

## Regular Meeting of the City Council

Tuesday, February 14, 2023 – 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, February 14, 2023**. 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) Discuss and take possible action on FY2022 Audit as presented by KML Certified Public Accountants.
- 4) Mayor/council/committee/departments head/organization reports
- 5) Business of visitors not on the agenda.
- 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 January 10, 2023.
  - B. Consider approval of the January 2023 financials.
- 7) Discuss and take possible action on recommendation from John Mercer, City Engineer, to award the construction bid for the 2022 CDBG (E2582) Surfside Shores pavement project. *Bisso/Mercer*

- 8) Discuss and take possible action regarding the Beach and Dune Plan proposed update as submitted by the Beach Advisory Committee. *Bisso*
- 9) Discuss and take possible action to modify the Code of Ordinances section 22-28 regarding the hiring and disciplinary action policies regarding police officers. *Gerber*
- 10) Discuss and take possible action to create the office of EMS Supervisor, and to officially establish within the Village Code of Ordinances the Village of Surfside Beach Emergency Medical Services. *Gerber*
- 11) Discuss and take possible action on approval of Resolution 20230214 designating The Facts as the official newspaper of the Village. *Bisso*
- 12) Discuss and take possible action regarding flood insurance for the City Hall Building. *Bisso*
- 13) Discuss and take possible action to approve the replat of the Bay Breeze Subdivision portion of Tract 213 in the BCIC No. 1 4 lots, 1 block, removing the drainage easement at power company request. *Bisso*
- 14) Discuss and take possible action approving Ordinance 2023-02-14 calling the May 2023 Municipal Election. *Bisso*
- 15) Discuss and take possible action regarding the replat of the called 231 Bayside Subdivision creating Lots 1,2,& 3 being a portion of tract 231 in the BCIC Subdivision no. 1. Recorded in the Brazoria County plat records Volume 2, page 142 tract 231 and that same portion as recorded in clerk's file no. 2021-036815 of the Branch T. Archer League Abstract 9.
- 16) Discuss and take possible action regarding the replat of the called South Winds Bayside Subdivision creating Lots 1,2, 3 & 4 out of and being a portion of tract 203 in the BCIC Subdivision No. 1. Recorded in the Brazoria County plat records as recorded in clerk's file no. 2004-042401 of the Branch T. Archer League Abstract 9.

#### 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 February 9, 2023 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 Meeting of the City Council

Tuesday, January 10, 2023 – 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. and recognized a quorum of the Council was present
- 2) **INVOCATION, PLEDGE OF ALLEGIANCE** - Jalifi gave the invocation
- 3) **Mayor/council/committee/departement head/organization reports**  
**Interim Police Chief Moncier-** gave the monthly PD activity report;  
**Robert King** – gave the EMS monthly activity report;  
**Erick Ingram Public Works** – 1<sup>st</sup> qtr water sampling will be done Jan. 17, Third Coast will be handling this sampling;  
**Michelle Booth** – Dunes Day will be next week and volunteers are needed;  
**Dortha Pekar** – May 6 will be re-enactment of signing of the Treaty Fort Velasco.  
**Sean Robertson** – Thanks to the committee leads and the Fire Department. Thanked Mayor Bisso for everything he does behind the scenes.  
**Toni Capretta** - Bluewater Highway work; flashing red lights on the stop signs.  
**Oscar Jalifi** – Road repair in Surfside Shores; Stahlman Park parking lot barrier.  
**Bob Petty** – asked for an update on the negotiations with the SPOT project people.  
**Gregg Bisso** – Freeport waterline update; CDBG MIT we submitted an application for drainage project city wide and streets repaving. We have had 2 of 4 Ike appeals returned with positive results. Gerber is working on a meeting with SPOT management.
- 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 meetings on December 13, 2022.**

**B. Consider approval of the December 2022 financials.**

Motion was made by Capretta to approve the consent agenda.  
Motion was seconded by Robertson and approved unanimously.

**6) Discuss and take possible action on approval to advertise for proposals for a grant writer.**

Motion was made by Petty to approve the requests to go out for proposals for a grant writer. Motion was seconded by Robertson and passed unanimously.

**7) Discussion regarding a legislative update.**

Gregg gave a summary of bills introduced that could affect Surfside.

**8) Discuss and take possible action regarding the Beach and Dune Plan proposed update as submitted by the Beach Advisory Committee.**

Francis Conway discussed the proposed plan and requested that Council allow the committee to bring the plan back to Council in February.

