

**Minutes of  
Regular Meeting of the City Council**

Tuesday, 2-9-16 – 7:00 PM

**VILLAGE OF SURFSIDE BEACH**

1304 Monument Drive

Surfside Beach, TX 77541

**1) QUORUM IN ATTENDANCE, CALL TO ORDER**

Mayor Davison called the meeting to order at 7:00 pm and announced that a quorum of council was present including Mayor Larry Davison, Councilwoman E. Elizabeth Brown, Councilman Troy McMinn, Councilwoman Peggy Llewellyn, Councilwoman Toni Capretta, and Councilman Dave Guzman. Present employees were Police Chief Gary W. Phillips and City Secretary Amanda Davenport.

**2) MOMENT OF SILENCE, PLEDGE OF ALLEGIANCE**

Mayor Davison asked everyone to pause for a moment of silence and led the Pledge of Allegiance and the Pledge to the Texas flag.

**3) Executive Session**

**The City Council may convene into closed executive session pursuant to Texas Government Code, Section 551.071, CONSULTATION WITH ATTORNEY: specifically regarding pending litigation pertaining to Cause No. 82207-CV; Schwall, et al v. Village of Surfside, et al.**

Council recessed into executive session at 7:03 p.m.

**4) Action, if any, out of executive session.**

Motion was made by Mayor Pro Tem McMinn to allow City Attorney Tim Kirwin to move forward with settlement regarding Cause No. 82207-CV. Councilwoman Brown seconded the motion and it passed unanimously.

**5) OPEN PUBLIC HEARING regarding a conditional use permit and proposed development and replat of property located at the corner of County Road 257 and Gulfway Court; BCIC Div 2 (Surfside) Lot 49G (reserve), A0051 Palm Point Subdivision, 1.508 Acres out of tract 49 of Brazos Coast Investment Company's Subdivision No. 2 in the F.J. Calvit League Abstract 51.**

Public hearing was opened at 7:45 p.m.

Councilwoman Llewellyn spoke in support of the replat.

**6) Reconvene into regular session.**

Public hearing was closed at 7:50 p.m. and council reconvened regular meeting.

**7) BUSINESS OF VISITORS NOT ON THE AGENDA**

Brooks Porter asked for someone to notify TXDOT about the directional signs to Surfside at the exit at Hwy 332 and Hwy 288.

**8) Mayor/council/committee/department head/organization reports.**

**Police Chief Phillips** gave the monthly report regarding the PD activity.

**Pete Gutierrez** reported on the water results and discussed activities in the Public Works department.

**Councilwoman Capretta** asked that the one-way signs on Beach Drive be made more noticeable and also announced the dates for the Surfside Marathon (2-20), St. Patrick's Day party (2-27), the yard decorating contest (3-10) and the St. Patrick's Day Parade (3-12).

**Ronnie Grant** stated that the Planning Commission discussed and approved the two plats on tonight's agenda.

He also spoke for the Historical Committee and thanked David Devaney for being such a great member even while no longer living on the island.

**Councilman Guzman** inquired on the status of the pavers.

**Councilwoman Llewellyn** reported to Council that the Historical Committee has seen the draft results of the Ft. Velasco archaeological survey.

**Mayor Davison** reported that the settlement with the GLO for the year 2014 has been completed to the satisfaction of all parties. He also stated that the City of Freeport contacted us regarding having BWA on Surfside and they are pursuing a TWDB loan but we aren't in the position to buy water until we see some numbers from them. This is several years away.

- 9) **ALL ITEMS UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE SELF-EXPLANATORY, AND THE COUNCIL WILL ENACT THEM WITH ONE MOTION. UNLESS A COUNCIL MEMBER SO REQUESTS, NO SEPARATE DISCUSSION OF THESE ITEMS WILL OCCUR.**

**CONSENT AGENDA:**

A. **Consider approval of minutes from the January 12, 2016, council meeting.**

B. **Consider approval of the January 2016 financials.**

Motion was made by Councilwoman Llewellyn to approve the consent agenda. Councilwoman Brown seconded the motion and it passed unanimously.

