

**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, AUGUST 20, 2013 - 7:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY AUGUST 20, 2013 AT 7:00 PM** IN THE SEABROOK CITY HALL COUNCIL CHAMBERS, 1700 FIRST STREET, SEABROOK, TX 77586, **TO DISCUSS, CONSIDER, AND IF APPROPRIATE, TAKE ACTION** WITH RESPECT TO THE ITEMS LISTED BELOW.

THIS MEETING WILL BEGIN IMMEDIATELY FOLLOWING THE SPECIAL MEETING OR AT 7:00 P.M. WHICHEVER IS LATER.

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

PLEDGE OF ALLEGIANCE

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

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

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

2.0 SPECIFIC PUBLIC HEARING(S)

 ATTACHMENT 1

- 2.1 Proposed Ordinance No. 2013-13, "Amendment to the Official Zoning Map to Rezone 12.21 Acres East of Bayport Boulevard and West of Old Highway 146 from C-2 (Commercial – Medium District) to LI Light Industrial." (Applicant)

Applicant: Gulfwinds Investments Inc., 411 Brisbane, Houston 77061

Owners: Estate of John B. Carter Jr., 5773 Woodway #307, Houston, TX 77057

Legal Description: Being 12.21 acres out of Tract 6J, Abstract 52 of the Ritson Morris Survey. This property is located between State Highway 146 and Old State Highway 146 and is adjacent to the Seabrook city limits.

ATTACHMENT 2

2.2 Proposed Ord. No. 2013-14, "Standards for Planned Unit Developments." (P&Z/Landis)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 4 "SPECIAL USE REGULATIONS", SECTION 4.10, "PLANNED UNIT DEVELOPMENTS," BY REVISING SUBSECTION, 4.10.06(B) "PUD DESIGNATION PROCEDURE", 4.10.10 "DEVELOPMENT SCHEDULE", AND 4.10.11 "DISSOLUTION OF THE PUD"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

ATTACHMENT 3

2.3 Proposed Ordinance No. 2013-15, "Updating and Amending Sign Standards for Temporary Grand Opening Signs." (P&Z/Landis)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 6, "SIGN STANDARDS", SECTION 6.04 "EXEMPT SIGNS", BY AMENDING SUBSECTION 6.04.02 (C) "TEMPORARY GRAND OPENING SIGNAGE"; TO ALLOW CERTAIN WIND-DRIVEN SIGNS; 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.

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 4

3.1 Approve the July 2013 Building Report. (Landis)

ATTACHMENT 5

3.2 Approve the July 2013 Public Safety Report. (Holomon)

ATTACHMENT 6

3.3 Approve the minutes of the August 6, 2013 City Council meeting. (Glaser)

END OF CONSENT AGENDA

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

📎 ATTACHMENT 7

- 4.1 Consider first reading of proposed Ordinance No. 2013-12, "Amendment to the Animal Ordinance, Exception to the Maximum Number of Domestic Animals Permitted." This ordinance was tabled by City Council on August 6, 2013. (Council)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 10, "ANIMALS" , ARTICLE I, "IN GENERAL", SECTION 10.1 "DEFINITIONS" TO FURTHER CLARIFY THE DEFINITIONS OF "LICENSING AUTHORITY" AND "HUMANE OFFICER", AMENDING SECTION 10.7 "NUMBER OF ANIMALS LIMITED" TO LIST THE TYPES OF EXCEPTIONS ALLOWED; AMENDING SECTION 10-8, "SCHOOL PROJECT EXCEPTION" TO DESIGNATE THE ANIMAL CONTROL OFFICER OR DESIGNEE AS THE OFFICIAL TO PERFORM INSPECTIONS AND TO ESTABLISH THAT THE SCHOOL PROJECT EXCEPTION FEE SHALL BE ESTABLISHED BY SEPARATE RESOLUTION; ADDING A NEW SECTION 10-9, "MULTI-PET PERMIT EXCEPTION" ESTABLISHING THE CONDITIONS AND PERMIT REQUIREMENTS FOR SUCH EXCEPTION, INCLUDING INFORMATION ABOUT PERMIT RENEWALS AND REVOCATIONS; AND RENUMBERING SUBSEQUENT SECTIONS AS NECESSARY.

THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDES FOR SEVERABILITY; AND PROVIDES FOR NOTICE.

📎 ATTACHMENT 8

- 4.2 Consider approval of first reading of proposed Ordinance No. 2013-13, Amendment to the Official Zoning Map to Rezone 12.21 Acres of Land East of Bayport Boulevard and West of Old Highway 146 from C-2 (Medium Commercial) to L-I (Light Industrial.) (Applicant/Landis)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATIVE", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 12.21 ACRES OF TRACT 6J, A 16.9058 ACRE TRACT SITUATED IN ABSTRACT 52 OF THE RITSON MOORE SURVEY, HARRIS COUNTY, TEXAS FROM C-2 MEDIUM COMMERCIAL DISTRICT TO LI LIGHT INDUSTRIAL DISTRICT AND REQUIRING THAT THE ZONING BE AMENDED TO REFLECT THIS CHANGE.

THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES

INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES SEVERABILITY.

 ATTACHMENT 9

- 4.3 Approve first reading of Ord. No. 2013-14. "Standards for Planned Unit Developments. (P&Z/Landis)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 4 "SPECIAL USE REGULATIONS", SECTION 4.10, "PLANNED UNIT DEVELOPMENTS," BY REVISING SUBSECTION, 4.10.06(B) "PUD DESIGNATION PROCEDURE", 4.10.10 "DEVELOPMENT SCHEDULE", AND 4.10.11"DISSOLUTION OF THE PUD"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

 ATTACHMENT 10

- 4.4 Consider first reading of proposed Ordinance No. 2013-15, "Sign Standards for Temporary Grand Opening Signs" (P&Z/Landis)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 6, "SIGN STANDARDS", SECTION 6.04 "EXEMPT SIGNS", BY AMENDING SUBSECTION 6.04.02 (C) "TEMPORARY GRAND OPENING SIGNAGE"; TO ALLOW CERTAIN WIND-DRIVEN SIGNS; 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 11

- 4.5 Consider a request from some Surf Oaks Drive residents for the city to accept Surf Oaks Drive following its dedication by all adjoining property owners and improvement by Harris County. (Templin/Applicants)

 ATTACHMENT 12

- 4.6 Approve proposed Resolution No. 2013-16, "Opposing the 2012 Biggert-Waters Flood Insurance Reform Act." (Templin/Council)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS OPPOSING THE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012 RECENTLY PASSED BY U.S. CONGRESS, AND PROVIDING FOR THE DELIVERY OF SUCH RESOLUTION TO STATE AND FEDERAL LEGISLATORS THAT REPRESENT SEABROOK.

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

 ATTACHMENT 13

- 5.1 Receive/consider an update on the Pine Gully Improvement Project, including options for changes to the previously approved plan for trails and related changes at an additional cost of $\geq$ \$260,000. This item was tabled on August 6, 2013. (Templin)

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

 ATTACHMENT 14

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

 ATTACHMENT 15

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

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

CERTIFICATE

I certify that this notice was posted on the bulletin board on or before Friday, August 16, 2013 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

Meredith Brant, TRMC
Assistant City Secretary

**ORDINANCE NO. 2013-13
AMENDMENT TO THE OFFICIAL ZONING MAP TO
REZONE 12.21 ACRES EAST OF BAYPORT BOULEVARD AND WEST OF
OLD HIGHWAY 146 FROM C-2 (MEDIUM COMMERCIAL)
TO LI (LIGHT INDUSTRIAL)**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 12.21 ACRES OF TRACT 6J, A 16.9058 ACRE TRACT SITUATED IN ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS FROM C-2 MEDIUM COMMERCIAL DISTRICT TO LI LIGHT INDUSTRIAL DISTRICT AND REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS CHANGE.

THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDES FOR SEVERABILITY.

WHEREAS, the applicant, Gulf Winds International has applied for a zoning change for 12.21 acres of land consisting of a portion of Tract 6J, out of a 16.9058 acre tract situated in Abstract 52 of the Ritson Morris Survey, Harris County, Texas, located along Bayport Boulevard and Old Highway 146; and

WHEREAS, all public notices have been published and mailed in accordance with state and city laws and whereas all required public hearings have been held; and

WHEREAS, the Planning and Zoning Commission recommended this zoning change at its meeting of July 18, 2013, and has made its final report;

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

SECTION 1. FINDINGS.

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

Ordinance No. 2013-13

Page 2

SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE AND TO THE OFFICIAL ZONING MAP.

The Seabrook City Code of Ordinances, Appendix A, "Comprehensive Zoning", Article 2, "Administration", Section 2.05, "Official Zoning Map" is hereby amended by rezoning 12.21 acres of land, consisting of a portion of Tract 6J situated in the Ritson Morris Survey, Abstract 52 of Harris County, Texas, located along and east of Bayport Boulevard and to the west of Old Highway 146 from C-2 Medium commercial district to LI Light industrial district.

The property to be rezoned is shown on the property maps identified as Attachments A and B which are made a part of this Ordinance.

Upon passage of this Ordinance, the official zoning map of the City of Seabrook shall be amended to reflect this change.

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 including, Section 11.06, "Criminal Enforcement" which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor 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. 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 of 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 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.

Ordinance No. 2013-13

Page 3

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 20th day of August, 2013.

PASSED, APPROVED, AND ADOPTED on second and final reading this 3rd day of September, 2013.

By: _____
Glenn R. Royal
Mayor

ATTEST:

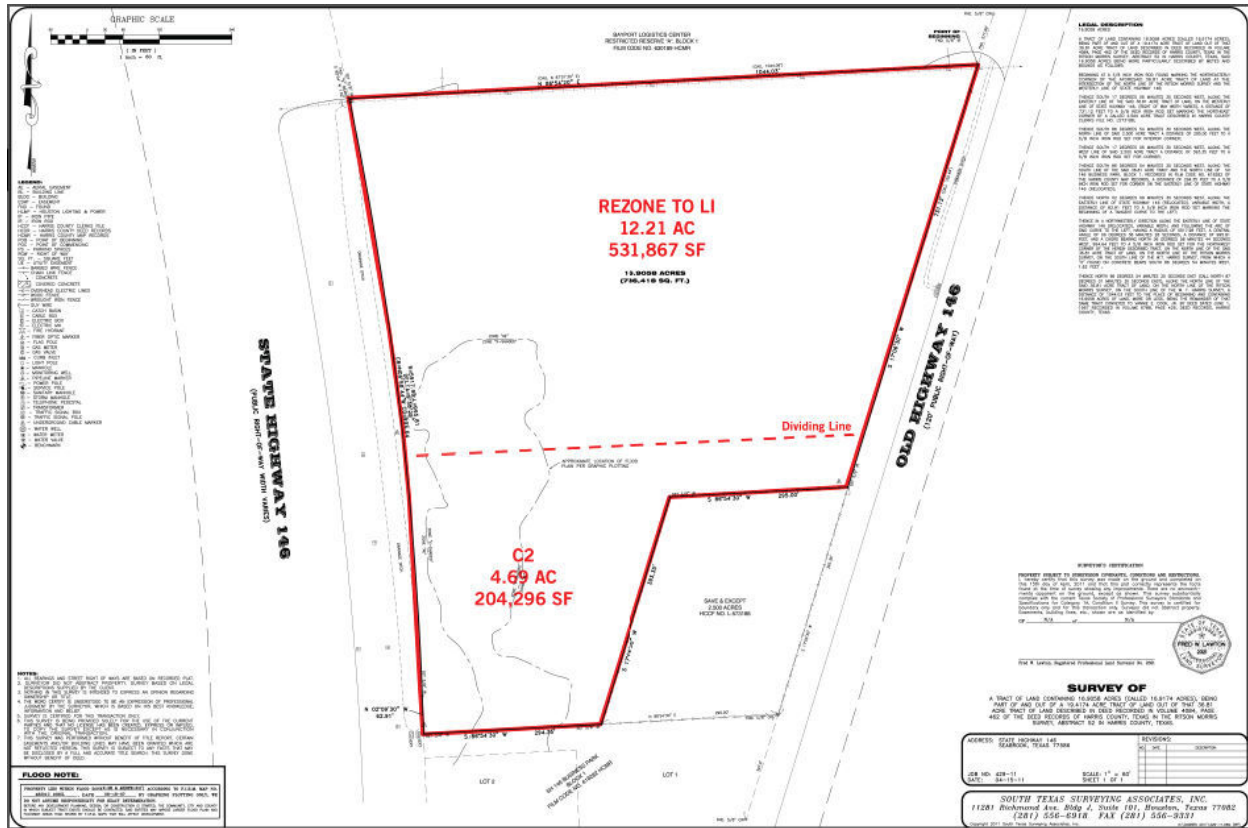
By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

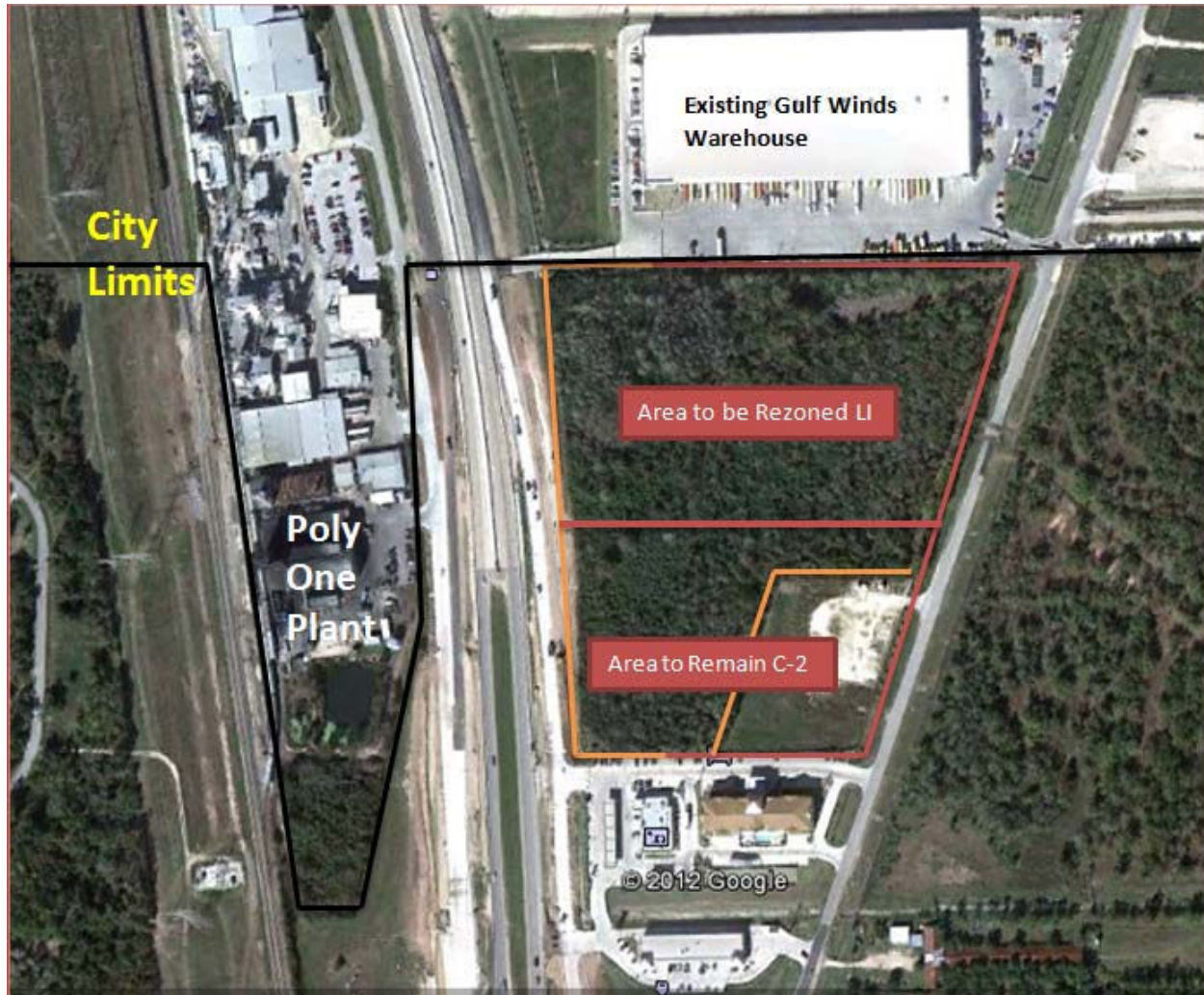
Ordinance No. 2013-13
Attachment A

Survey of Property



**Ordinance No. 2013-13
Attachment B**

Location Aerial



**CITY OF SEABROOK
ORDINANCE NO. 2013-14
STANDARDS FOR PLANNED UNIT DEVELOPMENTS**

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 4 "SPECIAL USE REGULATIONS", SECTION 4.10, "PLANNED UNIT DEVELOPMENTS," BY REVISING SUBSECTION, 4.10.06(B) "PUD DESIGNATION PROCEDURE", 4.10.10 "DEVELOPMENT SCHEDULE", AND 4.10.11 "DISSOLUTION OF THE PUD"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances ("Code") 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 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 revise the provisions relative to standards for planned unit developments in an effort to provide for orderly growth and protection of the health, safety and welfare of the inhabitants of the City of Seabrook; 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 SEABROOK CITY CODE,
APPENDIX A, ARTICLE 4.

The Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 4, "Special Use Regulations," Section 4.10, "Planned Unit Developments", is amended by revising subsection 4.10.06(B) entitled "PUD Designation Procedure", 4.10.10 "Development Schedule", and 4.10.11 "Dissolution of the PUD", as specifically provided hereafter:

"4.10.06. PUD designation procedure:

The process for the filing of an application, requirements for notice and advertisement of public meetings, procedures for protest of the establishment of PUD designation and other related action shall be the same as those provided for in the rezoning process as described in article 2, section 2.04, of this ordinance. In addition to the above, the landowner shall be governed by the following requirements:

A. Submission of a preliminary PUD plan: The planning and zoning commission shall hold a public hearing on an application for PUD designation. Prior to the approval of such designation, the landowner shall submit a preliminary plan. The following information shall be shown on the preliminary plan:

1. The name, address and telephone number of the landowner;
2. The date that the project is submitted to the planning and zoning commission;
3. The name of the proposed project;
4. The names and addresses of adjoining property owners within 500 feet of the proposed project site;
5. A key map;
6. All existing streets, drives, buildings, watercourses, and bodies of water;
7. The location and size of existing utilities within or adjacent to the proposed project site; and
8. The proposed location, type and size of the following:
 - (a) Buildings and structures;
 - (b) Streets, drives, alleys, and curbs;
 - (c) Off-street parking areas with parking spaces individually drawn and counted;
 - (d) Sidewalks;
 - (e) Landscaping;
 - (f) Common open space and amenities sites;
 - (g) Sites for solid waste containers; and
 - (h) Signs.