**9) Discuss and take possible action modify, or strike from the Code of Ordinances section 28-62 regarding disposal of caught or captured fish, crab or shrimp upon any beach or public place.**

Motion by Gerber to remove section 28-62 from the code of ordinances. No second was made and the motion therefore dies.

**10) 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.**

Discussion only.

**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 the subject of the deliberation or hearing requests a public hearing namely: police chief position**

Council entered into Executive Session at 8:22 p.m. Motion was made by Capretta to have Amanda and Patton in the meeting. Motion was seconded by Jalifi and passed unanimously.

Council reconvened into regular meeting at 9:05 p.m.

**12) Action, if any, out of execution session.**

Motion was made by Petty to appoint William Moncier as Chief of Police. Motion was seconded by Capretta and passed unanimously.

**13) Adjourn at 9:13 p.m.**

\_\_\_\_\_  
Gregg Bisso, Mayor

Attest:

\_\_\_\_\_  
Amanda Davenport  
City Secretary



**Amanda Davenport**

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**From:** Jon Gerber  
**Sent:** Wednesday, February 8, 2023 10:56 AM  
**To:** Amanda Davenport  
**Subject:** Law Enforcement Hiring and disciplinary action

Discuss and take possible action to amend or revise :

**Sec. 22-28. - Hiring and disciplinary action.**

c)

Officers may only be removed from office by the city council. If the removal from office is without cause, the removal becomes effective upon the vote of two-thirds of the elected councilmembers of the city council in favor of a resolution declaring a lack of confidence in the officer, and no notice to the officer or opportunity to be heard by the officer is required. Officers may also be discharged for cause, in which event the procedures of subsection (d) of this section shall be followed.

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Current Proposed Amendment:

(c) to allow the Chief of Police of the Village of Surfside the power to fire an officer immediately with cause; subject to the standard grievance process, allowing a hearing before the city council, wherein the decision of the city council is final )

Sent from my iPhone

**RESOLUTION NO. 20230214**

**A RESOLUTION OF THE VILLAGE OF SURFSIDE BEACH, TEXAS  
DESIGNATING THE FACTS AS THE OFFICIAL NEWSPAPER FOR  
THE VILLAGE OF SURFSIDE BEACH, TEXAS FOR THE YEAR 2023.**

\* \* \* \* \*

**WHEREAS**, Chapter 52, Section 52.004, Texas Local Government Code requires that as soon as practicable after the beginning of each municipal year, the governing body of the municipality shall designate, by ordinance or resolution, a public newspaper to be the municipality's official newspaper until another newspaper is selected; and

**WHEREAS**, the public newspaper serving the Village of Surfside Beach, Texas and the local area that the most widely read is The Facts.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF SURFSIDE BEACH, TEXAS:**

Resolves that The Facts is the "Official Newspaper" of the Village of Surfside Beach for the year 2023.

**PASSED, APPROVED AND ADOPTED this the 14th day of February 2023.**

\_\_\_\_\_  
Gregg Bisso  
Mayor  
Village of Surfside Beach, Texas

ATTEST:

\_\_\_\_\_  
Amanda Davenport  
City Secretary  
Village of Surfside Beach, Texas

## Amanda Davenport

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**From:** Dave Guzman <dave@tricors.com>  
**Sent:** Monday, February 6, 2023 2:49 PM  
**To:** Amanda Davenport  
**Subject:** VOSB - Flood quote  
**Attachments:** VOSB - Flood quote - 1304 Monument - 2023.pdf

Dear Amanda,

Please find the attached quote with three options. The first is from Wright flood offering a policy from the National Flood Insurance Program (NFIP). The NFIP maximum coverage is \$250K. This quote mirrors what the Village currently has \$200K/\$24K. The other two options are from Sterling; these policies are underwritten by Lloyds of London through Hiscox Insurance, an A-rated (Excellent) insurance company.

The Hiscox policies will allow the Village to have better coverage up to the current rebuild cost. The one drawback is the deductibles are \$5K/\$5K and the Village currently has \$2K/\$2K.

Wright/NFIP require a 30-day wait for new policies, Hiscox requires a 7-day wait.

Please let me what questions you may have.

Thank you for allowing me to quote this for our Village.

