

## Regular Meeting of the City Council

Tuesday, March 8, 2022 – 7:00 PM

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

An agenda information packet is available for public inspection on the website at  
[www.surfsidetx.org](http://www.surfsidetx.org)

**NOTICE IS HEREBY GIVEN** that the City Council of the Village of Surfside Beach will conduct its Regular Meeting scheduled for **7:00 p.m. on Tuesday March 8, 2022**. To view the meeting electronically please use the following website:

<https://us02web.zoom.us/j/82804862016?pwd=M3Bma1hBTGFsOWdvUFJZaGN0MTZ6QT09> Meeting ID: 828 0486 2016 Passcode: 1304

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.

### **COUNCIL MEETING:**

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE
- 2) INVOCATION, PLEDGE OF ALLEGIANCE
- 3) Presentation of Audit for Fiscal Year Ended on September 30, 2021 by KM & L Certified Public Accountants -*Bisso*
- 4) Mayor/council/committee/departement head/organization reports
- 5) Business of visitors not on the agenda.
- 6) *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 Council meeting on February 8, 2022.
  - B. Consider approval of the February 2022 financials.
  - C. Consider approval of Proclamation designating the month of April as Fair Housing Month
- 7) Discuss and take possible action on a resolution allowing HGTV to film a short fireworks display inside city limits. *Bisso*

- 8) Discuss and take possible action on the re-plat of the following lot: RMKB Development, owner, proposes to subdivide the following lot into (8) eight lots: Replat of 4.002 acres being a portion of Tract 190 & 191, known as Sandcastle Subdivision in the Branch T. Archer League Abstract 9. This property is located off Bluewater Highway, submitted by Renalde Mulhollan – *Green-Prats*
- 9) Discuss and take possible action on the re-plat of the following lot: RMKB Development, owner, proposes to subdivide the following lot into (4) four lots: Replat of 2.204 acres being a portion of Tract 213, known as Bay Breeze Subdivision in the Branch T. Archer League Abstract 9. This property is located off Bluewater Highway, submitted by Renalde Mulhollan—*Green-Prats*
- 10) 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 bulletin board of the City Hall of the Village of Surfside Beach, Texas, said notice was posted Thursday March 3 at or before 6:00 PM, and remained so posted continuously for at least 72 hours before the scheduled time and date of the afore mentioned meeting.

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Amanda Davenport, City Secretary

## Minutes of Regular Meeting of the City Council

Tuesday, February 8, 2022 – 7:00 PM

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

### COUNCIL MEETING:

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE  
Mayor Bisso called the meeting to order at 7:00 p.m. Oscar attended via zoom.
- 2) INVOCATION, PLEDGE OF ALLEGIANCE – Chief Wood gave the invocation.
- 3) Mayor/council/committee/department head/organization reports  
**Chief Wood** gave the monthly PD activity report.  
**Michelle Booth**- the newly painted beach sign will be installed next week; Kep Surfside Beach Beautiful has achieved Gold Star Status; chili cook-off money was donated to the VFD and SSPD.  
**Mayor Pro Tem Capretta** – Splash Pad still looks bad, there will be a SOBA meeting on Saturday;  
**Beach Advisory Committee** – Beach plan discussion regarding updates;  
**Peggy Llewellyn** – Freeze grant emergency expenses completed and all other expenses are now opened up for FEMA assistance.  
**Jennie Green-Prats**- put complete agenda packet on website;  
**Mayor Bisso** – update on sewer renovation and the AG injunction; we hope to break ground of the waterline project within the next 30 days; HGTV is filming in Surfside.
- 4) **Business of visitors not on the agenda.** Tom May – garbage cans
- 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 Council meeting on January 11, 2022.
- B. Consider approval of the January 2022 financials.

Motion by Mayor Pro Tem Capretta to approve the consent agenda as presented. Motion was seconded by Llewellyn and approved unanimously.

- 6) **Discuss update on the groin and renourishment project.**  
Mayor Bisso gave the update stating that the project is still moving along.
- 7) **Discuss and take possible action on Ordinance 2022-02-08A calling the General Municipal Election.**

Motion by Llewellyn to approve the Ord 2022-02-08A calling the 2022 municipal election. Motion was seconded by Mayor Pro Tem Capretta and approved unanimously.

- 8) Discuss and take possible action on Ordinance 2022-02-08B calling a Special Election to increase the city sales tax.**

Motion was made by Mayor Pro Tem Capretta to hold an election to increase the sales and use tax Ord. 2022-02-08B. Motion was seconded by Green-Prats and passed unanimously.

