

Surfside Beach City Council Meeting

Tuesday April 8, 2025

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 a Council meeting scheduled for **7:00 p.m. on Tuesday April 8, 2025**. To view the meeting electronically please use the following website:

<https://us02web.zoom.us/j/84253545017?pwd=VHFGMXRoZmJHNG5lcDBISIJ3MidjUT09>

Meeting ID: 842 5354 5017 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 February 11, 2025 and March 11, 2025.
 - B. Consider approval of accounts payable from March 2025.
 - C. Consider approval of expenditure from the Court Technology Fund for the purchase of a new court computer and (2) computer monitors not to exceed \$1200.00 in total.
 - D. Proclamation declaring April 2025 as Fair Housing Month
 - E. Proclamation declaring April 21, 2025 San Jacinto Day
 - F. Approve the Brazoria Militia to stage the historical re-enactment on Saturday May 3, 2025 at the monument site
-
- 6) Discuss and take possible action amending Sec. 48-172. - Construction of sanitary sewer system. striking the wording in: (a) (3) No person who connects to the sewer system shall ever reconnect to a septic system and striking the wording in: (b) (1) All persons, or their successors and assigns, owning property with connections as shown on Exhibit "A" are required to connect to the sewer system, and to disconnect and dispose of their septic systems as required by state law and regulations. No person who is required to connect to the sewer system shall ever reconnect to a septic system.

Kedlarchuk

- 7) Discuss and take action to approve Ordinance 2025.04.08A eliminating the provision for regulation of pictorial record of meetings. *Ritter*
- 8) Discuss and take possible action to amend section 12-5 of the Code of Ordinances regarding wetland and upland delineation, in response to the recent decision of the USACE. *Hart*
- 9) Discuss the Comprehensive Work Plans signed onto by the Village of Surfside Beach with the nonprofit organization Communities Unlimited regarding sewer and water rates and infrastructure, as well as other discussions and progress made with associated entities, and related research. *Gerber*
- 10) Discuss and take possible action regarding Sec 12-2. - Registration requirements for building permits. Registration of Builders, Remodelers, and Contractors who intend to obtain building permits for construction projects in an amount exceeding the sum of \$20,000.00. *Gerber*
- 11) Discuss and take possible action to adopt simple guidelines as well as a recusal, abstention, attendance form to streamline the process for council members on agenda items that may represent a conflict of interest, and to start the enforcement of state laws regarding the conduct of local governing bodies. *Gerber*
- 12) Discuss and take possible action in Beach recreation area rules ordinance Section 28-62 of the Surfside Code of Ordinances, specifically, 'No mobile vendors are allowed'. *Parsch*
- 13) Discuss and take possible action regarding Flood Insurance for City Buildings. *Parsch*
- 14) Request approval of the Village of Surfside Beach City Council to authorize the Mayor to transact on an electricity contract for the Village to lock in an optimal supply rate for a 72-month term that begins July 1, 2025. *Parsch*
- 15) Adjourn

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, April 3, 2025 at or before 6:00 PM and remained posted continuously for at least 72 hours before the scheduled time and date of the aforementioned meeting.


Amanda Davenport, City Secretary

Minutes of Regular Meeting of the City Council

Tuesday, February 11, 2025 – 7:00 PM

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

1) **CALL TO ORDER, QUORUM IN ATTENDANCE**

Meeting was called to order by Mayor Parsch at 7:00 p.m.

2) **INVOCATION, PLEDGE OF ALLEGIANCE**

Alderman Jalifi gave the invocation and Mayor Parsch led the pledge.

3) **Mayor/council/department head reports**

Mayor Parsch – Discussed the Freeport water issue; Police Chief recruitment, financials, FEMA update from Hurricane Beryl, water bills and delinquent accounts.

John Gerber – working on TCEQ loan forgiveness and TCEQ grant opportunities; accountability and transparency; worked on splash pad electricity.

Erick Ingram- Public works daily reports; reduced the consumption of water from Freeport; 100 completed work orders in January;

Hines – information on website;

Kelly Marsh – gave the monthly activity report for the Police Department; hiring officers; ticket writers are finally working and racial profiling is completed and submitted.

Oscar Jalifi – Tourism met and moving into stage 1 of the Amphitheater and Event Complex;

Tony – EMS – new stair chair is here and March and April Symposium is coming up;

Josh Hart – reported the monthly activity for the Building/Code Enforcement department, the crabbing pier repair is underway along with the Stahlman Park walkover;

Green-Prats – who is going to follow-up on action agreed upon during council meetings?

Toby Bolinger – Winterized the City owned buildings; created a golf cart beach entrance on Carlton..

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 January 14 & 27, 2025.**

B. **Consider approval of accounts payable from January 2025.**

Motion was made by Jalifi to approve item A on the consent agenda, item B was not provided for this meeting. Motion was seconded by Marsha Hines and passed unanimously.

6) **Discuss and take possible action to align local ordinances dealing with signs (chapter 36-Signs) with state statutes.**

Motion by Gerber to align local sign ordinance (Chapter 36 of the Code of Ordinances) with state statutes by allowing the Planning Committee to review guidelines. Motion was seconded by Kedlarchuk and passed with 4 for, 1 against (Jalifi)

- 7) **Discuss and take action to change the short-term rental fee to be more in line with other TX rental communities, which is an annual registration and fee of \$200-\$250.**

Motion was made by Gerber to a \$100 annual fee. Motion was seconded by Green-Prats and failed with 1 for and 4 against.

