor Serrato that the EDC president, secretary or treasurer couldn’t actually find or put their hands on this documentation when it was found quickly by City Hall. Mr. Beggerly stated that if the City Hall would have seen on the document that was found there was no signature at the bottom. Mayor Serrato stated that he was going by what he seen, on the appointment date documentation. Mayor recognized Pam Drost to speak, Ms. Drost spoke to say that to her knowledge that she was the one that originally set up the document that had when the very first members that were on the EDC Board back in 2010, she had brought that all up to date and kept current, until 2017. That Document was just to show when that person was appointed, when it was approved in the minutes, when they took an office as in the President, Secretary or the Treasurer, it didn’t require a signature, it was just a document to keep track of the members term dates and limits. Mr. Beggerly still argued the fact that when the EDC went back to research for such documents, they couldn’t find anything stating these dates. Mr. Wolfe then asked that in a prior meeting the Council had to approve the EDC Members that the EDC brought forth, had that not been the case before now? Could that not be considered the official record of that appointed member at the time of the City Councils approval? Mayor Serrato said that wasn’t the case here as the original documentation dated in 4/2019 had been found and that is what was being considered and acted upon today at this meeting, this documentation shows that both of the individual’s that are being discussed here have exceeded their term limits according to the documentation as well as according to their Bylaws. Councilman Ver Hey then read the Bylaws statue saying that, in the Bylaws 4.06 Terms of Office – The City Council shall appoint the Directors of the Corporation. The Number of Directors shall be 7. Directors shall serve for staggered two (2) year terms of office. No director shall serve more than two (2) consecutive full terms. Directors may be removed at any time by the City Council by majority vote of the City Council. Not more that (3) Directors shall be persons are employees, officers, or members of the governing body of the City.*

*Councilman Ver Hey spoke about what was to happen to the other member on the EDC board about their term limits as being voted on in the January 11th Council Meeting? Mayor Serrato explained that was an item that was being put back on the April agenda for reviewing and correcting once this information was found. Mayor Serrato, then expressed once again he was going with what the City Attorney had advised him how to handle this situation, and that was to ask for the two individuals be removed from their position on the EDC Board. Jim Beggerly- EDC President & Sandy Atteberry – EDC Treasurer. Pam Drost stated that the City Council was in violation of the current Bylaws of the EDC by allowing these two members to stay on the Board, as the Bylaws states about no 2 board members shall serve more than 2 consecutive full-time terms. Councilman Very Hey then said he understood all that but wanted to know how long Jim Beggerly had been on the EDC Board, he was told since 2013. GeoJan Wright spoke to say that she wanted it to be understood that since the City has been in contacted with the auditor and finding out that these Bylaws that the EDC has from 2000, and that is what the Auditor is going by, is how this has all been brought to light and question, to begin with. Ms. Wright went on to say that during her Term of Mayor she was told there were no term limits and there was no documentation to be found on this either. But since this document has been brought up then yes, there needs to be corrections so we can move forward, because now we are all aware of this documentation. Councilman Castleberry asked that as a City Council were, we in violation of these terms according to their Bylaws, Mayor Serrato said yes, the way he sees it they are, according to the City Attorney as well as the EDC Bylaws. EDC Member Tom McBride asked that the term of the EDC Directors and Limitations associated with that, do they govern by the EDC Bylaws or the Statues of the State of Texas? With one having precedence over the other one? Mrs. Wright spoke to say that the Bylaws should take precedence, since the bylaws are to be written with in the accordance of the State Statues. Mayor Serrato spoke to say that the term limitation was not the only thing about asking for the resignation of Jim Beggerly and Sandy Atteberry, but they both refused and that was the main reason for calling this special meeting was the removal of both, with the City Councils vote. Mayor Serrato gave examples of things being found, as in files missing, checks being pre signed, and banking documents not being up to date, things that the EDC President had not made sure was being done properly by the specific directors that are responsible for. QuickBooks not being updated, properly and accurately.*

