

Regular Meeting of the City Council
Tuesday, October 10, 2023 – 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

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, October 10, 2023**. 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) Mayor/council/department head reports
- 4) Business of visitors not on the agenda.
- 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 September 12, 2023.
 - B. Consider approval of Ordinance 2023-10-10 amending the Surfside Beach Dune Protection and Beach Access Plan section 6 & 8.
- 6) Discuss and take possible action making changes to the committees and commissions in the Surfside Beach Code of Ordinances. *Bisso/Jalifi*
- 7) Discuss and take possible action to adopt the final draft of the lighting ordinance submitted by the Planning Commission to Council for approval and start the process of codification into the Village of Surfside's municipal code. *Gerber*
- 8) Discuss and take possible action to nominate members to the Brazoria County Appraisal District Board via Resolution 10.10.23. *Bisso*

- 9) Discuss possible legal action to address all individuals who refuse to pay hotel taxes. *Parsch*
- 10) Discuss and take possible action to increase the Hotel/Motel tax rate. *Parsch/Jalifi*
- 11) Discuss and take possible action to appoint Sean Britt to the Tourism committee. *Booth*
- 12) Discuss and take possible action to reconsider allocation for budget expense line item 4410 Park Landscape. Specifically, regarding the budget for services provided by Seth Miles, and alternatively the use of municipal resources to replace a portion of the services provided under this line item previously. *Gerber*
- 13) Discuss and take possible action to hire a full-time paid City Administrator for the Village of Surfside. *Gerber*
- 14) Discuss and amend ordinance Article IV.. Use of golf carts, Sec 46-171 designating areas and times for Golf Cart and UTV operation, to add the times from dawn to dusk operation times to section (a). *Jennie Green-Prats*

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 October 5, 2023 at or before 6:00 PM and remained so posted continuously for at least 72 hours before the scheduled time and date of the meeting.


Amanda Davenport, City Secretary

Minutes of Meeting of the City Council

Tuesday, September 2023 – 7:00 PM

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

COUNCIL MEETING:

A. OPEN PUBLIC HEARING REGARDING THE 2023 TAX RATE.

THIS PROPOSED TAX RATE OF .281508 WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THIS PROPOSED TAX RATE WILL EFFECTIVELY BE RAISED BY 3.5 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-49.57.

Close Public Hearing

B. OPEN PUBLIC HEARING REGARDING THE FY2023-2024

BUDGET. This budget will raise more revenue from property taxes than last year's budget by an amount of \$104,416, which is a 6.88 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$40,188.

Close Public Hearing.

Mayor Bisso opened the public hearing for 2023 tax rate at 7:37 p.m. and closed the public hearing at 7:46 p.m.

Mayor Bisso opened the public hearing for FY23-24 budget at 7:46 p.m. and closed the public hearing at 7:58 p.m.

COUNCIL MEETING:

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE**
Mayor Bisso called the meeting to order at 7:58 p.m. and noted that a quorum of City Council was in attendance, Zach Parsch was absent.
- 2) INVOCATION, PLEDGE OF ALLEGIANCE**
Robertson gave the invocation.
- 3) Discussion regarding the odor in the Village water.**
John Mercer was in attendance and spoke regarding the blending of the well water and Freeport/BWA water.
- 4) Mayor/council/department head reports.**
Gerber – spoke regarding TCEQ

Robertson – Big gratitude to City staff
Jalifi – Treaty and Whelk road patching need to be improved
Green-Prats – Thanked staff
Chief – gave monthly PD report and introduced EMS staff

- 5) **Business of visitors not on the agenda.** None at this time.
- 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 and budget workshops on August 8, 9, 21, 31, and September 6, 2023.
B. Consider approval of financials for July and August 2023.

Motion was made by Green-Prats to approve the consent agenda as presented. Motion was seconded by Robertson and passed unanimously.

- 7) **Discuss and take possible action on Ordinance 2023-09-12A regarding issuing a burn ban.**

Motion was made by Green-Prats to adopt Ordinance 2023-09-12A regarding burn bans. Motion was seconded by Jalifi and passed unanimously.

- 8) **Discuss and take possible action to appoint new members to the Planning Committee in accordance with city ordinances.**

Motion was made by Robertson to table this item. Motion was seconded by Jalifi and passed unanimously.

- 9) **Discuss and take possible action to begin development of a wetland protection ordinance for Surfside.**

Motion was made by Gerber to take this ordinance to the Planning Commission for their recommendation. Motion was seconded by Green-Prats.

