

STATE OF TEXAS
COUNTY OF CHAMBERS

City of Beach City Regular Called City Council Meeting Minutes

AMENDED MINUTES

The City Council of the City of Beach City, Texas
met in a Regular Session on **July 25, 2017** at the
Beach City Community Building 12723 FM 2354 Beach City, TX. 77523

Members Present: Mayor Billy Combs (presiding), Mayor Pro Tem Jackey Lasater,
Alderman Dana Colquitt, Alderman Ray Smith, Alderman Paul Newman and Alderman
Doug Walker

Staff Present: City Secretary Evonne Donnelly and Assistant Secretary Marge Bercaw

Legal Counsel Present: City Attorney Daniel Jackson

1. Call to order and announcement of quorum

On Tuesday July 25, 2017 Mayor Combs called the meeting to order at 6:06 P.M.

2. Invocation and Pledge of Allegiance

Mayor Combs offered prayer. Alderman Smith led the Pledge of Allegiance to the United States and Texas flags.

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

None.

4. Hear report and update from Chambers County Commissioner, Rusty Senac

Commissioners Court is working on the new budget and hearing request from department heads.

The certified property values are up approximately \$900 million dollars over the 2016 certified values.

According to the County Clerk they are averaging about 261 new voter's registration certificates per month.

The County population should be very close to 40,000 now.

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

No report

6. Approval of Minutes for Regular Meeting & Public Hearing for FY 2017-2018 Budget of June 27th, 2017

Motion to approve

Motion: Walker

Second: Lasater

Approved: 5-0

Note: Secretary Donnelly will change the word Budget to "Public" in the heading of the June minutes.

7. Review and approve financial statements and revised budget for FY 2016-2017, ending June 30, 2017

Mayor Combs reviewed the year end financials with Council. Overall, the City revenue was \$5,200 over the budget; which came in at 104% of the budgeted amount.

Total payroll was 87% of the budgeted amount. Total payroll & expenses was 81.16% of the total budget. The auditing fees went over by \$5,552.50 which was approved by Council last month for the upcoming audit of FY 2016-17. Inspections came in at 98.3% of the budgeted amount. Total office expense came in at 68.58% of the budgeted amount.

The BCVFD was over budget by \$5,000; which was approved last month by Council.

The total expense came in at 90.66% of the budget.

The City is \$11,000 under budget, which includes \$10,000 for the audit and the \$5,000 for the BCVFD. In addition to the \$11,000, Beach City received \$10,000 from the Beach City CEFFC (Cultural Education Facilities Finance Corporation).

Overall, the City closed the year with a \$26,511 budget surplus.

Motion to approve

Motion: Newman

Second: Lasater

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 Statements for previous month

(b) Review and approve Investment Update

(c) Review and approve Expenditures for the current month

Updated Expenditures are before Council. Alderman Walker questioned the payment to the US Treasury for the 941 quarterly taxes. It was noted that this payment goes out each quarter for payroll taxes.

Motion to approve the financials

Motion: Newman

Second: Colquitt

Approved: 5-0

9. Authorize November 7, 2017 City Election:

(a) Authorize Order of Election and Notice of Election for November 7, 2017

(b) Appoint Election Committee

Mayor Combs nominated Evonne Donnelly and Marge Bercaw to the election committee.

Motion to approve

Motion: Walker

Second: Colquitt

Approved: 5-0

10. Update and discussion on applications filed for a place on the City ballot for November 7th elections

Resident Kyle Diamond has applied for a place on the ballot for the Alderman position.

11. Consider and adopt an Ordinance establishing City wide speed limits throughout Beach City

At the June 27th meeting Council approved writing a letter to Chambers County Commissioners Court recommending they lower the speed limit on McCollum Park Road from 45-mph (miles per hour) to 35-mph. Upon further review, it has been determined that the City, being incorporated, needs to create an ordinance for this. Attorney Jackson has created an ordinance establishing a city-wide speed limit. Mayor Combs made revisions to this ordinance because the ordinance as written by Attorney Jackson was for a thirty mph city-wide speed limit. Also, anything that's not at that point would have an existing speed limit or would be changed via a speed warrant study. After driving each of the streets in Beach City, Mayor Combs noted that on McCollum Park Road the speed limit is forty-five mph until you get to McCollum Park, where it changes to twenty mph. The streets in Walker Subdivision are twenty mph. The speed limit on Point Barrow RD. is thirty-five mph. NorthPoint, Bay Place and Oaks at Houston Point are all private subdivisions. Cedar Gully RD. is thirty-five mph. Looking at all the streets that turn off of FM 2354 and lead to Ocean Drive, (there are six sections of Ocean Drive) none of them are marked with speed limit signs. Also, these streets are not suitable for a 35-mph speed limit. Going into Bayridge Subdivision the main street driving in, Bayridge Drive has a speed limit posted at fifteen mph.

