Special Meeting of the City Council

Wednesday, November 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 Wednesday, November 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/department 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 October 11, 2022.
- B. Consider approval of the October 2022 financials.
- C. Consider approval to waive the user fee for Stahlman Park on January 4, 2022 for the Brazoria County Fire Fighters Association meeting.
- Discuss and take possible action to re-zone 2.13 acres of 3.1 acres Spring Branch Wildlife Preserve land located on Thunder Road, Surfside Beach, Texas. BCIC Subdivision 3 Lot 21, SBWP. This property is currently zoned R-1 (residential) and the request is to re-zone to C-1 Light Commercial. *Dahl*
- 7) To discuss and take possible action on updating Sec 46 of the Village's Ordinance to include the complete restriction of "side by sides' by the public in parallel with TX DOT Transportation code Sec 501, Title 7, Subtitle C. 551A." *Bisso*
- 8) Discuss and take possible action to amend Section 12-98 of the Code of Ordinances: Fee, Right-of-Way rental charge. *Bisso*
- 9) Discuss and take possible action regarding sewer costs from the City of Oyster Creek. Bisso

- 10) Discuss and take possible action to approve Resolution 20221108 regarding the submitted petition for election to reduce the approved tax rate. *Bisso*
- 11) Discuss and take possible action to adopt Ordinance 2022-11-08 designating work hours on holidays and weekends, under a Village issued building permit. *Bisso*
- 12) Discuss and take possible action to approve the Village 2023 designated holidays. Bisso
- 13) Discuss and take possible action regarding funding for Police Department training. Gerber
- 14) 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 November 3, 2022 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 October 11, 2022 – 7:00 PM
Village of Surfside Beach
1304 Monument Drive
Surfside Beach, TX 77541

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE Mayor Bisso called the meeting to order at 7:00 p.m. and recognized a quorum of the Council was present with Robertson on zoom. Bob Petty came in at 8:00 pm.
- 2) INVOCATION, PLEDGE OF ALLEGIANCE Jalifi
- 3) Mayor/council/committee/department head/organization reports
 Chief McLain gave the monthly PD activity report; PD fundraiser raised
 \$18344.00; Moncier modeled the new PD uniform;

Robert King gave the EMS monthly activity report;

Sean Robertson- Beach rules for golf carts, Kent O'Brien and Beverly Bisso on the city planning team with Sean.

Toni Capretta for BAC - working on the GLO comments for the Beach and Dune Plan; met with Josh Hart re: walkovers

Sandy Shanks - Nature Fest was a great success;

Tom Hines – High School Arts departments are painting the timeline panels on the Fort fence;

Toni Capretta – road patches are not holding; loggerhead turtles are beaching themselves;

Jon Gerber – New sign installed at the PD; working on Fort timeline mural; Gregg Bisso – groin project finally got the notice to proceed; emergency response plan; new surf rescue board was used to save 4 people from the surf by Officer Bosco.

- 4) Business of visitors not on the agenda.
 Richard Sublett Coral Court road conditions
 Georgia Pavey complained about the noise from Sharkey's
- 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 13, 2022.
 - B. Consider approval of the September 2022 financials.

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

6) To discuss and take possible action on updating Sec 46 of the Village's Ordinance to include the complete restriction of "side by sides' by the public in parallel with TX DOT Transportation code Sec 501, Title 7, Subtitle C, 551A."

Motion was made by Petty to table this item. Robertson seconded the motion and it passed unanimously.

7) Discuss and take possible action to re-zone 2.13 acres of 3.1 acres Spring Branch Wildlife Preserve land located on Thunder Road, Surfside Beach, Texas. BCIC Subdivision 3 Lot 21, SBWP. This property is currently zoned R-1 (residential) and the request is to rezone to C-1 Light Commercial.

Motion was made by Petty to table this item due to lack of representation. Motion was seconded by Jalifi and passed unanimously.

8) Discuss and take possible action regarding the Surfside Beach EMS staffing.

Three options were presented to Council regarding the schedules and pay options for the new EMS department as follows:

	P1	P2	P3	P4	2M Cycle	Annual
Person 1	\$ 1,872.00	\$ 1,872.00	\$ 1,368.00	\$ 1,368.00	\$ 6,480.00	3
7	\$	Ś	\$	\$	\$	1
Person 2	1,872.00	1,872.00	1,368.00	1,368.00	6,480.00	
ALC:	\$	\$	\$	\$	\$.0
Person 3	1,872.00	1,872.00	1,368.00	1,368.00	6,480.00	
	\$	\$	\$	\$	\$	9
Person 4	1,872.00	1,872.00	1,368.00	1,368.00	6,480.00	
	\$	\$	\$	\$	\$	
Person 5	1,368.00	1,368.00	1,872.00	1,872.00	6,480.00	
	\$	\$	\$	\$	\$	
Person 6	1,368.00	1,368.00	1,872.00	1,872.00	6,480.00	2
	\$	\$	\$	\$	\$	
Person 7	1,368.00	1,368.00	1,872.00	1,872.00	6,480.00	
	\$	\$	\$	\$	\$	
Person 8	1,368.00	1,368.00	1,872.00	1,872.00	6,480.00	21
	\$	\$	\$	\$	\$	
King	2,086.40	2,086.40	2,086.40	2,086.40	8,345.60	
	\$	\$	\$	\$		\$
Total P/PP	15,046.40	15,046.40	15,046.40	15,046.40		391,20

Option 2- \$2.00 raise at 40hr/week

	Oct	Oct	Nov	Nov		
	P1	P2	P3	P4	2M Cycle	Annual
	\$	\$	\$	\$	\$	_
Person 1	1,600.00	1,600.00	1,600.00	1,600.00	6,400.00	
	\$	\$	\$	\$	\$	_
Person 2	1,600.00	1,600.00	1,600.00	1,600.00	6,400.00	

	\$	\$	\$	\$	\$	
Person 3	1,600.00	1,600.00	1,600.00	1,600.00	6,400.00	
	\$	\$	\$	\$	\$	
Person 4	1,600.00	1,600.00	1,600.00	1,600.00	6,400.00	
	\$	\$	\$	\$	\$	_
Person 5	1,600.00	1,600.00	1,600.00	1,600.00	6,400.00	
	\$	\$	\$	\$	\$	_
Person 6	1,600.00	1,600.00	1,600.00	1,600.00	6,400.00	
	\$	\$	\$	\$	\$	_
Person 7	1,600.00	1,600.00	1,600.00	1,600.00	6,400.00	
	\$	\$	\$	\$	\$	-
Person 8	1,600.00	1,600.00	1,600.00	1,600.00	6,400.00	
	\$	\$	\$	\$	\$	=0
King	2,086.40	2,086.40	2,086.40	2,086.40	8,345.60	
	\$	\$	\$	\$		\$
Total P/PP	14,886.40	14,886.40	14,886.40	14,886.40		387,046.40

Option 3-Rotating schedule with built in OT/regular rate/King on staff schedule

	Oct	Oct	Nov	Nov		
	P1	P2	P3	P4	2M Cycle	Annual
angill.	\$	\$	\$	\$	\$	100° 100
Person 1	1,872.00	1,872.00	1,368.00	1,368.00	6,480.00	
The state of	\$	\$	\$	\$	\$	
Person 2	1,872.00	1,872.00	1,368.00	1,368.00	6,480.00	-0
1 1	\$	\$	\$	\$	\$	
Person 3	1,872.00	1,872.00	1,368.00	1,368.00	6,480.00	
	\$	\$	\$	\$	\$	1
Person 4	1,872.00	1,872.00	1,368.00	1,368.00	6,480.00	
1	\$	\$	\$	\$	\$	
Person 5	1,368.00	1,368.00	1,872.00	1,872.00	6,480.00	
	\$	\$	\$	\$	\$	
Person 6	1,368.00	1,368.00	1,872.00	1,872.00	6,480.00	
	\$	\$	\$	\$	\$	1
Person 7	1,368.00	1,368.00	1,872.00	1,872.00	6,480.00	
					\$	1
Person 8					-	
	\$	\$	\$	\$	\$	
King	2,086.40	2,086.40	2,086.40	2,086.40	8,345.60	
	\$	\$	\$	\$		⁼ \$
Total P/PP	13,678.40	13,678.40	13,174.40	13,174.40		342,534

Motion was made by Gerber to use pay option 3. Motion was seconded by Robertson and passed unanimously.

9) Discuss and take possible action regarding sewer costs from the City of Oyster Creek.

This item was discussion only. Gregg explained that the City of Oyster Creek has sent us an invoice for the sewer transmission and treatment that

shows a 141% increase for the year per quarter. Mayor Bisso is expecting a call back from Mayor Mills regarding this increase.

10) Discuss and take possible action regarding funds to be used toward the monument for Monument Square.

Motion was made by Petty to approve. Motion was seconded by Capretta and passed unanimously.

11) Discuss and take possible action to appoint new members to the Tourism Committee.

Motion was made by Gerber to appoint Terri Aubain to the Tourism Committee and Sean Britt as an alternate. Motion was seconded by Capretta and passed unanimously.

12) Discuss and take possible action to amend Section 12-98 of the Code of Ordinances: Fee, Right-of-Way rental charge.

