

Regular Meeting of the City Council

Tuesday, September 12, 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

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 12, 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.

A. OPEN PUBLIC HEARING REGARDING THE 2023 TAX RATE.

THIS PROPOSED TAX RATE OF .281508 WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THIS PROPOSED TAX RATE WILL EFFECTIVELY BE RAISED BY 3.5 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-49.57.

Close Public Hearing

B. OPEN PUBLIC HEARING REGARDING THE FY2023-2024 BUDGET. This budget will raise more revenue from property taxes than last year's budget by an amount of \$104,416, which is a 6.88 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 \$40,188.

Close Public Hearing.

COUNCIL MEETING:

- 1) CALL TO ORDER, QUORUM IN ATTENDANCE
- 2) INVOCATION, PLEDGE OF ALLEGIANCE
- 3) Discussion regarding the odor in the Village water. *Bisso*

- 4) Mayor/council/department head 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 and budget workshops on August 8, 9, 21, 31, and September 6, 2023.
 - B. Consider approval of financials for July and August 2023.
- 7) Discuss and take possible action on Ordinance 2023-09-12A regarding issuing a burn ban. *Bisso*
- 8) Discuss and take possible action to appoint new members to the Planning Committee in accordance with city ordinances. *Bisso*
- 9) Discuss and take possible action to begin development of a wetland protection ordinance for Surfside. *Gerber*
- 10) Discuss and amend ordinance Article IV.. Use of golf carts, Sec 46-171 designating areas and times for Golf Cart and UTV operation, to add the times from dawn to dusk operation times to (a). *Jennie Green-Prats*
- 11) Discuss possible legal action to address all individuals who refuse to pay hotel taxes. *Parsch*
- 12) Discuss and take possible action to increase the Hotel/Motel tax rate. *Parsch/Jalifi/Robertson*
- 13) Discuss and take possible action to appoint Sean Britt to the Tourism committee.
- 14) Discuss and take possible action on Ordinance 2023-09-12C adopting the FY2023-24 Municipal Budget. This budget will raise more revenue from property taxes than last year's budget by an amount of \$104,416, which is a 6.88 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 \$40,188. *must be a record vote) Bisso*
- 15) Discuss and take possible action to ratify the FY 2023-2024 Budget and find that the Proposed Tax Rate of .281508/\$100 will generate more property tax revenue than the previous fiscal year budget.
- 16) Discuss and take possible action on Ordinance 2023-09-12D setting the 2023 Ad Valorem Tax Rate for Maintenance and Operation of .250471, and the Ad Valorem tax rate for Debt Service of .031037 totaling a rate of .281508 (*must be a record vote and use exact language in the motion*)
- 17) Discuss and take possible action on Ordinance 2024-09-12B regarding amending the Surfside Beach Dune Protection and Beach Access Plan sections 6 & 8. *Parsch*

- 18) Discuss and take possible action to approve proposed changes to Surfside Code of Ordinances Chapter 2, Article IV Board, Commissions and Committees, Division 1 - Generally, Sec. 2-347. - Powers and duties. *Bisso/Robertson*

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 Sept. 7, 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

ORDINANCE 2023-09-12A

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS, CREATING THE ORDINANCE APPLICABLE TO A MUNICIPAL BURN BAN; 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 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 18 of the Code of Ordinances of the Village of Surfside Beach, Texas, is hereby adopted to read as follows:

ARTICLE IV. – BURN BANS

Sec. 18-36. – Execution Procedure.

- (a) The mayor, or the mayor pro tem in the absence of the mayor, after consultation with the county emergency management officer and/or the state forest service, is hereby authorized to execute an emergency order banning all outdoor burning within the corporate limits of the city (an “emergency burn ban order”). An emergency burn ban order so executed by the mayor shall:
 - (1) Be in writing;
 - (2) Make a finding that the entry of the order is necessary to protect the welfare and property of the inhabitants of the city based upon information provided by the county emergency management office or the state forest service; and
 - (3) State the date on which it is effective and the date on which it terminates.
- (b) An emergency burn ban order executed by the mayor shall be placed on the next scheduled or special meeting of the city council upon compliance with the provisions of chapter 551 of the Texas Government Code (the Open Meetings Act). An

emergency burn ban order may be considered at any meeting of the city council during the time it is effective if its consideration is requested in accordance with the regular procedures applicable to placing items on the city council's agenda and notice of its consideration is given in accordance with the Open Meetings Act. The city council shall have the authority to rescind or modify an emergency burn ban order at any meeting at which it is considered. In the absence of action by the city council rescinding or modifying an emergency burn ban order it shall remain in effect until the termination date stated in the emergency burn ban order.

- (c) An emergency burn ban order executed by the mayor shall be posted in the location for public notices at city hall on the date it is executed and shall remain posted there until it expires by its own terms or is rescinded by action of the city council. Likewise, a modified emergency burn ban order shall be posted in the location for public notices at city hall on the date it is modified and shall remain posted there until it expires by its own terms or is further modified or rescinded. If an emergency burn ban order is rescinded by the city council, notice of that action shall be posted in the place where public notices are posted at city hall for a period of not less than one week from the date that action is taken by the city council.

Sec. 18-37. – Penalty.

It shall be unlawful for any person within the corporate limits of the city to burn any material outside or to allow any material to be burned outside on their property during any period of time in which an emergency burn ban order is in effect. Violation of this provision shall be a misdemeanor punishable by a fine not to exceed \$500.00. Each instance or day that an individual violates this article shall be considered a separate offense.

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 a newspaper of general circulation in Brazoria County.

READ, PASSED, AND ADOPTED THIS _____ DAY OF _____, 20_____.

GREGG BISSO, MAYOR
VILLAGE OF SURFSIDE BEACH, TEXAS

ATTEST: _____
AMANDA DAVENPORT
CITY SECRETARY

Amanda Davenport

From: Jon Gerber
Sent: Thursday, August 24, 2023 12:01 PM
To: Sean Robertson
Cc: Amanda Davenport; Maribel Hill
Subject: Re: Planning Agenda -Council Agenda

Follow Up Flag: Flag for follow up
Flag Status: Flagged

I actually tend to agree with you Sean, and I would like to thank you for the valuable input. This certainly needs to come before Council, the important point of order you raise is valid I believe, although I am eager to tackle the problems this Village faces, sometimes no matter how well intentioned we all can be too impetuous.

Amanda if you willplease transfer this item to the next council agenda for proper approval and socialization, so it can be channeled appropriately and brought before the Planning Commission.

Jonathan Gerber
Alderman At Large

Sent from my iPhone

On Aug 24, 2023, at 11:09 AM, Sean Robertson <srobertson@surfsidetx.org> wrote:

I don't think this can be added at this point.

I do initially and generally like the idea but shouldn't this agenda item come before City Council as a vote prior to being given to PC for work?

