

BEACH CITY COUNCIL

REGULAR MEETING MINUTES

The Beach City Council met for a Regular Meeting on Tuesday, April 24th, 2012 at the Beach City Community Building. Those present were:

MAYOR: Billy Combs

MAYOR PRO TEM: Jackey Lasater

ALDERMAN: Paul Newman

Douglas Walker

Raymond Smith

Vaughn Bercaw

CITY ATTORNEY: Daniel Jackson

CITY SECRETARY: Margaret Gainer

Mayor Combs called the meeting to order Tuesday, April 24th, 2012 at 6:06 P.M. The Mayor offered prayer and led the Allegiance to the United States and Texas Flags. He welcomed those attending the meeting.

I. Citizens Comments.

Several Candidates were present and gave short presentations. Robin Boles is running for Chambers County Tax Assessor Collector. Richard Baker is running for District Judge of the 344th Chambers County Court. Brian Hawthorne is running for Sheriff. Robert Barrow, running for Constable, was also present. Mayor Combs thanked them and told them we appreciated them remembering Beach City.

II. Review and consider approval of the Minutes for the Regular Meeting March 27th, 2012 and the Special Called Meeting March 6th, 2012.

The minutes for the Regular Meeting March 27th, 2012 and the Special Called Meeting Minutes for March 6th, 2012 were reviewed prior to the meeting.

MOTION made to approve the Minutes as presented.

MOTION: Walker

SECONDED: Newman

APPROVED: 5 - 0

III. Financial Consent Agenda:

A. Review and approve of the Financial Statements for month ending March 31st, 2012.

B. Receive and review Investment rate/security update.

C. Review and approve Revenues and Expenditures for current Month.

The Financial Consent Agenda was reviewed prior to the meeting. Mayor Combs said he would like to point out to Council that there is a revised Expenditure Authorization sheet to be considered. Alderman Lasater had a question on Profit & Loss Budget vs. Actual. He said we have exceeded the Budget and wanted to know how we correct it. Mayor said the item was a subcategory and the total for the category was well within budget.

Question called.

MOTION made to approve the Financial Consent Agenda.

MOTION: Walker

SECONDED: Smith

APPROVED: 5 – 0

IV. Hear from citizen requesting city regulation on mandatory clean out on OSSF. Possible Action.

Mr. Dan Dubiel was present again requesting City Regulation on mandatory clean out on OSSF. Mayor Combs asked Mr. Billy Morris, an installer, if he would share with the City from an installers standpoint, would it be feasible for the City to regulate the clean outs. Mr. Morris said “yes that it is a State rule; the TCEQ, Chapter 30, title 285 says that the first tank does not require a riser on it that comes above the ground and does not have to have a riser on it if it is within twelve inches of the drain. The trouble is, a lot of those systems are installed and inspected before the finished drain goes in and there is no way to control how much dirt or rose bushes goes on top of that system. At installation, if it is deeper than a foot, they install one”. The Mayor said that’s pretty much what Mr. Nalley said; he did not know if there was anything the City could do or should do because it’s regulated by TCEQ.

No action taken.

V. Hear from a neighboring citizen requesting city annexation. Possible Action.

The Mayor said he got a call from a resident that is not in Beach City but close wanting Council to look into the possibility of annexing into our area. He told him that the prospects were pretty slim that we could do it. The man did not attend the meeting.

No action taken.

VI. Hear committee update on possible real estate purchase.

Alderman Smith reported that the committee met but there was nothing to report.

VII. Hear committee update on city hurricane preparedness workshop.

Alderman Walker said he had a call in for Mr. Holzaepfel, Chambers County Emergency Management, to get a recommendation for someone in the June time frame. The Mayor said let’s do everything thing we can to get the word out.