- 10) **Discuss and take possible action on waiver of fees for the Surfside Marathon on February 20, 2016.**

Motion was made by Councilwoman Llewellyn to waive fees for Stahlman Park for the marathon. Councilwoman Capretta seconded the motion and it passed unanimously.

- 11) **Discuss and take possible action on tax resale property from Brazoria County Tax Office specifically described as Detenbeck (A0009 b t Archer Div 1 (BCIC), Block 1, Lot 6 (Cause No. 52524).**

Motion was made by Councilwoman Llewellyn to decline the tax sale on Detenbeck. Mayor Pro Tem McMinn seconded the motion and it passed unanimously.

- 12) **Discuss and take possible action on tax resale property from Brazoria County Tax Office specifically described as Shanks & Belanger TR 193 (A0009 B T & Archer DIV 1 (BCIC) (Surfside), Lot 1-4-5 (Cause No. 94T5083)**

Motion was made by Councilwoman Llewellyn to decline the tax sale at Shanks & Belanger Cause #94T5083. Mayor Pro Tem McMinn seconded the motion and it passed unanimously.

- 13) **Discuss and take possible action on appointing Cathy Carter as an alternate to the Planning Commission.**

Motion was made by Mayor Pro Tem McMinn to appoint Cathy Carter as alternate to Planning Commission. Councilwoman Brown seconded the motion and it passed unanimously.

- 14) **Discuss and take possible action on the racial profiling report for the Surfside Beach Police Department.**

Motion was made by Mayor Pro Tem McMinn to accept the 2015 racial profiling report as presented. Councilwoman Capretta seconded the motion and it passed unanimously.

- 15) **Discuss and take possible action on a general service agreement between the Village of Surfside Beach and Ontiveros Consulting.**

Motion was made by Mayor Pro Tem McMinn to approve the service agreement with Ontiveros Consulting. Councilwoman Llewellyn seconded the motion and it passed unanimously.

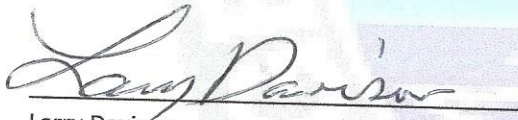
- 16) **Discuss and take possible action on Ordinance 2016-02-09A repealing Section 24-3 of the Code of Ordinances regarding bonds for municipal court judges and alternate judges.**

Motion was made by Mayor Pro Tem McMinn to approve Ordinance 2016-02-09A. Councilwoman Brown seconded the motion and the motion passed unanimously.

- 17) **Discuss and take possible action on Ordinance 2016-02-09B changing Section 46-172(2) of the Code of Ordinances regarding the insurance requirement for golf cart rentals.**  
Motion was made by Councilwoman Llewellyn to approve Ordinance 2016-02-09B. Mayor Pro Tem McMinn seconded the motion and the motion passed unanimously.
- 18) **Discuss and take possible action on a conditional use permit and the proposed development and replat of property located at the corner of County Road 257 and Gulfway Court; BCIC Div 2 (Surfside) Lot 49G (reserve), A0051 Palm Point Subdivision, 1.508 Acres out of tract 49 of Brazos Coast Investment Company's Subdivision No. 2 in the F.J. Calvit League Abstract 51.**  
Motion was made by Councilwoman Brown to approve the Conditional Use Permit and the re-plat. Mayor Pro Tem McMinn seconded the motion and the motion passed unanimously.
- 19) **Discuss and take possible action on a proposed development of the Surfside Estates Subdivision Tract 1A; Howard Street Condos subdivided ½ acre tracts.**  
Motion was made by Mayor Pro Tem McMinn to accept the proposed development of the Surfside Beach Estates Subdivision. Councilwoman Brown seconded the motion the motion passed unanimously.
- 20) **Discuss and take possible action on Ordinance 2016-02-09C amending Ordinance 92-5, the Amusement Ordinance, by adding jet skis and zip lines to the amusement device definitions.**  
No action was taken on this item at this time.
- 21) **Discuss and take possible action on making Ft. Velasco Street a one-way street.**  
This item was discussed by Council, no action was taken at this time.

**ADJOURNED at 9:30 p.m.**

PASSED AND APPROVED this 8<sup>th</sup> day of March 2016.



Larry Davison  
Mayor

Attest:



Amanda Davenport, City Secretary

