

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

Tuesday, 9/13/16 – 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, Councilman Troy McMinn, Councilwoman Toni Capretta, Councilman Dave Guzman and Councilwoman Peggy Llewellyn. Councilwoman Marissa McMinn was absent.

Present employees were Police Chief Gary W. Phillips, PW Director Pete Gutierrez 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.

3) OPEN PUBLIC HEARING REGARDING SUBSTANDARD STRUCTURES: at 7:01 p.m.

A.) 127 NESMITH, SURFSIDE BEACH, TEXAS

Mayor Davison read the letter of response from Glenda Van Buren who is the homeowner of 127 Nesmith. Maribel Hill spoke asking the City to demolish the house at 127 Nesmith.

B.) 319 BAY STREET, SURFSIDE BEACH, TEXAS

No person in attendance spoke regarding 319 Bay Street.

City Attorney Tim Kirwin advised on the next steps that will need to be taken before the next meeting.

CLOSE PUBLIC HEARING. Mayor Davison closed the public hearing at 7:10 p.m.

The regular Council meeting was opened at 7:10 p.m.

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 AND Cause No. 87653-CV; and under Texas Disciplinary Rules of Professional Conduct, specifically legal questions regarding bidding and contracts.

The Council recessed into executive session at 7:11 p.m. Council reconvened in regular session at 7:40 p.m.

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

Motion was made by Mayor Pro Tem McMinn to proceed with negotiations regarding lawsuit No. 82207-CV.

Motion was seconded by Councilwoman Llewellyn and passed unanimously.

5) BUSINESS OF VISITORS NOT ON THE AGENDA – none

5) Mayor/council/committee/department head/organization reports.

Chief Phillips gave the monthly activity report for the police department; announced the annual children's Christmas party will be at Stahlman Park on Dec. 10, 2016 and the police fundraiser has been re-scheduled to June 2017.

Pete Gutierrez informed the Council that there will be a large packet of notices delivered to the residents. These notices are from past years that were never sent out when necessary.

Ronnie Grant stated that there was no Planning Committee meeting this month, and reported that the Navy Day Dinner was a great success.

Dortha Pekar said Thank You to everyone for supporting the dinner, the next function is Saturday the 17th honoring the Ladies of Surfside. There is a raffle going on for the quilt displayed in the Council Chambers and the drawing will be Nov. 5.

Janna Williams inquired about the Hotel/Motel tax numbers, the TPWD grants and the city website stats. Mayor Pro Tem McMinn asked Mrs. Williams for the site she was on regarding the hotel motel tax payments. Councilman Capretta stated that Oct. 4 is National Night Out and she would be happy to put it together if anyone was interested. Mayor Davison stated that would be appreciated.

Councilman Guzman asked when the sewer system marking would begin in Surfside Shores. City Engineer John Mercer was in attendance and gave a brief review of the progress regarding marking of that system construction.

Councilwoman Llewellyn stated that the small community's grants usually required low/moderate demographics and our community usually doesn't meet the requirements. Expecting the hike and bike trail grants money anytime now.

Mayor Davison spoke regarding possible sites for the splash park and clearing the lands for that and the Ft. Velasco site. Mr. Porter asked about the budget for the splash park maintenance.

7) 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 August 9, 2016 council meeting.**
- B. Consider approval of the August 2016 financials.**
- C. Cancel Nov. 8, 2016 council meeting and call a special meeting for Nov. 15, 2016 due to conflict with Tuesday, November 8, 2016 election day voting in City Hall.**

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

6.) Discuss and take possible action on Ordinance 2016.09.13A adopting the FY 2016-2017 Budget. (must be record vote)

Motion was made by Mayor Pro Tem McMinn to approve Ordinance 2016.09.13A to adopt the FY2016-2017 Budget. The Motion was seconded by Councilman Guzman and passed unanimously as follows:

Councilwoman Llewellyn - yes
Councilman Guzman – yes
Councilwoman Capretta – yes
Mayor Pro Tem McMinn – yes
Councilwoman Marissa McMinn - absent

7.) Discuss and take possible action to ratify the FY 2016-2017 Budget and Find that the Proposed Tax Rate of .359506/\$100 exceeds the Effective Tax Rate and Will Generate More Property Tax Revenue than the FY 2015-2016 Budget.

