

City of Beach City

COUNTY OF CHAMBERS
STATE OF TEXAS

City Council Regular Called Meeting Minutes

The City Council of the City of Beach City, Texas met in a **Regular Called Session** on **February 23, 2021** at the Beach City Community Building, 12723 FM 2354 Beach City, TX. 77523

Members Present: Mayor Ryan Dagley, Alderman Paul Newman, Alderman Ray Smith, Alderman Doug Walker, Alderman Ken Pantin and Mayor Pro Tem Dana Colquitt

Staff Present: City Secretary Evonne Donnelly and Assistant Secretary Deanna Wallace

Legal Counsel Present: City Attorney Daniel Jackson

1. Call to order and announcement of quorum

On Tuesday, February 23, 2021 Mayor Dagley called the Regular Called Council meeting to order at 6:04 P.M.

2. Invocation and Pledge of Allegiance

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

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

Sharon Smith is a Bayridge resident and is also a board member of the Beach City Water Control & Improvement District (WCID). Undine now owns the water system (they purchased Gulf Utilities / Nerro Supply) and they have agreed to sell the permitting and all entities to the WCID. This is good news for the Bayridge and Oaks at Houston Point residents.

4. Hear report and update from Pct. 4 Chambers County Commissioner, Billy Combs

No report

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

BCVFD responded to a tank fire off Point Barrow Road.

Chief McDonald requests the City, County and the Point Barrow on the Bay HOA all get together and improve the area at the pond where the dry hydrant is located so the fire trucks will not get stuck.

City of Baytown Fire Department called for assistance at an apartment fire when their water system froze up during the big winter freeze.

Also during the freeze San Jacinto Methodist (SJM) Hospital needed water so the BCVFD, Old River VFD and Liberty County ESD3 shuttled 10,000 gallons of water to the hospital. SJM then requested 5,000 gallons more per hour. A total of 20,000 gallons of water was provided to SJM. The BCVFD responded to an RV fire at the Beach City RV Park.

Mont Belvieu FD will be working with BCVFD and Cove VFD on vehicle extraction and water shuttle and drafting training.

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6. Approve Minutes for Regular Called Meeting of January 26th, 2021

Motion to approve

Motion: Newman

Second: Colquitt

Approved: 5-0

7. 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 Statement(s) for the previous month
- (b) Review and approve Investment Update
- (c) Review and approve Expenditures for the current month
- (d) Review and approve Weekly Review of Accounts

Motion to approve

Motion: Colquitt

Second: Walker

Approved: 5-0

Discussion: Alderman Pantin questioned where the Intermodal Permit Fee funds come from. Is it from the barges, trucking or a combination? Secretary Donnelly answered, her understanding is it is a combination of both, but will forward the email from the State that will explain this accurately.

Alderman Walker questioned what the penalty permit fees are. Secretary Donnelly responded, the penalty fee is \$300.00 for those who have not pulled a permit in advance of construction.

8. Discussion and possible action to amend Ordinance 2020-03, Regulating Pipelines Within the Incorporated Limits of Beach City, to include penalties and/or fines

The Ordinance 2020-03 will be amended to reflect the fines.

The new ordinance number will be 2021-01.

Kingwood Exploration is proposing a new three inch gas pipeline running in an east/west fashion on FM 2354. This company has already punched a well into the NRG area lake.

Alderman Newman reviewed with Council the additions he made in the amended ordinance:

- a). The penalty fee amount plus the engineering and legal costs were all added.
- b). Specifics of what will trigger the enforcement; if the company begins construction without a permit; deviates or cuts corners during construction. Deviates from representations made in the application or, if the engineering review company kicks it back as being deficient, a meeting can be held to rectify the situation.
- c). Any other non-compliance with this ordinance deemed material by City Council.