Mayor Combs would like to propose a 20-mph City wide speed limit, Note: the only City streets in the City are the ones previously discussed. The Mayor also read aloud Exhibit "A" of the prepared ordinance, (see attached ordinance). Exhibit A, E (2):

The following are certain designated areas in which a specific rate of speed is hereby designated:

(a) McCollum Road, the speed limit shall be Thirty-Five (35) miles per hour from the intersection of McCollum Road and FM 2354 to the intersection of McCollum Park Road and Bay Wind Ct.

(b) Point Barrow Road, the speed limit shall be Thirty-Five (35) miles per hour for the entire length.

(c) Cedar Gully Road, the speed limit shall be Thirty-Five (35) miles per hour for the entire length.

(d) Bayridge Drive, the speed limit shall be Fifteen (15) miles per hour for the entire length.

This would leave the additional streets in Bayridge at twenty mph.

Alderman Walker questioned if this is necessary city-wide, or is this just needed for McCollum Park Road. Mayor Combs believes that we need a city-wide ordinance. This doesn't mean that we are going to change what we are doing. Attorney Jackson noted that this started out with a speed study on McCollum Park Road to determine if the speed limit was accurate.

Council could just change the speed limit on McCollum Park Road and let the basic law overtake the other streets. Enforcement could be difficult since we do not have an enforcement mechanism. There is not set limit and currently giving a ticket could be difficult. If a county deputy writes a ticket on a Beach City street, it could be processed at the Justice of the Peace (JP) court. If there is not an established speed limit in place (via city ordinance), then it would be difficult to prosecute.

Alderman Newman asked who could give him a ticket for speeding on our City streets. The answer is, Highway Patrol; Chambers County Sheriff; City Marshall. Alderman Newman added, it seems as if there is already a policing mechanism therefore, this piece of paper wouldn't make any difference.

After a lengthy discussion on a city-wide speed limit vs. only lowering the speed limit on McCollum Park Road a motion was made.

Motion to lower the speed limit on McCollum Park Road to 35 mph, as per the study

Motion: Walker

Second: Smith

Approved: 5-0

Discussion: Attorney Jackson will make corrections to the ordinance so it will refer only to McCollum Park Road. This ordinance must be posted twice in the paper, per Attorney Jackson. When the speed limit signs are posted, then the new speed limit is enforceable.

This will be brought back next month for Council to review the corrected ordinance.

Alderman Walker's rationale for his motion is, he is in favor of fewer regulations as opposed to more and in the future if we need more regulations we should have them based on community needs (i.e. people complaining about speed limits, etc.).

12. Hear and discuss the terms of possible sale of the Beach City Wilma Lane Extension in Walker Parkview Subdivision to Warren and Opal Lisenbee

Mayor Combs noted there are three different items on the agenda regarding this matter. This item (Item 12) allows us to hear from Mr. Lisenbee regarding the purchase of said property.

Council will then go into Executive Session for discussion, per Item 13.

After reconvening from Executive Session, Council will then discuss the sale of the property on Wilma Lane, per Item 14.

Council approved hiring an independent appraiser at the May 2017 Council meeting, after reviewing the appraisal submitted from Mr. Lisenbee came in at \$1,300.

Warren Lisenbee addressed Council:

Mr. Lisenbee stated that he has brought in approximately two-hundred loads of dirt to raise his property and the City's easement up, because this property is approximately ten feet above sea level.

The surrounding one-hundred and nineteen acres of marshland property was purchased for approximately \$120,000 by Jay Atchley last year. This breaks down to approximately \$1,008 per acre. Mr. Lisenbee added, then you break that down into a quarter of an acre, etc. Mr. Lisenbee feels the deviation of the appraised value of \$1,300 from his appraiser to the City's appraiser who valued the City's easement at \$10,000, creates confusion. Attorney Jackson asked if all of the surrounding one-hundred and nineteen acres purchased is marshland. Mr. Lisenbee replied, approximately one-hundred acres of that property that is marshland.

