

Notice of Regular Meeting of the City Council

Tuesday, January 12, 2016 – 7:00 PM

Village of Surfside Beach
1304 Monument Drive
Surfside Beach, TX 77541-9522

AGENDA FOR REGULAR COUNCIL MEETING

An agenda information packet is available for public inspection at City Hall.

The City Council reserves the right to meet in closed session on any agenda item, should the need arise and if applicable, pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE
- 2) MOMENT OF SILENCE, PLEDGE OF ALLEGIANCE
- 3) BUSINESS OF VISITORS NOT ON THE AGENDA
- 4) Mayor/council/committee/department head/organization reports
- 5) *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 December, 2015, council meeting.
- B. Consider approval of the December 2015 financials.
- 6) Discuss and take possible action on waiver of fees for the Lion's Club chili cook-off fundraiser in February.
- 7) Discuss and take possible action on requiring insurance on golf carts.
- 8) Discuss and take possible action on Ordinance 2016.01.12 calling the May 2016 General Municipal Election.
- 9) ADJOURN

CERTIFICATION

I hereby certify that a true and correct copy of the above and foregoing "Notice of Meeting" by the City Council was posted on the front door of the City Hall of the Village of Surfside Beach, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted Friday, January 8, 2016, at or before 5:00 PM, and remained so posted continuously for at least 72 hours before the scheduled time and date of the above mentioned meeting.


Amanda Davenport, City Secretary

If you plan to attend this public meeting, and you have a disability that requires special arrangements at this assembly, please contact Amanda Davenport, City Secretary, at (979) 233-1531, Extension 103, within 48 hours of the scheduled meeting date and time. We shall make reasonable accommodations to assist you with your needs.

This public notice was removed from the official posting place at the Village of Surfside Beach City Hall on the following date and time: 1-13-15 at 2:00 PM.

Sign in Sheet 1-12-2016 - City Council Meeting



Freda Guzman

Freda Guzman

Dwight Hill

Chloe Dunn

Bo Sweet

Llewellyn

Mike Janusca

Cathy Carter

Guzman Adams

Senny + Northa Pekar

RICHARD SARAMAN

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minutes, approving the November 2015 Financials. Motion was seconded by Councilwoman Capretta and approved unanimously.

Discuss and take possible action on replat of 116 Mar Vista Court.

Councilwoman Brown motioned to approve the replat at 116 Mar Vista Court. Councilwoman Llewellyn seconded the motion and it passed unanimously.

7.) Discuss and take possible action on proposed construction of High Frequency Coastal Radar Sites by the Geochemical and Environmental Research Group of Texas A&M on Stahlman Park grounds.

This item was pulled from the agenda by the requestor.

8.) Discuss and take possible action on appointment of Robert Bradley to the Historical Committee.

Councilwoman Brown motioned to appoint Robert Bradley to the Historical Committee. Councilwoman Llewellyn seconded the motion and it passed unanimously.

9.) Discuss and take possible action on Ordinance 2015.12.08 regarding contract with Perdue, Brandon, Fielder, Collins and Mott for collection of delinquent court fines.

Mayor Pro Tem McMinn motioned to approve Ordinance 2015.12.08 contracting with Perdue, Brandon, Fielder, Collins and Mott for collection of delinquent court fines. Councilwoman Llewellyn seconded the motion and it passed unanimously.

10.) Discuss and take possible action on a request for waivers of certain ordinances for the St. Patrick's Day committee, including waiving vendor fees and Stahlman Park fees (Feb. 27, 2015) and a waiver of the noise ordinance for the Sons of the Confederacy to discharge cannons and firearms on parade day, March 12, 2016.

Councilwoman Brown motioned to approve waiving the fees and noise ordinance for activities with St. Patrick's day activities. Councilwoman Llewellyn seconded the motion and it passed unanimously.

11.) Discuss and take possible action re-appointing Barbara Bluejacket as an Associate Municipal Court Judge.

Mayor Pro Tem McMinn motioned to re-appoint Barbara Bluejacket as an Associate Municipal Court Judge for the Village of Surfside Beach. Councilwoman Llewellyn seconded the motion and it passed unanimously.

ADJOURN

PASSED AND APPROVED this 12th day of January 2016.

Larry Davison
Mayor

Attest:

Amanda Davenport, City Secretary

Village of Surfside Beach GF
Profit & Loss Budget Performance
 December 2015

	Dec 15	Oct - Dec 15	Annual Budget
4109 · MCTF/MCSF QUALIFIED EXPENSE	1,151.90	1,151.90	500.00
4110 · JURY FEES	0.00	0.00	400.00
4111 · COURT TRAINING AND CONFERENCES	150.00	857.00	1,500.00
4112 · COURT LEGAL FEES	0.00	0.00	1,000.00
4113 · COURT TELEPHONE/CELL	69.17	178.97	1,000.00
4114 · OFFICE EQ REPAIRS/SERVICE	0.00	0.00	100.00
4115 · COURT LIABILTY INSURANCE	0.00	400.00	400.00
4116 · COURT MISCELLANEOUS	0.00	0.00	100.00
4119 · COURT NEW COMPUTER-EQUIPMENT	0.00	0.00	100.00
4120 · OFFICE EQUIPMENT/FURNITURE ETC	0.00	0.00	100.00
4900 · FLOOD PLAIN MANAGER	308.00	638.00	7,000.00
5100 · CITY SECRETARY SALARY	4,846.14	11,307.66	42,000.00
5102 · BUILDING OFFICIAL	3,002.50	6,855.38	26,208.00
5103 · WAGES BOOKKEEPER	4,516.62	10,672.04	39,310.00
5104 · ADMIN W/ COMPENSATION	0.00	550.00	550.00
5105 · ADMIN OFFICE SUPPLIES	238.93	561.51	4,000.00
5106 · POSTAGE AND HANDLING EXPENSE	489.97	489.97	2,000.00
5107 · TRASH BAGS/CLEANING SUPPLIES CH	13.40	512.07	2,200.00
5108 · ADMIN COMPUTER REPAIRS	0.00	9.99	500.00
5109 · ADMIN COPY MACHINE	306.52	1,133.11	4,500.00
5110 · M & R CITY HALL	512.99	1,363.41	10,000.00
5112 · JANITORIAL SERVICE CITY HALL/PD	240.00	705.00	3,120.00
5113 · ADMIN TRAVEL	0.00	85.96	500.00
5114 · UTILITIES CITY HALL	192.62	1,137.70	12,000.00
5115 · FEES, TAX COLLECTION	0.00	0.00	1,500.00
5116 · ELECTION COST	0.00	0.00	2,000.00
5118 · ARMOR SERVICE	310.46	683.35	2,000.00
5119 · PROFESSIONAL SERVICE FEES	130.00	1,008.00	2,500.00
5120 · EMAIL - INTERNET	232.22	810.77	2,500.00
5121 · ADMIN DUES AND PUBLICATIONS	500.00	700.00	2,400.00
5122 · ADMIN MEETINGS AND SEMINARS	0.00	120.00	1,000.00
5123 · ADMIN AUDIT EXPENSE	0.00	0.00	11,500.00
5124 · ADMIN LEGAL FEES	7,991.18	7,991.18	15,000.00
5125 · LEGAL ADVERTISING	0.00	0.00	1,200.00
5126 · TELEPHONE EXPENSE	115.02	777.17	5,000.00
5127 · APPRAISAL DISTRICT	1,432.25	1,432.25	4,000.00
5128 · ADMIN FIDELITY BONDS	0.00	0.00	400.00
5129 · BUILDING INS CITY HALL	0.00	8,916.50	12,000.00
5130 · GENERAL LIABILTY INSURANCE	0.00	3,000.00	3,000.00
5131 · MISCELLANEOUS	0.00	0.00	200.00
5132 · ADMIN CONTINGENCY	0.00	0.00	100.00
5133 · CREDIT CARD / BANK CHGS	978.40	3,368.48	13,000.00
5134 · HARDWARD/SOFTWARE/EQ PURCHASE	0.00	0.00	2,000.00
5135 · BLDG TECH EXP LINE3403	0.00	0.00	100.00