*Councilman Castleberry spoke to say that it was unnecessary to get into other aspects as in why we might decide to remove or keep them in their positions that we can just go with one particular instance such as violating the term limits. And if the board members are violating the term limits, he doesn’t see why the council should get into any other reasons at this time, and situations at this time don’t need to be aired. Councilman Castleberry felt the Council could make a sound decision just based on the violation of the term limits, with out going into any other situations at the time, they could be fixed at a later date. Councilman Ver Hey asked, Mr. Beggerly if there was a reason for not following the bylaws that were given? Mr. Beggerly then said, let’s concentrate on the agenda, the agenda calls for the removal of himself and of Sandy Atteberry, simply because they have passed their term limits. Mr. Beggerly referred back to the January 11th, Council Meeting minutes as in the Council approving the dates that the EDC brought forward to approve. Mayor Serrato said we have already discussed that issue and it was going to be revisited in April at the Council Meeting. Mayor Serrato asked to move forward and a motion to be made in reference to the removal of Jim Beggerly from the EDC board for the term expiration. Mayor Pro Tem, Riley Standifer made the motion to remove the EDC President Jim Beggerly from the EDC Board for term expiration. Motion was seconded by Councilman Kevin Swanson, votes were as follows, Councilman Castleberry (Y) Mayor Pro Tem Standifer (Y) Councilman Swanson (Y) Councilman Jones (N) Councilman Very Hey (N). Motion passed by majority vote.*

1. **Consider and Act upon: Removal of Sandy Atteberry from the EDC, due to term expiration.** *Mayor Serrato asked that if the Council wanted to continue to talk about this they could, but Mrs. Atteberry wasn’t present. Mayor Pro Tem Riley Standifer made the motion to remove Sandy Atteberry from the EDC Board as the Treasurer. Seconded by Councilman Kevin Swanson, votes were as follows, Councilman Castleberry (Y) Mayor Pro Tem Standifer (Y) Councilman Swanson (Y) Councilman Very Hey (N) Councilman Jones (N). Motion passed by majority vote.*
2. **Consider and Act upon: The appointment of GeoJan Wright Hunter as a member of the EDC.** *Mayor Serrato spoke to say that Mrs. Wright was very knowledgeable with numbers, has help tremendously with getting things brought up to date with the EDC QuickBooks, getting the EDC back on track. Councilman Castleberry asked that if Mrs. Wright was taking a position that was previous vacant? Mayor Serrato said yes, she would be filling that vacancy position. Mr. Beggerly spoke about the EDC procedures on recruitment requirements for new board members that had been asked by the Council, that an application by in place, as well as a posting of the position for the public to be able to apply. Mr. Beggerly also said that an application had been made and was given to the City Secretary to post on the Public Notice board outside of City Hall, only to find out later that the notice was being removed per the Mayor, because this item had not been discussed with the Mayor, prior to posting. Mr. Beggerly, also said that he posted on the EDC website. He also said that he knew of three people that had applied for a board member position since the posting of the application.*

*Councilman Swanson made a motion to accept the appointment of GeoJan Wright to the EDC Board, Mayor Pro Tem Standifer seconded the motion, Councilman Jones ask that Mrs. Wright introduce herself and speak of her qualifications.*

*GeoJan Wright spoke to say as a part of the past she has held the Mayor’s position for approximately one and a half years. She has also run for Council for her cares and concerns for Coffee City. Her years in the Health Care industry in which is highly regulated, proves that she is very compassionate for the regulatory aspect of the business, that is her interest, as in being held at a higher standard. She explained that’s why she has always tried to help with these things anyway she can for the fact of the State Statues that need to be followed and carried through. Votes is as follows: Mayor Pro Tem Standifer (Y), Councilman Castleberry (Y) Councilman Swanson (Y) Councilman Jones (Y) Councilman Ver Hey (N), motion carried by majority.*

1. **Adjourn:** *Councilman Swanson Called for motion to adjourn, Mayor Pro Tem Standifer seconded, the meeting was adjourned at 5:14 PM.*

The City Council of the City of Coffee City reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberation about Real Property), 551,073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberation about Security Devices), 551.087 (Economic Development), 418.175-183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, including, but not limited to, Section 321.3022 (Sales Tax Information).

**CERTIFICATION**

I CERTIFY THAT A COPY OF THE MONDAY MARCH 22, 2021 CITY COUNCIL MEETING AGENDA OF ITEMS FOR CONSIDERATION BY THE COFFEE CITY, CITY COUNCIL WAS POSTED ON THE CITY HALL FRONT WINDOW AND CITY WEBSITE ON FRIDAY, March 19, 2021.

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