*Dave Guzman*



*Tri-Cors Insurance LLC  
712 N. Gulf Blvd.  
Freeport, Texas 77541-3904  
Tel: 979-234-0570  
Fax: 979-234-0532  
[www.tricors.com](http://www.tricors.com)*

Do all the good you can, for all the people you can, everywhere you can, by all the means you can, as long as ever you can.  
– John Wesley





Tri-Cors Insurance

# Quote

Date: February 6, 2023  
Quote # WN2623

P.O. Box 3006 - Freeport, TX 77541 - 979-234-0570  
www.tricors.com

To: Village of Surfside Beach  
Risk location: 1304 Monument Dr, Surfside Beach, Texas

	<b>Wright</b>	<b>Sterling</b>	<b>Sterling</b>	Line Total
	<b>NFIP Flood</b>	<b>Hiscox Flood</b>	<b>Hiscox Flood</b>	
Coverage limits				
Building (A)	\$ 200,000	\$ 500,000	\$ 541,000	
Personal property (C)	\$ 24,000	\$ 24,000	\$ 24,000	
Optional coverages				
Replacement cost building	Included	Included	Included	
Replacement cost contents	Included	Included	Included	
Deductible (building/contents)	\$2,000/\$2,000	\$5,000/\$5,000	\$5,000/\$5,000	
<b>Total premiums</b>	<b>\$ 8,754.00</b>	<b>\$ 8,419.18</b>	<b>\$ 8,871.40</b>	
<b>Waiting period for effective date</b>	<b>30-days</b>	<b>7-days</b>	<b>7-days</b>	
<b>PREMIUMS ARE SUBJECT TO FINAL REVIEW BY UNDERWRITING</b>				
<b>Effective dates TBD</b>				
			Subtotal	\$ -
			Agency admin fee	95.00
			<b>Total</b>	<b>\$ 95.00</b>

**ORDINANCE NO. 2023-02-14**

**AN ORDINANCE OF THE VILLAGE OF SURFSIDE BEACH, TEXAS, CALLING THE ANNUAL GENERAL ELECTION OF OFFICERS FOR SAID VILLAGE; PROVIDING FOR A JOINT MUNICIPAL ELECTION AND DESIGNATING THE POLLING PLACE THEREOF; ESTABLISHING THE QUALIFICATION FOR CANDIDATES FOR OFFICE; PROVIDING FOR APPLICATIONS FOR CANDIDATES AND FIXING THE DEADLINE TO ACCOMPANY SUCH APPLICATIONS; PROVIDING FOR THE QUALIFICATIONS OF ELECTORS; APPOINTING OFFICERS OF SAID ELECTION AND THE COMPENSATION TO BE PAID TO THE ELECTION JUDGE AND CLERKS; AND CONFIRMATION BY THE MAYOR OF SAID VILLAGE OF THE ACTION TAKEN BY THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF SURFSIDE BEACH, TEXAS:**

**SECTION ONE (1) – ANNUAL GENERAL ELECTION CALLED.**

Pursuant to provisions of Section 22.03, Texas Local Government Code, the Mayor and City Council of the Village of Surfside Beach, Texas hereby order that a joint election shall be held in and throughout the Village of Surfside Beach, Texas, on the 6th day of May, 2023, between the hours of 7:00 o'clock A.M. and 7:00 o'clock P. M., for the purpose of electing the following named officers of the Village to office, to-wit:

Three (3) Aldermen-at-large positions of which are presently held by Toni Capretta, Bob Petty and Oscar Jalifi.

**SECTION TWO (2) – MUNICIPAL ELECTION PRECINCT AND POLLING PLACE.**

For the purpose of the annual general election called by this Ordinance, the entire Village of Surfside Beach, Texas, shall constitute one (1) Municipal election precinct and the polling place therefore shall be the Surfside Beach City Hall, located at 1304 Monument Drive, within the Corporate Limits of said Village and all other voting locations as prescribed by the Brazoria County Election Clerk throughout Brazoria County.

**SECTION THREE (3) – CANDIDATE ELIGIBILITY AND APPLICATIONS.**

Everyone who is a U.S. Citizen, has attained the age of eighteen (18) years, who is a registered voter in the Village, who has resided within the State for a period of twelve (12) months and for six (6) continuous months within the Incorporated Limits of the Village of Surfside Beach, Texas preceding the last day on which a candidate's application for a place on the ballot could be delivered to the City Secretary, (including other requirements of the Texas Election Code Section 141.001) shall be eligible to become a candidate for the office of Alderman-at-Large. or (12) continuous months for the office of Mayor, of the Village of Surfside Beach, Texas, by filing a sworn application in writing containing the matters set out in Section 141.031, Texas Election Code, with the City Secretary of the Village of Surfside Beach, Texas, no sooner than January 18, 2023, and no later than February 17, 2023.

