

Regular Meeting of the City Council

Tuesday, April 12, 2022 – 7:00 PM

Village of Surfside Beach

1304 Monument Drive

Surfside Beach, TX 77541

An agenda information packet is available for public inspection on the website at
www.surfsidetx.org

NOTICE IS HEREBY GIVEN that the City Council of the Village of Surfside Beach will conduct its Regular Meeting scheduled for **7:00 p.m. on Tuesday April 12, 2022**. To view the meeting electronically please use the following website:

<https://us02web.zoom.us/j/82804862016?pwd=M3Bma1hBTGFsOWdvUFJZaGN0MTZ6QT09> Meeting ID: 828 0486 2016 Passcode: 1304

The City Council reserves the right to meet in closed session on any agenda item, should the need arise and if applicable, pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

COUNCIL MEETING:

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE
- 2) INVOCATION, PLEDGE OF ALLEGIANCE
- 3) Mayor/council/committee/department head/organization reports
- 4) Business of visitors not on the agenda.
- 5) *ALL ITEMS UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE SELF-EXPLANATORY, AND THE COUNCIL WILL ENACT THEM WITH ONE MOTION. UNLESS A COUNCIL MEMBER SO REQUESTS, NO SEPARATE DISCUSSION OF THESE ITEMS WILL OCCUR.*

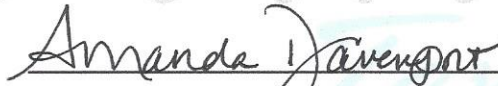
CONSENT AGENDA:

- A. Consider approval of minutes from the Council meeting on March 8, 2022.
- B. Consider approval of the March 2022 financials.
- 6) Discuss possible ordinances requested by the Surfside Police Department.
- 7) Review the re-plat of Lot 5 Block 2 of the Surfside Townsite Subdivision "A" of the Brazoria County Plat Records in the F.J. Calvit League Abstract 51 commonly known as 1003 Seashell Drive, Surfside Beach, Texas. The re-plat request is to divide the lot into two lots. *Green-Prats*

- 8) Discuss and take possible action to relocate and replace the air conditioning units at City Hall. *Bisso*
- 9) Discuss and take possible action to go out for bids to replace the roof on the Stahlman Park event center. *Bisso*
- 10) Discuss and take possible action to replace the reverse osmosis system at City Hall. *Bisso*
- 11) Discuss and take possible action to move the Regular May meeting to a later date due to canvassing of the May election votes. *Bisso*
- 12) Discuss and take possible action to address the membership for the Beach Advisory Committee. *Capretta*
- 13) Discuss and take possible action on an interlocal agreement with Brazoria County regarding lifeguards. *Bisso*

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 April 7 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.



Amanda Davenport, City Secretary

Minutes of Regular Meeting of the City Council

Tuesday, March 8, 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 at 7:00 p.m.
- 2) **INVOCATION, PLEDGE OF ALLEGIANCE** – Oscar Jalifi gave the invocation.
- 3) **Presentation of Audit for Fiscal Year Ended on September 30, 2021 by KM & L Certified Public Accountants** – presented by Kevin Cadenhead

Motion by Green-Prats to accept the FY2020-2021 audit. Motion was seconded by Capretta and passed unanimously.
- 4) **Mayor/council/committee/departement head/organization reports**
Chief Wood gave the monthly PD activity report.
Petty – enforce stay off the dunes;
Michelle Booth- the newly painted beach sign has been installed; the annual college volunteers will be in this month.
Mayor Pro Tem Capretta – Splash Pad still looks bad;
Beach Advisory Committee – Beach plan discussion regarding updates increase in daily and annual beach permits;
Jennie Green-Prats- put complete agenda packet and audit on website;
Oscar Jalifi – increase wage for trash pickers on beach; independent contractor for mowing; agenda on website or email.
Mayor Bisso – updated on the HGAC grant process; update on sewer renovation and the AG injunction; water line project is moving along; TGSA had the surfing competition this weekend and it went well, they want to come back and do more events.
- 5) **Business of visitors not on the agenda. NONE**
- 6) ***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 8, 2022.**
- B. **Consider approval of the February 2022 financials.**