I thought that was the precedent set, rather than individual Alderman submitting their own agenda items. That was made clear to me by Council and Maribel at the first PC meeting I attended as a liaison.

sean

From: Jon Gerber <jgerber@surfsidetx.org>
Sent: Thursday, August 24, 2023 10:36 AM
To: Amanda Davenport <amanda@surfsidetx.org>; Maribel Hill <maribelhill@gmail.com>; Sean Robertson <srobertson@surfsidetx.org>
Subject: Planning Agenda

Please add an item to the Planning Commission agenda.
To discuss and take possible action to begin development of a wetland protection ordinance for Surfside.

After speaking to a representative of the US Army Corps of Engineers (USACE) regarding Surfside, Surfside's roll if any in potential protection of the wetlands, and the ongoing litigation involving development of wetlands within our jurisdiction; it came to my attention that there is a

potential deficiency in our code of ordinance, and I believe this is the opportunity to develop an effective strategy for the future sustainability.

I was also made aware that they (USACE) are ready and willing to work with us, and that the last official from Surfside in regular contact with the USACE was **KELLY HAMBY.**

Sent from my iPhone

Amanda Davenport

From: Jennie Green-Prats <jbgreen1950@hotmail.com>
Sent: Sunday, September 3, 2023 12:08 AM
To: Amanda Davenport
Cc: William Moncier
Subject: agenda item

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Amanda,

I want to add an agenda item to the September city council meeting.

Discuss and amend ordinance Article IV..Use of golf carts, Sec. 46-171 Designates area and times for Golf Cart and Utility Vehicle Operation to add the times from dawn to dusk operation times to (a).

Feel free to reword this if you think it is necessary. Basically, I want to add the time restrictions of operation from dawn to dusk.

Regards,

Jennie Green-Prats

1st Choice Realty

979-236-1390

jbgreen1950@hotmail.com

[Information About Brokerage Services](#)

<https://members.har.com/mhf/terms/dispBrokerInfo.cfm?sitetype=aws&cid=492200>

[Texas Real Estate Commission Consumer Protection Notice](#)

<https://www.trec.texas.gov/sites/default/files/pdf-forms/CN%201-2.pdf>

Amanda Davenport

From: Zach Parsch
Sent: Friday, August 18, 2023 1:16 PM
To: Amanda Davenport
Subject: Council agenda item

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Amanda,

With full understanding that I will not be present in Sept to represent this item, I still want to put the following agenda item in for September.

- Discuss possible legal action to address all individuals who refuse to pay hotel taxes.

I am ok with a discussion on this item in my absence, and am also ok if it gets tabled until I return in October. Either way I want it on agenda to serve notice to those in violation that we will be discussing actions.

Thanks,
Zach

**§26.05(b) of Property Tax Code
Steps Required for Adoption of Tax Rate & Budget**

Entity Name: VILLAGE OF SURFSIDE BEACH

Date: 09/01/2023 11:00 AM

Language Required in the Motion Setting This Year's Tax Rate:

This year's proposed tax rate exceeds the no-new-revenue tax rate. The vote on the ordinance, resolution, or order setting the tax rate must be a record vote and 60% of the governing body must vote in favor of the adoption of the tax rate. A motion to adopt the ordinance, resolution, or order must be made in the following form:

I move that the property tax rate be increased by the adoption of a tax rate of 0.281508, which is effectively a 4.61 percent increase in the tax rate.

Statement Required in the Ordinance, Resolution, or Order Setting:

This year's levy to fund maintenance and operations expenditures exceeds last year's maintenance and operations tax levy. The following statements must be included in the ordinance, resolution, or order setting this year's tax rate. The statements must be in larger type than the type used in any other portion of the document.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.50 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-49.57.

Statement That Must be Posted on the Home Page of Any Internet Website Operated by the Taxing Unit:

This year's levy to fund maintenance and operations expenditures exceeds last year's maintenance and operations tax levy. The following statements must be included in the ordinance, resolution, or order setting this year's tax rate. The statements must be in larger type than the type used in any other portion of the document.

VILLAGE OF SURFSIDE BEACH ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.50 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-49.57.

Proposal to Amend the Dune Protection and Beach Access Plan, Section 6 & Section 8

The Village of Surfside Beach (City) proposes an amendment to the Dune Protection and Beach Access Plan (the Plan) specific to Section 6, Management of the Public Beach, and Section 8, Beach User Fee Plan.

Section 6 – Proposal to update beach access information to reflect current locations and designations.

Section 8 – Proposal to increase the Beach User fee to support the increase in cost for beach related services since the last fee increase in 2014.

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CURRENT PROGRAM – Access and Parking:

Currently an annual beach user fee of \$12 per vehicle is charged to park or drive on the beach or utilize designated permit-parking areas directly adjacent to the beach. These fees are used to provide services directly related to the management and regulation of human impact, as well as seasonal storm impact on the beaches located within the City. Directive for City required efforts is provided by the General Land Office (GLO) as stated in the current Dune Protection and Beach Access Plan.

Beach Access

There are currently a total of 25 City maintained beach accesses and access roads to the 4.0 miles of beach. (See Attachment A)

5 streets from Hwy 332 to the east City limits with Vehicle Access:

Hwy 332 Main Entrance, Ocean Ave., Yucca Ave., Bay Ave. and Seagull Ave.

5 streets/locations west of Highway 332 with Walk-Over Access:

Whelk St. (ADA)-Crab St., Sundial St., Oyster St. and Jetty Park (ADA)

3 streets west of Highway 332 with direct Walk-On Access:

Starfish St., Thunder Rd. and Jettyview Rd.

12 streets/locations East of Highway 332 with Walk-Over Access:

Francis Cove Ave., Driftwood Ct., Sand Dune Ct., Carlton Ave., Coral Ct., Howard Ave., Belanger Ave., Saltgrass Ave., Detenbeck Ave., Beachcomber Ave., Sandpiper Ave. and Stahlman Park. (ADA)

Provisions facilitating wheelchair access to the beach for disabled persons shall be maintained at the entry points noted as "ADA" above. Per the Texas Beach Accessibility Guide "Vehicular access is considered a primary means of access to most Texas beaches for all persons and is recognized as an acceptable option for providing access for people with disabilities."

On-Beach Parking

Approximately 3.0 miles of beach, East of Hwy 332, offers on-beach parking with a permit. Approximately 1056 parking spaces are available. Due to the narrow width of the beach west of Hwy 332, approximately one mile is designated as Pedestrian-Only beach and vehicle access is not allowed

Off-Beach Parking

Permit Parking with adjacent beach access: Approximately 150 spaces

Off-Beach Permit Parking along Beach Dr. parallel to the Pedestrian-Only beach.

Free parking with adjacent beach access: Approximately 675

Off-Beach Free parking at Jetty Park/Splash Pad west of Hwy 332

Off-Beach Free side-street parking on streets west of Hwy 332, perpendicular to the beach

Off-Beach Free parking adjacent to walk-overs east of Hwy 332

Off-Beach Free parking at the Main Beach Entrance (Hwy 332)

Off-Beach Free parking at Stahlman Park and the Crabbing Pier east of Hwy 332 with adjacent walk-over access.

