

Regular Meeting of the City Council

Tuesday, August 9, 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

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 August 9, 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) Mayor/council/committee/departement head/organization 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:

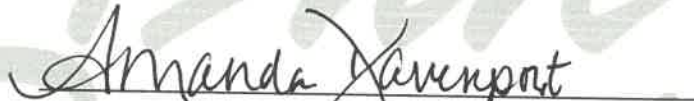
- A. Consider approval of minutes from the Council meeting on July 12 14, 2022.
 - B. Consider approval of the July 2022 financials.
 - C. Consider approval allowing the OGSR to use Stahlman Park at no charge on the last Saturday in April, 2023 and waiving the vending permit for the vendors that day.
- 6) Discuss and update on the water and sewer temporary injunction and the groin project. *Bisso*
 - 7) Discuss and take possible action regarding parking on the beach. *Petty*
 - 8) Discuss and take possible action requiring a copy of all original records of complaints involving misconduct against any departmental employee of the Village of Surfside Beach be retained and kept in the office of the City Secretary in accordance with the Texas State Library Archive retention schedule. *Gerber*
 - 9) **OPEN PUBLIC HEARING REGARDING A CONDITIONAL USE PERMIT FOR Surfside Beach Buggy Rental at 127 Nesmith Place, Surfside Beach, Texas; for the purpose of selling Beer and Wine. CLOSE PUBLIC HEARING.**

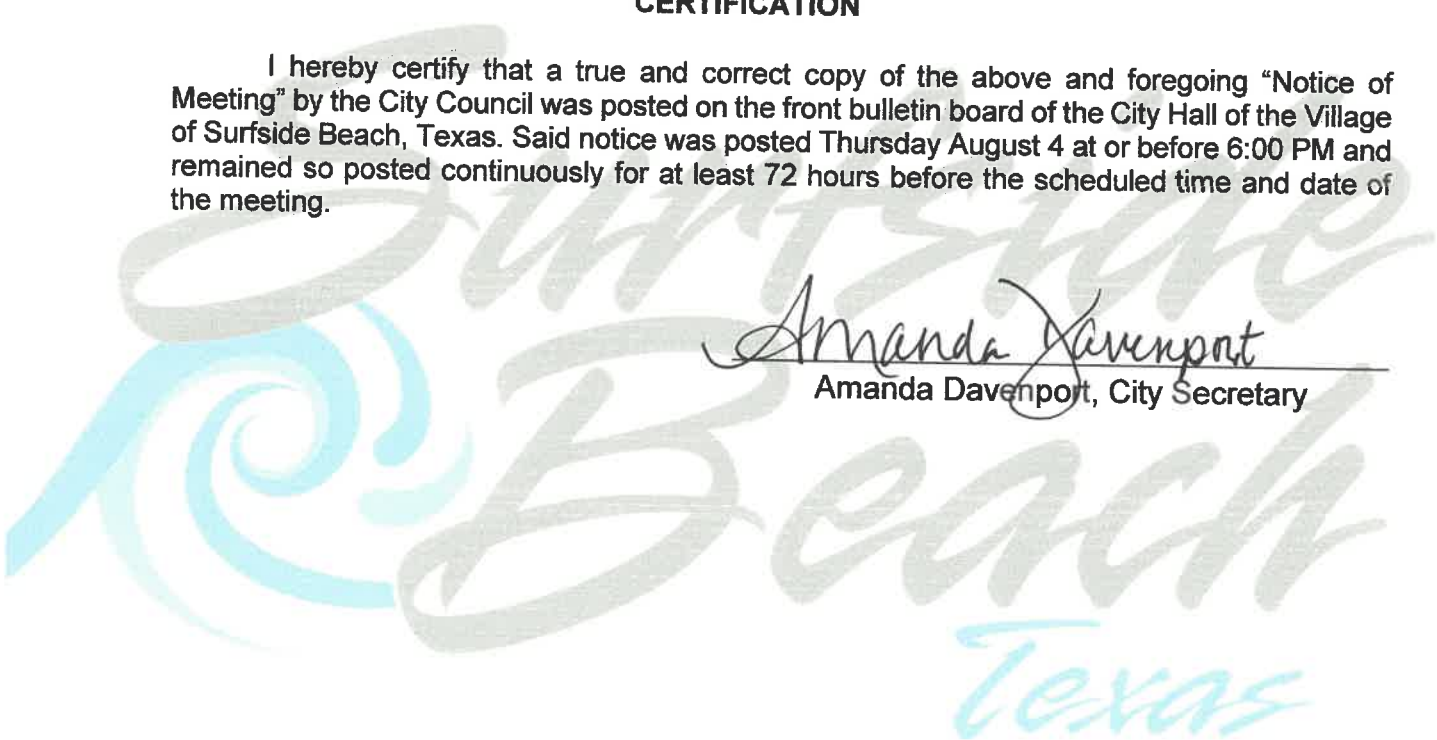
- 10) Discuss and take possible action on a Conditional Use Permit for Surfside Beach Buggy Rental at 127 Nesmith Place, Surfside Beach, Texas; for the purpose of selling Beer and Wine.
- 11) Discuss and take possible action allocating funding to allow every Surfside Beach Police Officer to take the course and get certification as a Mental Health Officer. *Gerber*
- 12) Discuss and take possible action on Ordinance 2022-08-09A AN ORDINANCE AMENDING CHAPTER 28, ARTICLE II, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; REPEALING PROHIBITIONS OF ACTIVITIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.
- 13) Discuss and take possible action on Ordinance 2022-08-09C AN ORDINANCE AMENDING CHAPTER 22, ARTICLE III, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; REPEALING APPROVAL REQUIREMENTS OF THE RESERVE POLICE FORCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.
- 14) Discuss and take possible action to appoint a Police Department liaison. *Bisso*
- 15) Discuss and take possible action on Ordinance 2022-08-09B AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; REPEALING AGENDA PREPARATION ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW. *Jalifi*
- 16) Discuss and take possible action on Ordinance 2022-08-09D AN ORDINANCE AMENDING CHAPTER 4, ARTICLE I, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; AMENDING HOURS OF SALE FOR BEER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.
- 17) Discuss and take possible action on appointing a new member to the Beach Advisory Committee to fill a vacancy. *Bisso*
- 18) Discuss and take possible action on appointing a new member to the Historical Commission. *Bisso*