Discussion ensued.

Motion was amended by Gerber to take to the PC with the aid of Building Official Josh Hart for recommendation as to a Wetland Protection Ordinance for Surfside Beach. Motion was seconded by Green-Prats. The vote on this motion was tied with 2 for, 2 against; Mayor Bisso broke with tie with a vote of "no".

- 10) **Discuss and amend ordinance Article IV.. Use of golf carts, Sec 46-171 designating areas and times for Golf Cart and UTV operation, to add the times from dawn to dusk operation times to (a).**

Motion was made by Green-Prats to table this item. Motion was seconded by Robertson and passed unanimously.

- 11) **Discuss possible legal action to address all individuals who refuse to pay hotel taxes.**

Motion was made by Green-Prats to table this item. Motion was seconded by Jalifi and passed unanimously.

- 12) **Discuss and take possible action to increase the Hotel/Motel tax rate.**

Motion was made by Jalifi to table this item. Motion was seconded by Robertson and passed unanimously.

- 13) **Discuss and take possible action to appoint Sean Britt to the Tourism committee.**

Motion was made by Green-Prats to table this item. Motion was seconded by Robertson and passed unanimously.

- 14) **Discuss and take possible action on Ordinance 2023-09-12C adopting the FY2023-24 Municipal Budget. This budget will raise more revenue from property taxes than last year's budget by an amount of \$104,416, which is a 6.88 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$40,188.**

Motion was made by Jalifi to approve the proposed FY 2023-2024 budget. Motion was seconded by Robertson and was approved with a roll-call vote as follows: Gerber – yes; Robertson – yes; Jalifi – yes; Green-Prats – yes; Parsch - absent.

- 15) **Discuss and take possible action to ratify the FY 2023-2024 Budget and find that the Proposed Tax Rate of .281508/\$100 will generate more property tax revenue than the previous fiscal year budget.**

Motion was made by Green-Prats to ratify the proposed tax rate of .281508/\$100. Motion was seconded by Robertson and passed unanimously.

- 16) **Discuss and take possible action on Ordinance 2023-09-12D setting the 2023 Ad Valorem Tax Rate for Maintenance and Operation of .250471, and the Ad Valorem tax rate for Debt Service of .031037 totaling a rate of .281508**

Motion was made by Gerber to increase the property tax rate by the adoption of a tax rate of .281508 which is effectively a 4.61 increase in the tax rate. Motion was seconded by Jalifi and was approved with a roll-call vote as follows: Gerber – yes; Robertson – yes; Jalifi – yes; Green-Prats – yes; Parsch - absent.

- 17) **Discuss and take possible action on Ordinance 2024-09-12B regarding amending the Surfside Beach Dune Protection and Beach Access Plan sections 6 & 8.**

Motion was made by Green-Prats to accept the plan as presented. Motion was seconded by Robertson and passed unanimously.

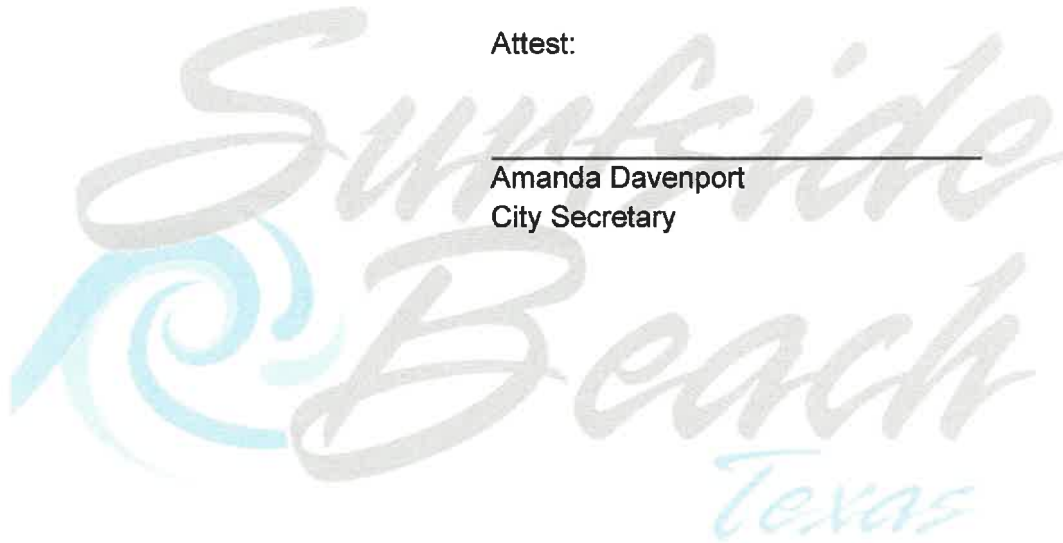
- 18) **Discuss and take possible action to approve proposed changes to Surfside Code of Ordinances Chapter 2, Article IV Board, Commissions and Committees, Division 1 - Generally, Sec. 2-347. - Powers and duties.**