Public Use Facilities

In addition to free off-beach parking, Stahlman Park offers restroom facilities and showers. The main entrance at Hwy. 332 offers an outdoor shower.

Portable toilets are also located at each drive-on beach entrance and near walk-over accesses. The number of units range from approximately 10 during the off-season to over 28 during the high season.

Trash receptacles are located near all beach access points and along the beach dune line both east and west of Hwy 332. The number of units range from approximately 100 during the off-season to more as needed during the high season.

CURRENT REVENUE:

(TABLE 1)

REVENUE					
Beach Permit Sales & Interest - Reporting Period - 1st Qtr Ending 11-30 thru 4th Qtr Ending 08-31					
Category		FY 2022	FY 2021	FY 2020	FY 2019
Beach User Fee Sales by Quarter	1st Qtr.	\$ 93,440.00	\$ 131,226.00	\$ 50,396.00	\$ 15,900.00
	2nd Qtr.	\$ 20,081.00	\$ 12,186.00	\$ 13,576.00	\$ 6,278.00
	3rd Qtr.	\$ 391,638.00	\$ 290,657.14	\$ 225,343.00	\$ 130,333.00
	4th Qtr.	\$ 456,372.00	\$ 444,078.00	\$ 479,273.00	\$ 262,830.00
Total Revenue:		\$ 961,531.00	\$ 878,147.14	\$ 768,588.00	\$ 415,341.00
Average Revenue Past 4 years		\$ 755,901.79	2019-2022		

REVENUE DETAILS:

The City’s beach-related services are funded through the annual beach user fee in keeping with Section 6, paragraph 3, of the Plan which states: *“Such services shall be provided by direct charge to the users, as the Village only has a population of fewer than 2500 inhabitants.”* The current annual fee established in 2014 is \$12.00 per vehicle to park/drive on the beach or park in permit parking for direct access to the Pedestrian-Only beach. There is no daily rate to park/drive on the beach and there is no charge for pedestrians to access the beach.

CURRENT EXPENDITURES:

(TABLE 2)

EXPENSES					
Beach Related Expenditures - Reporting Period - 1st Qtr. Ending 11-30 thru 4th Qtr. Ending 08-31					
Category		FY 2022	FY 2021	FY 2020	FY 2019
Collection Expenses	1st Qtr.	\$ 20,243.51	\$ 22,328.19	\$ 12,233.17	\$ 5,855.14
Beach Related Services		\$ 344,887.63	\$ 226,804.35	\$ 58,680.86	\$ 62,612.24
Administrative		\$ 12,977.50	\$ 6,250.00	\$ 3,125.00	\$ 6,250.00
Collection Expenses	2nd Qtr.	\$ -	\$ -	\$ -	\$ 4,871.19
Beach Related Services		\$ 153,556.02	\$ 100,441.07	\$ 58,876.44	\$ 54,867.77
Administrative		\$ 12,977.50	\$ 6,250.00	\$ 1,625.00	\$ 9,537.19
Collection Expenses	3rd Qtr.	\$ 25,680.06	\$ 30,179.79	\$ 11,649.50	\$ 19,013.85
Beach Related Services		\$ 193,601.91	\$ 265,108.51	\$ 105,447.75	\$ 95,579.92
Administrative		\$ 12,977.50	\$ 6,250.00	\$ 9,375.00	\$ 12,121.30
Collection Expenses	4th Qtr.	\$ 49,446.97	\$ 41,238.89	\$ 33,709.48	\$ 30,405.65
Beach Related Services		\$ 228,327.42	\$ 293,855.50	\$ 188,921.95	\$ 120,216.36
Administrative		\$ 12,977.50	\$ 6,250.00	\$ 19,799.87	\$ 9,428.00
Total Expenditures:		\$ 1,067,653.52	\$ 1,004,956.30	\$ 503,444.02	\$ 430,758.61
Income (Loss):		\$ (106,122.52)	\$ (126,809.16)	\$ 265,143.98	\$ (15,417.61)

EXPENDITURE DETAILS:

Increased demand for outdoor activities, in part due to the Covid 19 pandemic, brought a higher volume of visitors to the beach 2020 thru 2022. An approximate fifty percent increase in beach permit fees were collected in 2020 but these sales alone do not account for the actual number of visitors for three reasons. 1) A single vehicle permit is issued regardless of the number of occupants in the vehicle. 2) The volume of legal and illegal side street parking. 3) The number of un-permitted visitors entering and using the beach when access road booths are not manned, or when driving up from the adjacent County beach. An estimated 350,000 visitors utilized the beach for at least 1 day over fiscal years 2020 and 2021 assuming a modest 2.5 visitors per vehicle times 140,019 annual permits sold. (See TABLE 4)

Due to the increase in visitors to the beach in 2020/2021/2022 from 2019, as well as seasonal storm damage that occurred in 2019/2021, revenue from the beach permit sales did not cover the increase in costs for basic expenditures FY 2019 thru FY 2022. The resulting deficits reflect reoccurring issues related to public health and safety which continue to have a major impact on expenditures each year. These issues include: (1) Excessive, unsightly and unsanitary accumulation of trash and human waste on the beaches and access roads. (2) Maintenance of the main beach entrance at Hwy 332 and the length of Beach Drive to provide safe and adequate parking in the limited space adjacent to the West side beach areas. (3) The demands of maintaining all beach accesses, roads and walk-overs, in a safe and usable condition. (4) Unpredictable seasonal storm damage which impacts the beach, walk-overs, access roads and parking areas, both free and permit. These issues have dominated the City’s budget and resources and have impeded any preventative improvements or enhancements of the beach with additional or upgraded facilities and amenities such as restrooms, showers, improved parking areas, etc.

PROPOSED FEES:

The current annual beach user fee is \$12. This rate was established in 2014. The City is proposing an increase of the Annual Beach User Fee from \$12.00 to \$30.00, in combination with introducing the option of a Daily User Fee of \$15.00. The City feels this will distribute the impact of the increase across both user groups. It will continue to offer affordable access to the casual visitor and still offer regular visitors full year-round access for a reasonable fee. In addition, an Off-Season rate for an Annual Permit will be offered to the public from Jan. 1st – Jan 31st, during historically low permit sales. This will help generate needed funds earlier in the year to support on-going maintenance. These annual permits will be offered for \$15 with a limit of 1 per Texas Driver's License and will be available at City Hall weekdays during that time. The Beach User Permits, Daily or Annual, will be required year-round on Surfside Beach and will be valid for on-beach parking and off-beach parking in specifically designated areas. Beach User Permits are available at City Hall weekdays, local area business weekdays and weekends, and Beach Permit Booths on weekends March 1st thru Sept. 1st.

In compliance with Chapter 681 of the Texas Transportation Code, persons with disabilities are exempt from the payment of any fees if the vehicle is displaying an appropriate license plate or disabled parking placard. This does not permit parking at a time when, or a place where, parking is prohibited.