Motion was made by Jalifi to raise the registration fee to \$200 annually. Motion was seconded by Green-Prats and approved 3 for; 2 against (Kedlarchuk and Gerber)

- 8) **Discuss and take action to approve the ordinance to create EMS as a stand-alone department, effectively decoupling from Police Department.**

Motion by Gerber to table this item as requested by Mayor Parsch. Motion was seconded by Jalifi and passed unanimously.

- 9) **Discuss and take possible action to authorize Marsha Hines to contact TXDOT for Surfside Intracoastal Waterway Bridge aesthetic improvements.**

Motion was made by Gerber to approve Hines to contact TXDOT for IWC bridge improvements. Motion was seconded by Green-Prats and approved unanimously.

- 10) **Discuss and take possible action to donate to the Old Velasco Historical Committee for construction of the Fort.**

Discussion stated that this committee would actually be the Cradle of Texas Conservancy, not the Old Velasco Historical Committee.

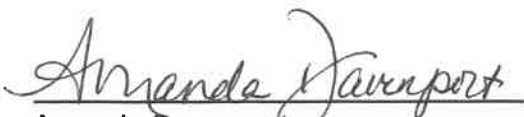
Motion was made by Jalifi to donate \$250,000 to the Cradle of Texas Conservancy for the construction of the Fort. Motion was seconded by Gerber and passed with 3 for and 2 against (Green-Prats and Kedlarchuk)

- 11) **Adjourn at 8:23 p.m.**

Passed and approved this 11th day of March 2025.



Zach Parsch
Mayor



Amanda Davenport,
City Secretary

Minutes of Regular Meeting of the City Council

Tuesday, March 11, 2025 – 7:00 PM

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

1) **CALL TO ORDER, QUORUM IN ATTENDANCE**

Meeting was called to order by Mayor Parsch at 7:00 p.m. Gerber arrived at 7:10 and Kedlarchuk was absent.

2) **INVOCATION, PLEDGE OF ALLEGIANCE**

Alderman Jalifi gave the invocation and Mayor Parsch led the pledge.

3) **Mayor/council/department head reports**

Mayor Parsch – Swear-In (by Ritter) and welcomed new police Chief Philip Hester; Thanks to Kelly Marsh for his interim chief work; discussed the Freeport water issue; financials, gave a SPOT update.

John Gerber – always available, ready to help at any time.

Erick Ingram-monthly public works activity report;

Chief Hester – gave the monthly activity report for the Police Department; and the chain of command;

Oscar Jalifi – Tourism did not meet;

Tony – EMS – monthly EMS report;

Josh Hart – reported the monthly activity for the Building/Code Enforcement department, Stahlman Park walkover updates; GLO was on the island and toured the beach with Toby and Josh;

Green-Prats – make sure the committee meetings are not at the same time;

Toby Bolinger – Trash barrels and signage still being placed on the beach, meeting with BCSS regarding porta potties.

Janet Solis – gave an update on the open positions in the Village employ.

Amanda Davenport – gave an update on the pending grants and grant applications..

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 February 2025.**

B. **Consider approval of accounts payable from February 2025.**

Motion was made by Jalifi to remove item B and approve item A as requested by Green-Prats due to #10 on the Minutes. Motion was seconded by Hines and passed unanimously.

- 6) Discuss and take possible action on allocating funds for the walkovers at Wheelk (ADA), at Oyster, at Sundial, at Crab and at Angel Wing. Funding source, the Hotel Fund.**

Motion was made by Gerber to allocate funds from Hotel Fund. Motion was seconded by Green-Prats. Discussion ensued and no vote was taken.

- 7) Conduct public hearing regarding a request for a Conditional Use Permit at 18 Fort Velasco Street, Surfside Beach regarding the sale of alcohol.**

Public hearing was opened at 7:35 p.m. The owner spoke in favor of the CUP and Josh Hart answered questions related to the building and address. Public Hearing was closed at 7:47 p.m.

- 8) Discuss and take possible action regarding a request for a Conditional Use Permit at 18 Fort Velasco Street, Surfside Beach regarding the sale of alcohol.**

Motion was made by Jalifi to approve the CUP application at 18 Ft Velasco with a separate address and an encroachment restriction on the Deed. Motion was seconded by Green-Prats and passed unanimously.

- 9) Discuss and take action to approve the Ordinance # 2025.03.11C to create EMS as a stand-alone department, effectively decoupling from Police Department.**

Motion was made by Gerber to approve Ord. 2025.03.11C to create EMS as a stand-alone department. Motion was seconded by Hines and passed unanimously.

- 10) Discuss and take action to approve an ordinance amending Ordinance # 2025.03.11A by changing the wording to prohibit burning or removing dune mitigation materials from the dunes areas, including Christmas trees, hay bales, etc.**

Motion was made by Green-Prats to approve Ord 2025.03.11A re: prohibiting the removal of dune mitigation materials from the dune areas. Motion was seconded by Jalifi and passed unanimously.

- 11) Discuss and take possible action to approve Debbie Steinle as a new BAC member and discuss and possibly appoint new Tourism committee members.**

Motion was made by Gerber to appoint Debbie Steinle to the Beach Advisory Committee. Motion was seconded by Hines and passed unanimously.

