

City of Beach City

COUNTY OF CHAMBERS
STATE OF TEXAS

City Council Regular Called Meeting

The City Council of the City of Beach City, Texas met in a **Regular Called Meeting** on **October 26, 2021** at the Beach City Community Building, 12723 FM 2354 Beach City, TX. 77523

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

Members Absent: Alderman Doug Walker

Staff Present: City Secretary Evonne Donnelly

Legal Counsel Present: City Attorney Daniel Jackson

1. Call to order and announcement of quorum

On Tuesday, October 26, 2021 Mayor Dagley called the Regular Called Council Meeting to order at 6:00 P.M.

2. Invocation and Pledge of Allegiance

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

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

None

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

Commissioners Court tabled voting on Atlas 14 at today's meeting. Currently, the 100 year rainfall events are based on 14 inches +/- rain occurrences. The new rainfall events will be increased to 18 inches +/- . When the new FEMA Flood Maps are redrawn, there will be some similarities in the new one hundred year flood maps and the current five hundred year maps.

ABC Chemical is looking to add a facility in Cedar Port. They are asking for a 10 year, 60% tax abatement. Commissioners Court approved this contingent upon a greenbelt with TGS. Per Commissioner Combs, Cedar Port has primarily designated the land around the old US Steel Mill as the 'heavy industrial area.' Currently in Cedar Port alone, there are more than 6 million square feet under construction today. That is more than the last ten years combined.

Commissioner Combs has been working with TxDOT Commissioner Ryan for over a year to create a six month pilot program allowing overweight, containerized cargo to utilize TX 99 from I-10 to HWY 146, to the Fred Harman bridge. The pilot program will commence November 1st, 2021. Noting the restrictions are for overweight, not oversized vehicles and containerized cargo. This program is in conjunction with Senator Robert Nichols' bill, which allows export loads within fifty miles of a port to purchase an annual permit for overweight vehicles to haul up to 100,000 pounds. Typically, the oversized loads must purchase a daily or weekly permit. A stipulation to this pilot program is daily peak hours are considered to be 06:00-09:00 and 15:00-19:00, overweight vehicles cannot travel this route during these peak times.

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

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BCVFD representative not present

6. Approve Minutes for Regular Meeting of September 28th, 2021

Motion to approve minutes of the Regular Meeting of September 28, 2021

Motion: Newman

Second: Pantin

Approved: 4-0

7. Approve Minutes for Special Called Meeting of October 13th, 2021

Motion to approve the minutes for Special Called Meeting of October 13, 2021

Motion: Newman

Second: Smith

Approved: 4-0

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 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 the financial consent agenda

Motion: Newman

Second: Pantin

Approved: 4-0

Discussion: Alderman Newman questioned item 51700 Miscellaneous Income for \$72,700. Mayor Dagley noted the \$72,708 is 50% of the money for the CLFRF (fund grant). This money has been moved into its own Money Market Account for tracking purposes.

9. Discussion and possible action on a request from Chief Pat McDonald regarding a pension fund(s) for the BCVFD

The pension fund requirements are:

a). The check must come from the sponsoring agency, which is the City. Per Chief McDonald, this would require the City to withhold the monthly contact payment of \$5,000 to the BCVFD and send the check in to the company for the pension.

b). Establishing a six member board consisting of one councilmember, three firefighters and two local citizens. The board develops the rules to determine if a firefighter is active for any given month.

c). The board is responsible for submitting the reports to the Texas Emergency Services Retirement System (TESRS) that will determine the contributions for each firefighter.

There is a minimum contribution for each firefighter of \$36 per month. After fifteen years of service, they would be eligible for a pension of about \$300 per month. Once vested, in fifteen years the pension benefit grows approximately 6.2% per year.

Members joining TESRS have 5 years to purchase prior years of service.

Mayor Dagley expressed that the funding to the BCVFD is not being increased, rather Chief McDonald is asking for a separate check be allocated and sent to the pension fund. Chief McDonald concurred and added the payments are to be sent quarterly or semi-annually.

The City will have to adjust the amount of the monthly payments to the BCVFD to offset the pension funds payments. A determination will be needed by the City whether quarterly or semi-annual payments would be best for bookkeeping purposes.