The planning and zoning commission is empowered to require additional information necessary for a complete understanding of the proposed PUD. After appropriate review and consideration, the planning and zoning commission shall file a report with the city

council, recommending approval, approval with modifications to the PUD plan, or denial of PUD designation of the site.

In accordance with article 2, section 2.04, of this ordinance, the city council shall hold a public hearing and shall review the PUD report from the planning and zoning commission. The city council shall approve or deny PUD designation of the site.

B. Submission of a final PUD plan: Before a building permit may be issued or before any development action on a proposed PUD may begin, the landowner shall submit a final plan to the planning and zoning commission **for consideration and then city council for final approval**. The submission may be for all of the land included within a proposed PUD site or for a part of the site. The submission shall include all of the information prescribed in subsection A., above, and shall additionally include specifications, covenants, easements, conditions, bonds, or other information required by the commission **and city council**.

4.10.10. Development schedule:

Prior to the issuance of any building permits, a construction schedule must be submitted to and approved by the planning and zoning commission **for consideration and then city council**. The schedule shall include a detailed timeframe in which street, utility and building construction shall be completed. The owner/developer of the PUD **shall** ~~[is to]~~ appear **and present a status report** before the planning and zoning commission **and then city council** on no less than a ~~[quarterly]~~ **bi-annual basis commencing on the date of approval by city council of the PUD and** until completion of the project.

~~[Building permits shall be secured for the PUD project no later than six months after approval by the city council. The city council may grant one six-month extension upon majority vote.~~

~~Completion of the project shall occur no later than 24 months after approval except as may be extended by the majority vote of the city council.]~~

4.10.11. Dissolution of the PUD:

~~Should the PUD project fail to meet the schedule [listed above] **as approved by the city council** the PUD classification and related permits shall be immediately terminated and, the land shall return to the zoning that existed immediately prior to the PUD conditional approval. [without further action by the city council.]~~

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 of Ordinances, Section 1-15 "General Penalty" and Appendix A, 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. 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 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 20th day of August, 2013.

PASSED AND APPROVED on second and final reading this 3rd day of September, 2013.

BY: _____
Glenn R. Royal, Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

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185 APPROVED AS TO FORM:

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Steven L. Weathered

191 City Attorney

**ORDINANCE NO. 2013-15
UPDATING AND AMENDING SIGN STANDARDS
FOR TEMPORARY GRAND OPENING SIGNS**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 6, "SIGN STANDARDS", SECTION 6.04 "EXEMPT SIGNS", BY AMENDING SUBSECTION 6.04.02 (C) "TEMPORARY GRAND OPENING SIGNAGE"; TO ALLOW CERTAIN WIND-DRIVEN SIGNS; 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 ("Code") 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.

46 **SECTION 2. AMENDMENT TO THE CODE, APPENDIX A, ARTICLE 6,**
47 **SECTION 6.04 "EXEMPT SIGNS"**

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49 The Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 6, "Sign
50 Standards", Section 6.04 "Exempt Signs" is hereby amended as follows:

51
52 6.04.02(C) *Temporary Grand Opening Signage*: Wall signs to advertise grand
53 opening celebrations for individual businesses shall be allowed for a period not to exceed
54 30 days.

55 (1) Maximum size not to exceed 32 square feet per sign and may be in
56 the form of a banner.

57 (2) May not project above roofline except buildings with parapet
58 walls.

59 **(3) Wind-driven signs in the form of pennants, flags (other than**
60 **official flags), ribbons, streamers, spinners, or other similar devices shall be**
61 **considered temporary grand opening signs for the purpose of this ordinance,**
62 **subject to the limitations contained herein.**

63
64 **SECTION 3. INCORPORATION INTO THE CODE, PENALTY**
65 **CLAUSE.**

66
67 This Ordinance is hereby incorporated and made a part of the Seabrook City
68 Code. Violation of this ordinance is subject to the penalty section of said Code and
69 Ordinance, Section 1-15 "General Penalty and 11.06, "Criminal Enforcement" which
70 provides that any person who shall violate any provision of this Ordinance shall be
71 deemed guilty of an offense and, upon conviction, shall be fined in an amount not to
72 exceed \$2,000.00. Each day of violation shall constitute a separate offense.

73
74 **SECTION 4. REPEAL OF CONFLICTING ORDINANCES.**

75
76 All ordinances or parts of ordinances in conflict or inconsistent with this
77 Ordinance are hereby expressly repealed.

78
79 **SECTION 5. SEVERABILITY.**

80
81 In the event any clause phrase, provision, sentence, or part of this Ordinance or
82 the application of the same to any person or circumstances shall for any reason be
83 adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not
84 affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof
85 other than the part declared to be invalid or unconstitutional; and the City Council of the
86 City of Seabrook, Texas, declares that it would have passed each and every part of the
87 same notwithstanding the omission of any such part thus declared to be invalid or
88 unconstitutional, whether there be one or more parts.

Ord. No. 2013-15
Page 3

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 20th day of August, 2013

PASSED AND APPROVED on second and final reading this 3rd day of September, 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, AUGUST 20, 2013

Submitter/Requestor: Sean Landis

Date Submitted: 8/12/2013 10:18:00 AM

Presenter: Sean Landis

Description/Subject:

Monthly Building Report for July

Purpose/Need: Administration Issue

Background/Issue(What prompted this need):

N/A

Impacted Parties(Expected/Notified): N/A

Miscellaneous Comments:

1 New Residential Permit issued for the month of July, totaling \$404,471
) New Commercial Permits issued for the month of July.

Attachments:

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

Fire Inspections

Building Report

**Fiscal
Impact:**

Budgeted

No

Finance Officer Review:

Budget Amendment Required

No

Future/Ongoing Impact

No

Budget Dept/Line Item Number

Funding Comments:

N/A

Where on the agenda should this item be placed?

Consent Agenda

Suggested Motion:

N/A

Agenda Language:

Approve the July 2013 Building Report. (Landis)

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.)

SVFD

Inspections by Occupancy

Date Completed Between {07/01/2013} And
{07/31/2013}SECOND1409 Back Bay Boutique
 1409 2nd (Second) ST
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

NASA2830 Bay Area Transmission
 2830 Nasa Pkwy
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/05/2013		205 Re-Inspection	0.00	
Total Activities for Occupancy: 1			0.00	

BAYPORT2010 Blockbuster Video
 2010 Bayport Blvd (SH 146)
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/05/2013		205 Re-Inspection	0.00	
07/19/2013		205 Re-Inspection	0.00	
Total Activities for Occupancy: 2			0.00	

REPSDORPH194 Bosone Automotive
 1940 Repsdorph
 PO Box 7
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {07/01/2013} And
{07/31/2013}BOSO01 Bosone Mini Warehouse
2020 Repsdorph
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

CAMP01 Camp Casa Mare
4810 Todville RD
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/16/2013		810 CONSULTATION - Site	0.00	
Total Activities for Occupancy: 1			0.00	

DCIN01 D & C Inspection Services
2600 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

DCIN02 D & C Inspection Services
2600 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {07/01/2013} And
{07/31/2013}NASA2600#103 D & C Inspection Services
2600 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

NASA2600STE1 D & C Inspection Services
2600 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

DCIN03 D& C Inspection Services
2600 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

NASA3101 Endeavour Marina
3101 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/05/2013		100 PLAN REVIEW - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {07/01/2013} And
{07/31/2013}NASA2622#A Gold and Silver
 2622 Nasa Pkwy
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/05/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

LILY01 Grand Central Station
 1002 Meyer RD
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

NASA2600(ALL Holmes Bob
 2600 Nasa Pkwy
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/22/2013		800 CONSULTATION - General	0.00	
Total Activities for Occupancy: 1			0.00	

JENN01 Jennifer's Salon
 1306 N Meyer RD
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {07/01/2013} And
{07/31/2013}

BAYPORT2170 Kwik Kar Lube
2170 Bayport Blvd (SH 146)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

LEON01 Leonard Cox Attorney
2600 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

LONG01 Longevity Center
2100 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

NASA1913 Majestic Pet
1913 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {07/01/2013} And
{07/31/2013}NASA 1913A Majestic Pet Upstairs
 1913 Nasa Pkwy
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

NMEYER1302 Mar-Tek Inc
 1302 N Meyer RD
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/19/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

HALL1113 Old Parsonage Guest House
 1113 Hall ST
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		205 Re-Inspection	0.00	
Total Activities for Occupancy: 1			0.00	

BAYPORT2148 PT Nails
 2148 Bayport Blvd (SH 146)
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {07/01/2013} And
{07/31/2013}**HARDESTY1109** Parsonage Too
1109 Hardesty ST
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		205 Re-Inspection	0.00	
Total Activities for Occupancy: 1			0.00	

HARDESTY802 Perfect Palapas & More
802 Hardesty ST
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

BAYPORT2200 Popeye`s
2200 Bayport Blvd (SH 146)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/19/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

REPSDORPH255 Regatta Bay Apartments
2555 Repsdorph
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/05/2013		205 Re-Inspection	0.00	
07/19/2013		205 Re-Inspection	0.00	
Total Activities for Occupancy: 2			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {07/01/2013} And
{07/31/2013}

NMEYER 1302A SSI
 1302 N Meyer RD
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

MARVINCIR190 Seabrook Machine
 1901 Marvin CIR
 (PO BOX 543 Kemah TX 77565)
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

TODVILLE1010 Seabrook Sailing Club
 1010 Todville RD
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

BAYPORT1725 Sno Cione Express
 1725 Bayport Blvd (SH 146)
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/05/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {07/01/2013} And
{07/31/2013}NASA2000 TASC
2000 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

HIALEAH1908E Taqueria Ringo's
1908 Hialeah DR
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/19/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

REPSDORPH240 Teakwood Apartments
2401 Repsdorph
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/19/2013		205 Re-Inspection	0.00	
Total Activities for Occupancy: 1			0.00	

FIFTH1320C The Barbi Shop
1320C 5th (Fifth) ST
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/19/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {07/01/2013} And
{07/31/2013}

BAYPORT2004 Tigers Den
2004 Bayport Blvd (SH 146)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/19/2013		205 Re-Inspection	0.00	
Total Activities for Occupancy: 1			0.00	

NASA3538 Top Shelf Resale
3538 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		200 INSPECTION - General	0.00	
07/19/2013		205 Re-Inspection	0.00	
Total Activities for Occupancy: 2			0.00	

HIALEAH1908# Vacant
1908 Hialeah DR
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/26/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

MARVINCIR190 Vacant
1909 Marvin CIR
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/19/2013		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {07/01/2013} And
{07/31/2013}VACA09 Vacant
 2320 Nasa Pkwy
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/11/2013		870 CONSULTATION - Assembly	0.00	
Total Activities for Occupancy: 1			0.00	

NASA3568 Village Pizza
 3568 Nasa Pkwy
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
07/05/2013		205 Re-Inspection	0.00	
07/11/2013		205 Re-Inspection	0.00	
Total Activities for Occupancy: 2			0.00	

Grand Total Activities: 46

Grand Totals: 0.00 0.00

Building Department Statistics
Fiscal Year 2010-2011

Date	New Residential		Residential Additions		Commercial New & Additions		City Projects New & Additions		*Miscellaneous		Electrical		Irrigation		Mechanical		Plumbing		Monthly Totals		Last Year Totals
	#	Valuation	#	Valuation	#	Valuation	#	Valuation	#	Valuation	#	Valuation	#	Valuation	#	Valuation	#	Valuation	#		
	5		5		3		1		4		20		1		13		14		66		91
October		\$1,132,815.05		\$51,400.00		\$139,537.70		\$1,000.00		\$46,550.00		\$82,400.00		\$6,000.00		\$60,493.00		\$40,600.00		\$1,560,785.75	\$2,850,109.72
	7		9		2		0		6		14		2		12		15		67		67
November		\$1,465,599.91		\$157,880.00		\$18,000.00		\$0.00		\$35,950.00		\$34,900.00		\$5,500.00		\$61,849.50		\$76,005.00		\$1,855,684.41	\$1,185,280.33
	1		4		1		0		4		9		0		15		15		49		58
December		\$344,535.94		\$104,000.00		\$8,400.00		\$0.00		\$31,500.00		\$47,830.00		\$0.00		\$357,987.00		\$73,989.89		\$968,242.83	\$2,339,229.71
	5		8		1		0		10		11		0		10		13		58		77
January		\$1,097,808.96		\$147,995.00		\$4,400.00		\$0.00		\$92,400.00		\$27,250.00		\$0.00		\$61,658.39		\$31,950.00		\$1,463,462.35	\$2,724,189.61
	3		5		2		0		6		16		1		12		16		61		82
February		\$617,411.87		\$93,614.00		\$27,000.00		\$0.00		\$40,057.00		\$43,145.00		\$2,100.00		\$74,695.14		\$48,380.00		\$948,403.01	\$3,643,286.96
	7		12		5		0		15		14		2		11		22		88		112
March		\$2,412,325.11		\$225,731.57		\$982,205.00		\$0.00		\$153,050.00		\$190,750.00		\$9,350.00		\$87,291.37		\$68,627.00		\$4,029,330.06	\$2,989,057.97
	6		20		2		0		12		22		2		11		24		99		95
April		\$1,622,845.09		\$628,098.00		\$2,900.00		\$0.00		\$39,950.00		\$71,600.00		\$4,500.00		\$248,328.08		\$147,786.00		\$2,766,007.17	\$1,352,827.27
	5		10		2		0		13		15		0		15		20		80		100
May		\$1,307,958.58		\$131,126.00		\$6,500.00		\$0.00		\$143,720.00		\$20,400.00		\$0.00		\$85,110.07		\$45,480.00		\$1,740,294.66	\$2,488,791.37
	0		9		0		0		8		23		2		18		13		73		105
June		\$0.00		\$212,765.28		\$0.00		\$0.00		\$50,718.00		\$59,285.00		\$6,600.00		\$140,869.46		\$36,280.95		\$506,516.69	\$1,822,628.09
	1		11		4		0		17		17		1		19		16		88		79
July		\$404,471.16		\$311,545.00		\$155,700.00		\$0.00		\$132,915.00		\$50,530.00		\$3,800.00		\$135,009.94		\$28,915.00		\$1,222,886.10	\$2,819,522.17
																					94
August																					95
																					1055
September																					\$17,059,615.01
Y-T-D																					\$30,028,336.63
TOTALS																					

* Miscellaneous Includes fill, tree, fire, sign, demolition, & misc. (certificate of occupancy, etc.)

New Residential Buildings	
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Y-T-D Total	\$ 180,853.16
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#	Water Impact Fees	#	Sewer Impact Fees	#	Water Impact #	Sewer Impact Fees
October	3 \$ 3,444.00	3 \$ 2,772.00	April	6 \$ 9,450.24	6 \$ 18,004.20	
November	6 \$ 7,528.56	6 \$ 8,959.05	May	4 \$ 5,232.56	4 \$ 6,811.05	
December	1 \$ 1,788.56	1 \$ 4,039.05	June	0 \$ -	0 \$ -	
January	6 \$ 5,740.00	6 \$ 4,820.00	July	1 \$ 1,788.56	1 \$ 4,039.05	
February	3 \$ 3,444.00	3 \$ 2,790.00	August			
March	7 \$ 9,957.68	7 \$ 15,813.15	September			

Building Department Statistics JULY 2013

PERMIT TYPES	# ISSUED	VALUATION	FEES PAID
New Residential	1	\$404,471.16	\$2,062.50
Building Additions	11	\$311,545.00	\$3,129.00
New Commercial	0	\$0.00	\$0.00
Commercial Additions	4	\$155,700.00	\$2,075.00
New City	0	\$0.00	\$0.00
City Additions	0	\$0.00	\$0.00
Electrical	17	\$50,530.00	\$2,030.50
Fill	1	\$120.00	\$100.00
Irrigation	1	\$3,800.00	\$80.00
Mechanical	19	\$135,009.94	\$3,135.00
Plumbing	16	\$28,915.00	\$765.00
Sign	4	\$13,120.00	\$567.50
Demolition	0	\$0.00	\$0.00
Fire/Sprinkler	0	\$0.00	\$0.00
Miscellaneous	12	\$119,675.00	\$1,695.00
TOTALS	86	\$1,222,886.10	\$15,639.50



CITY OF SEABROOK

Date of Meeting: August 20, 2013

Submitter/Requestor: Chief Nona Holomon

Date Submitted: August 9, 2013

Presenter: Chief Nona Holomon

Description/Subject: Public Safety Activity Report for July 2013

Purpose/Need: Policy Issue ☐ Administrative Issue: The Public Safety Department's (Police, Fire, CLEMC and Animal Control) will show accountability through statistical data.

Background/Issue: Mayor and City Council request the Seabrook Police Department to present a monthly activity report for review. In an effort to show activity from all other public safety entities we will combine our reports and submit for review.

Impacted Parties (Expected/Notified): Citizens of Seabrook, council and staff

Attachments: Copy of reports. (Charts and graphs)

Fiscal Impact: Budgeted ☐ Yes ☐ No

Finance Officer Review:

Budget Amendment required ☐ Yes ☐ No

Future/Ongoing Impact ☐ Yes ☐ No

Budget Dept/Line Item Number

Funding Comments: N/A

Where on the agenda should this item be placed? Consent agenda

Suggested Motion: Motion to accept report.

