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**SEABROOK CITY COUNCIL  
NOTICE OF REGULAR CITY COUNCIL MEETING  
TUESDAY, OCTOBER 23, 2012 - 7:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY OCTOBER 23, 2012 AT 7:00 PM** IN THE SEABROOK CITY HALL COUNCIL CHAMBERS, 1700 FIRST STREET, SEABROOK, TX 77586, **TO DISCUSS, CONSIDER, AND IF APPROPRIATE, TAKE ACTION** WITH RESPECT TO THE ITEMS LISTED BELOW.

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS OR INTERPRETIVE SERVICES, MUST BE MADE, 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (281) 291-5600 OR FAX (281) 291-5710 FOR FURTHER INFORMATION.

**PLEDGE OF ALLEGIANCE**

**1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS**

At this time we would like to listen to any member of the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum of four minutes for each speaker. In accordance with the Open Meetings Act, members may not discuss or take action on any item that has not been posted on the agenda. When your name is called, please come to the podium and state your name and address clearly into the microphone before making your comments. Thank you.

- 1.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

**2.0 BID AWARDS**

 **ATTACHMENT 1**

- 2.1 Award bid for Project No. 2012-09, "Disposal of Municipal Sludge" to Solids Recovery Services, Inc. in the amount of \$118,800.00 (\$396.00 per dry ton). This is a budgeted item. (Chairez)

**3.0 CONSENT AGENDA - Council will discuss, consider and if appropriate, take action on the items listed below.**

All consent agenda items are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a council member, city manager, city attorney or city secretary so requests,

in which event the item will be removed from the Consent Agenda and considered immediately following the Consent Agenda.

#### **ATTACHMENT 2**

- 3.1 Approve proposed Resolution No. 2012-30, Open Space, Beautification and Preservation Committee Name Change. (OSC)

A RESOLUTION AMENDING RESOLUTION NOS. 2009-05 and 2009-17, BY CHANGING THE NAME OF THE OPEN SPACE, BEAUTIFICATION AND PRESERVATION COMMITTEE TO THE OPEN SPACE AND TRAILS COMMITTEE AND CONFIRMING THAT ALL OTHER ITEMS PERTAINING TO THIS COMMITTEE CONTAINED IN RESOLUTION NOS. 2009-05 AND 2009-17 SHALL REMAIN IN FULL EFFECT

#### **ATTACHMENT 3**

- 3.2 Approve Resolution No. 2012-31, "Approving Sale of Property Located on Bath Avenue and Waterfront Drive." (Templin)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS APPROVING THE SALE OF PROPERTY GENERALLY LOCATED ON BATH AVENUE AND WATERFRONT DRIVE, CONSISTING OF TWO TRACTS TOTALING APPROXIMATELY 0.1033 ACRES, GENERALLY DESCRIBED AS LOT 1 BLOCK 148 OF THE TOWN OF SEABROOK RECORDED IN VOLUME 92, PAGE 284, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS AND A 25 FOOT STRIP OF LAND ADJACENT AND CONTIGUOUS TO THE NORTHEAST PROPERTY LINE IN SAID BLOCK 148 OF THE SEABROOK SUBDIVISION AS SHOWN ON THE RECORDED MAP IN VOLUME 1 PAGE 50, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; ALL AS MORE PARTICULARLY DESCRIBED HEREIN; MAKING FINDINGS IN RELATION THERETO; PROVIDING FOR THE TERMS AND CONDITIONS OF SALE; AND PROVIDING AUTHORIZATION FOR THE MAYOR OR CITY MANAGER TO EXECUTE NECESSARY CLOSING DOCUMENTS FOR THE SALE OF SUCH PROPERTY.