Motion was made by Councilman Guzman to ratify the FY 2016-2017 budget and find that the Proposed Tax Rate of .359506/\$100 exceeds the Effective Tax Rate and Will Generate More Property Tax Revenue than the FY 2015-2016 Budget. The motion was seconded by Councilwoman Llewellyn and passed unanimously.

8.) Discuss and take possible action on Ordinance 2016.09.13B setting the 2016 Ad Valorem Tax Rate for Maintenance and Operation of .286922 and the Ad Valorem tax rate for Debt Service of .072584 totaling a rate of .359506. (must be a record vote and use exact language in the motion)

Motion was made by Councilwoman Llewellyn that the property tax be increased by adoption of a tax rate of .359506, which is effectively a 5.56% increase in the tax rate and of that rate .286922 will be used for maintenance and operations and .072584 will be used for debt. The motion was seconded by Councilman Guzman and passed unanimously as follows: Llewellyn – yes; Guzman – yes; Capretta – yes, Mayor Pro Tem McMinn – yes; M. McMinn – absent.

9.) Discuss and take possible action on award of contract to Superior Tank Company in the amount not to exceed \$47,567.00 for the supply and erection of a galvanized steel ground storage tank.

The motion was made by Councilwoman Llewellyn to award the contract to Superior Tank Company in an amount not to exceed \$47567.00. The motion was seconded by Councilman Capretta and approved unanimously.

10.) Discuss and take possible action on Ordinance 2016.09.13C setting the pay for Randy Smith, municipal court judge.

Judge Smith was in attendance and explained to Council that due to an old law that states if you are an elected judge for a city, you cannot be a paid judge in any other city. Judge Smith is/was an elected judge for the City of Clute and therefore is violating the law if he continues to be paid by the Village of Surfside Beach.

Motion was made by Councilman Guzman to approve Ordinance 2016.09.13C. The motion was seconded by Councilwoman Llewellyn and passed unanimously.

- 11.) Discuss and take possible action on Ordinance 2016.09.13D, amending Section 48-172 (4) of the Code of Ordinances, specifically amending the use of the sewer capital improvement fund.

Motion was made by Councilwoman Capretta to approve Ordinance 2016.09.13D. The motion was seconded by Councilwoman Llewellyn and passed unanimously.

- 12.) Discuss and take possible action on Ordinance 2016.09.13E, designating Village of Surfside Beach land for use as a public park, specifically lots under Brazoria County Appraisal District geographic ID #7875-0623-000.

Motion was made by Councilwoman Llewellyn to approve Ord 2016.09.13E. The motion was seconded by Councilwoman Capretta and passed unanimously.

- 13.) Discuss and take possible action on Ordinance 2016.09.13F regarding stop sign removal on Ft. Velasco at Texas and Ft. Velasco at Oyster.

Motion was made by Mayor Pro Tem McMinn to approve 2016.09.13F. The motion was seconded by Councilwoman Llewellyn. The vote was a tie with McMinn and Llewellyn voting for; Guzman and Capretta voting against. Mayor Davison cast the tie breaking vote by voting for removing the stop signs.

- 14.) Discuss and take possible action approving annual contract with Blackboard.

Motion was made by Mayor Pro Tem McMinn to approve the Blackboard contract. The motion was seconded by Councilwoman Capretta and passed unanimously.

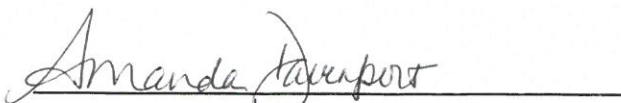
- 15.) **ADJOURN**

Mayor Davison adjourned the meeting at 8:37 p.m.



Larry Davison
Mayor

Attest:



Amanda Davenport, City Secretary