

Surfside Beach City Council Regular Meeting

Tuesday August 13, 2024

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 August 13, 2024**. To view the meeting electronically please use the following website:

<https://us02web.zoom.us/j/84253545017?pwd=VHFGMXRoZmJHNG5lcDBISlJ3MldjUT09>

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 July 6, 11, 15 & 31, 2024.
 - B. Consider approval of accounts payable from July 2024.
- 6) Report from Mayor Bisso regarding Hurricane Beryl aftermath and recovery.
Bisso
 - 7) Discuss and take possible action to adopt ordinance no. 2024.08.13 creating a framework for enforcement of double red flag rules to enhance public water safety in extreme conditions and creating an exemption allowing surfing with appropriate equipment to continue unhindered in Surfside.
Gerber

- 8) Discuss and take possible action regarding Waste Connections price increase. *Bisso*
- 9) Discuss and take possible action on re-instating pay status to an Associate Municipal Court judge. *Solis*
- 10) Discuss and take possible action on Council behavior. *Green-Prats*
- 11) **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 subject of the deliberations or hearing request a public hearing namely: Police Chief William MONCIER and Janet Solis
- 12) Action, if any, out of executive session.
- 13) 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, August 8, 2024 at or before 6 :00 PM and remained so posted continuously for at least 72 hours before the scheduled time and date of the aforementioned meeting.


City Secretary

Minutes of Emergency Meeting of the City Council

Saturday July 6, 2024 – 11:30 a.m.

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 and announced a quorum of city council was in attendance, Green-Prats not in attendance.

2) DISCUSS AND TAKE POSSIBLE ACTION TO CALL FOR A VOLUNTARY EVACUATION OF THE VILLAGE DUE TO SAFETY ISSUES SURROUNDING HURRICANE BERYL.

Motion was made by Parsch to implement a voluntary evacuation of residents. Motion was seconded by Jalifi and passed unanimously.

3) DISCUSS AND TAKE POSSIBLE ACTION TO GIVE THE MAYOR THE APPROVAL TO CALL FOR A MANDATORY EVACUATION IF HE DEEMS NECESSARY DUE TO SAFETY ISSUES SURROUNDING HURRICANE BERYL.

Motion was made by Jalifi to follow the County's lead and recommendation if necessary. Motion was seconded by Kedlarchuk and passed unanimously.

4) ADJOURN

Gregg Bisso, Mayor

Attest:

Amanda Davenport, City Secretary

Minutes of Emergency Meeting of the City Council

Thursday, July 11, 2024 – 5:00 p.m.
Village of Surfside Beach
Stahlman Park, Bluewater Highway
Surfside Beach, TX 77541

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE
Mayor Bisso called the meeting to order and announced a quorum of city council was in attendance, Parsch and Green-Prats not in attendance.

- 2) DISCUSS AND TAKE POSSIBLE ACTION on continuation of declaration of local state of disaster, matters related to the mayoral Declaration declaring a local State of disaster due to Hurricane Beryl.
Motion was made by Jalifi to continue the Declaration of Disaster that Mayor Bisso signed on July 3, 2024. Motion was seconded by Kedlarchuk and passed unanimously.

- 3) DISCUSS AND TAKE POSSIBLE ACTION authorizing the expenditure of funds for debris monitoring services and debris hauling services. Recommended Action: (1) Authorize debris monitoring services to DebrisTech; and authorize the City Secretary to execute this service task and (2) Authorize the expenditure of funds for debris hauling services to Ceres Environmental Services and authorize the City Secretary to execute this service.
Motion was made Gerber to ratify the Notice to Proceed for DebrisTech and Ceres Environmental for debris monitoring and removal. Motion was seconded by Jalifi and passed unanimously.

- 4) Discuss and take possible action to follow the lead of Brazoria County to close the beaches for the coming weekend July 12-15 to vehicular traffic, for the health and safety of residents, staff and emergency personnel, due to the resulting damage and erosion from Hurricane Beryl.
Motion was made by Jalifi to follow the lead of Brazoria County and close the beaches through July 15, to vehicular traffic. Motion was seconded by Gerber and passed unanimously.

