

The City Secretary noted the amendments to the proposed expenditures. Total proposed expenditures are \$9,405.25. Mayor Persiani said he was suppose to purchase some soft ware at the recommendation of Mr. John Denney, owner of VMSoft Products that the city purchased the Safe program which monitors our septic systems. The Mayor could not locate the 2003 soft ware so he went to the Internet. He found he could buy a version, in the box, for \$175.00. He could buy one in a shrink-wrapped package for \$75.00. It was classified as new but not in the original box. Alderman Smith said he would buy the one in the box because he would feel like the other one had been used. Attorney Jackson said if it doesn't work send it back, these are reputable dealers. Consensus of Council was two for the shrink-wrapped package and two for the for the boxed version. Mayor Persiani will purchase what he feels is best.

MOTION made to approve the expenditure authorization as amended.
MOTION: Walker SECONDED: Smith APPROVED: 4 - 0

The Expenditure Authorization approved by Council on April 24th, 2007 is attached hereto and made a part of these minutes.

IV. Review and act upon authorization for Chambers County to provide aerial mosquito control applications.

Mayor read the letter received from the Chambers County Mosquito Control. The letter included the Chief Pilot, airplane, chemical dispensed, target and the altitudes

MOTION made to approve Chambers County Mosquito Control to use aerial spraying within the Beach City corporate limits.
MOTION: Walker SECONDED: Bercaw Show of Hands
APPROVED: Unanimous

V. Review and act upon PUC telecommunications line rates.

Mayor Persiani said this item pertains to a notice from the Public Utility Commission of Texas in regards to the 2007 Consumer Price Index (CPI) adjustment to municipal telecommunications right-of-way access line rates. When similar CPI adjustments were made in April 2006, the city opted not to adjust their rates for inflation. No action taken, the rates will remain: Residential \$1.20, Non Residential \$2.40 and Point-to-Point \$1.20.

VI. Discuss resolution supporting Earth Day and recycling.

Mayor Persiani said he knew Earth Day had passed but he put it on the agenda any way and said we could be pro active on the subject of re-cycling. He went on to say if Beach City thinks, in general, we want to do more recycling and use the collection center we have, maybe we should say something about it. He wishes he could get the County a little more interested. He said he might have to try from the Judges level. Alderman Smith said in opinion is, he don't know if

it would survive but he thinks that it has a better chance now than it had last time. Alderman Walker said, philosophically, it should be a roll of the City and our City Council should be pro-active on this subject of re-cycling. Mayor Persiani said he set up a program at the plant and it was successful but none of these things come free, recycling cost money.

VII. Report status of changes to Chambers County Cedar Bayou Navigation District.

Mayor Persiani said he did testify before the committee. He's going to keep it short because if was very lengthy discussion on the conflicts and the trials and tribulations of the legislation. The legislation was supposed to be submitted last Thursday but it wasn't; now it's supposed to be this week. It is a house bill, and assuming it passes, it adds two positions for the City of Baytown, one appointed by the Mayor and one appointed by City Council to the Board of Directors. Now it has gone from five to seven Board of Directors. The boundary did not change; the authority of the board did not increase. The rest of our resolution which was to get us out from under taxation and not getting anything for our money. That's another story, he still needs advice from some resource as to what it will take to actually ask the Liberty/Chambers County Navigation District for an election to De-annex our area. .

VIII. Nuisance Ordinance 2003-1:

A. Review and act upon current environmental complaints

1. Mrs. Gainer reporting on the Clark Lane property for Mr. Nalley, City Inspector said that Mr. Charlie Burgess with Eagle Rental had gotten an answer to the well problem and it is alright, TCEQ made a judgment call on this. He has designed a low dose-age system to go on that piece of property and Mrs. Jordan should come to the City Office this week and make application for this new system. In answer to Ms. Seward's question Mayor Persiani said the well was an issue, for any system because of the distance, it being a small lot. There was a question about that well being there so long. Under the State's view it is qualified as a cemented well, therefore that distance is smaller and he can design a system that can be closer to that well. Mayor Persiani said he was looking back at their (the Seward's) e-mail and there was talk of some other properties there with buildings in disrepair, over grown vegetation and a large infestation of bees and he don't want to over look that, we have focused so much on the septic we haven't addressed that.
2. Mr. Nalley did not give a report on the Troxell's.
3. Mayor Perisiani said he wanted to keep Council fully informed as to all of these complaints and get things more formalized. He went on to say that Council could start reading that procedure that he put together, it's not done; it's a work in progress.
4. Mrs. Gainer relayed Mr. Nalley's report on two properties in the Bayridge Subdivision. A neighbor in the subdivision reported these complaints. One was an abandoned swimming pool for four to five years at 8012 Bayview Drive. Mr. Nalley reported that the pool was in the backyard with a privacy

fence around it and the gate was locked. He left his card in the door and asks them to call him.

