

BEACH CITY COUNCIL

REGULAR MEETING MINUTES

The Beach City Council met for a Regular Meeting April 28th, 2009 at the Beach City Community Building. Those present were:

MAYOR: Guido Persiani

MAYOR PRO TEM: Rita Standridge

ALDERMAN: Ray Smith

Douglas Walker

Vaughn Bercaw

Tommy Clayton

CITY ATTORNEY: Daniel Jackson

CITY SECRETARY: Margaret Gainer

Mayor Persiani called the meeting to order at 7:12 P.M., Tuesday, April 28, 2009.

I. Review and consider approval of the Regular Meeting minutes of March 24th, 2009.

Minutes reviewed, by Council, prior to the meeting.

MOTION made to approve the minutes as stated.

MOTION: Walker

SECONDED: Clayton

Show of hands

APPROVED: 5 -0

II. Review and consider approval of the Statement of Revenues and Expenditures for 9 months ending March 31st, 2009.

Statement of Revenues and Expenditures reviewed by Council prior to the meeting.

Mayor Persiani reported that the revenues over expenditures were a negative of (3,986.20). On the Bank Account Balances he said he has a bad number on the TexPool interest rate. It should be .579%. Total assets are \$590,086.60.

A. TEXPOOL rate review - M. Gainer Mrs. Gainer reported the TexPool rate for April 27, 2009 was .4309% and the Average Monthly rate was .5788%.

B. CD rate review and update

Mayor Persiani said that as far as the new CD's go we won't have the new CD in until next month. It was the Prosperity Bank CD which matured April 16th, 2009 that was renewed for 1 year. It dropped from 2.75% to 2.25%.

MOTION made to accept the Statement of Revenues and Expenditures as Stated.

MOTION: Walker

SECONDED: Smith

Discussion: Alderman Clayton asked about the limits at Prosperity, are we getting close to the limits on the insurance? He went on to say it's temporarily \$250.00. Mayor Persiani said until the end of the year, but with Prosperity these are all security backed.

MOTION amended to read: Motion made to accept the Revenues and Expenditures as stated and verify the securities that back the Prosperity Bank CD's.

MOTION: Walker

SECONDED: Clayton

Show of hands
APPROVED: 5-0

The Statement of Revenues and Expenditures as approved April 28, 2009 attached hereto and made a part of these minutes.

III. Review and consider approval of current Revenues and Expenditures for current month.

Council reviewed the Expenditure Authorization prior to the meeting.

Mayor Persiani gave an explanation for the \$188.38 Verizon expense, saying it is for the repair and installing of the second line for the office. The second line number is 281-573-4578, which is also the new fax number.

MOTION made to accept the Expenditure Authorization as stated.

MOTION: Walker

SECONDED: Bercaw

Show of hands
APPROVED: 5 -0

The proposed Expenditures as approve for March 24, 2009 attached hereto and made a part of these minutes.

IV. Citizen Comments.

1. Mr. Bobby Williams and another Resident that live in the Walker Subdivision were present. Mr. Williams said they were here to see what could be done about three complaints that had been filed. They brought pictures for Council to view. Mayor Persiani thanked them for coming and said to Council that a complaint had been filed that is relative to three properties in the Walker Subdivision. He instructed them that Reggie Nalley would inspect the property and report back, then we will report back to Council to see what action Council would like take.

2. Rusty Senac was present and reported that he, Marilyn Harrison and Nick Bercaw had gone over for election training in Anahuac. One of the things they requested from Anahuac was a list of the Registered Voters of Beach City. Margie Henry's office delivered the Registrar to Barbers Hill and Marilyn picked it up. Rusty came to the office and in about nine seconds he knew that we had bad information. He called Nick Bercaw, our Election Judge.

Nick, Rusty, Marilyn and Margaret worked all day trying to get it corrected for the remainder of early voting and the May 9th City Election. Nick went through the A's and B's only and found 72 errors. We called Mayor Persiani, County Clerk, County Tax Assessor-Collector Margie Henry, Jean Smith, Pam Sapp, Sharon Lucas, and a few other people including the Secretary of State. The question is "how big is this problem"? The good news is that we caught it early enough that it appears, at this time, that only one person has voted in the Beach City election that should not have voted. He went on to say that after talking to Mayor Guido we came up with two possible solutions, to call the Secretary of State, Elections Division and see if they will allow us to suspend the Early Voting until such time we can get a reasonably accurate Voter Registrar List. Paul Miles said absolutely not". Rusty then ask him if we could over-ride the Voter Registrars book and he said that Beach City could do that. What we did was made a list of streets numbers, we also listed streets that are not in the City. Mayor Persiani said his recommendation is to give this information to Jean Smith, BHISD Election Clerk. Rusty will take all of the information to Jean Smith early in the morning. He felt they could have a successful election with this information.

3. Mayor Persiani recognized Patricia Combs, Candidate in the May 9th, 2009 City Election.

4. Mayor Persiani gave some information from the meeting that was held prior to this Regular meeting. A Political Forum Committee has is planning a "Meet the Candidates Forum". Rusty Senac will also notify Barbers Hill School District that we are holding this forum so that they can send their Candidates to take part in the forum.