Motion was made by Robertson to table this item. Motion was seconded by Green-Prats and passed with 3 for 1 against (Gerber).

Gregg Bisso, Mayor

Attest:

Amanda Davenport
City Secretary



SEC. ** . Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Full Cutoff (FCO) describes a luminaire light distribution where 100 candela per 1000 lamp lumens (10%) may emit at all vertical angles beginning at 80 degrees up from nadir to less than 90 degrees, and zero candela per 1000 lamp lumens (0%) is allowed at 90 degrees (horizontal plane) and all angles above. This applies to all horizontal angles around the luminaire. A full cutoff luminaire is also fully shielded.

Fully shielded fixture means that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Illumination means an alternative term for illuminance. Commonly used in a qualitative or general sense to designate the act of illuminating or the state of being illuminated.

Lamp means the component of a luminaire that produces the actual light.

Light trespass means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen means a unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of these regulations, the lumen-output values shall be the initial lumen output ratings of a lamp.

Luminaire means this is a complete lighting system, and includes a lamp or lamps and a fixture.

Outdoor lighting means the nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

SEC. **.**. SINGLE-FAMILY AND TWO-FAMILY LIGHTING

Effective immediately upon the adoption of this ordinance for all New Residential Building permits.

Existing outdoor lighting to be replaced as they fail, or by 2030, on single-family and two-family lots shall be designed so that:

- A. Fixture Type. Fixtures are shielded so that the light source is not visible from abutting properties, and so that the light cast on abutting properties does not exceed 0.1 foot-candles on the ground at the property line and on any window plane on the abutting property; and
- B. Operational Practices. Any motion sensor security lighting shall be pointed down and away from windows on abutting properties.
- C. Reduced Overnight Lighting. Residential and multifamily uses shall reduce outdoor lighting between the hours of 11:00 PM and sunrise by turning off any non-emergency lighting.

Lighting reductions are not required for any of the following:

1. With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas;
2. When the outdoor lighting consists of only one luminaire;
3. Code required lighting for steps, stairs, walkways, and building entrances;
4. Motion activated lighting;
5. Lighting governed by approval of a Specific Use Permit in which times of operation are specifically identified; or
6. Businesses that operate on a 24 hour basis.
7. Low voltage landscape lighting, but such lighting shall be shielded or directed in such a way as to eliminate obtrusive light.
8. Low intensity "ambiance" lighting, such as "rope" lighting and frosted globe lighting. Holiday lighting excluded.

SEC. **.**. Filing of complaint; unlawful noncompliance; fines.

Any person may complain to the city in regards to lighting that does not comply with the standards set forth in this division. The complaint must be filed in writing to the city code enforcement officer. It shall be unlawful for the owner or tenant

within the city to fail to comply with the standards set forth in this section within fifteen (15) days after notice is mailed or published, directing that such standards be met; the code compliance office or any other individual assigned such duties may, whenever a violation is found, file a complaint with the municipal court and/or issue citations. Fines shall be \$10 a day on the 16th day.

Amanda Davenport

From: Jon Gerber
Sent: Thursday, October 5, 2023 10:16 AM
To: Amanda Davenport
Subject: Agenda for October

Discuss and take possible action to reconsider allocation for budget expense line item 4410 Park Landscape.

Specifically regarding the budget for services provided by Seth Miles, and alternatively the use of municipal resources to replace a portion of the services provided under this line item previously.

Sent from my iPhone

Amanda Davenport

From: Jon Gerber
Sent: Wednesday, October 4, 2023 12:47 PM
To: Amanda Davenport
Subject: Agenda for October

Discuss and take possible action to hire a full time paid City Administrator for the Village of Surfside.