#### **ATTACHMENT 4**

- 3.3 Approve a special events permit by the Assisteens of the Alliance League of the Bay Area (pending submission of updated proof of insurance) for a 5K Run in Meador Park on January 5, 2012 and approve a request for waiver of all fees as this is a non-profit event. (Applicant)

#### **ATTACHMENT 5**

- 3.4 Approve request by Crown Castle for modification of existing T-mobile equipment to the wireless communication facility located near City Hall in Seabrook and identified as Site 815855. (Applicant)

 **ATTACHMENT 6**

- 3.5 Approve amended interlocal cooperation contract with the Texas Department of Public Safety Failure to Appear Program as required by recent legislation. (Court)

 **ATTACHMENT 7**

- 3.6 Approve the renewal of a contract with Houston Community Newspapers for advertising rates for 2012/13. (Glaser)

 **ATTACHMENT 8**

- 3.7 Approve the Community Development Report for September 2012. (Landis)

 **ATTACHMENT 9**

- 3.8 Approve the Public Safety Report for September, 2012. (Holomon)

 **ATTACHMENT 10**

- 3.9 Approve the minutes of the special City Council meeting of September 25, 2012. (Glaser)

 **ATTACHMENT 11**

- 3.10 Approve the minutes of the regular City Council meeting of October 2, 2012. (Glaser)

 **ATTACHMENT 12**

- 3.11 Approve the minutes of the special City Council meeting of October 9, 2012. (Glaser)

**END OF CONSENT AGENDA**

- 4.0 NEW BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.**

 **ATTACHMENT 13**

- 4.1 Consider approval of tax rate for 2012. These separate motions are required: 1) To approve a tax rate of \$0.483154 per \$100.00 valuation of assessed property for operations and maintenance; 2) To approve a tax rate of \$0.182078 per \$100.00 valuation of assessed property for the interest and sinking fund; 3) To approve an increased tax rate of \$0.665232 which is effectively 2.4 percent increase in the tax rate; and 4) To approve proposed Ordinance No. 2012-20, "Tax Ordinance" on first and final reading with the reading of the caption serving as the reading of the ordinance. (Templin)

"AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF SEABROOK, TEXAS FOR THE FISCAL YEAR

ENDING SEPTEMBER 30, 2013 AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF."

 **ATTACHMENT 14**

- 4.2 Consider approval of first reading of Ordinance No. 2012-21, "Updating Hotel Occupancy Tax Code and Increasing the Hotel Tax Rate." (Council)

AN ORDINANCE AMENDING CHAPTER 85 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "TAXATION AND FINANCE," ARTICLE II, ENTITLED "HOTEL OCCUPANCY TAX," SECTIONS 85-28 THROUGH 85-32, AND 85-35, BY AMENDING SUCH SECTIONS TO UPDATE ITS PROVISIONS AND INCREASE THE HOTEL OCCUPANCY TAX FROM 6 1/2% TO 7%; ADDING A NEW SECTION 85- 37, "APPEAL OF TAX"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR VIOLATION OF ANY PROVISION HEREOF, TOGETHER WITH RELATED PENALTIES AND REMEDIES AS SPECIFIED HEREIN, BY INCLUSION INTO THE CODE OF ORDINANCES; PROVIDING FOR NOTICE, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

 **ATTACHMENT 15**

- 4.3 Consider approval of first reading of Ordinance No. 2012-22, "Removing Muscovy Ducks from Protected Status." (Council)

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "ANIMALS," ARTICLE I, ENTITLED "IN GENERAL," SECTION 10-5 ENTITLED "BIRD SANCTUARY," SUBSECTION (d) BY AMENDING SUCH SECTION TO REMOVE DOMESTIC, FERAL AND RELATED INVASIVE BIRD SPECIES SPECIFICALLY INCLUDING "MUSCOVY DUCKS" FROM THE PROTECTIONS AFFORDED FOR "WILD BIRDS"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

 **ATTACHMENT 16**

- 4.4 Consider a request to place the US Army Corps of Engineers' permit for the anticipated restoration work within Pine Gully in the name of the City of Seabrook as opposed to the Galveston Bay Foundation. (Templin)

- 5.0 **ROUTINE BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.**

 **ATTACHMENT 17**

- 5.1 Consider approval of the Action Items Checklist which is attached and made a part of this agenda. (Council)

 **ATTACHMENT 18**

- 5.2 Establish future meeting dates and agenda items, including scheduling meetings during the upcoming holiday season. (Council)

THE CITY COUNCIL RESERVES THE RIGHT TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE) THAT JUSTIFIES EXECUTIVE SESSION TREATMENT.

CERTIFICATE

I certify that this notice was posted on the bulletin board on or before Friday, October 19, 2012 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

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Meredith Brant, TRMC  
Assistant City Secretary