Village of Surfside Beach GF
Profit & Loss Budget Performance
 December 2015

	Dec 15	Oct - Dec 15	Annual Budget
8101 · EMPLOYEE LABOR	8,269.25	19,027.11	67,600.00
8102 · OVERTIME LABOR PW	1,162.30	3,937.95	14,500.00
8103 · OIL/GAS/GREASE	659.73	1,143.47	12,000.00
8104 · SIGNS	0.00	967.43	4,000.00
8105 · TOOLS & EQ RENTAL	290.74	290.74	5,000.00
8106 · STREET PAVING AND REPAIR	1,149.51	3,020.51	40,000.00
8107 · UTILITIES FT VELASCO BARN	0.00	81.70	500.00
8108 · STREET LIGHTS	388.45	1,371.74	6,500.00
8109 · DUMPSTER AT MTNCE BARN	1,799.77	4,615.93	6,000.00
8110 · TELEPHONE/PAGER/CELL	0.00	0.00	1,600.00
8112 · TOOL / EQUIPMENT PURCHASE	486.38	990.42	10,000.00
8113 · PW LIABILTY INS/ WORK COMP	0.00	3,000.00	3,000.00
8115 · UNIFORMS	0.00	0.00	1,800.00
8116 · REPAIRS @ CITY BARN	0.00	0.00	1,000.00
8117 · REPAIRS ON VEHICLE AND EQ	1,109.21	1,475.43	6,500.00
8118 · ELEC MAIN ENT AND PW BARN	0.00	22.49	155.00
8119 · ANIMAL CONTROL EXPENSE	0.00	0.00	100.00
8120 · MISC EXPENSES	0.00	82.90	500.00
8122 · CULVERTS/MATERIAL DRIVEWAY	0.00	0.00	1,000.00
8126 · PW SPVSR TRCK LOAN/BRAZOS BANK	0.00	780.92	2,400.00
8127 · TWO MOWERS	0.00	0.00	1,800.00
9101 · HOUSEHOLD CARTS/DROP OFFS	9,123.00	18,253.45	100,000.00
9102 · COMMERCIAL ROLL OFFS	5,175.29	10,350.58	60,000.00
9103 · FIRE DEPT PORTION (2 of 5)	1,796.40	3,861.60	24,500.00
9104 · SUPPLEMENTAL FIRE DEPT	45.00	6,590.00	26,000.00
9106 · CAPITAL IMP/RESERVE FUND	0.00	0.00	5,000.00
9107 · STAHLMAN PARK GF EXPENSES PER B	235.78	2,758.57	26,000.00
9112 · STAHLMAN PARK WINDSTORM INS	0.00	8,000.00	8,000.00
9113 · CDL Loan Annual Payment	0.00	0.00	77,000.00
9114 · USDA AND TWDB BOND PAYMENTS	0.00	0.00	0.00
9200 · PHONE SYSTEM INSTALLATION	0.00	5,020.00	6,000.00
9250 · BLUEWATER HWY PROJECT 2016	11,045.41	11,045.41	
Total Expense	120,134.86	307,703.29	1,301,558.00
Net Income	122,680.75	75,113.58	-300.00

**Village of Surfside Beach GF
Transaction List by Vendor
December 2015**

	Type	Date	Num	Memo	Amount
HARRIS COUNTY TREASURER					
	Check	12/04/2015	31681	16362	-63.75
INTEGRIS EQUIPMENT					
	Check	12/04/2015	DEBIT		-540.66
IRS					
	Liability Check	12/01/2015	debit	74-2053043	-5,264.03
	Liability Check	12/15/2015	DEBIT	74-2053043	-4,926.86
	Liability Check	12/29/2015	DEBIT	74-2053043	-5,506.72
LOWES					
	Check	12/04/2015	31677		-788.39
	Check	12/07/2015	DEBIT		-513.43
	Check	12/07/2015	DEBIT		-62.14
MATHESON TRI GAS INC					
	Check	12/11/2015	31708	12413423	-108.15
MIKE SORRELL TRUCKING INC.					
	Check	12/04/2015	31680	1326	-1,149.51
	Check	12/30/2015	31741	1413 1440 1436 1441	-10,314.67
MOORE MEDICAL					
	Check	12/15/2015	31713	STATEMENT 21292133	-357.59
NATIONAL NOTARY ASSOCIATION					
	Check	12/10/2015	DEBIT	ORDER # 613694	-63.90
NORTON					
	Check	12/07/2015	DEBIT		-86.19
O'REILLY AUTO PARTS					
	Check	12/04/2015	31679	CUST NO 433913	-426.50
PC CARE INC.					
	Check	12/17/2015	31725	73795	-34.95
	Check	12/30/2015	31742	73593	-34.95
PITNEY BOWES					
	Check	12/04/2015	31683		-489.97
QUILL CORPORATION					
	Check	12/15/2015	31717		-28.35
	Check	12/29/2015	31735	1555000	-52.97
R & M TELEPHONE SERVICE, INC.					
	Check	12/15/2015	31715	42498	-98.00
Randle Law Office, Ltd, L.L.P.					
	Check	12/07/2015	31687	Oct & Nov 2015 Invoices	-7,991.18
Randy Ramirez					
	Check	12/17/2015	31726	INV 975877	-700.00
RELIANT ENERGY					
	Check	12/11/2015	31701	14693584	-48.84
ROBERTOS TIRE SHOP					
	Check	12/04/2015	31678	8627	-20.00
	Check	12/11/2015	31698	8353 8679	-475.00