Motion was made by Jalifi to appoint Cailyn Anderson to the Tourism Committee. Motion was seconded by Green-Prats and approved unanimously.

- 12) Discuss and take possible action regarding vendors on the beach.**

Motion was made by Gerber to allow vendors on the beach. Motion was seconded by Jalifi and discussion ensued.

Motion was amended by Gerber to send the question "to allow vending on the beach" to the Planning Committee and the Beach Advisory Committee and bring recommendations back to Council. Motion was seconded by Jalifi and passed unanimously.

13) Discuss and take possible action to build one (1) bay side parking area as a test to future beach parking solutions along Bluewater Highway.

Motion was made by Jalifi to construct at least one parking area along Bluewater Highway bay side for additional beach parking. Motion was seconded by Gerber and discussion ensued. An amended Motion was made by Jalifi to task the Planning Committee to research for additional beach parking areas. Motion was seconded by Gerber and passed unanimously.

14) Discuss and take possible action to approve the short-term rental registration fee Ordinance # 2025.03.11B.

Motion was made by Jalifi to approve Ord 2025.03.11B to increase the short-term rental annual registration fee. Motion was seconded by Hines and passed with a tie at 2 and Mayor Parsch voted "for" to pass the motion to increase the fee.

15) Discuss and take possible action to amend: Sec. 50-5. - R-1 Striking the wording in: (d) (2) Political signs limited to 30 days prior to the date of the election. All temporary signs must be removed no later than 15 days after the sale, event or election is concluded.

Motion by Gerber to amend Section 50-5 allowing the City Attorney to construct the wording to bring in life with State law. Motion was seconded by Green-Prats and passed unanimously.

16) Discuss and take possible action to strike from the Village of Surfside code of ordinance: Sec. 2-95. - Regulation of pictorial record of meetings.

Motion was made by Gerber to refer the section on pictorial meeting to the City Attorney and amend the ordinance. Motion was seconded by Green-Prats and passed 3-1 (Jalifi)

17) Discuss and take possible action regarding conflict-of-interest disclosures Chapter 171 of the Local Government Code regulates local public officials' conflicts of interest. TEX. LOC. GOV'T CODE §§ 171.001-.010

Green-Prats stated that Council needs to remember to declare any conflicts of interest.

18) Discuss and take possible action amending Sec. 48-172. - Construction of sanitary sewer system. striking the wording in: (a) (3) No person who connects to the sewer system shall ever reconnect to a septic system and striking the wording in: (b) (1) All persons, or their successors and assigns, owning property with connections as shown on Exhibit "A" are required to connect to the sewer system, and to disconnect

and dispose of their septic systems as required by state law and regulations. No person who is required to connect to the sewer system shall ever reconnect to a septic system.

Motion was made by Gerber to table this time. Motion was seconded by Green-Prats and passed unanimously.

- 19) Executive Session: THE CITY COUNCIL WILL ADJOURN INTO EXECUTIVE SESSION, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE, SECTIONS 551.071 (CONSULTATION WITH AN ATTORNEY) CONSULTATION with attorney: update on Attorney General injunction AND Pursuant to section 551.074 of the Texas Government Code to discuss personnel matters - specifically, matters involving the appointment/re-appointment, employment, evaluation, reassignment, resignation, and/or duties of the City Attorney Patton Ritter.**

City Council recessed into exe session at 8:35 p.m. Motion was made by Gerber to invite Ritter and Davenport in to closed session. Motion was seconded by Jalifi and passed unanimously.

Council reconvened into regular session at 9:02 p.m

- 20) Action, if any, out of executive session. No action was taken out of exe session.**

Adjourn at 9:05 p.m.

Passed and approved this 8th day of April 2025.

Zach Parsch
Mayor

Amanda Davenport,
City Secretary

Amanda Davenport

From: Jennie Green-Prats <jbgreen1950@hotmail.com>
Sent: Saturday, March 22, 2025 4:42 PM
To: Amanda Davenport
Cc: Jon Gerber
Subject: OFVHA city council agenda

Amanda,

Please put me on the April Agenda to request permission for the Brazoria Militia to stage the historical re-enactment on Saturday, May 3, 2025 at the monument site.

Regards,

Jennie Green-Prats

1st Choice Realty

979-236-1390

jbgreen1950@hotmail.com

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PROCLAMATION

WHEREAS, the Battle of San Jacinto commenced at 4:30 p.m. on the afternoon of April 21st, 1836 in what is presently Harris County Texas and was the decisive battle of the Texas War of Independence. Led by General Sam Houston, marching into battle to the tune of "Will You Come To The Bower With Me" and shouts of "Remember the Alamo" and "Remember Goliad", the Texians engaged and defeated General Antonio Lopez de Santa Anna's Mexican forces in a battle that lasted only eighteen minutes. This victory assured and resulted in an independent Republic which 9 years later became the 28th State in the United States of America, our beloved State, Texas; and

WHEREAS, remembering April 21st, 1836 every year is necessary and proper to remind the citizens of The Village of Surfside Beach, Texas of the sacrifices made by our ancestors, the valiant men and women who risked their lives and fortunes in the quest for independence and to especially remember those who made the ultimate sacrifice in this quest; and

WHEREAS, the citizens of The Village of Surfside Beach, Texas commemorate the 185th anniversary of this important event in Texas history; and

NOW, THEREFORE, I, Zach Parsch, Mayor of The Village of Surfside Beach, by virtue of the authority vested in me, do hereby proclaim the 21st day of April, 2021 as:

"SAN JACINTO DAY"

In Surfside Beach, Texas and urge all citizens of Surfside Beach, Texas to recognize and participate in the celebration of this historical date in Texas history, celebrating the attainment of Independence from Mexico.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the Official Seal of The Village of Surfside Beach to be affixed hereto this Twentieth day of April, Two Thousand and Twenty One, A.D.

