

## Regular Meeting of the City Council

Tuesday, September 13, 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](http://www.surfsidetx.org)

**NOTICE IS HEREBY GIVEN** that the City Council of the Village of Surfside Beach will conduct its Regular Meeting scheduled for **7:00 p.m. on Tuesday September 13, 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) **OPEN PUBLIC HEARING REGARDING THE FY2022-2023 BUDGET.** This budget will raise more revenue from property taxes than last year's budget by an amount of \$512,198, which is a 47.07 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$36,314.
- 4) **Close Public Hearing regarding the budget. OPEN PUBLIC HEARING** regarding the re-zone request of 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.
- 5) **CLOSE PUBLIC HEARING**
- 6) Mayor/council/committee/departement head/organization reports
- 7) Business of visitors not on the agenda.
- 8) **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 August 9, 2022.
  - B. Consider approval of the August 2022 financials.
- 9) Discuss and take possible action on Ordinance 2022-09-13A adopting the FY2022-23 Municipal Budget. This budget will raise more revenue from property taxes than last year's budget by an

amount of \$512,198, which is a 47.07 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$36,314. *(must be a record vote) Bisso*

- 10) Discuss and take possible action to ratify the FY 2022-2023 Budget and find that the Proposed Tax Rate of .334846/\$100 will generate more property tax revenue than the previous fiscal year budget.
- 11) Discuss and take possible action on Ordinance 2022-09-13B setting the 2022 Ad Valorem Tax Rate for Maintenance and Operation of .300036, and the Ad Valorem tax rate for Debt Service of .034810 totaling a rate of .334846 *(must be a record vote and use exact language in the motion)*
- 12) Discuss and take possible action to schedule a public meeting regarding the Final Environmental Impact Statement for the Sea Port Oil Terminal Deepwater Port Project. *Robinson/Gerber*
- 13) 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." *Wilson/Bisso*
- 14) Discuss and take possible action to remove the current "on duty phone" for Surfside Beach Police Department and begin implementation of the "We Care Program". *Gerber/Bisso*
- 15) Discuss and take possible action on the proposed Surf Fest on October 22, 2022. *Capretta*
- 16) 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.
- 17) Discuss and take possible action on the 2022 TGSA Surf Contest sponsorship. *Bisso*
- 18) Discuss and take possible action on amending the FY 2021-2022 General Fund Budget.
- 19) Discuss and take possible action on the approach for strategic planning for our City.

#### 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 September 8, 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 August 9, 2022 – 7:00 PM

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

### COUNCIL MEETING:

- 1) **CALL TO ORDER, QUORUM IN ATTENDANCE**  
Mayor Bisso called the meeting to order and declared a quorum to be in attendance.
- 2) **INVOCATION, PLEDGE OF ALLEGIANCE**  
Robertson gave the invocation.
- 3) **Mayor/council/committee/department head/organization reports**  
**Chief Wood** gave the monthly PD activity report;  
**Erick Ingram** gave update on sewer lines, Temporary Injunction with the AG's office and TCEQ;  
**Robert King** gave the EMS monthly activity report;  
**Michelle Booth** – Back to School Beach Cleanup is scheduled for August 28;  
**Francis Conway** – BAC is working on the GLO comments for the Beach and Dune Plan;  
**Sandy Shanks** – Nature Fest is scheduled for Oct. 8, 2022;  
**Dortha Pekar** reported on the Battle of Velasco information and the monument;  
**Toni Capretta** – new sales tax starts Oct. 1; SOBA meeting is Saturday;  
**Oscar Jalifi** - Front entrance sign;  
**Gregg Bisso** – Code enforcement, groin projects – no movement; spoke against the slated magnesium plant at Bridge Harbor; PD visiting all RV Parks.
- 4) **Business of visitors not on the agenda. –**  
Cailyn with Culture Coffee re: Surf Fest  
Donna Robinson – SPOT public comments open again  
Jennie Green-Prats – Shark Lane needs repair, Neighborhood Commercial Review
- 5) **ALL ITEMS UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE SELF-EXPLANATORY, AND THE COUNCIL WILL ENACT THEM WITH ONE MOTION. UNLESS A COUNCIL MEMBER SO REQUESTS, NO SEPARATE DISCUSSION OF THESE ITEMS WILL OCCUR.**  
**CONSENT AGENDA:**
  - A. Consider approval of minutes from the Council meeting on July 12 14, 2022.
  - B. Consider approval of the July 2022 financials.
  - C. Consider approval allowing the OGSR to use Stahlman Park at no charge on the last Saturday in April, 2023 and waiving the vending permit for the vendors that day.

