

City of Beach City

COUNTY OF CHAMBERS
STATE OF TEXAS

City Council Regular Called Meeting Minutes

The City Council of the City of Beach City, Texas met in a **Regular Session July 28, 2020** at the Beach City Community Building, 12723 FM 2354 Beach City, TX. 77523

Members Present: Mayor Jackey Lasater, Mayor Pro Tem Dana Colquitt, Alderman Doug Walker, Alderman Paul Newman, Alderman Ray Smith and Alderman Ryan Dagley

Staff Present: City Secretary Evonne Donnelly and Assistant Secretary Deanna Wallace

Legal Counsel Present: City Attorney Daniel Jackson

1. Call to order and announcement of quorum

On Tuesday, July 28, 2020 Mayor Lasater called the Regular Council meeting to order at 6:05 P.M.

2. Invocation and Pledge of Allegiance

Mayor Lasater offered prayer and Mayor Pro Tem Colquitt led the Pledge of Allegiance to the United States and Texas flags.

3. Public Comments (Limited to three (3) minutes per person)

None

4. Hear report and update from Pct. 4 Chambers County Commissioner, Billy Combs

There are/will be sporadic closings on TX 99 at Fishers Road.
The roundabout at the I-10 underpass and FM 3180 has been completed. East bound lanes on the I-10 overpass will be open in the latter part of September.
Chambers County Commissioners Court will finalize FY 2020-2021 Budget.

5. Hear report and update from Beach City Volunteer Fire Department (BCVFD)

Chief McDonald presented Council with a wishlist for items the VFD would like Council to fund. This list includes items such as a thermal imaging camera and the cost of the Texas Firefighter Pension Plan.

6. Approve Minutes for Regular Meeting & Public Hearing for FY 2020-2021 Budget of June 23rd, 2020

Motion to approve

Motion: Newman

Second: Colquitt

Approved: 5-0

7. Review and approve financial statements and revised budget for FY 2019-2020 ending June 30, 2020

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Mayor Lasater reviewed the incoming Intermodal Permit funding and the Sales & Use Tax funds the City has begun to receive. There was also discussion pertaining to the November 3rd Election. The City is at the mercy of the Chambers County Elections Clerk on the fees. Now that there are three weeks for Early Voting, this will increase the City's cost for the election.

Motion to approve

Motion: Walker

Second: Colquitt

Approved: 5-0

8. Financial Consent Agenda *(All financial consent agenda items are considered routine by Council and will be enacted by one motion. A Councilmember may request an item to be removed and considered separately.)*

- (a) Review and approve the Financial Statement(s) for the previous month
- (b) Review and approve Investment Update
- (c) Review and approve Expenditures for the current month
- (d) Review and approve Weekly Review of Accounts
- (e) Update and review CD #989 purchased from funds of a matured TexasTERM CD

Mayor Lasater noted the matured TexasTERM CD was reinvested into Capital Bank CD #989 in the amount at .65%, for twelve months.

Motion to accept the financials

Motion: Newman

Second: Walker

Approved: 5-0

9. Authorize City Election to be held November 3rd, 2020

- (a) Authorize Order of Election and Notice of Election for November 3rd, 2020
- (b) Appoint Election Committee

Motion to Authorize Election for November 3, 2020 and also appoint the Election Committee

Motion: Newman

Second: Colquitt

Approved: 5-0

Discussion: Mayor Lasater jokingly noted that Secretary Donnelly and the Assistant Secretary usually, enthusiastically, volunteer for the election committee.

The election committee will consist of Evonne Donnelly and Deanna Wallace.

10. Discuss and consider a request from Cobb Findley & Associates for Council to review and approve construction plans to include paving, water, sewer and lot expansions for 7030 FM 2354, Beach City, TX. 77523 aka Granite OceanWay LLC

Mayor Lasater does not feel this item should have been placed on the agenda since the City does not have inspectors for this.

Commissioner Combs noted that while the County has approved the items mentioned in the line item, this property is in the City's jurisdiction and final approval is up to the City.

Mayor Lasater does not recall anything like this being brought before the Council before. Commissioner Combs added that during his reign as Mayor, there was an instance like this. The City leans on the County to review these things since the City and the County's ordinances mirror each other. However, the final approval goes back to the City. The City has the right to approve or deny anything they chose to. Attorney Jackson noted that he does not recall the City approving Construction Plans. Commissioner Combs replied that he is correct and unsure of the wording. What the County approved was the plat and development plans for units and structures. He added that if the City is not good with the name ask for it to be changed to plat or site-plans, etc. Attorney Jackson understands the City approves platting, but once again said that this is construction. Alderman

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Walker asked if the drainage was reviewed. Commissioner Combs added the plat does address drainage.

Mayor Lasater added that the City does not approve construction drawings and we will move on.

11. Discuss and consider adopting an Ordinance that Restricts Registered Sex Offenders to Reside or be Present Anywhere Children Gather Within the Incorporated Limits of Beach City

Alderman Newman questioned Section 3, Notification; there is a reference to Police Department, can this be changed? Attorney Jackson added that it would need to state Sheriff Department.

Alderman Walker questioned page 1, under A; is there a reason why City Parks would not be included? Mayor Lasater added this is a generic ordinance that was presented to us.

