

**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, JANUARY 8, 2013 - 7:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY JANUARY 8, 2013 AT 7:00 PM** IN THE SEABROOK CITY HALL COUNCIL CHAMBERS, 1700 FIRST STREET, SEABROOK, TEXAS 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 PRESENTATIONS

 ATTACHMENT 1

- 1.1 Recognition of City Employees who received awards in 2012. (Cook)
- 1.2 Present the 2012 Christmas Boat Parade Pelican Award. (Council)
- 1.3 Present Certificates of Recognition to the Winners of the Old Seabrook Holiday Decorating Contest. (Council)
- 1.4 Present a Certificate of Appreciation to Jerry Simmons for his Contributions to the Seabrook Police Department. (Holomon)

 ATTACHMENT 2

- 1.5 Present a Report on the City of Seabrook Booth at the Recent TML Annual Conference. (Dearman)

2.0 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.

- 2.1 Mayor, City Council and/or members of the city staff may make announcements

about city/community events. (Council)

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 3

- 3.1 Approve second and final reading of proposed Ord. No. 2012-23, "Accessory Structure/Use Prohibited without the Presence of a Principal Use/Structure." (P&Z)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX," BY ADDING A FOOTNOTE PROHIBITING THE PRESENCE OF AN ACCESSORY USE/STRUCTURE WITHOUT THE PRESENCE OF A PRINCIPAL USE/STRUCTURE; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

 ATTACHMENT 4

- 3.2 Approve second and final reading of proposed Ord. No. 2012-25, "Updating and Amending Sign Standards." (P&Z)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 6, "SIGN STANDARDS", SECTION 6.05 "PROHIBITED SIGNS," SUBSECTION 6.05.04, "SIGNS IN RESIDENTIAL ZONES" TO INCORPORATE A NEW EXCEPTION FOR CHURCHES AND SCHOOLS IN SUCH ZONES; SECTION 6.06 "PERMITTED SIGNS", SUBSECTION 6.06.02 "SUBDIVISION/HOME BUILDER IDENTIFICATION SIGNS", PROVIDING EXCEPTIONS TO SIGNS PERMITTED FOR SALES OFFICE/MODEL HOMES; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

 ATTACHMENT 5

- 3.3 Approve proposed Resolution No. 2013-01, "Acceptance of Easements for Waterfront Drive Reconstruction, Parcel 29."

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT DRIVE RECONSTRUCTION," PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENT FROM TEXAS LAND AND CATTLE II, LTD., SEABROOK LAND COMPANY, INC. AND THE METHODIST HOSPITAL FOUNDATION, PROPERTY OWNERS, IN RELATION TO PARCEL 29, A 0.0115 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT 52, HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOT 4, BLOCK 145 OF THE MAP OF SEABROOK, AS MORE PARTICULARLY DESCRIBED HEREIN

ATTACHMENT 6

- 3.4 Approve proposed Res. No. 2013-03, "Acceptance of Easements for Waterfront Drive Project, Taub Foundation and Others - Parcel 28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT DRIVE RECONSTRUCTION," PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENT FROM TEXAN LAND AND CATTLE II, LTD., THE METHODIST HOSPITAL FOUNDATION, TAUB FOUNDATION, AND CAROLYN CASALE TAUB, TRUSTEE OF THE LAST WILL AND TESTAMENT OF JOHN B. TAUB, DECEASED, PROPERTY OWNERS, IN RELATION TO PARCEL 28, A 0.0459 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT A-52, HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 2, 3, 4 AND 5, BLOCK 168 OF THE MAP OF SEABROOK, AS MORE PARTICULARLY DESCRIBED HEREIN

ATTACHMENT 7

- 3.5 Approve proposed Resolution No. 2013-02, "In Support of Removal of Derelict Structures in Galveston Bay." (Templin)

ATTACHMENT 8

- 3.6 Approve Proposed Resolution No. 2013-04, "In Support of Local Representation of Port of Houston Commission Members." (Royal)

ATTACHMENT 9

- 3.7 Approve Resolution 2013-05, Authorizing Signatory Authority to Execute a Contract through the H-GAC Energy Purchasing Corporation. (Lab)

ATTACHMENT 10

- 3.8 Approve municipal court appointments and compensation as recommended by the Judge in accordance with City Charter, Section 9.03: Court Administrator ("Clerk of the Municipal Court"), Jessica Ancira; Assistant Court Administrator ("Clerk"), Karen LeMay; Deputy Court Clerk ("Clerk"), Patricia McCulloch and Deputy Court Clerk ("Clerk"), Betty Enriquez.

 ATTACHMENT 11

- 3.9 Approve the minutes of the December 4, 2012 regular City Council Meeting. (Glaser)

 ATTACHMENT 12

- 3.10 Approve the minutes of the special joint Seabrook and El Lago City Council meeting of December 11, 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 need for bonds, types and amounts of the bonds, issuance and timing of bond election. (Royal)

 ATTACHMENT 14

- 4.2 Consider name change of the city pool complex from "Municipal Swimming Pool" to "Seabrook's City Splash" as recommended by the Open Space and Trails Committee. (OSC)

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

 ATTACHMENT 15

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

 ATTACHMENT 16

- 5.2 Establish future meeting dates and agenda items. (Council)

6.0 EXECUTIVE SESSION

The City Council will now hold a closed executive meeting pursuant to the provisions of the open meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in one or more of the following sections: Section 551.071, Consultation with Attorney; Section 551.072, Real Property; Section 551.073, Deliberation Regarding a Prospective Gift; Section 551.074, Personnel Matters; Section 551.076. Security Devices; and Section 551.087, Economic Development.

Section 551.072

- 6.1 Conduct a closed meeting, as provided by Section 551.072 Texas Government

Code to deliberate the purchase of real property as deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. (Templin)

7.0 OPEN MEETING

Council will reconvene in open session to allow for possible action on any of the agenda items listed above under "Executive Session".

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, January 4, 2012 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

Michele L. Glaser, TRMC
City Secretary

COUNCIL PRESENTATION OF 2012 EMPLOYEE AWARDS

2012 Service Recognition

1 Year

Sam Tingle
Patricia McCulloch
Amy Woods
Harold Scott
Paul Chavez
Daniel Kirby
Dekota Lamb
Sandi Rollins

5 Years

Kelly Templin
Alesia Hammock
Rebecca Ojeda
Ross Breeding
Ray Herrera
Misty Phelps
Michael LaFosse
Richard Gorom

10 Years

Myra Bergeron

15 Years

Hipolito Reyna
Magdaleno Coreno
Bryan Brand
Don Hough

20 Years

Kevin Padgett
Larry Moore
Clinton Morris

25 Years

Pam Lab

Special Mention – Service Recognition 25+ Years of Service

37 Years:	Arturo Chairez
36 Years:	August Cano, Jr.
33 Years:	Nona Holomon
	Joe Vega
29 Years:	Michele Glaser

Employee of the Year Awards

Administration:	JoAnn Ashbey
Public Safety:	Ross Breeding
Streets / Parks:	Severiano Coreno
Water / Sewer:	Chad Altman

2012 “Pat on the Back” Winners

January :	Joe Capetillo
February:	Michele Glaser
March:	Mae Wright
April:	Rafael Gonzales
May:	Saul Garcia
June:	Ruben Arellano
July:	Ross Breeding
August:	Joanna Ashbey
September:	Berna Dupre
October:	Juan De La Rosa Garcia
November:	Myra Bergeron
December:	Elaine Salles



To: Seabrook City Council
From: LeaAnn Dearman
CC: Michele Glaser, Kelly Templin, Gayle Cook
Date: January 3, 2013

Re: 2012 TML Conference Report

The 2012 TML Conference Exhibit booth was a big success. With 2,850 TML attendees (the highest ever) and 365 vendors (up to 6 vendors per table) the Seabrook booth was advertised to over 4,500 people. We collected over 400 business cards (all have been added to our email system), many of whom stopped to visit with us prior to moving to the next exhibit.

Gayle Cook, Michele Glaser, Sandi Rollins and myself all were able to work the booth and attendee several TML sessions, many of which have been quite insightful to our positions. Rebecca Thompson from the BAHCVB also pitched in to work our vendor booth, and loaned us their exhibit display so we saved \$700 on a display.

Our display included a 3-tier 6 photo display with Seabrook specific photos; a 32-inch TV display with a 30-minute slide show of Seabrook; 3 different brochures including a general trail map, Carothers brochure and a meeting planning brochure; plus pelican key chain and pen give-aways.

Beacon Hill Bed and Breakfast, the Comfort Inn on 146, the Hampton Inn, and SpringHill Suites all donated a free night's stay as a business card drawing. The BAHCVB donated Space Center Houston and Kemah Boardwalk tickets to accompany each free night stay, creating the perfect Get-Away-By-The-Bay package. The winners of the contest were thrilled, many whom are already planning their trip. We had winners from Bastrop, Burnet, McKinney and Muleshoe.

This word-of-mouth marketing appears to have a positive impact and I plan to research and budget more conferences in 2013/2014 that may be beneficial to the City of Seabrook.



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, JANUARY 8, 2013

Submitter/Requestor: City of Seabrook Date Submitted: 11/26/2012 11:06:10 AM

Presenter: Sean Landis

Description/Subject:

Request for an amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 3, "Establishment of Zoning Districts and Associated Regulations", Section 3.15 "Comprehensive Land Use Regulation Matrix".

Purpose/Need: Policy Issue

Background/Issue(What prompted this need):

Recently the city's code enforcement staff requested that the Planning and Zoning Commission consider adding language to the land use matrix relating to accessory uses/structures.

The zoning ordinance currently implies that a property may not have an accessory use/structure without the presence of a principle use/structure. However, enforcement through the court system has become difficult due to the lack of clear language.

Staff requested that a footnote be added to the Land Use Matrix that reads as follows:

"A property is prohibited from having an accessory use/structure without the presence of a principal use/structure".

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

The proposed changes to the zoning code were recommended by the Planning & Zoning Commission by unanimous vote at their regular meeting on August 16, 2012.

Attachments:

(Please list description of attachments and number of pages in each attachment)

August 16, 2012 P&Z Report to City Council
Ord. No. 2012-23

Fiscal Impact:	Budgeted	No	Finance Review:	Officer
	Budget Amendment Required	No		
	Future/Ongoing Impact	No		
	Budget Dept/Line Item Number			

Funding Comments:

Where on the agenda should this item be placed?

Consent Agenda

Suggested Motion:

Approval

Agenda Language:

Approve second and final reading of proposed Ord. No. 2012-23, "Accessory Structure/Use Prohibited without the Presence of a Principal Use/Structure." (P&Z)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX," BY ADDING A FOOTNOTE PROHIBITING THE PRESENCE OF AN ACCESSORY USE/ STRUCTURE WITHOUT THE PRESENCE OF A PRINCIPAL USE/STRUCTURE; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

**Planning & Zoning Commission
OFFICIAL REPORT**

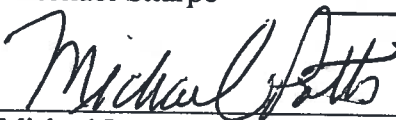
The Planning and Zoning Commission of the City of Seabrook met on August 16, 2012 to hold a meeting to consider:

Request to add language/footnote to the Comprehensive Land Use Matrix prohibiting a property from having an accessory use/structure without the presence of a principle use/structure

**THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING
RECOMMENDATION:**

APPROVAL ☒ APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW) ☐ DENIAL ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on August 16, 2012, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec	X				RC
Mike DeHart				X	
Buddy Hammann	X				BH
Bolivar Lewis	X				BL
Dodie Miller	X				DM
Michael Potts	X				MP
Michael Sharpe					


Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:


Alesia L. Hammock
Secretary

ORDINANCE NO. 2012 -23
ACCESSORY USE/STRUCTURE PROHIBITED WITHOUT
THE PRESENCE OF A PRINCIPAL USE/STRUCTURE

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX," BY ADDING A FOOTNOTE PROHIBITING THE PRESENCE OF AN ACCESSORY USE/STRUCTURE WITHOUT THE PRESENCE OF A PRINCIPAL USE/STRUCTURE; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and is of the opinion and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

WHEREAS, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to update the provisions relative to permitted land uses; and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. AMENDMENT TO THE CODE, APPENDIX A, ARTICLE 3,
“SECTION 3.15.

The Seabrook City Code, Appendix A, Comprehensive Zoning, Article III, Establishment of Zoning Districts and Associated Uses”, Section 3.15, Comprehensive Land Use Matrix”, Table 3-A is hereby amended by adding “Footnote (1)” as shown below.

Sec. 3.15 Comprehensive land use regulation matrix

TABLE 3-A

Uses Permitted by Right and Conditional Uses¹

Footnotes:

- 1. A property is prohibited from having an accessory use/structure without the presence of a principal use/structure.**

SECTION 3. INCORPORATION INTO THE CODE, PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this ordinance is subject to the penalty section of said Code and Ordinance, Section 1-15 “General Penalty and 11.06, “Criminal Enforcement” which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of an offense and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 5. SEVERIBILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 4th day of December, 2012.

PASSED AND APPROVED on second and final reading this 8th day of January 2013.

BY: _____
Glenn R, Royal, Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, JANUARY 8, 2013

Submitter/Requestor: City of Seabrook Date Submitted: 11/26/2012 11:05:30 AM

Presenter: Sean Landis

Description/Subject:

Request for an amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 6, "Updating and Amending Sign Standards".

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 6, "SIGN STANDARDS", SECTION 6.05 "PROHIBITED SIGNS," SUBSECTION 6.05.04, "SIGNS IN RESIDENTIAL ZONES" TO INCORPORATE A NEW EXCEPTION FOR CHURCHES AND SCHOOLS IN SUCH ZONES; SECTION 6.06 "PERMITTED SIGNS", SUBSECTION 6.06.02 "SUBDIVISION/HOME BUILDER IDENTIFICATION SIGNS", PROVIDING EXCEPTIONS TO SIGNS PERMITTED FOR SALES OFFICE/MODEL HOMES; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Purpose/Need: Policy Issue

Background/Issue(What prompted this need):

The sign ordinance was last updated in 2009. Staff requested that the Planning and Zoning Commission review the ordinance for possible text changes. The Commission agreed to address the following items:

Create a definition and prohibit the use of a Sign, Human Directional/Sign Spinner. (Removed by Council on 12/4/12.)

Create an allowance for signage within a residential zoned district for a church, public school, and a staffed sales office/model home.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

The following changes were recommended by the Planning & Zoning Commission:

Create the following definition: (Removed by Council on 12/4/12)

Sign, Human Directional/Sign Spinner:

Someone who applies the name of an establishment for commercial advertisement on his or her person which directs vehicular or pedestrian movement to such establishment, most commonly depicted by holding or wearing a sign, including wearing advertising as clothing or as a costume for such purpose.

