

City of Beach City Council Regular Meeting Minutes

The Beach City Council met for a Regular Meeting on
December 15, 2015 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 Ray Smith, Alderman Paul Newman and Alderman Dana Colquitt

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

Legal Counsel Present: City Attorney Daniel Jackson

1. Call to order

On Tuesday, December 15, 2015 Mayor Combs called the meeting to order at 6:02 pm.

2. Invocation and Pledge of Allegiance

Mayor Combs offered prayer.

Alderman Newman 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)

Fire Chief Pat McDonald stated that the BCVFD is up to date on filing their taxes.

The BCVFD is still working on bids to obtain a new truck.

Santa on the Bay was a huge success. There were a lot of canned goods collected for the West Chambers County Food Pantry. The BCVFD also collected \$2,080.00 in donations which will be donated to the food pantry as well.

6. Approval of Minutes for Regular Meeting and Public Hearing of November 17th, 2015

Motion to approve the minutes

Motion: Newman

Second: Walker

Approved: 5-0

Discussion: Alderman Newman suggested removing the words "and ran by" from a sentence

in Item 6. Alderman Lasater suggested removing the words "per loan" under Item 6 and adding the words "justify" to the sentence.

- 7. Financial Consent Agenda** (All financial consent agenda items are considered routine by Council and will be enacted by one motion. A Council member 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

Motion to approve the Financials.

Motion: Newman

Second: Lasater

Approved: 5-0

Discussion: Secretary Donnelly sent an email to Mayor and Council regarding an overcharge of training costs she miscalculated for a legislative update in August. The total overcharge is: \$133.39 and Secretary Donnelly will write a personal check to the City to cover the unintentional charges. The Secretary caught this mistake while calculating her expense report. Council concurred a personal check is acceptable.

- 8. Discussion and possible action on a water and wastewater utility rate increase for customers served by the Bayridge Water system filed by Nerro Supply, LLC**

Beach City received a rate increase request from Nerro Supply last week. Nerro Supply did not submit an application only a letter stating their intent to the City.

Mayor Combs created a spreadsheet for Council to review.

Mayor Combs requested more information from Nerro Supply but has not received it to date.

This rate increase would affect Bayridge Subdivision residents and Oaks at Houston Point. Nerro Supply also requested, via phone call to Mayor Combs, that the City include OceanWay Park in this rate increase request and take action on it. Mayor Combs noted that Council cannot take action on a rate increase request the City has not formally received.

- 9. Consider and approve Ordinance suspending rate increase filed by Nerro Supply, LLC**

Motion to approve this Ordinance suspending the rates for Nerro for ninety days

Motion: Newman

Second: Walker

Approved: 5-0

- 10. Discussion and possible action on a Utility District for Nerro Supply, LLC customers within Beach City**

Mayor Combs spoke with Attorney Ron Young on the options of forming a Municipal Utility District (MUD). Mr. Young said he would speak to a financial advisor and get back to the Mayor. There has been no further contact from Mr. Young.

The Chambers County Appraisal District sent Mayor Combs the appraised tax value of each

subdivision and the numbers are as follows:

- a). Bayridge Subdivision = \$8,855,270
- b). OceanWay Mobile Home Park = \$2,633,180
- c). Oaks at Houston Point = \$10,645,450

Someone who understands the financial side of this can use these numbers to determine what type of bonds may be obtained and what tax rate could be implemented. There has not been much head way made in the last thirty days.

Mayor Combs requests Council to give him permission to speak to another attorney. The City has dealt with Austin Attorney Art Rodriguez in the past. Mayor Combs received a vote of confidence from Alderman Walker to do what is necessary in exploring his options with other attorneys and financial advisors regarding this matter.

11. Consider and approve Council meeting schedule for 2016

The Chamber banquet will be held the fourth Tuesday of January 2016.

The Council meeting will be moved to January 19, 2016. The meetings for November and December 2016 will be held the third Tuesdays of those months.

Motion to approve as discussed

Motion: Newman

Second: Smith

Approved: 5-0

12. Consider and adopt holiday schedule for 2016

The schedule will remain the same as 2015: Eight holidays with two floaters.

Motion to approve

Motion: Smith

Second: Newman

Approved: 5-0

13. Discuss and consider a Sales Tax for Beach City businesses

Mayor Combs asked Council if there is enough interest to explore the idea of implementing a City Sales Tax. Currently, there is a sales tax rate of $6\frac{3}{4}\%$ in Beach City. The State gets $6\frac{1}{4}\%$ of this rate, while Chambers County Health Services collects $\frac{1}{2}\%$. This leaves $1\frac{1}{2}\%$ open for Beach City to implement, via voter approval.

