

## BEACH CITY COUNCIL

### REGULAR MEETING

The Beach City met for a Regular Meeting Tuesday, February 27<sup>th</sup>, 2007 at the Beach City Community Building. Those present were:

MAYOR: Guido Persiani

MAYOR PRO TEM: Rita Standridge

ALDERMAN: Tommy Clayton

Ray Smith

Vaughn Bercaw

Douglas Walker

CITY ATTORNEY: Daniel Jackson

CITY SECRETARY: Margaret Gainer

Mayor Persiani called the meeting to order at 7:05 P.M. Tuesday February 27<sup>th</sup>, 2007.

**I. Review and consider approval of the Regular Minutes of January 16<sup>th</sup>, 2007 and, minutes of the Special Called Meeting February 5<sup>th</sup>, 2007.**

Council reviewed the Regular Meeting Minutes of January 16<sup>th</sup>, 2007 and the Special Called Meeting of February 5<sup>th</sup>, 2007 prior to the meeting.

MOTION made by Alderman Standridge for approval of the February 5<sup>th</sup> minutes and approval of the January 16<sup>th</sup> minutes as amended.

MOTION: Standridge                      SECONDED: Walker                      APPROVED: 5 - 0

January 16<sup>th</sup> meeting Alderman Standridge referred to page four, the first paragraph, on the last sentence correcting "the 1<sup>st</sup> day to file for a place on the ballot will be extended to Tuesday, March 13<sup>th</sup>", rather that March 12<sup>th</sup>.

**II. Review and consider approval of the Statement of Revenues and Expenditures for 7 months ending January 31<sup>st</sup>, 2007.**

The Statement of Revenues and Expenditures for January 31<sup>st</sup> were reviewed prior to the meeting.

Mayor Persiani stated that the current revenues were \$14,937.47 and the year to date revenues were \$91,286.52 versus a budget of \$115,000.00 and said he thinks we are doing pretty well. Total amount of expenditures were \$7,632.16 so we have revenue over expenditures in the amount of \$7,305.31. Total assets are \$539,221.08 and the interest rate at TexPool as of February 26<sup>th</sup>, 2007 was 5.2928%.

The City Secretary said, regarding the \$8,234.92 shown is a large amount for one month but that is because some of the CD's pay interest monthly, some every six months and some yearly and it just rolls into the CD

MOTION made to accept the Statement of Revenues and Expenditures for January 31<sup>st</sup>, 2007 as stated.

MOTION: Walker                      SECONDED: Bercaw                      APPROVED: 5 - 0.

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

There was one addition to the expenditure authorization, check #1121, U. S. Postmaster in the amount of \$70.50 for 100 – 39 cent stamps and 50 – 63 cent stamps. Total proposed expenditures are \$7,920.75. The City Secretary said if the amount of postage that we use keeps increasing, as I am sure it will when we have our wastewater program in compliance, it might be a good idea for the city to be considering some type of metered mail.

MOTION made to approve the expenditure authorization in the amount of \$7,920.75.

MOTION: Standridge

SECONDED: Smith

APPROVED: 5 - 0

The Expenditure Authorization approved by Council on February 27<sup>th</sup>, 2007 is attached hereto and made a part of these minutes.

**IV. Review and act upon City of Beach City Interlocal Agreement Joint Election with Barbers Hill Independent School District.**

Mayor Persiani said the bottom line is that Barbers Hill Independent School District is going to have their election here. They were supposed to have it ready for the School Board meeting on February 26<sup>th</sup>. Alderman Smith said they mentioned it at the Board Meeting and also early voting. Mayor Persiani said everything is stated here. The only thing it doesn't really say is; if we are splitting the cost just how much money are you splitting. Alderman Standridge asks if this agreement was for this one election.

The Mayors recommendation was that the City go ahead and secure an interlocal with Barbers Hill Independent School District because that will be our best option. After a discussion on the cost Mayor Persiani said he would like to lay it to rest where we are committed to show the spirit of co-operation. The financing piece of it says, "and if agreed upon the pro-rated invoiced amount " and we can agree to this and we haven't agreed to any pricing.

MOTION made to approve the Interlocal Agreement for a Joint Election with Barbers Hill Independent School District.

