

**EACH CITY COUNCIL**

**REGULAR MEETING**

The Beach City Council met for a Regular Meeting Tuesday, September 25<sup>th</sup>, 2007 at the Beach City Community Building. Those present were:

MAYOR: Guido Persiani

MAYOR PRO TEM: Rita Standridge

ALDERMAN: Ray Smith

Tommy Clayton

Vaughn Bercaw

Douglas Walker – Absent

CITY ATTORNEY: Daniel Jackson

CITY SECRETARY: Margaret Gainer

Mayor Persiani called the meeting to order at 7:07 P.M. Tuesday, September 25<sup>th</sup>, 2007.

**I. Review and consider approval of the Regular Meeting minutes of August 28<sup>th</sup>, 2007.**

The Minutes were reviewed by Council prior to the meeting.

MOTION made to approve the minutes as stated.

MOTION: Smith

SECONDED: Bercaw

APPROVED: 4 - 0

**II. Review and consider approval of the Statement of Revenues and Expenditures for 2 months ending August 31<sup>st</sup>, 2007.**

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

Mayor Persiani reported that total revenues were \$16,369.97 and expenditures were \$7,120.84 for revenues over expenditures in the amount of \$9,249.13. He stated that total assets are \$548,867.58; he had to add Wells Fargo back into the Bank Account Balances because when we cashed in the CD we closed the account. Wells Fargo closed the CD account but while it was sitting there it earned interest. They have sent the final check and the account is now closed. The interest at TexPool as of 9/24/2007 was 4.9151%.

MOTION made to approve the Statement of Revenues and Expenditures ending August 31<sup>st</sup>, 2007 as written.

MOTION: Bercaw

SECONDED: Smith

APPROVED: 4 - 0

The Statement of Revenues and Expenditures for August 31<sup>st</sup>, 2007 approved by Council on September 25<sup>th</sup>, 2007 is hereto and made a part of these minutes.

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

The proposed Expenditure Authorization was reviewed prior to the meeting.

The City Secretary handed out an amended Expenditure Authorization. She explained the differences. Mayor Persiani explained the Amended 2 Expenditure Authorization that was attached to the August Minutes.

MOTION made to approve the Expenditure Authorization as amended.

MOTION: Standridge

SECONDED: Bercaw

Show of hands  
Approved: 4 – 0

The Expenditure Authorization approved by Council on September 25th, 2007 attached hereto and made a part of these minutes.

**IV. Review and act upon South Wind Estates (Barrow Ranch) Final Plat**

Mayor Persiani said Barrow Ranch, Section three, now has a new name, South Wind Estates. Mr. Kenneth Jackson was present representing Barrow Ranch. The final plat was reviewed by Council. After reviewing the plat Mayor Persiani said in reference to swimming pools that were discussed on the preliminary plat; to approve a registered sanitarian design for the installation of a pool. He went on to say with that the wording is to be provided to us for review and then added to the plat. Also City Attorney Jackson adding the conditional findings of County Engineer Don Brandon's report and acceptance by County Engineers. The City Secretary asked the Mayor if the Commons Area was on the final plat. It was not on the plat. Alderman Smith said that was an area near a pond. Mr. Jackson said that was a restricted area and he did not know about a commons area. Mayor Persiani said the suggestion has been that there is one spot that is an organized spot for common gathering of the neighbors.

MOTION made to accept the final plat of South Wind Estates with 3 conditions: 1. Identifying on the plat the Commons Area for the neighborhood. 2. The drainage report set by the County Engineer is accepted. 3. Review Registered Sanitarian design prior to the installation of a swimming pool.

MOTION: Smith

SECONDED: Bercaw

Show of hands  
APPROVED: 4 – 0

**V. Review and act upon "Letter of No Objection" to construct planned storm sewer in the Bayridge Subdivision by Kyle Reese.**

Mayor introduced Mr. Kyle Reese. Mr. Reese said, referring to a map, there is no easement on the property. Using the map, he pointed out where his two Bay side lots are. Where the Bayridge Street ends there is a culvert on his property line and angles across his property. The Bayridge drainage flows that way to the Bay. About 30 feet, at the end of this culvert on his property has been broken or maybe never was installed. This is causing erosion to his property. He had pictures. Alderman Smith asked him if this is drainage from the subdivision and it's been there a long time. He answered on the original subdivision plat there is no reference of this ever being done anywhere. Alderman Smith asked what someone was proposing. He answered he would like to crush it and get rid of it. Mayor Persiani said you would alter the drainage to affect someone else's property. Mayor Persiani said the County and State say they maintain the drainage way along side those roads. But when the water gets in the right of way on to some drainage way, they say they are not responsible for the drainage way to where it's next pointed. In this particular case if there was an easement and assuming it was an easement granted to the County, they would maintain that all the way to its next point.

Mayor Persiani asked Mr. Reese if he had taken the issue to the Home Owners Association. He answered that the neighborhood said there is none. The Mayor said there is one but it's not very active. Mayor Persiani said the Bayridge Subdivision was set up with a home owners association with rules, deed restrictions and

responsibilities. Mayor Persiani asked Attorney Jackson how that fits now if they are no active. Attorney Jackson said the home owners have deed restrictions and they are still alive if in fact they did exist. It's not up to the homeowners association, to enforce them; they can be enforced by the individual lot owner as well. He went on to say deed restrictions are found in the County Clerks Office. Mayor Persiani asked Mr. Reese if he had discussed with the County about offering an easement for them to continue the drainage to the Bay. He answered that they told him to offer it to the City. In further discussion Mr. Reese felt the City had some responsibility. Attorney Jackson said the City has no responsibility for personal problems. Mr. Reese asked for a copy of the minutes. He was told him that the minutes would not be ready until they have been approved at the October Meeting. He left his name and address. Mayor Persiani assured him that if there was a way that Council could figure out a way to assist him and give him advice on how to conquer that fete, they would.

