

MINUTES
City Council meeting June 10, 2014

OFFICIALS PRESENT

Mayor Larry Davison, Councilwoman E. Elizabeth Brown, Councilman Troy McMinn
Councilman Chris Gaschler, Councilman Gregg Bisso, Councilwoman Sharon Aust

VILLAGE EMPLOYEES PRESENT

Chief of Police Gary Phillips, City Secretary Sandra Miller

ORIGINAL

- 1) OPEN REGULAR CITY COUNCIL MEETING
- 2) MOMENT OF SILENCE
- 3) PLEDGE OF ALLEGIANCE
- 4) CITIZENS'/VISITORS' COMMENTS TO COUNCIL

Mrs. Sue Gray was recognized and suggested that Council act in an ethical manner. She asked if Gregg Bisso had spoken to the city attorney regarding some of the matters on the agenda and if the taxpayers would be paying for it. Mrs. Gray said that she did not appreciate the tantrum that had been thrown at the last meeting and she did not like that Council was divided into teams. She cited further concerns she felt and stated that some of the agenda items did not seem productive.

Mrs. Glenda McGonigle was recognized and stated that she did not feel that some of the agenda items were not productive and she wanted the record to reflect that she did not drop the dime on the Jetty Shack Bingo. She noted that most of the folks in the room had participated.

Mr. Brooks Porter asked for an update on the CEPRA projects. Mayor Davison gave the update in that the three projects were in the works now. Brooks also asked if the beach user fees were adequate so far for the year with the decrease. Brooks suggested that we be careful with the funds. City Secretary, Sandra Miller, stated that the amount of permits is on track but the amount of dollars generated was much less.

Paula Archer asked about the speed limits on golf carts. Mayor Davison said that the speed for the carts was the same as was for the vehicles. Additional discussion began about charging for parking on Beach Drive or requiring a sticker for the vehicles that park on Beach Drive.

Chief Phillips gave an update on the police activity for the month. Chief spoke about starting a neighborhood watch program. He said that he would be glad to help get this program started but it would be up to the community to take the lead and run it. Glenda McGonigle asked about signage for the program. Chief mentioned that this would be up to the committee to obtain and that there should be forms you will out to get them. Chief added that this would be a good way for folks to register household goods as well.

Mrs. Jan Grant said that they planned another meeting in order to get better prepared for Texas Navy Day Dinner. Mayor Davison mentioned that the salt cedars had now been cut.

There was no planning commission, no beach advisory and no beautification committee meeting for the month of May.

5) MAYORAL/ALDERMEN/COMMITTEE/POLICE ANNOUNCEMENTS

Mayor gave the update on the seaweed that it was slowing but still present. He mentioned that the mound was now buried for the most part as it should be to help hold the sand. Mayor Davison added that now we have quite a few sticks that came in from the river, they were considering pushing them back toward the dunes and they will consider removing some of the larger ones that pose a safety issue. Mayor Davison stated that folks could email Sandra for a link to the seaweed trajectory forecast.

6) CONSENT ITEMS:

- a) Consider approval of the minutes from City Council May Meetings.
- b) Consider approval of the financials for May 2014

A motion was made by Councilman Gaschler, seconded by Councilwoman Aust – with all in favor the consent items were approved.

REGULAR SESSION

- a) Presentation by the Brazosport Chamber of Commerce.

At this time it was requested to go out of order and move into closed session as to allow less time that the attorneys would have to be present. A motion to go out of order was made by Councilman Bisso, seconded by Councilman Gaschler and with all in favor closed session began at 7:37 PM.

8) CLOSED SESSION

The City Council to convene into closed session pursuant to the Texas Government Code Sec. 551.071. : pending or contemplated litigation; or a settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

a) Discuss easement and deed agreement; (a) Cause No. 46,747; *Charles L. Stevens, et al. v. Village of Surfside Beach, et al.* – In the 239th Judicial District Court of Brazoria County, Texas.

b) Discuss Brannan v. State and Village of Surfside

NO ACTION TAKEN IN CLOSED SESSION

9) RECONVENE INTO OPEN SESSION @ 8:41 PM

The City Council to reconvene into open session to consider and take possible action on

a) Discuss easement and deed agreement; (a) Cause No. 46,747; *Charles L. Stevens, et al. v. Village of Surfside Beach, et al.* – In the 239th Judicial District Court of Brazoria County, Texas.