- 9) Discuss and take possible action on a Short-term Rental Ordinance recommendation from the Planning Committee.**

No action was taken on this item.

- 10) Discuss and take possible action regarding adoption of the most recent IBC Building Codes.**

No action was taken on this item.

- 11) Discuss and take possible action on recommendations from the Planning Committee regarding the changes and reinstatement of the NC zoning designation ordinance.**

Motion was made by Lewellyn to adopt an ordinance including the Neighborhood Commercial zone designation. Motion was seconded by Mayor Pro Tem Capretta and passed unanimously.

- 12) Adjourn at 8:45 pm.**

\_\_\_\_\_  
Gregg Bisso, Mayor

Attest:

\_\_\_\_\_  
Amanda Davenport, City Secretary

# PROCLAMATION

**WHEREAS**, the Department of Housing and Urban Development has initiated the sponsorship of activities during the month of April of each year designed to reinforce the Department's commitment to the concept of Fair Housing and Equal Opportunity; and

**WHEREAS**, The Village of Surfside Beach affirmatively supports the efforts of the Federal Government and the State of Texas to assure equal access to all Americans to rental housing and homeownership opportunities; and

**WHEREAS**, The Village of Surfside Beach welcomes this opportunity to reaffirm its commitment to provide equal access to housing to all of its residents without regard to race, color, religion, sex (including gender identity and sexual orientation), disability, familial status, national origin or source of income; and

**WHEREAS**, The Village of Surfside Beach affirmatively supports programs that will educate the public concerning their rights to equal housing opportunities and to participate in efforts with other organizations to assure every person their right to fair housing; and

**WHEREAS**, The Village of Surfside Beach is honored to join the Federal Government, the State of Texas, and local jurisdictions across America in celebrating the rich diversity of our people and the right of all citizens to live where they choose without fear of discrimination.

**NOW, THEREFORE**, be it resolved, The Village of Surfside Beach, does hereby proclaim April as the month to celebrate and honor all efforts which guarantee the right to live free of discriminatory housing practices and proclaim this month as:

## **“FAIR HOUSING MONTH”**

and urge all local officials and public and private organizations to join activities designed to further Fair Housing objectives.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of The Village of Surfside Beach to be affixed this the 8th day of March, 2022.

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Mayor

**RESOLUTION NO. 2022-03-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE VILLAGE OF SURFSIDE BEACH, TEXAS, CONTAINING A PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BEACHFRONT PRODUCTIONS LLC ALLOWING FOR THE DISPLAY OF FIREWORKS; ASSURING THAT SAID AGREEMENT CONTAINS SPECIFIC REQUIREMENTS; AUTHORIZING THE CITY CLERK TO ISSUE A SPECIFIC FIREWORKS PERMIT; AND FINDING THAT THE CITY COUNCIL COMPLIED WITH THE OPEN MEETINGS ACT.**

**WHEREAS**, the ordinances of the Village of Surfside Beach prohibits the display of fireworks within the city limits; and

**WHEREAS**, the Beachfront Productions LLC has requested specific permission from the City Council to permit a brief and highly regulated discharge of fireworks within the city limits as part of larger commercial project commenced within the City; and

**WHEREAS**, the City Council finds that the fireworks proposal made by Beachfront Productions LLC sufficiently addresses the following issues of concern: Safety, Insurance, Professional operators and supervision, Litter remediation, limited time duration, reasonable hours, and noise; and

**WHEREAS**, the City Council finds the fireworks proposal does not present a nuisance to neighboring property owners; and

**WHEREAS**, the City Council finds that the successful completion of the Beachfront Productions LLC project is beneficial to the city and its citizens.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF SURFSIDE BEACH, TEXAS THAT:**

**Section 1.** The findings set forth in the preamble above are in all things approved and incorporated herein.

**Section 2.** The Village of Surfside Beach, Texas ("Surfside") authorizes the mayor to execute the attached agreement with Beachfront Productions, LLC.

**Section 3.** The city clerk is authorized to issue a permit to Beachfront Productions LLC and their contractor Celestial Displays to conduct a total of four (4) short fireworks displays being two (2) short displays at two (2) separate locations. Each firework display will be less than five (5) minutes each and will be filmed. Fireworks will not be blasted after 9:00 p.m. The permit shall be issued immediately upon submission of the signed agreement and payment of a \$1500 permit fee. The permit shall remain valid for 30 days from the date of issuance.

