

**BEACH CITY COUNCIL**

**REGULAR MEETING**

The Beach City Council met for a Regular Meeting Tuesday, July 24, 2007 at the Beach City Community Building. Those present were:

**MAYOR:** Guido Persiani

**MAYOR PRO TEM:** Rita Standridge

**ALDERMAN:** Ray Smith

Vaughn Bercaw

Douglas Walker: Absent

Tommy Clayton: Absent

**CITY ATTORNEY:** Daniel Jackson

**CITY SECRETARY:** Margaret Gainer

Mayor Persiani called the meeting to order at 7:07 P.M. Tuesday, July 24, 2007.

**I. Review and consider approval of the Regular Meeting minutes of June 26<sup>th</sup>, 2007.**

Council reviewed the minutes prior to the meeting.

**MOTION** made to approve the minutes of June 26<sup>th</sup>, 2007 as modified and stated.

**MOTION:** Standridge

**SECONDED:** Smith

**APPROVED:** 3 - 0

Alderman Bercaw corrected the eleventh sentence on page 5 to read, "Attorney Jackson said he has to go to the court and".

**II. Review and consider approval of the Statement of Revenues and Expenditures for 12 months ending June 30<sup>th</sup>, 2007**

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

Mayor Persiani reported on the Statement of Revenues and Expenditures. He stated that we are through with FY 2006/2007 and looking at the Year to date column the total Revenues are \$139,384.28 and the YTD Expenditures are \$9,456.03 making Revenues over Expenditures for the year \$44,628.25. He went on to say that basically is what the Asset growth is. Total assets are \$543,970.24 and the interest at TexPool as of July 23<sup>rd</sup>, 2007 was 5.2751%

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

**MOTION** Smith

**SECONDED:** Bercaw

**APPROVED:** 3 - 0

The Statement of Revenues and Expenditures for June 30<sup>th</sup>, 2007 approved by Council on July 24<sup>th</sup>, 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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Council reviewed the proposed expenditures prior to the meeting. The City Secretary handed out amended copies of the proposed expenditures.

MOTION made to approve the expenditures as amended and stated.

MOTION: Smith                      SECONDED: Standridge                      APPROVED: 3 - 0

The Expenditures Authorization approved by Council on July 24, 2007 attached hereto and made a part of these minutes.

**IV. BCVFD Service and Financial Report**

No one was present to represent the Beach City Volunteer Fire Dept.

**V. Review and Act upon preliminary plats for P. & R. Barrow tracts in Barrow Ranch Sub-Division**

Council viewed the plats for the P. & R. Barrow tracts in the Barrow Ranch Subdivision. Mr. Eric Guzman pointed out where the common area would be. County Engineer Don Brandon has notified Mayor Persiani that the preliminary plat is acceptable.

Mayor Persiani said that one resident has already talked to one of the Registered Sanitarians about putting a pool on his property. The Sanitarian told him he had a problem because of the location of his septic system and spray heads. He said he was going to put it in anyway and if he does we have nothing to deal with that. Mayor Persiani said these lots are large enough if all of the designs are put together at the beginning. What is happening is the builder of the homes is going to sell the homes with a septic system and if the swimming pool is not put in that original plan that septic system is more than likely going to be using up the available ground. Then you have the "buyer beware problem. This has real bad potential, it has already happened once. The Mayor suggests that it must be put in the Home Owners Regulations that they must come become the City for an application for a pool. Our subdivision regulations do not deal with this. The Mayor said later he is going to suggest that we have a swimming pool permit and no one puts in a pool without a permit. Also that no one changes out mobile homes without a permit, as well as building a new home, etc. They are going to have to come before this City and tell us what they are doing. That's the only way we are going to get it under control.

MOTION made to accept the preliminary plats for P. & R. Barrow tracts with a restriction that the deed must have a statement addressing the requirement for a Registered Sanitarian design a septic system compatible with a future swimming pool.

MOTION: Standridge                      SECONDED: Smith                      APPROVED: 3 - 0

**VI. Review and Act upon Service Provider Agreements**  
**A. Health and Environmental Services**

Attorney Jackson said he tailored the agreement specifically for Environmental Services Contract for an independent contractor in the capacity of a

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Environmental Health Inspector. He then went over the entire agreement with Council, answering any questions that they had. After a short discussion Mayor Persiani said Attorney Jackson will get the agreement ready and the Mayor will send it to Designated Representative Nalley. Reggie.