Create the following prohibition:

6.05.13 Sign, Human Directional/Sign Spinner: Sign, Human Directional/Signs Spinner are prohibited.

Create the following exceptions:

6.05.04 Signs in residential Zones: Signs advertising services or commercial operations are prohibited in residential zones.

Exception: On premise signage advertising services or commercial operations for a church and/or a public school.

6.06.02. Subdivision/home builder identification signs: In the interest of public safety and to direct traffic and deliveries expeditiously through residential neighborhoods, the following builder/subdivision identification signs are allowed in subdivisions located within the incorporated city limits of Seabrook, provided that there is an active, staffed sales office within the subdivision. All permitted signs shall be removed when 90 percent of the units have been sold or the required sales office is closed.

A. One builder/subdivision identification sign per subdivision may be permitted at an approved location at the main entrance of the subdivision. Such sign may display the names of all the home builders within that subdivision. This sign shall be no greater than 32 square feet per face and 64 square feet for all faces and shall not exceed ten feet in height.

B. Additional identification signs may be permitted at minor entrances within the subdivision. These signs shall be no greater than 32 square feet per face/64 square feet all faces and shall not exceed ten feet in height.

C. Additional identification signs may be permitted at a staffed sales office/model home. Such sign(s) shall be a ground/monument sign not exceed 4 feet in height and 40 square feet in area.

The proposed changes to the zoning code were recommended by the Planning & Zoning Commission by unanimous vote at their regular meetings on June 21, 2012 and August 16, 2012.

Attachments:

(Please list description of attachments and number of pages in each attachment)

June 21, 2012 P&Z Report to City Council

August 16, 2012 P&Z Report to City Council

Ord. No. 2012-25 without markups

Ord. No. 2012-25, with markups

Fiscal Impact:	Budgeted	No	Finance	Officer
	Budget Amendment Required	No	Review:	
	Future/Ongoing Impact	No		
	Budget Dept/Line Item Number			

Funding Comments:

Where on the agenda should this item be placed?

Consent Agenda

Suggested Motion:

Approval

Agenda Language:

Approve second and final reading of proposed Ord. No. 2012-25, "Updating and Amending Sign Standards." (P&Z)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 6, "SIGN STANDARDS", SECTION 6.05 "PROHIBITED SIGNS," SUBSECTION 6.05.04, "SIGNS IN RESIDENTIAL ZONES" TO INCORPORATE A NEW EXCEPTION FOR CHURCHES AND SCHOOLS IN SUCH ZONES; SECTION 6.06 "PERMITTED SIGNS", SUBSECTION 6.06.02 "SUBDIVISION/HOME BUILDER IDENTIFICATION SIGNS", PROVIDING EXCEPTIONS TO SIGNS PERMITTED FOR SALES OFFICE/MODEL HOMES; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Amended at first reading on 12/04/12

ORDINANCE NO. 2012 –25
UPDATING AND AMENDING SIGN STANDARDS

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 6, “SIGN STANDARDS”, SECTION 6.05 “PROHIBITED SIGNS,” SUBSECTION 6.05.04, “SIGNS IN RESIDENTIAL ZONES” TO INCORPORATE A NEW EXCEPTION FOR CHURCHES AND SCHOOLS IN SUCH ZONES; SECTION 6.06 “PERMITTED SIGNS”, SUBSECTION 6.06.02 “SUBDIVISION/HOME BUILDER IDENTIFICATION SIGNS”, PROVIDING EXCEPTIONS TO SIGNS PERMITTED FOR SALES OFFICE/MODEL HOMES; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and is of the opinion and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

WHEREAS, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to update the provisions relative to sign regulation; and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

47 **SECTION 2. AMENDMENT TO THE CODE, APPENDIX A, ARTICLE 6,**
48 **SECTION 6.05 “PROHIBITED SIGNS”.**
49

50 Subsection 6.05.04 “Signs in residential zones” is hereby amended as follows:

51
52 *6.05.04 Signs in residential zones:* Signs advertising services or commercial
53 operations are prohibited in residential zones.

54
55 **Exception: On premise signage advertising services or commercial operations for a**
56 **church and/or a public school.**
57

58 **Signage height and area limitations are specified within Section 6.06 Permitted**
59 **Signs.**
60

61 **SECTION 3. AMENDMENT TO THE CODE, APPENDIX A, ARTICLE 6,**
62 **SECTION 6.06 “PERMITTED SIGNS”**
63

64 Subsection 6.06.02 “Subdivision/home builder identification signs” is hereby
65 amended as follows:

66
67 *6.06.02. Subdivision/home builder identification signs:* In the interest of public safety and
68 to direct traffic and deliveries expeditiously through residential neighborhoods, the
69 following builder/subdivision identification signs are allowed in subdivisions located
70 within the incorporated city limits of Seabrook, provided that there is an active, staffed
71 sales office within the subdivision. All permitted signs shall be removed when 90
72 percent of the units have been sold or the required sales office is closed.

73 A. One builder/subdivision identification sign per subdivision may be permitted at an
74 approved location at the main entrance of the subdivision. Such sign may display the
75 names of all the homebuilders within that subdivision. This sign shall be no greater than
76 32 square feet per face and 64 square feet for all faces and shall not exceed ten feet in
77 height.

78 B. Additional identification signs may be permitted at minor entrances within the
79 subdivision. These signs shall be no greater than 32 square feet per face/64 square feet
80 all faces and shall not exceed ten feet in height.

81 **C. Additional identification signs may be permitted at a staffed sales office/**
82 **model home. Such sign(s) shall be a ground/monument sign not exceed 4 feet in**
83 **height and 40 square feet in area.**
84

85
86 **SECTION 4. INCORPORATION INTO THE CODE, PENALTY**
87 **CLAUSE.**
88

89 This Ordinance is hereby incorporated and made a part of the Seabrook City
90 Code. Violation of this ordinance is subject to the penalty section of said Code and
91 Ordinance, Section 1-15 “General Penalty and 11.06, “Criminal Enforcement” which
92 provides that any person who shall violate any provision of this Ordinance shall be

deemed guilty of an offense and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 6. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 8. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 4th day of December, 2012.

PASSED AND APPROVED on second and final reading this 8th day of January, 2013.

BY: _____
Glenn R. Royal, Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

139 APPROVED AS TO FORM:

140

141

142

143

144 _____
 Steven L. Weathered

145 City Attorney

ORDINANCE NO. 2012 –25
UPDATING AND AMENDING THE SIGN
STANDARDS AND RELATED DEFINITIONS

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 6, "SIGN STANDARDS", ~~SUBSECTION 6.02 "DEFINITIONS", BY ADDING NEW DEFINITION FOR "HUMAN DIRECTIONAL/SIGN SPINNER";~~ SECTION 6.05 "PROHIBITED SIGNS," SUBSECTION 6.05.04, "SIGNS IN RESIDENTIAL ZONES" TO INCORPORATE NEW EXCEPTION FOR CHURCHES AND SCHOOLS IN SUCH ZONES; ~~ADDING NEW SUBSECTION 6.05.13, "SIGN, HUMAN DIRECTIONAL/SIGN SPINNER" BY PROHIBITING SAID USE;~~ SECTION 6.06 "PERMITTED SIGNS", SUBSECTION 6.06.02 "SUBDIVISION/HOME BUILDER IDENTIFICATION SIGNS", PROVIDING EXCEPTIONS TO SIGNS PERMITTED FOR SALES OFFICE/MODEL HOMES; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and is of the opinion and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

WHEREAS, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to update the provisions relative to sign regulation; and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2. ~~AMENDMENT TO THE CODE, APPENDIX A, ARTICLE 6,~~
SECTION 6.02 “DEFINITIONS”.**

~~Section 6.02, “Definitions” is hereby amended by adding a new definition of “Sign, Human Directional/Sign Spinner” as follows:~~

~~**Sign, Human Directional/Sign Spinner:**
Someone who applies the name of an establishment for commercial advertisement on his or her person which directs vehicular or pedestrian movement to such establishment, most commonly depicted by holding or wearing a sign, including wearing advertising as clothing or as a costume for such purpose.~~

SECTION ~~13~~ 2. AMENDMENT TO THE CODE, APPENDIX A,
ARTICLE 6, SECTION 6.05 “PROHIBITED SIGNS”.

Subsection 6.05.04 “Signs in residential zones” is hereby amended as follows:

6.05.04 Signs in residential zones: Signs advertising services or commercial operations are prohibited in residential zones.

Exception: On premise signage advertising services or commercial operations for a church and/or a public school.

Signage height and area limitations are specified within Section 6.06 Permitted Signs.

~~**6.05.13 Sign, Human Directional/Sign Spinner: Sign, Human Directional/Sign Spinner are prohibited.**~~

SECTION ~~14~~ 3. AMENDMENT TO THE CODE, APPENDIX A,
ARTICLE 6, SECTION 6.06 “PERMITTED SIGNS”

Subsection 6.06.02 “Subdivision/home builder identification signs” is hereby amended as follows:

6.06.02. Subdivision/home builder identification signs: In the interest of public safety and to direct traffic and deliveries expeditiously through residential neighborhoods, the following builder/subdivision identification signs are allowed in subdivisions located within the incorporated city limits of Seabrook, provided that there is an active, staffed

90 sales office within the subdivision. All permitted signs shall be removed when 90
91 percent of the units have been sold or the required sales office is closed.

92 A. One builder/subdivision identification sign per subdivision may be permitted at an
93 approved location at the main entrance of the subdivision. Such sign may display the
94 names of all the homebuilders within that subdivision. This sign shall be no greater than
95 32 square feet per face and 64 square feet for all faces and shall not exceed ten feet in
96 height.

97 B. Additional identification signs may be permitted at minor entrances within the
98 subdivision. These signs shall be no greater than 32 square feet per face/64 square feet
99 all faces and shall not exceed ten feet in height.

100 **C. Additional identification signs may be permitted at a staffed sales office/
101 model home. Such sign(s) shall be a ground/monument sign not exceed 4 feet in
102 height and 40 square feet in area.**

103
104
105 **SECTION ~~5~~ 4. INCORPORATION INTO THE CODE, PENALTY**
106 **CLAUSE.**
107

108 This Ordinance is hereby incorporated and made a part of the Seabrook City
109 Code. Violation of this ordinance is subject to the penalty section of said Code and
110 Ordinance, Section 1-15 "General Penalty and 11.06, "Criminal Enforcement" which
111 provides that any person who shall violate any provision of this Ordinance shall be
112 deemed guilty of an offense and, upon conviction, shall be fined in an amount not to
113 exceed \$2,000.00. Each day of violation shall constitute a separate offense.

114
115 **SECTION ~~6~~ 5. REPEAL OF CONFLICTING ORDINANCES.**
116

117 All ordinances or parts of ordinances in conflict or inconsistent with this
118 Ordinance are hereby expressly repealed.
119

120 **SECTION ~~7~~ 6. SEVERABILITY.**
121

122 In the event any clause phrase, provision, sentence, or part of this Ordinance or
123 the application of the same to any person or circumstances shall for any reason be
124 adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not
125 affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof
126 other than the part declared to be invalid or unconstitutional; and the City Council of the
127 City of Seabrook, Texas, declares that it would have passed each and every part of the
128 same notwithstanding the omission of any such part thus declared to be invalid or
129 unconstitutional, whether there be one or more parts.
130

SECTION 8. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 4th day of December, 2012.

PASSED AND APPROVED on second and final reading this 8th day of January, 2013.

BY: _____
Glenn R, Royal, Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

**Planning & Zoning Commission
OFFICIAL REPORT**

The Planning and Zoning Commission of the City of Seabrook met on June 21, 2012 to hold a meeting to consider:

Request for amendments to the Seabrook City Code, Appendix A, Comprehensive Zoning, Article 6, "Sign Standards" in the following areas: Human Directional/Sign Spinners and relocate the sign regulations from the Waterfront Overlay regulations to Article 6.

**THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING
RECOMMENDATION:**

APPROVAL ☐ **APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW)** ☒ **DENIAL** ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on June 21, 2012, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

Human Directional/Sign Spinners – To approve as written adding "commercial" before advertisement. Someone who applies an commercial advertisement on his or her person. Most commonly holding or wearing a sign of some sort, also may include wearing advertising as clothing or as a costume.

Waterfront Overlay Regulations – To omit the entire section from the ordinance, not have special sign regulations for the Waterfront District.

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec					
Mike DeHart					
Buddy Hammann					
Dodie Miller					
Michael Potts					
Michael Sharpe					


Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:


Alesia L. Hammock
Secretary

Planning & Zoning Commission OFFICIAL REPORT

The Planning and Zoning Commission of the City of Seabrook met on August 16, 2012 to hold a meeting to consider:

Request for amendments to the Seabrook City Code, Appendix A, Comprehensive Zoning, Article 6, "Sign Standards" in the following areas: signage prohibited, and subdivision/home builder identification signage.

THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:

APPROVAL ☒ **APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW)** ☐ **DENIAL** ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on August 16, 2012, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec	<u>X</u>				<u>RC</u>
Mike DeHart				<u>X</u>	
Buddy Hammann	<u>X</u>				<u>BH</u>
Dodie Miller	<u>X</u>				<u>DM</u>
Michael Potts	<u>X</u>				<u>MP</u>
Michael Sharpe	<u>X</u>				<u>MS</u>
<u>BALIVAR LEWIS</u>	<u>X</u>				<u>BAL</u>

Michael Potts
Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:

Alesia L. Hammock
Alesia L. Hammock
Secretary

RESOLUTION NO. 2013-01
ACCEPTANCE OF EASEMENTS FOR WATERFRONT DRIVE RECONSTRUCTION
PARCEL 29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE “WATERFRONT DRIVE RECONSTRUCTION,” PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENT FROM TEXAS LAND AND CATTLE II, LTD., SEABROOK LAND COMPANY, INC. AND THE METHODIST HOSPITAL FOUNDATION, PROPERTY OWNERS, IN RELATION TO PARCEL 29, A 0.0115 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT 52, HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOT 4, BLOCK 145 OF THE MAP OF SEABROOK, AS MORE PARTICULARLY DESCRIBED HEREIN

WHEREAS, the City Council of the City of Seabrook finds and determines that public convenience and necessity for the “Waterfront Drive Reconstruction” (“Project”) require that the City acquire easements over, across and under a certain property generally located along and either side of Todville Road from a point 300 feet north of 10th Street southward and southeasterly to the end of Waterfront Drive, specifically Parcel 29, including a 0.0115 acre tract situated in the Ritson Morris Survey, Abstract 52, out of Lot 4, Block 145 of the Map of Seabrook, a subdivision recorded in Volume 1, Page 50 of the Harris County Map Records, City of Seabrook, Harris County, Texas, more specifically described in the Easements, attached hereto and incorporated by reference (“Easements”); and

WHEREAS, the City of Seabrook, through its duly authorized representatives, determined it necessary to institute condemnation proceeding against Texas Land and Cattle II, Ltd., Seabrook Land Company, Inc. and The Methodist Hospital Foundation (“Owners”) under Cause No. 1016542, *City of Seabrook, Texas vs. Texan Land and*

Resolution No. 2013-01
Page 2

31 *Cattle II, Ltd et.al.* and thereafter negotiated a settlement with the Owners for
32 agreement of the just compensation for the property interest made the basis of the
33 Easements; and

34 **WHEREAS**, the City of Seabrook has been able to agree with such Owner as to
35 the just compensation for such Easements and dedication related thereto to the City; as
36 specifically referenced in the subject Easements, now, therefore;

37 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEABROOK,**
38 **STATE OF TEXAS:**

39 **Section 1.** The facts and matters set forth in the preamble of this Resolution
40 are hereby found to be true and correct.