Motion was made by Petty to table this item. Motion was seconded by Gerber and passed unanimously.

13) City Council will enter into Closed Executive Session as permitted by State Law:

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING. A governmental body may conduct a private consultation with its attorney:

- (1) when the governmental body seeks the advice of its attorney about:
- (A) pending or contemplated litigation; or
- (B) a settlement offer; or
- (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

Council entered into Executive Session at 7:01 for consultation with attorney. Motion was made by Jalifi to invite Attorney Ritter and City Secretary Davenport into executive session. Motion was seconded by Capretta and passed unanimously. Council resumed regular session at 7:45 pm.

No action was taken from executive session.

14)	ADJOURN at 9:30 pm.		
		Gregg Bisso, Mayor	
		Attest:	
		Amanda Davenport	

City Secretary

Danning Connettee 8-31-22

Mailed Letters 8-19-22 Facts Pub: 9-2-22



Village of Surfside Beach * 1304 Monument Drive Surfside Beach, Texas 77541 * Office: (979) 233-1531 Fax: (979) 373-0699

Re-zoning Request Application
Name & Address of Owner: Epical & Branch Wildlife Reserve
225 W. BroAd
Phone Number and Email: 832-419-1378 stexconst @ gmail. Legal Description: BCic Di/3-Lot 21 Survey Attached En
Legal Description: BCiC Div3 - Lot 21 Survey Attached by Provide the following:
1. Identify the city code concerning your request: Chapt 50 Zoning
2. Include the zone property is currently in:
3. Easements or other restrictions on property: None
4. Provide a survey of the property with the changes your requesting drawn by a licensed surveyor. AHACLED
5. Any deed restrictions (this should be in your deed): No Ne
6. Names and physical addresses of all property owners within 200 feet of your property. Gist of swieks Attacked
Statement of proposed use of property and any other relative information: The property See Attached STATEMENT
Signature of property owner: SBWP by Ted Oall Date: 7/27/2022

Re-zoning Request Application Fee: \$350,00

1 1

Statement of Proposed Use

This 2.13 acre tract of land is zoned R1 Residential and we propose that the property be re-zoned to C1 Commercial for the following reasons:

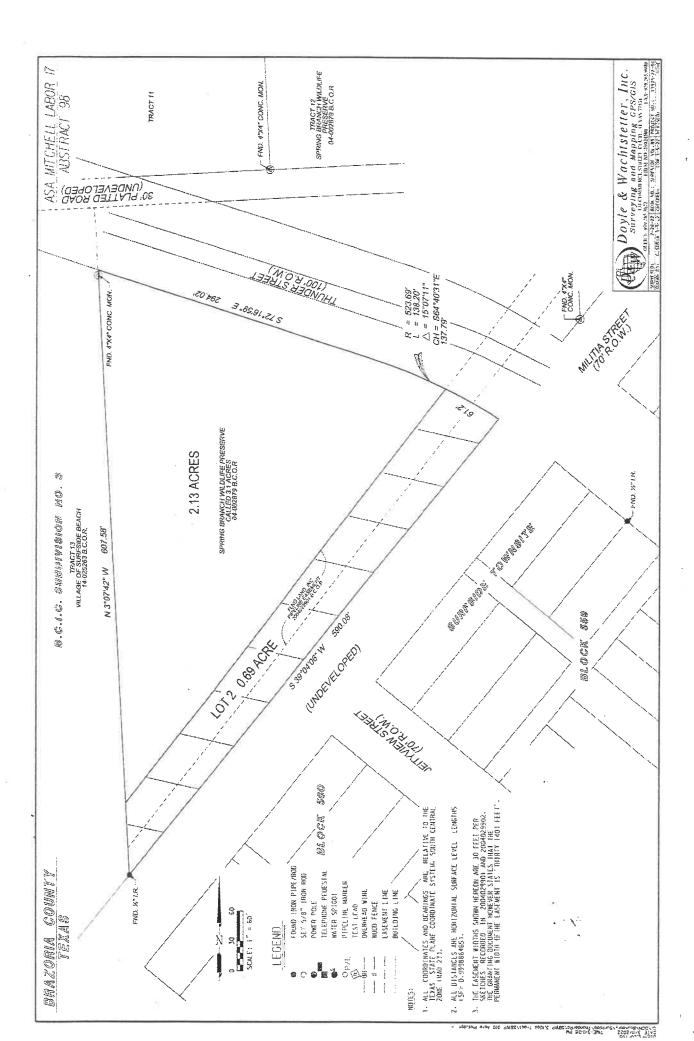
The property across the street (Thunder Road) is zoned commercial.

The adjoining property on the North Side is the City Boat Ramp which is commercial and not visually appealing.