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

- 6) Discuss and update on the water and sewer temporary injunction and the groin project.

Mayor Bisso gave the update on the injunction and the groin project.

- 7) Discuss and take possible action regarding parking on the beach.

No action taken.

- 8) Discuss and take possible action requiring a copy of all original records of complaints involving misconduct against any departmental employee of the Village of Surfside Beach be retained and kept in the office of the City Secretary in accordance with the Texas State Library Archive retention schedule.

Motion was made by Jalifi to table this item. Motion was seconded by Capretta and passed with 4 for 1 against (Gerber)

- 9) OPEN PUBLIC HEARING REGARDING A CONDITIONAL USE PERMIT FOR Surfside Beach Buggy Rental at 127 Nesmith Place, Surfside Beach, Texas; for the purpose of selling Beer and Wine. CLOSE PUBLIC HEARING.

Public hearing was open at 8:10 pm and closed at 8:16 p.m. Councilman Robertson spoke on behalf of the business.

- 10) Discuss and take possible action on a Conditional Use Permit for Surfside Beach Buggy Rental at 127 Nesmith Place, Surfside Beach, Texas; for the purpose of selling Beer and Wine.

Motion was made by Capretta to approve the Conditional Use Permit. Motion was seconded by Robertson and approved with a vote of 4 for and 1 against (Gerber)

- 11) Discuss and take possible action allocating funding to allow every Surfside Beach Police Officer to take the course and get certification as a Mental Health Officer.

Motion was made by Gerber to offer a scholarship funded by Bob Petty for any officer to have mental health education up to \$300 per officer. Motion was seconded by Robertson and passed unanimously.

- 12) Discuss and take possible action on Ordinance 2022-08-09A AN ORDINANCE AMENDING CHAPTER 28, ARTICLE II, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; REPEALING PROHIBITIONS OF ACTIVITIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE



MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Robertson to adopt Ordinance 2022-08-09A regarding the prohibition of activities on the beach. Motion was seconded by Capretta and passed unanimously.

- 13) Discuss and take possible action on Ordinance 2022-08-09C AN ORDINANCE AMENDING CHAPTER 22, ARTICLE III, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; REPEALING APPROVAL REQUIREMENTS OF THE RESERVE POLICE FORCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Robertson to adopt ordinance 2022-08-09C. Motion was seconded by Petty and passed unanimously.

- 14) Discuss and take possible action to appoint a Police Department liaison.

Mayor Bisso appointed Councilman Sean Robertson as the PD Liaison.

- 15) Discuss and take possible action on Ordinance 2022-08-09B AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; REPEALING AGENDA PREPARATION ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Jalifi to adopt Ordinance 2022-08-09B regarding agenda preparation. Motion was seconded by Capretta and passed with 4 for, 1 against (Gerber)

- 16) Discuss and take possible action on Ordinance 2022-08-09D AN ORDINANCE AMENDING CHAPTER 4, ARTICLE I, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS; AMENDING HOURS OF SALE FOR BEER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS

ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Capretta to adopt Ordinance 2022-08-09D amending the hours of sale of beer and alcohol. Motion was seconded by Petty and passed unanimously.

- 17) Discuss and take possible action on appointing a new member to the Beach Advisory Committee to fill a vacancy.

Motion was made by Gerber to appoint Dwight Hill to the BAC committee. Motion was seconded by Capretta and passed unanimously.

- 18) Discuss and take possible action on appointing a new member to the Historical Commission.

Motion was made by Petty to appoint Jennie Green-Prats to the Historical Commission. Motion was seconded by Gerber and passed unanimously.

- 19) Discuss the current state of the city hall building including decking, pilings, stringers, etc.

Discussion only.

- 20) **Executive Session:**

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

Motion was made by Robertson for Davenport and Ritter to join the executive session discussion. Motion was seconded by Capretta and passed unanimously.

- 21) Action, if any, out of executive session. None.