41 **Section 2.** The City Council of the City of Seabrook finds that bona fide
42 negotiations have been conducted by the authorized representatives of the City for the
43 settlement of the above referenced litigation with Owner for acquisition of the
44 Easements contained in the attached Exhibit "Permanent Easement Grant and
45 Dedication", that said negotiations were successful, and that the acquisition of the
46 Easements for the negotiated consideration to fill and grade both the permanent
47 easement and Owners remaining property on Parcel 29, and related valuable
48 consideration from the City and Owners, (including permissions for access and related
49 conditions contained therein), as more specifically referenced in the attached Exhibit,
50 which is specifically incorporated by reference, is hereby approved as just
51 compensation for the subject Easements and settlement of the referenced litigation.

Resolution No. 2013-01
Page 3

52 **Section 3.** The Mayor is authorized to execute any documentation necessary
53 to accept, document, and record said Easements.

54 PASSED, APPROVED, AND RESOLVED this 8th day of January 2013.

55

56

57

58

59 ATTEST:

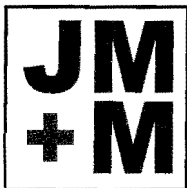
60

61

62

63 _____
64 Michele L. Glaser, TRMC
 City Secretary

Glenn R. Royal
Mayor



JOYCE, McFARLAND + McFARLAND LLP

Charles B. McFarland cmcfarland@jmmllp.com
Direct Dial 713.222.1115

712 Main Street, Suite 1500
Houston, TX 77002

Main 713.222.1112
Fax 713.513.5577
www.jmmllp.com

December 5, 2012

By Overnight Delivery

Michele Glaser, City Secretary
City of Seabrook
1700 First St. Second Floor
Seabrook, Texas 77586

Re: Cause No. 1016542; *City of Seabrook, Texas vs. Texan Land and Cattle II, Ltd., et al.*; County Civil Court at Law No. 3, Harris County, Texas (Parcel 29).

Dear Ms. Glaser:

I have enclosed the original permanent easement grant and dedication executed by Henry J.N. Taub, II and the Methodist Hospital Foundation in connection with the above-referenced matter.

If you have any questions or comments, please do not hesitate to contact me directly at 713.222.1115.

Very truly yours


Charles B. McFarland

Enclosure

c: Steven L. Weathered
Ross, Banks, May, Cron & Cavin, PC
2 Riverway, Suite 700
Houston, Texas 77056

Dale Conger
Cobb, Fendley & Associates, Inc.
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: your Social Security number or driver's license number.

**PERMANENT EASEMENT GRANT AND DEDICATION
(Parcel 29)**

STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS
COUNTY OF HARRIS	§	

That this Agreement is effective the 31st day of October, 2012, by and between TEXAN LAND AND CATTLE II, LTD., whose mailing address is 333 West Loop North, Suite 410 Houston, Texas 77024, SEABROOK LAND COMPANY, INC., whose mailing address is 333 West Loop North, Suite 410 Houston, Texas 77024, THE METHODIST HOSPITAL FOUNDATION, whose mailing address is 6565 Fannin Street, Houston, Texas 77030, hereinafter collectively called the Grantors, and the CITY OF SEABROOK, TEXAS, a body politic located in Harris County, Texas, whose mailing address is 1700 First Street, Seabrook, Texas 77586, is hereinafter referred to as Grantee.

PARCEL 29

That for and in consideration of the Grantee's agreement to fill and grade both the permanent easement and the Grantors' remaining property on Parcel 29 as herein set out, and other good and valuable consideration as also herein set out, Grantors by these presents does grant, bargain, sell and convey to Grantee, for the purpose of public road right of way and installation of underground utilities, a permanent perpetual easement ("Parcel 29 Easement") to construct, install, maintain, operate, inspect, fill, and repair Grantee's Waterfront Street Project on Eleventh Street, now known as Waterfront Dr., including all rights over, under, across, upon, along and through the 0.0115-acre tract of land ("Parcel 29") more specifically described in Exhibit "A" attached hereto and incorporated by reference for all purposes.

In lieu of compensation for this grant, the Grantee agrees, in constructing the roadway improvements as part of Grantee's Waterfront Street Project on Eleventh Street now known as Waterfront Dr., to fill and grade both the permanent easement and the Grantors' remaining property adjacent to Parcel 29, bringing the site to the same elevation as shown on the attached

Exhibit "B." The fill will cover the entire remainder property adjacent to Parcel 29, as more particularly depicted in Exhibit "B."

Grantors herein grant to the Grantee the permission necessary to enter onto the property adjacent to Parcel 29 for the sole purposes of filling and grading the property as contemplated above. This permission shall expire upon completion of the work described, which work must be completed no later than October 30, 2015. In the event that the fill work contemplated above is not completed by October 30, 2015, this permanent easement grant and dedication of right of way will become null and void, and title to the property will revert back to Grantors and the Grantee will immediately execute all appropriate documents to confirm the reversion of all property interests granted by way of this permanent easement grant and dedication.

The Parcel 29 Easement is for roadway and drainage improvements necessary for the Waterfront Street Project, including underground utilities, and related facilities only. All construction and reclamation will be at no cost to the Grantors. Grantors will not be responsible for any paving assessments or any other assessments of any sort in connection with Grantee's Waterfront Street Project. Grantee may do and perform all acts necessary to construct, reconstruct, repair, relocate, or maintain the subject right of way within said Easement and to operate thereon all necessary machinery and equipment to efficiently prosecute the work. Grantee shall be responsible for obtaining any and all necessary consents, approvals, and permits. Grantors retain, reserve, and shall continue to enjoy the use of the surface of the easement property for any and all purposes which do not interfere with or prevent the use by Grantee of the Easement for the purposes stated herein.

Grantee agrees to accept and assume all liability of any and every sort arising out of the actions of its partners, directors, officers, employees, agents, servants, invitees, contractors, subcontractors, representatives, successors, and assigns (collectively referred to herein as the "Grantee") in connection with all of the Grantee's activities on the property of the Grantors (as defined herein), and further, represents and warrants that the Grantee has the full authority to provide the following Release and Waiver of Liability, Covenant Not to Sue and Indemnity Agreement, and agrees to the following:

- a. To the fullest extent allowed by law, THE GRANTEE HEREBY FOREVER RELEASES AND FULLY DISCHARGES AND INDEMNIFIES Texan Land and Cattle II, Ltd., Seabrook Land Company, Inc., and The Methodist

Hospital Foundation, and all of their respective members, directors, officers, employees, tenants, representatives, agents, heirs, successors and assigns (collectively referred to herein as the "Grantors") FROM ANY AND ALL LIABILITY of any kind or character whatsoever for any loss, damage or claim or demands of any kind or character of any sort on account of personal injury (including death) or property damage from whatever cause, whether resulting from the negligence, gross negligence or other conduct of the Grantee or the Grantors while the Grantee is present on or participating in any activity upon the Grantors' property. The Grantee understands and acknowledges that the construction activities to be performed have inherent dangers, which no amount of care, caution, instruction nor expertise can eliminate. THE GRANTEE VOLUNTARILY ASSUMES FULL RESPONSIBILITY FOR ALL RISKS OF PERSONAL INJURY, DEATH AND PROPERTY DAMAGE SUSTAINED WHILE PARTICIPATING IN THE CONSTRUCTION ACTIVITIES ON THE GRANTORS' PROPERTY, INCLUDING THE RISK OF PASSIVE OR ACTIVE NEGLIGENCE ON THE PART OF THE GRANTORS, OR HIDDEN, LATENT OR OBVIOUS DEFECTS.

b. To the fullest extent allowed by law, IT IS THE EXPRESS INTENT OF THE PARTIES THAT THE GRANTEE FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS the Grantors from any and all claims, suits, causes of action, costs, fees and expenses of any kind, including attorneys fees and expert and consultants fees, incurred as a result, directly or indirectly, of its presence on the Grantors' property made by any person for personal injury, including death, or property damage, which claim or claims may in any way arise out of or may be in any way related to its presence on the Grantors' property. The Grantee acknowledges and represents that this obligation to defend, indemnify and hold harmless equally binds its directors, officers, employees, agents, servants, invitees, contractors, subcontractors and assigns as fully as the law may allow.

c. The Grantee further agrees that the foregoing Release and Waiver of Liability, Covenant Not to Sue and Indemnity Agreement is intended to be as broad and inclusive as permitted by the laws of the State of Texas, and that if any portion is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect. THE UNDERSIGNED HAS READ AND VOLUNTARILY SIGNS THE RELEASE AND WAIVER OF LIABILITY, COVENANT NOT TO SUE AND INDEMNITY AGREEMENT on behalf of the Grantee and its directors, officers, members, partners, employees, agents, servants, invitees, contractors, subcontractors, representatives, successors and assigns, and further agrees that no oral representation, statements or inducements apart from the foregoing contained herein have been made

The terms and provisions hereby shall extend to and be binding upon Grantors and Grantee and the successors and assigns of Grantors and Grantee. References herein to Grantors or Grantee shall also refer to their respective successors and assigns. Grantee shall not assign this Easement except to a successor governmental agency.

This conveyance is expressly made subject to any and all restrictions, mineral and/or royalty reservations, covenants, and easements appearing of record relative to the Easement, but only to the extent that the same are still in force and effect and enforceable against the same. The Easement, along with all rights and privileges relating thereto shall terminate when the Easement, as described above, is abandoned by adoption of an Ordinance abandoning or vacating such by Grantee. There is excluded from the estate to be condemned all the oil, gas, sulfur, and other minerals which can be removed from beneath the property without any right whatsoever remaining to the owners of such oil, gas, sulfur, and other minerals to access these minerals from the surface of the property for the purpose of exploring, developing, drilling, or mining of the same. Grantors shall have no right to excavate any minerals underlying the surface of the easement to the extent such excavation interferes with, or jeopardizes, the integrity of the roadway improvements to be constructed.

Upon recording of the Easement, the condemnation case styled *City of Seabrook, Texas vs. Texan Land and Cattle II, Ltd., et al.*, pending in County Civil Court at Law No. 3, Harris County, Texas (Parcel 29) Cause No. 1,016,542, will be dismissed as to Grantors, with the parties to bear their own fees and expenses as incurred.

TO HAVE AND TO HOLD the Easement for the purposes set forth, unto Grantee, its successors and assigns; and each particular Grantor hereby binds itself, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under that particular Grantor, but no further, limited, however, to the terms and provisions hereof, and subject to all matters of record in Harris County, Texas, to the extent that such matters are presently valid and enforceable against the property covered by the Easements and to all matters as would be shown by an accurate survey. This Agreement contains the entire agreement between the parties relating to the subject matter. Any oral representations or modifications concerning this Agreement shall be of no force and effect. Any subsequent amendment or modification must be in writing and agreed to by all parties.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on this _____ day of _____, 2012.

GRANTOR

TEXAN LAND AND CATTLE II, LTD.
a Texas limited partnership

By: _____
Name: Henry J. N. Tambore
Title: V.P.

SEABROOK LAND COMPANY, INC.
A Texas Corporation

By: _____
Name: Henry J. N. Tambore
Title: President

FOUNDATION

THE METHODIST HOSPITAL ~~SYSTEM~~

By: _____
Name: RAMON M. CANTU
Title: ASSISTANT SECRETARY

Accepted and agreed by the City of Seabrook, Texas, on this the _____ day of _____, 2012.

GRANTEE

CITY OF SEABROOK, TEXAS

By: _____
GLENN ROYAL, Mayor

ATTEST:

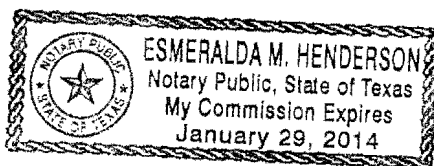
Michele Glaser, TMRC
City Secretary

ACKNOWLEDGEMENTS

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Henry J. N. Tamb II, the Vice President of Texan Land and Cattle II, Ltd., on behalf of said limited partnership.

Given under my hand and seal of office, this the 20th day of November, 2012.

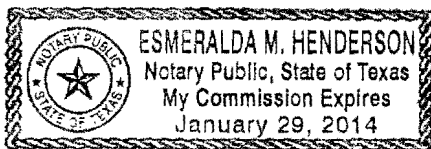


Esmeralda M. Henderson
Notary Public, State of Texas
My commission expires: 01/29/2014

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Henry J. N. Tamb II, the President of Seabrook Land Company, Inc., on behalf of said corporation.

Given under my hand and seal of office, this the 20th day of November, 2012.



Esmeralda M. Henderson
Notary Public, State of Texas
My commission expires: 01/29/2014

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Ramon M. Cantu, the Assistant Secretary of The Methodist Hospital Foundation, on behalf of same.

Given under my hand and seal of office, this the 5th day of December, 2012.