V. Review and act upon PUC 2009 consumer price index (CPI)

Mayor Persiani said this refers to the 2009 Consumer Price Index (CPI) adjustment to Municipal Telecommunications Right-of-way access line rates. He said the rates have not been changed during his tenure. He quoted the CPI adjusted maximum rates: Residential - \$1.92, Non-Residential - \$3.80, Point to Point - \$1.92. The rates that we are at now are Residential - \$1.20, Non-Residential - \$2.40, and Point to Point - \$1.20

No action taken.

VI. Review status of Chambers County Recovery Plan.

Mayor Persiani said the plan has been completed by FEMA. It is considered a long term changing document. It was presented to Commissioners' Court and they accepted it today.

VII. Review County Inspection Program.

Mayor Persiani reported that this is just a FYI. It's very straight forward, what this means is there is the Texas Residential Construction Commission now. If

you are a contractor you are suppose to be registered by the State and you go by these rules that apply where ever Cities rules don't apply. We don't have a Building Code in our City, so this defaults you as a builder, you must follow the international building code as adopted by this commission. The City does not have to get involved and we don't intend to.

VIII. Review and act upon proposed revision to Resolution No. 2007-4 (Purchasing Guidelines, Goods and Services)

Alderman Standridge asked that this item be on the Agenda this month for review and possible action.

Mayor Persiani said, to put in context, the discussion during the last meeting was on payment, not procurement. It doesn't mean we shouldn't modify this to include payment . Maybe the whole subject is large enough that it needs the fresh look like Alderman Standridge mentioned, so we can take a look at it. What he has been reflecting on is there is this separation of the procurement versus what we were doing; going to the automated payment and not changing any of the procurement stuff. Mayor Persiani said Attorney Jackson was saying when you approve a Budget, it's really approving the expenditure amount and the Mayor is bound by living within that budget. Mayor Persiani read Resolution No. 2007-4. Alderman Standridge said by approving the budget item, that was her point when she brought that up, We are not authorizing that all of that money be spent by the City Officers, it's a plan for the maximum amount that can be spent without having to call a Public Hearing and get an approval to revise our budget. Attorney Jackson added "it's an authorization for the process of spending, as a whole, to spend up to that amount. Mayor Persiani read Resolution NO. 2007-4. Mayor Persiani asked if we needed to make any changes any changes. Alderman Standridge answered "I'm happy as a big pig in the sunshine". (included in the minutes by request of Mayor Persiani.) No action taken.

I'm as happy as a pig

IX. Review and approve revisions of the affidavit for OSSF Maintenance.

Mayor Persiani said the purpose for this is actually a short-coming in our paper work right now. When we had the discussion about how were we going to require our OSSF's to be maintained only by Certified Maintenance Contractor and not the property owner or system owner. Council held the position that we were going to follow the law as it's written. For you information and questions The Texas Administrative Code that is attached to this document is it. Title 30 Part 1, Chapter 285, Subchapter A, Rule 285.7. The affidavit as it was being done all these years developed through the same administrated code, now had to change because in the last legislature they made it where the homeowner can maintain their own system. Mayor Persiani said what we can do is put it on an agenda for discussion to see what else we would want to do to try to bolster the whole information piece relative to this subject.

MOTION made to modify the Affidavit as marked, pending Counsels review.
MOTION: Walker SECOND: Smith Show of hands:
APPROVED: Smith, Standridge, Bercaw
Walker
ABSTAINED: Clayton

X. Council Member Comments.

1. Alderman Bercaw read a note from Glenis Margsonl, Secretary Chambers County Food Pantry, First Methodist Church of Mt. Belvieu. This was for that the BCVFD had collected and Alderman Bercaw delivered.
2. Mayor Persiani reported that there is a drainage problem in RWJ as usual. He's hoping with funding we will actually get some engineering done and they can investigate areas like RWJ in more detail
3. Alderman Standridge said she had not received her invitation to the Candidates Forum in Mt. Belvieu. It was delivered to the City Office. The City Secretary has sent them a list of all the candidates home addresses.
4. Alderman Smith said he would like to recognize Alderman Tommy Clayton and thank Tommy Clayton for his service to the Community as a Beach City Alderman for six years.
5. Alderman Clayton asked if anyone had any information on the new ambulance station supposedly to be built on FM 3180 Mayor Persiani said the last thing he heard was they were trying to get the bids out. Alderman Clayton said he thinks it would be nice to have a sign up where you get on 99 down here on Fisher Road pointing to Beach City.
6. Alderman Walker said he read in Judge Jimmy Sylvia's press lease and he talks about the thousands of quebec yards of debris and they are still looking for bodies. He asked if any one has heard a count of the number of bodies that have been found. Mayor Persiani said he don't know if they found more bodies, they identified those bodies, that's what the press release was about.

XI. Adjourn

Mayor Persiani adjourned the meeting Tuesday, April 28th, 2009 at 8:30 P.M.

ATTEST TO:


Margaret Gainer-City Secretary

APPROVED BY


Guido Persiani-Mayor