

COUNTY OF CHAMBERS
STATE OF TEXAS
CITY OF BEACH CITY

City Council Regular Meeting

The City Council of the City of Beach City, Texas met in a **Regular Session on August 28, 2018** 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 Doug Walker, Alderman Dana Colquitt, Alderman Paul Newman and Alderman Ray Smith

Staff Present: City Secretary Evonne Donnelly

Legal Counsel Present: City Attorney Daniel Jackson

1. Call to order and announcement of quorum

On Tuesday, August 28, 2018 Mayor Combs called the meeting to order at 6:06 P.M. and announced enough members are present for a quorum.

2. Invocation and Pledge of Allegiance

After a moment of silence for the late Senator John McCain, Mayor Combs led Council in prayer. Attorney Jackson 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

None

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

None

6. 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

An updated link for the Expenditures is available for Council.

Motion to approve

Motion: Walker

Second: Newman

Approved: 5-0

7. Approve Minutes for Regular Meeting and Public Hearing for Renaming McKinney Road to McClellan Road of July 24th, 2018

Motion to approve

Motion: Newman

Second: Colquitt

Approved: 5-0

8. Consider and adopt a Resolution relating to approving financing by the Beach City Cultural Education Facilities Finance Corporation in the Aggregate Amount of \$18,000,000 for the Benefit of the Legacy Community Health Services, Inc. and/or Legacy Community Health Endowment, Inc. and related matters

Mayor Combs noted that the Cultural Education Facilities Finance Corporation (CEFFC) Board of Directors met prior to the Council meeting and he asked if the board has a recommendation for Council. Alderman Colquitt is the president the CEFFC and recommend that Council approve this resolution.

Motion to approve resolution

Motion: Walker

Second: Colquitt

Approved: 4-1, Smith Opposed

9. Consider and approve an Order of Cancellation for the November 06, 2018 City Election, in accordance with Section 2.053(a) of the Texas Election Code; due to lack of opposition for positions and issues for referendum

Motion to approve

Motion: Smith

Second: Newman

Approved: 5-0

10. Hear update from Galveston Bay Foundation

Cindy Wilems, the Director of Education at the Galveston Bay Foundation (GBF), updated Council on the upcoming programs at the Beach City GBF Discovery Center. In the last year the Discovery Center has hosted approximately 400 students at this center. Approximately once a month the GBF hosts family events.

October 6, 2018, GBF will host an open house at the Discovery Center. Ms. Wilems asked for assistance in getting the word out to the area residents. GBF will create a flyer and send to Secretary Donnelly so it can be posted on the City's Facebook page. Mayor Combs will email the flyer to his distribution list.

11. Consider a request from Charles Johansen to purchase a City easement on Ocean Drive

Mr. Johansen asked Council to abandon the City's easement at Ocean Drive and Armer, that divides his property. Mr. Johansen shared some of his personal connections to our City. For instance, his wife was raised in Beach City and they purchased this home on Ocean Drive in 2017.

For the last year the Johansen's have been purchasing the land surrounding this easement and they now own one-hundred percent of the land adjacent to the easement and they mow and maintain this easement. There were prepared exhibits of the properties purchased around the easement for Council to review.

In a previous phone conversation with Mr. Johansen Mayor Combs explained that in the past Council has set a precedence by not selling or abandoning the City's Right-Of-Ways (ROW). Mr. Johansen noted that he does not feel that precedence should be the concern of Council, as referred to by Mayor Combs. He went on to quote from the April Minutes where Mayor Pro Tem Lasater had commented, "there isn't a problem setting precedence when you're doing the right thing." Mr. Johansen went on to review other previous requests to sell the City easements. He noted that he owns the property surrounding this easement. He described this easement as being unique because it is not connected to marshland or water. It was asked of Council to evaluate this on the case and the merits based upon the effort of him reaching out and accumulating the property on both sides of this easement.

Mr. Johansen is willing to pay appraised value for the property and has some comments and suggestions on how to deploy the money within the community. He would like \$10,000 of the money to go to the BCVFD, with the remaining money to go to adding more streetlights within the City. Appraiser Chet Theiss was hired by Mr. Johansen and as of this meeting there is not an official appraisal on hand for Council to consider. Mr. Theiss sent a text to Mr. Johansen stating that the appraisal would roughly be one-dollar (\$1.00) per foot. According to Mr. Johansen, the easement in question measures out at 360'x60', which he quoted as equaling 21,000 square feet therefore, the appraisal would be \$21,000. Mr. Johansen stated that he is willing to pay \$16,800 for the easement, plus all closing costs.

Mayor Combs drove by the property today and he noted that there is approximately 55-60 feet between where the two roads end (the section of Ocean Drive that runs between Armer and Perry). There is a drainage swell that runs through this area and if the roads were to ever be connected it may require a bridge but connecting the roads is doable.

Aldermen Walker and Colquitt would like to go see the easement before making a decision. Alderman Smith added that the prior requests to sell or abandon City easements were different from this because this easement is a ROW.

When asked what it is that Mr. Johansen would like to accomplish, he stated that he intends to acquire the adjacent south end properties and have a white picket fence around the entire property with multiple trees and a lake.

Mayor Combs spoke of the possibility of leasing the land to him, per Council's approval.