Alderman Newman asked how many active firefighters do we need to account for? Chief McDonald thinks 10-12 active members would be an accurate amount.

Mayor Pro Tem Colquitt asked if Chief McDonald's ten years of service could be retroactive. The Chief believes the cost is in the ballpark of \$300,000 to do that and you could not just catch him up on the pension, Council would have to pay for every active member to be caught up as well.

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A commitment is need by Council so the BCVFD can get with the retirement system to move forward on the by-laws and to get the required members from the community, etc. Additional comments from Chief McDonald, the BCVFD was awarded a \$20,000 grant by the Texas Forestry Service to purchase fire equipment. This money will be used to outfit the responder vehicle they are getting.

Motion to move forward with setting up a pension fund

Motion: Pantin

Second: Newman

Approved: 4-0

10. Hear and accept audit results for FY 2020-2021 from Mays and Associates, LLP

Albert Garcia with Mays & Associates presented the outcome of the FY 2020-2021 audit to Council. No significant issues were noted during the audit. Mr. Garcia pointed out that when Council approved an additional \$15,000 for the BCVFD Engine 81 repair, the budget should have been amended. No material weaknesses were observed.

The type of investments the City has are safe investments.

Mr. Garcia stated that Council has been good stewards of the City's money.

Motion to accept audit results for FY 2020-2021 from Mays and Associates, LLP

Motion: Smith

Second: Pantin

Approved: 4-0

11. Tabled from the September 28th meeting: Discussion and possible action to approve a request from Charles Johansen to purchase the City's easement(s) or grant a variance (exact size, location of easement(s) TBD by survey), that adjoins Mr. Johansen's approximate ten acre property on Ocean Drive

Alderman Newman noted that he has listened to the audio minutes from the September 28th meeting. Mr. Johansen addressed Council once again reviewing his desire to purchase the City's easement(s). Council discussed the option to sell vs. the option to grant a variance. Mayor Dagley added that Council has already granted a variance to Oceanway Mobile Home Park and Tommy Morrison. These two property owners gained the right to use the land, but the City did not profit from those variances. The Power of Eminent Domain is a tool for the City to use to acquire the land back if it is ever needed in the future.

Mayor Dagley also added that Council will need to address the public nuisance issues that we have heard of happening on the City's easements for instance: trash dumping, beer cans, kids up to no good, etc.

Mayor Pro Tem Colquitt mentioned that Mr. Johansen does own all connecting properties to these easements.

Alderman Newman asked if we are being short sided to say the only potential use of these easements is to build a road? What about supplying water or sewage, would those easements be eligible to support something like that? Mayor Dagley responded, like the CenterPoint Gas lines, etc., the FM 2354 corridor would most likely be the route of such public utilities, which would then branch off down the side streets.

Alderman Newman also added that Eminent Domain would still require some sort of compensation. The price in the future for these easements would be more than it is now. Saying that we have not used this, and we never will, those are absolute terms and people should be very careful about saying this. Mayor Dagley added that the probability of using these easements is extremely low. In the future you can take public utilities and place the water or sewage line(s) underground.

Motion to approve sale of property in question to Mr. Johansen with the caveat that we have our appraisers do the appraising of the property and the property would be surface, he would have to give up any rights to underground utilities and such, if and when it would happen.

Motion: Pantin

Second: None

Motion: Withdrawn

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Mayor Dagley will be signing up for the Chambers County Commissioner Pct 4 position on November 13th.

c). TX Election Law requires that you designate a Treasurer in order to run for office.

18. Council Comments

Mayor Pro Tem Colquitt is asking for donations for her annual Christmas collection to assist families in need. Currently, there are four families asking for assistance with a total of twelve children. Alderman Smith publicly thanked Chief McDonald for attending the Holy Trinity Church Blue Mass to bless the vehicles.

19. **Adjourn** meeting at 7:46 PM

Minutes Approved: November 16, 2021



Ryan Dagley, Mayor

ATTEST:



Evonne Donnelly, City Secretary



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Resolved, that the Board of Public Safety be authorized to purchase and equip a patrol car for the use of the Police Department.

Approved by the Board of Public Safety this 15th day of May, 1910.

Witness my hand and the seal of the City of Beach City, this 15th day of May, 1910.

Mayor

City Clerk

[Signature]
City Clerk

[Signature]
City Clerk