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Gregg Bisso  
Mayor

Attest:

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Amanda Davenport  
City Secretary

Zoning Committee  
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:

Spring Branch Wildlife Preserve  
225 W. Broad

Phone Number and Email:

832-419-7378 stexconst@gmail.com

Legal Description:

Beic D13 - Lot 21 Survey Attached

Provide the following:

1. Identify the city code concerning your request: Chapt 50 Zoning
2. Include the zone property is currently in: R1
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. Attached
5. Any deed restrictions (this should be in your deed): NONE
6. Names and physical addresses of all property owners within 200 feet of your property. List of owners Attached

Statement of proposed use of property and any other relative information:  
The ~~proposed~~ see Attached STATEMENT

Signature of property owner:

SBWP by Ted Dahl

Date: 7/27/2022

Re-zoning Request Application Fee: \$350.00

### 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,

A handwritten signature in blue ink, appearing to read "J. H. Dahl", written over a horizontal line.



**BRAZORIA COUNTY  
TEXAS**

**B.C.J.C. SURVEY NO. 3**  
TRACT 13  
VILLAGE OF SURFSIDE BEACH  
14-025263 B.C.O.R.

**ASA MITCHELL LABOR 17  
ABSTRACT 98**

N 3°07'42" W 607.58'

FND. 4"x4" CONC. MON.

2.13 ACRES

SPRING BRANCH WILDLIFE PRESERVE  
CALLED 3.1 ACRES  
04-002879 B.C.O.R.

**LOT 2 0.69 ACRE**  
5 39°04'06" W 530.08'

(UNDEVELOPED)

THUNDER STREET  
(100' R.O.W.)  
S 72°16'39" E 294.02'

R = 523.69'  
L = 138.20'  
Δ = 15°07'11"  
CH = 554°40'31"E  
137.79'

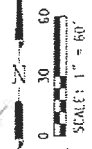
MILITA STREET  
(70' R.O.W.)

70' WILDLIFE  
SURFSIDE

BLOCK 559

JETVIEW STREET  
(70' R.O.W.)

FND. 3"x3" IR.



**LEGEND**

- FOUND IRON PIPE/ROD
- SET 5/8" IRON ROD
- POWER POLE
- TELEPHONE PEDESTAL
- WATER SPLICI
- PIPELINE MARKER
- TEST LEAD
- OVERHEAD WIRE
- WOOD FENCE
- EASEMENT LINE
- BUILDING LINE

- NOTES:**
1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83).
  2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS. ESE = 0.9998864651.
  3. THE EASEMENT WIDTHS SHOWN HEREON ARE 30 FEET PER THE CASES RECORDED IN 2004029901 AND 2004029902. THE CASES RECORDED IN 2004029901 AND 2004029902. THE PERMANENT WIDTH OF THE EASEMENT IS THIRTY (30) FEET.

FND. 4"x4" CONC. MON.

TRACT 12  
SPRING BRANCH WILDLIFE  
PRESERVE  
04-002870 B.C.O.R.

FND. 4"x4" CONC. MON.

FND. 4" IR.

**Doyle & Wachtstetter, Inc.**  
Surveying and Mapping GPS/GIS  
11111 HARVEST STREET, SUITE 100, DALLAS, TEXAS 75243  
PHONE: 972.724.2323 FAX: 972.724.2324  
WWW.DWMA.COM  
SURVEYED: 7-24-22 BY: J.M. DOYLE, S. WACHSTETTER, S. WACHSTETTER, S. WACHSTETTER  
DRAWN: 7/27/22 BY: J.M. DOYLE, S. WACHSTETTER, S. WACHSTETTER



August 18, 2022

RE: Public Hearing Notice regarding request to re-zone property

Dear Property Owner:

You are hereby notified that a public hearing will be held on September 13, 2022 regarding a request to re-zone 2.13 acres of 3.1 Acres Spring Branch Wildlife Preserve land located on Thunder Road, Surfside Beach, Texas. Legal description of the property is as follows: BCIC Subdivision 3 Lot 21, Spring Branch Wildlife Preserve in Brazoria County, Texas, according to the map or plat thereof. The property is zoned R-1 Residential, and the re-zone designation requested is C-1 light commercial. You are receiving this notice because this property is located within 200 ft. of property that you own.

The hearing will be held on September 13, 2022, at 7:00 p.m. at 1304 Monument Drive, Surfside Beach, Texas, you are invited to attend.