- 19) Discuss the current state of the city hall building including decking, pilings, stringers, etc. *Bisso*
- 20) **Executive Session:**
The City Council may convene into closed executive session pursuant to Texas Government Code, Sec. 551.074 PERSONNEL MATTERS, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing namely: Chief Robert Wood
- 21) Action, if any, out of executive session.

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 August 4 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 Regular Meeting of the City Council

Tuesday July 12, 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 and declared a quorum to be in attendance, Robertson via zoom.
- 2) **INVOCATION, PLEDGE OF ALLEGIANCE**
Robertson gave the invocation.
- 3) **Mayor/council/committee/department head/organization reports**
Chief Wood gave the monthly PD activity report;
Erick Ingram gave update on sewer lines, Temporary Injunction with the AG's office and TCEQ;
Robert King gave the EMS monthly activity report;
Michelle Booth – Back to School Beach Cleanup is scheduled for August 28;
Francis Conway reported that the comments for the proposal of the Beach and Dune Plan amendment are back from the GLO;
Dortha Pekar reported on the Battle of Velasco information and the monument;
Jon Gerber public policies, police liaison;
Toni Capretta asked about road repairs;
Oscar Jalifi - parks and rec manager; agenda items and who places items on the agenda, housing for volunteers from Wisconsin;
Gregg Bisso – Code enforcement, groin projects – no movement;
Randy Webber hurricane expo on July 16.
- 4) **Business of visitors not on the agenda. - none**
- 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 June 14, 2022.**
- B. **Consider approval of the June 2022 financials.**

Motion was made by Capretta to approve the consent agenda as presented. Motion was seconded by Petty and passed unanimously.

(6) Discuss and update on the water and sewer temporary injunction.

Erick Ingram gave a report on the water and sewer temporary injunction and no action was taken on this item.