C. Consider approval of Proclamation designating the month of April as Fair Housing Month

Motion by Green-Prats to accept the consent agenda as presented.
Motion was seconded by Jalifi and passed 3 for, 2 against (Llewellyn and Petty)

7) Discuss and take possible action on a resolution allowing HGTV to film a short fireworks display inside city limits.

Motion was made by Jalifi with stipulations to ascertain all permits.
Motion was seconded by Llewellyn and passed 3 for, 2 against (Green-Prats and Capretta)

8) Discuss and take possible action on the re-plat of the following lot: RMKB Development, owner, proposes to subdivide the following lot into (8) eight lots: Replat of 4.002 acres being a portion of Tract 190 & 191, known as Sandcastle Subdivision in the Branch T. Archer League Abstract 9. This property is located off Bluewater Highway, submitted by Renalde Mulhollan.

Motion was made by Green-Prats to approve this re-plat of 4.002 acres being a portion of Tract 190 & 191, known as Sandcastle Subdivision in the Branch T. Archer League Abstract 9. Motion was seconded by Petty and passed unanimously.

9) Discuss and take possible action on the re-plat of the following lot: RMKB Development, owner, proposes to subdivide the following lot into (4) four lots: Replat of 2.204 acres being a portion of Tract 213, known as Bay Breeze Subdivision in the Branch T. Archer League Abstract 9. This property is located off Bluewater Highway, submitted by Renalde Mulhollan.

Motion was made by Capretta to approve the replat of 2.204 acres being a portion of Tract 213, known as Bay Breeze Subdivision in the Branch T. Archer League Abstract 9. Motion was seconded by Llewellyn and passed unanimously.

10) Adjourn 8:40 pm

Gregg Bisso, Mayor

Attest:

Amanda Davenport, City Secretary

Amanda Davenport

From: Captain McClain
Sent: Thursday, April 7, 2022 11:53 AM
To: Amanda Davenport

Fishing.

It shall be unlawful for any person who shall catch or capture fish, crab, or shrimp in any waters in the incorporated Village of Surfside Beach or the Gulf of Mexico to leave any such fish, crab, or shrimp upon any beach or other public place in the Village. It shall be the duty of any person catching or capturing such fish, crab, or shrimp to make such disposition of his catch or capture that the same will not be found upon any beach or other public place.

Landing aircraft on beaches.

It shall be unlawful for any person to land or take off or operate any aircraft in the incorporated Village of Surfside Beach, except at heliports designated and approved by the Federal Aviation Administration.

Destruction of beach signs and posts including lifesaving buoy/boxes.

It shall be unlawful for any person willfully to deface, remove or otherwise destroy any sign which regulates the use of public beaches within the village. It shall be unlawful for any person willfully to destroy or remove any post erected on any public beach, or along any ingress or egress route thereto. It shall be unlawful for any person willfully to destroy, deface, or remove any rescue equipment from any lifesaving buoy box or signage.

Crossing private property is prohibited.

Nothing contained within the provisions of this chapter shall be construed to give, grant, or allow any person the right to cross privately owned land to have access to any public beach.

Unlawful intruding on-premises.

It shall be unlawful for a person to enter or remain upon the premises of another without the effective consent of the owner or occupier of the premises. 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).

Leave no trace.

(a)

Definitions. As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

Item of personal property includes, but is not limited to items such as canopies, shade structures, tents, umbrellas, chairs, towels, equipment, games, and coolers.

Unattended refers to an item or items of personal property that are not supervised or looked after by a person.