USER FEE SUPPORT FOR ENHANCED MANAGEMENT PRACTICES:

In addition to normal services, the proposed fees collected will support expenditures associated with newly imposed services, as well as Short-Term and Long-Term enhanced beach management practices such as:

Short-Term: See (TABLE 5) for estimated costs – To be implemented beginning FY24

- Supervisory and Administrative efforts to support the revised Permit sales (Hang Tags)
- Additional staffing to support the influx of visitors during peak times as well as year-round beach use by residents, visitors, fisherman, beachcombers, runners/walkers, etc. including Year-round Certified Rescue Swimmers/Law & Code Enforcement Officers.
- Additional vehicles dedicated to the beach for trash collection, medical response and water rescue efforts. These could include: four-wheel drive truck and trailer, four-wheel drive side by side vehicle and four-wheel drive patrol vehicle.
- Increased personnel and equipment for seasonal hand collection of litter to improve beach/dune condition and safety.
- Front End Loader and Water Tank Trailer for soft sand maintenance at critical access points to support safe entry for beach visitors as well as emergency vehicles and maintenance equipment.
- Additional Solar Electronic Sign Board to inform visitors of beach conditions, entrance closures, burn bans and special events at the beach.

Long-Term: See (TABLE 5) for estimated costs – To be implemented beginning FY25-26

- Mobile Command Center to provide a central beach location easily accessible and highly visible for beach users to report safety related concerns or receive minor emergency medical treatment, and to improve emergency response time and coordination between all associated City, County, or Federal (Coast Guard) departments (as required).
- Beach amenities including additional showers, permanent restrooms, picnic areas, vending areas, etc.
- Additional personnel and equipment to maintain the beach. This may include trash/Litter collection and sand maintenance. Increased staff and dedicated beach equipment to properly maintain the cleanliness and quality of the beach, entrances and walkovers.

- Improve safety and medical response efforts. Additional personnel and equipment to create state of the art medical response and rescue teams. Year-round services provided to beach visitors including minor emergency treatment and water rescue.

BEACH PERMIT FEE ANALYSIS

Goals of Increase:

- Collect enough revenue to cover anticipated expenses based on historical data.
- Allow for inflation over a five-year period without the necessity for another increase in permit fees.
- Allow reserves for unpredictable storm related expenses, and to make improvements to the public beach access and amenities as outlined in short and long term goals,
- Set fees that continue to keep the beach accessible to all levels of users.

Considerations:

- The Beach User Fee is used to provide those reasonable and necessary services and facilities directly related to the public Gulf Coast beach located within City boundaries.
- Sales of Beach User Permits did not cover the beach related services for 2019, 2021 & 2022 with deficits of \$15,417.61, \$126,809.16 & \$106,122.50 respectively, and required funding from City General Funds to perform needed services. Section 6, paragraph 3, of the Plan states: *“Such services shall be provided by direct charge to the users, as the Village only has a population of fewer than 2500 inhabitants.”* This confirms that the City should not be required to fund beach related services from their General Budget as they have a population of approximately 650 full time residents as of 2022.
- 2020 revenue resulted in income but was an anomaly due to unusual demand created by Covid restrictions which is not expected to continue at the same level. That income was absorbed by the costs of services in 2021 & 2022.
- Continued permit sales at the current annual beach user fee of \$12, which has not been increased since 2014, will not cover the demonstrated, anticipated or unpredictable storm related expenses that can occur annually, as well as anticipated inflation or Long/Short Term Goals. (TABLE 5 & 6)
- Current revenue from Beach User Fees does not allow for a reliable revenue source that will allow the City to explore new and improved beach related amenities both short or long term. (TABLE 1)
- The City has approximately 650 permanent residents as of 2022. It is assumed that most of the permit sales in the first 2 quarters each year will be regular visitors and residents purchasing annual permits. The city will rely on additional annual permit sales as well as the new daily permit sales to generate the remaining revenue needed to support all beach services. (TABLE 4 & 6)

Beach Permit Fee Analysis - Continued:

Comparative Analysis of Comparable Facilities

(TABLE 3)

Comparison of other developed Beachfront County Parks in Brazoria County		
Although there are miles of beach both east and west of Surfside, much of the coastline is undeveloped and offers no amenities. The only other developed beachfront park in Brazoria County is Quintana County Park.		
Details	Quintana County Park*	Surfside Beach
Length of Beach	6/10 of a mile	4 miles
Vehicle Access to beach	No	Yes - 3 miles
Fee based parking On-Beach	No	Approx. 1040 spaces on the beach
Fee based Parking Off-Beach	Yes - 124 spaces seasonally	Yes - Approx. 150 spaces along Beach Drive
Beach User Fee	\$5.00/day per vehicle - weekends and holidays - Memorial Day thru Labor Day	\$12.00 per vehicle - Annually - year round
Free Parking	Yes - 124 spaces after Labor Day and before Memorial Day	Yes - Approx. 350 spaces year round - Main entrance, Stahlman Park, Crabbing Pier and along approximately 24 sides streets adjacent to beach
Average # of Parking Permits sold each year	Approx. 1800	Approx. 57000
Showers adjacent to beach	Yes - Showers available in park	Yes - Showers located at Stahlman Park
Beach Vehicle Access Roads	0	5
Beach Pedestrian Walkovers	1	12
On Beach Restrooms	0	10-28 seasonally
Conclusion:		
<p>Quintana County Park is a beachfront park in Brazoria County within just a few miles of Surfside Beach. However, Surfside Beach attracts over 30 times the number of guests Quintana County Park does per year creating a significantly higher amount of beach maintenance due to human impact. Surfside Beach also has a much larger infrastructure to maintain including 4 miles of beach, dunes, multiple paved access roads, dune-walkovers and paved and unpaved parking areas. The volume of visitors to Surfside Beach has a much greater impact on the amount of labor, materials, equipment and staffing needed to manage the maintenance and administration for the care and protection of the beach than Quintana County Park. Note that Quintana County park is funded and maintained by the county, which has much larger resources than Surfside Village, but the village is still tasked by the State to maintain the beach that borders it.</p>		

* Information provided by Quintana County Park Supervisor 11/13/22

Beach Permit Fee Analysis - Continued:

Necessity of Beach User Fee

Fees are necessary to satisfy the directive in the Dune Protection and Beach Access Plan. Experience over time has revealed that the volume of visitors and storm related impact on the beach, dunes and accesses have created serious issues that not only threaten the preservation of the beaches, dunes and natural habitat, but also pose public health and safety risks.

These issues continue to occur year after year and include: (1) excessive, unsightly and unsanitary accumulation of trash on the beaches, in the dunes and on, or near, access roads and walk-overs; (2) intrusion by visitors and vehicles into the dunes damaging stabilizing vegetation and dune stability; (3) the burden on safe and adequate parking in the limited space adjacent to the beach along Highway 332 and the access roads perpendicular to the beach; (4) the wear and tear from vehicles, pedestrians and seasonal storm damage on beach access roads, beach vehicle entrances and walk-overs.