(7) Discuss and take possible action on discuss and take possible action to remove (delete) "Article IV. Police Advisory Board" from the Surfside Beach, Code of Ordinances, Chapter 22 – Law Enforcement.

Motion was made by Roberston to delete Article IV from the Code of Ordinances regarding the police advisory board. Motion was seconded by Petty and passed 4 for, 1 against (Gerber)

(8) Discuss and update on the deficiencies in 3 of 4 funds. Why?

Mark Wilson asked his questions and no action was taken on this item.

9) Discuss an update on the modification to the Swordfish Well and the expected start up.

Mayor Bisso discussed the plans and no action was taken on this item.

10) Discuss and take possible action on allowing water test wells no greater than 25 ft deep on private property within The Village for bacteria, nutrient and salinity level testing.

This item was withdrawn and no action was taken.

11) Discuss and take possible action to amend Chapter 12 - BUILDINGS AND BUILDING REGULATIONS of the Surfside Beach Code of Ordinances ARTICLE II. - RESIDENTIAL CODE to provide, clarity, definitions and standards regulating lighting on new construction of residential property.

Motion was made by Gerber to refer this item to the Planning Committee. Motion was seconded by Capretta and passed unanimously.

12) Discuss and take possible action amending Chapter 28 - PARKS AND RECREATION ARTICLE II. - PARK RULES AND REGULATIONS Sec. 28-23. - Recreational activities 6) games of Parks and Recreational Regulations striking prohibitions against playing ball, (specifically baseball and football) , model airplanes,

roller skating, and skateboarding or to immediately begin creation of a designated area for such pass times.

Motion was made by Gerber to amend the ordinance to strike section 28-23. Motion was seconded by Capretta and passed with 4 votes (Petty had stepped out of the meeting temporarily)

- 13) Discuss and take possible action to approve police reserves pursuant to: the Surfside Code of Ordinances Chapter 22 - LAW ENFORCEMENT, ARTICLE III. - POLICE RESERVE FORCE, Sec. 22-62. - Appointment, removal, and approval of members.**

Motion was made by Gerber to have council approval for each reserve officer. This motion died for lack of a second.

Bob Petty re-entered the meeting at this time.

Motion was made by Robertson to amend the wording of section 22-62 A and C of the Code of Ordinances. Motion was seconded by Capretta and passed with 4 votes for and 1 against (Gerber)

- 14) Discuss and take possible action to change the water bill due dates to the 20th of each month.**

Motion was made by Petty to change the water bill due date to the 20th of each month. Motion was seconded by Jalifi and passed with 4 votes for and 1 against (Gerber)

- 15) Discuss and take possible action to change the water service cut-off delinquent time period to 30 days after the due date.**

Motion was made by Capretta to change the change the delinquent time period to 30 days after the due date. Motion was seconded by Jalifi and passed with 4 votes for and 1 against (Gerber)

- 16) Discuss and take possible action to have the Planning and Zoning Committee research and build a suggested approach to drafting a new city plan.**

Motion was made by Robertson to have the Planning Committee research and build and a suggested approach to drafting a new city plan. Motion was seconded by Petty and passed with 4 votes for and 1 against (Gerber)

- 17) Discuss and take possible action to approve Ordinance 2022-07-12 that amends Chapter 21 of the Code of Ordinances of the Village regarding Texas Food Establishments Rules.**

Motion was made by Capretta to approve Ordinance 2022-07-12 food establishment rules. Motion was seconded by Petty and passed unanimously.

18) Executive Session:

The City Council may convene into closed executive session pursuant to Texas Government Code, Sec. 551.074 PERSONNEL MATTERS, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing namely: Councilman Jon Gerber

Council entered into executive session at 7:02 p.m. and reconvened back into regular session at 7:20 p.m.

19) Action, if any, out of executive session.

No action out of executive session.