Specialized Billing & Collections

VILLAGE OF SURFSIDE BEACH SF
Profit & Loss Budget Performance
December 2015

Ordinary Income/Expense	Dec 15	Oct - Dec 15	Annual Budget
Income			
3100 · SALE OF WATER	32,806.64	98,080.80	380,000.00
3110 · WATER TOWER USAGE CONTRACT	0.00	250.00	1,250.00
3121 · WATER TAP FEES	1,000.00	2,500.00	8,000.00
3200 · SEWER SYSTEM REVENUES	11,966.72	34,862.59	150,000.00
3600 · MISC INCOME/DEPOSITS	0.00	0.00	200.00
3605 · WATER LATE CHARGES	757.85	1,527.85	7,000.00
3630 · WATER RECONNECT FEE	200.00	400.00	1,800.00
3650 · SEPTIC TANK PERMIT FEE	1,640.00	3,280.00	12,000.00
3704 · SEWER TAP FEES	2,000.00	8,000.00	20,000.00
3719 · Cost Share w/ GF - PW Sup. Sal.	0.00	0.00	25,000.00
Total Income	50,371.21	148,901.24	605,250.00
Gross Profit	50,371.21	148,901.24	605,250.00
Expense			
9100 · PAYROLL	8,021.42	18,322.54	80,000.00
9101 · PUBLIC WORKS SUPERVISOR	6,057.69	14,134.61	52,500.00
9105 · PAYROLL CLERICAL	3,300.16	8,045.81	30,576.00
9110 · ALL OVER TIME	863.83	2,202.05	14,000.00
9140 · HEALTH/LIFE INSURANCE	-180.72	4,535.27	24,000.00
9150 · FICA MATCH/SUI	1,395.61	3,266.95	15,000.00
9170 · WORK COMP INSURANCE	0.00	0.00	1,000.00
9180 · TMRS CITY PORTION 2.22	0.00	235.02	1,500.00
9200 · OFFICE SUPPLIES	0.00	816.16	3,800.00
9220 · POSTAGE	0.00	1,225.00	6,500.00
9230 · CHEMICAL EXPENSE	289.23	1,905.05	14,000.00
9240 · FUEL	659.73	1,455.37	11,000.00
9250 · PLUMBING PARTS AND SUPPLIES	396.65	5,914.53	34,000.00
9270 · UNIFORM EXPENSE	0.00	0.00	500.00
9405 · REPAIRS VEHICLE/EQUIPMENT	0.00	13,025.04	2,000.00
9461 · WELL SERVICE REPAIR	0.00	0.00	20,000.00
9465 · EQUIPMENT RENTAL	0.00	0.00	5,000.00
9490 · SEWER SYSTEM EXPENSE/MAINT	2,602.70	3,848.03	12,000.00
9494 · BUILDING MAINTENANCE	0.00	0.00	500.00
9500 · TRAINING EXPENSE	0.00	0.00	2,000.00
9501 · UTILITIES	0.00	2,345.26	15,000.00
9502 · FEES/TCEQ/MISC	593.00	3,084.85	5,000.00
9504 · SEWER UTILITIES	0.00	1,809.83	10,000.00
9520 · PROFESSIONAL FEES	0.00	0.00	500.00
9540 · AUDITOR	0.00	0.00	3,500.00
9550 · HEALTH DEPARTMENT	0.00	627.99	4,000.00
9555 · CRG Sewer System Constr Loan	1,746.47	5,239.41	19,211.17
9557 · SEWER TREATMENT OYSTER CRK			
9557 A · Transmission Freeports Line	0.00	3,387.79	14,000.00

VILLAGE OF SURFSIDE BEACH SF
Transaction List by Vendor
December 2015

	Type	Date	Num	Memo	Amount
AT&T	Check	12/16/2015	14384	97937306789741 97937303995884	-104.42
BILFINGER AIRVAC WATER TECHNOLOGIES	Check	12/16/2015	14382	ORDER NO 44522 REF NO 6704	-392.17
	Check	12/30/2015	14392	45855 12/11/15	-2,192.64
City of Oyster Creek	Check	12/16/2015	14385	MONTHLY PYMT	-3,179.67
COMMUNITY RESOURCE GROUP	Check	12/07/2015		debit	-1,746.47
CULLIGAN WATER DEPT	Check	12/16/2015	14381	109005	-78.45
	Check	12/30/2015	14391		-98.50
DXI INDUSTRIES	Check	12/16/2015	14380	DE05004699-15	-42.00
	Check	12/30/2015	14393	055021423-15	-247.23
GIROURDS STORE	Check	12/16/2015	14379	322220 321397 322471	-157.12
IRS	Liability Check	12/01/2015		DEBIT 74-2053043	-1,637.80
	Liability Check	12/15/2015		DEBIT 74-2053043	-1,531.27
	Liability Check	12/29/2015		DEBIT 74-2053043	-1,507.12
RVS Software	Check	12/16/2015	14383	5215 -- UNITECH DEVICE #2	-1,499.00
SOUTHWEST METERS	Check	12/17/2015	14386	633483-1 CREDIT - 633453-1	-257.42
TCEQ	Check	12/01/2015	14365	90200037 - Wastewater licensing exam fees	-333.00
	Check	12/30/2015	14394	90200037 ACCT 0620274	-260.00
TMRS	Liability Check	12/01/2015	14370	01233	-311.58
	Liability Check	12/15/2015	14378	01233	-293.44
	Liability Check	12/29/2015	14390	01233	-289.13
VERIZON WIRELESS	Check	12/30/2015	14395	920314974-00001	-370.32
VOYAGER FLEET SYSTEMS INC	Check	12/08/2015	14374	869312835 PE 11/24/15	-659.73

VILLAGE OF SURFSIDE BEACH BEACH FUND
Profit & Loss Budget Performance
December 2015

	<u>Dec 15</u>	<u>Oct - Dec 15</u>	<u>Annual Budget</u>
7614 · SANDFENCE	0.00	0.00	1,500.00
7630 · EQ PURCHASE / RENTAL	1,310.70	1,310.70	10,000.00
7631 · RESERVE/CAPITAL IMP	0.00	0.00	8,450.00
7632 · PURCHASE OF VEHICLE	0.00	14,800.00	15,000.00
7634 · ARMORED SERVICE	0.00	0.00	3,600.00
7635 · NOTE PAYABLE JOHN DEERE TRACTOR	1,079.05	3,237.15	13,000.00
Total Expense	<u>14,769.95</u>	<u>53,015.90</u>	<u>370,600.00</u>
Net Income	<u>-14,757.95</u>	<u>-26,034.02</u>	<u>0.00</u>