MOTION: Walker  
of hands:

SECONDED: Smith

Vote by show

For: Smith, Bercaw, Clayton, Walker

Opposed: Standridge

**V. Review and act upon CenterPoint Energy Texas Gas Operations Ordinance No. 2007-1, for Natural Gas Services.**

Mayor Persiani said he has copies of the CenterPoint Ordinance, we were ready to approve this but Alderman Walker brought up the point about why twenty-five year, why not 10 years like the previous one was? The ordinance the Natural Gas Company has 10 years. Our intent was to have these things match each other. Mayor Persiani had the ordinance here that Attorney Jackson wanted approved. It does have it at the 25 years. E-mail from Randall Sanders saying that after reviewing the franchise that the City of Beach City

February 27, 2007

has with The Natural Gas Company they find it is a 10-year franchise and they are open to making the change from 25 years to 10 years for the CenterPoint franchise contract.

MOTION made to accept Ordinance 2007-1 franchise agreement with the change from twenty-five (25) years to ten (10) years.

MOTION: Smith  
of hands:

SECONDED: Walker

Vote by show  
APPROVED: 5 - 0

**VI. Review and act upon Resolution 2007-2 in support of modification to the Chambers County Cedar Bayou Navigation District.**

Mayor Persiani stated that he served on an inter modal task force that was started because of the concern the City of Baytown had for a container on barge terminal which could possibly be constructed along Cedar Bayou. Citizens were concerned about the contents between industry and barge traffic relative to recreational craft on Cedar Bayou. The group looked into it. They were looking at a reasonable ability authority to try out, one entity to ride herd over all of the issues relative to the Bayou from the development standpoint. The task force finally worked out a recommendation, which is what you see in the resolution. The Mayor presented a map that shows the two different districts, the Cedar Bayou Navigation District and the Chambers –Liberty Counties Navigation District. All cities in the CLCND district pay taxes. The recommendation that came out of the task force is simple. They want one entity along the Bayou, one district to control, not two. Take the Chambers County-Cedar Bayou Navigation District Board of Directors and expand it from 5 to 7 and put two additional members on the board. Those members would be representative of the community and not industry. The big thing was to de-annex, this would be the other district, every thing in west Chambers County west of the Old and Lost River and expand the Cedar Bayou Navigation District Boundary to all the way down to the Bayou and out to the Ship Channel, drawing that boundary in such a way that it avoids residential property. (This wording is in the resolution).

Alderman Smith asked why we are doing this? Mayor Guido said to save taxes. Alderman Standridge asked who is going to pay for this new district being created? Mayor Persiani answered right now legislation is submitted to try to change the district boundaries and at the same time there is a movement afoot by the Chambers County Commissioners Court which was to placate the situation a little bit better because the two districts do not agree. One is willing to expand and the other is not willing to let the other to expand. In that effort there could be an amicable agreement if one of the districts says we will reduce our boundaries and you expand yours. This is what Chambers County Commissioner Court is trying to broker now. Whether that happens or not, it just gets down to whether we want this tort, literally, a movement again to get out of this district again. There are not any residents in the current Chambers – Cedar Bayou Navigation District boundaries. The purpose is not to tax or assess residents for barge traffic and barge and navigational improvements. Alderman Smith asked if the board was going to be the only ones that can vote for proposed changes. Mayor Persiani answered yes. Alderman Smith said that kind of keeps us out of the loop, doesn't it? Mayor Persiani said we're out of the loop now. Alderman Standridge said we do have a representative from

this area on the board and they are sort of good ole boys and we can go to Anahauc if we don't like what they are charging. The Mayor said that is what this other acumen is to show you what money was spent or what kind of money didn't come any where near us. If you look at this you've got Anahauc Harbor, Cedar Bayou and they have some nice numbers budgeted. In five years they spent \$2,500 on Cedar Bayou, Anahauc Harbor got \$58,800.00, Double Bayou got \$2,500.00 and that's sure not on this side. The Port of Liberty got \$52,000.00. Alderman Smith asked for what? The Mayor said he did not know, we should have our representative from that district come before us and explain just what did you spend \$52,000.00 for. Smith Point \$3,000.00. Mayor Persiani read from the Resolution, "Whereas, only 79% of the CLCND funds budgeted from 2002-2006 were expended in this period were spent on projects concerning Cedar Bayou. The remaining 98% of the District's funds were spent in areas other than West Chambers County. Cedar Bayou stream represents only 19% of the total budgeted funds for all CLCND navigation projects during the aforementioned five year period". It appears to the Mayor that we are paying money but we are not drawing any benefits.