#### **SECTION FOUR (4) – ELECTORS.**

Every person eligible to vote under the provisions of Section 22.03, Texas Local Government Code who is a resident of the Village of Surfside Beach, Texas, and who is registered to vote in the precinct where and on the day on which he or she votes shall be entitled to vote at said election.

#### **SECTION FIVE (5) – OFFICER OF ELECTION AND COMPENSATION THEREOF.**

Brazoria County Clerk's Elections Department shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code. The County Clerk shall make emergency appointments of election officials if necessary. Upon request by the County Clerk, the Village of Surfside Beach agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish). The rate of pay of the judge who actually presides at said election shall be at an hourly rate of \$14.00. Each election clerk will receive compensation at an hourly rate of \$12.00.

#### **SECTION SIX (6) - EARLY VOTING.**

The Mayor and City Council of the Village of Surfside Beach, Texas, agree to conduct joint early voting and to appoint the County Clerk as the Early Voting Clerk in accordance with Chapter 32 of the Texas Election Code. The Mayor and City Council of the Village of Surfside Beach agrees to appoint the County Clerk's permanent county employees as deputy early voting clerks. The Village further agrees that each Early Voting Location will have an "Officer in Charge" who will receive compensation at an hourly rate of \$14.00. The clerks at each location will receive compensation at an hourly rate of \$12.00.

As Early Voting Clerk, the County Clerk shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Applications for voting by mail should be mailed, to be received no later than the close of business (5:00 pm) on April 25, 2023. Any requests for early voting ballots to be voted by mail received by the Village of Surfside Beach shall be forwarded immediately by fax or courier to the County Clerk's Election Department for processing. If faxed, the original should be forwarded to the County Clerk's Election Department.

The County Clerk's Election Department shall, upon request, provide the Village of Surfside Beach and/or the general public with a copy of the early voting report, as well as a cumulative final early voting report following the election. Early voting in person begins on April 24, 2023 and ends on May 2, 2023.

Brazoria County shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the County Clerk's Election Department, shall appoint two or more additional members to constitute the EVBB. The County Clerk's Election Department shall determine the number of EVBB members required to efficiently process the early voting ballots.

#### **SECTION SEVEN (7) – METHOD OF VOTING AND CONDUCTING ELECTION.**

All early voting and all voting on the day named above for the holding of said general annual election shall be by means of the voting system available from the voting machine department of Brazoria County, Texas. This manner of holding said election will be governed by the laws of the State of Texas governing general elections and as provided in this ordinance. The County Clerk's Election Department of Brazoria County, Texas, is hereby authorized and directed to procure the necessary supplies for said election, to make arrangements within the voting machine department of Brazoria County, Texas, and is further authorized and directed to do and perform any and all other acts required by the Texas Election Code conducting Joint Municipal Elections and to do and perform any and all other acts required by the applicable laws of the United States of America.

**SECTION EIGHT (8) – NOTICE OF ELECTION.**

The Mayor of the Village of Surfside Beach, Texas, is hereby authorized and directed to issue notice of said election, to cause the same to be posted for at least ten (10) days before the date named above for the holding of said joint general annual election at the place within the Incorporated Limits of the Village of Surfside Beach, Texas, normally used to post notices of meetings of the City Council and to be published in the *Brazosport Facts*, a newspaper published in the City of Clute, Brazoria County, Texas, having a general circulation within the Corporate Limits of said Village, not less than ten (10) nor more than thirty (30) days before the date named above for the holding of said general annual election.

**SECTION NINE (9) – RATIFICATION AND CONFIRMATION BY MAYOR.**

By signing this Ordinance, the undersigned Mayor of the Village of Surfside Beach, Texas, hereby ratifies and confirms as his action all matters herein above recited which by law come within his jurisdiction.

**SECTION TEN (10) – EFFECTIVE DATE.**

This Ordinance shall be effective immediately upon its passage and approval.

**READ, PASSED AND APPROVED this 14th day of February 2023.**

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Gregg Bisso, Mayor  
Village of Surfside Beach, Texas

**ATTEST:**

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Amanda Davenport, City Secretary  
Village of Surfside Beach, Texas