Zach Parsch
Mayor

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 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 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 placed upon this document on this, the 8th day of April, 2025.

Zach Parsch, Mayor

ORDINANCE 2025.04.08A

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; ELIMINATING THE PROVISION FOR REGULATION OF PICTORIAL RECORD OF MEETINGS; 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, desires to bring the Ordinances in compliance with the laws of the State of Texas; 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 OF THE VILLAGE OF SURFSIDE BEACH, TEXAS, THAT:

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 II, of the Code of Ordinances of the Village of Surfside Beach, Texas, is amended as follows:

~~DIVISION 3. – Section 2-95. – Regulation of Pictorial Record of Meetings.~~

~~The mayor of the village shall have the authority to raise, as a question of privilege, whether or not photographs, video tape or other methods of pictorial recording of a meeting of the city council, or any part thereof, may be taken by any person present at such meeting and on his authority make such directives as will avoid or prevent unreasonable distractions, disturbances, disruptions or delay in any such meeting by any such pictorial recording which such directives are subject to review by the city council. Any member of the city council of the village may also raise such question as a question of privilege, and upon a majority vote of the members present at such meeting, may make such directives as will avoid or prevent unreasonable distractions, disturbances, disruptions or delays in any such meeting by any pictorial recording.~~

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, 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_____.

ZACH PARSCH, MAYOR
VILLAGE OF SURFSIDE BEACH, TEXAS

ATTEST: _____
AMANDA DAVENPORT
CITY SECRETARY

ORDINANCE 2025.04.08B

AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-5, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS, ZONING – R-1 RESIDENTIAL REQUIREMENTS; ELIMINATING LIMITATIONS ON TEMPORARY SIGNS; 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 of the Village of Surfside Beach, Texas, desires to bring the Ordinances in compliance with the laws of the State of Texas; 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 50, Section 50-5, of the Code of Ordinances of the Village of Surfside Beach, Texas, is hereby amended to read as follows:

Sec. 50-5. – R-1 Residential.

(d) *Permitted accessory uses.* Permitted accessory uses in the R-1 residential zone are as follows:

(1) Garden houses, tool houses and play houses, so long as the same are in compliance with FEMA regulations.

~~(2) Temporary signs, no larger than four square feet. Political signs limited to 30 days prior to the date of the election. All temporary signs must be removed no later than 15 days after the sale, event or election is concluded.~~

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_____.

**ZACH PARSCH, MAYOR
VILLAGE OF SURFSIDE BEACH, TEXAS**

**ATTEST: _____
AMANDA DAVENPORT
CITY SECRETARY**

Current Ordinance

Sec. 12-5. - Wetland and upland delineation.

(a) The city council specifically finds that all building permits on the northern side of Bluewater Highway, Treaty Drive and Monument Drive, require a jurisdictional determination and must have a delineation from a qualified coastal geologist or biologist with Army Corps of Engineers permit experience determining boundaries between uplands and wetlands before any building permit is issued by the village building official.

(b) 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 removal by the village and imposition of a lien and other damages, and injunctive relief, after proper notice and hearing.

(Ord. No. 2019-11-01, § 2, 11-12-2019)

Red: Indicates proposed change.

Sec. 12-5. - Wetland and upland delineation.

(a) The city council specifically finds that all building permits on the northern side of Bluewater Highway, Treaty Drive and Monument Drive, require a jurisdictional determination and must have **either a topographic survey showing the mean high tide line from a State of Texas licensed surveyor or** a delineation from a qualified coastal geologist or biologist with Army Corps of Engineers permit experience determining boundaries between uplands and wetlands before any building permit is issued by the village building official.

(b) 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 removal by the village and imposition of a lien and other damages, and injunctive relief, after proper notice and hearing.

(Ord. No. 2019-11-01, § 2, 11-12-2019)

Amanda Davenport

From: Jon Gerber
Sent: Thursday, April 3, 2025 11:00 AM
To: Amanda Davenport
Subject: Agenda

Follow Up Flag: Follow up
Flag Status: Flagged

Discuss the Comprehensive Work Plans signed onto by the Village of Surfside Beach with the nonprofit organization Communities Unlimited regarding sewer and water rates and infrastructure , as well as other discussions and progress made with associated entities, and related research.

Respectfully Submitted
Jonathan Gerber
Alderman At Large

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Amanda Davenport

From: Jon Gerber
Sent: Thursday, April 3, 2025 10:43 AM
To: Amanda Davenport
Subject: Agenda

Follow Up Flag: Follow up
Flag Status: Flagged

Discuss and take possible action to revise local ordinance: Sec 12-2. - Registration requirements for building permits.

Registration of Builders , Remodelers, and Contractors who intend to obtain building permits for construction projects in an amount exceeding the sum of \$20,000.00 or more from the Village of Surfside:

For projects exceeding \$20,000.00 but not more than \$99,000.00 a one time registration fee of \$500 shall be paid to the Village of Surfside Beach Texas.