If you would like to make comments regarding this property and are unable to make the hearing, you may send a letter or email ([amanda@surfsidetx.org](mailto:amanda@surfsidetx.org)) to City Secretary, Amanda Davenport before the date of the hearing.

Sincerely,  
Amanda Davenport  
City Secretary

**List of Property Owners Within 200ft  
of proposed Zoning Change**

1. City of Surfside Beach 1304 Monument Dr. Surfside Beach, Texas 77541
2. Gavin Taylor 7421 Enchanted Stream Dr. Conroe, Texas 77304
3. Ezekiel Hamilton 1860 CR 321 Bertram, Texas 78605
4. Timothy McConnel 729 Rutgers Ln. Deer Park Tx 72536
5. Elodie Sosa 15004 Lilljard Rd. Houston, Texas 77060
6. Ellie Salvalla Jr 11410 Lakewood Estates Houston, Texas 77070
7. Billy Harris 1110 Militia Dr, Freeport, Texas 77541
8. Gerald & Jetta Darr 164 CR 329 Rising Star, Texas 76471
9. Alan Montgomery 724 Tirrell St. Houston, Texas 77019
10. James & Rebecca French 2310 Hemlock Ave. Schofield, Wi 54476
11. Carlton & Dorchester P.O. Box 1267 Alvin, Texas 77512.

## Amanda Davenport

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**From:** Mark Wilson <69gto217@gmail.com>  
**Sent:** Monday, September 5, 2022 7:03 PM  
**To:** Gregg Bisso; Amanda Davenport  
**Subject:** Agenda proposal for September

Good evening.

I would like to submit an agenda item.

“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.”

This will give The Village Officers the Authority to write Citations for those who violate the Ordinance. Of course First Responders and maintenance workers are exempt.

Thanks!

Mark

Sent from my iPhone



Discuss and take possible action to  
remove the current "on duty phone"  
for Surfside Beach Police Department  
and begin implementation of the  
"We Care Program!"

Jonathan Gerber  
Sep/8/2022

Discuss and take possible action  
to schedule a public meeting regarding  
the Final Environmental Impact  
Statement for the  
Sea Port Oil Terminal Deepwater Port Project.

Jonathan Gerber  
Sep / 8 / 2022

## Amanda Davenport

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**From:** Toni Capretta  
**Sent:** Thursday, August 18, 2022 5:21 PM  
**To:** Amanda Davenport  
**Cc:** Gregg Bisso  
**Subject:** Surfside Surffest 2022

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Could we please have the Surfside Surffest on the September agenda? I know we would need to have our police and EMS aware of the event even if it's at county park. The date is October 22 from 730a-9p. If the event is not approved by commissioners court, they will want to have it on pedestrian beach. I'll have more info closer to meeting day.

Thanks,

## Amanda Davenport

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**From:** Sean Robertson  
**Sent:** Thursday, September 8, 2022 4:13 PM  
**To:** Amanda Davenport  
**Cc:** Gregg Bisso  
**Subject:** agenda item for next Tuesday

Hi Amanda,

Per chat, please add this as an agenda item for next Tuesday.

Discuss and take possible action on the approach for strategic planning for our City. Context: this may include items such as training for citizens and staff in city strategic planning, possibly create a temporary working team/group, designating an Alderman for overall leadership of these efforts, accepting and partnering with Texas A&M who is able to provide support, and defining our actions/steps for creating a City Plan.

Thank you,

Best Regards,

Sean Robertson  
City Council (Alderman)  
Village of Surfside Beach, TX  
[srobertson@surfsidetx.org](mailto:srobertson@surfsidetx.org)



Public Officials: A "Reply to All" of this e-mail could lead to violations of the Open Meetings Act <<http://www.statutes.legis.state.tx.us/SOTWDOcs/GV/htm/GV.551.htm>>. Please reply only to the sender.  
\*Please note: Any correspondence, such as e-mail or letters sent to City staff or City officials < may become a public record and may be made available for public/media review. Confidentiality: This message, as well as any files or documents attached to it, contains information which may be privileged, confidential and/or exempt from disclosure under applicable law. It is intended only for the use of the person or entity to which it is addressed. Unless you are the addressee, you are hereby notified that the forwarding, copying, distribution or other use of this message is strictly prohibited. You may not use, copy or disclose to anyone the message or any information contained in the message. If you have received this message in error, please advise the sender immediately by reply e-mail and destroy/delete all forms of this message.