VILLAGE OF SURFSIDE BEACH HF
Profit & Loss Budget Performance
December 2015

	Dec 15	Oct - Dec 15	Annual Budget
Income			
3201 · FT VELASCO REBUILD INCOME	30.00	175.00	18,000.00
3204 · TPWD TRAIL PHASE TWO INCOME	0.00	0.00	25,000.00
3205 · TPWD TRAIL PHASE THREE INCOME	0.00	0.00	48,800.00
3306 · HOTEL/MOTEL 2014-2015	0.00	0.00	13,750.00
3307 · HOTEL MOTEL 2015-16	56.00	56.00	151,250.00
3404 · MISCELLANEOUS DONATIONS	6.00	98.00	400.00
Total Income	92.00	329.00	257,200.00
Gross Profit	92.00	329.00	257,200.00
Expense			
4400 · BEAUTIFICATION PROJECT	150.00	150.00	5,000.00
4401 · FT VELASCO EXPENSE	0.00	0.00	3,500.00
4410 · PARK LANDSCAPE	0.00	0.00	4,000.00
4420 · BEACH MAINTENANCE	0.00	0.00	7,000.00
4430 · STAHLMAN PARK	0.00	0.00	7,000.00
4440 · BEACH SECURITY	0.00	0.00	7,000.00
4450 · FLAG EXPENSE	0.00	0.00	1,000.00
4481 · TPWD NATURE TRAIL PHASE II	0.00	0.00	50,000.00
4482 · TPWD NATURE TRAIL PHASE III	0.00	0.00	25,000.00
4510 · ADVERTISING EXPENSE	150.00	150.00	25,000.00
4520 · BROCHURE/MAP PRINTING	0.00	0.00	10,000.00
4530 · BRAZOSPORT CHAMBER	0.00	10,000.00	10,000.00
4540 · AUDIT EXPENSE	0.00	0.00	4,000.00
4550 · MUSEUM EXPENSE	0.00	0.00	1,000.00
4560 · SPECIAL EVENTS/PROJECTS	0.00	122.00	1,000.00
4570 · WEBMASTER	0.00	1,500.00	2,000.00
4580 · PROFESSIONAL EXPENSES	0.00	0.00	4,000.00
4602 · TML LIABILITY INSURANCE	0.00	0.00	700.00
4700 · RESERVE TEXPOOL EXPENSE	0.00	0.00	10,000.00
4713 · BOAT RAMP- MTNCE/UPKEEP	8,786.59	9,147.86	5,000.00
4715 · SURFSIDE SPLASH PARK	0.00	0.00	75,000.00
Total Expense	9,086.59	21,069.86	257,200.00
Net Income	-8,994.59	-20,740.86	0.00

Amanda Davenport

From: Brown, Elizabeth
Sent: Tuesday, December 29, 2015 10:55 AM
To: Amanda Davenport
Subject: HELP, PLEASE

Could you please add something to the agenda about discussing insurance for golf carts? Jim Savage just called me to tell me that he called Allstate to find out how they cover golf carts. Allstate's practice is that a homeowner's policy covers a golf cart only if it is on the homeowner's property. Once the golf cart leaves the homeowner's property, coverage no longer applies. My concern is that if a golf cart (driven by a drunk or a minor) hits his truck, the driver of the cart will not have the means to cover any damage he/she caused. I understand his concern, as we have a bevy of golf carts whizzing all over the island with little to no coverage for any mishaps that may occur. I have personally seen underage drivers on the streets, and they get by because the police are busy doing more important things. As for the drunk drivers, I have seen those, too.

Is there something we can address to let the public know what kind of coverage they MUST have before they put their golf carts on the street? I am thinking that if Allstate requires separate coverage for golf carts off a homeowner's/driver's property, I imagine that the other major carriers would demand the same.

Thanks, and HAPPY NEW YEAR,
Lizzie

Texas Election Code conducting Joint Municipal Elections and to do and perform any and all other acts required by the applicable laws of the United States of America.

SECTION EIGHT (8) – NOTICE OF ELECTION.

The Mayor of the Village of Surfside Beach, Texas, is hereby authorized and directed to issue notice of said election, to cause the same to be posted for at least ten (10) days before the date named above for the holding of said joint general annual election at the place within the Incorporated Limits of the Village of Surfside Beach, Texas, normally used to post notices of meetings of the City Council and to be published in the *Brazosport Facts*, a newspaper published in the City of Clute, Brazoria County, Texas, having a general circulation within the Corporate Limits of said Village, not less than ten (10) nor more than thirty (30) days before the date named above for the holding of said general annual election.

SECTION NINE (9) – RATIFICATION AND CONFIRMATION BY MAYOR.

By signing this Ordinance, the undersigned Mayor of the Village of Surfside Beach, Texas, hereby ratifies and confirms as his action all matters herein above recited which by law come within his jurisdiction.

SECTION TEN (10) – EFFECTIVE DATE.

This Ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED this 12^h day of January 2016.

Larry Davison, Mayor
Village of Surfside Beach, Texas

ATTEST:

Amanda Davenport, City Secretary
Village of Surfside Beach, Texas



Surfside Beach, Texas

Police and EMS Report

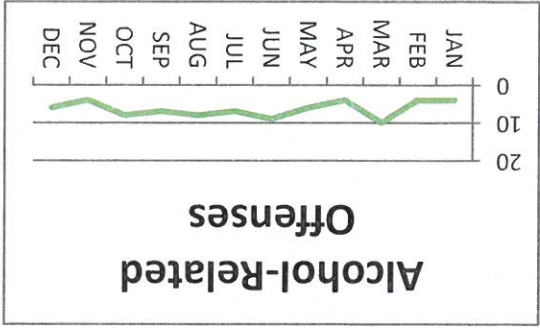
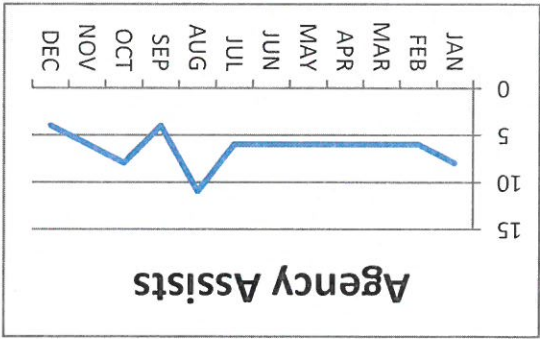
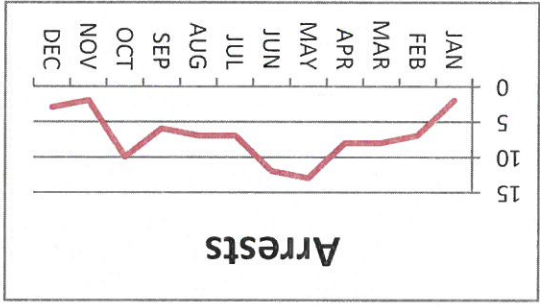
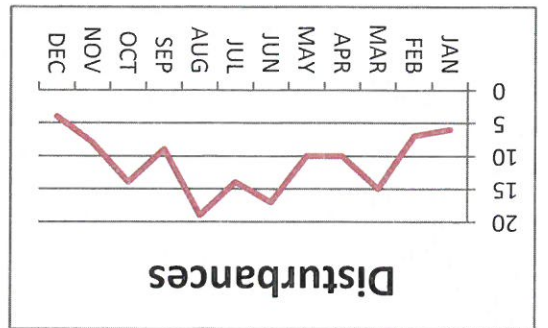
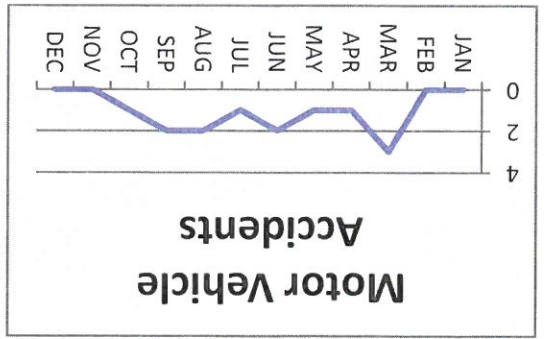
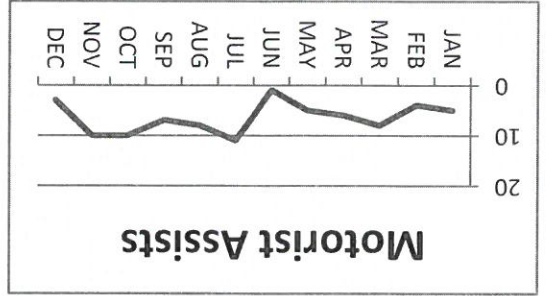
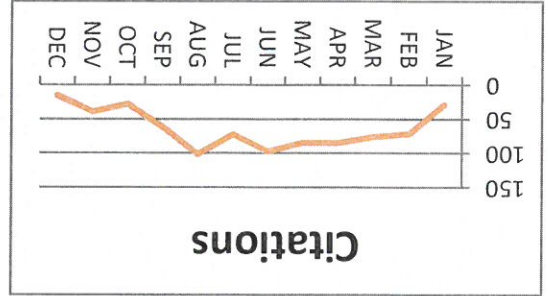
2015

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	AGG	MoAvg.
EMS Calls	9	7	13	8	8	22	20	13	18	12	12	6	148	12.333333
EMS Transports	4	7	8	5	5	13	12	8	11	4	6	4	87	7.25
Deaths	0	0	1	0	0	3	1	0	0	1	0	0	6	0.5
Police Reports	5	11	20	14	18	24	21	16	16	14	7	11	177	14.75
Burglary - Habitation/Building	0	1	3	0	2	0	1	1	1	0	0	0	9	0.75
Burglary - Vehicle	0	1	0	0	1	0	0	0	0	0	0	0	2	0.16666667
Thefts	1	1	1	2	1	2	2	3	3	2	1	2	21	1.75
Assaults	2	2	4	0	2	3	3	4	5	3	2	2	32	2.66666667
Criminal Mischief	0	0	0	0	0	0	0	0	0	0	1	0	1	0.08333333
Disturbances	6	7	15	10	10	17	14	19	9	14	8	4	133	11.083333
Alcohol-Related Offenses	4	4	10	4	6	9	7	8	7	8	4	6	77	6.41666667
Motor Vehicle Accidents	0	0	3	1	1	2	1	2	2	1	0	0	13	1.08333333
Agency Assists	8	6	6	6	6	6	6	11	4	8	6	4	77	6.41666667
Motorist Assists	5	4	8	6	5	1	11	8	7	10	10	3	78	6.5
Missing Child(ren)	0	1	0	1	0	3	0	6	0	0	1	0	12	1
Arrests	2	7	8	8	13	12	7	7	6	10	2	3	85	7.08333333
Citations	30	72	77	86	85	98	73	102	62	29	40	16	770	64.16666667

December Notes:

- 2 fireworks calls; 2 fireworks citations
- 0 golf cart citations

Beach Time	29.77
Lt. Dunlap	31.4
Sgt. Heckler	60.08
Off. Monnat	20.08
Off. Williamson	27.68
Off. Cox	169

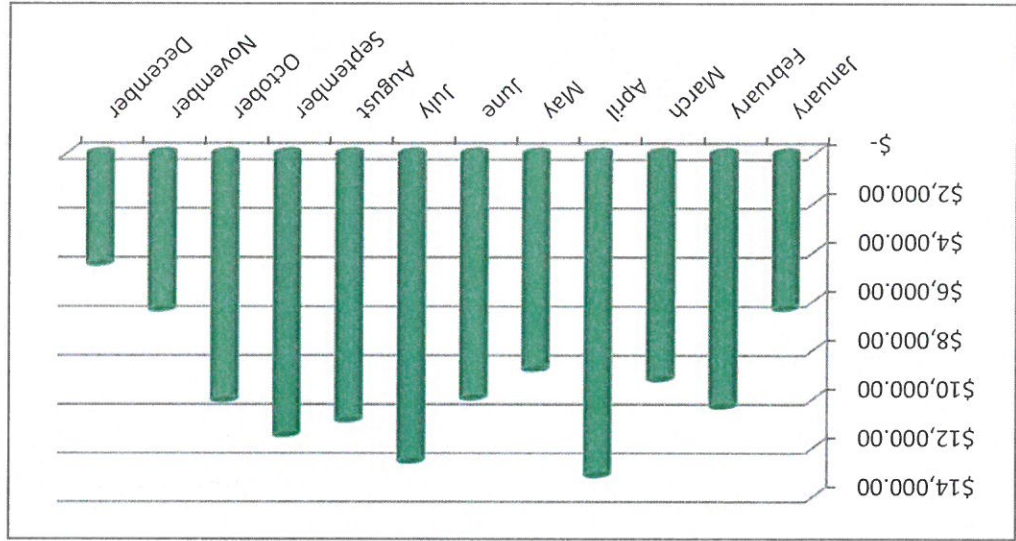


Surfside Beach, Texas

Municipal Court Monthly Report

2015

Month	Revenue
January	\$ 6,359.10
February	\$ 10,363.10
March	\$ 9,249.10
April	\$ 13,166.30
May	\$ 8,836.90
June	\$ 10,007.70
July	\$ 12,593.10
August	\$ 10,919.10
September	\$ 11,521.30
October	\$ 10,100.30
November	\$ 6,389.20
December	\$ 4,523.30
Total	