For projects exceeding \$99,000.00 but not in excess of \$200,000.00 proof of a bond in the amount \$300,000.00 shall be provided to the Village of Surfside Beach Texas along with an annual registration fee of \$1000.00

For projects exceeding \$200,000.00 proof of a bond in the amount of \$300,000.00 shall be provided to the Village of Surfside Beach Texas along with an annual registration fee of \$5000.00

Exceptions. Exception to the requirement will be an independent/private homeowner building a residence that they will be occupying for more than one year that they intend to use as a primary residence.

A certificate shall be issued by the Village of Surfside Beach for each Registration reflecting the applicable project type.

No less than 50% of the Registration fee shall be earmarked for improvements and maintenance of public infrastructure.

Respectful Submitted

Jonathan Gerber
Alderman At Large

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Amanda Davenport

From: Jon Gerber
Sent: Thursday, April 3, 2025 10:04 AM
To: Amanda Davenport
Subject: Attendance, Abstention, and Recusal
Attachments: IMG_9386.jpeg; IMG_9387.jpeg; IMG_9388.jpeg

Follow Up Flag: Follow up
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Discuss and take possible action to adopt simple guidelines as well as a recusal , abstention, attendance form to streamline the process for council members on agenda items that may represent a conflict of interest, and to start the enforcement of state laws regarding the conduct of local governing bodies.

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.171.htm#171>

(d) An alderman shall be fined \$3 for each meeting that the alderman fails to attend unless the absence is caused by the alderman's illness or the illness of a family member.

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.22.htm>

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City Recusal Requirements

City code requires you to "recuse" (not participate) in certain conflict of interest situations. You have a conflict

of interest when your personal interests influence your ability to make an unbiased board decision.

Specifically, you have a conflict of interest that requires recusal if you have a "substantial interest" that would

be "affected" by an agenda item.

You have a "substantial interest" in real property if your interest has a market value of \$5,000 or more.

You have a "substantial interest" in a person or business entity if:

-

You own 5% or more of the voting stock, shares or equity, or

Ownership of \$5,000 or more of the equity or market value of an entity, or

Receipt of funds from a person or entity during the previous 12 months or during the previous calendar

year equaling or exceeding any of the following:

o \$5,000 in salary, bonuses, boards or professional fees, or

o \$20,000 in payment for goods, products or nonprofessional services, or

o 10% of the person's gross income during that period, whichever is less.

You serve as a corporate officer or member of the board of directors or other governing board of a for-

profit entity.

-

You have a substantial interest if your spouse has a substantial interest.

These interests are "affected" by a decision if the decision will have a direct economic effect/consequence on

you or your spouse's above-mentioned property, stock, entity, employer, or board.

You may always choose to recuse on an item for personal reasons, or based on interests that the public

perceives to be a substantial interest, or based on interests that come close to the legal definition of

substantial interests.

Steps to Recuse

. When you sign this Attendance, Recusal, and Abstention Sheet, indicate you will recuse and the item on

which you will recuse;

. When the body takes up the item, publicly state the nature and extent of your substantial interest;

. Ask that the minutes of the vote reflect your recusal;

. You must NOT participate in the discussion; and

. You must NOT vote.

Leaving the dais is a good way to emphasize that you are refraining from participating in the discussion and the

vote. Remember, recusal prohibits you from participating in discussions with other members at any time, on

or off the dais.

City Abstaining Recommendations

If you feel that you cannot cast a well-informed vote based upon the information you have in your possession, you may choose not to vote on an item. Participating in the discussion but removing yourself from the vote is called “abstaining”.

Steps to Abstain

- When you sign this Attendance, Recusal, and Abstention Sheet, indicate you will abstain and the item on which you will abstain;
 - If you choose to abstain during the meeting, please remember to add your abstention to this Attendance, Recusal, and Abstention Sheet;
 - Publicly state your abstention;
 - Ask that the minutes of the vote reflect your abstention;
 - You may or may not choose to take part in the discussions leading up to the vote.
-

LOCAL GOVERNMENT CODE

TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES

SUBTITLE C. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES OF MORE THAN
ONE TYPE OF LOCAL GOVERNMENTCHAPTER 171. REGULATION OF CONFLICTS OF INTEREST OF OFFICERS OF
MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Sec. 171.001. DEFINITIONS. In this chapter:

(1) "Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), county, municipality, precinct, central appraisal district, transit authority or district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature.

(2) "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 171.002. SUBSTANTIAL INTEREST IN BUSINESS ENTITY. (a) For purposes of this chapter, a person has a substantial interest in a business entity if:

(1) the person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or

(2) funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.

(b) A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

(c) A local public official is considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest under this section.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989; Acts 1991, 72nd

Leg., ch. 561, Sec. 37, eff. Aug. 26, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(27), eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 849, Sec. 1, eff. Sept. 1, 1997.

Sec. 171.0025. APPLICATION OF CHAPTER TO MEMBER OF HIGHER EDUCATION AUTHORITY. This chapter does not apply to a board member of a higher education authority created under Chapter 53, Education Code, unless a vote, act, or other participation by the board member in the affairs of the higher education authority would provide a financial benefit to a financial institution, school, college, or university that is:

- (1) a source of income to the board member; or
- (2) a business entity in which the board member has an interest distinguishable from a financial benefit available to any other similar financial institution or other school, college, or university whose students are eligible for a student loan available under Chapter 53, Education Code.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 41(a), eff. Aug. 28, 1989.