1. Subject to City Council regulations and applicable laws, the City Administrator shall control and direct the administration of municipal affairs.
2. The City Administrator shall see that all laws, ordinances, and resolutions of the City are enforced.
3. The City Administrator shall supervise the activities of all municipal department heads and personnel of the City in the administration of municipal policy with authority to effectively extend or terminate their employment.
4. The City Administrator shall attend and participate in all meetings of the City Council. The Administrator shall be responsible for the preparation of the City Council Agenda and recommend to the City Council such measures, as he may deem necessary for the welfare of the citizens and the efficient administration of the City. The Administrator may attend, at his discretion or at the direction of the City Council, other committee and commission meetings.
5. The City Administrator shall prepare an annual fiscal budget and capital improvement plan for the City Council. The Administrator shall recommend salaries for each employee upon evaluation of the employee and it shall be the duty of the governing body to

The administrator would direct and coordinate administration of Village government in accordance with policies determined by city council and directly in coordination with the Mayor.

Minimum experience and education: BA/BS/ Undergraduate, with 3-5 years government related experience preferred. Must demonstrate problem solving skills, project management, leadership skills- both visionary and technical, must display professionalism, must have good attendance and punctuality, must be dependable, must take initiative and be skilled in math, reasoning abilities, computers, and public speaking.

Starting pay: 70-80 thousand (yearly salary)

Sent from my iPhone

BRAZORIA COUNTY APPRAISAL DISTRICT

MEMBERS OF THE BOARD

Bobby Brown
Kristin Bulanek
Tommy King
Gail Robinson
George Sandars
Susan Spoor

CHIEF APPRAISER

Marcel Pierel III
500 N. Chenango
Angleton, Texas 77515
979-849-7792
Fax 979-849-7984

September 1, 2023

Honorable Gregg Bisso
Mayor of Surfside Beach
1304 Monument Dr.
Freeport, TX 77541

Dear Honorable Gregg Bisso,

In reference to the selection of the Appraisal District Board of Directors, each voting taxing unit in Brazoria County nominates **by resolution**, up to five candidate(s) to fill the five (5) positions of the Board of Directors. These nominations (names and addresses) must be submitted to the Chief Appraiser before **October 15, 2023**. (See Step 1 on Calendar)

Enclosed is a list of the current board members with space to add different nominees if your board chooses to. (Nominate up to a total of five candidates)

Your 2022 total tax levy was **\$ 1,517,345**. This tax levy has entitled your taxing unit to 7 votes for the five (5) directors to be appointed to the Brazoria County Appraisal District.

The voting process will begin before October 30, 2023 once all nominations have been received.

Please address all submissions to Marcel Pierel, Chief Appraiser, at the above address, or you may email submissions to mpierel@brazoriacad.org or fax to 979-849-7984.

Sincerely,



Marcel Pierel III
Chief Appraiser

MP/td
Enclosure

**BRAZORIA COUNTY APPRAISAL DISTRICT
BOARD OF DIRECTORS
FOR YEAR 2023**

Mr. Bobby Brown
West Columbia, TX

Ms. Kristin Bulanek
Tax Assessor-Collector

Mr. Tommy King, Chairperson
Alvin

Ms. Gail Robinson
Lake Jackson

Mr. George Sandars, Secretary
Pearland

Ms. Susan Spoor, Vice-Chairperson
Angleton

RESOLUTION NO. _____

A RESOLUTION OF THE _____

OF THE _____

**NOMINATING CANDIDATE(S) FOR A POSITION ON THE BOARD OF DIRECTORS OF
THE BRAZORIA COUNTY APPRAISAL DISTRICT**

WHEREAS, those eligible taxing units participating in the Brazoria County Appraisal District have the right and responsibility to nominate up to five candidate(s) to fill the five (5) positions of the Board of Directors of the Brazoria County Appraisal District for a term of office commencing on January 1, 2024 and extending through December 31, 2025; and

WHEREAS, this governing body desires to exercise its right to nominate the said candidate(s) for such position on said board of directors; now, therefore

BE IT RESOLVED BY THE _____
OF THE _____ :

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That the following individuals be, and are hereby, nominated as candidate(s) for positions on the board of directors of the Brazoria County Appraisal District to be filled by those eligible taxing units participating in the Brazoria County Appraisal District for a two-year term of office commencing on January 1, 2024.

- Name & Address: _____
- Name & Address: _____
- Name & Address: _____
- Name & Address: _____
- Name & Address: _____

Section 3. That the presiding officer of the governing body of this taxing unit be, and that he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Brazoria County Appraisal District on or before October 14, 2023.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2023.

Presiding Officer

ATTEST:

Secretary