Motion to approve

Motion: Smith

Second: Colquitt

Approved:

Discussion: Alderman Pantin noted in Paragraph 3, Section b, it states: 'The City Council *may* require the applicant to file with the City Secretary', Alderman Pantin believes the word '*may*' should be changed to the word '*shall*' which would not give an option but require compliance. Attorney Jackson agreed with Alderman Pantin.

Alderman Newman stated this was written this way to take away certain requirements from City Council. Some things have changed since last July when the original ordinance was written. The writing of this was to soften up the responsibilities of Council. What is specifically required and what is not specifically required. This change could be made if it's deemed Council wants to say we *shall* require, all the time every time.

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Alderman Smith questioned the benefits of making this a soft statement as Alderman Newman intended. What are the benefits of not saying 'shall'?

Alderman Newman responded, it could be that we do not want to have them bonded as in the insurance piece. It could never happen but that's how it was looked at; it gives you an option.

Mayor Pro Tem Colquitt asked, has there ever been a case when we would not want them to have this? Alderman Newman replied, it does not matter to him. The word 'shall' can be added.

Mayor Dagley stated he understands what Newman was doing in using the word 'may' vs. 'shall'.

Alderman Smith presented an amendment to the previous motion

Motion to accept ordinance as written with the exception of 3-b., fourth word, change it from 'may' to 'shall'.

Motion: Smith

Second: Colquitt

Approved: 5-0

9. Discussion and possible action on releasing temporary or permanent electricity to RV's without an On-Site Sewage Facility (OSSF) within the incorporated city limits of Beach City

Mayor Dagley mentioned this issue/request has come up before. Permanent power was requested by the property owner however, since there is not an OSSF this request was denied. The property owner has since requested temporary power. There are no stipulations within the City's current requirements relating to temporary power.

Mayor Dagley wants Council to address this issue since it is in a gray area. The temporary power release has not ever been used as a lengthy source of power; it is released for new construction.

Mayor Pro Tem Colquitt confirmed with the property owner, this request is for one individual RV and not an RV park.

Secretary Donnelly reviewed with Council a previous request for permanent power that was made by a couple wanting to live in their RV while they took their time to add their container home. The City's Designated Representative, Darla Branch, was asked by the City Secretary if this request would be feasible. Ms. Branch stated, Chambers County does not allow anyone to make residence in an RV without an OSSF. Secretary Donnelly denied the permanent power request to the couple; they had their OSSF installed and are now living on the property.

Mr. Davila requested temporary power from Secretary Donnelly for his RV at Walker Parkview Subdivision. Mr. Davila stated he uses this property for fishing / entertainment purposes, etc. Secretary Donnelly asked Council to consider any possible ramifications in the future such as, if this property is sold and someone wants to use the temporary power as a means to live onsite. How would Council want to handle this with no OSSF.

Attorney Jackson asked shouldn't temporary power be tied to a time limit. Mayor Dagley agreed with the attorney's question and suggested a twelve month time frame and a penalty.

Attorney Jackson went on to say that time, place and manner need to be addressed if an ordinance is created to set the standard for this matter.

Mayor Dagley asked Mr. Davila if he could use a generator for electricity for the purposes he previously cited. Mr. Davila stated, he is currently using a generator at this property.

Mayor Dagley asked if permanent or temporary power is requested; to which Mr. Davila replied, he would like to have permanent power, but he would leave it up to Council.

Alderman Newman wanted clarification from Mr. Davila, that he wants permanent power but does not want to put in an OSSF/cannot put in an OSSF. Mr. Davila noted that the property is too low for an OSSF but yes, he would like permanent power.

Alderman Walker is uncomfortable with the idea of releasing permanent or temporary power in this instance where using a small RV waste tank(s) as the sole source of waste collection since the tank(s) can be dumped into the bay or anywhere.

No action taken by Council.

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Mayor Dagley concluded that Council believes there is a process to obtain permanent power that includes OSSF approval.