Sec. 171.003. PROHIBITED ACTS; PENALTY. (a) A local public official commits an offense if the official knowingly:

- (1) violates Section 171.004;
- (2) acts as surety for a business entity that has work, business, or a contract with the governmental entity; or
- (3) acts as surety on any official bond required of an officer of the governmental entity.

(b) An offense under this section is a Class A misdemeanor.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989.

Sec. 171.004. AFFIDAVIT AND ABSTENTION FROM VOTING REQUIRED. (a) If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

- (1) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

(2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

(b) The affidavit must be filed with the official record keeper of the governmental entity.

(c) If a local public official is required to file and does file an affidavit under Subsection (a), the official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the governmental entity of which the official is a member is composed of persons who are likewise required to file and who do file affidavits of similar interests on the same official action.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989.

Sec. 171.005. VOTING ON BUDGET. (a) The governing body of a governmental entity shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the governing body has a substantial interest.

(b) Except as provided by Section 171.004(c), the affected member may not participate in that separate vote. The member may vote on a final budget if:

- (1) the member has complied with this chapter; and
- (2) the matter in which the member is concerned has been resolved.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Renumbered from Sec. 171.006 and amended by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989.

Sec. 171.006. EFFECT OF VIOLATION OF CHAPTER. The finding by a court of a violation under this chapter does not render an action of the governing body voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed the governing body without the vote of the person who violated the chapter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Renumbered from Sec. 171.008 by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989.

Sec. 171.007. COMMON LAW PREEMPTED; CUMULATIVE OF MUNICIPAL PROVISIONS. (a) This chapter preempts the common law of conflict of interests as applied to local public officials.

(b) This chapter is cumulative of municipal charter provisions and municipal ordinances defining and prohibiting conflicts of interests.

Amended by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989.

Sec. 171.009. SERVICE ON BOARD OF CORPORATION FOR NO COMPENSATION. It shall be lawful for a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation or other remuneration from the nonprofit corporation or other nonprofit entity.

Added by Acts 1989, 71st Leg., ch. 475, Sec. 2, eff. Aug. 28, 1989.

Sec. 171.010. PRACTICE OF LAW. (a) For purposes of this chapter, a county judge or county commissioner engaged in the private practice of law has a substantial interest in a business entity if the official has entered a court appearance or signed court pleadings in a matter relating to that business entity.

(b) A county judge or county commissioner that has a substantial interest in a business entity as described by Subsection (a) must comply with this chapter.

(c) A judge of a constitutional county court may not enter a court appearance or sign court pleadings as an attorney in any matter before:

- (1) the court over which the judge presides; or
- (2) any court in this state over which the judge's court exercises appellate jurisdiction.

(d) Upon compliance with this chapter, a county judge or commissioner may practice law in the courts located in the county where the county judge or commissioner serves.

Added by Acts 2003, 78th Leg., ch. 227, Sec. 21, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1206, Sec. 3, eff. June 20, 2003.

Amanda Davenport

From: Zach Parsch
Sent: Thursday, April 3, 2025 3:58 PM
To: Amanda Davenport
Subject: SS Ordinance 26-62, (2), i - No mobile vendors

Agenda item to discuss and take action in Beach recreation area rules ordinance, specifically, 'No mobile vendors are allowed'.

As discussed previously, it was confirmed that GLO would allow Surfside to change ordinance without modifications to Beach & Dune Plan.

Sec. 28-62. - Beach recreation area rules.

In order to provide a safe beach accessible to the general public, the following beach rules shall be established:

(1) *Vehicle traffic and parking.*

- a. No person shall operate a vehicle in a manner that endangers public safety or property. The beach is a public roadway and all applicable vehicle regulations apply.
- b. No person shall operate vehicles not licensed for street use on the beach.
- c. Vehicles must park in designated parking areas.
- d. No person shall operate a vehicle at speeds in excess of 20 miles per hour.
- e. No person shall operate vehicles or park on the dunes.

(2) *Health and sanitation.*

- a. No person shall possess a glass bottle or container on the beach.
- b. No person shall litter.
- c. Campfires are permitted, but must be controlled at all times.
- d. Fireworks are prohibited on the beach and elsewhere within the village limits without a permit as provided for in section 28-66 of this Code.
- e. The use of sound systems, radios, or creation of noise so loud as to disturb others is prohibited.
- f. The owner of a dog must restrain such animal at all times.
- g. The owner of a dog over the age of four months shall require such animal to wear a rabies vaccination tag at all times.
- h. No person shall be in possession of a horse on the public beach between the water's edge and the vegetation line from May 15 through September 15, or any Saturday or Sunday in the months of April, May, September and October of each year.
- i. No mobile vendors are allowed.
- j. Temporary vendors on private property only, with a valid village temporary vendor's permit are allowed.

(3) *Miscellaneous.*

- a. The Christmas trees are in place to stop erosion and to rebuild the dunes. No person shall remove trees from dunes or burn trees in the dunes or on the beach.
- b. State of Texas Alcoholic Beverage Law prohibits the public consumption of alcoholic beverages on Sunday between the hours of 1:15 a.m. and 12:00 noon or on any other day between 12:15 a.m. and 7:00 a.m.