As a result, the City has implemented several abatement initiatives over the years that are consistent with TAC §15.8. The City has: a.) a dedicated beach maintenance crew that is strictly tasked to address the litter problem, maintain the trash receptacles, maintain the beach vehicle accesses and the dune walkovers; b.) a Beach Advisory committee whose job is to oversee shoreline maintenance activities and provide information to the City Council when making decisions that impact the beach or bay; c.) a beach patrol that patrols the beaches for swimmers, fisherman, boaters or beach visitors in distress and provides basic first aid or alerts other emergency responders as needed d.) increased police visibility to enforce beach rules, address traffic and dune violations to maintain a safe environment for visitors and to protect the dunes from misuse by the public.

Historical Beach Permit Sales:

(TABLE 4)

Beach Permit Sales - 1st Qtr Ending 11-30 thru 4th Qtr Ending 08-31				
Number of Permits Sold - Via Booth (\$12) & Retail (\$11)				
Reporting Period	2022	FY 2021	FY2020	FY 2019
1st Qtr. Booth	7134	9616	3778	1205
1st Qtr. Retail	712	1440	460	131
2nd Qtr. Booth	17	31	13	19
2nd Qtr. Retail	1807	1074	1220	55
3rd Qtr. Booth	23369	18693	13866	10861
3rd Qtr. Retail	10110	6030	5359	5040
4th Qtr. Booth	27856	29554	30959	18184
4th Qtr. Retail	11100	8130	9796	4056
Total:	82105	74568	65451	39551

Analysis of inflation of expenses including Short and Long Term Goal costs across a 5 year span				
Assuming a modest inflation rate of 5% per year				
	Anticipated Expenses	Estimated Expenses - Short	Estimated Expenses - Long	Totals
BUF Fiscal Year	5 years (2022-2026) + 5%	Term Goals Beginning 2024	Term Goals After 2024	Total Projected Expenses
		(A)+(B)+(C)+(D)+(E) +5%	(F)+(G)+(H) +5%	
2021 Actuals	\$ 1,004,956	--	--	--
2022 Actuals	\$ 1,067,654	--	--	--
2023	\$ 1,121,036	--	--	--
2024	\$ 1,177,088	\$ 518,700	--	\$ 1,695,788
2025	\$ 1,235,942	\$ 380,100	\$ 677,250	\$ 2,293,292
2026	\$ 1,297,740	\$ 399,105	\$ 375,000	\$ 2,071,845
2027	\$ 1,362,627	\$ 534,560	\$ 393,750	\$ 2,290,937
2028	\$ 1,430,758	\$ 419,060	\$ 481,688	\$ 2,331,506
Estimates for Proposed Services/Equipment/Facilities (A = Annual costs 2024 onward, OT = One-Time costs in a single year without repeat, 3YR = One-Time costs,that reoccur every 3 yrs with repurchase)				
(A) SHORT TERM - Addition of Hang Tags - Year Round				
Hang Tags	\$ 5,000	A	Hang Tags, Custom Printing, Sequential Numbering - Est. 10,000 tags /year	
Wages & Fees	\$ 78,000	A	Supervisor of Booth Collections and Booth Staff	
Cart/Mule Vehicle	\$ 30,000	3YR	Purchase - Utility Cart/Mule - (3 YR Replacement) - Transport for Booth Supervisor (Monitoring, Collections, Tag distributions- 5 locations) (3 YR Replacement 2024/2027 Only)	
Vehicle Maint.	\$ 2,500	A	Annual Maintenance (\$1000), Undercoating - Rust Prevention (\$1500)	
Administrative	\$ 5,000	A	Additional Admin to support payroll, scheduling, supply purchasing, etc.	
Total:	\$ 120,500			
(B) SHORT TERM - Certified Rescue Swimmer / Officer - Year Round				
Wages & Fees	\$ 150,000	A	(2) Certified Rescue Swimmers / Officers Year-Round	
Safety Equipment	\$ 10,000	A	Rescue Boards&Flotation Devices, Binoculars, Radios, Emerg. Med Kits,etc.	
Patrol Vehicle	\$ 40,000	3YR	Purchase - Rescue/Patrol Vehicle (3 YR Replacement 2024/2027 ONLY)	
Administrative	\$ 5,000	A	Additional Admin to support payroll, scheduling, supply purchasing, etc.	
Total:	\$ 205,000			
(C) SHORT TERM - Increased Hand Litter Picking from April 1st - September 30th				
Wages and Fees	\$ 41,000	A	Increase Hand Picking Litter from beach - From: 9 people, 4 days/wk to 7 days/wk 4 Hrs/day @ \$12.00/hr. Apr. thru Sept.	
Supplies	\$ 4,000	A	Trash Bags, Gloves, Bags, Buckets, Vests, Safety Equipment, etc.	
Total:	\$ 45,000			
(D) SHORT TERM - Beach Maintenance Equipment - Year Round				
	\$ 25,000	3YR	Purchase Water Tank Trailer - Soft Sand Maintenance (3 YR Replacement 2024/2027 Only)	
Water Tank Trailer	\$ 1,500	A	Annual Maintenance (\$1000), Undercoating - Rust Prevention (\$1500)	
Beach Rake	\$ 15,000	3YR	Purchase Beach Rake (3 YR Replacement 2024/2027 ONLY)	
Garbage Roll-Offs	\$ 20,000	A	Garbage Collection Service contract	
Front end Loader	\$ 40,000	A	Rental of Front End Loader	
Total:	\$ 101,500			
(E) SHORT TERM - Solar Traffic sign - Year Round				
Solar Traffic Sign	\$ 22,000	OT	Traffic Advisory - Beach Conditions/Closures/Public Info (2024 ONLY)	
Total:	\$ 22,000			
(F) LONG TERM - Mobile Command Center Mar. 1st - Sept. 1st (On City easement at the Yucca beach entrance)				
Purchase/New Build	\$ 125,000	OT	8' x 20' trailer with 1 office / 1 bathroom (2025 ONLY)	
Equipment/Furnishings & Supplies	\$ 60,000	A	Communication Equipment (6 Radios), Office Equip., Medical Supplies, Search & Rescue Equip., etc.	
Utilities/Maintenance	\$ 12,000	A	Utilities, Pump-Out Service, Building Maintenance	
Elect/Water	\$ 5,000	OT	Tie-In to Local Utilities (2025 ONLY)	
Total:	\$ 202,000			
(G) LONG TERM - Public Amenities - Shower, bathrooms, picnic tables, etc.				
	\$ 75,000	OT	Public Outdoor shower units, bathroom station, picnic area (\$25,000 Each) (2025 ONLY)	
Public Amenities	\$ 1,500	A	Annual Maintenance (\$1000), Undercoating - Rust Prevention (\$1500)	
Total:	\$ 76,500			
(H) LONG TERM - Equipment and Personnel to Support Beach Maintenance				
	\$ 65,000	3YR	Purchase Truck & Trailer-Beach Maint.(3 YR Replacement 2025/2028 Only)	
Truck & Trailer	\$ 1,500	A	Annual Maintenance (\$1000), Undercoating - Rust Prevention (\$1500)	
Personnel/Operators	\$ 300,000	A	(4) Personnel and Operators for Beach Maintenance Equipment	
Total:	\$ 366,500			

