

BEACH CITY COUNCIL

REGULAR MEETING

The Beach City Council met for a Regular Meeting Tuesday, October 23rd, 2007 at the Beach City Community Building. Those present were:

MAYOR: Guido Persiani

MAYOR PRO TEM: Rita Standridge

ALDERMAN: Ray Smith – Late
Douglas Walker

Tommy Clayton

Vaughn Bercaw

CITY ATTORNEY: Daniel Jackson

CITY SECRETARY: Margaret Gainer

Mayor Persiani called the meeting to order at 7:07 P.M. Tuesday, October 23rd, 2007.

I. Review and consider approval of the Regular Meeting minutes of September 25th, 2007.

The minutes were reviewed by Council prior to the meeting.

MOTION made to approve the minutes as stated.

MOTION: Standridge

SECONDED: Walker

Show of Hands

APPROVED: 4 – 0

II. Review and consider approval of the Statement of Revenues and Expenditures for 3 months ending September 30th, 2007.

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

Mayor Persiani reported that total revenues for the month were \$2,497.46 and expenditures were \$8,085.11 resulting in a negative for the month of \$5,585.65. Total assets shown are \$543,279.93. Mrs. Gainer corrected the 10 cent difference between the Mayor's copy and the Statement that was mailed out to Council.

MOTION made to approve the Statement of Revenues and Expenditures as stated in the packet received in the mail.

MOTION: Standridge

SECONDED: Clayton

Show of Hands

APPROVED: 4 – 0

The Statement of Revenues and Expenditures for September 30th, 2007 approved by Council on October 23rd, 2007 is hereto and made a part of these minutes.

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

The proposed expenditures were reviewed by Council prior to the meeting.

Expenditures added October 23, 2007 were: H/GAC General Assembly. After a discussion of how this was handled in the past, it was the consensus of Council to pay for the City Representative only. The spouse can attend but at their own expense.

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Check #1243 in the amount of \$40.00 was added. Check #1234 for Internet America in the amount of \$44.95 was voided and Check #1241 was added in the amount of \$64.95. This came about because the billing date was changed to the 15th of each month so that we would not be billed for a late charge each month. Next month the amount will go back to \$44.95. The other addition to the authorization was for Thompson West for Law Book Update, Check #1242 in the amount of \$53.00. Total Authorization was for \$7,056.40.

MOTION made to approve the Expenditure Authorization as amended.

MOTION: Walker

SECONDED: Bercaw

Show of Hands

APPROVED: 4 - 0

The Expenditure Authorization approved by Council on October 23, 2007 attached hereto and made a part of these minutes.

IV. Review and act upon request for variance to the set back requirement at 8610 Black Horse, Barrow Ranch Subdivision.

Kelly Charpiot was present representing Compass Homes. Attorney Jackson said that Council can make a variance available, if they desire, by a motion and an ordinance. Mayor Persiani said it can be done with a motion and an ordinance will have to be drafted, but it will be in force as of today. Council reviewed the plat of Lot 11, Block 4, Barrow Ranch, Section 2. The plat shows the intended set back as 51 feet, but it showed up as 49.3. As a comment Mayor Persiani said we don't want this to be a habit.

MOTION made that Beach City agrees that Compass Point Builders deserves a section and a part of reality that will be 49' and the new set back line will be established at 49' and shall be the exception from our Building Ordinance at this address; 8610 Black Horse Road, Barrow Ranch, Section 2.

MOTION: Smith

SECONDED: Walker

Show of Hands

APPROVAL: 5 - 0

V. Review and act upon request for abandonment of Morrison Street Right-of-Way.

Mayor Persiani called on Mr. Will Dyre. Mr. Dyre stated that he and Ms. Dyre are requesting abandonment of 100 ft. Right of Way, located on the east side of Ocean Drive. Their physical address is 10430 Ocean Drive. His father bought the property in 1972 and he passed away in 1995. The maintenance of the R-O-W was done by the Morrison's and Mr. Dyre's father. Mr. & Mrs. Dyre bought the property in 2005 and now help with the cost of the up keep of the property. Their property size is 50 ft x 500 ft. They would like to obtain the property to build a larger home that would become their permanent residence. He also brought a letter from Mary Margaret Morrison, owner of the adjacent property, requesting abandonment of the right-of-way. Mr. Dyre furnished Council with a packet of information, including pictures, relating to the abandonment.