**Section 4.** The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, as set forth in the Texas Government Code, Chapter 551.

**Section 5.** This resolution shall become effective from and after its passage.

**PASSED AND APPROVED** this 8th day of March, 2022.

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Mayor, Greg Bisso

**ATTEST:**

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City Clerk, Amanda Davenport

**AGREEMENT FOR CONDITIONAL LICENSE  
TO DISPLAY FIREWORKS**

This Agreement is between the Village of Surfside Beach, Texas (“City”) and Beachfront Productions LLC (“Beachfront”) to grant a conditional license and issuance of permit to display fireworks within the city limits of the City.

**WHEREAS**, the display of fireworks within the territorial limits of the City are specifically prohibited by city ordinance; and

**WHEREAS**, Beachfront has set forth a specific proposal and seeks permission to display fireworks within the territorial limits of the City; and

**WHEREAS**, the City Council as the legislative body of the City has the authority and the discretion to authorize the display of fireworks and authorize issuance of a permit by resolution, and set forth all conditions of said permit; and

**WHEREAS**, the City Council has considered the proposal made by Beachfront, and has authorized by resolution the issuance of a fireworks permit under the specific conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein, and other good and valuable consideration, the City and Beachfront agree as follows:

**A. Requirements to Issue Permit:**

The city clerk of the City shall issue a fireworks permit upon presentation of sufficient documentation of the following:

**1. Insurance**

Beachfront, its fireworks operator subcontractor, and all other subcontractors working on sit of the fireworks display shall carry the following insurance:

Type of Coverage	Limits of Liability
a. Worker’s Compensation	Statutory
b. Employer’s Liability	
Bodily Injury by Accident	\$500,000 Ea. Accident
Bodily Injury by Disease	\$500,000 Ea. Employee
Bodily Injury by Disease	\$500,000 Policy Limit
c. Commercial General Liability, including coverage for the following:	
1) Premises Operations	Combined Single
2) Independent Contractors	Limit for Bodily
3) Products/Completed Operations	Injury and Property Damage of

- 4) Personal Injury \$1,000,000  
Per occurrence or
- 5) Contractual Liability its equivalent.
- 6) Explosion, Collapse, Underground
- 7) Broad form property damage, to include fire legal liability

**2. Professional License of Fireworks Operator**

A copy of the professional licenses of the specific fireworks operators that will be on site, along with the name and address of the business entity, and the names of all owners of the fireworks business entity.

**3. Site Plan**

A detailed map of the site plan showing the location of the display and fallout areas.

**4. Display Description**

A detailed description of the anticipated scope of the fireworks display, the length of display, the type of fireworks to be used, the safety plan and litter clean up plan.

**5. Proposed Dates**

The permit will be issued for a term of 30 days, providing Beachfront and its subcontractors flexibility to accommodate unpredictable events such as weather, equipment failures, production schedule changes. Beachfront is responsible to make application for the permit to include the 30 day period that is most convenient.

**6. Safety Plan**

Beachfront and/or its fireworks operator/subcontractor shall submit a written safety plan setting forth procedures and onsite assets to accommodate the risks of fire and personal injuries that may result from the fireworks display. Such plan must be approved by the City Administration (police, fire, EMS).

**7. Permit Fee**

The permit fee is \$1500.

**B. Issuance of Permit**

Upon presentation of the above, in acceptable form as determined by the City Administration, the city clerk shall issue a permit within 24 hours. The permit shall be approved for a term of 30 days. Permittee shall be allowed to conduct a total of four (4) short separate fireworks displays, two (2) displays at two (2) different locations within the city. Each fireworks display shall be for less than five (5) minutes each and will be filmed. Follow up film shots of an individual display shall be allowed if commenced within 30 minutes of the initial display, and the total amount of time of fireworks blast does not exceed five (5) minutes. Fireworks will not be blasted after 9:00 p.m.

**C. County Issued Burn Ban**

Permittee shall not be allowed to operate fireworks under the permit during a county instituted burn ban.

**D. Violation of Conditions**

The City Administration may terminate the issued permit upon violation of the site plan, safety plan, any other conditions of the permit or any violations of law, including local ordinance, state or federal law. Should Beachfront, the fireworks operator, or any subcontractor need a change to the original plan or conditions of the permit, they must make the request in writing and submit it to the city clerk for consideration by the City Administration, such consideration being within their discretion.

AGREED:

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William Grimaldi, Line Producer  
Beachfront Productions LLC

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Greg Bisso, Mayor  
Village of Surfside Beach, Texas