Beach Permit Sales - 1st Qtr Ending 11-30 thru 4th Qtr Ending 08-31				
Number of Permits Sold - Via Booth (\$12) & Retail (\$11)				
Reporting Period	2022	FY 2021	FY2020	FY 2019
1st Qtr. Booth	7134	9616	3778	1205
1st Qtr. Retail	712	1440	460	131
2nd Qtr. Booth	17	31	13	19
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4th Qtr. Booth	27856	29554	30959	18184
4th Qtr. Retail	11100	8130	9796	4056
Total:	82105	74568	65451	39551
Analysis of Permit Sales - Annual and Combined Annual and Daily (Estimated)				
<i>(A) For the purpose of this analysis an average number of tags sold per year was determined. As the number of times a visitor uses an annual tag cannot be tracked, a conservative estimate was made based on the following assumptions:</i>				
<i>(B) Permits sold during the first 2 quarters of each year are annual.</i>				
<i>(C) 50% of the permits sold in the last 2 quarters of the year are to users that come to the beach for 3 or more days (Annual), 50% are used for visits less than 3 days (Daily).</i>				
65419	<i>(A) Average number of Permits sold each year - 2019-2022</i>			
7178	<i>(B) Average sales Q1+Q2 assumed to be annual 2019-2022</i>			
29120	<i>(C') 50% of Q3+Q4 Sales assumed to be the Daily (Average) 2019-2022</i>			
29120	<i>(C') 50% of Q3+Q4 Sales assumed to be the Annual (Average) 2019-2022</i>			
36298	<i>D') 50% of Q3+Q4 Average Sales assumed to be Annual plus Q1+Q2, 2019-2022</i>			
Q1-Q2 all Annual Permit Sales with a 5% increase per year				Estimated Revenue
	7537		2023	
	7914		2024	
	8309		2025	
	8725		2026	
	9161		2027	
	9619		2028	
50% of Q3+Q4 sales are Daily Permits with a 5% increase per year				
	30576		2023	
	32105		2024	
	33710		2025	
	35396		2026	
	37166		2027	
	39024		2028	
50% of Q3+Q4 sales are Annual Permits with a 5% increase per year				
	30576		2023	
	32105		2024	
	33710		2025	
	35396		2026	
	37166		2027	
	39024		2028	
All Sales	87667	Combined Daily and Annual	2028	
Annual/Daily Split	48643	Annual	2028	
	39024	Daily	2028	
Estimated Revenue at Proposed Fee of \$30 Annual & \$15 Daily			2024	\$ 1,682,147
			2025	\$ 1,766,254
			2026	\$ 1,854,567
			2027	\$ 1,947,295
			2028	\$ 2,044,660

Estimated Revenue of Various Parking Permits Fees

(TABLE 7)

FEE ANALYSIS			
Projected annual revenue using various static user fee rates compared to the anticipated expense year in 2028 (5% inflation per year + short/long term goals)			\$ 2,331,506
Various Fee Scenarios	Estimated Revenue at Static Fee Rates	Year 2028 - Revenue minus Expenses	Conclusion
Based on the average annual permit sales at the current rate of \$12.00	\$ 1,052,009	\$ (1,279,497)	Insufficient to cover demonstrated costs, inflation at 5% per year for 5 years or short or long term goals
Based on the average annual permit sales at the proposed rate of \$30.00	\$ 2,630,021	\$ 298,516	Sufficient to cover demonstrated costs, inflation at 5% per year for 5 years and short/long term goals but <u>impedes</u> accessibility to all users.
Based on the average annual permit sales at the proposed rate of \$25.00	\$ 2,191,685	\$ (139,821)	Insufficient to cover demonstrated costs, inflation at 5% per year for 5 years and short/long term goals
Based on the average annual permit sales at the proposed rate of \$20.00	\$ 1,753,348	\$ (578,158)	Insufficient to cover demonstrated costs, inflation at 5% per year for 5 years or short or long term goals
Based on the average number of permits assuming the percentages of annual and daily permit sales at the rate of \$30 & \$15 respectively:	\$ 2,044,660	\$ (286,845)	Sufficient to cover demonstrated costs, inflation at 5% per year for 5 years and <u>some</u> Short/Long term goals. Contingency for remaining goals and unpredictable storm damage dependent on volume of Permit sales.
Based on the average number of permits assuming the percentages of annual and daily permit sales at the rate of \$25 & \$15 respectively:	\$ 1,801,444	\$ (530,062)	Insufficient to cover demonstrated costs, inflation at 5% per year for 5 years or short or long term goals

Note: These estimates do not take in to account the price difference between Booth sales and Retail sales or the Early Bird pricing. These differences are negligible in this analysis.

Conclusion of Fee Analysis and Proposed Fee Increase:

So that the City can remain in compliance with the DPBA Plan and provide the high level of maintenance, services and policing necessary to protect and maintain the public beach and dune system, an increase in the beach user fee is necessary. Per GLO directive, the proposed increase is intended to sustain the BUF budget over a 5-year period. Using the worst case scenario of expenses in 2022, and factoring in inflation and Long/Short Term Goals, the proposed fee scenarios in this analysis indicate that a \$15 Daily and \$30 Annual Permit Fee is estimated to be sufficient to cover all normal expenses and anticipated inflation over the next 5 years. If the collection of User Fees is within reason of the estimates used, both Short and Long term goals are feasible, as well as contingency revenue for unpredictable storm damages

The current annual fee is \$12.00 and has not been changed since 2014. A proposed fee increase to \$30 annually and the addition of a \$15 daily use fee will increase revenue to support beach related services while providing accessibility of the beach to all users.

Due the level of uncertainty of the actual costs associated with future beach maintenance due to human impact, storm damage and the rising costs of goods and services, it is prudent to consider and plan for those demonstrated and estimated costs. If surplus income occurs from the increased fees, it will allow the City to be better prepared for the costs of unpredictable storm maintenance events and plan for enhancements to public beach access. This is in compliance with the objectives of the Plan, that the City has not been able to consider in past years.

CITATION OF ALL LEGAL AUTHORITY AUTHORIZING COLLECTION OF FEES:

Section 63.053(b) of the Texas Natural Resource Code allows the governing body of a municipality to charge reasonable fees that do not exceed the cost for the provision and maintenance of public beach related facilities and services necessary to implement such plans, including but not limited to parking, public health and safety, environmental protection and matters contained in the certified beach access plans, and that do not unfairly limit access to and use of such beaches. Title 31, Texas Administrative Code, Rule 15.8 sets forth requirements to be met for Beach User Fees.