(b)

It shall be unlawful for any person to leave an item of personal property unattended on the public beaches or within the public beach access areas between the hours of sunset and the hour of 7:00 am of the following day, except as otherwise permitted.

(c)

Any item of personal property left on the public beach or within public beach access areas in violation of this section shall be deemed discarded by the owner, and may be removed, destroyed, or otherwise disposed of, accordingly by the city, the park board of trustees, or their designee's.

(d)

In the confiscation and disposal of any such item under this section, the city shall not be subject to any responsibility or liability to persons or damages to property caused by the confiscation or subsequent disposal of unattended items of personal property.

Urinating or defecating in public.

(a)
A person commits an offense if they intentionally or knowingly urinate or defecates:

(1)
In or on a public street, alley, sidewalk, yard, park, building, structure, plaza, or utility right-of-way or another public place; or

(2)
In public view.

(b)
It is an affirmative defense to prosecution under this section if the person was in a restroom or had a demonstrable medical condition or other physical condition.

Possession of missiles.

It shall be unlawful for any person to possess or have in their pocket, hands, or about their person any stone, bolt, rock, piece of iron, or other missile or hard object with the intent to injure or do harm to any person or to property, or with the intent to commit any unlawful act. 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).

Clinging to or allowing to cling.

Riding on the hood, roof, trunk, or tailgate of a motor vehicle is prohibited.

It shall be unlawful for any person to ride on the hood, roof, trunk, or tailgate of any motor vehicle, to cling to any portion of the exterior of said vehicle, or to project a substantial portion of the body from any aperture of such vehicle, while such motor vehicle is in motion upon any public street, roadway, or beach in the city. Likewise, it shall be unlawful for any person to operate a motor vehicle upon any public street, roadway, or beach in the city while any person is so riding, clinging, or projecting. Any person who shall violate this provision shall be guilty of a misdemeanor.

Vehicle load.

It shall be unlawful for any person to drive or operate a vehicle loaded with sand, shell, bricks, gravel, rocks, stone, soil, brickbats, coal, or other materials or substances unless such vehicle is so built or constructed or equipped as to prevent any part or portion of the material with which it is loaded from spilling, dropping, dragging or falling upon the streets while the vehicle is being driven or operated.

Capt. Gary L. McClain Jr.
Surfside Beach Police Dept.
1304 Monument Dr.
Surfside Beach, TX 77541
Office: 979-239-1151
Cell: 979-482-7851



A/C Services

1502 Highway 332 W.
Lake Jackson, TX 77566
(979)292-8588
acservicestx@yahoo.com

Estimate

Date	Estimate #
3/23/2022	795

Name / Address
VILLAGE OF SURFSIDE BEACH 1304 MONUMENT DR. SURFSIDE BEACH, TX 77541

Project
CITY HALL - 1301 MON...

Description	Qty	Rate
Change out all three condensers at City Hall. Install (1) 2.5 ton, (1) 3 ton, and (1) 4 ton Trane XR14 condensers on side porch of building. Run needed copper line sets under building to new location. Price does not include moving the electrical to new location.		
Price to Complete Above Job Scope		9,200.00
Sales Tax		8.25%

Phone # _____ acservicestx@yahoo.com

Signature _____

Amanda Davenport

From: Gregg Bisso <gbisso@aol.com>
Sent: Wednesday, April 6, 2022 9:54 AM
To: Amanda Davenport
Subject: Fwd: Drinking Water Treatment Equipment Upgrade

-----Original Message-----

From: Michael Claybourn <texaswaterboy1@gmail.com>
To: gbisso@aol.com
Sent: Wed, Apr 6, 2022 9:51 am
Subject: Fwd: Drinking Water Treatment Equipment Upgrade

----- Forwarded message -----

From: **Michael Claybourn** <texaswaterboy1@gmail.com>
Date: Thu, Sep 9, 2021, 10:22 AM
Subject: Drinking Water Treatment Equipment Upgrade
To: gbisso@aol.com <gbisso@aol.com>

Good morning Mr. Bisso,

I can complete your water treatment system upgrade project for approximately 10-12k.