Tabled until next meeting.

12. Brought back for discussion from the July 24, 2018 meeting: Discuss and consider retaining an IT person and/or company to assist the City with computer issues

Secretary Donnelly did not gather the information needed to present to Council.
Bring back in September.

13. Discuss and consider revisions to the Public Funds Investment Policy (PFIP)

- a). requiring background checks for signators
- b). limiting the number of signors

The City's PFIP was recently modified to require three signators on any investment fund transactions. The banks however do not monitor this and will only look for one of the three signatures and would approve the transaction if that signature is on file.

Mayor Combs is going on record again to state that he does not like having five or six people able to get their hands on these funds. He is proposing that the PFIP be revised to limit no more than two signators, one main signer and a backup. Also, Mayor Combs suggested a revision to

the PFIP from background checks *maybe* required to back ground checks *will be* required. This will not be a requirement for the operating account only the investment accounts. Mayor Combs would like there to be more control in order to limit the risk to the City's investment funds.

Alderman Smith agrees with background checks and limiting the number of signors, but he does not feel this accomplishes the goal of securing against theft and fraud.

Council agreed there needs to be a more foolproof system in place and there was discussion on the wording for the PFIP.

Alderman Walker asked if he could speak to the Mayor of Baytown and see what their protocol is and get some ideas from them.

Charles Johansen suggested that Council eliminate City employees from the equation, only allowing the City Attorney, City Council and/or City Secretary to be signors. One way of accomplishing added security measures to the investment accounts would be to require any transaction amount greater than \$50,000 to only be conducted via a wire transfer and a verbal recording or two members to confirm. Any amount under the \$50,000 can be handled by one of the signors. Typically, the City Secretary or the Corporate Secretary are the ones with the most flexibility again, this would be for amounts under \$50,000.

Mr. Johansen offered to provide information from his firm's perspective on this matter in September. He is a financial manager who manages large amounts of money for corporations, individuals, institutions, etc.

Secretary Donnelly will check to see who is authorized to sign on the TexPool account.

This will be brought back to the September meeting.

14. Discuss and consider plat exemption request for lots 35 and 36 of Point Barrow Estates to the owner of lot 34

Point Barrow Estates is a subdivision off of McCollum Park Road. These lots tend to be long and narrow. There is a resident who is selling the back half of two of her lots to an adjoining neighbor. This seller wants a plat exemption for this sale. Chambers County Commissioner's Court voted on this at a previous meeting and approved the exemption however, they should not have approved this without the approval of City Council.

Mayor Combs spoke with Chambers County Engineer Gary Struziak and Bobby Hall on why they would not require an exemption on this property. It appears that if a replat is carried out it would change the legal description for the front half, of so many feet, and the back half of lot 34. It is Mayor Combs' recommendation to grant the exemption.

Council discussed this matter and no motion was made, a replat is required.

15. Discussion and possible action on appointment of the City's Representative and Alternate to the Houston-Galveston Area Council's (H-GAC) 2019 General Assembly on November 8th, 2018

Motion to nominate Alderman Newman as the representative

Motion: Lasater

Second: Walker

Approved: 5-0

Motion to nominate Alderman Walker as the alternate

Motion: Newman

Second: Lasater

Approved: 5-0

16. Discussion and possible action on establishing guidelines and/or job description for the newly created position of Code Enforcement Officer and/or Inspector

Mayor Combs read aloud the Request for Qualifications (RFQ) for a Contractor for Code Enforcement Services that Mayor Pro Tem Lasater and Alderman Newman have decided upon. There was discussion about the title to be given with this position. Alderman Newman does not want to piecemeal this, so the position has been broadened from just reviewing the signs to possible nuisance violations. Mayor Pro Tem Lasater added, for the signs all you have to be able to do is read a tape measure, you would have to be able to deal with the public too. The contractor should drive through the City on a regular basis and catch some of these things before they get too far along.

Motion to approve this RFQ proposal

Motion: Walker

Second: Lasater

Approved: 5-0

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

- a). Section 551.074 Texas Government Code concerning employee matters

Meeting suspended at 8:04 P.M. for Executive Session

Meeting reconvened at 8:15 P.M. for Regular Session

18. Discussion and possible action concerning Office Assistant personnel

Motion to offer the position to Deanna Wallace

Motion: Lasater

Second: Smith

Approved: 5-0

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

One complaint in Walker Parkview Subdivision, the Inspector went out to this property and found no issues with any OSSF odors, etc.

20. Report and update from the Mayor

1. Mayor Combs reviewed a comparison of the permits issued in FY 2017-18 vs. FY 2016-17
2. Review of TxDOT's proposed I-10 and FM 3180 road work
3. RWJ drainage project is a go again
4. Congrats to Mayor Elect Lasater
5. Some people are interested in the soon to vacated Alderman position. Mayor Combs will add this to his newsletter

21. Council Comments

Alderman Smith told Mr. Johansen not to plant magnolia trees by a swimming pool. Advice learned the hard way.

22. Adjourn

Motion to adjourn at 8:18 P.M.

Motion: Colquitt

Second: Smith

Approved: 5-0

Minutes Approved: September 25, 2018



Billy Combs, Mayor

Attest:


Evonne Donnelly, City Secretary