The second property in this neighborhood to be reported was on 1919 Bayview Drive and reported there were 4 cars on property-easement of the Bayridge water well. There was livestock and also junk. Cars in street. When Reggie went to check on this he found the cars were on the lot but there was a picket fence all around the property. There was no one at home for him to talk to. Mayor Persini said he struggled with this; first his reaction was they have a homeowners association let them handle it. Our ordinance doesn't care about homeowners associations. He said, looking over the ordinance it says there are all kinds of things that can be presumed as offenses. He then read Section 1-5 of the Nuisance Ordinance 2003-1. He said we're saying it's a wonderful ordinance, where does it apply? It applies everywhere, applies uniformly. Do you apply it when you get a complaint, or unless they complain then you have to decide what's the action? As you read this it definitely goes very much more into septic systems because of sewer lines. It also dealt with overall nuisance. We learned the last time when we declared that one property a nuisance; we could clean up the property but you can't take the home away. The man died and the County sold the land for the taxes, everything turned out all right. The Mayor said this is just discussion but he told Council that we have an ordinance that if anybody inundated with complaints about everything he saw in Beach City, especially the bus with no wheels down on Lennie Lane. He said he wanted to challenge Council with some of the thoughts that are challenging him, he don't know what to do with some of this stuff (as he is working on a proposed procedure to handle nuisances and environmental complaints). Mrs. Seward reported that nothing had been done about the bees in the abandon house. The Mayor conferred with Attorney Jackson whether this situation fits our current nuisance ordinance and he said yes that is what we set up that ordinance to do. Then the Mayor ask him if this one fit better than the abandon cars and the swimming pool and he answered the cars are covered by the State Statute which cities can enforce. If you can get a tow truck driver to haul off the bus with no wheels, you can actually do it and then charge the people with the abandonment. Depends on how much you want to clean up Beach City. Attorney Jackson said the bees do point to a health hazard. Bees are very attracted to noise so when you are outside you certainly can attract them and some people are allergic to bee sting. The owners should be found and given notice that there were bees on that property and that is a health hazard to the general public. It must be cleaned up in X number of days. If you fail to do so you will be sited for failure to do so and will go to court where you can be fined up to \$2,000.00. Generally that will do it. Mayor Persiani said we have concentrated so much on the septic we did not address the bee situation; we're tracking two separate problems here. The Mayor told Mr. & Mrs. Seward they could work with Margaret to get their complaint and she will get the information to Mr. Nalley and he can go out a get photos. Mayor Persiani told Council, according to the ordinance, Reggie can take this as far as filing with the Judge, and never come before Council. The Mayors concern is, he doesn't want Reggie to just take it upon himself to write anything in a letter on the City

letterhead and all of a sudden make a statement and any of us may not agree on how it is worded. He wants the letter screened before it goes out.

B. Review and act upon proposed procedure to handle nuisance and environmental complaints

Mayor Persiani said the procedure is a work in progress but he is not ready to discuss details right now but this is to give you some idea, he took some wording from the ordinance, but basically he is trying to make it where Reggie, the City Marshal or any person authorized by City Council has the responsibility to fine them and the City Secretary just basically keeps the records.

IX. Report status of items on the FY 06/07-action list.

Mayor Persiani said he printed this out for council but if they don't mind we'll skip this item. Alderman Bercaw said the Hurricane Preparedness Meeting has been scheduled for June 12th, 2007 at 7:00 P.M. at the Beach City Community Building.

X. Report on (Open Meeting and Records Act) training.

Need copies of Attorney Jackson's certificates.

XI. Council members' comments, citizens' comments and input.

1. Jim Josey, Pres. of the BCVFD gave an up date. He reported the crayfish dinner was a success. The ISO consultant will be in tomorrow (04/25/27) to start the process. They are going to have to make a lot of changes but they are ready to do that. He also reported that the dry hydrant was in at the Barrow Ranch Subdivision.

2. Alderman Smith asked when was the final paving going to take place out here? He said there have been articles in the newspaper about it and nobody has responded to them. Mayor Persiani said all of the base repairs are done and the next step is to seal coat it and paint it. He doesn't think any of that is going to happen until 565 is done. Alderman Smith asked if anyone knew what the construction is on the Northwest quadrant at the railroad track and 99. Mayor Persiani said a big warehouse. Alderman Walker said he thought it was more that one being built on speculation.

3. Alderman Clayton said he has one letter from the newspaper and probably what she was writing about was 565, 1405 and 565 to 3180. That is going to be a major upgrading. He went on to say, it came up at the last meeting about the HL&P Bridge and what you see is what you get. Another question asked was about stop signs in the middle of the road on 99, he asked about it but didn't get very far. He got a telephone number and he will follow up on it. Jim Josey said that was so dump trucks could cross over to get on the feeder road going to the new construction. Mayor Persiani asked Alderman Clayton to find out how much longer the stop signs going to be there, because what he sees them doing is they have finished the concrete on the other side, they just need

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to do the shoulders and he believes they are going to be opening this up fairly soon, he don't know what fairly soon means though. Alderman Walker said he thinks it would be gook to get that information. Alderman Clayton reported that the Cedar Gully bridge contract schedule is to be let in June.


4. Mayor Persiani said a photo from Jay Hammas showing a waste management truck passing another waste management truck headed for the dump. It so happens that where Mayor Persiani works is in negotiations with WMI on a contract and so he happened to pass that photo along and they jumped all over it. The next day the director was out here watching and checking these trucks, these trucks are coming from Dayton. He is having them reroute and least 5 miles longer.

5. The Mayor said at our May meeting we would have our induction of officers. We will also be setting up a Budget Work Session for June.

XII. Adjourn

Mayor Persiani adjourned the meeting at 9:25 P.M. Tuesday, April 24th, 2007.

ATTEST TO:


Margaret Gainer
City Secretary

APPROVED BY:


Guido Persiani
Mayor