Gregg Bisso
Mayor

Attest:

Amanda Davenport
City Secretary

Amanda Davenport

From: Jonathan Gerber <jonguber@yahoo.com>
Sent: Friday, July 29, 2022 11:30 AM
To: Amanda Davenport
Subject: Agenda, Council

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Discuss and take possible action requiring a copy of all original records of complaints involving misconduct against any departmental employee of the Village of Surfside Beach be retained and kept in the office of the City Secretary *According to the Texas State Library Archives retention schedule, that the City has adopted.* *JLG*
~~(for up to five years)~~ for those records to be kept viewable by City Council

to ensure the review process is conducted fairly, thoroughly, transparently, and ensure all residents have a safe accessible means to the complaint process, allowing the Village Council together a means to gather relevant information to provide oversight, and accountability. Hereby ensuring uniformly fair acceptance and processing of external administrative complaints through the Office of the City Secretary ...allowing civil review of facts and evidence, and promoting preservation of records of complaints from members of the public.

Sent from my iPhone



published in
facts _____
emailed 7-18-22

SPECIFIC USE PERMIT APPLICATION

Applicant <u>TERNI RODRIGUEZ</u>		Owner (if different from applicant)	
Name: <u>SURFSIDE Beach Bussy Rental</u>	Name:		
Company: <u>SURFSIDE Beach Bussy Rental LLC</u>	Company:		
Address: <u>127 Nasmith Pl</u>	Address:		
City, State, Zip: <u>Freeport Tx 77541</u>	City, State, Zip:		
Phone: <u>979-267-0522</u>	Phone:		
Fax: _____	Fax:		
Email: <u>surfsidebeachbussy@gmail.com</u>	Email:		

Submittal Checklist

<input type="checkbox"/>	Site Plan
<input type="checkbox"/>	Letter of Intent
<input checked="" type="checkbox"/>	Application Fee (Check Payable to Village of Surfside Beach)

I certify that I am the legal owner of the above referenced property and that to the best of my knowledge this is a true description of the property upon which I have requested the above checked action. I designate the applicant listed as my representative.

Describe the subject property (address, location, size, etc.):

Describe the proposed Specific Use Permit (SUP):

alcohol sales

[Signature]

Owner Signature _____ Date 7/18/22

[Signature]

Applicant Signature _____ Date 7/18/22

Office Use _____

Fee

Amanda Davenport

From: Jonathan Gerber <jonguber@yahoo.com>
Sent: Friday, July 29, 2022 10:31 AM
To: Amanda Davenport
Subject: Agenda, Council

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Discuss and take possible action allocating funding to allow every Surfside Beach Police Officer to take the course and achieve certification as a

Mental Health Officer

This class is designed to certify an individual to be a statewide resource as a mental health officer (MHO), per Texas Occupations Code 1701.404, and the TCOLE Rule §221.11. AnMHO assists responding law enforcement officers determine, if and what, actions can be taken regarding the individual(s)'s 4th Amendment rights, due to the individual(s)'s incapacitation caused by their mental health crisis. This course certifies an individual on how to identify applicable situations for intervention, appropriate local resources for the demographics of the jurisdiction, and best practices on building resource/community connections.

This course does not certify the applicant as a mental health care expert or mental health care service provider. This class is to achieve a voluntary and elite designation. The requirements to achieve this elite and voluntary designation reflect the gravity of the duties.

Sent from my iPhone

ORDINANCE NO. 2022-08-9A

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE II, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; REPEALING PROHIBITIONS OF ACTIVITIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the Village of Surfside Beach, Texas, has determined that adoption of this Ordinance is necessary to the health, safety, and general welfare of the inhabitants of said City and the members of the general public; and

WHEREAS, the City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE VILLAGE OF SURFSIDE BEACH, TEXAS:

FIRST, the findings and recitations set out in the Preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

SECOND, That Chapter 28, Article 2, Section 28-23 of the Code of Ordinances of the Village of Surfside Beach, Texas, is amended as follows:

Sec. 28-23. – Recreational Activities.