- 5) ADJOURN

Gregg Bisso, Mayor

Attest:

Amanda Davenport, City Secretary

Minutes of Special Meeting of the City Council

Tuesday, July 15, 2024 – 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 announced that all Council members were in attendance. City Secretary Davenport attended via zoom (on vacation) Janet Solis attended in her place.
- 2) **INVOCATION, PLEDGE OF ALLEGIANCE**
Jalifi gave the invocation and Mayor Bisso led the Pledge of Allegiance.
- 3) **Mayor/council/department head reports**
John Foster– need grants for public works to fix it all; (TEEX) sent crews to help with water & sewer. Boil water mandate still in place since the storm.
Chief – PD activity for the month of June 2024
Gerber – thanks to all city workers, ISTAT link is on the council fb page; GLO emergency rules and discussed the Open Beaches Act.
Kedlarchuk – people’s rights;
Jalifi – dune rebuilding;
Green-Prats – thanks to EMS and Police;
Bisso – Hurricane Beryl recap and update on debris monitoring and removal; thanked Amanda and Janet for the help and support they’ve provided while working throughout the power outage from their homes; breakdown of supplies received from TDEM; home assessments were done to submit to FEMA on uninsured losses.
- 4) **Business of visitors not on the agenda.**
Bob Petty – thanks to the police department
- 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 11, 2024.**
 - B. **Consider approval of accounts payable from June, 2024.**

Motion was made by Green-Prats to approve the consent agenda as presented. Motion was seconded by Kedlarchuk and approved unanimously.
- 6) **Discuss and take possible action to approve an agreement between Surfside Beach and i3 Public Sector for NET Data Applications, GHS Collections and credit payment processing.**

Motion was made by Gerber to approve the NetData agreement. Motion was

seconded by Jalifi and passed unanimously.

- 7) Discuss and take possible action to set dates for budget meetings and public hearings on tax rate and budget.**

Dates for upcoming budget meetings were set.

- 8) Discuss and take possible action regarding appointing a Police Department Liaison from Council.**

This item was tabled per the requestor, Zach Parsch.

- 9) Discuss and take possible action to approve an Interlocal Agreement between the Village of Surfside Beach and the Brazoria County Health Department regarding immunizations and medical treatment during a public health emergency.**

Motion was made by Gerber to approve the ILA with Brazoria County for Health Dpt. Services. Motion was seconded by Kedlarchuk and passed unanimously.

- 10) Discuss and take possible action regarding Cyber Liability and Data Breach Response Coverage through TML.**

Motion was made by Gerber to approve the Cyber Liability and Date Breach Response Coverage through TML. Motion was seconded by Kedlarchuk and passed unanimously.

- 11) Discuss and take possible action to adopt an ordinance creating a framework for enforcement of double red flag rules to enhance public water safety in extreme conditions and creating an exemption allowing surfing with appropriate equipment to continue unhindered in Surfside.**

Motion was made by Gerber to approve a "red flag ordinance" and name it after Johnny McGee. Motion was seconded by Jalifi and not acted upon. Motion was made by Gerber to table this item and ask the city attorney to look into this ordinance language. Motion was seconded by Kedlarchuk and passed unanimously.

- 12) Discuss and take possible action to adopt an ordinance that defines and outlines the roles and responsibilities, as well as formally establishes in municipal code the department of Emergency Medical Services (EMS) for Surfside Beach Texas.**

Motion was made by Gerber to table this item until the EMS Director can be in attendance for discussion. Motion was seconded by Kedlarchuk and

passed unanimously.

- 13) Discuss and take possible action regarding placing a temporary building moratorium on properties served by the AirVac Sewer System for health and safety reasons until substantial repairs can be completed and the system returned to full operational capacity.**

This item was withdrawn by the requestor, Stephen Kedlarchuk.

- 14) Discuss and take possible action to strike from the Surfside municipal code of ordinances language stating: Members of the village police department will receive an hourly increase in compensation after obtaining the following certifications from the Texas Health Department EMT, EMT1 and Paramedic. The amount of the hourly increase will be set by the city council and require a majority vote of councilmembers at any regular or special meeting of the City Council.(Ord. No. 89-11, § 4(6), 10-3-1989; Ord. No. 2013-10, 10-8-2013)From the section titled : ARTICLE II. - POLICE DEPARTMENT**

Motion was made by Gerber to strike from the Code and send this item to the City Attorney. Motion was seconded by Jalifi and passed unanimously.