Attorney Jackson questioned the enforcement of this ordinance. Alderman Dagley added that the Chambers County Sheriff's Office would alert the City Secretary to any sex offenders living in our area.

Alderman Dagley also noted, going back to the last meeting's comments currently Beach City is a sanctuary city, so to speak, for sex offenders. This ordinance may not appear to have a whole lot of bite, but it will help to create that we are no longer a sanctuary city and we should form the relationship with the Sheriff's office to enforce this. To have no policy is flawed.

Attorney Jackson asked how the City will make the sex offender move when they buy a house here.

Commissioner Combs asked if this ordinance states what the penalties are for violation; the answer is no it does not. It was recommended that someone set up a meeting with the Sheriff and review their practices in this regard.

Alderman Newman asked Attorney Jackson who currently enforces the state law. Attorney Jackson stated that a City police department would, if they have one, otherwise the County would handle that.

After a lengthy discussion amongst Council, including revisions to be considered, a motion was made. Mayor Lasater stated this will be Ordinance 2020-02.

Motion to approve

Motion: Walker

Second: Colquitt

Approved: 5-0

12. Discuss and consider adopting an Ordinance Regulating Pipelines Within the Incorporated Limits of Beach City

Alderman Newman gave an overview of this ordinance.

a). If a pipeline is going to utilize or cross any of the City's easements or Rights-of Ways, it will require a permit, public notice, and a public hearing.

b). Signs will be posted regardless if the property is public or private.

c). The City will hire an Engineer Contractor who is experienced in evaluating pipeline construction techniques and will abide by their recommendation to issue the permit or not.

d). There is a \$3,000 application fee to be used for sending this application to the engineer.

e). Any deficiencies may be addressed to the Engineering company by the pipeline company and they will have the opportunity to correct any deficiencies.

f). Council will facilitate any necessary public notice/hearings.

g). It is the contractor's duty to pay the permit fee to the City.

h). Exemptions would apply to gas lines for residential service.

Commissioner Combs asked what are the requirements or criteria that the Engineer is looking for or reviewing. Alderman Newman referred to the PHMSA (Pipeline and Hazardous Materials Safety

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Administration) requirements; adding that the engineer should be going by industry standards. Alderman Newman noted this is a stripped down version of the City of Mont Belvieu's ordinance. Also, he has been in contact with Mont Belvieu and they have not had any issues with their pipeline ordinance. Alderman Dagley stated the \$3,000 covers the initial submittal and review of the drawing. This fee would also cover a follow up meeting with the contractor(s) for any deficient items to make certain those deficiencies have been corrected, prior to installation of the pipeline.

Attorney Jackson stated there could be times when they are multiple entities involved in one pipeline transaction.

Per Mayor Lasater, the goal for this ordinance is to protect the citizens of Beach City and give them confidence. There are standards the pipeline companies must meet for safety and installation.

Motion to approve

Motion: Walker

Second: Colquitt

Approved: 5-0

13. Discuss and consider adopting an Ordinance Repealing the Application of the Exemption from the Sale of Telecommunication Services within the City of Beach City

In dealing with the State Comptroller's office regarding the Sales & Use Tax, it was brought to our attention there is a little known tax used for telecommunication services. When this tax was enacted, local entities were exempted from it. The entity may adopt an ordinance to repeal this exemption and collect the sales tax on telecommunications.

Mayor Lasater stated that he spoke with the Comptroller's office and he was told this tax cannot be taken by another entity, like the Sales and Use Tax could.

The Mayor wanted Council to be aware of this tax and decide if that want to repeal this exemption, via an ordinance.

No action by Council.

14. Consider and approve Service Provider Agreement with CASA (Court Appointed Special Advocates) Liberty/Chambers Counties in the amount of \$1,000 for FY 2020-2021

Motion to approve

Motion: Newman

Second: Colquitt

Approved: 5-0

15. Discuss and consider options for dispersing surplus office laptops used by Council and staff

Currently there are six laptops that are not being used by Council and Attorney.

It was discussed to donate these to a school or needy children.

It was decided to contact the schools and churches to see if they can assist with distribution of these laptops.

16. Update and discussion on non-compliance to City ordinances regarding On-Site Sewage Facilities (OSSF's)

None

17. Report and update from the Mayor

Mayor Lasater will start radiation next week and he will not seek reelection in November.

The Mayor stated he has enjoyed and appreciates his eleven years on Council and serving as Mayor for the last two years. He will be happy to help the next Mayor of Beach City anyway he can.

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18. Council Comments

Alderman Newman thanked Jackey for stepping up as Mayor when the position came open after Billy Combs left to become our commissioner.

Alderman Newman has seen people driving golf carts that are not road worthy and teenagers driving ATV's riding in the Right-of-Way by the highway.

Alderman Dagley thanked Mayor Lasater for his service to Beach City since 2009. Also, Dagley has decided to run for Mayor of Beach City.

Alderman Walker wished Mayor Lasater the best on his treatments and retirement.

Alderman Smith was crying and could not speak.

A prayer for Mayor Lasater was said by resident Ken Pantin.

19. Adjourn meeting at 8:04 P.M.

Minutes Approved: August 25, 2020



Jackey Lasater, Mayor

ATTEST:



Evonne Donnelly, City Secretary

