

BEACH CITY COUNCIL
REGULAR MEETING MINUTES

The Beach City Council met for a Regular Meeting January 27th, 2009 at the Beach City Community Building. Those present were:

MAYOR: Guido Persiani
MAYOR PRO TEM: Rita Standridge
ALDERMAN: Douglas Walker- Absent Vaughn Bercaw – Absent Ray Smith
 Tommy Clayton
CITY ATTORNEY: Daniel Jackson
CITY SECRETARY: Margaret Gainer
CITY SECRETARY TEMP: Marilyn K. Harrison

Mayor Persiani called the meeting to order at 7:05 P.M. Tuesday, January 27th 2009.

I. Review and consider approval of the Regular Meeting Minutes of January 27th, 2009.

Council reviewed the minutes prior to the meeting

MOTION made to approve the minutes as presented.

MOTION: Standridge SECONDED: Smith

No discussion.

Question called.

Show of Hands:
APPROVED: 3 - 0

II. Review and consider approval of the Statement of Revenues and Expenditures for 7 months ending January 31st, 2009.

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

Mayor Persiani reported on the Statement saying that the TexPool interest rate currently is .7496% and pointed out that in December it averaged 1.49%. He stated that he had bought the Quick Books and there will be a \$100.00 rebate. He has installed and registered the program. Total Assets are \$587,010.66.

MOTION made to accept as stated.

MOTION: Smith SECONDED: Clayton

Show of hands
APPROVED: 3 - 0

The Statement of Revenues and Expenditures as approved for January 31st, 2009 attached hereto and made a part of these minutes.

III. Review and consider approval of the proposed expenditures and investments.

Council reviewed the proposed expenditures prior to the meeting.

Mayor Persiani questioned the rise in the Verizon Bill. Temp. Secretary Marilyn said that the Extended Metro Service charge had gone up from \$79.10 to 81.10 and a directory assistant call was made in the amount of \$1.50. He also mentioned that we have to add the AT&T office phone bill, which is approximately \$50.00, for long distance, making phone service approximately \$150.00. Mayor Persiani said that this is the cost of phone service right now and we will talk about Vonage or any other VOIP services later in the meeting. He went on to say that we had a huge bill that was issued for some missed billing by Center Point for many months. He wants to make sure our bills are paid and make a survey of what lights are working and those not working and have that discussion with Tim Hunt. Margaret explained Ck. 1490 for Internet America. They have started charging a late fee of \$4.99. They are claiming that we have missed a payment in 2007. They are sending us their records and we will research where the problem is. Mrs. Gainer said if this keeps happening because of the \$4.99 late fee charge we probably need to look at paying the bill a month early.

MOTION made to approve the expenditure authorization.

MOTION: Standridge

SECONDED: Clayton

Show of hands

APPROVED: 3 - 0

The Expenditure Authorization approved in the amount of \$8,092.79 by Council on January 27th, 2009 attached hereto and made a part of these minutes.

IV. Review and act upon Morrison Drive Right of Way encroachment.

Review letters and survey sent to Mayor Persiani from Attorney Fred Bosse for the Morrison Property Encroachment. The Mayor turns the floor over to Mr. Bosse for explanation. Mr. Bosse explains that this time before the council is a little different then before, in that due to Hurricane Ike his client Mary Morrison's home received about forty percent damage. They have worked it out with the insurance that they are going to rebuild. Before rebuilding, they knew that they were over the line or close to it so they hired a professional surveyor to come in, in December to find out where they were. She knew as long as this encroachment exist, she would not be able to sell her property because there will be a perpetual title problem so she does not want to rebuild with the insurance money in the current situation. Her options are to ask the council if the council will give her an encroachment agreement or slice off three or four feet of the right of way or she will have to take off part of the house. She would be willing to pay some amount for the encroachment based on that appraisal due to the fact it is going to be expensive to take off part of the house. Mr. Bosse is asking the council to release approximately three feet of the easement. Alderman Clayton suggest that we release this to her and charge her \$1.00. Mr. Bosse said that Mrs. Morrison would be willing to pay more for this if need be. Alderman Smith asks Mr. Bosse that item #2, is the city would allow them to leave their property on the encroaching and we document it somehow. Alderman Standridge stated to Mr. Bosse that this has come in front of the council numerous times and was voted on not to give, sell, or lease that easement. Mr. Bosse said he knew the council had and had attended a council