After Council reviewed and discussed all of the documentation City Attorney Jackson read from the Deed of Records Volume 25 the dedication of that strip of land. In conclusion Mayor Persiani said we could only abandon the R-O-W for ingress and egress. That does not mean they would have legal title. He went on to say that the Dyre's and he had talked and decided there would be a presentation of the information to get feed back from Council and regarding the whole subject as well as our

Counselor. Hopefully that was helpful and they can contact him should they want to bring it back to Council again for consideration.

VI. Review and act upon Natural Gas Company request to install pipeline in McCollum Park Road Right-of-Way.

Mr. Lannou, owner of the Natural Gas Company was present and presented a permit application to move the present natural gas line from the intersection of FM 2354 and McCollum Park Road, South of the Barrow Ranch Subdivision into the City R.O. W. This line was originally laid down FM 22354 in the State R.O.W. into Barrow Ranch Subdivision into a designated easement. At the time he laid that line Ken Mitchell owned that property and he did not object. He has since sold that property and the new owner does not want the gas line on his property. The new line will be laid south of the Barrow Ranch Subdivision in the City R.O.W. This Change has been approved by County Engineer Don Brandon.

MOTION made to approve the application submitted which, for clarity, is the location of the utility construction at the corner of FM 2354 and McCollum Park Road and continues approximately 365 feet to the Barrow Ranch Utility Easement.

MOTION: Clayton

SECONDED: Walker

Show of Hands

For: Standridge, Clayton

Walker, Vaughn

Abstain: Smith

VII. Beach City Volunteer Fire Department Report.

No one present representing the BCVFD. Mayor Persiani said we wanted the information to see how they are doing with their funding and also how they are doing with the money we provided with the ISO. The City Secretary said they are working on it. She has met the man that is working with them; he came to the City office for some information. Alderman Walker said we want to hear how all of their funds are being spent. Alderman Standridge said that is nothing that we can discuss unless it is in a Budget Session. Mayor Persiani said he would call the Volunteer Fire Department asking for a report, leaving to their discretion what they want to report.

VIII. Executive Session Authorized by Chapter 551, Sub-Chapter D, Section 551.074, Personnel Matters, of the Texas Government Code.

Attorney Jackson said he had researched this for the Mayor, on personnel matters. The question is whether or not he is an independent contractor and has any legal rights to the workings of the City as one actually hired by the City. If he is a hiree then we can go into executive session but in view of our relationship as independent contractor, we are going to be talking about a contract between him and us as opposed to talking about a personnel matter. Attorney Jackson suggested that at this time we handle the discussion in an open session. Mayor Persiani asked if we could handle it under this item and he answered yes.

Mayor Persiani stated that each Council member had received an e-mail directly from Mr. Nalley and if you look you will see that his original e-mail was on Sept. 14th with an attachment which was the document that we originally had read here but did not provide any paper for. The Mayor had been under instructions from Council to get together with Reggie to negotiate an agreement. He sent an amended version of the contract to Reggie and asked him to call him when he had read it to set up a meeting.

The only response the Mayor received was this memo. He has not had any discussions with Mr. Nalley.

A discussion followed with each Council member stating how they feel about Reggie while considering the position that the City is in. It was the consensus of Council that some kind of agreement or contract was needed presented in such a way that Reggie could accept it. Also that someone on Council negotiate the matter and bring it back to Council. Mayor Persiani said in addressing this he wants to know the decision of Council. Mayor Persiani said he is recommending that the decision from Council be of this nature. Someone, who is designated, will be the person to talk to him and in that his concerns will be answered. About the invoices, they can be simply handled by the tabulation of the Applications by Margaret with a delineation of activities. The other concern was the insurance requirement. Unless we are altering the insurance requirements and he does not recommend that.