Adjoining on the South Side is a 60' pipeline easement with a 42" high pressure natural gas line and other smaller lines. LNG is in the process of installing another 42" high pressure line.

Because of the pipelines and other present and future commercial activities a residential development in this area would not be in the best interest of the City or the Property owner. We would like to put the property to some economically beneficial use such as a bait/tackle store and parking lot for beach access.

Respectfully,





City Hall (979) 233-0243 Fax (979) 233-1568

Police Dept. (979) 233-8481 Fax (979) 233-8048

CALCULATION FOR 2022-2023 ESTIMATED PAYMENTS FROM SURFSIDE

Estimated Expenses Fiscal Year 2022-23 Depreciation on Sewer Plant Administrative Fee (5% of Total Expenses + Depreciation)

\$504,882 \$188,576 \$34,673

Total Exp.

\$728,131

\$728,131

% Usage thru

Total Usage - Surfside / Total Plant Usage

22,940,400 92,484,943 24.8%

CALCULATION FOR 2022-2023 BUDGET

Total Amount of Expenses X % usage

\$728,131 24.8%

2021-2027 > Same

2022-2023

Oyster Creek pmt

\$180,580

\$180,580 Annually

\$15,048 Monthly payment due Oct 2022

\$45,145.00 Quarterly Payment



City Hall (979) 233-0243 Fax (979) 233-1568 Police Dept. 1979) 233-8481 Fax 1979) 233-8048

CALCULATION FOR 2020-2021 ESTIMATED PAYMENTS FROM SURFSIDE

Estimated Expenses Fiscal Year 2020-21
Depreciation on Sewer Plant
Administrative Fee
(5% of Total Expenses + Depreciation)

\$456,731 \$202.626 \$32,968

Total Exp.

% Usage thru

Total Usage - Surfside / Total Plant Usage

10,998,800 101,835,209 10.8%

CALCULATION FOR 2020-2021 BUDGET

Total Amount of Expenses

X % usage

\$692,325

10.8%

\$74,775

Total due 2020-2021 budget

\$74,775 Annually

Divided by 12 months =

\$6,231 Monthly payment due Oct 2020

\$18,693.79 Quarterly Payment

ORDINANCE 2022-11-08

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE I, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; IMPLEMENTING LIMITATIONS ON BUILDING PERMITS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; CREATING A PENALTY; 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 12, Article 1, Section 12-7 of the Code of Ordinances of the Village of Surfside Beach, Texas, is hereby created as follows:

Sec. 12-7. - Limitations on Building Permits.

- (a) Offense. It shall be unlawful for any person to work under a Village issued Building Permit during the following days or times:
 - (1) City recognized holidays and Saturdays and Sundays;
 - (2) Before 8:00 A.M. or after 5:00 P.M.
- (b) Penalty. An offense under this section is a class C misdemeanor, punishable by fine upon conviction not to exceed \$500.00. Proof of culpable mental state is expressly waived. Each and every occurrence of violation of this section shall constitute a separate offense, which offense is considered a daily offense.
- (c) Nuisance. Violation of this section is also considered a nuisance, and the village may seek additional civil remedies to abate said nuisance, including but not limited to, revocation of the Building Permit, removal by the village and imposition of a lien and other damages, and injunctive relief, after proper notice and hearing.

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	DAY OF 20
	GREGG BISSO, MAYOR
	VILLAGE OF SURFSIDE BEACH, TEXAS
ATTEST:	
AMANDA DAVENPORT	
CITY SECRETARY	

VILLAGE OF SURFSIDE BEACH PAID HOLIDAY LIST 2023

- January 2, 2023 New Year's Day
- February 20, 2023 President's Day
- April 7, 2023 Good Friday
- May 29, 2023 Memorial Day
- July 4, 2023 Independence Day
- September 4, 2023 Labor Day
- November 23 & 24, 2023 Thanksgiving
- December 25 & 26, 2023 Christmas
- December 29, 2023 New Year's Eve

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	DAY OF, 20
	GREGG BISSO, MAYOR
	VILLAGE OF SURFSIDE BEACH, TEXAS
ATTEST:	_
AMANDA DAVENPORT	
CITY SECRETARY	

VILLAGE OF SURFSIDE BEACH PAID HOLIDAY LIST 2023

- January 2, 2023 New Year's Day
- February 20, 2023 President's Day
- April 7, 2023 Good Friday
- May 29, 2023 Memorial Day
- July 4, 2023 Independence Day
- September 4, 2023 Labor Day
- November 23 & 24, 2023 Thanksgiving
- December 25 & 26, 2023 Christmas
- December 29, 2023 New Year's Eve