

# 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.