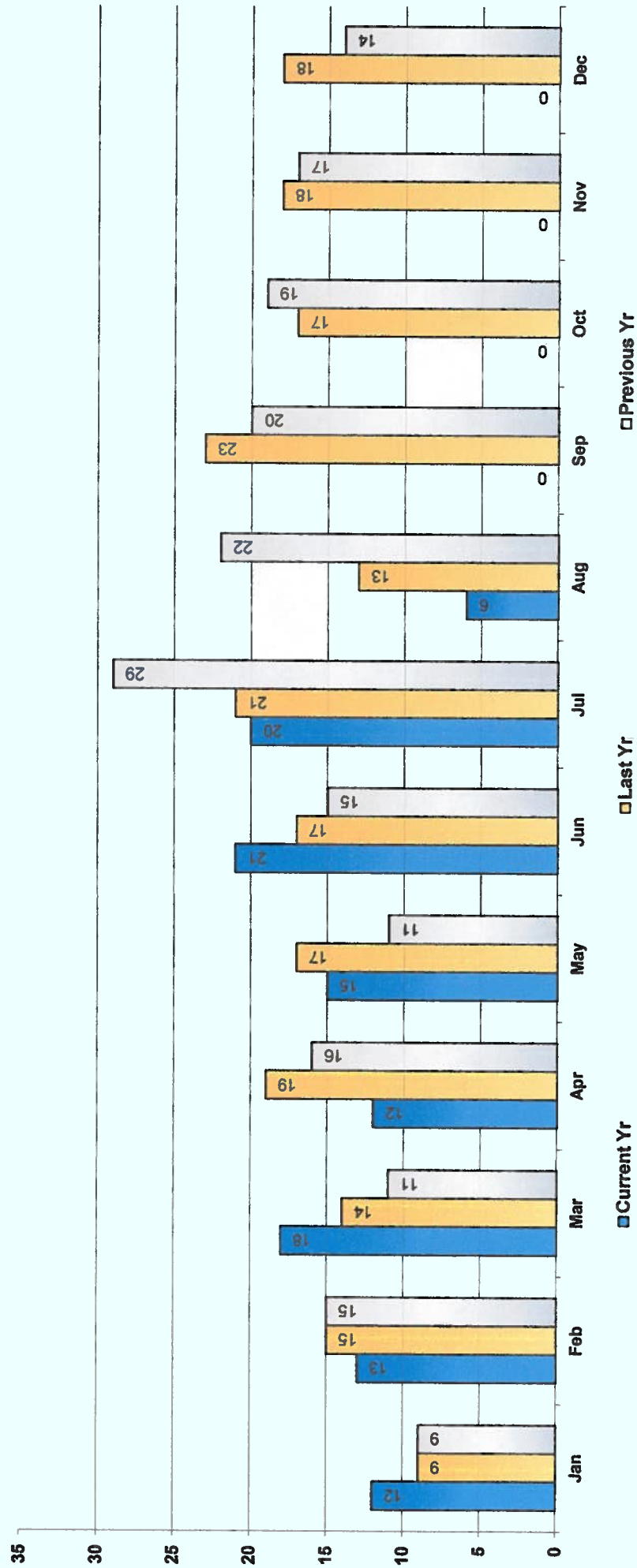
Sent to City Attorney for review

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

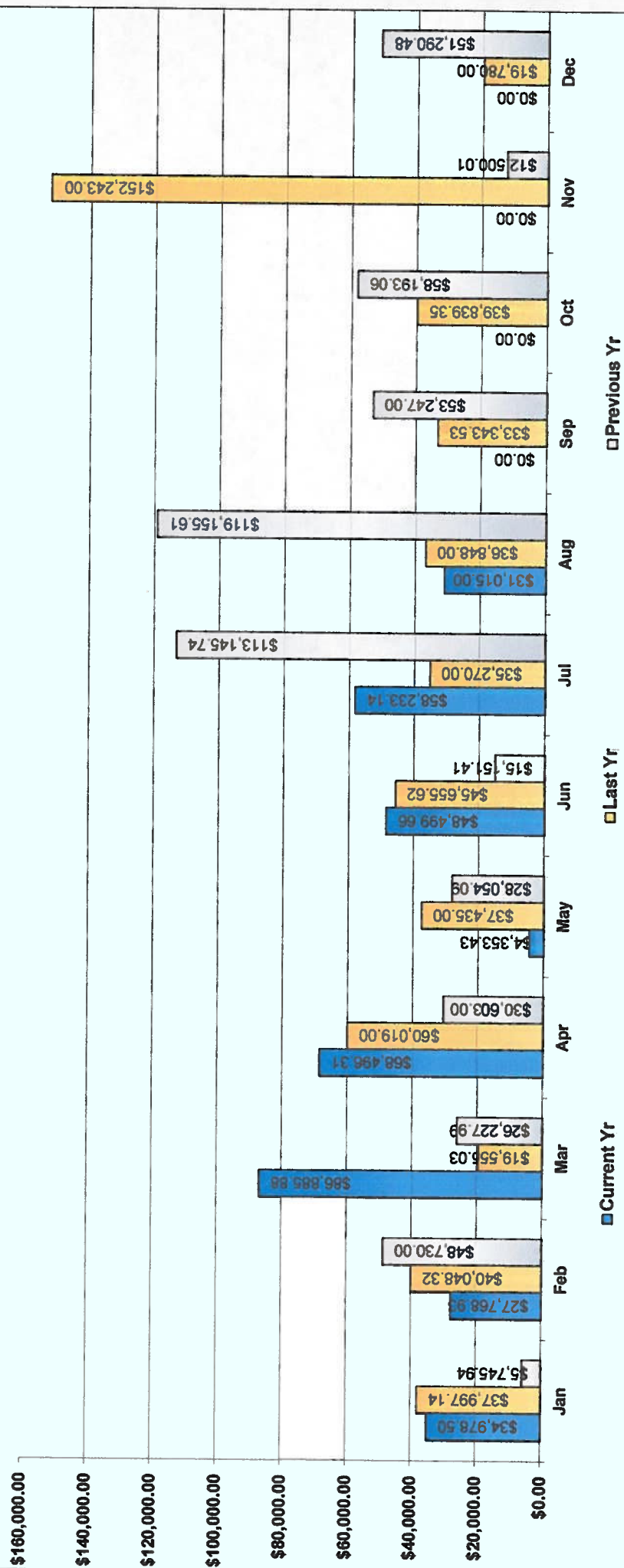
Received and accepted by the City Secretary/Assistant

Returned by the City Secretary/Assistant (If incomplete)

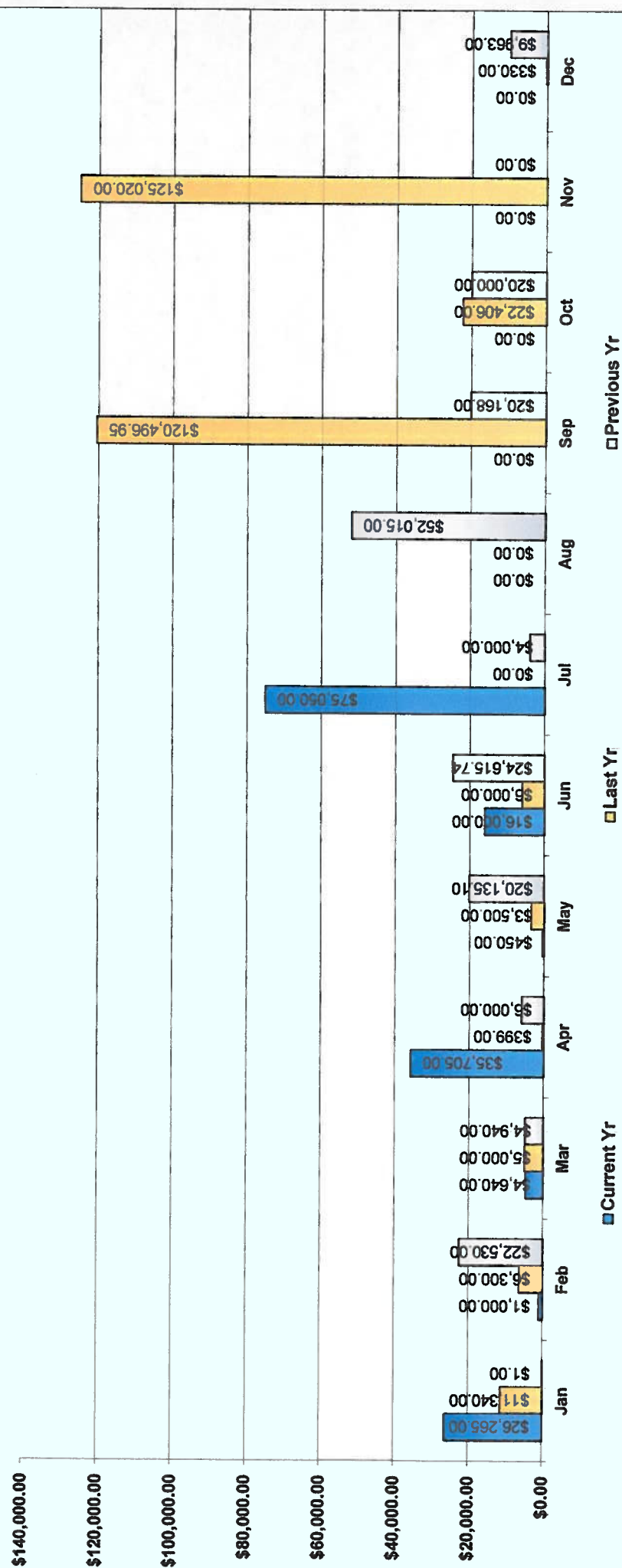
**Seabrook Police Department
ALL PART-I OFFENSES
As Of August 8, 2013**



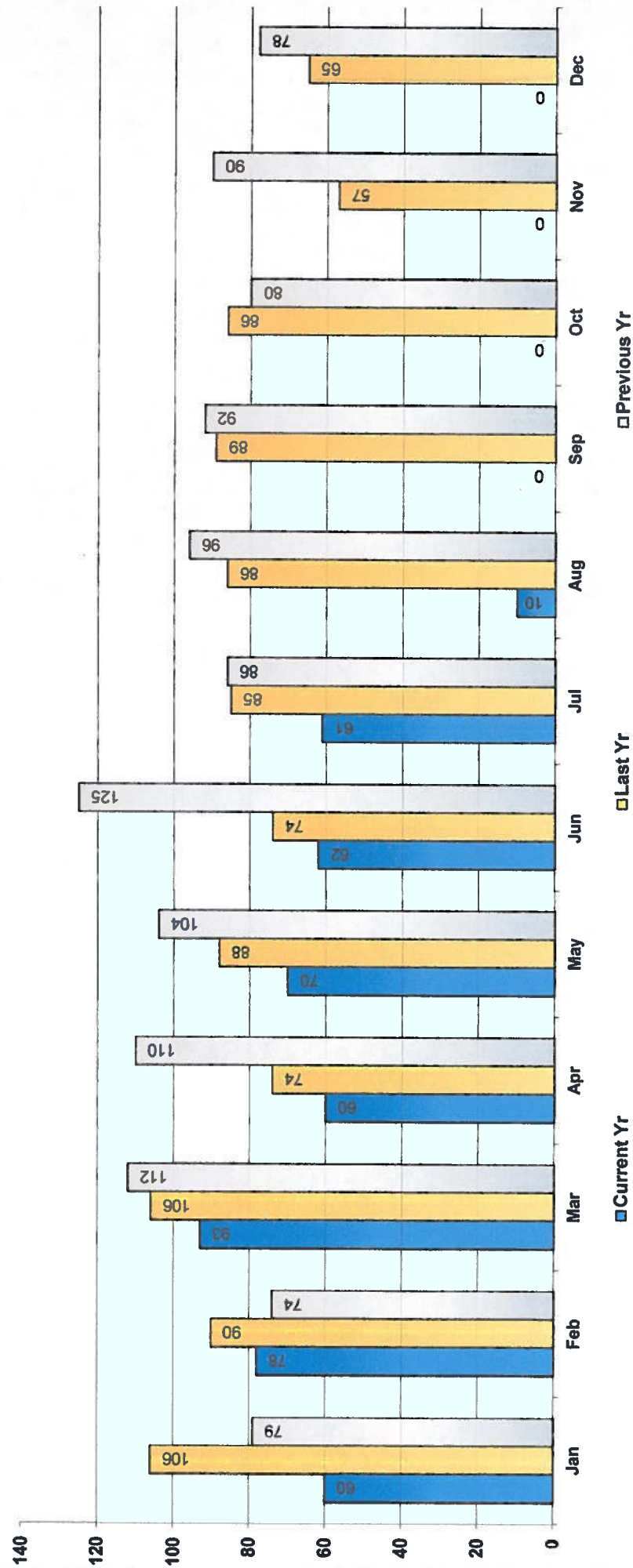
Seabrook Police Department
Stolen Property Value
As Of August 8, 2013



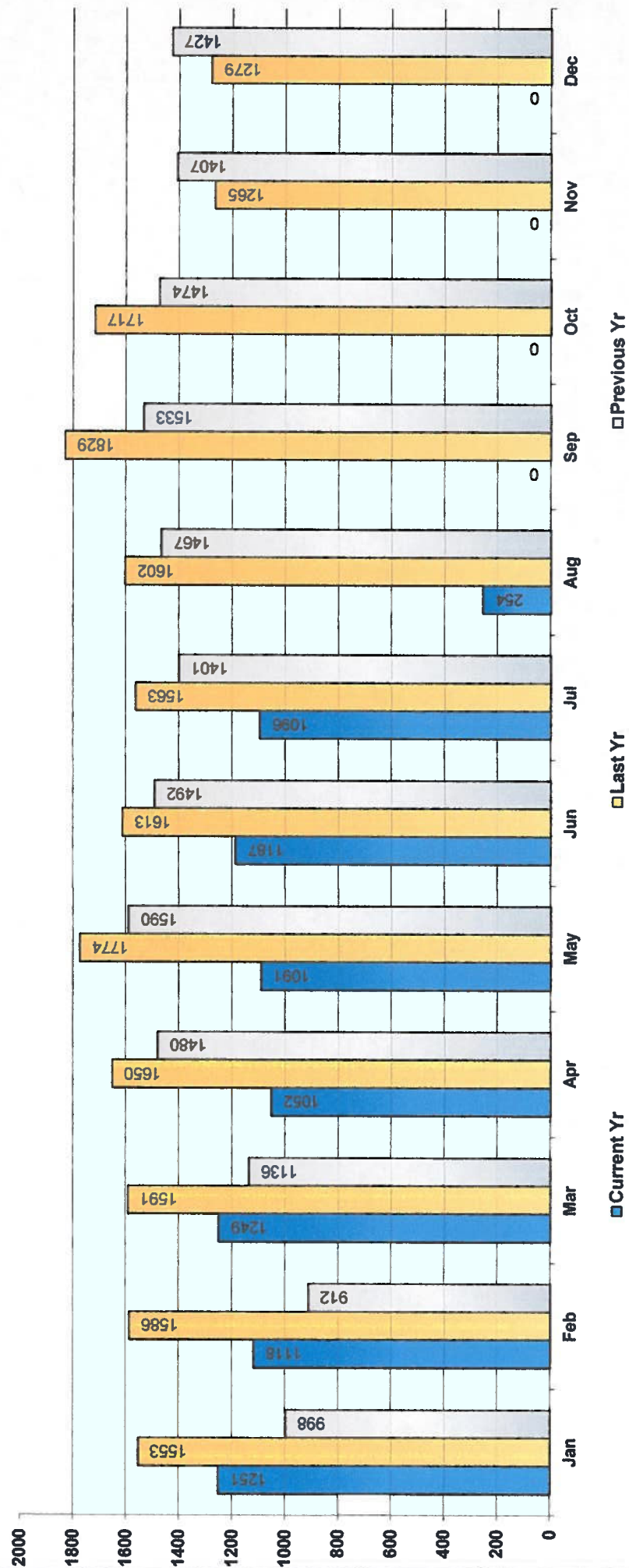
**Seabrook Police Department
Recovered Property Value
As Of August 8, 2013**



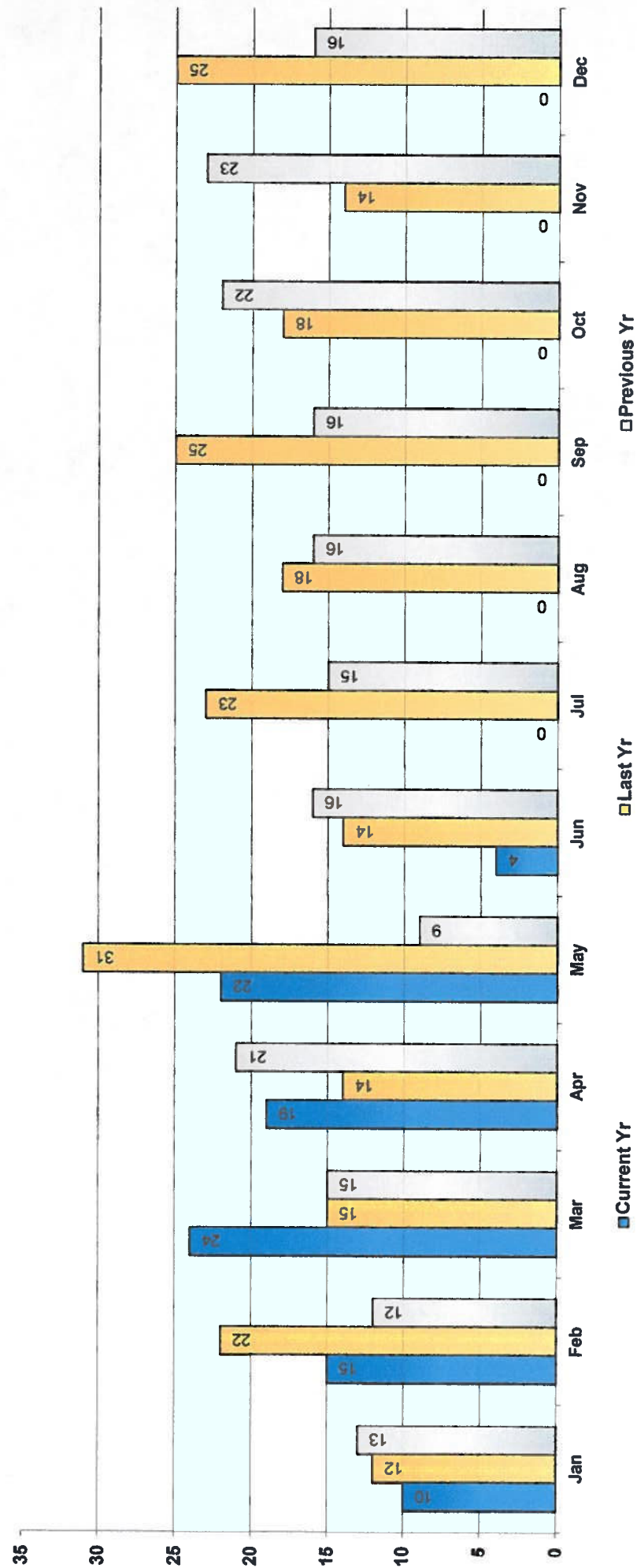
**Seabrook Police Department
Total Arrests
As Of August 8, 2013**