Mayor Persiani said if the two districts come up with an agreement and all of a sudden they say the CLCND decided to give way and says you take anything along Cedar Bayou but we are going to hold on to everything we currently have. Understand that this is a Resolution, it is non-binding. Attorney Jackson said this is our preference. Mayor Persiani said it's a preference; it's a statement that we are taking a position. Attorney Jackson asked if he found their interest weighed more to industry or to the individual? Mayor Persiani said up until now we have been interested in doing a dredging project and doing it in a balance with the environment and certainly the community. What changed it over this last year was literally of chatter about this container on barge, when the dredging project feasibility study for Wal-Mart was popping on the scene. If they would have stopped to study the Wal-Mart effect they would have lost six months to a year. They do have a small statement dealing with it but that is all. The working problem is, what if you start having some container on barges big time coming up the strip. The Bayou can only handle 12 barges a day. Alderman Standridge said there is a large lane on this area and it shows a private barge terminal; you could have barges and garbage coming quite regularly. Mayor Persiani said there's nothing that would stop that. Alderman Standridge said that is why she is not anxious to relinquish any control. Not that we have any now. Why is this Resolution important? Mayor Persiani said to take a position. He went on to say that he believes this is a good statement in support of helping get control of the Cedar Bayou. If you don't do anything, if you don't like this, you are going to get more of what you've got now. Alderman Standridge asked what was the down side of waiting until we have more details on the project; until there is a proposal from the legislature, there's feedback from CLCND that they are going to oppose this officially. Mayor Persiani said he don't think there is a down side. You could not take action. Alderman Smith asked what's the today urgency of this; would we accomplish the same thing if we voted on this next meeting? Mayor Persiani said sure if that makes you more comfortable. Attorney Jackson asked what is the philosophy of this new district in terms of Cedar Bayou, where do they want to go? Mayor Persiani said sense about all of 2006 drums started to beat internally to start putting more authority on that Bayou, navigational authority. First of all barges are parked illegally. You've

Mayor had on it was if you've got an existing septic system and it fails, can you outrepair it? Mr. Nalley answered no. The only thing you can replace is the drop line, the solid line from the house to the first pre-treatment line. Mayor Persiani said you can determine that her system is not working. Mr. Nalley said she is going to have to up-grade her system. He then gave some history on this on this piece of property dating back to three years ago. Mayor Persiani said he started this agenda based on a procedure not a group of people out there or our own processes but the one thing he wants to implement is a formal complaint process. The Mayor checked the TCEQ web site and they have a complaint process. If you go into their site and you find the Authorized Authority in Chambers County. There are three of them, Chambers County, Old River Winfree and the City of Beach City. He went on the spell the chain of command. When the Mayor talked to Mayor Landry about what they were doing and he told him they were relying on the County with an interlocal agreement. So it's only Chambers County and us. He wants Council to understand that's the way it is set up so we are taking on a major task. He just wanted to keep council aware because he may be coming back asking for additional help, additional training or additional funding to get this under control. Alderman Standridge said this council has visited this problem before and we went up that chain you are talking about, the buck came back down to us. Reggie gave a brief history of the problems at McCollum Park and a meeting between the County, TCEQ, Mayor Senac, Alderman Standridge and himself only to be told by Darla Branch with TCEQ and Sidney Lewis with Chambers County not to worry about it, it will be taken care of through attrition. Mayor Persiani said he appreciates the history but the reality today is what is his personal liability and what is council members personal liability? The Mayor said TCEQ expects us to handle it, and as he reads it, we have the first line of responsibility and the only way he knows how to handle this is there is going to be a formal complaint process. He wants the complainer to write down what they see, he wants a date on it and he wants a copy of it and then it should be a formal procedure and he asked Council for their full support because he don't think they have to authorize the procedure. He needs to see the letters that Reggie sends out, the notice of a violation is going to have two signatures on it, Reggie's and his, he wants the full power of the City on anything that goes out. The Mayor wants to write this procedure, he wants council to decide what is a reasonable allowable time to get a problem corrected. He wants to pin it down so Reggie knows that when he is out there he's talking chapter and verse from this City's stand. City Attorney Jackson ask what does Reggie do after it is determined that there is a violation? Mayor Persiani said then he issues a notice of violation, which is a registered letter. Reggie gave an over-all picture of possibly 20 complaints since he became the inspector in 1997. Only 3 of those complaints became a problem, McCollum Park, the Troxells and the Jordans. Mayor Persiani said he appreciates the dialog but he can't see that; he has to see what the requirement is and he has to go by a method and it can not be inconsistent, they are all handled alike. We won't look backward, we're looking forward. Reggie said it would tickle him to death to have something to follow. He went on to say we have a couple classes of people that live here in Beach City. Some of them live from pay check to pay check – sometime and some of the are very affluent. On those living paycheck to pay check having to put in a \$6,000.00 septic system in thirty days its just not going to happen. He works with them as much as he can but if the City gives him a list of things he has to do, by law, he don't have a problem with that as it don't have to go on his

February 27, 2007

conscience. Mayor Persiani said these things will be procedural and every situation could be different. The procedure should have bonified moments of allowing you to let a higher power make the decision. He wants everyone to know that we are doing our darrest that any violation going on out there is dealt with and without harassing individuals.