BEACH ACCESS CHARGE AUTHORIZATION:

The City is authorized to charge a beach user a fee in exchange for providing services to beach users in general. A Beach User Fee may only be imposed if the fee is reasonable, considering the cost to the local government of providing public services and facilities directly related to the public beach. A reasonable fee is one that recovers the cost of providing and maintaining beach-related services. In addition, any fee collected for off-beach parking to provide access to and from the public beach is considered a Beach User Fee.

STATE STANDARDS CONSISTENCY:

The proposed beach user fee will not: exceed the necessary and actual cost of providing reasonable beach-related public facilities and services, unfairly limit public use to and from public beaches in any manner, be inconsistent with Title 31, Texas Administrative Code, Rule §15.8 or the Open Beaches Act; or discriminate on the basis of residence.

ENFORCEMENT:

The City utilizes both City officers and Beach Patrol to enforce the Beach User Fee plan. The permit parking areas are serviced 24 hours a day year-round. Parking violations expressly related to the permit parking areas are enforceable in compliance with the City Police Department Standards. The enforcement will consist of employees assigned to operating and enforcing the Beach User Fee system. This shall include the collection of monies from Permit Booths and its subsequent processing through the Finance Department, providing in-person and over-the phone assistance, and enforcement of proper parking regulations.

USE OF BEACH USER FEE REVENUES:

Revenues generated from Beach User Fees shall be used only for beach-related services. In accordance with TAC §15.2(12) and TNRC 61.011B, "beach-related services" means reasonable and necessary services and facilities directly related to the public beach which are provided to the public to ensure safe use of and access to and from the public beach, such as vehicular controls, management, and parking (including acquisition and maintenance of off-beach parking and access ways); sanitation and litter control; lifeguarding and lifesaving; beach maintenance; law enforcement; beach nourishment projects; beach/dune system education; beach/dune protection and restoration projects; providing public facilities such as restrooms, showers, lockers, equipment rentals, and picnic areas; recreational and refreshment facilities; liability insurance; and staff and personnel necessary to provide beach-related services including, but not limited to, reasonable administrative costs and accounting directly attributable to beach-related services as limited by TAC §15.8(f). Beach-related services and facilities shall serve only those areas on or immediately adjacent to the public beach.

RECIPROCITY AGREEMENT:

Brazoria County has an Interlocal Agreement with Surfside Beach supporting a Beach Parking Permit System. (See Attachment B)

SIGNAGE:

The City shall assure that all free and permit-based parking areas are clearly identified with signs. Signage will be posted in English.

REPORTING ADMINISTRATIVE COST AND ACCOUNTING:

The following methods shall be used for administering and reporting beach user fee accounting: a. The City will submit quarterly reports of the revenues and expenditures from Beach User Fee accounts within 60-61 days after the end of the quarters ending: November 30, February 28, May 31 & October 31.

(A. No more than ten percent of Beach User Fee revenues shall be expended in one fiscal year on reasonable administrative costs related to beach-related services. Administrative Costs are restricted to the direct costs of providing support for beach services such as supervisors who are directly involved in providing services, when his or her time is eligible. Further, accounting, record keeping, personnel services, legal services, insurance and organizational management is eligible. B.) Revenue/Expenditure Accounting. The City has established a separate "fund" in the City's budget for all expense of revenue activities occurring on City beaches. Revenues will be maintained and accounted for separately and not commingled with any other

funds so that fee collections may be directly traced to expenditures on beach-related services. C.) Beach User Fee revenues shall be maintained and documented individually for each beach user fee and account balances and expenditures shall be documented according to generally accepted accounting principles. D.) Annual operating and capital budgets will be established based on anticipated revenues and any excess revenues at year-end will be credited to the following year's operating and capital budgets.

Beach Access - Free and Fee Parking			
	Location	Type of Access	Approx. # of Parking Spaces
1	Jetty Park / Splash Pad	Walk-Over ADA	195 + 6 Handicap
2	Splash Pad		50 + 4 Handicap
3	Jettyview Rd.	Walk-On Access	10
4	Thunder Rd.	Walk-On Access	10
5	Crab St.	Walk-Over	30
6	Sundial St.	Walk-Over	30
7	Oyster St.	Walk-Over	30
8	Whelk St.	Walk-Over ADA	30
9	Starfish St.	Walk-On Access	30
10	HWY 332	Vehicle Access	72 + 2 Handicap
11	Francis Cove Ave.	Walk-Over	2
12	Ocean Ave.	Vehicle Access	12
13	Driftwood Ct.	Walk-Over	2
14	Sand Dune Ct.	Walk-Over	2
15	Coral Ct.	Walk-Over	2
16	Carlton Ave	Walk-Over	2
17	Howard Ave.	Walk-Over	2
18	Belanger Ave.	Walk-Over	2
19	Saltgrass Ave.	Walk-Over	2
20	Detenbeck Ave.	Walk-Over	2
21	Yucca Ave.	Vehicle Access	12
22	Sandpiper Ave.	Walk-Over	2
23	Beachcomber Ave.	Walk-Over	2
24	Stahlman Park	Walk-Over ADA	74 + 2 Handicap
25	Bay Ave.	Vehicle Access	12
26	Seagull Ave.	Vehicle Access	12
27	Crabbing Pier	Access	30
28	Beach Dr. (FEE)	Walk-Over Access	150
Approximate total of off-beach parking spaces available			825

The Pedestrian Only Beach is approximately 1 mile long between the west side of the Hwy 332 Main Beach Entrance and the Jetty. It is closed to vehicles due to the narrow width of the beach, soft sand conditions and the placement of future groins. Per 31 TAC 15.7(h)(1)(b) ie: One (1) off-beach parking space with adjacent beach access is required for every 15 LF of beach closed to vehicles. The Pedestrian Beach is approximately 5280 feet long. $5280 / 15 = 352$ off beach parking spaces required. There are approximately 825 off-beach parking spaces available to the public. $825 - 352 = 473$ additional off-beach parking spaces are available above the required amount.

ORDINANCE 2023.09.12B

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 2, OF THE CODE OF ORDINANCES OF THE VILLAGE OF SURFSIDE BEACH, TEXAS, AMENDING THE ORDINANCE APPLICABLE TO THE PLANNING COMMISSION; 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 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 2, Article IV, Division 2 of the Code of Ordinances of the Village of Surfside Beach, Texas, is hereby adopted to read as follows:

Sec. 2-347. – Powers and duties.

As per law, the Planning Commission is subordinate to City Council, serves at the Council's pleasure, and the commission's primary responsibility is to support the Council's legal responsibility in land use within Village city limits.

As per local ordinances, the Planning Commission will review and provide recommendations, approval, or disapproval of the platting or subdividing of land within the Village city limits and within adjacent areas as permitted by law.