**Seabrook Police Department
Total Calls-For-Service
As Of August 8, 2013**



**Seabrook Police Department
Total Accidents
As Of August 8, 2013**



SEABROOK POLICE DEPARTMENT

DETECTIVE ACTIVITY REPORT

7/1/2013 Through 7/31/2013

Case Status Change This Period																	
Selected Investigators	Previously Assigned Cases Carried Over (Active / Pending)	Cases Assigned This Period	Cleared								Inactivated		Closed/Unft.		Active/Warrant/Pending Cases Continuing	Stolen Property Recovered (Value)	Supplements Submitted
			Cleared Exceptionally	Cleared By Arrest / Charges	Charges Filed				Total Cases Cleared	% Of Assigned Cases Cleared	Total Cases Suspende / Open Not Active	% Of Assigned Cases Suspended	Total Cases Closed or Unfounded	% Of Assigned Cases Closed			
					Class-C Filed	Class-A/B Filed	Felonies Filed	Total Charges Filed									
Department Totals:	196	81	5	1	10	23	11	44	6	7.4%	3	3.7%	45	55.6%	225	\$4,640	59
Sel. Investigator's Tots:	190	81	5	1	10	23	11	44	6	7.4%	3	3.7%	45	55.6%	219	\$4,640	49
Sel. Investigator's Avg:	27.1	11.6	0.7	0.1	1.4	3.3	1.6	6.3	0.9	7.4%	0.4	3.7%	6.4	55.6%	31.3	\$663	7.0
Imbrie, David	27	19	0	0	5	1	1	7	0	0.0%	0	0.0%	4	21.1%	42	\$0	18
Morris, Clinton	44	7	2	0	0	0	0	0	2	28.6%	1	14.3%	2	28.6%	46	\$0	9
Breeding, Ross	22	10	1	0	0	0	0	0	1	10.0%	0	0.0%	5	50.0%	26	\$0	11
Pickell, Michael	14	5	0	0	1	5	2	8	0	0.0%	0	0.0%	1	20.0%	18	\$0	0
Warner, Robert	40	8	2	1	0	0	1	1	3	37.5%	2	25.0%	0	0.0%	43	\$0	11
Bryant, Hulen	11	0	0	0	0	0	0	0	0	0.0%	0	0.0%	0	0.0%	11	\$4,640	0
Patrol	32	32	0	0	4	17	7	28	0	0.0%	0	0.0%	33	103.1%	33	\$0	0

**CITY OF SEABROOK TEXAS
MONTHLY HUMANE OFFICER REPORT
MONTH OF July 2013**

	THIS MONTH	THIS MONTH LAST YEAR	YEAR TO DATE	YEAR TO DATE LAST YEAR
Dogs and Cats Picked Up	08	21	147	174
Wildlife: Deceased & Alive	08	08	82	142
Animals Adopted Out	02	01	37	17
Animals Returned to Owners From Shelter	01	10	40	33
Animals Returned to Owners on the Street	00	08	41	38
Animals Destroyed	04	03	44	87
Rabid Animals Verified	00	00	00	00
Complaints Received by Residents	32	117	542	746
Revenue: Pound Fees	\$100.00	\$139.00	\$1241.00	\$1078.00
Animal Bites Reported	02	00	06	05
Citations Issued	01	13	64	129

Humane Officer D.MARSHALL

CLEMC REPORT

Seabrook Stats Report JUN13

	May-13	Jun-13	Jul-13	3 Month Total
Allergic Reaction	1	0	0	1
Assist by EMS	1	2	6	9
Attempted Suicide	0	1	2	3
Breathing problems	4	2	5	11
Choking	0	1	0	1
CPR	1	0	0	1
CVA	2	1	0	3
Death Investigation	0	0	0	0
Diabetic	1	1	1	3
Drowning	0	0	1	1
Heart problems/pain	3	3	5	11
Injured person	14	12	19	45
Major Accident	0	0	0	0
Medical Alert Alarm	0	1	0	1
OB Baby Call	0	0	0	0
Overdose	5	0	2	7
Seizure	1	4	6	11
Sick Call	12	21	13	46
Trauma Gunshot/Stabbing	0	0	0	0
fire stand-by	0	0	0	0
Unconscious	1	8	3	12
Total	46	57	63	166

Response Time

4Min32Sec

4Min58Sec

4Min41Sec

Average Response Time
4Min44Sec

Last Year Same Time Period

	May-12	Jun-12	Jun-12	3 Month Total
Allergic Reaction	1	0	0	1
Assist by EMS	6	1	3	10
Attempted Suicide	2	1	1	4
Breathing problems	5	6	8	19
Choking	0	0	0	0
CPR	0	0	0	0
CVA	1	1	0	2
Death Investigation	0	0	0	0
Diabetic	0	1	1	2
Drowning	0	0	0	0
Heart problems/pain	8	4	10	22
Injured person	18	21	25	64
Major Accident	0	0	0	0
Medical Alert Alarm	1	1	0	2
OB Baby Call	0	0	0	0
Overdose	2	2	1	5
Seizure	3	0	5	8
Sick Call	19	13	19	51
Trauma Gunshot/Stabbing	3	0	0	3
fire stand-by	0	0	0	0
Unconscious	1	2	7	10
Total	70	53	80	203

Average Response Time

Seabrook**City of Seabrook Monthly Statistics**

**Alarm Date Between {07/01/2013} And {07/31/2013}
and District = "1"**

1 Seabrook

Incident	Alarm Date & Time		Arrival Date & Time		Stn	Shift	Response Time
13-0000333	07/10/2013	20:00:46	07/10/2013	20:07:42	1		00:06:56
13-0000369	07/23/2013	20:46:46	07/23/2013	20:50:26	1		00:03:40
13-0000375	07/26/2013	11:07:51	07/26/2013	11:13:48	1		00:05:57
Average Response Time for District/Incident Type							00:05:31
111 Building fire							
13-0000341	07/12/2013	22:21:26	07/12/2013	22:27:30	1	N	00:06:04
13-0000342	07/13/2013	01:47:13	07/13/2013	01:51:58	1	N	00:04:45
Average Response Time for District/Incident Type							00:05:25
131 Passenger vehicle fire							
13-0000361	07/22/2013	10:15:08	07/22/2013	10:20:36	1	1	00:05:28
Average Response Time for District/Incident Type							00:05:28
141 Forest, woods or wildland fire							
13-0000319	07/04/2013	16:12:08	07/04/2013	16:19:24	1	2	00:07:16
Average Response Time for District/Incident Type							00:07:16
142 Brush or brush-and-grass mixture fire							
13-0000324	07/06/2013	20:36:30	07/06/2013	20:50:09	1	2	00:13:39
Average Response Time for District/Incident Type							00:13:39
311 Medical assist, assist EMS crew							
13-0000315	07/01/2013	05:05:43	07/01/2013	05:10:48	1	3	00:05:05
13-0000317	07/02/2013	13:05:38	07/02/2013	13:11:41	1	1	00:06:03
13-0000321	07/05/2013	02:02:00	07/05/2013	02:10:52	1	3	00:08:52
13-0000328	07/08/2013	07:34:17	07/08/2013	07:43:29	1	1	00:09:12
13-0000331	07/10/2013	15:37:56	07/10/2013	15:43:41	1	2	00:05:45
13-0000332	07/10/2013	17:42:21	07/10/2013	17:44:19	1	2	00:01:58
13-0000334	07/10/2013	20:59:20	07/10/2013	21:07:42	1	2	00:08:22
13-0000336	07/12/2013	06:12:56	07/12/2013	06:19:06	1	3	00:06:10
13-0000338	07/12/2013	10:04:08	07/12/2013	10:07:28	1	1	00:03:20
13-0000340	07/12/2013	16:02:35	07/12/2013	16:06:59	1	N	00:04:24
13-0000343	07/13/2013	10:06:32	07/13/2013	10:19:22	1	1	00:12:50
13-0000347	07/15/2013	11:37:10	07/15/2013	11:42:51	1	1	00:05:41
13-0000350	07/17/2013	13:57:47	07/17/2013	14:03:10	1	1	00:05:23
13-0000352	07/17/2013	17:30:20	07/17/2013	17:34:00	1	2	00:03:40
13-0000357	07/19/2013	06:13:39	07/19/2013	06:16:36	1	3	00:02:57
13-0000359	07/20/2013	17:26:44	07/20/2013	17:26:44	1	2	00:00:00
13-0000366	07/22/2013	17:37:59	07/22/2013	17:40:09	1	2	00:02:10
13-0000367	07/22/2013	20:18:23	07/22/2013	20:22:31	1	2	00:04:08
13-0000370	07/23/2013	22:41:58	07/23/2013	22:41:58	1	2	00:00:00
13-0000371	07/24/2013	17:50:17	07/24/2013	18:00:26	1	2	00:10:09
13-0000374	07/25/2013	16:21:45	07/25/2013	16:25:07	1	2	00:03:22
13-0000379	07/29/2013	08:58:51	07/29/2013	09:04:34	1	1	00:05:43
13-0000382	07/31/2013	16:31:16	07/31/2013	16:34:46	1	2	00:03:30
Average Response Time for District/Incident Type							00:05:10

Seabrook**City of Seabrook Monthly Statistics**

**Alarm Date Between {07/01/2013} And {07/31/2013}
and District = "1"**

1 Seabrook

Incident	Alarm Date & Time		Arrival Date & Time		Stn	Shift	Response Time
322 Motor vehicle accident with injuries							
13-0000345	07/14/2013	18:27:44	07/14/2013	18:36:03	1	2	00:08:19
13-0000380	07/30/2013	18:25:20	07/30/2013	18:31:11	1	2	00:05:51
Average Response Time for District/Incident Type							00:07:05
324 Motor Vehicle Accident with no injuries							
13-0000323	07/05/2013	18:23:06	07/05/2013	18:29:36	1	2	00:06:30
13-0000330	07/08/2013	17:45:26	07/08/2013	17:45:50	1	2	00:00:24
Average Response Time for District/Incident Type							00:03:27
353 Removal of victim(s) from stalled elevator							
13-0000344	07/13/2013	19:41:25	07/13/2013	19:47:05	1	2	00:05:40
Average Response Time for District/Incident Type							00:05:40
361 Swimming/recreational water areas rescue							
13-0000325	07/07/2013	07:18:59	07/07/2013	07:25:17	1	1	00:06:18
Average Response Time for District/Incident Type							00:06:18
444 Power line down							
13-0000326	07/07/2013	08:42:04	07/07/2013	08:46:56	1	1	00:04:52
13-0000353	07/17/2013	17:35:02	07/17/2013	17:35:02	1	2	00:00:00
13-0000362	07/22/2013	15:20:08	07/22/2013	15:36:17	1	2	00:16:09
13-0000376	07/27/2013	22:08:18	07/27/2013	22:12:21	1	2	00:04:03
Average Response Time for District/Incident Type							00:06:16
445 Arcing, shorted electrical equipment							
13-0000365	07/22/2013	16:16:17	07/22/2013	16:20:32	1	2	00:04:15
Average Response Time for District/Incident Type							00:04:15
5312 Smoke or odor problem							
13-0000358	07/20/2013	05:17:10	07/20/2013	05:19:45	1	N	00:02:35
13-0000383	07/31/2013	17:31:53	07/31/2013	17:37:56	1	2	00:06:03
Average Response Time for District/Incident Type							00:04:19
611 Dispatched & cancelled en route							
13-0000318	07/03/2013	14:00:24	07/03/2013	14:03:00	1	1	00:02:36
Average Response Time for District/Incident Type							00:02:36
622 No Incident found on arrival at dispatch address							
13-0000378	07/28/2013	20:27:53	07/28/2013	20:32:52	1	2	00:04:59
Average Response Time for District/Incident Type							00:04:59
700 False alarm or false call, Other							
13-0000363	07/22/2013	15:20:42	07/22/2013	15:31:40	1	2	00:10:58
Average Response Time for District/Incident Type							00:10:58
735 Alarm system sounded due to malfunction							
13-0000327	07/07/2013	08:51:25	07/07/2013	08:55:58	1	1	00:04:33
Average Response Time for District/Incident Type							00:04:33

Seabrook**City of Seabrook Monthly Statistics**

**Alarm Date Between {07/01/2013} And {07/31/2013}
and District = "1"**

1 Seabrook

Incident	Alarm Date & Time	Arrival Date & Time	Stn	Shift	Response Time
740 Unintentional transmission of alarm, Other					
13-0000354	07/18/2013 10:07:11	07/18/2013 10:09:17	1	1	00:02:06
Average Response Time for District/Incident Type					00:02:06

Overall Average Response Time for District 00:05:29

Total Incident Count: 49

Overall Average Response Time: 00:05:29

Seabrook

City of Seabrook Monthly Statistics

**Alarm Date Between {07/01/2013} And {07/31/2013}
and District = "1"**

Total Number of Incidents	52	Total Number of Responding Personnel	329
Average Turnout per Incident		7	

Seabrook City Council Regular Meeting
Minutes of August 6, 2013
Page 1

The City Council of the City of Seabrook met in regular session on Tuesday, August 6, 2013 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 – Ex. Abs.	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	COUNCIL PLACE NO. 6
KELLY TEMPLIN	CITY MANAGER
STEVE WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Mayor Pro Tem Laura Davis called the meeting to order at 7:00 p.m. and led the audience in the United States and Texas Pledge of Alliance.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Speaking in favor of proposed Ordinance No. 2013-12 were John and Wendy Largin, Hollybrook Drive; Chris Johnson, Todville Road, who is associated with Second Chance Pets; Andy Roof, D.V.M., Forest Lake Animal Clinic; Catherine and Tom Spicer, Hollybrook; and David Buckweller, Mystic Village Lane.

Several upcoming city events were announced by Councilor Johnson.

2.0 CONSENT AGENDA

2.1 Approve a special events permit request by the Arts Consortium of the Bay Area for an Arts Festival on Saturday, October 26, 2013 from 10 a.m. until 4 p.m. and on Sunday, October 27 from 10 a.m. until 3:00 p.m. pending submission of proof of liability insurance and security deposit for alcohol. Applicant is requesting permission to serve alcohol, temporary signs and a banner over SH 146, waiver of permit fees, and the closing of First Street from 7 a.m. to 4 p.m. on Saturday and from 10 a.m. to 3 p.m. on Sunday.

2.2 Approve a special events permit for Boatoberfest on Clear Lake on Thursday, October 24 through Sunday, October 27 at Endeavor Marina pending approval by Police Department, receipt of proof of insurance and deposit for security for alcohol. Applicant is also requesting temporary off premise signs and directional signs. (Applicant)

2.3 Approve the Investment Report for 3rd quarter 2012-13. (Lab)

Seabrook City Council Regular Meeting
Minutes of August 6, 2013
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2.4 Approve the minutes of the July 9, 2013 special City Council meeting. (Glaser)

2.5 Removed from the Consent Agenda by Mr. Weathered.

2.6 Approve the minutes of the July 23, 2013 special City Council meeting. (Glaser)

Motion was made by Councilor Holbrook and seconded by Councilor Johnson

To approve the Consent Agenda with the exception of Item 2.5.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

2.5 Approve the minutes of the July 16, 2013 regular City Council meeting. (Glaser)

Mr. Weathered requested a correction on Page 4, line 139: *“To consider a long-term lease for Galveston Bay Foundation in and around Pine Gully Park.”*

Motion was made by Councilor Holbrook and seconded by Councilor Johnson

To approve the minutes of July 16, 2013 with the correction recommended by the city attorney.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.0 NEW BUSINESS

3.1 Receive/consider an update on the Pine Gully Improvement Project, including options for changes to the previously approved plan for trails and related changes at an additional cost of $\geq$ \$260,000. (Templin)

Mr. Templin stated that city staff and Brad Matlock, City Engineer have looked at options to save the large oak tree. Two options were developed as a result of a meeting with the Harris County Flood Control District (HCFCD).

Option 1 - Estimate \$260,000

Excavate outside the drip line, create a bulb in the channel and install reinforced box culverts on the south side of the tree to provide the required capacity.

Revise drainage report and submit to HCFCD - \$9k

Redesign of construction plans and resubmit to HCFCD – \$15k

Construction inspection (estimated additional 45 days) \$6k

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Construction cost \$225k (cost is high, because contractor will have to lay large box culverts to obtain the capacity)
Construction materials testing – \$4k

Option 2 – Estimate \$280,000

Complete purchase of land to the south of the tree, and excavate south of the tree far enough to obtain capacity, creating an island around the tree.
Revise drainage report and submit to HCFCFCD - \$9k
Redesign of construction plans and resubmit to HCFCFCD – \$20k (Need more survey)
Construction inspection (Estimated additional 30 days) \$2k
Construction cost – (Approximately 10,000cy, Armor Slope and other Appurtenances) -\$250k
Time delay due to property purchase \$?

Mr. Templin said that both options will require the submission of the revised plans to HCFCFCD and the United States Army Corps of Engineers. He also stated that additional costs would have to be funded by Reserves which would require a budget amendment.

In answer to questions from various council members, Mr. Matlock said that the project was designed for a 100-year flow which is a valid capacity and should be maintained. The cost estimates are approximate and may change. It will take 45-60 days to redesign the plans and an additional 3-4 weeks for HCFCFCD to review the revised plans, thus making the delay between 90-120 days. There may be some contractor delays due to the change of plans; for example, the contractor has about 30 more days of dirt work before any additional costs would be incurred in waiting for the new plan approval. It is not anticipated that there will be any changes to the Corps permit as long as the amount of mitigation is not reduced. Mr. Matlock had not consulted a tree expert and could not comment on the viability of the tree if the additional work were to be undertaken. Councilor Holbrook mentioned that League City had paid approximately \$300,000 to move a large oak tree which is now in shock and dying.

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To table this item to allow staff to develop a better timeline and estimates.

Councilor Llorente suggested that the City consult a tree expert. Mr. Templin stated that he would look into getting an opinion from a tree expert.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.2 Consider first reading of proposed Ordinance No. 2013-12, "Amendment to the Animal Ordinance, Exception to the Maximum Number of Domestic Animals Permitted." (Council)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 10, "ANIMALS" , ARTICLE I, "IN GENERAL", SECTION 10.1 "DEFINITIONS" TO

Seabrook City Council Regular Meeting
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FURTHER CLARIFY THE DEFINITIONS OF "LICENSING AUTHORITY" AND "HUMANE OFFICER", AMENDING SECTION 10.7 "NUMBER OF ANIMALS LIMITED" TO LIST THE TYPES OF EXCEPTIONS ALLOWED; AMENDING SECTION 10-8, "SCHOOL PROJECT EXCEPTION" TO DESIGNATE THE ANIMAL CONTROL OFFICER OR DESIGNEE AS THE OFFICIAL TO PERFORM INSPECTIONS AND TO ESTABLISH THAT THE SCHOOL PROJECT EXCEPTION FEE SHALL BE ESTABLISHED BY SEPARATE RESOLUTION; ADDING A NEW SECTION 10-9, "MULTI-PET PERMIT EXCEPTION" ESTABLISHING THE CONDITIONS AND PERMIT REQUIREMENTS FOR SUCH EXCEPTION, INCLUDING INFORMATION ABOUT PERMIT RENEWALS AND REVOCATIONS; AND RENUMBERING SUBSEQUENT SECTIONS AS NECESSARY.

THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDES FOR SEVERABILITY; AND PROVIDES FOR NOTICE.

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To approve proposed Ordinance No. 2013-12 on first reading with the following amendments:

Lines 153-154: The total number of adult animals allowed per household (including the six allowed without a permit) shall be two **(2) animals per 500 sq. feet.**

Lines 227-228: The applicant shall be notified in writing if a permit has not been issued or renewed and shall have [~~ten (10)~~] **30** days after the notice to remove the animals.

Lines 248 -249: The permit holder shall be notified in writing if a permit has been revoked by the City Council and shall have [~~ten (10)~~] **30** days after the notice to remove all excess animals from the premises.