A sales tax could help the City generate revenue for future issues such as utilities, a new office and financial assistance that maybe needed by the Beach City Volunteer Fire Department (BCVFD) to purchase a new engine, etc.

Alderman Smith would like for the City to move forward with this process.

Alderman Newman stated that he is not certain he is ready to vote for a tax and would like an investigation to determine what type of revenue stream the City would be looking at. The question he posed is, would this be thousands of dollars or a thousand dollars?

Alderman Walker concurred with Alderman Newman. Alderman Walker does not feel comfortable voting for a tax collection system and would like an investigation to answer these questions:

- a). How much it might be?
- b). How the mechanism would work that Beach City would get it?

c). What does it do to local businesses, if anything?

Alderman Lasater would like to reserve the 1½ % for Beach City and not allow another entity the opportunity to collect this tax.

Secretary Donnelly will contact the State Comptroller's Office in the near future.

Attorney Jackson asked if we could have someone from the Comptroller's office to speak to Council.

14. Consider and approve Interlocal Agreement with Chambers County Sheriff's Office

Deputy Gilbert Phillips represented the Chambers County Sheriff's Department to answer any questions Council may have.

Motion to approve the Interlocal Agreement

Motion: Walker

Second: Lasater

Approved: 5-0

Discussion: Mayor Combs pointed out that in Item 6 of the Interlocal Agreement it states, "The City agrees to pay County consideration for services rendered by the Sheriff herein, the sum equal to the current contractual rate Chambers County pays per day to house inmates at other facilities (example Jefferson County)".

Mayor Combs added that currently Jefferson County is receiving \$41.00 per day, other counties are getting up to \$49.00 per day.

Deputy Gilbert stated that Galveston County is getting \$82.00 per day for one violent inmate in particular. High risk inmates tend to be sent to Galveston County.

15. Consider and approve Resolution vesting within the Chambers County Sheriff and within each Deputy Sheriff, to the extent allowed by applicable law, Beach City police powers to the extent necessary or desirable to perform the law enforcement services herein during the agreement period

Motion to approve Resolution 2015-17

Motion: Newman

Second: Colquitt

Approved: 5-0

16. Discuss and consider Nominations for 2015 Volunteer Of The Year

Mayor Combs read aloud the one nomination received for the 2015 Volunteer of the Year.

Alderman Smith nominated Mike & Evonne Donnelly for leading the renovation of the Fallen Heroes Memorial.

Motion to accept the one nomination for the Beach City Volunteer of the Year

Motion: Smith

Second: Lasater

Approved: 5-0

17. Discuss and consider 50th Anniversary celebration of Beach City's Incorporation

Assistant Secretary Marge Bercaw stated that she will be interviewing former City Secretary Margaret Gainer and former Alderman Rita Standridge hopes of gathering more Beach City history for the celebration. The 50th celebration is scheduled for April 23rd, 2016.

18. Update on legal action for non compliance to City ordinances

The City now has an Interlocal Agreement with the Chambers County Sheriff's Department. The property on Ocean Drive is waiting on a court date to be scheduled after the first of the year. The City Prosecutor will set this date up with Judge Cryer. There is a property in Bayridge Subdivision that has received several complaints. The owner has been cleaning up and removing the abandoned cars.

19. Report and update from Mayor Combs

None

20. Council Comments

Alderman Smith asked if there is something the City could do with the dilapidated trailer on the West side of FM 2354 by the Vineyard. Alderman Newman spoke again on the container trucks running the stop sign on FM 1405 at the Wal-Mart Distribution Center. The City Secretary and/or Mayor Combs will locate the phone number for the Safety Director of the facility. Alderman Walker saw numerous cars turning on left from FM 3180 onto FM 565 East while the stop light was red.

21. Adjourn

Motion to adjourn at 7:25 pm

Motion: Newman

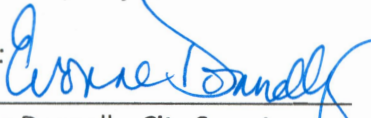
Second: Colquitt

Approved: 5-0

Approved: **January 19, 2015**



Billy Combs, **Mayor**

Attest: 

Evonne Donnelly, **City Secretary**