Kimberly Joy Lucht
Notary Public, State of Texas

My commission expires: 04/23/2016

After recording return to:
City Secretary
1700 First Street
Seabrook, Texas 77586

EXHIBIT A

PROPERTY DESCRIPTION FOR PARCEL NO. 29

A PARCEL OF LAND CONTAINING
0.0115 ACRE (500 SQUARE FEET) SITUATED IN
THE RITSON MORRIS SURVEY, A-52
HARRIS COUNTY, TEXAS

Being a parcel containing 0.0115 acre (500 square feet) of land situated in the Ritson Morris Survey, Abstract Number 52, Harris County, Texas, and being out of and a part of Lot 4, Block 145 of the Map of Seabrook, a subdivision recorded in Volume 1, Page 50, Harris County Map Records (H.C.M.R.) and being out of and a part of a certain tract conveyed to Texan Land & Cattle II, LTD., The Methodist Hospital Foundation, and Seabrook Land Company, et al. as recorded in Harris County Clerks File (H.C.C.F.) Numbers X657272, L480379, F0380036, F082853 & F679537, said 0.0115 acre parcel being more particularly described as follows (bearings are oriented to the Texas Coordinate System of 1983, South Central Zone):

COMMENCING at a 5/8-inch iron rod found marking the intersection of the northeasterly right-of-way (R.O.W.) line of Waterfront Drive (also known as Eleventh Street) (50 feet wide) with the northwesterly R.O.W. line of Avenue D (50 feet wide), both streets being delineated on the record plat of said Map of Seabrook, and marking the southerly corner of Lot 5, Block 145 of said Map of Seabrook from which a 1/2-inch iron rod found marking the easterly corner of Lot 5, Block 168 of said Map of Seabrook bears South 37°31'54" West, a distance of 50.00 feet;

THENCE, North 52°28'06" West, along the northeasterly R.O.W. line of said Waterfront Drive, a distance of 50.00 feet to a 1/2-inch iron rod found marking the westerly corner of said Lot 5 and marking the **POINT OF BEGINNING** and southerly corner of said Lot 4 and the herein described Parcel;

THENCE, North 52°28'06" West, continuing along said northeasterly R.O.W. of Waterfront Drive and the southwesterly line of said Lot 4, a distance of 50.00 feet to a point for the southerly corner of Lot 3 of said Block 145 and the westerly corner of said Lot 4 and the herein described parcel;

THENCE, North 37°31'54" East, departing said northeasterly R.O.W. line and along the common line of said Lots 3 and 4, a distance of 10.00 feet to a 5/8-inch iron rod with a plastic cap stamped "Cobb Fendley & Associates" set marking the northerly corner of the herein described parcel;

THENCE, South 52°28'06" East, a distance of 50.00 feet to a 5/8-inch iron rod with a plastic cap stamped "Cobb Fendley & Associates" set in the common line of said Lots 4 and 5 and marking the easterly corner of the herein described parcel;

THENCE South 37°31'54" West, along the common line of said Lots 4 and 5, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 0.0115 acre (500 square feet) of land.

Note: This metes and bounds description is referenced to a survey drawing prepared by Cobb, Fendley & Associates, Inc. dated February 1, 2012, and titled "PARCEL 29 – CITY OF SEABROOK, TEXAS, WATERFRONT/TODVILLE ROAD ROW WIDENING PROJECT".

COBB, FENDLEY & ASSOCIATES, INC.
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
Ph. 713-462-3242

Job No. 1012-003-05-11
P-29
February 1, 2012

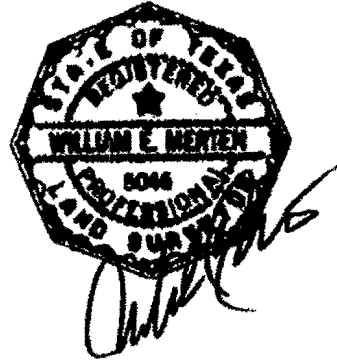
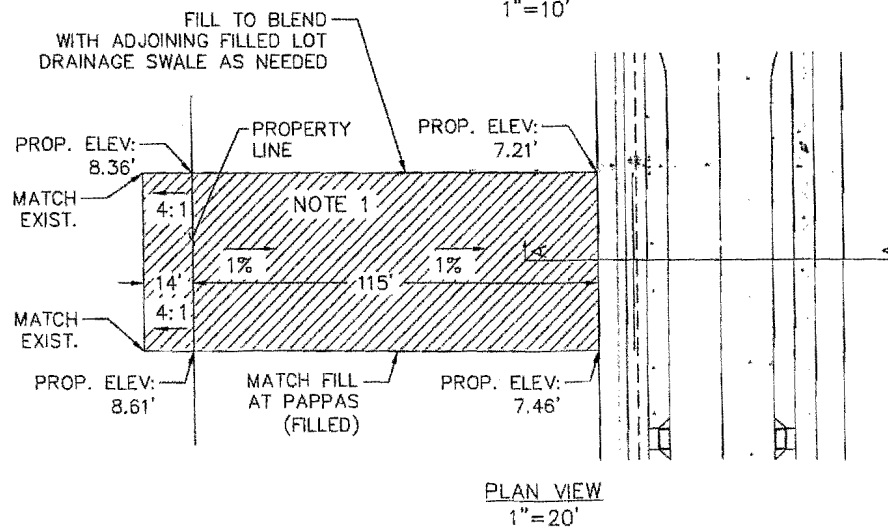
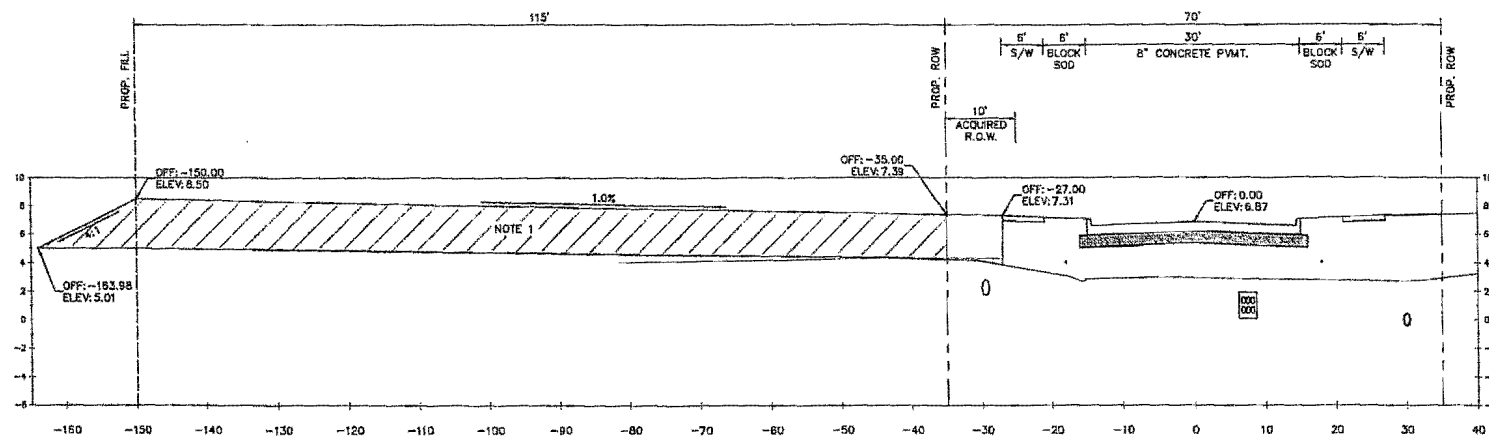


EXHIBIT B



NOTES:

1. COMPACTED FILL W/ HYDROMULCH SEEDING

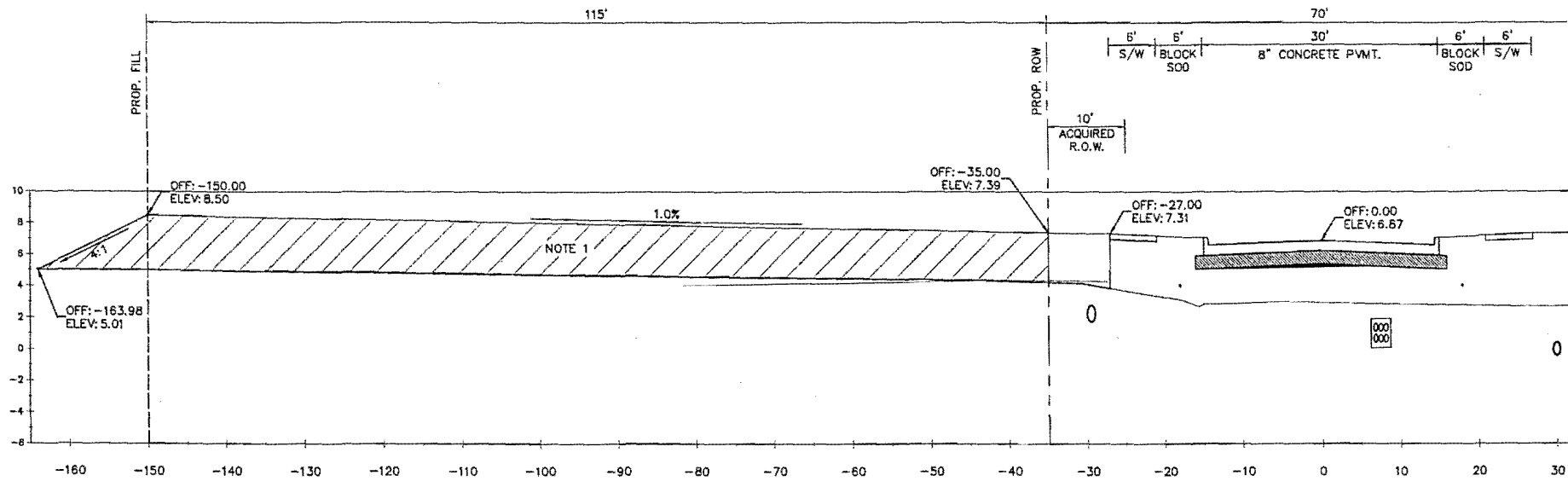
CobbFendley

Texas Registration No. 274
3027 Marina Bay Drive, Suite 105
League City, Texas 77573
281.334.2825 | Fax 281.334.2837 | www.cobbhendley.com

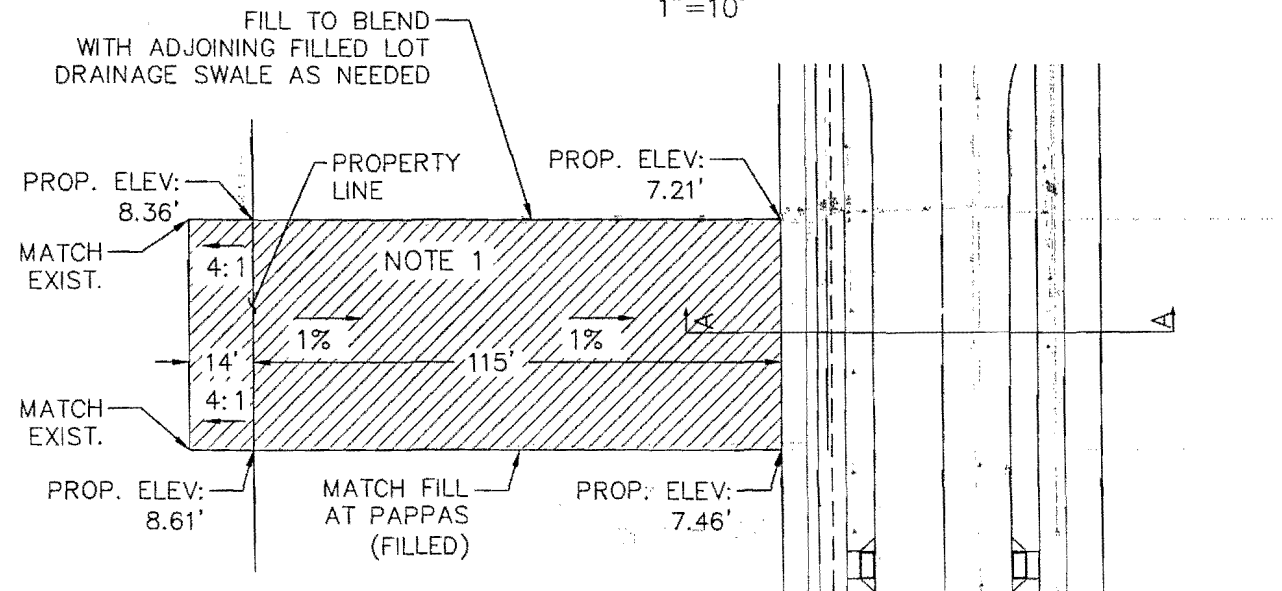
**WATERFRONT DRIVE
FILL EXHIBIT**

**PARCEL 29
PROP. FULL FILL**

DATE: OCTOBER 2012 SHEET No.: 3 OF 3



SECTION A-A
FULL FILL
1"=10'



PLAN VIEW
1"=20'

RESOLUTION NO. 2013-03
ACCEPTANCE OF EASEMENTS FOR WATERFRONT DRIVE PROJECT
TAUB FOUNDATION AND OTHERS – PARCEL 28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT DRIVE RECONSTRUCTION," PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENT FROM TEXAN LAND AND CATTLE II, LTD., THE METHODIST HOSPITAL FOUNDATION, TAUB FOUNDATION, AND CAROLYN CASALE TAUB, TRUSTEE OF THE LAST WILL AND TESTAMENT OF JOHN B. TAUB, DECEASED, PROPERTY OWNERS, IN RELATION TO PARCEL 28, A 0.0459 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT A-52, HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 2, 3, 4 AND 5, BLOCK 168 OF THE MAP OF SEABROOK, AS MORE PARTICULARLY DESCRIBED HEREIN

WHEREAS, the City Council of the City of Seabrook finds and determines that public convenience and necessity for the "Waterfront Drive Reconstruction" ("Project") require that the City acquire easements over, across and under a certain property generally located along and either side of Todville Road from a point 300 feet north of 10th Street southward and southeasterly to the end of Waterfront Drive, specifically including Parcel 28, a 0.0459 acre tract situated in the Ritson Morris Survey, Abstract A-52, Harris County, Texas, being out of and part of lots 2, 3, 4 and 5 Block, 168 of the Map of Seabrook, a subdivision recorded in Volume 1, Page 50 of the Harris County Map Records, City of Seabrook, Harris County, Texas, more specifically described in the Easements, attached hereto and incorporated by reference ("Easements"); and

WHEREAS, the City of Seabrook, through its duly authorized representatives, determined it necessary to institute condemnation proceeding against the Texan Land and Cattle II, Ltd., The Methodist Hospital Foundation, Taub Foundation, and

Resolution No. 2013-03
Page 2

Carolyn Casale Taub, Trustee of The Last Will and Testament of John B. Taub, Deceased, et. al., ("Owners") under Cause No. 1016540, County Civil Court at Law #1, Harris County, Texas, *City of Seabrook, Texas vs. Texan Land and Cattle II, Ltd et. al.*, and thereafter negotiated a settlement with the Owners for agreement of the just compensation for the property interest made the basis of the Easements; and

WHEREAS, the City of Seabrook has been able to agree with such Owners as to the just compensation for such Easements and dedication related thereto to the City; as specifically referenced in the subject Easements, now, therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The City Council of the City of Seabrook finds that bona fide negotiations have been conducted by the authorized representatives of the City for the settlement of the above referenced litigation with Owners for acquisition of the Easements contained in the attached Exhibit "Permanent Easement Grant and Dedication", that said negotiations were successful, and that the acquisition of the Easements for the negotiated consideration to fill and grade both the permanent easement and Owners remaining property adjacent to Parcel 28, and related valuable consideration from the City and Owners, (including permissions for access and related conditions contained therein), as more specifically referenced in the attached Exhibit, which is specifically incorporated by reference, is hereby approved as just compensation for the subject Easements and settlement of the referenced litigation.

Resolution No. 2013-03
Page 3

54 **Section 3.** The Mayor is authorized to execute any documentation
55 necessary to accept, document, and record said Easements.