This would include: Cleaning, sanitizing and painting existing storage tank. Repair UV system and ensure optimal operation. Replace existing softener with new unit. Upgrade pre and post filtration housings. Replace Reverse Osmosis System with new up-to-date system. Replace any plumbing necessary within purification system. Commission system, op-test, verify proper operation and water quality. Honor manufacturers warranties if any issues arise.

For a lease agreement it would be \$2,500 for installation and \$250 per month for a minimum of three years.

Monthly service for City Hall and Stahlman Park would be \$295.00. This would include one monthly visit to each location, filter changes, equipment inspection and op-testing, water quality testing and minor repairs. Any necessary major repairs (outside of warranty) would be on a case by case basis and submitted for approval before proceeding.

Turnaround time from approval to start up would be approximately two weeks and down time would be approximately two days. 1/2 down would be required.

Please contact me with any additional questions or concerns.

334 Bay Avenue
Surfside Beach, Texas 77541
March 31, 2022

Amanda Davenport
City Secretary
Village of Surfside Beach

Dear Amanda,

I am writing to inform you that I would like to change my Committee Member position on the Beach Advisory Committee to the position of Alternate. I have taken a new position at a new company that requires more of my time than expected when I committed to the Committee Member position. I would like to suggest Frances Conway, who is currently an alternate, to the Committee Member position.

Thank you,

Vanessa Simonson
281-786-5722



APPLICATION FOR CITY BOARDS/COMMISSIONS/COMMITTEES

DATE: 10/12/21 jessica.may.6052@gmail.com
NAME: JESSICA MAY PHONE: (214) 924-6052
ADDRESS: 103 Beach DR. CITY: Surfside Beach STATE: TX ZIP: 77541

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

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

PERSONAL INFORMATION:

OCCUPATION: Business Consultant / Development Coach
ADDITIONAL EXPERIENCE: Building TEAMS, Process Improvement Expert
EDUCATION: Masters Degree

PROFESSIONAL and/or OTHER COMMUNITY ACTIVITIES:

Boy Scout, Leave No Trace Instructor, SCUBA DIVER,
Outdoor enthusiast

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

Amanda Davenport

From: Gregg Bisso <gbisso@aol.com>
Sent: Tuesday, April 5, 2022 9:08 AM
To: Amanda Davenport
Subject: Fwd: Lifeguards

For council agenda

-----Original Message-----

From: BryanF@brazoria-county.com
To: gbisso@aol.com
Sent: Thu, Mar 31, 2022 4:23 pm
Subject: FW: Lifeguards

Mayor Bisso,

I also want to make sure that in addition to the MOU for lifeguards and cost share among Brazoria County and Village of Surfside be included on your next Town Council Agenda, can you add the consent and approval that according to the legislation needs to "reasonable daylight hours Memorial Day through Labor Day," and we just want to make sure we all agree what "reasonable daylight hours are."

We propose 9 a.m. to 6 p.m. would be reasonable.

Thanks,
Bryan



Bryan Frazier

Brazoria County Parks Department
313 W. Mulberry, Angleton, TX 77515
(979) 864-1541 office (512) 699-1784 cell

This message has been prepared or disseminated using resources owned by Brazoria County and is subject to the County's policies on the use of County provided technology. E-mail created or received through the County's computer system by any County employee or official may be considered a public record, subject to public inspection under the laws of the State of Texas.

INTERLOCAL AGREEMENT BETWEEN
VILLAGE OF SURFSIDE AND
BRAZORIA COUNTY

This agreement is made between the VILLAGE OF SURFSIDE ("Surfside") and BRAZORIA COUNTY acting through its Commissioners Court ("County").

NOW THEREFORE, SURFSIDE AND THE COUNTY agree as follows:

I.