Inspector Nalley gave a history of the Troxell property on Lennie Lane starting in January, 2005. Sewer was being pumped out of his system onto a neighbors land. He checked it out, took pictures of the hose and pump coming from the septic tank and the sewer on the Holt's land. Mr. Nalley talked to the Troxell children because he could not get in touch with the adults. They pulled the hoses from the holding tank. He went back later with Mrs. Holt to the area and they both agreed that they weren't pumping any more. On February 15<sup>th</sup>, 2007 there was a complaint from Mr. Doc Gillis It turns out that it was the next trailer on Lennie Lane doing it this time. Reggie found out that Mr. Troxell owns both pieces, he lives in the frame house and he rents or leases the trailer out. Mayor Persiani said we are going to use the Nuisance Ordinance as it has all of the same terminology that we need. The Mayor will write the procedure. Inspector Nalley said he has sent a certified letter to the Troxells saying that both properties would have to be updated in thirty days or we will go to JP Court. Mayor Persiani said he would like to see all of the information on both of these particular files, he would like to see where we are in this procedure. He will use these two as examples in support of that ordinance and vice-versa.

Mayor Persiani thanked Inspector Nalley for the use of his file; he will work on this procedure and come up with a form so we can see a good clear organization from our end.

**VIII. Executive Session Authorized by Chapter 551, Texas Government code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property.**

Council recessed for Executive Session at 9:30 P.M. Tuesday February 27, 2007.

**IX. Consider action regarding the purchase, exchange, lease, or value of real property.**

Council reconvened from Executive Session at 9:37 P.M. Tuesday February 27, 2007.

MOTION made to consider the purchase, exchange, lease, or value of real property.

MOTION: Smith  
of hands

SECONDED: Walker

Vote by show  
APPROVED: 5 - 0

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

Mayor Persian said there are several items here with CV (Community Volunteer) so he is going to make a proposal. He would like to start a Town Hall meeting. This doesn't mean Council, it means him. He is going to tell people that he plans to be here every second Tuesday of the month at 7:00 P.M. If they want to come talk, come talk and if no one is here by 7:30 he is leaving. Alderman

February 27, 2007

Smith said why is that any different than a City Council meeting, they could come here and do that. The Mayor said his thoughts are he wants to see who wants to volunteer. Some have shown some interest in volunteering and he will be doing some calling to those residents.

B. Beach City 3. Ordinance to insure future housing meets windstorm standards. Old River Winfree has said they are going to put a City ordinance in place dealing with this very subject. The Mayor was excited about it so he asked Mayor Landry to pass it forward when he got it finished.

**XI. Report on (Open Meeting and Records Act) training.**

The City Secretary stated that all had been turned in with the exception of the City Attorney. He said he would get it to us.


**XII. Council members' comments, citizens' comments and input.**

1. Mayor Persiani discussed two letters that the City received from the Rail Road Commission. They were in reference to the Masters injection wells. One was in reference to Masters withdrawing their application.
2. Beach City Volunteer Fire Dept. President Jim Josey was present and reported that they had the insurance people come out and talk about ISO as that has really escalated. He said Fire Chief Davis has scheduled a meeting with Mike Kietch, a consultant to come out and talk to them. He will spend two days here March 30<sup>th</sup> and 31<sup>st</sup> and start the process to get the department a better ISO rating. Once he gives them the items that they need to work on he will schedule the ISO Rating in about four months. He said Fire Chief Davis would be coming to the City requesting the budgeted funds they requested for this. Mayor Persiani said he thinks they will still have to answer the debate when the ISO guy said during the Insurance Meeting, it's free why are we going for a costly service, when it's free. Jim said Chief Davis will tell Council that when he comes to talk to them. He went on to say that he was involved in this too, a while back. He believes a consultant is a great idea. He is the guy that is going to make the difference talking to the ISO people.
3. Alderman Smith said he would like to commend Rita for all that she has done and the award she got and also commend our Mayor for the, by far best presentation, than any other presentation made, they were awesome.


**XIII. Adjourn**

Mayor Persiani adjourned the meeting at 10:15 P.M. Tuesday February 27<sup>th</sup>, 2007.

ATTEST TO:

  
Margaret Gainer  
City Secretary

APPROVED BY:

  
Guido Persiani  
Mayor