No person in a park shall:

- (1) *Bathing or swimming.*
 - a. *Designated areas.* Swim, bath, or wade in any waters or waterways in any park, except in the ocean adjacent to any beach.
 - b. *Costume.* Allow himself to be so covered with a bathing suit as to indecently expose his person or call forth merited criticism.
- (2) *Fishing.* Engage in commercial fishing in the park or the buying or selling of fish in the park caught in any waters in the park.
- (3) *Hunting and firearms.* Hunt, trap, or pursue wild life at any time. No person shall exhibit or discharge firearms of any description, or air-rifles,

spring-guns, bow-and-arrow, slings or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(4) *Picnic areas and use.*

- a. *Regulated.* Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
- b. *Availability.* Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "First come, first served."
- c. *Nonexclusive.* Use of any portion of the picnic area or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded, except as specifically permitted after application under the provisions of [section 28-26\(c\)](#).
- d. *Duty of picnicker.* Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park by the picnicker to be properly disposed of elsewhere.

(5) *Camping.* No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park, after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a house-trailer, camp trailer, camp-wagon, or the like.

~~(6) *Games.* Take part in or abet the playing of games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is regulated to preserve the safety and welfare of the public, except on the fields and courts or areas provided therefor. Rollerskating or skate boarding shall be confined to those areas specifically designated for such pastime.~~

THIRD, This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the Village of Surfside Beach and this Ordinance shall not operate to repeal or affect any of such other Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinance or Ordinances are hereby repealed.

FOURTH, If any section, subsection, sentence, clause, or phrase, of this Ordinances is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

FIFTH, All of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the Village of Surfside Beach in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

SIXTH, Any violation of this Ordinance can be enjoined by a suit filed in the name of the Village of Surfside Beach in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or in the Code of the Village of Surfside Beach.

SEVENTH, This Ordinance shall take effect and be in force immediately upon its passage and publication of its descriptive caption twice in the Brazosport Facts.

READ, PASSED, AND ADOPTED THIS 9TH DAY OF AUGUST, 2022.

GREGG BISSO, MAYOR
VILLAGE OF SURFSIDE BEACH, TEXAS

ATTEST: _____
AMANDA DAVENPORT
CITY SECRETARY

ORDINANCE 2022-08-09C

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE III, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; REPEALING APPROVAL REQUIREMENTS OF THE RESERVE POLICE FORCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the Village of Surfside Beach, Texas, has determined that adoption of this Ordinance is necessary to the health, safety, and general welfare of the inhabitants of said City and the members of the general public; and

WHEREAS, the City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE VILLAGE OF SURFSIDE BEACH, TEXAS:

FIRST, the findings and recitations set out in the Preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

SECOND, That Chapter 22, Article 3, Section 22-62 of the Code of Ordinances of the Village of Surfside Beach, Texas, is amended as follows:

Sec. 22-62. – Appointment, removal, and approval of members.

- (a) *Appointment.* Members of the police reserve force of the village shall be appointed at the discretion of the chief of police of the village ~~but no person appointed to the police reserve force may carry a weapon or otherwise act as a peace officer until he has been approved by the affirmative vote of a majority of the members of the city council present and voting at a regular or special meeting thereof.~~
- (b) *Removal.* Any member may be removed at any time, with or without cause, at the discretion of the chief of police of the village and shall be removed by the chief of police if he is appointed as a temporary member and fails to meet the minimum educational standards provided in subsection (c) of this section, within the period of time specified therein or otherwise fails to meet the standards as set out in this article.
- (c) *Approval.* The city council may, in their discretion, and with or without cause, revoke ~~their approval~~ **the right** of any member of the police reserve force to carry a weapon or to otherwise act as a peace officer by the affirmative vote of a

majority of the city council present and voting at any regular or special meeting thereof.

THIRD, This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the Village of Surfside Beach and this Ordinance shall not operate to repeal or affect any of such other Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinance or Ordinances are hereby repealed.

FOURTH, If any section, subsection, sentence, clause, or phrase, of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

FIFTH, All of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the Village of Surfside Beach in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

SIXTH, Any violation of this Ordinance can be enjoined by a suit filed in the name of the Village of Surfside Beach in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or in the Code of the Village of Surfside Beach.

SEVENTH, This Ordinance shall take effect and be in force immediately upon its passage.

READ, PASSED, AND ADOPTED THIS 9TH DAY OF AUGUST, 2022.