Mayor Combs recapped: Warren Lisenbee hired an appraiser who came up with a \$1,300 value for the City's approximate .25-acre (one quarter of an acre) easement in Wilma Parkview Subdivision. The City's appraisal came in at \$10,000 for the same property. Council agreed to sell this property to Mr. Lisenbee for an appraised value in March but

these appraised values are far apart. Council and Mr. Lisenbee both need to be happy with the sales price. Mayor Combs also noted that this is the first time Council has ever agreed to sell an easement and if they sell this property for \$1,300 when there is also a \$10,000 value given, then Council is setting a precedence down the road. The Mayor then asked Mr. Lisenbee what he thinks a fair price is to which Mr. Lisenbee answered \$2,700. At this point it is the Council's will to recess for Executive Session.

RECESS for Executive Session: 6:57 P.M.

13. EXECUTIVE SESSION: The City Council will now hold a closed executive meeting pursuant to the provision of Chapter 551, Texas Government Code:

- (a) Section 551.072 of the Texas Government Code concerning deliberation regarding real property.

RECONVENE into Regular Session: 7:25 P.M.

14. Discuss and consider approving the sale of Wilma Lane extension in Walker Parkview Subdivision to Warren and Opal Lisenbee, subject to:

- (a) Buyer paying full appraised value of the property and all closing costs including the survey and appraisal
- (b) Buyer granting a 20' wide easement (10' either side of the existing drainage culvert) to the City
- (c) Review of the City's appraisal conducted by Chet Theiss

In trying to be fair Council will split the difference between the two appraised values which comes to: \$5,650.

Mr. Lisenbee asked if Council would be opposed to a third appraisal. Mayor Combs noted this idea has been discussed and it is the Mayor's opinion that Mr. Lisenbee's appraisal was too low and the City's appraisal was too high.

Mr. Lisenbee declined the \$5,650 sales price for said easement.

Mayor Combs wanted Mr. Lisenbee to understand that this is the City's property and as elected stewards of the City, Council takes their obligation to oversee the City's property seriously. Council wants to be objective and not subjective in these matters; therefore, averaging out the two appraised numbers and meeting in the middle, is what Council is comfortable with. Mr. Lisenbee stated he cannot justify paying \$5,600 for a quarter of an acre. Mayor Combs asked, "well then, are you wanting to withdraw your request to purchase it?" Mr. Lisenbee replied, "yes I do, I do."

15. Discussion and possible action on the Citizen's Sales and Use Tax Committee's recommendation to prepare educational materials in anticipation of placing the establishment of a sales tax for Beach City on the May 2018 Ballot

Mayor Combs and the Sales Tax Committee met last week. The committee recommends that Council takes this to the voters and in May 2018 election. The committee feels the people should know that the majority of residents are already paying a sales tax; it's just that we are not getting the money. If you are charged a sales tax greater than 6.75% for services in Beach City, then the State is sending that tax money to another entity. The big

businesses here are not even listed as being in Beach City. The challenge will be the shared zip code and how to make sure Beach City will get its share of the sales tax when this is implemented.

The committee will begin getting the educational material to review. Alderman Newman will oversee the art work. The workshops and the educational materials will not begin until after the first of the year.

16. Discussion and possible action on an Ordinance regulating Billboards within Beach City

Alderman Smith requested a fifteen-minute time limit on this item. Mayor Combs added that he has not had time to review this ordinance as it just came across the email this afternoon. This will be discussed next month, allowing Council time to review it.

17. Hear a citizen's request for the City's help in getting TX-DOT to mow their Right-of-Ways at least twice a year

Local resident Jay Hammes requested Mayor Combs add this item onto the agenda so she may address Council on this matter. Jay Hammes did not attend this meeting. Mayor Combs drove around the City and noted that the only real issue where mowing is needed is in one area, at the south end of the City. Aldermen Newman and Colquitt added that some mowing did recently occur around their area. TxDot does mow twice a year, per Commissioner Senac.

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

None

19. Report and update from the Mayor

- a). Mayor Combs called the neighbors at TGS (Trans Global Services) to see if they will visit with Council and present an update on the changes in our area regarding the Cedar Port land. No response from them yet.
- b). Happy birthday to Alderman Colquitt
- c). Happy birthday to Alderman Walker
- d). Upcoming TML Fall meeting
- e). Most all Mayors are opposing SB2
- f). Last night the Beach City Water Control & Improvement District (BC WC&ID) board met and they will petition the City to approve the addition of powers to the Utility Dist. As a water dist. it only has water powers; this does not include sewage or drainage powers.

20. Council Comments

Alderman Smith complimented the Mayor on how he handled the Wilma Lane Easement appraisal issue.

21. Adjourn

Motion to adjourn at 8:06 P.M.

Motion: Walker

Second: Colquitt

Approved: 5-0

Minutes Approved and Amended on October 24, 2017



Billy Combs, Mayor

Attest:



Evonne Donnelly, City Secretary