Mayor Persiani said, referring to John Shrader's agreement, that he had not signed it. The rate is \$100.00 per hour. He met with John Shrader and he did not ask him for a documented resume but the whole subject here fits under Health and Environmental Services Agreement which is strictly for Third Party Expert Witness, this is his terminology, the idea is very much focused and it is time bounded for only a year and is specific to one activity, the Troxell property.

MOTION made to draft and execute an agreement for Environmental Services with Environmental Health Specialties for a third party for investigation services.

MOTION: Smith

SECONDED: Bercaw

Show of Hand  
APPROVED: 3 - 0

**VII. Nuisance Ordinance 2003-1:**

**A. Review Status of current environmental complaints**

No new information on the Dennis Troxell complaint on 8713 Lennie Lane. On the Gordon property on Clark Lane the new septic system has been OK'd by Mr. Nalley. Mr. Charlie Burgess has been notified that it can be installed. No new information from Inspector Nalley on the two complaints in the Bayridge Subdivision.

**B. Review and Act upon proposed revisions**

Mayor Persiani handed out copies to Council of the Health & Safety Code, Abatement of Public Nuisances, Chapter 343, and said this is the law. The only thing he could tell Council is that specific to County and said that Sydney Lewis told him that these were the minimum requirements. He went on to say that looking at these requirements they do not match our ordinance. After some discussion the mayor said he is the kind of person, if it is written then we should comply with it. Our nuisance ordinance certainly gives us the ability to stay back and we have to wait and have someone come forward with it, or you can have something clearer like this. He went on to say we don't have to revise our ordinance, it's just that he is confused because here is the County's minimum requirements, according to the County and they don't apply to us, these are our minimums. Attorney Jackson said our ordinance covers most of the areas that the county does and then he listed some of the differences. He then addressed Junked cars, handing out a memorandum that talks about the moral aspects of it and said Council could read that at their own leisure. The second thing he discussed was a Junked Vehicles nuisance ordinance that he had prepared. Mayor Persiani said the issue is out and we can move forward if we wanted to stiffen our ordinance to line up presumptuously with what the code say's. The code say's in more specific detail relative to time frame and types of stuff that are stuck in the middle. Alderman Smith said he is in favor of that. The Mayor said we don't have to act on this to night; we can appraise the issue and totally play it out with Ordinance 2003-1. Mayor Persiani said he

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would be more comfortable having two ordinances. He went on to say that the recommendation would be to approve a junk vehicle ordinance as presented by Attorney Jackson. Mayor Persiani recommended that we not modify Ord. 2003-1.

**VIII. Flood Management**

**A. Review and act upon new Flood Prevention Ordinance to replace Ordinance No.87-1**

Mayor Persiani said that last month we mentioned that FEMA came to us and said we needed to refresh our previous ordinance #87-1. They gave the Mayor a web site where he could get a copy of a Flood Damage Prevention Ordinance. He brought copies for Council to review. He also gave Council a copy of the Resolution that goes with the ordinance. The Mayor said there is a main reason why we have this ordinance and that is you qualify your City so every resident can qualify under the National Flood Insurance Plan. The Mayor said he also added the Permit Sample Pack. This is a sample of how to do permits and it says if you are going to be a part of the National Flood Program you have to do this. Every building permit that we do right now has to validate whether the building that is being built in a 100 year flood plain area now. The Mayor's recommendation is to adopt the new ordinance and the Resolution and where he is heading next is to have a Building Permit Ordinance. He went on to say that our permit today is nothing more than an OSSF permit.

This item tabled until the next meeting.

**A. Appoint Flood Plain Administrator**

Mayor Persiani said he would volunteer to be the Flood Plain Administrator for the time being.

MOTION made to appoint Mayor Persiani as the Flood Plain Administrator.