GREGG BISSO, MAYOR
VILLAGE OF SURFSIDE BEACH, TEXAS

ATTEST: _____
AMANDA DAVENPORT
CITY SECRETARY

ORDINANCE 2022-08-09B

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; REPEALING AGENDA PREPARATION ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the Village of Surfside Beach, Texas, has determined that adoption of this Ordinance is necessary to the health, safety, and general welfare of the inhabitants of said City and the members of the general public; and

WHEREAS, the City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE VILLAGE OF SURFSIDE BEACH, TEXAS:

FIRST, the findings and recitations set out in the Preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

SECOND, That Chapter 2, Article 2, Section 2-92 of the Code of Ordinances of the Village of Surfside Beach, Texas, is amended as follows:

Sec. 2-92. – Agenda.

- (a) *Contents.* The agenda of every regular, special and emergency meeting of the city council of the village shall comply with the requirements of the Texas Open Meetings Act, V.T.C.A., Government Code ch. 551, and shall include the following items, to-wit:
 - (1) Invocation;
 - (2) Roll call of members and other officers;
 - (3) Approval of minutes of previous meeting;
 - (4) Business of visitors not on agenda;
 - (5) New business:
 - a. Public business;

- b. Closed executive session, if any;
- c. Action taken on matters discussed in closed executive session, if any;

(6) Adjournment.

Provided, however, the agenda for any emergency or special meeting may omit subsections (3), (4) and (5) of this section. Each item of business to be acted upon under "old business" or the "public business" section of "new business" shall be clearly stated to give reasonable notice of the subject matter, but the items of business to be discussed in any "closed executive session" shall be set forth only by use of one or more of the categories contained in the Texas Open Meeting Act, V.T.C.A., Government Code ch. 551, for which such closed session is authorized.

- (b) *Preparation.* The agenda for all regular meetings shall be prepared by the secretary under the direction of the mayor or the mayor pro tem. The agenda for any special or emergency meeting shall be prepared by the secretary under the direction of the person calling such meeting. The agenda for any regular meeting shall contain any item of old business tabled from a previous meeting and any item of new business, which the mayor or any councilmember determines to place thereon; provided that any item of new business is given to the secretary for placement on the agenda not later than 12:00 noon on the Thursday next, preceding the regular meeting. ~~Any person other than the mayor or a councilmember may have an item placed on the agenda of any regular meeting by making a request to the mayor or mayor pro tem with the same deadline of not later than 12:00 noon on the Thursday next preceding the regular meeting at which the matter is to appear on the agenda.~~ The agenda for any emergency or any special meeting shall contain such items of old business or new business as the person calling such meeting desire to place thereon.
- (c) *Posting and distribution of copies of agenda and minutes of preceding meetings.* The person responsible for complying with the notice provisions of the Texas Open Meetings Act, V.T.C.A., Government Code ch. 551, shall post the agenda for such meeting within the time required by the act on a bulletin board located at the regular meeting place of the city council and which is accessible to the public at all times. Within the same period of time, such person shall deliver or cause copies of such agenda to be delivered to the mayor and each councilmember, by email or by hand delivery, together with a copy of the minutes of any previous meeting, the approval of which is an item on such agenda.

THIRD, This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the Village of Surfside Beach and this Ordinance shall not operate to repeal or affect any of such other Ordinances except insofar as the provisions thereof might be inconsistent or in

conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinance or Ordinances are hereby repealed.

FOURTH, If any section, subsection, sentence, clause, or phrase, of this Ordinances is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

FIFTH, All of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the Village of Surfside Beach in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

SIXTH, Any violation of this Ordinance can be enjoined by a suit filed in the name of the Village of Surfside Beach in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or in the Code of the Village of Surfside Beach.

SEVENTH, This Ordinance shall take effect and be in force immediately upon its passage.

READ, PASSED, AND ADOPTED THIS 9th DAY OF August, 2022.