Amanda Davenport

From: Parsch, Zach (ZM) <ZParsch@dow.com>
Sent: Tuesday, April 1, 2025 2:37 PM
To: Amanda Davenport
Subject: Agenda item details - HGAC Energy contract

Follow Up Flag: Follow up
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Amanda,
"Request approval of the Village of Surfside Beach City Council to authorize the Mayor to transact on an electricity contract for the Village to lock in an optimal supply rate for a 72-month term that begins July 1, 2025".
Thanks,

Zach

General Business

From: Anderson, Jay <janderson@ameresco.com>
Sent: Friday, March 14, 2025 4:21 PM
To: Toni Truly <finance@surfsidetx.org>
Cc: Huber, Mitchell <mhuber@ameresco.com>; Simmons, Jen <jsimmons@ameresco.com>; John Ferro (john.ferro@h-gac.com) <john.ferro@h-gac.com>
Subject: RE: Village of Surfside Beach Electricity Supply: Contract Extension RFP

Hi, Toni.

Shell's quotes reflected in the email I sent to you yesterday proved to be incomplete as I suspected. They failed to include the cost for a couple of components which other suppliers are including. Their updated price quote places them in third place (see bid summary below) as in the previous round of bids.

Please let me know when you are ready to contract with Engie, and I'll request executable contracts which will contain similar terms to the Village's current contract with Engie.

Ameresco recommends Village of Surfside Beach execute a supply contract with Engie Resources for a 72-Month Term. begin with the July 2025 Meter Reads as a Fixed Price contract. Your supplier will pass through ERCOT's Market Security Financing charge in addition to the contract rate. The contract rate may also be adjusted by the supplier as a result for changes in ERCOT's market design.

Village of Surfside Beach
Electricity Bid Summary & Cost Comparisons



Bid Date 03/12/25
Start Date Jul-25 **Meter Reads**
Recommend **72 Month**
State Texas
Utility CenterPoint
Unit \$/kWh
Product All-In Fixed Price
Incumbent

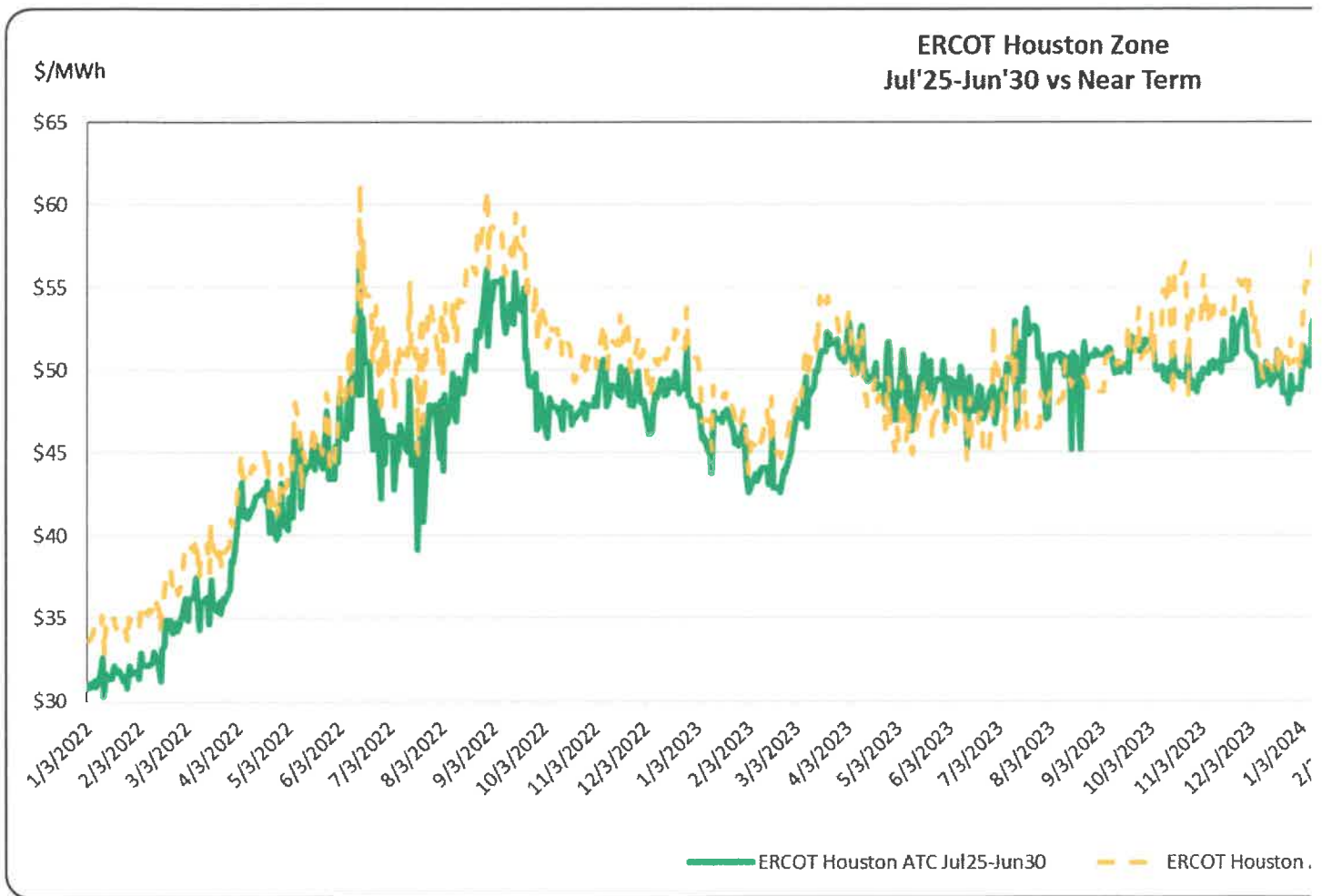
Supplier	Engie	NRG	MP2 Shell	CNE
% Swing	100%	25%	25%	100%
Days to Pay	30	30	30	30
Pass Credit	Yes	Approved	Pending	Approved
Pass Thru	Mkt Sec, EPP, DRRS	Mkt Sec	Mkt Sec	Mkt Sec
Bid Summary				
12 Month	\$0.07979	\$0.07778	\$0.07934	\$0.08281
24 Month	\$0.07825	\$0.07608	\$0.07768	\$0.08037
36 Month	\$0.07654	\$0.07455	\$0.07596	\$0.07889
48 Month	\$0.07546	\$0.07349	\$0.07497	\$0.07782
60 Month	\$0.07364	\$0.07315	\$0.07396	\$0.07693
72 Month	\$0.07253	\$0.07270	\$0.07324	\$0.07619
72 Month	4,328,130	4,328,130	4,328,130	4,328,130
Fixed Portion	\$0.07253	\$0.07270	\$0.07324	\$0.07619
Sub-Total \$/kWh	\$0.07253	\$0.07270	\$0.07324	\$0.07619
Sub-Total Cost	\$313,919	\$314,655	\$316,992	\$329,760
<i>Est Delivery Charge</i>	\$249,967	\$249,967	\$249,967	\$249,967
Total \$/kWh	\$0.13028	\$0.13045	\$0.13099	\$0.13394
Total Cost	\$563,887	\$564,622	\$566,960	\$579,728
Variance \$/kWh		\$0.0002	\$0.0007	\$0.0037
Variance \$		\$736	\$3,073	\$15,841
Variance %		0.1%	0.5%	2.8%

