

BEACH CITY COUNCIL

REGULAR MEETING

The Beach City Council met for a Regular Meeting Tuesday, August 28th, 2007 at the Beach City Community Building. Those present were:

MAYOR: Guido Persiani

MAYOR PRO TEM: Rita Standridge

ALDERMAN: Ray Smith

Tommy Clayton

Douglas Walker

Vaughn Bercaw – Absent

CITY ATTORNEY: Daniel Jackson

CITY SECRETARY: Margaret Gainer

Mayor Persiani called the meeting to order at 7:10 P.M. Tuesday, August 28th, 2007.

I. Review and consider approval of the Regular Meeting minutes of July 24th, 2007.

The Minutes were reviewed by Council prior to the meeting.

MOTION made to approve the minutes as presented.

MOTION: Standridge

SECONDED: Smith

APPROVED: 4 – 0

Mayor Persiani made the comment that by agreement with the audit, we will attach the Statement of Revenues and Expenditures to the Minutes.

II. Review and consider approval of the Statement of Revenues and Expenditures for 1 month ending July 31st, 2007.

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

Mayor Persiani said that the formulas on the statement are locked in, on the audit recommendation. He said total revenues for the month were \$7,301.57; expenditures were \$11,552.36 so we had a negative of \$4,250.79. The Mayor went on to say that the CD at Prosperity Bank had been corrected to 5.00%. Total Assets are \$539,618.45.

MOTION made to accept the Statement of Revenues and Expenditures for 1 month ending July 31st. 2007.

MOTION: Walker

SECONDED: Standridge

APPROVED: 4 – 0

The Statement of Revenues and Expenditures for July 31, 2007 approved by Council on August 28th, 2007 is hereto and made a part of these minutes.

III. Review and authorize payment of the proposed expenditures and investments.

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The Secretary handed out an amended Expenditure Authorization. She explained the corrections.

MOTION made to approve the amended Expenditure Authorization.

MOTION: Standridge SECONDED: Walker APPROVED: 4 – 0

The Expenditure Authorization approved by Council on August 28, 2007 attached hereto and made a part of these minutes.

IV. Power Outage and PUC Application Report by CenterPoint Energy

Mayor Persiani recognized Richard Orum, Service area Supervisor at CenterPoint Energy. Mr. Orum reported on the outages, 18 were shut off when a large vessel was being moved to a Mont Belvieu Plant. The Company shut down three times, four times from lightning strikes. All outages were short term. They will do more testing if the City wants them to.

He briefly talked on the Application of CenterPoint Energy Houston Electric, LLC for a Financing Order. This was a notice of an Application of CenterPoint Energy to the PUC for a financing order to re-coop the revenues arising from the transition charges in May, 1999. They are asking to sell bonds which will be passed on to the retail customers.

V. Review and Act upon Service Provider Agreements

A. Health and Environmental Services

An Agreement for Environmental Services between the City and Designated Representative Reginald Nalley was presented by City Attorney Daniel Jackson. He stated that this is essentially the same document as the one that was reviewed at the last meeting. He went over it specifically and talk about the insertions he has made, practically agreed to by Council at the last meeting.

Attorney Jackson said we also have a contract from an individual, Environmental Health Specialties. It has some terms in it that are different based upon it is specifically placed in the market for us. Basically the change deals with compensation. In explanation, the Mayor said this deals with third party inspection and investigation of the Troxell property. We haven't done anything yet. Reggie will still be our Designated Representative with TCEQ and this is above and beyond. Attorney Jackson said this person is what he calls a trouble shooter. If we have to go to court, he's an expert and we would rely on him to testify in court.

Mayor Persiani said both of these contracts are ready for us but Reggie has not seen any of this, he has heard it expressed by Counsel right now. The only rates of Reggie's contract that we could fill in are the ones we currently pay to him. The mayor said Council could actually authorize contracting under these terms and Reggie could say that he just heard what was said and say he could accept everything but ____ or he could say he can accept it as it is. Mr. Nalley seemingly was upset. He explained to Council exactly

how he felt and what he expected. Mayor Persiani said that would be what Council has to debate. Where do we stand with environmental services for this City with the growth we are experiencing and with the issues that comes with that? That is not just the growth but the aging of the systems; things are not going to get any better. He went on to say if the Council decides to put that off to later, they should. If they choose to go ahead and pursue that now this has been presented to produce that. After discussing the subject further the Mayor recommended that a motion be made. Mayor Persiani asked Mr. Nalley if Council voted this in the affirmative would he be willing to negotiate. He answered yes he would.

MOTION made to negotiate an Agreement for Environmental Services with Reggie Nalley based on the agreement presented by City Attorney Jackson.

**MOTION: Clayton SECONDED: Walker Show of Hands:
APPROVED: 4 – 0**

Mayor Persiani recommended that a motion be made to negotiate an Agreement for Environmental Services for Environmental Health Specialties.

MOTION made to negotiate the contract based on the current draft from Counsel.