GREGG BISSO, MAYOR
VILLAGE OF SURFSIDE BEACH, TEXAS

ATTEST: _____
AMANDA DAVENPORT
CITY SECRETARY

ORDINANCE 2022-08-09D

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE I, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; AMENDING HOURS OF SALE FOR BEER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the Village of Surfside Beach, Texas, has determined that adoption of this Ordinance is necessary to the health, safety, and general welfare of the inhabitants of said City and the members of the general public; and is necessary to conform to State Law;

WHEREAS, the City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE VILLAGE OF SURFSIDE BEACH, TEXAS:

FIRST, the findings and recitations set out in the Preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

SECOND, That Chapter 4, Article 1, Section 4-1 of the Code of Ordinances of the Village of Surfside Beach, Texas, is amended as follows:

Sec. 4-1. – Prohibited hours for sale of beer.

Beer may only be sold, or offered for sale within the incorporated limits of the village between 7:00 a.m. and 12:00 midnight, on any day except Sunday, and that beer may only be sold on Sunday between 12:00 midnight and 1:00 a.m., ~~12:00 noon~~ 10:00 a.m. and 12:00 midnight, except permittees or licensees authorized to sell for on-premises consumption may sell beer on Sunday between 10:00 a.m. and 12:00 noon, if the beer is served to a customer during the service of food to such customer.

THIRD, This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the Village of Surfside Beach and this Ordinance shall not operate to repeal or affect any of such other Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinance or Ordinances are hereby repealed.

FOURTH, If any section, subsection, sentence, clause, or phrase, of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

FIFTH, All of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the Village of Surfside Beach in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

SIXTH, Any violation of this Ordinance can be enjoined by a suit filed in the name of the Village of Surfside Beach in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or in the Code of the Village of Surfside Beach.

SEVENTH, This Ordinance shall take effect and be in force immediately upon its passage and publication of its descriptive caption twice in the Brazosport Facts.

READ, PASSED, AND ADOPTED THIS 9TH DAY OF AUGUST, 2022.

GREGG BISSO, MAYOR
VILLAGE OF SURFSIDE BEACH, TEXAS

ATTEST: _____
AMANDA DAVENPORT
CITY SECRETARY

**Village of Surfside Beach
1304 Monument Drive
Surfside Beach, Texas 77541-9522**

Office: 979-233-1531

Amanda@SurfsideTX.org

Fax: 979-373-0699

APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

DATE: 7/15/2022
 NAME: Dwight Hill PHONE: (214) 478 3150
 ADDRESS: 1211 Ft Velasco ALTERNATE PHONE: ()
 CITY: SS STATE: TX ZIP: 77541 E-MAIL: Dwight@Dwighthill.com
Also 4647 ELSBY AVE, DALLAS TX 75209

I would like to apply for the following council-appointed boards/commissions/committees (mark):

- Tourism and Beautification Committee
- Village Advisory Planning Commission
- Old Velasco/Surfside Beach Historical Committee
- Beach Advisory Committee

PERSONAL INFORMATION:

OCCUPATION:	<u>Insurance Agent / owner</u>
ADDITIONAL EXPERIENCE:	<u>18 years of being in Surfside</u>
EDUCATION:	<u>BBA INS. North Texas State Univer. 1982</u>
PROFESSIONAL and/or OTHER COMMUNITY ACTIVITIES:	<u>Church</u>

Please return this form to the Village of Surfside Beach, Office of the Village Secretary, via fax, mail, or E-mail.



APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

DATE: 7-31-2022

NAME: Jennie Green-Prats PHONE: (979)2361390

ADDRESS: 314 Shark LN CITY: Surfside Beach STATE: TX ZIP: 77541

I would like to apply for the following council-appointed boards/commissions/committees:

- Beautification Committee
- Village Advisory Planning Commission
- Surfside Beach Historical Commission
- Beach Advisory Committee
- Tourism Committee

PERSONAL INFORMATION:

OCCUPATION: Realtor

ADDITIONAL EXPERIENCE: city council, Planning and zoning

EDUCATION: 2 yr College degree

PROFESSIONAL and/or OTHER COMMUNITY ACTIVITIES:

Please return this form to the Village of Surfside Beach, Office of the City Secretary via email (amanda@surfsidetx.org), fax or mail.