- 15) Discuss and take possible action regarding continuing the beach closure to vehicular traffic, for the health and safety of residents, staff and emergency personnel, due to the resulting damage and erosion from Hurricane Beryl.**

Motion was made by Gerber to set a date to open the beaches. Motion was seconded by Jalifi

No decision was made at this time.

- 16) Adjourn 9:17 pm**

Passed and approved this 13th day of August, 2024.

Gregg Bisso,
Mayor

Amanda Davenport,
City Secretary

Minutes of Budget Workshop of the City Council

Wednesday, July 31, 2024 – 5:00 p.m.

Village of Surfside Beach

Stahlman Park, Bluewater Highway

Surfside Beach, TX 77541

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE
Mayor Bisso called the meeting to order and announced a quorum of city council was in attendance, Parsch and Green-Prats not in attendance.

- 2) Budget Workshop regarding the General, Beach, System and Hotel Funds of The Village of Surfside Beach.

Mayor Bisso presented the budget synopsis regarding the needs and wishes from the departments heads including the capital projects such as the water tower and large ground storage tank repairs or replacements.

next meetings are set for: 8/12 4:00pm; 8/14, 22, & 29.

- 3) Adjourn



Gregg Bisso, Mayor

Attest:

Amanda Davenport, City Secretary

AN ORDINANCE AMENDING CHAPTER 26, ARTICLE I, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS, PROHIBITING ENTRANCE INTO THE WATER DURING DOUBLE RED FLAG CONDITIONS; 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 Village of Surfside Beach, Texas, prominently displays signs at its beach accesses to educate beachgoers of the flag system and hazards signified by such flags, and flies flags up and down beaches to indicate conditions in the Gulf of Mexico; and

WHEREAS, double red flags signify the water is closed to the public and that conditions in the Gulf of Mexico present a clear and present danger to the public who may enter its water; and

WHEREAS, the City Council of the Village of Surfside Beach, Texas, desires to enact this Ordinance to create penalties for those persons refusing to stay out of the Gulf of Mexico during double red flag conditions; and

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 26, Article I, of the Code of Ordinances of the Village of Surfside Beach, Texas, is hereby adopted to read as follows:

Sec. 26-3. – Failure to Obey a Lawful Order.

(a) **Definitions** – The following words, terms, and phrases, when used in this section, shall have the meaning ascribed to them in this subsection:

- a. **Surfboard** – Surfboard means a wood, fiberglass, epoxy, closed-cell neoprene, or closed-cell Styrofoam instrument with one or more fins or skegs attached to or inserted through the bottom, including windsurf boards and sailboards, but does not include rubber rafts, floats, belly boards, skim boards, or boogie boards.

- (b) It shall be unlawful for any individual to fail to obey an order to stay out of the Gulf of Mexico, or to come out of the waters of the Gulf of Mexico, when ordered by any law enforcement officer of the State of Texas.
- (c) It is an exception to the application of subsection (b) that the person is attached by a leash to a surfboard as described by subsection (a).
- (d) A violation of this section shall be a Class C misdemeanor and upon conviction shall be punishable by a fine not to exceed five hundred dollars (\$500.00) per day.

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

To: Amanda Davenport

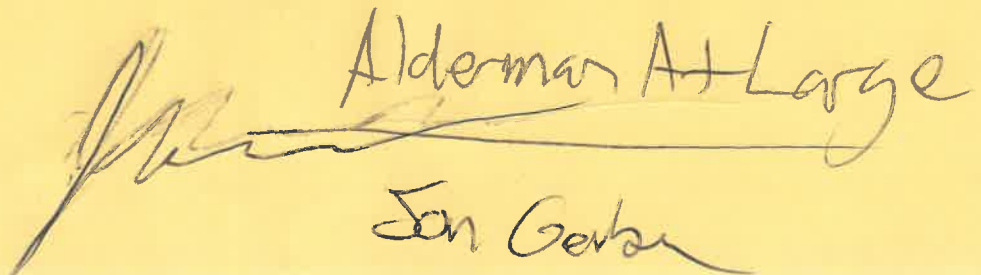
Cc/Bcc, From: jgerber@surfsidetx.org

Subject: Agenda

Please add this item to the agenda for the upcoming meeting if you have not already.