MONTHLY VIOLATION ACTIVITY REPORT

From 12/01/2015 To 12/31/2015

Information contained here in for This Month Last Year is for 12/01/2014 To 12/31/2014
 Information contained here in for YTD is for 10/01/2015 To 12/31/2015
 Information contained here in for Previous YTD is for 10/01/2014 To 12/31/2014

VIOLATION CODE and DESCRIPTION	THIS MONTH	LAST YEAR	Variance	THIS MONTH	LAST YEAR	Variance
	YTD	YTD	YTD	YTD	YTD	YTD
06 Improper Start From Stop Position	0	0	0	0	0	0
14 Parked In Roadway	0	0	0	0	0	0
17 Reckless Damage	0	4	-4	1	2	-1
36 Improper Turn	0	0	0	0	1	-1
39 Ran Stop Sign	0	3	-3	1	6	-3
41 Destruction Of Public Property	0	0	0	0	2	-2
53 Driving Under The Influence Of Alcohol By	0	0	0	0	1	-1
82 Clinging To Moving Vehicle (hood)	0	0	0	0	2	-2
90 Possession Of Marijuana Less Than 1 Oz	0	0	0	0	1	-1
93 Dune Protection Ord # 2000-18	0	2	-2	0	0	2
96 Drove Golf Cart @ Night	0	0	0	0	1	-1
0 Speeding	12	5	7	1	40	8
1 Speeding	1	1	0	0	0	1
2 Unsafe Speed	0	0	0	0	1	-1
4 Failure To Control Speed	0	0	0	0	2	-2
6 No Operators License	0	0	0	0	5	-3
7 No Driver's License In Possession	0	1	-1	0	2	0
3 DWI	0	2	-2	0	5	-5
9 Allowing Unlicensed Driver To Drive	0	0	0	0	0	2
2 Expired Motor Vehicle Inspection Sticker	0	0	0	0	1	-1
3 Ran Red Light	0	0	0	0	0	1
6 Failure To Maintain Financial	0	1	-1	0	1	0
3 Consumption Of Alcohol By Minor	0	0	0	0	1	-1
0 Public Intoxication	1	5	-2	3	12	-7
1A Disorderly Conduct/fighting	0	0	-2	2	2	-2
1C Disorderly Conduct/urinating In Public	0	0	0	0	1	-1
2 Class "c" Assault	0	2	-2	0	1	1
3 Glass Container	0	0	0	0	0	1
9 Violation Of Promise To Appear	2	11	-7	9	28	-17
9A Violation Of Promise To Appear	0	0	0	0	1	-1
5 Failure To Yield Right Of Way	0	1	-1	0	1	0
3A No Front License Plate	0	0	0	0	1	-1
3 Minor In Possession Of Alcohol	0	0	0	0	1	-1
2 Possession Of Drug Paraphernalia	0	1	-1	0	3	-2
5 Drinking Alcohol (open Cont) While Driving	0	0	0	0	1	-1
5A Open Container	0	0	0	0	1	-1
3 Fail To Properly Restrain Child	0	1	-1	0	0	1
9 Unrestrained Dog	0	0	-1	1	2	-2
1 Driving On Undesignated Roadway	0	0	0	0	1	-1
9 Consumption On Licensed Premises	0	0	0	0	2	-2

Totals

16 27 -11 90 132 -42

OFFICIAL MUNICIPAL COURT MONTHLY REPORT

MUNICIPAL COURT OF Village of Surfside Beach		YEAR 2015		FOR MONTH 12	
NON-TRAFFIC MISDEMEANORS		TRAFFIC		NON-PARKING	
CITY ORDINANCE		STATE LAW		PARKING	
1. New Cases Filed During the Month		13	0	3	0
2. Dispositions Prior to Trial:					
A. Bond Forfeitures		0	0	0	0
B. Fined		0	0	0	0
(Before trial only: If the defendant goes to trial, enter in item 3.)		6	2	4	2
C. Cases Dismissed		0	0	1	0
(Do not include dismissals that are to be reported in items 3C and 4 below)					
3. Dispositions at Trial:					
A. Trial by Judge		0	0	0	0
(1) Finding of Guilty		0	0	0	0
(2) Finding of Not Guilty		0	0	0	0
B. Trial by Jury		0	0	0	0
(1) Finding of Guilty		0	0	0	0
(2) Finding of Not Guilty		0	0	0	0
C. Dismissed at Trial		0	0	0	0
4. Cases Dismissed:					
A. After Driver Safety Course					
(C.C.P., Art. 45.0511)		2			
B. After Deferred Disposition					
(C.C.P., Art. 45.051)		12	0	0	0
C. After Proof of Financial Responsibility					
(Transportation Code, Sec. 601.193)		0			
D. Compliance Dismissal					
(Proof of Inspection, License, or Registration)		2			
5. Community Service Ordered					
(For satisfaction of fine or costs only.)					
6. Cases Appealed					
7. Juvenile / Minor Activity:					
A. Transportation Code Cases Filed					
B. Non-Driving Alcoholic Beverage Code Cases Filed					
C. Driving Under the Influence of Alcohol Cases Filed					
D. Health & Safety Code (Tobacco) Cases Filed					
E. Failure to Attend School Cases Filed					
(Education Code, Sec. 25.094)					
F. Education Code (Except Failure to Attend) Cases Filed					
G. Violation of Local Daytime Curfew Ordinance					
Cases Filed (Loc. Govt. Code, Sec. 341.905)					
H. All Other Non-Traffic Fine-Only Cases Filed					
I. Waiver of Jurisdiction of Non-Traffic Cases					
(Family Code, Sec. 51.08(b))					
J. Referred to Juvenile Court for Delinquent Conduct					
(C.C.P., Art. 45.050 (c)(1))					
K. Held in Contempt, Fined, or Denied Driving Privileges					
(C.C.P., Art. 45.050 (c)(2))					
Magistrate Warnings Given (Juvenile):					
L. Warnings Administered					
M. Statements Certified					
8. Parent Contributing to Nonattendance					
Cases Filed (Education Code, Sec. 25.093)					0
9. Safety Responsibility and Driver's License					
Suspension Hearings Held					
10. Search Warrants Issued					
(Do not include warrants for arrest.)					
11. Arrest Warrants Issued:					
A. Class C Misdemeanors Only					
B. Felonies and Class A and B Misdemeanors					
12. Magistrate Warnings Given:					
(Given to defendants charged with county or district court offense.)					
A. Class A and B Misdemeanors Only					
B. Felonies					
13. Emergency Mental Health Hearings Held					
14. Magistrate's Orders for Emergency Protection					
15. Total Revenue					\$ 4,523.30
(Include all revenue collected during month to be remitted to city or state.)					