Councilor Kolupski asked if the new ordinance would conflict with the zoning ordinance, as outside kennels are not permitted in an R-1 zone. Mr. Templin stated that he and Mr. Weathered did not see a conflict as a kennel is permitted in a commercial use, operating for profit. Councilor Giangrosso asked if the Council should consider allowing animals over 15 pounds in the multi-pet exception. Mrs. Glaser stated that Council had requested the 15-pound weight restriction for extra animals. The first six animals allowed without a permit could be any size; only the additional animals were to be restricted to 15 pounds each. Animal Control Officer Danny Marshall agreed that the weight limit was appropriate.

Councilor Johnson asked if the ordinance and proposed permit fee considered the additional work to be done by the animal control officer. Mr. Marshall stated that the only enforcement problem would be if the permit holder refused inspection. Mr. Templin stated that a property owner could refuse entry which would invalidate the permit. Council discussed who would

Seabrook City Council Regular Meeting
Minutes of August 6, 2013
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179 have the authority to revoke the permit. Mr. Templin recommended that the animal control
180 officer or designee be the person to revoke the permit.

181
182 Also discussed were methods to notify the neighbors of an application for permit.

183
184 Mr. Weathered stated that he had some comments of a legal nature to discuss with Council.

185
186 **EXECUTIVE SESSION**

187 At 7:57 p.m., Mayor Pro Tem Davis announced that the City Council would hold a closed
188 executive meeting concerning Agenda Item 3.2, pursuant to the provisions of the Open
189 Meetings Act, Chapter 551, Government Code, and Vernon's Texas Codes Annotated in
190 accordance with the authority contained in Section 551.071, "Consultation with Attorney."

191
192 **OPEN SESSION**

193
194 Mayor Pro Tem Davis reconvened the open meeting at 8:15 p.m. and stated that Item 3.2 had
195 been discussed but that no action had been taken in executive session.

196
197 Council members discussed several additional amendments to the ordinance including:

198
199 1) Permit holder must be the owner of the property and reside on the property. (This would
200 delete Section 10-9.2, Item 9.)

201
202 2) Inspections are to take place during regular business hours.

203
204 3) If inspection is denied, it is a separate violation of the ordinance and would cause
205 revocation of the permit.

206
207 4) Council will approve or disapprove the permits and renewals.

208
209 5) The animal control officer shall have the power to revoke the permit, with the option of
210 appeal of the revocation to the city manager. Appeals would not come before City Council.

211
212 6) The public hearing and notification process shall be the same as the requirements for
213 zoning changes, except that only property owners within 200 feet shall be notified.

214
215 Mr. Weathered stated that he would like to review the proposed ordinance again and would
216 work with staff to incorporate recommended changes.

217
218 Motion was made by Councilor Kolupski and seconded by Councilor Llorente

219
220 To table the ordinance to allow for review and amendment and to bring back the revised
221 ordinance for first reading on August 20.

222
223 **MOTION CARRIED BY UNANIMOUS CONSENT.**

Seabrook City Council Regular Meeting
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3.3 Consider approval of proposed Res. No. 2013-14, "Animal Control Fees." (Templin)

A RESOLUTION REPLACING RESOLUTION NO. 2000-14 BY PROVIDING FOR LICENSE AND REGISTRATION FEES, POUND FEES, QUARANTINE FEES, FEES FOR EXCEPTIONS TO THE ORDINANCE AND ANIMAL ESTABLISHMENT PERMIT FEES; AND PROVIDING THAT LICENSING FEES MAY BE PERIODICALLY WAIVED FOR SPECIAL PROGRAMS CONDUCTED TO INDUCE CITIZENS TO HAVE THEIR PETS VACCINATED AND REGISTERED WITH THE CITY.

Motion was made by Councilor Johnson and seconded by Councilor Llorente

To table this item until Item 3.2 has been reconsidered.

Mr. Templin stated that he would place this item on the same agenda as the second reading of proposed Ordinance No. 2013-12.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.4 Approve Resolution No. 2013-15, "Authorization for Acquisition of Initial Property for Public Works Site Project." (Templin)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, AUTHORIZING FUNDING FOR THE ACQUISITION OF CERTAIN REAL PROPERTY FOR THE PUBLIC WORKS SITE PROJECT; SUCH PROPERTY CONSISTING OF A TRACT OF LAND CONTAINING APPROXIMATELY 25.23 ACRES (1,099,124 SQUARE FEET) SITUATED IN THE RITSON MORRIS SURVEY, A-52, HARRIS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED SPECIAL WARRANTY DEED EXHIBIT "A", WHICH IS INCORPORATED BY REFERENCE FOR ALL PURPOSES, (THE "PROPERTY"); DETERMINING THE PUBLIC NECESSITY AND JUST COMPENSATION FOR THE PROPERTY FOR SUCH PROJECT; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE PROPERTY, INCLUDING PAYMENT OF ASSOCIATED DUE DILIGENCE AND CLOSING COSTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; AUTHORIZING THE MAYOR TO ACCEPT THE CONVEYANCE OF THE PROPERTY IN BEHALF OF THE CITY; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To approve Resolution No. 2013-15.

Mr. Templin thanked Mr. Weathered and American Acryl. Council also thanked Mr. Templin and Mr. Weathered for facilitating this resolution.

Seabrook City Council Regular Meeting
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MOTION CARRIED BY UNANIMOUS CONSENT.

4.0 ROUTINE BUSINESS

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

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

Council agreed to hold its next budget work session on August 27 at 6:00 p.m.

Council also agreed to hold a special meeting concerning proposed rate changes to flood insurance on August 20 at 6:00 p.m. before the regular meeting.

Agenda items for the regular meeting on August 20 included consideration of a resolution opposing the proposed flood insurance rates and an item relating to Surf Oaks.

5.0 EXECUTIVE SESSION

At 8:44 p.m., Mayor Pro Tem Davis announced that the City Council would hold a closed executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.074, Personnel Matters.

Section 551.074

5.1 Conduct an executive session under Section 551.074, Texas Government Code, allowing the Seabrook City Council to deliberate the evaluation or duties or hear a complaint in relation to the City Manager and Police Chief. (Holbrook)

Section 551.074

5.2 Conduct an executive session under Section 551.074, Texas Government Code, allowing the Seabrook City Council to deliberate the evaluation or duties or hear a complaint in relation to the Municipal Court Judge.

6.0 OPEN MEETING

At 9:32 p.m. Mayor Pro Tem Davis reconvened the meeting in open session and stated that Items 5.1 and 5.2 had been discussed, but no action had been taken.

Upon motion, Mayor Pro Tem Davis adjourned the meeting at 9:32 p.m.

Seabrook City Council Regular Meeting
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Approved this 20th day of August 2013.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, AUGUST 20, 2013

**Submitter/Requestor: Council based on a request Date Submitted: 8/12/2013
from citizens 10:28:08 AM**

Presenter: K. Templin/Michele Glaser

Description/Subject:

As a result of a citizen request, Council directed staff to prepare an ordinance to allow more dogs/cats in a household than the current limit of six animals under special conditions and with a special permit. A staff committee was formed to formulate an ordinance, using the suggestions of Council on July 2 and by review of ordinances in other cities.

Purpose/Need: Policy Issue

Background/Issue(What prompted this need):

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

The committee did not have a recommendation as to the total number of animals to be allowed under a special permit. Council is asked to determine this number.

Attachments:

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

Staff concerns

ordinance samples from other cities

Excerpt from July 2 Council Minutes

Ordinance with city attorney comments

Ordinance without comments

Fiscal Impact: Budgeted

No

Finance
Review:

Officer

Budget Amendment Required	No
Future/Ongoing Impact	Yes

Budget Dept/Line Item Number

Funding Comments:

Administration of the ordinance will require more manpower and could impact the city's animal shelter if the animals are abandoned or were removed from a household due to non-compliance.

Where on the agenda should this item be placed?

New Business

Suggested Motion:

No recommendation.

Agenda Language:

Consider first reading of proposed Ordinance No. 2013-12, "Amendment to the Animal Ordinance, Exception to the Maximum Number of Domestic Animals Permitted." This ordinance was tabled by City Council on August 6, 2013. (Council)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 10, "ANIMALS" , ARTICLE I, "IN GENERAL", SECTION 10.1 "DEFINITIONS" TO FURTHER CLARIFY THE DEFINITIONS OF "LICENSING AUTHORITY" AND "HUMANE OFFICER", AMENDING SECTION 10.7 "NUMBER OF ANIMALS LIMITED" TO LIST THE TYPES OF EXCEPTIONS ALLOWED; AMENDING SECTION 10-8, "SCHOOL PROJECT EXCEPTION" TO DESIGNATE THE ANIMAL CONTROL OFFICER OR DESIGNEE AS THE OFFICIAL TO PERFORM INSPECTIONS AND TO ESTABLISH THAT THE SCHOOL PROJECT EXCEPTION FEE SHALL BE ESTABLISHED BY SEPARATE RESOLUTION; ADDING A NEW SECTION 10-9, "MULTI-PET PERMIT EXCEPTION" ESTABLISHING THE CONDITIONS AND PERMIT REQUIREMENTS FOR SUCH EXCEPTION, INCLUDING INFORMATION ABOUT PERMIT RENEWALS AND REVOCATIONS; AND RENUMBERING SUBSEQUENT SECTIONS AS NECESSARY.

THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDES FOR SEVERABILITY; AND PROVIDES FOR NOTICE.

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.)

ORDINANCE NO. 2013-12

AMENDMENT TO THE ANIMAL ORDINANCE

EXCEPTIONS TO THE MAXIMUM NUMBER OF DOMESTIC ANIMALS PERMITTED

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 10, "ANIMALS", ARTICLE I, "IN GENERAL", SECTION 10.1 "DEFINITIONS" TO FURTHER CLARIFY THE DEFINITIONS OF "LICENSING AUTHORITY" AND "HUMANE OFFICER", AMENDING SECTION 10.7 "NUMBER OF ANIMALS LIMITED" TO LIST THE TYPES OF EXCEPTIONS ALLOWED; AMENDING SECTION 10-8, "SCHOOL PROJECT EXCEPTION" TO DESIGNATE THE ANIMAL CONTROL OFFICER OR DESIGNEE AS THE OFFICIAL TO PERFORM INSPECTIONS AND TO ESTABLISH THAT THE SCHOOL PROJECT EXCEPTION FEE SHALL BE ESTABLISHED BY SEPARATE RESOLUTION; ADDING A NEW SECTION 10-9, "MULTI-PET PERMIT EXCEPTION" ESTABLISHING THE CONDITIONS AND PERMIT REQUIREMENTS FOR SUCH EXCEPTION, INCLUDING INFORMATION ABOUT PERMIT RENEWALS AND REVOCATIONS; AND RENUMBERING SUBSEQUENT SECTIONS AS NECESSARY.

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

SECTION 1. AMENDMENT TO THE CODE.

Chapter 10 "Animals", Article I., "In General" is amended as follows:

Sec. 10-1 – Definitions.

For the purpose of this chapter, the definitions as stated in the current or latest Rabies Control and Eradication rules of the state department of health shall apply with the following exceptions and/or additions:

Animal means a warm-blooded or cold-blooded animal, other than Homo sapiens.

Animal at large shall mean:

- (1) On premises of owner. Any animal not confined to the premises of the owner by some physical means of sufficient height, strength, length and/or manner of construction to preclude the animal from leaving the premises of the owner.
- (2) Off premises of owner. Any animal which is not physically and continually restrained by some person by means of a leash or chain of proper strength and length that precludes the animal from making any unsolicited contact with any person, their clothing, their property and/or their premises.

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(3) Provided, however, that any animal confined within a cage, automobile, truck or any other vehicle of its owner shall not be deemed at large if the animal is constrained in such a manner which will not cause injury and will prevent the animal from reaching the outside of the cage or vehicle.

(4) Provided, however, that any dog lawfully allowed in an off-leash site as defined by the City Code shall not be deemed at large.

Animal establishment means any pet shop, grooming shop, auction, riding school or stable, zoological park, performing animal exhibition, or kennel.

Animal shelter means any facility operated by the city, a humane society, municipal agency, or any other governmental entity or their authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Confined and confinement includes confined within a building, house, or structure or within a fenced yard or premises, so that the animal cannot escape from the building, house, structure, or fenced yard or premises without human assistance.

Enclosure means a house, a building, or a fenced area as further described in section 10-6.

Exotic animal means the same as wild animal.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Harbor and harboring means that an animal is fed, sheltered, or allowed or permitted to remain on a person's property or property under control of such person for three or more days without the person notifying the office of the humane officer.

High-risk animals include skunks, bats, foxes, raccoons, and all other animals declared to be so by the state department of health.

Hobby breeder means any person engaged in the part time recreational activity of raising or breeding animals to strengthen or further develop the species. This can include the occasional sale or trade of the offspring as a means to recover expenses and reduce the population of the animals housed.

Humane or animal control officer means the supervisor of the animal control department or his or her duly authorized representative.

Licensing authority means the [~~same as city secretary~~] **City of Seabrook.**

Sec. 10-7 – Number of Animals Limited.

(a) *Dogs and cats in single-family dwelling.* It shall be unlawful for any person to keep, harbor, possess, maintain, or allow to be kept, harbored, possessed, or maintained more than six dogs or six cats or a combination of such animals with the total number exceeding six, over four months old, upon or within the premises of a single-family dwelling owned, occupied, or under the control of such person.

(b) *Dogs and cats in multiple dwellings.* It shall be unlawful for any person to keep, harbor, possess, maintain, or allow to be kept, harbored, possessed, or maintained more than two dogs or two cats or a combination of such animals with the total number exceeding two, over four months old, upon any premises or within any apartment of a multiple dwelling structure.

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Page 3

- (c) *Litters*. Only one litter **per dwelling** may be allowed at any given time.
- (d) *Exemptions*. The provisions of this section limiting the number of animals shall not apply to the following:
- (1) Veterinary hospitals.
 - (2) Pet shops.
 - (3) Animal shelters.
 - (4) Hobby breeding activities for dogs and cats conducted on tracts of land of not less than five acres, provided that the total number of animals shall not exceed two per acre or 12, whichever is less. Further, all enclosures or other kennel facilities utilized by hobby breeders operating pursuant to this subsection shall be located and constructed so as to protect adjacent property owners from noise and air pollution which may result from such breeding activities.
- (5) School project exception allowing small domestic animals to be kept as part of an official school project under conditions listed elsewhere in this chapter.**
- (6) Multi-pet exception under conditions listed elsewhere in this chapter.**

(Code 1976, § 5-21; Code 1996, § 10-7; Ord. No. 98-32, § 1, 10-20-1998)

State law reference— Permitting registration and restraint of dogs and cats by the governing body of a municipality, V.T.C.A., Health and Safety Code § 826.31 et seq.

Sec. 10-8. - School project exception.

Certain small domestic animals may be kept in certain residential zones as permitted in Appendix A to this Code pertaining to zoning, when and only so long as the following conditions are met:

- (1) The animals are being kept as part of a formal school project, for example and not by way of limitation, a Future Farmers of America project.
- (2) The school instructor in charge must approve the project, monitor the project, approve the pens, and make periodic inspections at least once each three months to ensure good order and cleanliness.
- (3) Such animals may not weigh more than 15 pounds each.
- (4) No more than 15 such animals may be kept on any premises at any one time.
- (5) Spraying or other extermination for flies, insects and odor control shall be performed at least weekly, and more often if necessary.
- (6) The killing or butchering of animals ~~[for other than personal, noncommercial consumption]~~ **is prohibited.**
- (7) The area in which such animals are kept shall not be visible from in front of the residence. Animals shall be contained in pens a minimum of ten feet from the property line.
- (8) Unscheduled inspections **between the hours of 8:00 a.m. and 7:00 p.m. or other mutually agreed time** may be made by the **animal control officer or designee** ~~[building inspector or by the city health official]~~ to ensure **compliance with** all conditions of this **chapter** ~~[section are complied with]~~. Failure to **otherwise** ~~[meet or continue to]~~ comply with all conditions of this ~~[section]~~ **chapter** may result in ~~[cancellation]~~ **revocation** of the permit by the **animal control officer.** ~~[city building inspector or health official.]~~ Upon written notice

of such ~~[cancellation]~~ **revocation**, all animals and pens shall be removed within ~~[ten]~~ **30** days after loss of the permit.

- (9) Each person participating in such a project shall apply in writing to the city for issuance of a permit. Such a permit shall be issued only upon presentation of the instructor's written approval, the address at which the animals will be kept, an application fee [of \$1.00] **which shall be established by separate resolution**, and such other information and terms as the ~~[building inspector or health official]~~ **city** may require.

- (10) If approved, a permit for a school project shall be issued to the applicant for the length of time of the project, not to exceed 12 months.**

(Code 1976, § 5-25; Code 1996, § 10-8)

Section 10-9. Affirmative Defense - Multi-Pet Permit

It is an affirmative defense to prosecution under Section 10-7, that the person has a valid multi-pet permit and complies with all of the conditions under sections 10-9.1 and 10-9.2. A person desiring to keep more than six (6) adult dogs and/or cats shall apply to the animal control officer for a multi-pet permit to be accompanied by a non-refundable application fee established by separate resolution.