**MOTION: Smith SECONDED: Walker Show of Hands:
APPROVED: 4 – 0**

VI. Nuisance Mitigation

A. Review current environmental complaints

Nothing to report on the Troxell and Duran properties. Mr. Nalley reported on a trailer home on Ocean Drive that was suppose to be moving in another smaller trailer. He found no violation. He also visited the property at 7919 Bayview Drive in Bayridge Subdivision after the City received a complaint that Robbie Lee had sent to the TCEQ Houston Region Office. Mr. Nalley re-numerated the chicken in a pen, the goat the cars but no trash or garbage lying around. The cars and old mobile home were parked against fence but the gate going to well house was in the clear. Ms. Lee's concern was the community water well and Mr. Nalley said he personally don't think we have anything to do with it. Mayor Persiani said the City Secretary contacted Gulf Utility Service and faxed them a copy of the complaint that Ms. Lee had sent to TCEQ. TCEQ sent Ms. Lee's complaint back to us and checked off "refer" or "do not respond".

B. Review and Act upon Junked Vehicles Ord. No. 2007-3

Mayor Guido stated that at the last meeting he brought up the potential of changing the nuisance ordinance to include things like junked vehicles, to include adjustments to match what the County uses which is out of the TCEQ health rule regulations. We decided last month not to touch the nuisance ordinance, so we have this mellow version of this specific target nuisance called Junked Vehicles. City Attorney Jackson explained the ordinance. Alderman Smith asked that boats be added to the ordinance if it could be

done. Mayor Persiani said the idea wasn't to ignore the purpose, it's still under the nuisance mitigation, we're still trying to address a situation brought up by Bayridge in an attempt by Council to trying to satisfy their complaints, and this may be too big as a tool for this City at this time to resolve.

Mayor Persiani asked for a motion. No motion made. Ord. No. 2007-3 will be used on another ordinance.

VII. Flood Management

A. Review and act upon Federal Emergency Management Agency Resolution No. 2007-3

Resolution No. 2007-03 reviewed by Council prior to the meeting.

Mayor Persiani said the Resolution has to be adopted before we sign a Flood Damage Prevention Ordinance.

MOTION made to adopt Resolution No. 2007-3 as stated here, but in the Beach City format developed by Counsel.

MOTION: Walker SECONDED: Clayton Show of hands:
APPROVED: 4 - 0

B. Review and act upon new Flood Damage Prevention Ord. No. 2007-3 to replace Ordinance No.87-1

Mayor Persiani said what we are doing is we are adopting a new Flood Damage Prevention Ord. No. 2007-3 to replace Ordinance No. 87-1. He went on to say the requirements are really no different than they were in 1987. We didn't have a Flood Plain Administrator so these things were never done. As the Flood Plain Administrator he is volunteering to get the training so that he will be better at explaining all of the requirements. Venturing into this fete also means that we are going to do the things we are suppose to do. This is going to take a building permit for this.

MOTION made to adopt Flood Damage Prevention Ordinance No. 3007-3 as stated, formatted to fit the City Ordinances.

MOTION: Walker SECONDED: Smith Show of hands:
APPROVED: 4 - 0

C. Review and act upon Building Permit Ord. No. 2007-5

Mayor Persiani did not have anything for Council to review.

VIII. Review and act upon Culpable Mental State Ord. No. 2007-4

City Attorney Jackson reviewed the ordinance for Council.

MOTION made to adopt the Culpable Mental State Ord. 2007-4 as stated.

MOTION: Standridge SECONDED: Clayton Show of hands:
APPROVED: 4 - 0

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IX. Review and act upon Financial Audit for Period covering July 1, 2005 to June 30, 2006.

Mayor said he talked to Rusty Senac and told him that they (the auditors) did not need to spend any time with us because he went through the audit and spotted the items that he needed to tend to. There are some for the City Secretary to answer and there were some that did not require any action. The Mayors answers are written in blue on the audit. We will revisit this again next month with Margaret gets her answers.

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

Nothing to report.

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

Mayor Persiani reported on Proclamations that he and Rusty Senac prepared for Brian and Brandon Pearson, service men that have lived in Beach City all of their lives. A reception was being held for them in Bay Place on Labor Day.

Jim Josey, Pres. of the BCVFD announced Child Safe Night to be held at the Fire House in October.

Alderman Walker and Alderman Clayton asked if the Fire Department could bring a report to Council at the next meeting.

Alderman Standridge thanked the Fire Department for the participation in their Neighbor Night Our. They also went to Ocean Home Mobil Park.

Mayor Persiani stated that we have received a packet from the Resource Director of the U. S. Census Bureau asking wanting us to fill out a document electronically and he really don't have the time to do what they are asking and he thinks it is beyond what Margaret can handle.

XII. Adjourn

Mayor Persiani adjourned the meeting at 9:54 P.M. Tuesday, August 28th, 2007.

ATTEST TO:


Margaret Gainer
City Secretary

APPROVED BY:


Guido Persiani
Mayor