MARY ALDOUS
First Assistant
TRAVIS TOWNSEND
Chief - Criminal Division



JIM WIGINTON
Chief - Civil Division
JOHN BLANKENSHIP
Chief Investigator

JERI YENNE

CRIMINAL DISTRICT ATTORNEY
BRAZORIA COUNTY

Rental Agency

*Renting golf carts
liability insurance?*

TO: All Law Enforcement
FROM: Jeri Yenne *JY*
DATE: September 27, 2012
RE: *Operation of Golf Carts*

MEMORANDUM

Our office recently requested a Texas Attorney General's opinion on the operation of golf carts. Pursuant to our office's request, the Texas Attorney General has issued an opinion which is attached to this memorandum.

The applicable law is codified under § 551 et seq of the Texas Transportation Code. The pertinent law is as follows:

- (a) An operator may operate a golf cart:
 - (1) in a master planned community:
 - (A) that has in place a uniform set of restrictive covenants; and
 - (B) for which the county or municipality has approved a plat;
 - (2) on a public or private beach; or
 - (3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:
 - (A) during the daytime; and
 - (B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.
- (b) The Texas Department of Transportation or a county or municipality may prohibit the operation of a golf cart on a public highway if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.
TEX. TRANS. CODE ANN. § 551.403 (Vernon 2009).

The only definitions given in this section are for the terms “golf cart” “utility vehicle” and “public highway.” “Golf cart” and “public highway” are given the definitions assigned to them by § 502.001 of the Transportation Code. “Golf cart” under § 502.001 is defined as “a motor vehicle designed by the manufacturer primarily for use on a golf course.” “Public highway” under § 502.001 is defined as “a road, street, way, thoroughfare, or bridge:

- (A) that is in this state;
- (B) that is for the use of vehicles;
- (C) that is not privately owned or controlled; and
- (D) over which the state has legislative jurisdiction under its police power.”

TEXAS TRANS. CODE ANN § 502.001 (Vernon 2009)

According to our own research and confirmed by the attached Attorney General’s opinion, there is not a precise definition of “master planned community” under Texas law in either statutory law or case law. It has been best described by the Texas Supreme Court in a 1995 case as “typically a residential development zoned as planned unit developments with a homeowners’ association to maintain common improvements and to enforce covenants and restrictions after the initial development stage.” *Parkway Co. v. Woodruff*, 901 S.W.2d 434, 440 (Tex. 1995).

According to the recent Attorney General opinion, this case law is basically consistent with the legislature’s requirements under § 551.403(a)(1) in that a master planned community: (1) have a uniform set of restrictive covenants and (2) that the community’s plat has been approved by the pertinent county or municipality. As such, it is legal under § 555.403(a)(1) of the Texas Transportation Code to operate a golf cart in a master planned community, with the best definition of master planned community at this time being “a planned community that has in place a set of restrictive covenants and for which a county or municipality has approved a plat.”

Further, according to this law and the Attorney General’s opinion, golf carts are permitted to operate on a public highway if the speed limit is not in excess of 35 mph, if the golf cart is:

1. operated in the daytime and

2. being operated no more than 2 miles from the location where the golf cart is usually parked and for transportation to or from a golf course. TEX. TRANS. CODE 551.403(a) (3) (Vernon 1999). (*emphasis added*).

Under § 551.403(a)(2), golf carts are legally allowed to operate on a public or private beach.

Further, the legislature has specifically made legal a golf cart crossing an intersection, regardless of the posted speed limit, under § 551.405 of the Transportation Code.

Further, it is legal to operate a golf cart on a public highway with a speed limit of over 35 mph in a municipality if the municipality's governing body approves it. In this scenario, the golf cart must have headlamps, tail lamps, reflectors, parking brake and mirrors. TEX. TRANS. CODE § 551.404 (Vernon 1999).



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 12, 2012

The Honorable Jeri Yenne
Brazoria County Criminal District Attorney
111 East Locust, Suite 408A
Angleton, Texas 77515

Opinion No. GA-0966

Re: Authority to operate a golf cart under section
551.403 of the Transportation Code (RQ-1052-GA)

Dear Ms. Yenne:

You ask about section 551.403(a) of the Transportation Code, which permits limited operation of a golf cart in specified locations.¹ Section 551.403(a) provides:

- (a) An operator may operate a golf cart:
 - (1) in a master planned community:
 - (A) that has in place a uniform set of restrictive covenants; and
 - (B) for which a county or municipality has approved a plat;
 - (2) on a public or private beach; or
 - (3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:
 - (A) during the daytime; and
 - (B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

¹See Letter from Honorable Jeri Yenne, Brazoria Cnty. Criminal Dist. Att'y, to Honorable Greg Abbott, Tex. Att'y Gen. at 2-3 (Apr. 5, 2012), <http://www.texasattorneygeneral.gov/opin> ("Request Letter").

TEX. TRANSP. CODE ANN. § 551.403(a) (West 2011).² You ask first how “master planned community” should be construed for purposes of the statute. Request Letter at 2. No Texas statute or rule defines the term “master planned community.” Nor has any judicial opinion construed section 551.403. In the only Texas court decision we have located that discusses the meaning of the term, the Supreme Court of Texas observed that “[m]aster planned community’ and ‘planned community’ are terms of art, specifying a particular form of common ownership.” *Parkway Co. v. Woodruff*, 901 S.W.2d 434, 440 (Tex. 1995) (concerning the Deceptive Trade Practices Act). The court further stated:

Master planned communities are typically residential developments zoned as planned unit developments with a homeowners’ association to maintain common area improvements and to enforce other covenants and restrictions after the initial development stage. The owners of the individual units hold title to the unit, but the association holds title to the common amenities. Membership in the association is mandatory for all owners of individual units.

Id. at 440 n.8 (citations omitted). The court’s description of a master planned community is consistent with the requirements of section 551.403(a)(1) that the community have “a uniform set of restrictive covenants” and that the community’s plat has been approved by the pertinent county or municipality. TEX. TRANSP. CODE ANN. § 551.403(a)(1)(A)–(B) (West 2011). Without further guidance from the Legislature or the courts, however, we are unable to provide a more precise definition of the term for section 551.403(a)’s purposes.