1.0 This agreement is made pursuant to Texas Government Code §791.011 in that it contemplates the furnishing of governmental functions and services between the parties as defined by Texas Government Code §791.003 (3) (D), (E), and (N).

1.1 Each Party agrees that any payments for the performance of governmental functions or services shall be from current revenues available to the paying party and further that such payments shall fairly compensate the performing party for the service or materials it supplies for the other party's benefit.

1.2 Surfside warrants that its Council approved this agreement by Order _____, dated _____ authorizing the execution of this agreement on Surfside's behalf.

1.3 County warrants that its Commissioners Court approved this agreement by Court Order No. _____ dated _____, authorizing its County Judge to execute it on the County's behalf, and specifically approving the project listed in this Interlocal Agreement.

1.4 Each party acknowledges and agrees that it shall furnish the services promised, whether by contractor or not, in compliance with Surfside and County guidelines, subject to the following:

- 1) Funding services for the project is subject to the availability of current fiscal year revenue or bond revenue and the appropriation of such revenue by the party's governing body to the project; and
- 2) Provided that, upon appropriation of revenue for the project described herein and upon commencement of a party's fund or services for the project or execution of a construction contract for the particular project, the parties shall be obligated to the funding and services described in this Agreement for the project, and that specific project only.

II.

2.0 In accordance with Texas Natural Resources Code Chapter 61, Subchapter C, cities and counties are required, during reasonable daylight hours, from Memorial Day to Labor Day, to provide occupied lifeguard towers or mobile lifeguard units at each pier, jetty, or other structure that protrudes into the Gulf of Mexico. Surfside and County wish to jointly participate in the provision of these services. Therefore, the Parties agree as follows:

- a. The County will hire a sufficient number of lifeguards to staff the required areas as temporary Parks Department employees, who will be under the supervision and control of the County Parks Department.
- b. The County will provide mobile lifeguard units or lifeguard towers for the lifeguards on duty. The County will be responsible for maintenance, repair, and storage of mobile lifeguard units and lifeguard towers.
- c. Surfside will provide funding for one lifeguard position in the amount of \$12,000.00 annually to be paid on or before May 1.
- d. The County will provide funding for the remaining lifeguard positions, either directly or by agreement with another city.
- e. The County will ensure that each lifeguard has completed the Lifeguard Training Academy in Galveston or equivalent.
- f. The County will post signs as required, detailing the hours lifeguards are on duty and describing the dangerous water conditions near each pier, jetty, or other structure.

III.

- 3.1 This agreement will be for a one-year term beginning April 1, 2022. This agreement may be renewed for additional one-year terms subject to review of the terms of the agreement and approval by the Brazoria County Commissioners Court and the Village of Surfside Council.
- 3.2 Surfside and County recognize and agree that nothing herein shall be construed to create any rights in third parties.
- 3.3 The Parties expressly agree that no party shall have the right to seek indemnification or contribution from any other party hereto for any losses, costs, expenses, or damages directly or indirectly arising, in whole or part from this Agreement.
- 3.4 Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any section, subsection,

paragraph, sentence, clause, phrase, work or portion of this Agreement is, for any reason, held invalid unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

- 3.5 The Rights and obligations of this Agreement shall not be assigned without prior written consent of Surfside and County.
- 3.6 This Agreement and all obligations created hereunder shall be performable in Brazoria County, Texas.
- 3.7 This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas.
- 3.8 This Agreement shall be binding upon and inure to the benefit of the parties and their administrators, agents, employees, successors and assigns permitted by this Agreement.

Intending to be legally bound, the parties hereto have executed this Agreement effective as of the effective date of the Agreement the last signature below.

VILLAGE OF SURFSIDE

BRAZORIA COUNTY

By: _____

By: _____

Print Name: _____

Print Name: L.M. "Matt" Sebesta

Title: _____

Title: County Judge _____

Date: _____

Date: _____