MOTION: Standridge

SECONDED: Smith

Show of Hands

APPROVED: 3 – 0

Mayor Persiani said actually the FEMA map is not correct, We spotted that the very Southern end of Beach City, they show our boundary going all the way down to where the elevation drops down to the water level. All of that area west of the old Weingarten estate, according to the FEMA map, is in the corporate boundary of the City of Beach City. He went on to say the Ordinance is alright but the Resolution comes before the Ordinance. The Lady from FEMA said you need to do this ordinance, she didn't tell him about the resolution. He spotted the Resolution on the FEMA Web site. Action on the Flood Damage Prevention Resolution and Ordinance will be tabled until next meeting.

**IX. Review and act upon new ordinance for building permits**

Attorney Jackson said this is a permit process, it is a very transformed process, it doesn't require all of the technicalities that a lot of them do. What we do is simply adopt a code. The code says this is how we build a house, the

materials you build the house out of, how you build the house electrically, structurally. You adopt an International Code because it has to be on file. We have to get a National Electric Code because it has to be on file. An International Mechanic Code that has to be on file. All of these codes are very thick, wordy and specific that's why when you get in the permit process how are you going to know if those buildings that are being built comply with those Codes We don't have such individuals; it's difficult for us in a small city. The whole process is hard to define what we want at least from his point of view. Mayor Persiani said, based on what he experienced on his home, the driving force was the Windstorm Insurance and it is using the International Building Code. Even under the FEMA Insurance they didn't care how you wired it or what kind of insulation you use. It says you build it structurally firm to stand up to the wind and water. He went on to say that is all he is suggesting that we do and in that talk about manufactured homes. He could have his home built soundly and a mobile home right next to his that can blow into his and damage it severely. This is how you control that, you have to set a line of requirements and he is saying the requirements don't need to go to all of the quality features of the home; it needs to be the structural integrity of the home. You can say a manufactured home has to stand up to certain wind designed requirements and tie down requirements.

Mayor Persiani said in this whole thing of a building permit, you need a building permit process, you need a fee structure and in that building permit process, what are you looking for. He thinks we are looking for structural compliance to windstorm standards. If you make that requirement the building gives the homeowner a certificate which is filed with the State Board of Insurance. The only controlling agent in all of that is the fact that the insurance company, and we are in a coastal county and it is an insurance requirement enforcing that issue. The other part is the experience with the Troxell party, the person changed our one size mobile home to another and there was debate as to whether that party should have come back and reapplied for a permit. The Mayor wants to be sure that you come back a reapply for a permit. He thinks we can add all of that in but he don't think we have to go to the extent of going for all of the electrical, plumbing, etc. Alderman Smith said we should give electrical consideration here because poor wiring can cause a hassle for the Fire Department. Mayor Persiani said you don't have to have a license to install it; you just have to be a specialist on a corporate license. You go by the national code. The Mayor wants to get the dialogue started; there is essentially a building permit scope of control. This item was tabled until the next Council Meeting.

City Attorney Jackson said, regarding the Culpable Mental State Ordinance, if we are going to get into all of these ordinances and start having penalties for violations, then you have to set up a system that says we're going to require these people to come before the prosecution and we are going to require the prosecution of these cases to prove that that person intentionally and knowingly committed that offense. Mayor Persiani asks him if he was advising us to do this, no matter what. Attorney Jackson replied yes. This item will be on the next meeting agenda for action.

**X. Preliminary Review of Financial Audit for Period covering July 1, 2006 to**

July 24, 2007

**June 30, 2007.**

Mayor Persiani went over the entire Financial Audit Summary. All of the Observations were read and recommendations discussed and considered. The City Secretary will review the Observations and Recommendations referred to her and report back to Council.

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

Nothing to report.

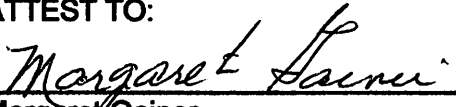
**XII. Council members' comments, citizens' comments and input.**

1. Alderman Standridge said she thinks the Auditors did a good job but she doesn't think Council has to implement all of their ideas if we don't want to. Mayor Persiani said they did very well and did a thorough audit.
2. Alderman Smith asked the Mayor about having CenterPoint come and report to Council about all of the surges and outages we are having out here.

**XIII. Adjourn**

Mayor Persiani adjourned the meeting at 10:20 P.M. Tuesday, July 24, 2007.

ATTEST TO:

  
Margaret Gainer

APPROVED BY:

  
Guido Persiani