The Planning Commission will coordinate information from the other departments or committees of the city government in relation to its work. That may involve working with the Mayor, the city's building official, developers, subdividers, property owners and other related parties for inputs to the City Council's legal oversight of land use.

The Planning Commission will make and recommend to the City Council for adoption, plans for improvements of blighted areas which may develop within the city.

The Planning Commission may recommend to City Council approval or disapproval of proposed changes in zoning.

In accordance with city ordinances outside of this section, the Planning Commission will perform those duties referring to the Planning Commission, the planning committee, or the advisory Planning Commission.

The Planning Commission shall support the City Council with recommendations for making and amending the Village's Master Plan.

- (a) Per state law, the Master Plan will focus on the long term physical land use of the Village. The Planning Commission shall follow that focus and not deviate toward other Village planning subjects or efforts.
- (b) The Planning Commission's support of the Master Plan will be done in coordination with other Village efforts and committees.
- (c) The Planning Commission will ensure the Master Plan does not contradict the Dune Protection and Beach Access Plan.
- (d) The Planning Commission's supporting duties in the development of a Master Plan shall follow these procedures:
 - (1) In developing or making changes to the Master Plan, a copy of the changed and proposed Master Plan, or any part thereof, shall be forwarded to the Mayor (who functions as the city manager) who shall thereupon submit such plan or part, thereof, to the Council with the Mayor's recommendations thereon.
 - (2) The Council may adopt this plan as a whole or in part, and may adopt any amendment thereto, after at least one public hearing on the proposed action.
 - (3) The Council should act on such plan, or part thereof, within sixty (60) days following its submission by the Mayor.
 - (4) If such plan, or part thereof, should be rejected by the Council, the Planning Commission may modify such plan, or part thereof, and again forward it to the Mayor for submission to the Council.
 - (5) All recommendations to the Council from any city department, other committee, or another Village effort, affecting the Master Plan may be accompanied by a recommendation from the Planning Commission.
 - (6) In support of the Master Plan, the Planning Commission may recommend to Council the use of outside consulting entities.

(State Law reference - Texas Statute, Local Government Code, Title 7. Regulation of Land Use, Structures, Businesses, and Related Activities, Subtitle A. Municipal Regulatory Authority.)

(Ord. No. 98-09, § 2(5), 6-9-1998)

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.

READ, PASSED, AND ADOPTED THIS 12th DAY OF September 2023.

**GREGG BISSO, MAYOR
VILLAGE OF SURFSIDE BEACH,
TEXAS**

ATTEST: _____
**AMANDA
DAVENPORT
CITY SECRETARY**

Amanda Davenport

From: Surfside Tourism
Sent: Wednesday, September 6, 2023 9:04 AM
To: Amanda Davenport
Subject: Fw: Agenda item

Just reminding you to please put this on the agenda. Thank you

Thank you,

Michelle Booth

Tourism Specialist

Village of Surfside Beach Tx

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From: Surfside Tourism
Sent: Sunday, September 3, 2023 5:39 PM
To: Amanda Davenport <amanda@surfsidetx.org>
Subject: Agenda item

Sandy Shanks will be stepping down from the Tourism Committee which leaves an opening. Alternate Sean Britt will fill the spot.

Thank you,

Michelle Booth

Tourism Specialist

Village of Surfside Beach Tx

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**§26.05(b) of Property Tax Code
Steps Required for Adoption of Tax Rate & Budget**

Entity Name: VILLAGE OF SURFSIDE BEACH

Date: 09/01/2023 11:00 AM

Language Required in the Motion Setting This Year's Tax Rate:

This year's proposed tax rate exceeds the no-new-revenue tax rate. The vote on the ordinance, resolution, or order setting the tax rate must be a record vote and 60% of the governing body must vote in favor of the adoption of the tax rate. A motion to adopt the ordinance, resolution, or order must be made in the following form:

I move that the property tax rate be increased by the adoption of a tax rate of 0.281508, which is effectively a 4.61 percent increase in the tax rate.

Statement Required in the Ordinance, Resolution, or Order Setting:

This year's levy to fund maintenance and operations expenditures exceeds last year's maintenance and operations tax levy. The following statements must be included in the ordinance, resolution, or order setting this year's tax rate. The statements must be in larger type than the type used in any other portion of the document.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.50 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-49.57.

Statement That Must be Posted on the Home Page of Any Internet Website Operated by the Taxing Unit:

This year's levy to fund maintenance and operations expenditures exceeds last year's maintenance and operations tax levy. The following statements must be included in the ordinance, resolution, or order setting this year's tax rate. The statements must be in larger type than the type used in any other portion of the document.

VILLAGE OF SURFSIDE BEACH ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.50 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-49.57.

When are user fees legal, and when are they illegal?

There are only a handful of cases and opinions that deal with the legality/illegality of user fees. The principal legal issue is this: when does a user fee, which is routine and legal, cross over into the realm of a “tax,” which is illegal unless a city can point to a specific authority that authorizes a tax?

Two general guidelines emerge from reading the opinions and cases:

- (1) **A user fee should bear some relation to the actual cost of providing a service.** For example, if a \$2 swimming pool fee raises \$50,000 a year in revenue, and the cost of personnel, maintenance, and other items relating to operating a city pool is somewhere in the \$50,000 range, such a fee is clearly legal. On the other hand, if the fee raised two or three times the revenue necessary to operate the pool, the excess revenue runs the risk of being labeled a “tax.”

General law cities have no authority to levy a “swimming pool tax.” As a result, such a fee would be in danger of being struck down by a court. General law cities possess only those taxing powers that the legislature or the constitution expressly grant them.⁵³² For home rule cities, the issue is more complicated, as it is unclear what taxing authority a home rule city can derive solely from its charter. Home rule city officials should discuss the issue with their city attorney.

- (2) **A user fee shouldn’t be attached to a bill for unrelated services.** For example, the Texas Attorney General has concluded that a general law city may not attach a monthly fee on utility bills to finance the police department.⁵³³ Nor may a city attach a mandatory fee in water bills to pay for volunteer fire fighting services.⁵³⁴

UTILITY FEES

How much may cities charge as utility fees?

Similar to user fees generally (see above), utility fees must bear some relation to the actual cost of providing the utility service. Utility billing is different from other fees in one important way, however: it has long been recognized that cities may make also a reasonable profit from operation of their utility system.⁵³⁵ A city can transfer the reasonable profit to the city’s general fund, provided the amount complies with the provisions of any debt instrument that is paid by the utility proceeds.

⁵³² *Vance v. Town of Pleasanton*, 261 S.W. 457, 458 (Tex. Civ. App.—San Antonio 1924).

⁵³³ Op. Tex. Att’y Gen. No. JM-338 (1985).

⁵³⁴ Op. Tex. Att’y Gen. No. GA-84 (2003).

⁵³⁵ *San Antonio Ind. S.D. v. City of San Antonio*, 550 S.W.2d 262, 264 (Tex. 1976).