Your second question asks whether a person operating a golf cart in a master planned community under subsection (a)(1) of section 551.403 is also subject to the time-of-day, speed-limit, and other limitations in subsection (a)(3). Request Letter at 3. Subsections (a)(1), (a)(2), and (a)(3) describe different locations, separated by the disjunctive word “or.” Ordinarily, the word “or” is “used to express an alternative or to give a choice of one among two or more things.” *City Of Lubbock v. Adams*, 149 S.W.3d 820, 827 (Tex. App.—Amarillo 2004, pet. denied) (noting dictionary definitions); *see also In re Brookshire Grocery Co.*, 250 S.W.3d 66, 69 (Tex. 2008) (stating general distinction between the words “or” and “and”). Under the statute, a person is operating a golf cart legally if the person is operating a golf cart within the parameters of subsection (a)(1), (a)(2), or (a)(3) of that section. Thus, a person operating a golf cart under subsection (a)(1) need not also satisfy the requirements of subsection (a)(3).

Finally, you ask about subsection 551.403(a)(3)(B), which allows a person to operate a golf cart on certain public highways only if, among other things, the cart is operated “not more than two

²For purposes of subchapter F of chapter 551, a “Public Highway” includes a road, street, way, thoroughfare, or bridge: (A) that is in this state; (B) that is for the use of vehicles; (C) that is not privately owned or controlled; and (D) over which the state has legislative jurisdiction under its police power.” TEX. TRANSP. CODE ANN. §§ 502.001(35), 551.401(1) (West 2011).

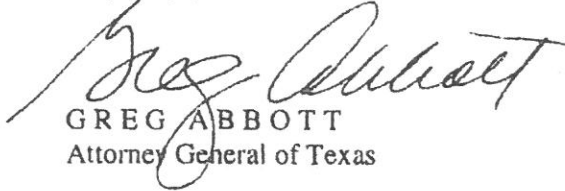
miles from the location where the golf car is usually parked and for transportation to or from a golf course." TEX. TRANSP. CODE ANN. § 551.403(a)(3)(B) (West 2011); Request Letter at 3. You ask whether, under section 551.403(a)(3)(B), a person who operates a golf cart on a public highway during the daytime not more than two miles from where the golf cart is usually parked is limited to operating the golf cart only for the purpose of transportation to or from a golf course. Request Letter at 3. The distance limitation and the purpose requirement in subsection 551.403(a)(3)(B) are separated by the conjunctive word "and." Thus, the provision sets forth cumulative rather than alternative limitations. See *In re Brookshire Grocery Co.*, 250 S.W.3d at 69. Accordingly, section 551.403(a)(3) allows operation of a golf cart on certain public highways only if, among other requirements, the golf cart is operated not more than two miles from where the golf cart is usually parked and is operated only for the purpose of transportation to or from a golf course.

S U M M A R Y

A person is operating a golf cart legally for purposes of section 551.403 of the Texas Transportation Code if a person is operating a golf cart within the parameters of subsection (a)(1), (a)(2), or (a)(3) of that section.

Subsection 551.403(a)(3) of the Transportation Code allows operation of a golf cart on a public highway only if, among other requirements, the golf cart is operated not more than two miles from the location where the golf cart is usually parked and is operated only for the purpose of transportation to or from a golf course.

Very truly yours,


GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

JAMES D. BLACKLOCK
Deputy Attorney General for Legal Counsel

JASON BOATRIGHT
Chairman, Opinion Committee

William A. Hill
Assistant Attorney General, Opinion Committee

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

MOTORIZED GOLF CART COVERAGE

We cover "golf carts" owned by an "insured". The most we will pay for any one loss is \$5,000.

DEFINITIONS

"Golf cart" means a motorized golf cart designed to carry up to four persons, not built, or modified after manufacture, to exceed a speed of 25 miles per hour on level ground. It includes related accessories and equipment.

SECTION I - PROPERTY COVERAGES

LOSS DEDUCTIBLE

Each claim for loss shall be adjusted separately in accordance with the Loss Settlement condition below. A deductible of \$250 will be subtracted from each adjusted loss. No other deductible applies to this coverage.

PERILS INSURED AGAINST

We cover direct physical loss to your "golf carts" by any peril, subject to the following exclusions.

EXCLUSIONS

We do not insure for loss:

1. To any "golf cart" that:
 - a. Is registered for use on public roads or property; or
 - b. Is not registered for use on public roads or property, but such registration is required by a law or regulation issued by a government agency for it to be used at the time and place of a loss.
2. To any "golf cart" while:
 - a. Being operated on a public road except within the legal boundaries of:
 - (1) A private residential community, including its public roads upon which a "golf cart" can legally travel, which is subject to the authority of a property owners association and contains an "insured's" residence; or
 - (2) A golfing facility and used by an "insured" to cross public roads at designated points to access other parts of the golfing facility.
 - b. Used to carry persons or cargo for a charge;
 - c. Used for any other "business" purpose except incidental "business" entertainment;

- d. Rented to others; or
 - e. Being operated in, or practicing for, any pre-arranged or organized race, speed contest, or other competition.
3. Excluded under Section I – Exclusions in the policy form.
 4. Caused by:
 - a. Wear and tear, marring, scratching, denting, deterioration, rust or corrosion;
 - b. Electrical or mechanical breakdown, latent defect or faulty manufacture;
 - c. Damage limited only to the tires or wheels, unless the damage is caused by fire or if the tires or wheels are stolen;
 - d. Overheating, freezing, wetness or dampness of atmosphere or extremes of temperature;
 - e. Refinishing, repairing or servicing, unless direct loss by fire or explosion ensues and then we will pay only for the ensuing loss;
 - f. Infidelity of your employees or persons to whom you entrust the insured property;
 - g. Animals, birds, vermin, insects or rodents. However, this exclusion does not apply to collision with an animal or bird.
 5. To an insured "golf cart", its parts and equipment, caused only by impact of its wheels with the road or ground.
 6. To any device designed for communications or for recording or reproducing sound unless the device is permanently installed in an insured "golf cart".
 7. To any device or instrument designed as a citizens band radio, two-way mobile radio or telephone, telephone, or any of their accessories.

SECTION I – CONDITIONS

With respect to the coverage provided by this endorsement, 3. Loss Settlement is deleted and replaced by the following:

3. **Loss Settlement.** Covered property losses are settled at actual cash value at the time of loss, but not more than the amount required to repair or replace.

Personal property replacement cost coverage, if applicable under this policy, does not extend to this Loss Settlement provision.

We will use the manufacturer's specifications or accepted repair practices to repair the "golf cart's" molded body or parts made of fiberglass, plastic or composite materials.

All other provisions of this policy apply.