56 PASSED, APPROVED, AND RESOLVED this 8th day of January 2013.

57

58

59

60

61 ATTEST:

62

63

64

65 _____
Michele L. Glaser, TRMC

66 City Secretary

Glenn R. Royal
Mayor

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: your Social Security number or driver's license number.

**PERMANENT EASEMENT GRANT AND DEDICATION
(Parcel 28)**

STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS
COUNTY OF HARRIS	§	

That this Agreement is effective the 31st day of October, 2012, by and between TEXAN LAND AND CATTLE II, LTD., whose mailing address is 333 West Loop North, Suite 410 Houston, Texas 77024, THE METHODIST HOSPITAL FOUNDATION, whose mailing address is 6565 Fannin Street, Houston, Texas 77030, TAUB FOUNDATION, whose mailing address is 333 West Loop North, Suite 410 Houston, Texas 77024, AND CAROLYN CASALE TAUB, TRUSTEE OF THE LAST WILL AND TESTAMENT OF JOHN B. TAUB, DECEASED, whose mailing address is P.O. Box 27423, Houston, Texas 77227-7423, hereinafter collectively called the Grantors, and the CITY OF SEABROOK, TEXAS, a body politic located in Harris County, Texas, whose mailing address is 1700 First Street, Seabrook, Texas 77586, is hereinafter referred to as Grantee.

PARCEL 28

That for and in consideration of the Grantee's agreement to fill and grade both the permanent easement and the Grantors' remaining property on Parcel 28 as herein set out, and other good and valuable consideration as also herein set out, Grantors by these presents does grant, bargain, sell and convey to Grantee, for the purpose of public road right of way and installation of underground utilities, a permanent perpetual easement ("Parcel 28 Easement") to construct, install, maintain, operate, inspect, fill, and repair Grantee's Waterfront Street Project on Eleventh Street, now known as Waterfront Dr., including all rights over, under, across, upon, along and through the 0.0459-acre tract of land ("Parcel 28") more specifically described in Exhibit "A" attached hereto and incorporated by reference for all purposes.

In lieu of compensation for this grant, the Grantee agrees, in constructing the roadway improvements as part of Grantee's Waterfront Street Project on Eleventh Street now known as Waterfront Dr., to fill and grade both the permanent easement and the Grantors' remaining

property adjacent to Parcel 28, bringing the site to the same elevation as shown on the attached Exhibit "B." The fill will cover the entire remainder property adjacent to Parcel 28, as more particularly depicted in Exhibit "B."

Grantors herein grant to the Grantee the permission necessary to enter onto the property adjacent to Parcel 28 for the sole purposes of filling and grading the property as contemplated above. This permission shall expire upon completion of the work described, which work must be completed no later than October 30, 2015. In the event that the fill work contemplated above is not completed by October 30, 2015, this permanent easement grant and dedication of right of way will become null and void, and title to the property will revert back to Grantors and the Grantee will immediately execute all appropriate documents to confirm the reversion of all property interests granted by way of this permanent easement grant and dedication.

The Parcel 28 Easement is for roadway and drainage improvements necessary for the Waterfront Street Project, including underground utilities, and related facilities only. All construction and reclamation will be at no cost to the Grantors. Grantors will not be responsible for any paving assessments or any other assessments of any sort in connection with Grantee's Waterfront Street Project. Grantee may do and perform all acts necessary to construct, reconstruct, repair, relocate, or maintain the subject right of way within said Easement and to operate thereon all necessary machinery and equipment to efficiently prosecute the work. Grantee shall be responsible for obtaining any and all necessary consents, approvals, and permits. Grantors retain, reserve, and shall continue to enjoy the use of the surface of the easement property for any and all purposes which do not interfere with or prevent the use by Grantee of the Easement for the purposes stated herein.

Grantee agrees to accept and assume all liability of any and every sort arising out of the actions of its partners, directors, officers, employees, agents, servants, invitees, contractors, subcontractors, representatives, successors, and assigns (collectively referred to herein as the "Grantee") in connection with all of the Grantee's activities on the property of the Grantors (as defined herein), and further, represents and warrants that the Grantee has the full authority to provide the following Release and Waiver of Liability, Covenant Not to Sue and Indemnity Agreement, and agrees to the following:

- a. To the fullest extent allowed by law, THE GRANTEE HEREBY FOREVER RELEASES AND FULLY DISCHARGES AND INDEMNIFIES

Texan Land and Cattle II, Ltd., The Methodist Hospital Foundation, Taub Foundation, and Carolyn Casale Taub, Trustee of the Last Will and Testament of John B. Taub, Deceased, and all of their respective members, directors, officers, employees, tenants, representatives, agents, heirs, successors and assigns (collectively referred to herein as the "Grantors") FROM ANY AND ALL LIABILITY of any kind or character whatsoever for any loss, damage or claim or demands of any kind or character of any sort on account of personal injury (including death) or property damage from whatever cause, whether resulting from the negligence, gross negligence or other conduct of the Grantee or the Grantors while the Grantee is present on or participating in any activity upon the Grantors' property. The Grantee understands and acknowledges that the construction activities to be performed have inherent dangers, which no amount of care, caution, instruction nor expertise can eliminate. THE GRANTEE VOLUNTARILY ASSUMES FULL RESPONSIBILITY FOR ALL RISKS OF PERSONAL INJURY, DEATH AND PROPERTY DAMAGE SUSTAINED WHILE PARTICIPATING IN THE CONSTRUCTION ACTIVITIES ON THE GRANTORS' PROPERTY, INCLUDING THE RISK OF PASSIVE OR ACTIVE NEGLIGENCE ON THE PART OF THE GRANTORS, OR HIDDEN, LATENT OR OBVIOUS DEFECTS.

b. To the fullest extent allowed by law, IT IS THE EXPRESS INTENT OF THE PARTIES THAT THE GRANTEE FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS the Grantors from any and all claims, suits, causes of action, costs, fees and expenses of any kind, including attorneys fees and expert and consultants fees, incurred as a result, directly or indirectly, of its presence on the Grantors' property made by any person for personal injury, including death, or property damage, which claim or claims may in any way arise out of or may be in any way related to its presence on the Grantors' property. The Grantee acknowledges and represents that this obligation to defend, indemnify and hold harmless equally binds its directors, officers, employees, agents, servants, invitees, contractors, subcontractors and assigns as fully as the law may allow.

c. The Grantee further agrees that the foregoing Release and Waiver of Liability, Covenant Not to Sue and Indemnity Agreement is intended to be as broad and inclusive as permitted by the laws of the State of Texas, and that if any portion is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect. THE UNDERSIGNED HAS READ AND VOLUNTARILY SIGNS THE RELEASE AND WAIVER OF LIABILITY, COVENANT NOT TO SUE AND INDEMNITY AGREEMENT on behalf of the Grantee and its directors, officers, members, partners, employees, agents, servants, invitees, contractors, subcontractors, representatives, successors and assigns, and further agrees that no oral representation, statements or inducements apart from the foregoing contained herein have been made

The terms and provisions hereby shall extend to and be binding upon Grantors and Grantee and the successors and assigns of Grantors and Grantee. References herein to Grantors or Grantee shall also refer to their respective successors and assigns. Grantee shall not assign this Easement except to a successor governmental agency.

This conveyance is expressly made subject to any and all restrictions, mineral and/or royalty reservations, covenants, and easements appearing of record relative to the Easement, but only to the extent that the same are still in force and effect and enforceable against the same. The Easement, along with all rights and privileges relating thereto shall terminate when the Easement, as described above, is abandoned by adoption of an Ordinance abandoning or vacating such by Grantee. There is excluded from the estate to be condemned all the oil, gas, sulfur, and other minerals which can be removed from beneath the property without any right whatsoever remaining to the owners of such oil, gas, sulfur, and other minerals to access these minerals from the surface of the property for the purpose of exploring, developing, drilling, or mining of the same. Grantors shall have no right to excavate any minerals underlying the surface of the easement to the extent such excavation interferes with, or jeopardizes, the integrity of the roadway improvements to be constructed.

Upon recording of the Easement, the condemnation case styled *City of Seabrook, Texas vs. Texan Land and Cattle II, Ltd., et al.*, pending in County Civil Court at Law No. 1, Harris County, Texas (Parcel 28) Cause No. 1,016,540, will be dismissed as to Grantors, with the parties to bear their own fees and expenses as incurred.

TO HAVE AND TO HOLD the Easement for the purposes set forth, unto Grantee, its successors and assigns; and each particular Grantor hereby binds itself, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under that particular Grantor, but no further, limited, however, to the terms and provisions hereof, and subject to all matters of record in Harris County, Texas, to the extent that such matters are presently valid and enforceable against the property covered by the Easements and to all matters as would be shown by an accurate survey. This Agreement contains the entire agreement between the parties relating to the subject matter. Any oral representations or modifications concerning this Agreement shall be of no force and effect. Any subsequent amendment or modification must be in writing and agreed to by all parties.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on this _____ day of _____, 2012.

GRANTOR

TEXAN LAND AND CATTLE II, LTD.
a Texas limited partnership

By: [Signature]
Name: Henry J. N. Taub II
Title: V.P.

~~THE METHODIST HOSPITAL SYSTEM~~ **FOUNDATION**

By: [Signature]
Name: RAMON M. CANTU
Title: ASSISTANT SECRETARY

TAUB FOUNDATION

By: [Signature]
Name: Henry J. N. Taub II
Title: President

Carolyn B. Taub,
Trustee, John B. Taub Estate, Inc.
Carolyn Casale Taub, Trustee of the Last
Will and Testament of John B. Taub,
Deceased

Accepted and agreed by the City of Seabrook, Texas, on this the _____ day of _____, 2012.

GRANTEE

CITY OF SEABROOK, TEXAS

By: _____
GLENN ROYAL, Mayor

ATTEST:

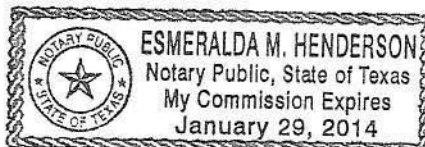
Michele Glaser, TMRC
City Secretary

ACKNOWLEDGEMENTS

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Henry J. N. Taub II, the Vice President of Texan Land and Cattle II, Ltd., on behalf of said limited partnership.

Given under my hand and seal of office, this the 20th day of November, 2012.

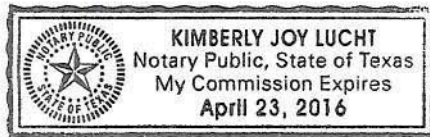


Esmeralda M. Henderson
Notary Public, State of Texas
My commission expires: 01/29/2014

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Ramon M. Cantu, the Assistant Secretary of The Methodist Hospital Foundation System, on behalf of same.

Given under my hand and seal of office, this the 5th day of December, 2012.



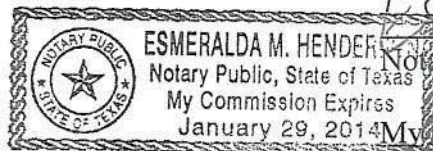
Kimberly Joy Lucht
Notary Public, State of Texas

My commission expires: 04/23/2016

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Henry F. N. Taub II, the President of Taub Foundation, on behalf of same.

Given under my hand and seal of office, this the 20th day of November, 2012.



Esmeralda M. Hender
Notary Public, State of Texas

My commission expires: 01/29/2014

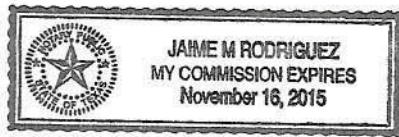
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Carolyn Casale Taub, Trustee of the Last Will and Testament of John B. Taub, Deceased.

Given under my hand and seal of office, this the 7 day of December, 2012.



Notary Public, State of Texas



My commission expires: Nov 16 2015

After recording return to:
City Secretary
1700 First Street
Seabrook, Texas 77586

EXHIBIT A

PROPERTY DESCRIPTION FOR PARCEL NO. 28

A PARCEL OF LAND CONTAINING
0.0459 ACRE (2,000 SQUARE FEET) SITUATED IN
THE RITSON MORRIS SURVEY, A-52
HARRIS COUNTY, TEXAS

Being a parcel containing 0.0459 acre (2,000 square feet) of land situated in the Ritson Morris Survey, Abstract Number 52, Harris County, Texas, and being out of and a part of Lots 2, 3, 4 & 5, Block 168 of the Map of Seabrook, a subdivision recorded in Volume 1, Page 50, Harris County Map Records (H.C.M.R.) and being out of and a part of that certain tract conveyed to Texas Land & Cattle II LTD., The Methodist Hospital Foundation, and Jim Taub Schwartz by deeds executed May 28, 2004, and December 22, 1987 and recorded under Harris County Clerks File (H.C.C.F.) Numbers X657275 and L480379, Film Code Numbers 586-92-1012 & 125-00-1327, Official Public Records of Harris County, Texas, said 0.0115 acre parcel being more particularly described as follows (bearings are oriented to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING at a 1/2-inch iron rod found marking the intersection of the southwesterly right-of-way (R.O.W.) line of Waterfront Drive (also known as Eleventh Street) (50 feet wide) with the northwesterly R.O.W. line of Avenue D (50 feet wide), both streets being delineated on the record plat of said Map of Seabrook, and marking the easterly corner of said Lot 5 and the herein described parcel, from which a 5/8-inch iron rod found marking the southerly corner of Lot 5, Block 145 of said Map of Seabrook bears North 37°31'54" East, a distance of 50.00 feet;

THENCE, South 37°31'54" West, along the northwesterly R.O.W. line of said Avenue D and the southeasterly line of said Lot 5, a distance of 10.00 feet to a 5/8-inch iron rod with cap stamped "Cobb Fendley & Associates" set marking the southerly corner of the herein described parcel;

THENCE, North 52°28'06" West, a distance of 200.00 feet to a 5/8-inch iron rod with cap stamped "Cobb Fendley & Associates" set in the common line of said Lot 2 and Lot 1 of said Block 168 and marking the westerly corner of the herein described parcel;

THENCE, North 37°31'54" East, along the common line of said Lots 1 and 2, a distance of 10.00 feet to a point in the southwesterly R.O.W. of said Waterfront Drive, for the easterly corner of said Lot 1 and the northerly corner of said Lot 2 and the herein described parcel;