10. Discussion and possible action regarding a request from Jerry Davila to purchase a Beach City waterfront Right-of Way on Mary Lane, in Walker Parkview Subdivision

Mr. Davila recently purchased some lots that are adjacent to one of the City easements in Walker Parkview Subdivision. Mr. Davila is asking Council to sell this easement to him.

Mayor Dagley reminded Council of a similar request from Warren Lisenbee in 2017 when he requested Council sell an easement on Wilma Lane. The appraisal provided to Council from Mr. Lisenbee was not approved. Council provided their own appraisal and Mr. Lisenbee denied the higher selling price.

Alderman Pantin questioned why Council did not want to sell City easements. Alderman Walker stated, he was happy that Council did not sell the Wilma Lane easement since it was waterfront property.

Mr. Davila admitted that he has fenced the City's easement off. Mayor Dagley told Mr. Davila that he cannot fence off the City's easement and/or block access to it. Mayor Pro Tem Colquitt added that there cannot be any permanent structures, fences or buildings on the City's property.

Mayor Dagley reiterated to Mr. Davila that the fence will have to come down since he has impeded / basically blocked off a City Right-of-Way.

No action taken by Council.

11. Discussion and possible action regarding the Annual Records Management Report for FY 2019- 2020

Assistant Secretary Wallace reviewed with Council the Records Management Annual Report that must be filed with the Texas State Library Archives Commission (TSLAC).

Motion to accept the Records Management Annual Review

Motion: Walker

Second: Pantin

Approved: 5-0

12. Discussion and possible action to approve an Ordinance amending Ordinance 92-3 to designate a Records Management Officer

The Assistant City Secretary will now be listed as the Records Management Officer (RMO).

Motion to approve Ordinance 2021-02

Motion: Newman

Second: Colquitt

Approved: 5-0

13. Discussion and possible action to approve the revised Records Management Plan for the City of Beach City and Revised Declaration of Compliance to the Texas State Library and Archives

Items 11, 12 & 13 will bring the City into compliance with TSLAC.

Motion to approve the Records Management Plan as presented by Deanna which references Ordinance 2021-02

Motion: Newman

Second: Colquitt

Approved: 5-0

14. Brought back from the January 26, 2021 meeting: Hear from members of the Bayridge HOA regarding a property inside the Bayridge subdivision

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Sharon Smith spoke to Council on behalf of the Bayridge HOA. There is a property on Bayview Drive that has been a source of contention over the years. The home was lost in a fire a couple of years ago and the property owner passed away last year. Currently, the former companion of the deceased owner and other people are randomly camping out on this property. Ms. Smith added there appears to be questionable activity going on this property.

Troy Lee asked if there is a City ordinance referencing abandoned cars. To which Mayor Dagley replied, yes there is. Mr. Lee then stated that the City has a law about this but is pushing this matter onto the HOA. Secretary Donnelly noted that the other HOA's seem to handle this matter themselves. However, anytime a complaint has come in during the last eight years, Secretary Donnelly has forwarded it over to the inspector and the process to address the complaint is put into place.

Mayor Dagley encouraged Mr. Lee to file a complaint with the City and for the HOA to use their process as well.

Christy Maher also spoke to Council reiterating the individuals that camp out on the property are sleeping in the cars on the street.

Attorney Jackson added that the language in the City's Nuisance Ordinance will need to be reviewed regarding vehicles, etc.

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

No report

16. Report and update from the Mayor

There is a driver in our city limits that has been driving so recklessly that he has almost caused three wrecks. Mayor Dagley is working with the Chambers County Sheriff's Office (CCSO) regarding this matter.

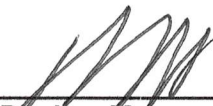
COVID numbers are down.

17. Council Comments

Mayor Pro Tem Colquitt gave an update on Ed Cashat; he is doing well after surgery to remove cancer.


18. Adjourn meeting at 7:58 P.M.

Minutes Approved: March 23, 2021



Ryan Dagley, Mayor

ATTEST:



Evonne Donnelly, City Secretary