Section 10-9.1 Conditions for issuance of a multi-pet permit

- (1) Animals shall consist only of domesticated dogs or cats weighing no more than 15 pounds each.**
- (2) The total number of adult animals allowed per household (including the six allowed without a permit) shall not exceed two (2) animals per each 500 square feet of habitable space as shown on the most recent Harris County Appraisal Rolls.**
- (3) All animals over four months of age must be spayed or neutered, micro chipped, have current vaccinations and a valid city license which shall be worn at all times.**
- (4) The animals may only be kept in single-family detached housing which is owned by and used as the primary residence of the applicant. The residential structure shall not share any walls or outside areas with another residential structure. All animals shall be confined and contained inside the residential structure or within the back yard so as to not be visible from the front yard. Outside animals shall be confined or contained so that they cannot venture on to any other property. Animals shall not be kept any closer than 10 feet from any property line.**
- (5) Facilities shall be of a sufficient size as to allow each animal to move about freely.**
- (6) Sufficient shade and shelter from the elements must be provided to animals outside.**
- (7) Adequate food and water shall be provided so that the animals are free of malnutrition and/or dehydration.**
- (8) The premises where the animals are located shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects and flies that could be harmful to the animals' health or the health of the general public. Animals and the premises shall be kept free of odor or stench.**
- (9) Animals with contagious diseases shall be quarantined.**

- 177 (10) The animals shall be maintained in a manner which does not pose a danger to the health
178 and safety of themselves, other animals or humans.
- 179 (11) The animals shall not bark, howl or create noises that cause the peace and quiet of the
180 neighborhood or the adjacent premises to be disturbed or create a public nuisance.
- 181 (12) The animals shall not be left overnight without on premise adult supervision.
- 182 (13) There shall be no enforcement violations for non-compliance with any city code
183 regulations within the past 12 months of application.
- 184 (14) The permit shall not be for purposes of engaging in any commercial enterprise.
- 185
- 186

187 Sec. 10-9.2 Application.

188

189 The application for a multi-pet permit shall contain the following information.

190

- 191 (1) A list of each animal in the household, identified by name, photo, microchip number,
192 weight and by Seabrook animal license number.
- 193 (2) Proof of spaying or neutering of all animals over four (4) months of age.
- 194 (3) Proof of current required vaccinations for each animal.
- 195 (4) A written emergency evacuation plan for the animals to include a- signed statement by
196 the owner(s) that the animals will not be left overnight without on premise adult
197 supervision.
- 198 (5) A written schedule for cleaning, spraying or other extermination procedures to
199 eradicate insects, disease and odor both inside and outside.
- 200 (6) A signed agreement by the applicant(s) providing:
- 201 (a) Indemnification and hold harmless provisions to the City, stating that the animal
202 control officer or designee may inspect the premises during regular business hours to
203 insure compliance with Section 10-9.1, providing notification that refusal to allow such
204 inspection shall result in revocation of the special multi-pet permit.
- 205 (b) that applicant's failure to comply with the requirements of this chapter, or any other
206 requirements that may be imposed by city council shall be grounds for revocation of the
207 special multi-pet permit together with associated fines for violation of this chapter.
- 208 (c) verification that the applicant is the property owner, that the residence is used as
209 his/her primary residence and that no animal shall kept for commercial purposes.
- 210
- 211

212 Section 10-9.3 Review and Approval Process

213

- 214 (1) The applicant shall submit the completed application and all required accompanying
215 data to the animal control officer who shall review the permit application and visit the
216 premises to determine if all conditions have been met. A non-refundable application fee
217 shall be established by separate resolution.
- 218
- 219 (2) The animal control officer shall submit the application, the results of the on site visit and
220 a recommendation as to whether the permit should or should not be granted to the city
221 manager or designee for the scheduling of a public hearing and consideration at a
222 regular city council meeting. Written notice of such public hearing shall be posted by

the city in accordance with the city's procedures for zoning public hearings and sent to owners of real property lying within 200 feet of the property on which the multi-pet permit is proposed, such notice to be given before the 15th day of the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the most recently approved Harris County Appraisal District tax rolls made available to the city. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. Where property lying within 200 feet of the applicant's property is located in territory which was annexed to the city after the final date for making renditions which are included on the last approved city tax roll, notice to such owners shall be given by publication in the city's official newspaper. The public hearing notice shall include the owner's name, physical address and mailing address, if different and the type and total number of animals requested in the permit. It is recommended that the applicant attend the public hearing/meeting to be available to answer any questions.

(3) Following the public hearing, city council may grant the permit, deny the permit or grant the permit with additional conditions. If the permit is granted, the city shall issue a written permit to the applicant. The permit shall list and identify each animal allowed and shall contain any special conditions imposed by Council. The permit shall expire no later than 12 months after approval.

(4) Permits are issued to a specific applicant and to a specific address. The permit is not transferable to any other person at the same address or to the same person at a different address.

(5) The applicant shall be notified in writing if a permit has not been issued or renewed and shall have 30 days after the notice to remove all excess animals from the premises.

Section 10-9.4 Amendment to the permit

The permit owner shall inform the animal control officer in writing within 10 days of an animal being permanently removed from the premises. If the owner wishes to substitute a new animal, the owner must notify the animal control officer in writing within 10 days, identifying the animal by name, photo, microchip number and Seabrook animal license number, accompanied by proof of spaying or neutering and current vaccinations.

At no time, may the number of animals increase during the permit term. Should the permit holder wish to increase the number of animals for any reason, a new permit application and fee shall be submitted and reviewed by Council subject to the public hearing requirements and procedures outlined elsewhere in this chapter. At no time may a permit holder apply for a greater number of animals than are permitted based on the calculation of the square footage of habitable space as shown on the most recent Harris County Appraisal District Rolls.

Section 10-9.5 Renewal Process

All applications for renewal shall be submitted no less than 45 days before expiration. The procedures, fees and requirements for renewal are the same as the procedures for initial application.

Section 10-9.6 Revocation of a Permit and Appeals Procedure.

The animal control officer may make periodic inspections between the hours of 8:00 a.m. and 7:00 p.m. or other mutually agreed time to insure that the owner and premises are in compliance with this chapter. Upon receiving a complaint, the animal control officer shall perform an inspection to insure compliance as determined necessary.

On or before two (2) business days, the animal control officer, after inspection and/or receiving other relevant evidence, (including refusal to allow inspection), shall make a determination as to whether the permittee is entitled, in whole or in part, to retain the permit and whether the permit should be revoked. Notice of the animal control officer's determination of revocation, in whole or in part, shall be delivered to permittee by posting on the front door of the residence, personal delivery, which may include certified mail, return receipt requested or fax.

The permittee, may appeal the animal control officer's decision of permit revocation to the city manager. The appeal shall be made in writing specifying the grounds for appeal and shall be filed with the city manager, with the required fee, within ten days of permittee's receipt of the animal control officer's notice of permit revocation. The city manager shall schedule a hearing within 20 business days of the timely submittal of permittees appeal. At the hearing, the permittee or legal counsel may present evidence, and has the burden of proof, to demonstrate why the permit should not be revoked. After the close of the hearing for the appeal, the city manager may reverse or affirm, in whole or in part, or modify the animal control officer's decision from which an appeal is taken, which shall be provided by personally delivered, or by fax or certified mail, return receipt requested to permittee within five (5) business days of the appeal hearing. The determination of the city manager of the appeal is final. Under no circumstances shall there be any refund to permittee of fees associated with the permit or appeal. Upon revocation, the permit holder may not apply for a new multi-pet permit for at least 24 months. Additionally and independently, the owner may be cited for any violation of the city code of ordinances.

Sec. [10-9] 10-10. - Keeping wild or exotic animals.

- (a) *Possession prohibited.* It shall be unlawful for any person to buy, sell, possess, keep, permit, suffer, cause, or allow any wild or exotic animal upon or within any premises within the city, except as permitted in this section.
- (b) *Temporary permit.* The humane officer may issue a temporary permit for the keeping, care, and protection of an infant animal native to this area which has been deemed to be homeless or injured. The application for a temporary permit shall be accompanied with a letter or statement of approval from the state department of parks and wildlife.
- (c) *Exceptions.* This section shall not be construed to apply to veterinary hospitals or zoological parks or performing animal exhibitions for which application has been made and a permit received from the city as provided for and required in this chapter.

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(Code 1976, § 5-22; Code 1996, § 10-9)

State law reference— Similar provision, V.T.C.A., Parks and Wildlife Code § 62.015.

Sec. ~~[10-10]~~ 10-11. - Zoological parks.

The term "zoological park" means a tract of land set aside in a natural or manmade state which displays or exhibits more than one non-domesticated animal which is under the control and supervision of a trained experienced professional animal handler and cared for by a licensed veterinarian. The humane officer may require proof of training and experience. The park shall be constructed in such a manner as to preclude the possibility of an animal escaping from such park and/or cages or pens. Park construction, pens, cages, and equipment shall be designed and constructed in such a manner as to protect the animals and the public. Proof of acceptable design and construction may be required by the humane officer. All animals therein and their enclosures shall be approved by the humane officer. Where required, all zoological parks shall be federally inspected and licensed. A park attendant shall be on duty at all times the park is open or accessible to the public.

(Code 1976, § 5-3; Code 1996, § 10-10)

Secs. ~~[10-11]~~ 10-12—10-35. - Reserved.

SECTION 2. PENALTY CLAUSE; INCLUSION INTO THE CODE.

This Ordinance is hereby incorporated into and made a part of the Seabrook City Code. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than \$2000 per offense, the City Council specifically finding that this Ordinance governs public health and sanitation. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 5. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or any 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 BY PUBLICATION

Ordinance No. 2013-12
Page 9

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.

Approved on first reading on August 20, 2013.

Approved on second and final reading on September 3, 2013.

Glenn R. Royal, Mayor

ATTEST:

Michele L. Glaser, TRMC
City Secretary

Approved as to form:

Steven L. Weathered
City Attorney

Burleson

(b) Multi-pet permit. Any person desiring to keep more than four adult dogs and/or cats or more than one litter of puppies or kittens at a residence may apply with the animal control authority for a multi-pet permit. The applicant shall pay an application fee at the time of filing.

(1) The animal control authority is authorized to issue such a permit if the following conditions are met:

* a. An applicant provides the animal control authority with information concerning the maximum number of animals to be kept at any one time at such premises and a record search indicates that no enforcement action for violations of this chapter dealing with nuisances has been necessary within the preceding 12 months, and

b. The animal control authority inspects the property; inspection to include interviews with occupants of all immediately adjacent properties, and deems it appropriate for housing multiple pets based on criteria including, but not limited to:

* 1. Facilities shall be of sufficient size as to allow each animal to move about freely. Size of the facility shall be in proportion to the size of the individual animal's height and weight.

* 2. Adequate food and water must be provided so that each and all animals kept shall be maintained in good health and free of malnutrition and/or dehydration.

3. The said premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects, and flies that could be harmful to the animal's health and/or to the health of the general public.

4. The animals and the facility must be kept free of odor or stench which is offensive to a person of ordinary sensibilities.

* 5. The animals must be maintained in a manner which does not pose a danger to the health of the animals themselves or adjacent animals.

* 6. The animals must not cause noise which is offensive or disturbing to a person of ordinary sensibilities on adjoining or adjacent premises.

7. All animals must be vaccinated and must wear current tags at all times in accordance with this chapter.

(2) Fees for the issuance of a multi-pet permit shall be set by city council.

(3) Such permit may be revoked by the animal control authority for cause, including but not limited to, violations of the provisions of this chapter or the inability of the permit holder to keep the animals in a healthy or sanitary environment.

* (4) Multi-pet permits must be renewed annually and each renewal will require inspection and approval by the animal control authority or its designee.

(5) Any person either denied a multi-pet permit, or who has had their permit revoked, may file an appeal with the city manager. Such appeal must be made in writing within ten days of receiving written notice from the animal control authority of the permit denial or revocation. If no appeal request is filed within the ten-day period, the denial or revocation of the permit becomes final. Upon receiving an appeal, the city manager or his/her designee shall hold a hearing at a time and place of his/her designation. Based upon the recorded evidence of such hearing, the city manager or his/her designee shall make a final finding.

(6) Changes in residence or ownership. Multi-pet permits are issued for specific owners of a specific property. Application for a new multi-pet permit will be required if:

a. The original permit holder moves to a new residence within the city limits and wishes to keep more than four adult dogs/cats or more than one litter of puppies/kittens on the new property, or if

b. Ownership of the property for which a permit was originally issued changes and the new owners desire to keep more than four adult dogs/cats or more than one litter of puppies/kittens.

Flower Mound

Sec. 6-405. - Licensee requirements.

Requirements to be met by licensees are as follows:

* (1) The dogs or cats shall be housed in cages or pens inside a residence or a completely enclosed accessory structure.

(2) The dogs or cats shall be kept, harbored, bred, raised and/or fostered so as to not be a nuisance or detriment to any adjoining property or adjacent neighbors.

(3) The dogs or cats shall not bark, howl, create noises that cause the peace and quiet of the neighborhood or the adjacent premises to be disturbed, or create a public nuisance.

(4) The cages or pens in which the dogs or cats are housed shall be maintained in a sanitary condition, subject to the provisions of sections [6-42](#) and [6-44](#), so as not to create any hazards to the general health and welfare of the community.

? (5) The subject property or premises shall provide an enclosed or fenced area for the exercise of the dogs or cats that will be kept, harbored, bred, raised and/or fostered thereon containing a minimum area equal to or greater than 500 square feet multiplied by the number of dogs or cats six months of age or older, including dogs or cats belonging to or owned by foster owners.

(6) The enclosed area in which the dogs or cats are to be housed shall be of adequate size, height and construction to prevent the dogs or cats from running at large.

(7) The subject property or premises shall be subject to inspection by the town enforcement agent between the hours of 8:00 a.m. and 7:00 p.m.

Sec. 5-109. Animal limits; excess animal permit. A maximum number of eight (8) cats or five (5) dogs, or an aggregate number of eight (8) is permitted at a residence. In order to have more dogs and/or cats than this chapter allows at a residence, an owner must apply for an excess animal permit which shall be valid for one (1) year. The criteria used to evaluate the granting of a dog or cat permit are as follows:

- * (1) All dogs and cats for which a permit is required must be sterilized, unless the dog (s) or cat (s) qualifies for a certified medical exception by a licensed veterinarian or is under four (4) months old.
- * (2) All dogs and cats must be currently vaccinated for rabies.
- * (3) All dogs and cats must be currently licensed by the city.
- * (4) The dogs and/or cats must not be housed exclusively outside.
- * (5) All dogs and cats must have a photograph of each animal attached to an animal profile sheet that will be kept on record as verification of the animals allowed in the permit. Rescuers registered with the department shall be exempt from the photograph and profile sheet requirement.
- (6) If the owner of the dogs and/or cats is not the owner of the property, the permission of the property owner must be obtained before a permit application will be processed.
- (7) A check will be made to determine if there are any previous valid complaints. A previous valid complaint can be grounds for the denial of a permit request.
- (8) The requestor must have adequate property or facilities to ensure the dogs and/or cats do not disturb any neighbors. The facilities shall be subject to inspection by the department.

Excerpt from City Council Meeting Minutes of July 2, 2013.

5.0 NEW BUSINESS

5.1 Consider amending Chapter 10, "Animals" of the city code of ordinances. (Holbrook)

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To discuss and consider amending Chapter 10 of the Seabrook City Code.

Mr. Templin stated that there are no state regulations for domestic animals. Neighboring cities were contacted, and with the exception of Morgan's Point and Texas City, all are more restrictive than Seabrook. Mr. Templin also contacted a local veterinarian who was not in favor of allowing a large number of cats in a household, as cats tend to be territorial and many of their diseases can be transferred to humans. Mr. Templin stated that he had concerns about the extra burden on staff to monitor a special exception or permit. Mr. Templin reported that the animal control officer had visited the Largin home and found it exceptionally clean. However, the city only became aware that the Largin family owned 19 animals due to a complaint. In answer to questions from Council, Mr. Templin stated that the city is unable to enforce deed restrictions. He estimated that approximately 50 percent of the homes in Seabrook are not regulated by deed restrictions, as in the case of the Largin's subdivision.

In answer to questions from various council members, Mr. and Mrs. Largin stated that they rescue cats, most of whom are unadoptable due to age or medical conditions. Currently they have 18 cats and one dog, including four cats that they acquired due to the death of Mrs. Largin's mother. Some are outdoor cats. They estimated that four of the cats were adoptable. The animals have been vaccinated, but not registered with the city.

Council members discussed several possible restrictions for a permit to allow more dogs/cats than currently permitted. Many of these conditions are patterned after the school project exemption contained in the Seabrook City Code, Chapter 10, "Animals", Section 10.8.

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To direct staff to work on a proposal to develop a permitting procedure to allow no more than five animals per 500 square feet of space in single family homes with a maximum of 12-15 cats/dogs, under specific conditions such as: 1) Animals may not weigh more than 15 pounds each; 2) All animals must be spayed/neutered, micro chipped and licensed by the city; 3) An annual permit with a fee sufficient to cover administration costs shall be required; 4) An annual inspection by the city shall be required; 5) All animals shall be contained on the property; 6) Adjoining neighbors shall be notified to allow for objections; and 7) All applications for such permits shall be approved or disapproved by Council.

MOTION CARRIED BY UNANIMOUS CONSENT.



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: TUESDAY, AUGUST 20, 2013

Submitter/Requestor: Gulf Winds International Date Submitted: 8/7/2013 8:50:16 AM

Presenter: Sean Landis

Description/Subject:

A request to rezone 12.21 acres east of Bayport Boulevard and west of Old Highway 146 from C-2 Medium Commercial to LI Light Industrial. A Public Hearing was held before the Planning and Zoning Commission on July 18, 2013.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 12.21 ACRES OF TRACT 6J, A 16.9058 ACRE TRACT SITUATED IN ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS FROM C-2 MEDIUM COMMERCIAL DISTRICT TO LI LIGHT INDUSTRIAL DISTRICT AND REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS CHANGE.

Purpose/Need: Policy Issue

Background/Issue(What prompted this need):

Gulf Winds International wishes to rezone the aforementioned property to allow for expansion of the existing Gulf Winds International complex. The existing complex is located within Pasadena, due north of the property requiring the zoning modification.

Gulf Winds International wishes to construct an 185,000 square foot tilt-wall warehouse on the property. The proposed use is only allowed in the light industrial (LI) zoning category, so the northern 12.21 acres of this tract is required to be rezoned. The applicant intends to leave the remainder of the tract (4.69 acres) zoned C-2 to allow for future retail development.

The applicant, if granted the partial rezoning, would like to highlight the following:

- Gulf Winds will not access the property from Hwy 146. All traffic will be diverted to Port Rd from Old Highway 146.
- The project will create over 50 full time jobs.

- The City will maintain just under 7 acres along Hwy 146 for retail development-C2 Zoning.

The proposed changes to the zoning map were recommended for approval by the Planning & Zoning Commission by a unanimous 6 to 0 vote at the regular meetings held on July 18, 2013

Ayes: Caradec, Dehart, Hammann, Lewis, Miller, Sharpe.

Absent: Potts

Impacted Parties(Expected/Notified): Surrounding property owners.

Miscellaneous Comments:

Attachments:

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

Planning & Zoning July 18, 2013 Draft Minutes

Report to City Council

Photos of the area to be rezoned

Ordinance

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?

New Business

Suggested Motion:

Approve first reading of proposed Ord. No. 2013-12

Agenda Language:

Consider approval of first reading of proposed Ordinance No. 2013-13, Amendment to the Official Zoning Map to Rezone 12.21 Acres of Land East of Bayport Boulevard and West of Old Highway 146 from C-2 (Medium Commercial) to L-I (Light Industrial.) (Applicant/Landis)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 12.21 ACRES OF TRACT 6J, A 16 ACRE TRACT SITUATED IN ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS FROM C-2 MEDIUM COMMERCIAL DISTRICT TO LI LI INDUSTRIAL DISTRICT AND REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS CHANGE.

THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CITY CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDES FOR SEVERABILITY; AND PROVIDES FOR SEVERABILITY.

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.)

Ordinance No. 2013-13

Page 2

SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE AND TO THE OFFICIAL ZONING MAP.

The Seabrook City Code of Ordinances, Appendix A, "Comprehensive Zoning", Article 2, "Administration", Section 2.05, "Official Zoning Map" is hereby amended by rezoning 12.21 acres of land, consisting of a portion of Tract 6J situated in the Ritson Morris Survey, Abstract 52 of Harris County, Texas, located along and east of Bayport Boulevard and to the west of Old Highway 146 from C-2 Medium commercial district to LI Light industrial district.