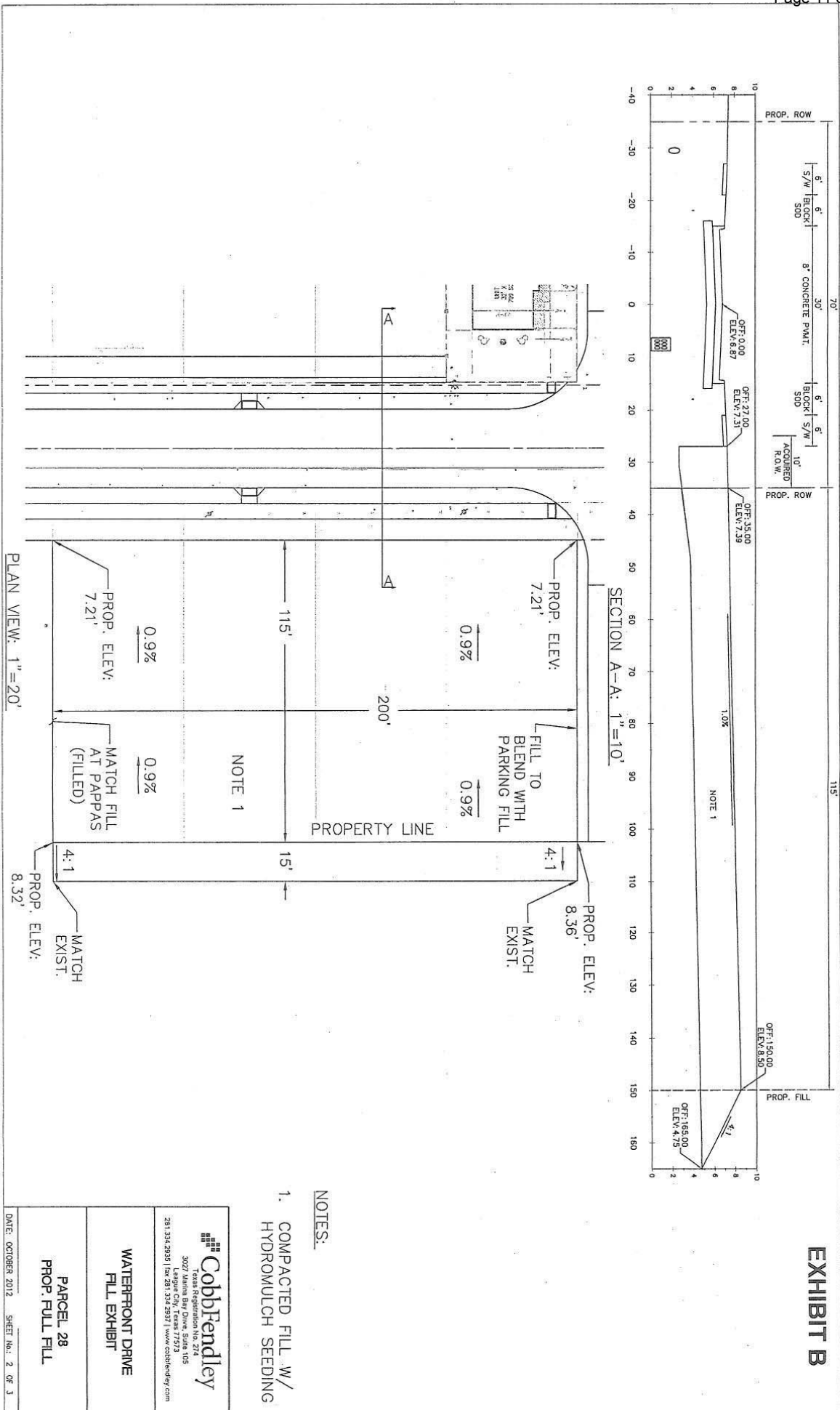
THENCE, South 52°28'06" East, along the southwesterly R.O.W. line of said Waterfront Drive and the northeasterly line of said Lots 2, 3, 4 and 5, a distance of 200.00 feet to the **POINT OF BEGINNING** and containing 0.0459 acre (2,000 square feet) of land.

Note: This metes and bounds description is referenced to a survey drawing prepared by Cobb, Fendley & Associates, Inc. dated February 1, 2012, and titled "PARCEL 28 – CITY OF SEABROOK, TEXAS, WATERFRONT/TODVILLE ROAD ROW WIDENING PROJECT".

COBB, FENDLEY & ASSOCIATES, INC.
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
Ph. 713-462-3242

Job No. 1012-003-05-11
P28
February 1, 2012







CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: TUESDAY, JANUARY 8, 2013

Submitter/Requestor: K. Templin

Date Submitted: 12/11/2012 9:06:29 AM

Presenter: K. Templin

Description/Subject:

There are at least nine derelict oil field structures and wellheads in Galveston Bay within the immediate vicinity of the City of Seabrook. These derelict structures are navigation hazards and pose a direct threat to the public health, safety and welfare of our citizens. They are abandoned and rusting eyesores that negatively impact the experience of those enjoying boating on the Bay and those who are visiting the Bay.

Purpose/Need: NA

Background/Issue(What prompted this need):

The City Council of Seabrook is charged with the responsibility for protecting the health, safety and welfare of its citizens.

The City of Seabrook resolves that the abandoned derelict oil field structures within the area west of the Houston Ship Channel and bounded on the north by Bayport Terminal/Houston Yacht Club, on the west by the entrance to Clear Lake and on the south by Redfish Island, pose a threat to the health, safety and welfare of the citizens of Seabrook. These derelict structures are dangerous and should be removed in an expeditious manner. Council urges the Commissioner of the General Land Office, the Texas Railroad Commission and all other agencies with responsibility for protecting the public welfare participate in a cooperative effort to remove these derelict structures from Galveston Bay.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

(Please list description of attachments and number of pages in each attachment)

Res. 2013-02

Fiscal Impact:	Budgeted	No	Finance	Officer
	Budget Amendment Required	No	Review:	
	Future/Ongoing Impact	No		
	Budget Dept/Line Item Number			

Funding Comments:

Where on the agenda should this item be placed?

Consent Agenda

Suggested Motion:

A motion to pass Resolution 2013-02, "In Support of Removal of Derelict Structures".

Agenda Language:

Approve proposed Resolution No. 2013-02, "In Support of Removal of Derelict Structures in Galveston Bay." (Templin)

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

**CITY OF SEABROOK
RESOLUTION 2013-02**

IN SUPPORT OF REMOVAL OF DERELICT STRUCTURES IN GALVESTON BAY

WHEREAS, Seabrook is a community of 12,000 citizens on the shores of Galveston Bay, Texas; and

WHEREAS, Galveston Bay is essential to the economic well being of Seabrook. The businesses that depend on the Bay generate thousands of jobs in the tourism, restaurant, marina, boat maintenance and boat sales industries. These industries and the jobs they create generate tax revenues essential to the development of Seabrook and the surrounding communities; and

WHEREAS, many in Seabrook have located in our community because of its location near the water. Many own boats and enjoy power boating, sailing and fishing on Galveston Bay. Many other boaters come to Seabrook on a day trip basis to enjoy the Bay. Others own second homes in Seabrook because of the Bay thus greatly enhancing real estate values in our community; and

WHEREAS, there are at least nine derelict oil field structures and wellheads in Galveston Bay within the immediate vicinity of the City of Seabrook. These derelict structures are navigation hazards and pose a direct threat to the public health, safety and welfare of our citizens. They are abandoned and rusting eyesores that negatively impact the experience of those enjoying boating on the Bay and those who are visiting the Bay; and

WHEREAS, the City Council of Seabrook is charged with the responsibility for protecting the health, safety and welfare of its citizens;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SEABROOK, STATE OF TEXAS:

THAT, the abandoned derelict oil field structures within the area west of the Houston Ship Channel and bounded on the north by Bayport Terminal/Houston Yacht Club, on the west by the entrance to Clear Lake and on the south by Redfish Island, pose a threat to the health, safety and welfare of the citizens of Seabrook. These derelict structures are dangerous and should be removed in an expeditious manner. Council urges the Commissioner of the General Land Office, the Texas Railroad Commission and all other agencies with responsibility for protecting the public welfare participate in a cooperative effort to remove these derelict structures from Galveston Bay.

PASSED, APPROVED AND ADOPTED ON THIS 8TH DAY OF JANUARY 2013.

ATTEST:

Michele L. Glaser, TRMC
City Secretary



**CITY OF SEABROOK
RESOLUTION NO. 2013-04
IN SUPPORT OF LOCAL REPRESENTATION OF
PORT OF HOUSTON COMMISSION MEMBERS**

WHEREAS, the 2012 Sunset Advisory Commission report recommends actions to strengthen governance of The Port of Houston Authority (the Authority); and

WHEREAS, seven of the eight Sunset Advisory Commission's recommendations either have already, or are being implemented, and

WHEREAS, local citizens of Harris County through taxes paid, and indebtedness incurred through bond sales, have funded operations, maintenance and expansions, that have seen the Authority successfully drive the economic benefits of the port region, to wit, \$178.5 billion statewide, up nearly \$61 billion since 2006, and nationally providing 2.1 million jobs and \$499 billion in economic activity; and

WHEREAS, unlike state agencies, the Authority is a local authority created with local tax dollars to develop and support a specific facility located in Harris County. Funding taxpayers and community stakeholders are rightly entitled to provide oversight and ensure that local needs and concerns are addressed in the management and operation of the authority; and

WHEREAS, the current Commission is appointed as follows: two by Harris County; two by the City of Houston; one by the Harris County Mayors' and Councils' Association; and one by the City of Pasadena; while the City of Houston and Harris County jointly appoint the Chair of the Commission; and

WHEREAS, we support local representation from elected and appointed officials residing in the taxing entities, and recommend continuing appointments of Authority Commissioners through the impacted local municipal entities; and

WHEREAS, the current appointing bodies of the commission are directly elected by the taxpayers of Harris County, are accountable to those citizens, and are capable of identifying qualified and responsible citizens to serve on the Port Commission; and

City of Seabrook
Resolution No. 2013-04
Page 2

WHEREAS, the local control and experience and knowledge of commissioners appointed from the Houston port region provides informed oversight of this regional asset that is beneficial to the cities adjacent to and most impacted by port operations, and commissioners who reside in the impacted area and are appointed by locally elected officials are accessible, responsible and accountable to taxpayers most impacted; and

WHEREAS, the term limits of appointed commissioners by local bodies, should be determined by the local bodies through the existing appointment processes; and

WHEREAS, if appointments from other bodies are to be made, those appointing bodies should also accept responsibility for its proportional share of the Authority's debt;

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

THAT, we hereby strongly urge the Sunset Advisory Commission and our state legislative leaders to continue to allow the current appointing bodies of the Port Commission to continue to maintain local control on decisions, including making appointments as they, and the citizens who elected them, deem appropriate and necessary to best represent the interests of the public they serve as well as in the best interest of the Port of Houston. As noted, the Port of Houston Authority has already successfully implemented or is currently implementing Sunset Advisory Commission staff recommendations and should be provided the opportunity to demonstrate the effectiveness and success of these new modifications.

PASSED AND ADOPTED ON THIS THE 8TH DAY OF JANUARY 2013.

Glenn R. Royal, Mayor

ATTEST:

Michele L. Glaser, TRMC
City Secretary



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, JANUARY 8, 2013

Submitter/Requestor: Pam Lab

Date Submitted: 12/31/2012 12:33:04 PM

Presenter:

Description/Subject:

Resolution authorizing Kelly Templin to sign electric services contract on behalf of the City of Seabrook.

Purpose/Need: Administration Issue

Background/Issue(What prompted this need):

The City receives bids from electric providers through H-GAC. Pricing is effective until 5 PM of the day of the quote and if accepted by the city, contracts must be executed by 5 PM

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Current energy contract expires in July and will need to begin receiving offers as soon as possible in order to lock in the rate upon expiration of existing contract.

Attachments:

(Please list description of attachments and number of pages in each attachment)

resolution

Fiscal Impact:	Budgeted	Yes	Finance Officer Review:
	Budget Amendment Required	No	
	Future/Ongoing Impact	Yes	

Budget Dept/Line Item Number

Funding Comments:

Where on the agenda should this item be placed?

Consent Agenda

Suggested Motion:

To approve Resolution 2013-05, Authorizing Signatory Authority to Execute a Contract through the H-GAC Energy Purchasing Corporation

Agenda Language:

Approve Resolution 2013-05, Authorizing Signatory Authority to Execute a Contract through the H-GAC Energy Purchasing Corporation. (Lab)

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

**CITY OF SEABROOK
RESOLUTION NO. 2013-05
Resolution Authorizing Signatory Authority
To Execute a Contract through the
H-GAC Energy Purchasing Corporation**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

The governing body of the City of Seabrook grants authorization to Kelly Templin to act on behalf of this entity to review H-GAC approved pricing offers from a Retail Electric Provider authorized to submit bids through the HGAC Energy Purchasing Corporation and execute a favorable contract for the supply of electricity.

To Whom It May Concern:

This is to certify that Kelly Templin, City Manager of the City of Seabrook, has the authority to sign on behalf of the City of Seabrook and legally bind the City of Seabrook to contract with a Retail Electric Provider authorized to submit through the HGAC Energy Purchasing Cooperation as part of the H-GAC Energy Purchasing Corporation.

Approved this 8th day of January, 2013.

Glenn R. Royal
Mayor, City of Seabrook

ATTEST:

Michele L. Glaser, TRMC
City Secretary



STATEMENT OF ELECTED/APPOINTED OFFICER

(Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)

I, **Patricia McCulloch** do solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

Patricia McCulloch
Affiant's Signature

12/26/2012
Date Signed

Deputy Municipal Court Clerk

Seabrook, Harris County
City/County



STATEMENT OF ELECTED/APPOINTED OFFICER

(Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)

I, **Jessica Ancira**, do solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

A handwritten signature in blue ink that reads "Jessica Ancira". The signature is written over a horizontal line.

Affiant's Signature

A handwritten date in blue ink that reads "12/18/12". The date is written over a horizontal line.

Date Signed

Municipal Court Administrator

Seabrook, Harris County
City/County



STATEMENT OF ELECTED/APPOINTED OFFICER

(Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)

I, **Karen LeMay**, do solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

Karen LeMay
Affiant's Signature

12.18.12
Date Signed

Assistant Municipal Court Administrator

Seabrook, Harris County
City/County

Seabrook City Council
December 4, 2012
Page 1

The City Council of the City of Seabrook met in regular session on Tuesday, December 4, 2012 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANGROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON	COUNCIL PLACE NO. 3
DON HOLBROOK.	COUNCIL PLACE NO. 4
THOM KOLUPSKI	COUNCIL PLACE NO. 5
LAURA DAVIS	MAYOR PRO TEM & COUNCIL PLACE NO. 6
KELLY TEMPLIN	CITY MANAGER
GAYLE COOK	ASSISTANT CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Mayor Royal called the meeting to order and asked the Bay Area Sharks to lead the audience in the Pledge of Allegiance and the Texas Pledge. Mayor Royal changed the order of the agenda without objection.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Rakesh Patel, NASA Parkway, representing Smoke Shop at 2624 NASA Parkway, stated that he had been informed by the Building Department that he could not operate a smoke shop at that location. He stated that when he signed the building lease, the zoning ordinance did not prohibit this use. He asked for Council's assistance to allow him to open his business.