meeting during the summer and when this matter came up Mr. Bosse told Mrs. Morrison that this has been decided on already by the council, but this is a little bit different situation. Mayor Persiani asked to be clear that the Morrison's want to rebuild the home and do they want to take it down to the slab? Mr. Bosse said no, it would not have to go to the slab and that most of the damage were in front half of the house that faces the Bay and the back half faired fairly well. The roof was the major problem, doing extensive damage to the inside of the home. Alderman Smith asked Attorney Jackson if there would be any problem in the future if the council went with item #2 and allowed the encroachment. Attorney Jackson suggests that there are two or three ways this could be done. The council could do a waiver and Mr. Bosse showed one in which he had drawn up and has used before. Attorney Jackson said that this waiver is pretty much standard, when someone is trying to sell a property they find out that there is an encroachment then they have to go to the City or whoever has the easement and get a consent because the title company will not close a transaction because they can not sure the title. Alderman Standridge asked if this is just for this owner or is it written so it carries through to the next owner? Mr. Bosse said that it is written so that it will carry through because the reason is that it would be sellable, also that if they tear it down they can not rebuild.

MOTION made by Alderman Smith that the Council grant the Morrison's consent to the encroachment shown on the enclosed survey, based upon our City Attorney's review of provided document and subsequent to approval by the council.

MOTION: Smith

SECONDED: Clayton

Show of Hands

APPROVED: 3-0

V. Review and act upon acquisition of a procurement card for automated payments.

Mayor Persiani asked Attorney Jackson if we have a true budget item that we can spend against. The tradition of the Council is, you don't spend the money until we authorize the expenditure, then we write the check. It is a different methodology and the Mayor doesn't know if we have a procedure that say's that it is that way, or do we? Has it ever been defined that this is the way we do the bills? Attorney Jackson said there is no sound policy that allows for that system. Mayor Persiani said he is questioning if it is O.K. to do an automated payment using a procurement card that is defined as only used for certain purposes. After a discussion of the different types of credit card withdrawals, Attorney Jackson suggested that we give the companies themselves authorization and let them automatically draw directly from the bank account. Alderman Standridge said she was against the whole credit card idea because there have been numerous examples of fraudulent use of those cards. Another organization that she has served, which is also a Government entity, did away with those credit cards, just as a safe guard. Mayor Persiani said he was not sure we could do that, to allow a company to draw directly out of our checking account. Alderman Standridge said only if we approved it in advance, a monthly withdrawal in the amount of what ever the bill is. She also wanted to know if Mrs. Gainer would have access to the banking records on line. Mayor

Persiani said no unless she had his password. Prosperity Bank would not allow a view online only. Mrs. Gainer reported that she was allowed to view the city's account with the last bank, but not Prosperity. Alderman Smith says he is in favor of some kind of automated payments to avoid the hassle of writing a check and timing. Mayor Persiani said he would check with Gina Allen at Prosperity Bank to see what ideas she has.

No Action Taken

VI. Review and act upon change of phone service to VOIP.

Mayor Persiani had a discussion about the phone system and received comments from the council and explained that he will do further research on this and thanked the council for their input.

No Action Taken

VII. Review and act upon interlocal agreement with BHISD to conduct joint election services for the May 2009 election.

MOTION made by Alderman Smith to push it to the next meeting so the Mayor can request from Barbers Hill School District that they define the prorated share and an estimated cost should we participate.

MOTION: Smith SECONDED: Standridge Show of Hands
APPROVED: 3 - 0

VIII. Authorize call for election notice of May 9th, 2009 City Election.

Mayor Persiani read Order of Election and Notice of City Election.

IX. Council Member Comments

- 1) Alderman Standridge would like for Mrs. Gainer be authorized to purchase a new telephone for the City office.
- 2) Alderman Smith did not send any kind of correspondence to anyone at Tex-Dot about the bridge with the hump, but Secretary Temp Marilyn K. Harrison reported that on her way to work this morning she saw a group from Tex-Dot looking at the problem. He also reported about the Barbers Hill swim team beat Crosby in an unofficial swim meet, first ever swim meet for Barbers Hill with about 25 swimmers on the team. He has a concern about seeing some building activity on FM 2354 that is suspicious and would like City Inspector Reginald Nalley to check on this.
- 3) Mrs. Gainer reports that she is glad to be back at work. She also wanted to let the Council know that the first date for filing an application for the May 9th City Election, is February 7th and the last day is March 9th.
- 4) Mayor Persiani has reported that FEMA has allocated money for Chamber County.
- 5) Alderman Clayton has a concern about the condition of Fisher Rd. He has agreed to talk to County Commissioner Bill Wallace to see what he may be able to do.

January 27th, 2009

X. Adjourn

Mayor Persiani adjourned the meeting at 9:00 P.M., Tuesday, January 27, 2009.

ATTEST TO:

Margaret Gainer
Margaret Gainer
City Secretary

APPROVED BY:

Guido Persiani
Guido Persiani
Mayor