I request an item be put on the agenda for the upcoming City Council Meeting to discuss and take possible action regarding personnel , specifically the Chief of Police and the head of HR/ Court Clerk.

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 subject of the deliberations or hearing request a public hearing namely: Police Chief William MONCIER and Janet Solis


Alderman At Large
Jon Gerber



WASTE CONNECTIONS INC.
Connect with the Future®

July 29, 2024
City of Surfside
Attn: Mayor Bisso
1304 Monument Drive
Surfside Beach, TX 77541

RE: Annual Rate Adjustment

Dear Mayor,

Waste Connections would like to sincerely thank you for the great opportunity we have had to serve the citizens and community of Surfside. We thoroughly enjoy and appreciate the relationship between Waste Connections and the City of Surfside.

Each year we evaluate the CPI-U, costs per our contract with the city. This year the CPI-U adjustment is 3.80. I have enclosed further details of this adjustment with this letter.

We would like to adjust these rates on the October billing cycle.

Should you have any questions or concerns regarding this adjustment or anything else, please feel free to contact me at the office at 281-331-0810.

Best Regards,

Zachary Ryan
District Manager
Waste Connections of TX
Zachary.ryan@wasteconnections.com

<u>Rate Adjustment</u>	<u>Percentage Increase</u>
CPI-U	3.80% **See tab CPI-U for supporting documentation
Total Surfside Rate Adjustment	3.80%

Village of Surfside

Residential Rate \$20.31
 Additional Cart Rate \$5.85

7.75% Tax

Rates for Section 9C - Regular Commercial and Industrial					
Front Load Container					
	1 time	2 times	3 times		
Two Yard Container	\$52.31	\$104.63	\$156.94		
Three Yard Container	\$85.07	\$170.14	\$255.20		
Four Yard Container	\$113.42	\$226.85	\$340.27		
Six Yard Container	\$139.22	\$278.45	\$417.67		
Eight Yard Container	\$184.28	\$369.76	\$554.63		
Casters and Locking Devices	\$5.19 per item per month				
Front Load Compactor Service					
	1 time	2 times	3 times	4 times	Rental
Two Yard Container	\$124.60	\$219.07	\$316.29	\$410.73	\$419.07
Three Yard Container	\$169.07	\$277.39	\$385.73	\$494.07	\$419.07
Four Yard Container	\$196.72	\$319.07	\$438.52	\$560.74	\$419.07
Six Yard Container	\$257.95	\$416.29	\$588.53	\$760.77	\$419.07
Eight Yard Container	\$302.39	\$530.19	\$760.77	\$988.57	\$419.07
Casters and Locking Devices	\$8.14 per item per month				

Rates for Section 9D - Intermittent Commercial and Industrial					
Front Load Container					
	2 Yard	3 Yard	4 Yard	6 Yard	8 Yard
Each Extra Pick Up	\$57.95	\$60.72	\$63.50	\$69.05	\$78.78
Delivery Charges and discontinued removals	\$77.85				
Commercial Roll Off Container					
	Delivery	Day Rental	Haul	Deposit	
20 Yard	\$103.80	\$2.60	\$303.18	\$368.49	
30 Yard	\$103.80	\$2.60	\$350.73	\$410.01	
40 Yard	\$103.80	\$2.60	\$398.29	\$451.53	
Additional \$23 per ton for over 6 tons for all sizes					
Compactor Service					
	Delivery	Day Rental	Haul	Install	Deposit
28 Yard	\$123.35	\$16.23	\$412.13	\$729.68	none
30 Yard	\$123.35	\$16.23	\$432.97	\$729.68	none
35 Yard	\$123.35	\$16.23	\$467.68	\$729.68	none
40 Yard	\$123.35	\$16.23	\$432.97	\$729.68	none
42 Yard	\$123.35	\$22.08	\$467.68	\$729.68	none