The property to be rezoned is shown on the property maps identified as Attachments A and B which are made a part of this Ordinance.

Upon passage of this Ordinance, the official zoning map of the City of Seabrook shall be amended to reflect this change.

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 including, Section 11.06, "Criminal Enforcement" which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor 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. 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 of 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 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.

Ordinance No. 2013-13

Page 3

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 20th day of August, 2013.

PASSED, APPROVED, AND ADOPTED on second and final reading this 3rd day of September, 2013.

By: _____
Glenn R. Royal
Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney



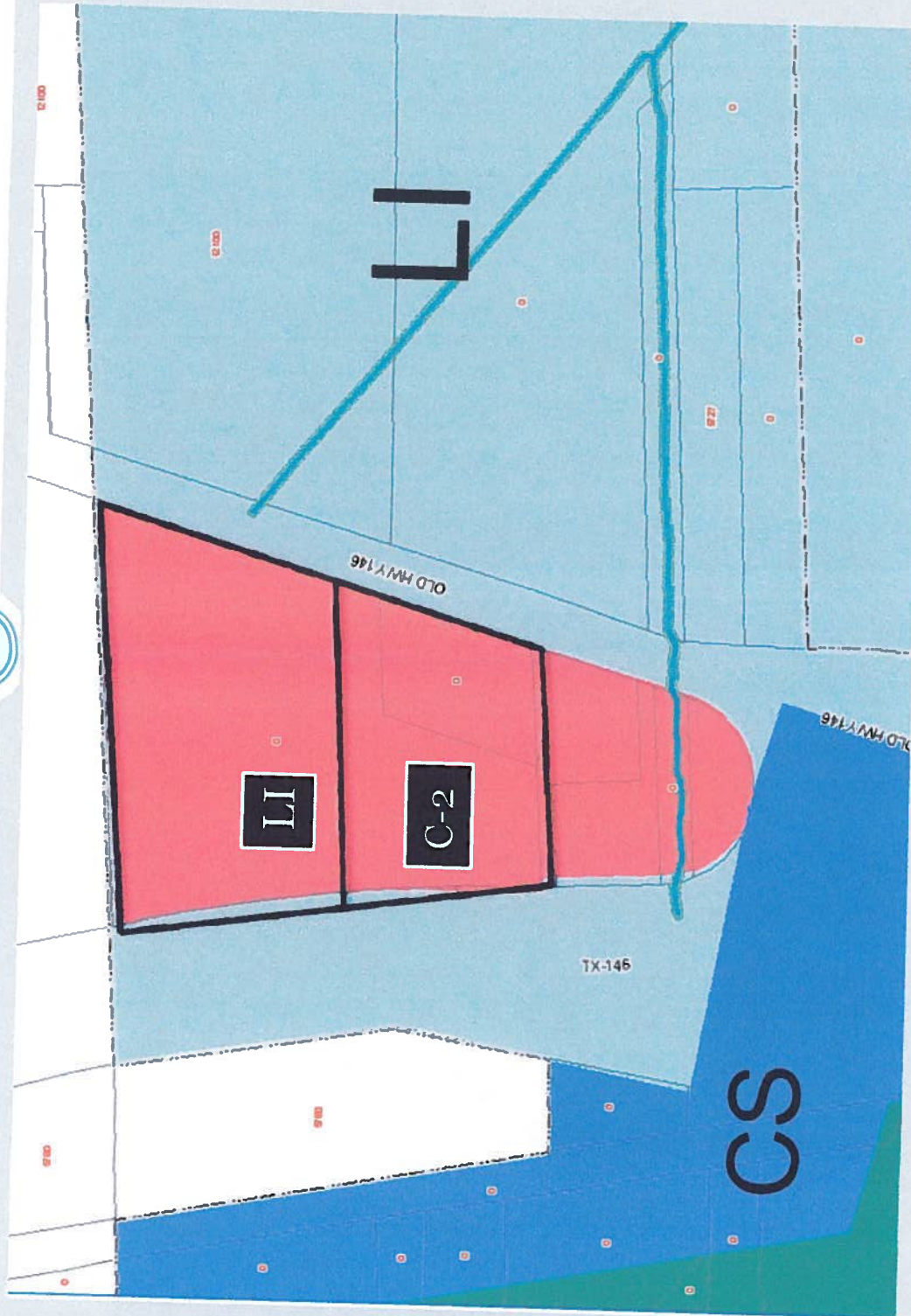
Proposed Rezoning: C-2 to LI



Rezoning: C-2 to LI



Rezoning: C-2 to LI



Proposed Rezoning: C-2 to LI



The Seabrook Planning and Zoning Commission met on Thursday, July 18, 2013 in regular session at Seabrook City Hall, 1700 First Street, Seabrook, Texas to consider and if appropriate, take action on the agenda items listed below:

THOSE PRESENT WERE:

MICHAEL POTTS (Excused Absence)	CHAIRMAN
BUDDY HAMMANN	VICE CHAIRMAN
ROSEBUD CARADEC	MEMBER
MIKE DEHART	MEMBER
DODIE MILLER	MEMBER
MICHAEL SHARPE	MEMBER
BOLIVAR LEWIS	MEMBER
SEAN LANDIS	DIRECTOR OF COMMUNITY DEVELOPMENT
ALESIA HAMMOCK	SECRETARY

Vice Chairman Hammann called the meeting to order at 7:00 p.m. and stated there was a quorum present.

1.0 ROUTINE PUBLIC HEARING AND ANNOUNCEMENTS - None

2.0 SPECIFIC PUBLIC HEARING

2.1 Request to change the zoning classification of land described below from the current classification of C-2 (Commercial – Medium District) to LI (Light Industrial.)

Sean Landis stated that Mr. Nicholson wishes to rezone 12.21 acres of Tract 6J, a 16.9058 acre tract located in Abstract 52 of the Ritson Morris Survey, from C-2 (Commercial – Medium District) to LI (Light Industrial) to allow for expansion of the existing Gulf Winds International complex. The existing complex is located within Pasadena, due north of the property requiring the zoning modification. He wishes to construct an 185,000 square foot tilt-wall warehouse on the property. The proposed use is only allowed in the light industrial zoning category, so the northern 12.21 acres of this tract must be rezoned. The applicant intends to leave the remainder of the tract (4.69 acres) zoned C-2 to allow for future retail development.

Steve Stewart, Humble, Texas, chairman of Gulf Winds International. He stated that the warehouse would be 180,000 sq. ft. tilt wall facility. Mr. Stewart stated that Gulf Winds will not access the property from Hwy 146, all traffic will be diverted to Port Road from Old Highway 146; the project will create over 50 full time jobs; the City will maintain over 4.69 acres along Hwy 146 for retail development (C-2 Zone); and the detention pond will have water fountain feature.

William Friedrichs, WMF Investments, Taylor Lake Village, stated that he supports the rezoning request. He stated that with the remaining C-2 property, they would offer pad sites to the fast-food businesses that would be displaced during the Hwy. 146 expansion. Mr. Friedrichs stated that if that did not work, they planned on developing a business park.

Vice Chairman Hammann stated that he would take Item 3.1 out of order.

3.1 Request to change the zoning classification of land described below from the current classification of C-2 (Commercial – Medium District) to LI (Light Industrial.)

Motion was made by Mike DeHart and seconded by Michael Sharpe

To adopt the rezoning request of the north 12.21 acres to LI as presented.

Vice Chairman Hammann asked what objections City Council had when the request was before them in February.

Mr. Landis stated that at that time they felt it was important to keep the C-2 zone.

MOTION CARRIES BY UNANIMOUS CONSENT.

2.2 Review proposed text changes to Appendix A. Comprehensive Zoning, Article 4. Special Use Regulations, Section 4.10. Planned Unit Developments.

Mr. Landis stated that at the last Planning and Zoning meeting he had presented some possible text changes to the Planned Unit Development ordinance. He stated that, as a body, P&Z requested that he add some additional language and also speak with the city attorney regarding possibly rewriting one of the sections. The requested changes were:

4.10.06. PUD

B. Submission of a final PUD plan: Before a building permit may be issued or before any development action on a proposed PUD may begin, the landowner shall submit a final plan to the planning and zoning commission and then city council for final approval. The submission may be for all of the land included within a proposed PUD site or for a part of the site. The submission shall include all of the information prescribed in subsection A., above, and shall additionally include specifications, covenants, easements, conditions, bonds, or other information required by the commission and city council.

4.10.10. Development schedule: Prior to the issuance of any building permits, a construction schedule must be submitted to and approved by the planning and zoning commission and city council. The schedule shall include a detailed timeframe in which street, utility and building construction shall be completed. The owner/developer of the PUD is to appear before the planning and zoning commission on no less than a ~~quarterly~~ bi-annual basis until completion of the project.

Mr. Landis stated that staff requested the following paragraph be removed from the ordinance. He stated that it has unreasonable time restraints that are almost impossible to fulfill.

~~Building permits shall be secured for the PUD project no later than six months after approval by the city council. The city council may grant one six-month extension upon majority vote. Completion of the project shall occur no later than 24 months after approval except as may be extended by the majority vote of the city council.~~

Mr. Landis stated that he spoke with Steve Weathered, Seabrook City Attorney, regarding 4.10.11. Mr. Weathered suggested that this section would not need a re-write, because P&Z and City Council would set the schedules and on a bi-annual basis, the applicant is going to come in and give an update. If they need an extension, at that time P&Z and City Council can grant the extension. He stated that this section is really a safety net and if they fail totally to fulfill their obligations, it just basically states that it will resort back to the original zoning.

4.10.11. Dissolution of the PUD: *Should the PUD project fail to meet the schedule listed above as approved by the planning and zoning commission and city council the PUD shall automatically dissolve and the land shall return to the zoning that existed immediately prior to the PUD. without further action by the city council.*

Mike DeHart stated that 4.10.10 should state “and then city council.” He stated that it should also state: The owner/developer of the PUD is to appear before the planning and zoning commission on no less than a bi-annual basis **and present a status report** until the completion of the project.

3.0 NEW BUSINESS – The Commission will discuss, consider, and if appropriate, take action on the items listed below.

3.2 Discussion, consideration and possible action concerning the request to review proposed text changes to Appendix A. Comprehensive Zoning, Article 4. Special Use Regulations, Section 4.10. Planned Unit Developments.

Motion was made by Mike Dehart and seconded by Rosebud Caradec

To accept as present by Staff, text changes to Appendix A. Comprehensive Zoning, Article 4. Special Use Regulations, Section 4.10. Planned Unit Developments with the inclusion in 4.10.10 the word “then” before “city council” and after bi-annual basis add “and present a status report”.

MOTION CARRIES BY UNANIMOUS CONSENT.

3.3 Discussion, consideration and possible action concerning the presentation of the State Highway 146 area plan.

Mr. Landis gave a brief presentation on the projected impact to businesses with the expansion of State Highway 146. No action was taken.

4.0 OLD BUSINESS – The Commission will discuss, consider, and if appropriate, take action on the items listed below.

4.1 Discussion, consideration and possible action concerning the clarification of proposed text changes to Appendix A. Comprehensive Zoning, Article 6 “Sign Standards”.

Mr. Landis stated that at the July 18, 2013 P&Z meeting, there was a motion to add verbiage to Section 6.04.02 (C) Temporary grand opening signs to allow wind-driven signs, similar to Section 6.04.02 (D) (4) and to not change 30 day time limit to 60 days. However, when the official report was filled out and signed, it stated to change to 30 day time limit to 60 days.

The Planning and Zoning Commission members signed the corrected official report.

5.0 APPROVAL OF MINUTES

5.1 Discussion, consideration and possible action concerning the minutes from the June 20, 2013 meeting.

Motion was made by Mike DeHart and seconded by Dodie Miller

To approved the minutes from the June 20, 2013 meeting as written.

MOTION CARRIES BY UNANIMOUS CONSENT.

6.0 ROUTINE BUSINESS

6.1 Discussion and Consideration of the Community Development Activity Summary.

Sean Landis gave a brief report.

6.2 Report from the Director of Planning and Community Development on the status of a list of actions taken by Planning & Zoning and sent to City Council for its action or review.

Sean Landis gave a brief report.

6.3 Discussion with staff and P&Z Commission to establish future agenda items and meeting dates.

Vice Chairman Hammann stated that the next meeting will be on August 15, 2013 and the following will be discussed:

- Estates on Lake Mija Preliminary Plat
- Impacts of Hwy 146 Expansion

Motion was made by Michael Sharpe and seconded by Mike DeHart

To adjourn the Planning & Zoning Commission meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

Having no further business, the meeting adjourned at 8:20 p.m.

APPROVED THIS 15th DAY OF AUGUST, 2013.

Buddy Hammann, Vice Chairman

Alesia Hammock, Secretary

Planning & Zoning Commission OFFICIAL REPORT

The Planning and Zoning Commission of the City of Seabrook met on July 18, 2013 to hold a meeting to consider:

Request to change the zoning classification of land described below from the current classification of C-2 (Commercial – Medium District) to LI (Light Industrial.)

THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:

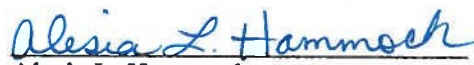
APPROVAL ☒ APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW) ☐ DENIAL ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on July 18, 2013, as designated below and as certified by the signature of the Chairman. **This document is not valid unless 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				MD
Buddy Hammann	X				BH
Bolivar Lewis	X				BL
Dodie Miller	X				DM
Michael Potts				X	
Michael Sharpe	X				MS


Michael Potts, Chairman
Planning & Zoning Commission

 Buddy Hammann

ATTEST:


Alesia L. Hammock
Secretary



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, AUGUST 20, 2013

Submitter/Requestor: City of Seabrook

Date Submitted: 8/7/2013 10:28:49 AM

Presenter: Sean Landis

Description/Subject:

Request for an amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning," Article 4, "Special Use Regulations," Section 4.10, "Planned Unit Developments," by revising Subsection, 4.10.06(B) "PUD Designation Procedure", 4.10.10 "Development Schedule", and 4.10.11 "Dissolution of the PUD".

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 4 "SPECIAL USE REGULATIONS", SECTION 4.10, "PLANNED UNIT DEVELOPMENTS," BY REVISING SUBSECTION, 4.10.06(B) "PUD DESIGNATION PROCEDURE", 4.10.10 "DEVELOPMENT SCHEDULE", AND 4.10.11 "DISSOLUTION OF THE PUD", PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

Purpose/Need: Policy Issue

Background/Issue(What prompted this need):

As part of a recent review of the Planned Unit Development ordinance staff found the following sections required modification:

4.10.06(B) "PUD Designation Procedure"

4.10.10 "Development Schedule"

4.10.11 "Dissolution of the PUD"

Staff found as part of the review a lack of final decision making authority being provided to City Council when granting preliminary along with final approval of a Planned Unit Development Plan.

The proposed changes to the zoning code were recommended by the Planning & Zoning Commission by unanimous vote at their regular meeting held on July 18, 2013.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Staff is proposing the following modifications be made to Appendix A, Comprehensive Zoning, Article 4. Special Use Regulations, Section 4.10.06(B), 4.10.10, and 4.10.11 as specifically provided hereafter:

“4.10.06. PUD designation procedure:

The process for the filing of an application, requirements for notice and advertisement of public meetings, procedures for protest of the establishment of PUD designation and other related action shall be the same as those provided for in the rezoning process as described in article 2, section 2.04, of this ordinance. In addition to the above, the landowner shall be governed by the following requirements:

A. Submission of a preliminary PUD plan: The planning and zoning commission shall hold a public hearing on an application for PUD designation. Prior to the approval of such designation, the landowner shall submit a preliminary plan. The following information shall be shown on the preliminary plan:

1. The name, address and telephone number of the landowner;
2. The date that the project is submitted to the planning and zoning commission;
3. The name of the proposed project;
4. The names and addresses of adjoining property owners within 500 feet of the proposed project site;
5. A key map;
6. All existing streets, drives, buildings, watercourses, and bodies of water;
7. The location and size of existing utilities within or adjacent to the proposed project site; and
8. The proposed location, type and size of the following:
 - (a) Buildings and structures;
 - (b) Streets, drives, alleys, and curbs;
 - (c) Off-street parking areas with parking spaces individually drawn and counted;
 - (d) Sidewalks;
 - (e) Landscaping;

- (f) Common open space and amenities sites;
- (g) Sites for solid waste containers; and
- (h) Signs.

The planning and zoning commission is empowered to require additional information necessary for a complete understanding of the proposed PUD. After appropriate review and consideration, the planning and zoning commission shall file a report with the city council, recommending approval, approval with modifications to the PUD plan, or denial of PUD designation of the site.

In accordance with article 2, section 2.04, of this ordinance, the city council shall hold a public hearing and shall review the PUD report from the planning and zoning commission. The city council shall approve or deny PUD designation of the site.

B. Submission of a final PUD plan: Before a building permit may be issued or before any development action on a proposed PUD may begin, the landowner shall submit a final plan to the planning and zoning commission and then city council for final approval. The submission may be for all of the land included within a proposed PUD site or for a part of the site. The submission shall include all of the information prescribed in subsection A., above, and shall additionally include specifications, covenants, easements, conditions, bonds, or other information required by the commission and city council.

4.10.10. Development schedule:

Prior to the issuance of any building permits, a construction schedule must be submitted to and approved by the planning and zoning commission and then city council. The schedule shall include a detailed timeframe in which street, utility and building construction shall be completed. The owner/developer of the PUD is to appear and present a status report before the planning and zoning commission and then city council on no less than a ~~quarterly~~ bi-annual basis until completion of the project.

~~{Building permits shall be secured for the PUD project no later than six months after approval by the city council. The city council may grant one six-month extension upon majority vote.~~

~~Completion of the project shall occur no later than 24 months after approval except as may be extended by the majority vote of the city council.}~~

4.10.11. Dissolution of the PUD:

~~Should the PUD project fail to meet the schedule [listed above] as approved by the planning and zoning commission and city council the PUD shall automatically dissolve and the land shall return to the zoning that existed immediately prior to the PUD. [without further action by the city council.]~~

The proposed changes to the zoning code were recommended by the Planning & Zoning Commission by unanimous vote at their regular meeting held on July 18, 2013.

Ayes: Caradec, Dehart, Hammann, Lewis, Miller, and Sharpe

Absent: Potts

Attachments:

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

Report to City Council

Planning & Zoning Commission 07/18/2013 Draft Minutes

Ordinance with city attorney comments

Ordinance 2013-14

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?