**VI. Review and act upon abandonment of road right-of-way at 10134 Ocean Drive.**

Mr. Laughlin was present to address Council. He had a plat drawing showing his property at 10134 Ocean Drive. He said he had a new survey done last summer of his property. He learned that there is a fifty foot wide road that extends to the garage, a septic tank and water well and his house. There's a little fence separating his neighbor and part of that road goes on the other side. There's about fifteen foot on the other side of the fence and on his side there's thirty five feet. The road has not been used since the 1950's. His neighbor, Mr. Neyland advised him that he owns half of the right of way. The 50 ft. r-o-w was dedicated to the County in 1958. Later the County quitclaimed the easement. Now Mr. Laughlin is asking the City to abandon the fifty foot road. Mayor Persiani said, in reviewing the location, Mr. Neylands' property goes east from FM 2354 and ends at Ocean Drive. From there is a right-of-way to the bay. That r-o-w wasn't identified. Mike Chandler identified it in a survey that proves that the fifty foot road came from the tract now 10134 Ocean Drive. This is what the original plat shows. Attorney Jackson said the general authority of general laws of General Law Cities, which is what we are, and then he read the laws. He went on to say that the governing body can only act to abandon property by ordinance. There must be a petition signed by all abutting owners submitted to the governing body. He went on to say until that happens we cannot even consider this issue. Mayor Persiani said all we would be able to do is abandon the right-of-way; all that does is revert back to the original ownership of the property anything other than that is not an issue of the City.

Mr. Laughlin asked for a copy of the minutes. Mayor Persiani thanked him for coming.

Mayor Persiani said, Jay Atchley owner of the Barrow Ranch Estate and the Barrow Ranch Subdivision called him and told him one of the houses, already built, goes beyond the set back line. Instead of being 50' it is 49 1/2'. Mr. Atchley asked him if the City could do a variance. Mr. Kelly Charpist was present to represent the Subdivision. Mayor Persiani read a letter from Mr. Atchley, Agent for Compass Pointe that was dropped off at the City Office this afternoon. The location of the property was Block 4, Lot 11 at 8611 Black Horse Road. Attorney Jackson stated how this would have to be handled. No action taken. Mr. Charpist asked that it be on the next agenda.

**VII. Beach City Volunteer Fire Department Report.**

No one present to give report. Mayor Persiani that he feels something is going on over there, in light of the way Jim Josey, President resigned. Should we be concerned? Alderman Standridge said the Fire Department is an independent

organization and it is an arms length with relationship within City and the Fire Department. Mayor Persiani said we indefinitely want the Department report.

**VIII. Review and Act upon Service Provider Agreements**  
**A. Health and Environmental Services**

Mayor Persiani said a copy of the final Agreement for Environmental Services had been sent to John Shrader of Environmental Health Specialties.

Mayor Persiani stated that he had sent Reggie Nalley a revised copy of the contract. They have not set a date as to when they will get together to discuss the contract.

**IX. Nuisance Mitigation**

**A. Review current environmental complaints**

Nothing to report except Mrs. Gainer reported that she had talked to Mr. Burgess at Eagle Rental about installing the system for the Jordan property on Clark Lane. He told here she was still trying to get the money together.

Mayor Persiani said he went to Barrow Ranch and found the swimming pool located on 14727 Black Horse. He said he is going to ask Environmental Specialties to take a look at one property in Barrow Ranch where there is a pool. He wants to compare the design in the file versus what's in the field and give us expert advice on that.

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

Nothing ready for review.

**XI. Review and act upon Purchasing Guidelines, Goods and Services Resolution.**

Alderman Standridge stated that she is presenting this as a guideline as auditor persons had intended it as a guideline. The auditor person had suggested that we should have a procedure for how money is spent, and how it is handled. Expenses which occur between Council meetings that is necessary to carry on the operations of the City. She read the guidelines. Discussion and corrections were made.

Alderman will make the changes and it will be acted on at the next meeting.

**XII. Appoint City representative to H/GAC's 2008 General Assembly.**

Alderman Tommy Clayton was appointed to represent the City at the H/GAC's 2008 General Assembly and Mayor Guido Persiani was appointed as alternate.

MOTION made to designate as its Representative Tommy Clayton and Alternate Guido Persiani to the General Assembly of the Houston-Galveston Area Council for the year 2008

MOTION: Standridge

SECONDED: Bercaw

APPROVED: 3 – 0

Alderman Clayton - Abstained

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

Nothing to report.

**XIV. Report status of items on the FY 06/07 action list.**

Nothing to report.

**XV. Council members' comments, citizens' comments and input.**

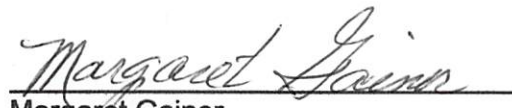
1. Alderman Bercaw initiated a discussion about Highway 99.
2. The City Secretary stated that Darla Branch with TCEQ in Houston would be here October 23<sup>rd</sup> for an On-Site Sewage Facility Program Compliance Review.

The Secretary said that she mentioned at the last meeting that she had received information that homeowners would be allowed to maintain their own systems as of September 1, 2007. She read a paragraph from Guidance Document for Designated Representatives – Effects of HB 2482. Attorney Jackson will look into this.

**XVI. Adjourn**

Mayor Persiani adjourned the meeting at 9:30 P.M. Tuesday, September 25<sup>th</sup>, 2007.

ATTEST TO

  
Margaret Gainer  
City Secretary

APPROVED BY:

  
Guido Persiani  
Mayor