IX. Consider action regarding the Executive Session on Personal Matters.

No Executive Session was held.

X. Nuisance Mitigation

A. Review current environmental complaints

Mayor Persiani said, in summary, hasn't had a discussion with John Sharder to get him started on the Troxells, but if we could get started it could calm this matter down. He went on to say we really don't want him trampling over the Troxells without the DR having a real solid review of him on the defense.

The City Secretary reported that on the Jordan complaint on Clark Lane; Mr. Charlie Burgess said she was still getting her money together. The Mayor said since Reggie is done with that issue that may be one where we use the Environmental Specialist to initiate an investigation as to how the waste water is being taken care of.

Mayor Persiani said down at Bayridge we really are not pursuing anything down at Bayridge. He was talking to one of the residents and asked him if there were any issues of sewer water bubbling up and he said no; the storm sewers are just rain water. He told the Mayor that the Utility Company came out and did a smoke bomb test and they did not find any problems with the sewer lines.

XI. Review and act upon Building Permit Ord. No. 2007-4.

Nothing to present. Mayor Persiani said he may pursue the FEMA training first.

XII. Review and act upon Purchasing Guidelines, Goods and Services Resolution.

Alderman Standridge went through the Resolution No. 2007-4 showing all of the changes.

MOTION made to approve Resolution No. 2007-4 as amended.

MOTION: Bercaw

SECONDED Smith

Show of Hands

APPROVED: 5 - 0

XIII. Review and act upon Resolution requesting Chambers/Liberty Counties Navigation District meeting in West Chambers County.

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Mayor Persiani said, in summing up, this resolution is not letting the subject die, letting the Navigation District rest on its morals. The appropriate action would be to actually let citizens participate a little bit more as to where their money is being spent. It's a little difficult when they are meeting at 4:00 P.M. in Anahuac. The Mayor had to Mr. Wilcox about it and he thought it would be a good idea to bring it up to the Board. The Board politely said to send them something in writing. He came up with the Resolution and said Council could act on it or not. He read Resolution No. 2007-5.

MOTION made to adopt Resolution No. 2007-5 with the correction requested by Alderman Smith.

MOTION: Standridge

SECONDED: Smith

Show of Hands

APPROVED: 5 - 0

XIV. Review and act upon Financial Audit for Period covering July 1, 2006 to June 30, 2007.

This item will be covered and the next Council Meeting

XV. Report status of items on the FY 07/08 action list.

Nothing to report.

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

Mayor Persiani said he was contemplating a resolution that Council could present to the County because sometime it becomes a bit tiring every time there is a problem inside the city, the County say's it is not their issue. He went on to say in this particular case, in his opinion the County does have to get invested in the solution. There are two new sand pits close to the RWJ Airpark. The sand pits have to pump water out of the sand pits and they pump the water to FM 2354. The Greenbriar Estates is complaining that RWJ is not mowing the ditch along side his airstrip. Alderman Bercau said the Homeowners Association owns the airstrip. Mayor Persiani asked him if he could take it up with the Homeowners Association to get that ditch moved because it is affecting the drainage. In the resolution he was going to ask Chambers County to stop any development on the west side of the road until a hydrology study is furnished by whoever the next developer is.

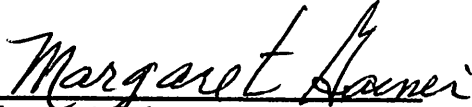
Alderman Smith said congratulations to Baytown Sterling Boys and Girls water polo for winning the State Championship.

XVII. Adjourn

Mayor Persiani adjourned the meeting at 10:00P.M. Tuesday October 23, 2007.

ATTEST TO:

APPROVED BY:


Margaret Gainer
City Secretary


Guido Persiani
Mayor