Sal Bhakta, owner of Hampton Inn on NASA Parkway stated that the biggest complaint from customers staying at his hotel was the lack of public transportation to local tourist attractions. As the cruise terminal will open soon at Bayport, he asked Council to consider joining Kemah to provide public transportation, such as a trolley system, to various locations.

1.0 PRESENTATIONS

1.1 Presentation of Certificate(s) of Appreciation to Bay Area Sharks for winning the "Super Bowl". (Giangrosso)

Mayor Royal presented certificates to the players and congratulated the players, coaches and families.

Seabrook City Council
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1.2 Presentation of Open Space and Trails Committee quarterly report. (Helen Burton)

Chair Helen Burton gave a quarterly report including progress on the natural playground, work to eradicate Chinese tallow trees at Brummerhop Park, consideration of a mural at the Skateboard Park and the installation of a new sign at Pine Gully advising the public that the shell middens are protected.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

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

Council Members announced several upcoming events.

3.0 SPECIFIC PUBLIC HEARING(S)

3.1 Proposed Ord. No. 2012-23, "Accessory Structure/Use Prohibited without the Presence of a Principal Use/Structure." (P&Z)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX," BY ADDING A FOOTNOTE PROHIBITING THE PRESENCE OF AN ACCESSORY USE/ STRUCTURE WITHOUT THE PRESENCE OF A PRINCIPAL USE/STRUCTURE; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Building Official Sean Landis stated that this change was requested by staff for clarification of the ordinance as the language in the current ordinance makes enforcement difficult.

3.2 Proposed Ord. No. 2012-24, "Deleting the Existing Point Overlay Sign Regulations." (P&Z)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 4, "SPECIAL USE REGULATIONS", SECTION 4.15 "POINT OVERLAY DISTRICT REGULATIONS", BY DELETING THE EXISTING SUBSECTION 4.15.15 "SIGNS" IN ITS ENTIRETY; 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

Seabrook City Council
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88 HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
89 EFFECTIVE DATE.

90
91 Mr. Landis stated that the Planning and Zoning Commission unanimously recommended this
92 ordinance change as the current more stringent sign regulations in the overlay zone could
93 negatively hamper economic development. If this ordinance were approved, signs in the
94 overlay zone would still be subject to the sign regulations in other areas of the city.

95
96 **3.3 Proposed Ord. No. 2012-25, "Updating and Amending Sign Standards and Related**
97 **Definitions." (P&Z)**

98
99 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX
100 A, COMPREHENSIVE ZONING, ARTICLE 6, "SIGN STANDARDS", SUBSECTION
101 6.02 "DEFINITIONS", BY ADDING NEW DEFINITION FOR "HUMAN
102 DIRECTIONAL/SIGN SPINNER"; SECTION 6.05 "PROHIBITED SIGNS,"
103 SUBSECTION 6.05.04, "SIGNS IN RESIDENTIAL ZONES" TO INCORPORATE NEW
104 EXCEPTION FOR CHURCHES AND SCHOOLS IN SUCH ZONES; ADDING NEW
105 SUBSECTION 6.05.13, "SIGN, HUMAN DIRECTIONAL/SIGN SPINNER" BY
106 PROHIBITING SAID USE; SECTION 6.06 "PERMITTED SIGNS", SUBSECTION 6.06.02
107 "SUBDIVISION/HOME BUILDER IDENTIFICATION SIGNS", PROVIDING
108 EXCEPTIONS TO SIGNS PERMITTED FOR SALES OFFICE/MODEL HOMES;
109 PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION
110 OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL
111 ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT
112 HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
113 EFFECTIVE DATE.

114
115 Mr. Landis gave a presentation on changes in the proposed ordinance:

- 116
117 1) Language would be improved to clearly prohibit "human directional/spinner signs."
118 Currently the city does not allow human directional/spinner signs as they are considered
119 portable signs. However, this prohibition is hard to enforce in court, as there is no specific
120 reference contained in the current ordinance.
121
122 2) Signs for churches and public schools would be permitted in residential zones.
123
124 3) Monument signs advertising model homes/new subdivisions would be permitted in
125 residential zones. Such signs shall be no greater than 40 square feet in area and 10 feet in
126 height.

127
128 **4.0 CONSENT AGENDA**

129
130 **4.1 Approve Resolution 2012-32 Declaring Authorized Signatories for the CDBG program.**
131 **(Templin)**

Seabrook City Council
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS APPOINTING AUTHORIZED SIGNATORIES FOR THE HURRICANE IKE DISASTER RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM UNDER TEXAS GENERAL LAW OFFICE CONTRACT NUMBERS 22-323-000-5294 AND 12-5640-000-6858.

4.2 Removed from the Consent Agenda by Mr. Weathered.

4.3 Approve Resolution No. 2012-34, Acceptance of Easements from PHCG Investments for Waterfront Drive Reconstruction. (Templin)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT DRIVE RECONSTRUCTION, "PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENTS FROM PHCG INVESTMENTS, A TEXAS GENERAL PARTNERSHIP, PROPERTY OWNER, IN RELATION TO PARCEL 23, A 0.0574 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 1 AND 10, BLOCK 167 OF THE MAP OF SEABROOK; PARCEL 24, A 0.0230 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 2 AND 3, BLOCK 146 OF THE MAP OF SEABROOK; PARCEL 26, A 0.0344 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 1, 2 AND 3, BLOCK 145 OF THE MAP OF SEABROOK; AND PARCEL 27, A 0.0115 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOT 1, BLOCK 168 OF THE MAP OF SEABROOK, ALL BEING RECORDED IN VOLUME 1, PAGE 50, HARRIS COUNTY MAP RECORDS; ALL AS MORE PARTICULARLY DESCRIBED HEREIN.

4.4 Approve the Investment Reports for 4th Quarter, 2012. (Lab)

4.5 Approve the minutes of the November 6, 2012 regular City Council Meeting. (Glaser)

Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

To approve the Consent Agenda as presented with the exception of Item 4.2.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

Seabrook City Council
December 4, 2012
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4.2 Approve Resolution No. 2012-33, Acceptance of Easements from Seabrook Land Company for Waterfront Drive Reconstruction. (Templin) Removed by City Attorney

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT DRIVE RECONSTRUCTION," PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENTS FROM THE SEABROOK LAND COMPANY, INC, PROPERTY OWNER IN RELATION TO PARCEL 1, A 0.0229 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF RESERVE "K" OF THE MAP OF SEABROOK, A SUBDIVISION RECORDED IN THE HARRIS COUNTY MAP RECORDS; AND PARCEL 8, A 0.0774 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 1 AND 10, BLOCK 164 OF THE MAP OF SEABROOK, RECORDED IN VOLUME 1, PAGE 50, HARRIS COUNTY MAP RECORDS; ALL AS MORE PARTICULARLY DESCRIBED HEREIN.

This item was deferred until later in the meeting as Mr. Weathered told Council he had some legal issues to discuss in Executive Session.

Mayor Royal asked Mayor Pro Tem Davis to conduct the meeting for Agenda Items 5.1 and 5.2. which were considered together.

5.0 NEW BUSINESS

5.1 Consider expenditure of a portion of remaining SVFD bond funds for a traffic preemption system at Red Bluff intersection, upgraded VHF pagers, additional Grace Accountability System Watchdogs, repeaters and laptops for a total cost of \$73,255.50. This is recommended by the SVFD and the Public Safety Committee. (Davis)

&

5.2 Consider expenditure of a portion of the remaining bond funds as recommended by the Public Safety Committee. The recommended expenditures were ranked in order of priority by the Public Safety Committee: (1) radios, (2) squad vehicles, or (3) dispatch infrastructure and equipment and will not exceed \$166,000. Item selection will be contingent upon approvals of the SVFD Executive Board on December 3, 2012. (Davis)

Councilor Davis stated that there is an effort to use the remaining bond funds before they go into arbitrage in January 2013. She stated that Fire Chief, Ray Cook has worked diligently with his Executive Board and with the Public Safety Committee to develop a list of proposed expenditures from the bond funds.

Chief Cook presented a list of the recommended expenditures for the remaining \$702,400.00 in bond funds. (See Attachment A.) Itemized proposed expenditures totaled \$637,392 for an

Seabrook City Council
December 4, 2012
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end balance of \$65,008.00. Chief Cook asked that the Council allow the city manager and fire chief to continue the purchasing process within the confines of the law and use the remaining funds if needed to purchase the items. Chief Cook stated that to date, expenditures have been under budget. Councilor Davis stated that representatives of the Public Safety Committee agreed that the fire department could best assess its needs and also asked Council to approve expenditure of the remaining funds (\$65,008.00) if needed. Mr. Templin stated that he and Chief Cook could report any deviations from the itemized list.

Motion was made by Mayor Royal and seconded by Councilor Kolupski

To commit to the expenditures as presented tonight with the inclusion of the de minimis amount at the discretion of the fire chief and city manager.

MOTION CARRIES BY UNANIMOUS CONSENT.

At this time, Mayor Royal resumed conducting the meeting.

5.3 Consider first reading of proposed Ord. No. 2012-23, "Accessory Structure/Use Prohibited without the Presence of a Principal Use/Structure" per the caption read at the public hearing held earlier this meeting. (P&Z)

Motion was made by Councilor Davis and seconded by Councilor Johnson

To approve first reading of proposed Ordinance No. 2012-23 with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.4 Consider first reading of proposed Ord. No. 2012-24, "Deleting the Existing Point Overlay Sign Regulations" per the caption read at the public hearing held earlier this meeting. (P&Z)

Council deferred consideration of this item, as there were legal issues to be discussed in Executive Session.

5.5 Consider first reading of proposed Ord. No. 2012-25, "Updating and Amending Sign Standards and Related Definitions" per the caption read at the public hearing held earlier this meeting. (P&Z)

Motion was made by Councilor Kolupski and seconded by Councilor Holbrook

To approve the first reading of proposed Ordinance No. 2012-25, with the reading of the caption serving as the reading of the ordinance.

Seabrook City Council
December 4, 2012
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Councilor Llorente stated that he has used human directional/spinner signs to successfully promote his business and it was his opinion that prohibiting these signs would hinder growth of small businesses and would not be in conformance with the city's philosophy of being pro business. Councilor Llorente recommended deleting prohibitions against human directional/spinner signs from the ordinance, or allow the signs for 12 -18 months after a business opens. He also stated that he could not find evidence that these signs were a traffic hazard.

Mr. Landis restated that use of these signs is currently prohibited; however, as the language is not clear, this change was recommended by staff to make enforcement easier. He reported that he has received a few requests to use human directional/spinner signs.

Councilor Davis stated that she is pro business, but is also pro safety and allowing these signs, especially on NASA Parkway and SH 146, would cause distractions and negatively impact safety. She stated that if exceptions were going to be permitted, it would be preferable to issue temporary permits for a specific number of days rather than allow new businesses to use these signs for 12-18 months after opening.

Mr. Landis stated that if Council decides to allow human directional/spinner signs for a specific period of time, it would be preferable for the building department to issue temporary permits which would be monitored by the building department and which would be available to both new and existing businesses. In answer to a question from Councilor Johnson, Mr. Landis stated that he did not know how other neighboring cities handled this issue, but could find out. Mr. Landis stated that an amendment to the proposed regulations would go back to the Planning and Zoning Commission for a recommendation.

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To amend the ordinance by removing language about human directional/spinner signs and ask the Planning and Zoning Commission to reconsider these regulations based on Council's discussion.

Councilor Davis asked why Council wished to send these regulations back to the Planning and Zoning Commission for further study as the Commission had unanimously voted to approve the proposed regulations. Mayor Royal stated that the Commission could reconsider based on Council's comments tonight. In addition, Mr. Templin stated that staff would provide information about regulations in neighboring cities to the Commission.

Ayes: Royal, Giangrosso, Holbrook, Johnson, Kolupski, Llorente.

Nays: Davis.

MOTION CARRIES BY MAJORITY VOTE.

Seabrook City Council
December 4, 2012
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Mayor Royal then called for a vote on approval of Ordinance No. 2012-24 at first reading with the above amendment.

MOTION CARRIES BY UNANIMOUS CONSENT.

6.0 EXECUTIVE SESSION

At 8:47 p.m. Mayor Royal announced that the City Council would hold a closed executive meeting pursuant to the provisions of the Open Meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained Section 551.071, Consultation with Attorney, to discuss Agenda Items 4.2 and 5.4.

6.0 OPEN MEETING

Mayor Royal reconvened the meeting in open session at 9:12 p.m. and stated that Items 4.2 and 5.4 had been discussed in Executive Session, but no action had been taken.

4.2 Approve Resolution No. 2012-33, Acceptance of Easements from Seabrook Land Company for Waterfront Drive Reconstruction. (Templin)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT DRIVE RECONSTRUCTION," PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENTS FROM THE SEABROOK LAND COMPANY, INC, PROPERTY OWNER IN RELATION TO PARCEL 1, A 0.0229 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF RESERVE "K" OF THE MAP OF SEABROOK, A SUBDIVISION RECORDED IN THE HARRIS COUNTY MAP RECORDS; AND PARCEL 8, A 0.0774 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 1 AND 10, BLOCK 164 OF THE MAP OF SEABROOK, RECORDED IN VOLUME 1, PAGE 50, HARRIS COUNTY MAP RECORDS; ALL AS MORE PARTICULARLY DESCRIBED HEREIN.

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To approve Resolution No. 2012-33 as written.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.4 Consider first reading of proposed Ord. No. 2012-24, "Deleting the Existing Point Overlay Sign Regulations" per the caption read at the public hearing held earlier this meeting. (P&Z)

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

Seabrook City Council
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To send this ordinance back to the Planning and Zoning Commission to look at sign regulations on “the Point”, specifically addressing criteria for monument (freestanding) signs and size of signs.

Councilors Holbrook and Kolupski stated that the city is trying to beautify and improve the area at “the Point” and did not want to return to allowing the same criteria for signs as before Hurricane Ike.

Mayor Royal stated that he does not want regulations in this area to be more stringent than the remainder of Seabrook as the city has worked hard to attract businesses to rebuild after the Hurricane Ike.

Council discussed the possible effect of the proposed regulations for Pappadeux Restaurant when it rebuilds, as the current ground sign is non-conforming. Mr. Templin recommended that he meet with the Pappas representatives to find out the type and number of signs they planned to erect when rebuilding the restaurant. Mr. Templin also stated that it was confusing to have sign regulations (such as the overlay regulations) not included in the actual sign ordinance.

Councilor Davis asked if the ordinance could be written to require that freestanding signs located in the overlay zone obtain a conditional use permit. Mr. Templin stated conditional use permits would be cumbersome as public hearings and notice would be required before both the Commission and the Council.

Mr. Landis stated that as the proposed ordinance was staff initiated, proposed changes do not have to be reviewed immediately by the Commission. He and Mr. Templin can work on a rationale to give guidance to the Commission.

Motion was made by Councilor Davis and seconded by Councilor Johnson

To table this item and instruct staff to work on the issues.