VIII. Hear update from Mayor Pro-Tem Lasater on the SSPEED Conference.

Mayor Pro Tem reported that he went for a day and a half to the SSPEED Conference and he wishes he had something wonderful to report. He reported he was a little disappointed and said they didn’t even discuss the Ike Dike. They thought the money could be best spent on protecting the West Bay, Ship Channel, & Galveston, turning parts of Chambers County, Jefferson County, Brazoria County and Mat gory County into a National Recreation area. How that mitigates Storm Surge he doesn’t know. He said he spoke to a Mr. William Kiase who is working on a project for the Galveston Levee. SSPEEDs plans now are for Galveston. SSPEED is the entity that received the grant to do this study and research. Basically they are taking the sea wall and bringing it around the main part of Galveston, surrounding it with a levee like Texas City has. Alderman Lasater told him that it looks like they would build a levee from Texas City up the west side of the bay basically turning 146 into a Levee. Raising 146

up and protecting that west side of 146 from storm surge. He also talked to him about putting the gate by the Fred Hartman Bridge to protect the Houston Ship Channel area for Industry. He also told Mr. Kiase that it would probably protect millions of cubic yards of water from entering the low lying areas. He ask him where was all of that water going to go?. Mr. Kiase just smiled told him that he should stay involved. Mayor Combs said basically it comes down to, in New Orleans, Mobile Alabama and Mississippi that they have the money to do it and one of the issues now there is no money to do anything. He thinks with the Chemical Industry that we have here, they will get funded within the next ten years or so. He agrees with Alderman Lasater, we do need to get involved. He also thinks Chambers County should get involved. Mayor Combs asked Alderman Doug Walker if he would stay involved with Alderman Lasater on this. Alderman Walker said he would. Alderman Lasater will email the presentation to Council.

IX. Review and approve CenterPoint Energy’s Annual Franchise Payment Calculation.

Mayor Combs reported on the old and new rates. Annual rate for the current Fiscal year is \$75,400.00 and the proposed annual rate is \$79.830.00. It will be an approximately 5.8% increase for fiscal year 11/12 and fiscal year 12/13.

MOTION made to approve the franchise fee as represented.

MOTION: Newman

SECONDED: Lasater

APPROVED: 5 – 0

X. Approve FMHC permit for fiber cable to Verizon Cell Tower.

Mayor Combs stated that FMHC is a Company that has been retained by Verizon to install the Cell Tower on the South end of Beach City. He received a call from him today and he has done a few minor “tweaks’ on the drawing, nothing major. Since we don’t meet until next month he would like to ask Council to authorize the Mayor to approve the permit once it is submitted.

MOTION made to authorize the Mayor to handle the permit.

MOTION: Walker

SCONDED: Smith

APPROVED: 5 - 0

XI. Executive Session Authorized by Chapter 551, Texas Government code, Section 551.071, Concerning the legal action in the city’s efforts to overturn the actions of TCEQ in the T&I Taylor rate case.

Executive Session was not held.

XII. Update and possible action on T&I Taylor / TCEQ Case.

Mayor Combs said as everyone knows, the City has been in negotiations with the utility Company and TCEQ. It was to settle the lawsuit and to give reductions in the rates that was given to the Utility Company Provider. At the time it was T & I Taylor by TCEQ when they overturned our ordinance. We have reached an agreement between the Utility Company and TCEQ. The agreement reduces the rate that each resident would pay to from \$90.00 something dollars to \$69.00 per month. It reduces and puts a wholesale rate of \$4,000.00 a month, which is 700.00 and some odd dollars less than we agreed to in Austin. Everyone is in agreement with that with the exception of the Attorney General Office and the Attorney General’s office is stone walling us and won’t sign off on the deal. As of today the Attorney

General's office has not returned any phone calls or done anything to settle this. Now TCEQ is on Board, but we cannot do anything without the Attorney General's Office.

XIII. Council Updates; From the Mayor and County Commissioner.

In regards to Mayor Pro-Tem's report on SSPEED, Commissioner Senac stated that these Candidates that are running for State as well as Congress, he assures us they are looking for issues and he thinks this is a great issue that Council raised with those Candidates and get them talking about it to other communities. He also announced that at 565 they are within in a short period of time of getting the Corps of Engineers in agreement on repositioning the wetlands that has been holding up the realignment FM 565. TexDot will let the Contract for the realignment of the S Curve on 565 in February of next year. He reported on other construction going on in Chambers County. The resurfacing of FM 2354 and also making stricter rules about renting the County Buildings.

XIV. Council Member Comments.

Alderman Walker reported that the Rotary Club had a very successful Fundraiser.

XV. Adjourn

Motion made to adjourn the meeting at 7:30 P.M., Tuesday April 24th, 2012.

MOTION: Newman

SECONDED: Smith

APPROVED: 5 – 0

Margaret Gainer
City Secretary

Billy Combs
Mayor