Savings(Cost) Vs Current C	
Current Contract	
Start Date	
End Date	
72 Month	4,328,130
Fixed Portion	\$0
Sub-Total \$/kWh	\$0
Sub-Total Cost	\$1
<i>Delivery Charge</i>	\$2
Total \$/kWh	\$0
Total Cost	\$4
Savings \$/kWh	(\$0.0037)
Savings \$	(\$15,841)
Savings %	-2.8%

Regards,

Jay Anderson
Director – ESM

P: 832-542-8851
janderson@ameresco.com



Regards,

Jay Anderson
Director – ESM

P: 832-542-8851
janderson@ameresco.com



From: Anderson, Jay <janderson@ameresco.com>
Sent: Monday, March 10, 2025 1:05 PM
To: Toni Truly <finance@surfsidetx.org>
Cc: Huber, Mitchell <mhuber@ameresco.com>; Simmons, Jen <jimmmons@ameresco.com>; John Ferro (john.ferro@h-gac.com) <john.ferro@h-gac.com>
Subject: RE: Village of Surfside Beach Electricity Supply: Contract Extension RFP

Toni,

The contracts from each of the approved bidders have been vetted by HGAC Energy as part of the selection process. Do you have someone who needs to review the contract in advance of it being placed in front of the Village for execution? If so, I can get sample copies of the approved contracts, or I can request updated price quotes for execution if you have the necessary approvals in place.

Please let me know how you would like to proceed, and I'll take the appropriate actions.

Regards,

Jay Anderson
Director – ESM

P: 832-542-8851

janderson@ameresco.com



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From: Anderson, Jay <janderson@ameresco.com>
Sent: Friday, February 7, 2025 9:49:56 AM
To: Toni Truly <finance@surfsidetx.org>; Amanda Davenport <amanda@surfsidetx.org>
Cc: Huber, Mitchell <mhuber@ameresco.com>; Simmons, Jen <jsimmons@ameresco.com>; John Ferro (john.ferro@h-gac.com) <john.ferro@h-gac.com>
Subject: RE: Village of Surfside Beach Electricity Supply: Contract Extension RFP

Hi, Toni.

Please find the attached email I attempted to send to you on December 19th. Amanda received the email, but I must have sent it to an incorrect address for you. In addition to some high-level information about Surfside Beach's electricity consumption, I mentioned that the **Village has utilized HGAC's Electricity Procurement and Advisory Services since 2006.**

We are paid a fee per unit of electricity consumed, which is part of the fixed rate paid by the Village for its electricity supply. That fee is set for the contract term and is the same regardless of the chosen supplier. Once the supplier has received payment from the Village, they pay us our unit fee multiplied by the kilowatt-hours consumed during the billing period.

We require your assistance to get necessary approval for the transaction and ultimately to obtain a signature on the contract for the chosen supplier on the day the contract is submitted for execution. In the meantime, it would be helpful if you can review the attached file to ensure that the accounts listed are active and are expected to remain active for the foreseeable future. If we can identify any electricity accounts which will be de-energized in the near term, we would want to remove those from the list of accounts in the contract for the term beginning in July.

Please let me know if you have any questions about my response to the questions you posed yesterday.

Best Regards,