MOTION TO TABLE CARRIES BY UNANIMOUS CONSENT.

6.0 ROUTINE BUSINESS

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

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To approve the Action Items Checklist.

Councilor Giangrosso requested that an item be added to the list to consider transportation alternatives from hotels to the new cruise terminal. There were no objections to the addition.

Seabrook City Council
December 4, 2012
Page 10

Ayes: Royal, Giangrosso, Holbrook, Johnson, Kolupski, Llorente.
Absent from the room and not voting: Davis.

MOTION CARRIES.

Councilor Davis returned to the council table.

6.2 Establish future meeting dates and agenda items. (Council)

Councilor Johnson asked that staff give a report on the city booth at the recent TML Conference at the January 8, 2013 meeting.

Council members were reminded that the joint special meeting with the SVFD and the City of El Lago will be held on Tuesday, December 11 at 7:00 p.m. at the Meyer Road fire station.

Mayor Royal asked for the participation of Council at the December HCM&CA meeting at Lakewood Yacht Club, as Seabrook will serve as the host city. Councilor Giangrosso also suggested that department heads be invited.

Upon motion, Mayor Royal adjourned the meeting at 9:46 p.m.

Approved this 8th day of January 2013.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary

Seabrook City Council Special Meeting
Minutes of December 11, 2012
Page 1

The City Councils of the City of Seabrook and the City of El Lago and the Seabrook Volunteer Fire Department Executive Board met in a special joint session on Tuesday, December 11, 2012 at 7:00 p.m. in Seabrook Fire Station #1, 1850 E. Meyer, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT FROM THE CITY OF SEABROOK WERE:

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON	COUNCIL PLACE NO. 3
DON HOLBROOK	COUNCIL PLACE NO. 4
THOM KOLUPSKI	COUNCIL PLACE NO. 5
LAURA DAVIS	MAYOR PRO TEM & COUNCIL PLACE NO. 6
KELLY TEMPLIN	CITY MANAGER
GAYLE COOK	ASSISTANT CITY MANAGER
JEFF GALYEAN	EMERGENCY MANAGEMENT
MEREDITH BRANT	ASSISTANT CITY SECRETARY

THOSE PRESENT FROM THE CITY OF EL LAGO WERE:

BRAD EMEL	MAYOR
ROBERT WHITE	COUNCIL MEMBER
JEFF TAVE	COUNCIL MEMBER
JOHN SKELTON	COUNCIL MEMBER
ANN VERNON	CITY SECRETARY

THOSE PRESENT FROM SVFD EXECUTIVE BOARD WERE:

TREY HAFELY	PRESIDENT
ROB WOHRER	VICE-PRESIDENT
TRISH COOK	SECRETARY
NANCY KEIM	TREASURER
RAY COOK	FIRE CHIEF
DOMINIC DEL ROSSO	1 ST ASSISTANT CHIEF
NATHAN DOUGLAS	STATION 2 CAPTAIN

Mayor Emel called the joint meeting to order at 7:00 p.m.

1.0 ROUTINE PUBLIC HEARINGS AND ANNOUNCEMENT

There were none.

2.0 WORK SESSION ITEMS

Seabrook City Council Special Meeting
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2.1 Introduce members of the SVFD Executive Board, the El Lago City Council, the Seabrook City Council and staff.

After introductions were made, Seabrook Mayor Pro Tem Laura Davis conducted the meeting.

Councilor Davis stated that Seabrook and El Lago are intertwined and both want what is best for the community. She added that the meeting last year established that both cities have many goals in common as far as public safety is concerned.

2.2 Discuss and take action, if necessary, on the SVFD budget deficit of \$25,000.

AND

2.3 Discuss and take action, if necessary, on the SVFD's contract with each of the cities, including but not limited to: status of the current contracts; options for restructuring the contracts; and establishing or modifying any interlocal agreements, with the objective of equitable distribution of the fiscal obligation.

Councilor Davis explained that in the past there was an agreement where El Lago would pay a portion of the bond which Seabrook took out through a bond election on three issues, all fire department related and benefitting both cities. This year there was a jump in the bond payment schedule resulting in an increase of \$123,000 for Seabrook and \$25,000 for El Lago. Councilor Davis stated that it is her hope that a palatable solution may be reached addressing the \$25,000 deficit.

Mayor Royal stated that the additional payment amount is due to the increase in the bond gap which Seabrook is obligated to pay and Seabrook will pay its part, but El Lago's \$25,000 portion outstanding will not be paid by the citizens of Seabrook.

Mayor Emel stated that the contract El Lago had with the City of Seabrook was signed in 2006 and was not a part of the bond issue. That contract has expired and is not under consideration at this time. In the past, anything purchased by the fire department was owned by the fire department. Since the bond election all new equipment purchased has been owned by the City of Seabrook. He stated that while El Lago's portion of the cost has risen over the years, it was not unexpected due to the increased cost of doing business. Additionally, the City of El Lago never had a contract to suggest the financial increases and it wasn't until recently that El Lago was even aware of the bond schedule. Mayor Emel stated that El Lago does not have the extra funds to pay \$25,000.

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Both Mayor Royal and Mayor Emel agreed that the service of the Seabrook Volunteer Fire Department (SVFD) is excellent and both cities have improved their ICS ratings due to the efforts of the SVFD.

Chief Ray Cook stated that if the SVFD must absorb the \$25,000 cost it will cut into operations, including training and fire prevention.

Mayor Emel stated that since the expiration of the contract in 2010, the City of El Lago has paid for fire service month-to-month although they have not received a current SVFD budget, which is months past due.

Chief Cook stated that the SVFD is caught in the middle, while all the volunteers want to do is provide good service to the citizens.

Mayor Royal stated that there are a couple of options: to enter into an interlocal agreement between the cities with the same basic set-up or to create a fire district which would get the fire department out of the middle.

Councilor Davis presented a formula-based distribution of cost which takes four factors into consideration: call volume, taxable value, population and number of structures. (Detail is included in Attachment A.)

There was additional discussion concerning creating a fire district which would be a taxing entity with administrative capabilities. To create such a district would require a vote of the citizens affected. This topic could not be addressed tonight.

Councilor White stated that ultimately the issue is the urgency of the \$25,000 deficit which needs to be addressed between El Lago and The SVFD.

Councilor Davis suggested that an ad hoc committee be formed with equal representation of all three entities to work on a long-term solution.

2.4 Discuss any other concerns regarding fire protection in Seabrook and El Lago.

This item was not addressed.

At 8:45, Mayor Emel left the meeting. Having no further business, Mayor Royal adjourned the meeting at 8:50 p.m.

Approved by the Seabrook City Council on this 8th day of January, 2013.

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Glenn R. Royal, Seabrook Mayor

Meredith Brant, TRMC
Seabrook Assistant City Secretary

Approved by the El Lago City Council on the ____ day of _____, 2013

Brad Emel, El Lago Mayor

Ann Vernon, El Lago City Secretary

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ATTACHMENT A
Seabrook City Council Special Meeting
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Proposal for Formula-based Distribution of SVFD Cost

December 11, 2012

Presented by: Laura Davis

**ATTACHMENT A
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Methodology

- I decided to use four different factors for determining cost per city: call volume, taxable value, population and number of structures (established through number of water meters).
- I gave more weight to call volume and taxable value (60% of their average) and less weight to population and number of structures (40% of their average).

So the formula looks like this:

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$$X = A \times \{[(B + C)/2] \times .60 + [(D + E)/2] \times .40\}$$

Where:

X = Cost of fire protection for one year to be charged to recipient of service

A = Total cost of annual SVFD budget (including O&M and Capital)

B = Percent of calls within the city limits for the last 3 years

C = Percent of taxable value of the city to the total valuation (does not include homestead exemptions for either city)

D = Percent of population of the city to the total population

E = Percent of structures in the city to the total structures protected (assessed by number of water meters)

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Example

City of Seabrook

$$X = \$1,000,698 \times \{[(.90152 + .82070)/2] \times .60 + [(.78317 + .78354)/2] \times .40\}$$

$$X = \$1,000,698 \times [(.86111 \times .6) + (.78335 \times .4)]$$

$$X = \$1,000,698 \times .830006$$

$$X = \$830,585.35$$

City of El Lago

$$X = \$1,000,698 \times \{[(.09847 + .17929)/2] \times .60 + [(.21682 + .21645)/2] \times .40\}$$

$$X = \$1,000,698 \times [(.13888 \times .6) + (.21663 \times .4)]$$

$$X = \$1,000,698 \times .169980$$

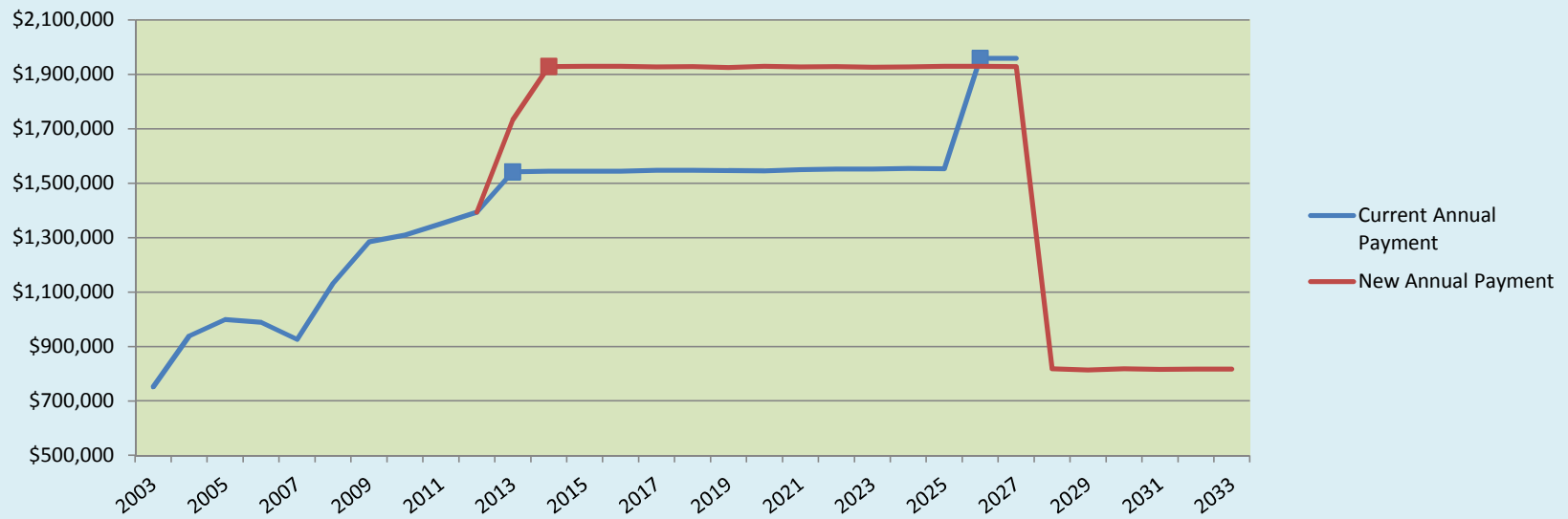
$$X = \$1,000,698 \times .170098.65$$

**Note: the number inserted for B (percent of calls averaged over 3 years) is the current call volume for the past year, and not an average at this point. This is for illustration purposes only.

Benefits of a Formula-based Distribution of Cost

- Adjusts over time as both cities develop
- Takes into account multiple variables (call volume, taxable value, population & number of structures) which gives a better picture of each city's demand on the SVFD
- Some variables change yearly (call volume, taxable value) while others change less frequently (official population; # of structures rarely change significantly)
- Averages the number of calls over the last three years to reduce radical changes in cost
- Addresses the total cost to provide fire service, including O&M and capital expenditures
- Can be included as a part of each city's budget process

Current vs. Proposed Debt Service Obligations



First year payment on new debt less than half (\$190k). Full debt service obligation (\$385k) kicks in in 2014.

Assuming zero growth in taxable values, the additional tax rate needed to fund the new portion of the debt obligation in 2013 is 2.24 cents.

An additional 2.30 cents would be necessary in 2014 bringing the total tax increase to fund the new debt to 4.54 cents

Total Impact to homeowners annually	\$158,000 average taxable value	\$71.73
	\$200,000 taxable value	\$90.80



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, JANUARY 8, 2013

Submitter/Requestor: Open Space and Trails Date Submitted: 12/28/2012 8:05:29 AM
Committee

Presenter:

Description/Subject:

Changing the name of the city pool complex.

Purpose/Need: NA

Background/Issue(What prompted this need):

The City is about to purchase new parks signs. LeaAnn Dearman suggested the Open Space Committee take into consideration a new name for the swimming pool complex, currently known as "Municipal Swimming Pool", to a name that would create more interest. By majority vote the Open Space Committee recommended the name be changed to "Seabrook's City Splash."

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Ms. Dearman suggested that to be in keeping with other city signage, the possessive should be dropped, leaving the preferred name of "Seabrook City Splash."

Attachments:

(Please list description of attachments and number of pages in each attachment)

Fiscal Impact:	Budgeted	Yes	Finance	Officer
	Budget Amendment Required	Yes	Review:	
	Future/Ongoing Impact	Yes		

Budget Dept/Line Item Number

Funding Comments:

Where on the agenda should this item be placed?

New Business

Suggested Motion:

Approval of name change

Agenda Language:

Consider name change of the city pool complex from "Municipal Swimming Pool" to "Seabrook's City Splash" as recommended by the Open Space and Trails Committee. (OSC)

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

ACTION ITEM CHECK LIST STATUS

#	STATUS	DATE ASSIGNED	NEXT REVIEW DATE	PROPOSED CLOSURE DATE	RESPONSIBLE ORGANIZATION	SUPPORT ORGANIZATIONS	City Council RESPONSIBILITY	PLANNING OBJECTIVE #	AGENDA ITEM NUMBER	DESCRIPTION OF ACTION ITEM	STATUS AND DATE
2	OPEN/IN WORK	10/2/2012			Staff/Council				5.5	Form Committee to review uses of Carothers property and bring back recommendations to Council.	Council accepted two recommendations on 11/6/12. Will reassess after trial period of 1/13-3/13.
3	OPEN/IN WORK				Staff/Council					Negotiation of new contract with SVFD.	Ongoing,
4	OPEN/IN WORK	12/6/2012			Staff/Council					Consider transportation alternatives from hotels to <u>new cruise terminal</u>	Ongoing.
5	OPEN/IN WORK	12/6/2012			Staff/P&Z					Ord. No. 2012-24, "Deleting Existing Point Overlay Sign Regulations" was tabled for staff & P&Z review	Ongoing

January 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Holiday City Hall Closed	2	3 Open Space	4	5
6	7	8 Council	9 Public Safety	10 EDC	11	12
13	14	15	16	17 P&Z HCMCA	18 BAHEP Annual Banquet 6:30 PM	19
20	21	22 Council	23	24	25	26
27	28	29	30	31		