A motion was made by Councilman McMinn, second by Councilman Bisso and with all in favor the easement and deed agreement was approved for Freeport LNG.

b) Discuss Brannan v. State and Village of Surfside

ORIGINAL

At this point the meeting moved back to regular order:

- b) Consider 2013 fiscal year audit.

Mayor Davison read some of the highlights from the audit. There were no negative findings, the books were in good shape with the exception of a few accounting issues that had since been corrected. A motion was made by Councilman Bisso, second by Councilman Gaschler and with all in favor the audit was accepted.

- c) Discuss and consider setting August 1, 2014 fee for parking lot permits for Surfside Beach per Ordinance 96-11.

Mayor Davison gave the historical account of the reason this ordinance was adopted. It was noted that per the ordinance the fee was to be reset each year. Councilwoman Aust stated that she had concerns about folks opening parking lots in neighborhood areas. Councilman McMinn made a motion to set the rate at \$80.00, seconded by Councilman Gaschler the motion passed with Councilwoman Brown and Councilman Bisso in favor – Councilwoman Aust abstained from the vote.

- d) Discuss and consider adopting Ordinance 201406, amending section 2-93 of Ordinance 41.

Mayor Davison went into the reason why this amendment was presented in that the original ordinance that set structure for the council meetings, speakers were limited to 15 minutes and this was excessive and could cause the meetings to last into the night. The new change would limit speakers to 5 minutes. A motion was made by Councilman Gaschler, seconded by Councilwoman Aust, and with all in favor the amendment was passed.

- e) Discuss and consider setting a budget amendment workshop.

Mayor Davison suggested that there was no need for a special workshop and that we could review amendments in July.

- f) Discuss, consider and take any action to increase the local sales and use tax rate.

This item was tabled to allow the city attorney to review the regulations and requirements.

- g) Discuss and consider that all correspondence pertaining to Village of Surfside Beach which is sent to the Mayor or City Secretary will be forward to all council members within 24 hours of the date received.

Mayor Davison stated that Councilman Bisso asked for this to be on the agenda. Councilman Bisso said that there are items that Council is not made aware in a timely manner, such as the CDL Loan. Councilman McMinn asked for clarification of the material that should be disclosed as this could be excessive. Mayor Davison suggested a weekly meeting for any councilmember. Councilman Bisso agreed to the meetings.

- h) Discuss and consider that Mayor of the Village is granted the right to act on behalf of the Village on certain matters, but before any contracts or agreements can be entered into city council must first approve the contract or the agreement.

Mayor Davison opened this discussion to say that there are laws that govern this already, the city attorney agreed and added that he has to approve contracts for the city as well.

- i) Discuss and consider that the account balances on all city accounts be reported to city council with the monthly financial report at the monthly city council meeting.

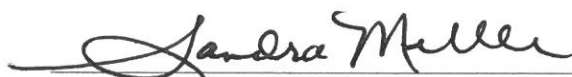
Councilman Bisso said that Sandra had already supplied this.

- j) Discuss and consider requiring that the city attorney attends all monthly city council meetings and other special meeting.

Mayor Davison stated that he felt that having the attorney at the meetings when required was very valuable and he would prefer to limit that to an as needed basis. He would prefer to reserve budget funds for when they are required. Councilman McMinn asked what the hourly rates were; City Attorney Tim Kirwin answered replied \$195.00 per hour and added that he did not charge for travel even though he could by contract. Glenda McGonigle of the audience stated that there had been some very excessive legal bills created by Council. Bob Petty of the audience stated that he felt the city attorney was invaluable as well and he wanted to state for the record that he only used \$2350.00 or 11 hours of legal time while on Council. He added that having legal advice was important to Council because they can go to jail. Brooks Porter of the audience stated that in lieu of reduced funds in the beach fund that we should try to be as conservative as we can and maybe it would be best to only have legal counsel present when needed. Mayor Davison stated that Tim was an excellent attorney and he appreciated the free Friday phone calls with Sandra on the status of the week.

With that the meeting was adjourned.

Attest:



Sandra Miller, City Secretary

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