New Business

Suggested Motion:

Consider first reading of Ord. No. 2013-14. "Standards for Planned Unit Developments. (P&Z/Landis)

Agenda Language:

Approve first reading of Ord. No. 2013-14. "Standards for Planned Unit Developments. (P&Z/Landis)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 4 "SPECIAL USE REGULATIONS", SECTION 4.10, "PLANNED UNIT DEVELOPMENTS," BY REVISING SUBSECTION, 4.10.06(B) "PUD DESIGNATION PROCEDURE", 4.10.10 "DEVELOPMENT SCHEDULE", AND 4.10.11"DISSOLUTION OF THE PUD"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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
ORDINANCE NO. 2013-14
STANDARDS FOR PLANNED UNIT DEVELOPMENTS**

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 4 "SPECIAL USE REGULATIONS", SECTION 4.10, "PLANNED UNIT DEVELOPMENTS," BY REVISING SUBSECTION, 4.10.06(B) "PUD DESIGNATION PROCEDURE", 4.10.10 "DEVELOPMENT SCHEDULE", AND 4.10.11 "DISSOLUTION OF THE PUD"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances ("Code") 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 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 revise the provisions relative to standards for planned unit developments in an effort to provide for orderly growth and protection of the health, safety and welfare of the inhabitants of the City of Seabrook; 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 SEABROOK CITY CODE,
APPENDIX A, ARTICLE 4.

The Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 4, "Special Use Regulations," Section 4.10, "Planned Unit Developments", is amended by revising subsection 4.10.06(B) entitled "PUD Designation Procedure", 4.10.10 "Development Schedule", and 4.10.11 "Dissolution of the PUD", as specifically provided hereafter:

"4.10.06. PUD designation procedure:

The process for the filing of an application, requirements for notice and advertisement of public meetings, procedures for protest of the establishment of PUD designation and other related action shall be the same as those provided for in the rezoning process as described in article 2, section 2.04, of this ordinance. In addition to the above, the landowner shall be governed by the following requirements:

A. Submission of a preliminary PUD plan: The planning and zoning commission shall hold a public hearing on an application for PUD designation. Prior to the approval of such designation, the landowner shall submit a preliminary plan. The following information shall be shown on the preliminary plan:

1. The name, address and telephone number of the landowner;
2. The date that the project is submitted to the planning and zoning commission;
3. The name of the proposed project;
4. The names and addresses of adjoining property owners within 500 feet of the proposed project site;
5. A key map;
6. All existing streets, drives, buildings, watercourses, and bodies of water;
7. The location and size of existing utilities within or adjacent to the proposed project site; and
8. The proposed location, type and size of the following:
 - (a) Buildings and structures;
 - (b) Streets, drives, alleys, and curbs;
 - (c) Off-street parking areas with parking spaces individually drawn and counted;
 - (d) Sidewalks;
 - (e) Landscaping;
 - (f) Common open space and amenities sites;
 - (g) Sites for solid waste containers; and
 - (h) Signs.

The planning and zoning commission is empowered to require additional information necessary for a complete understanding of the proposed PUD. After appropriate review and consideration, the planning and zoning commission shall file a report with the city

council, recommending approval, approval with modifications to the PUD plan, or denial of PUD designation of the site.

In accordance with article 2, section 2.04, of this ordinance, the city council shall hold a public hearing and shall review the PUD report from the planning and zoning commission. The city council shall approve or deny PUD designation of the site.

B. Submission of a final PUD plan: Before a building permit may be issued or before any development action on a proposed PUD may begin, the landowner shall submit a final plan to the planning and zoning commission **for consideration and then city council for final approval**. The submission may be for all of the land included within a proposed PUD site or for a part of the site. The submission shall include all of the information prescribed in subsection A., above, and shall additionally include specifications, covenants, easements, conditions, bonds, or other information required by the commission **and city council**.

4.10.10. Development schedule:

Prior to the issuance of any building permits, a construction schedule must be submitted to and approved by the planning and zoning commission **for consideration and then city council**. The schedule shall include a detailed timeframe in which street, utility and building construction shall be completed. The owner/developer of the PUD **shall** ~~[is to]~~ appear **and present a status report** before the planning and zoning commission **and then city council** on no less than a ~~[quarterly]~~ **bi-annual basis commencing on the date of approval by city council of the PUD and** until completion of the project.

~~[Building permits shall be secured for the PUD project no later than six months after approval by the city council. The city council may grant one six-month extension upon majority vote.~~

~~Completion of the project shall occur no later than 24 months after approval except as may be extended by the majority vote of the city council.]~~

4.10.11. Dissolution of the PUD:

~~Should the PUD project fail to meet the schedule [listed above] **as approved by the city council** the PUD classification and related permits shall be immediately terminated and, the land shall return to the zoning that existed immediately prior to the PUD conditional approval. [without further action by the city council.]~~

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 of Ordinances, Section 1-15 "General Penalty" and Appendix A, 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. 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 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 20th day of August, 2013.

PASSED AND APPROVED on second and final reading this 3rd day of September, 2013.

BY: _____
Glenn R. Royal, Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

184

185 APPROVED AS TO FORM:

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Steven L. Weathered

191 City Attorney

Planning & Zoning Commission OFFICIAL REPORT

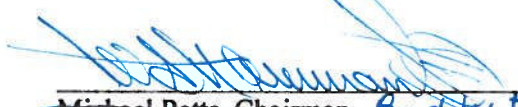
The Planning and Zoning Commission of the City of Seabrook met on July 18, 2013 to hold a meeting to consider:

Request for amendments to the Seabrook City Code, Appendix A, Comprehensive Zoning, Article 4. Special Use Regulations, Section 4.10. Planned Unit Developments.

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 July 18, 2013, 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><i>RC</i></u>
Mike DeHart	<u>X</u>				<u><i>MD</i></u>
Buddy Hammann	<u>X</u>				<u><i>BH</i></u>
Bolivar Lewis	<u>X</u>				<u><i>BL</i></u>
Dodie Miller	<u>X</u>				<u><i>DM</i></u>
Michael Potts				<u>X</u>	
Michael Sharpe	<u>X</u>				<u><i>MS</i></u>


Michael Potts, Chairman
Planning & Zoning Commission

Buddy Hammann

ATTEST:


Alesia L. Hammock
Secretary

The Seabrook Planning and Zoning Commission met on Thursday, July 18, 2013 in regular session at Seabrook City Hall, 1700 First Street, Seabrook, Texas to consider and if appropriate, take action on the agenda items listed below:

THOSE PRESENT WERE:

MICHAEL POTTS (Excused Absence)	CHAIRMAN
BUDDY HAMMANN	VICE CHAIRMAN
ROSEBUD CARADEC	MEMBER
MIKE DEHART	MEMBER
DODIE MILLER	MEMBER
MICHAEL SHARPE	MEMBER
BOLIVAR LEWIS	MEMBER
SEAN LANDIS	DIRECTOR OF COMMUNITY DEVELOPMENT
ALESIA HAMMOCK	SECRETARY

Vice Chairman Hammann called the meeting to order at 7:00 p.m. and stated there was a quorum present.

1.0 ROUTINE PUBLIC HEARING AND ANNOUNCEMENTS - None

2.0 SPECIFIC PUBLIC HEARING

2.1 Request to change the zoning classification of land described below from the current classification of C-2 (Commercial – Medium District) to LI (Light Industrial.)

Sean Landis stated that Mr. Nicholson wishes to rezone 12.21 acres of Tract 6J, a 16.9058 acre tract located in Abstract 52 of the Ritson Morris Survey, from C-2 (Commercial – Medium District) to LI (Light Industrial) to allow for expansion of the existing Gulf Winds International complex. The existing complex is located within Pasadena, due north of the property requiring the zoning modification. He wishes to construct an 185,000 square foot tilt-wall warehouse on the property. The proposed use is only allowed in the light industrial zoning category, so the northern 12.21 acres of this tract must be rezoned. The applicant intends to leave the remainder of the tract (4.69 acres) zoned C-2 to allow for future retail development.

Steve Stewart, Humble, Texas, chairman of Gulf Winds International. He stated that the warehouse would be 180,000 sq. ft. tilt wall facility. Mr. Stewart stated that Gulf Winds will not access the property from Hwy 146, all traffic will be diverted to Port Road from Old Highway 146; the project will create over 50 full time jobs; the City will maintain over 4.69 acres along Hwy 146 for retail development (C-2 Zone); and the detention pond will have water fountain feature.

William Friedrichs, WMF Investments, Taylor Lake Village, stated that he supports the rezoning request. He stated that with the remaining C-2 property, they would offer pad sites to the fast-food businesses that would be displaced during the Hwy. 146 expansion. Mr. Friedrichs stated that if that did not work, they planned on developing a business park.

Vice Chairman Hammann stated that he would take Item 3.1 out of order.

3.1 Request to change the zoning classification of land described below from the current classification of C-2 (Commercial – Medium District) to LI (Light Industrial.)

Motion was made by Mike DeHart and seconded by Michael Sharpe

To adopt the rezoning request of the north 12.21 acres to LI as presented.

Vice Chairman Hammann asked what objections City Council had when the request was before them in February.

Mr. Landis stated that at that time they felt it was important to keep the C-2 zone.

MOTION CARRIES BY UNANIMOUS CONSENT.

2.2 Review proposed text changes to Appendix A. Comprehensive Zoning, Article 4. Special Use Regulations, Section 4.10. Planned Unit Developments.

Mr. Landis stated that at the last Planning and Zoning meeting he had presented some possible text changes to the Planned Unit Development ordinance. He stated that, as a body, P&Z requested that he add some additional language and also speak with the city attorney regarding possibly rewriting one of the sections. The requested changes were:

4.10.06. PUD

B. Submission of a final PUD plan: Before a building permit may be issued or before any development action on a proposed PUD may begin, the landowner shall submit a final plan to the planning and zoning commission and then city council for final approval. The submission may be for all of the land included within a proposed PUD site or for a part of the site. The submission shall include all of the information prescribed in subsection A., above, and shall additionally include specifications, covenants, easements, conditions, bonds, or other information required by the commission and city council.

4.10.10. Development schedule: Prior to the issuance of any building permits, a construction schedule must be submitted to and approved by the planning and zoning commission and city council. The schedule shall include a detailed timeframe in which street, utility and building construction shall be completed. The owner/developer of the PUD is to appear before the planning and zoning commission on no less than a ~~quarterly~~ bi-annual basis until completion of the project.

Mr. Landis stated that staff requested the following paragraph be removed from the ordinance. He stated that it has unreasonable time restraints that are almost impossible to fulfill.

~~Building permits shall be secured for the PUD project no later than six months after approval by the city council. The city council may grant one six-month extension upon majority vote. Completion of the project shall occur no later than 24 months after approval except as may be extended by the majority vote of the city council.~~

Mr. Landis stated that he spoke with Steve Weathered, Seabrook City Attorney, regarding 4.10.11. Mr. Weathered suggested that this section would not need a re-write, because P&Z and City Council would set the schedules and on a bi-annual basis, the applicant is going to come in and give an update. If they need an extension, at that time P&Z and City Council can grant the extension. He stated that this section is really a safety net and if they fail totally to fulfill their obligations, it just basically states that it will resort back to the original zoning.

4.10.11. Dissolution of the PUD: *Should the PUD project fail to meet the schedule listed above as approved by the planning and zoning commission and city council the PUD shall automatically dissolve and the land shall return to the zoning that existed immediately prior to the PUD. without further action by the city council.*

Mike DeHart stated that 4.10.10 should state “and then city council.” He stated that it should also state: The owner/developer of the PUD is to appear before the planning and zoning commission on no less than a bi-annual basis **and present a status report** until the completion of the project.

3.0 NEW BUSINESS – The Commission will discuss, consider, and if appropriate, take action on the items listed below.

3.2 Discussion, consideration and possible action concerning the request to review proposed text changes to Appendix A. Comprehensive Zoning, Article 4. Special Use Regulations, Section 4.10. Planned Unit Developments.

Motion was made by Mike Dehart and seconded by Rosebud Caradec

To accept as present by Staff, text changes to Appendix A. Comprehensive Zoning, Article 4. Special Use Regulations, Section 4.10. Planned Unit Developments with the inclusion in 4.10.10 the word “then” before “city council” and after bi-annual basis add “and present a status report”.

MOTION CARRIES BY UNANIMOUS CONSENT.

3.3 Discussion, consideration and possible action concerning the presentation of the State Highway 146 area plan.

Mr. Landis gave a brief presentation on the projected impact to businesses with the expansion of State Highway 146. No action was taken.

4.0 OLD BUSINESS – The Commission will discuss, consider, and if appropriate, take action on the items listed below.

4.1 Discussion, consideration and possible action concerning the clarification of proposed text changes to Appendix A. Comprehensive Zoning, Article 6 “Sign Standards”.

Mr. Landis stated that at the July 18, 2013 P&Z meeting, there was a motion to add verbiage to Section 6.04.02 (C) Temporary grand opening signs to allow wind-driven signs, similar to Section 6.04.02 (D) (4) and to not change 30 day time limit to 60 days. However, when the official report was filled out and signed, it stated to change to 30 day time limit to 60 days.

The Planning and Zoning Commission members signed the corrected official report.

5.0 APPROVAL OF MINUTES

5.1 Discussion, consideration and possible action concerning the minutes from the June 20, 2013 meeting.

Motion was made by Mike DeHart and seconded by Dodie Miller

To approved the minutes from the June 20, 2013 meeting as written.

MOTION CARRIES BY UNANIMOUS CONSENT.

6.0 ROUTINE BUSINESS

6.1 Discussion and Consideration of the Community Development Activity Summary.

Sean Landis gave a brief report.

6.2 Report from the Director of Planning and Community Development on the status of a list of actions taken by Planning & Zoning and sent to City Council for its action or review.

Sean Landis gave a brief report.

6.3 Discussion with staff and P&Z Commission to establish future agenda items and meeting dates.

Vice Chairman Hammann stated that the next meeting will be on August 15, 2013 and the following will be discussed:

- Estates on Lake Mija Preliminary Plat
- Impacts of Hwy 146 Expansion

Motion was made by Michael Sharpe and seconded by Mike DeHart

To adjourn the Planning & Zoning Commission meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

Having no further business, the meeting adjourned at 8:20 p.m.

APPROVED THIS 15th DAY OF AUGUST, 2013.

Buddy Hammann, Vice Chairman

Alesia Hammock, Secretary



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, AUGUST 20, 2013

Submitter/Requestor: City of Seabrook

Date Submitted: 8/7/2013 10:41:25 AM

Presenter: Sean Landis

Description/Subject:

Request for an amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 6, "Sign Standards", Section 6.04 "Exempt Signs", Subsection 6.04.02(C) "Temporary Grand Opening Signage".

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 6, "SIGN STANDARDS", SECTION 6.04 "EXEMPT SIGNS", BY AMENDING SUBSECTION 6.04.02 (C) "TEMPORARY GRAND OPENING SIGNAGE"; TO ALLOW CERTAIN WIND-DRIVEN SIGNS; 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):

City Council requested that the Planning and Zoning Commission review the sign ordinance to possibly allow special advertising for businesses during special sales and for new businesses.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

After much discussion the following is being recommended by the Planning and Zoning Commission:

The Code of the City Of Seabrook Appendix A, "Comprehensive Zoning," Article 6, "Sign Standards", Section 6.04 "Exempt Signs", Subsection 6.04.02(C) "Temporary Grand Opening

Signage” is hereby amended

6.04.02(C) Temporary Grand Opening Signage: Wall signs to advertise grand opening celebrations for individual businesses shall be allowed for a period not to exceed 30 days.

- (1) Maximum size not to exceed 32 square feet per sign and may be in the form of a banner.
- (2) May not project above roofline except buildings with parapet walls.
- (3) **Wind-driven signs in the form of pennants, flags (other than official flags) ribbons, streamers, spinners, or other similar devices shall be considered temporary grand opening signs for the purpose of this ordinance, subject to the limitations contained herein.**

The proposed changes to the zoning code were recommended by the Planning & Zoning Commission by unanimous vote at their regular meetings on June 20, 2013.

Attachments:

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

Report to City Council

Planning & Zoning June 20, 2013 Approved Minutes

Ord. No. 2015-15

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?

New Business

Suggested Motion:

Agenda Language:

Consider first reading of proposed Ordinance No. 2013-15, "Sign Standards for Temporary Grand Opening Signs" (P&Z/Landis)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 6, "SIGN STANDARDS", SECTION 6.04 "EXEMPT SIGNS", BY AMENDING SUBSECTION 6.04.02 (C) "TEMPORARY

GRAND OPENING SIGNAGE”; TO ALLOW CERTAIN WIND-DRIVEN SIGNS; 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.)

**ORDINANCE NO. 2013-15
UPDATING AND AMENDING SIGN STANDARDS
FOR TEMPORARY GRAND OPENING SIGNS**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 6, "SIGN STANDARDS", SECTION 6.04 "EXEMPT SIGNS", BY AMENDING SUBSECTION 6.04.02 (C) "TEMPORARY GRAND OPENING SIGNAGE"; TO ALLOW CERTAIN WIND-DRIVEN SIGNS; 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 ("Code") 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 6,
SECTION 6.04 “EXEMPT SIGNS”**

The Seabrook City Code, Appendix A, “Comprehensive Zoning”, Article 6, “Sign Standards”, Section 6.04 “Exempt Signs” is hereby amended as follows:

6.04.02(C) Temporary Grand Opening Signage: Wall signs to advertise grand opening celebrations for individual businesses shall be allowed for a period not to exceed 30 days.

(1) Maximum size not to exceed 32 square feet per sign and may be in the form of a banner.

(2) May not project above roofline except buildings with parapet walls.

(3) Wind-driven signs in the form of pennants, flags (other than official flags), ribbons, streamers, spinners, or other similar devices shall be considered temporary grand opening signs for the purpose of this ordinance, subject to the limitations contained herein.

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. 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.

Ord. No. 2013-15
Page 3

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 20th day of August, 2013

PASSED AND APPROVED on second and final reading this 3rd day of September, 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 20, 2013 to hold a meeting to consider:

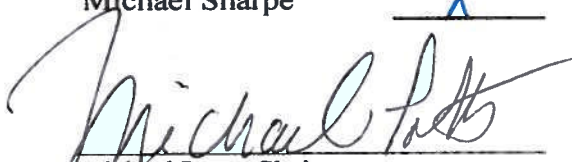
Request for amendments to the Seabrook City Code, Appendix A, Comprehensive Zoning, Article 6, "Sign Standards" in the following areas: Temporary Grand Opening Signs and Temporary Special Sales Signs.

**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 20, 2013, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

Add verbiage to Section 6.04.02 (C) Temporary grand opening signs to allow wind-driven signs, similar to Section 6.04.02 (D) (4) and to not change 30 day time limit to 60 days.

<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				MD
Buddy Hammann	X				BH
Bolivar Lewis	X				BL
Dodie Miller	X				DM
Michael Potts	X				MP
Michael Sharpe	X				MS


Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:


Alesia L. Hammock
Secretary

The Seabrook Planning and Zoning Commission met on Thursday, June 20, 2013 in regular session at Seabrook City Hall, 1700 First Street, Seabrook, Texas to consider and if appropriate, take action on the agenda items listed below:

THOSE PRESENT WERE:

MICHAEL POTTS	CHAIRMAN
BUDDY HAMMANN	VICE CHAIRMAN
ROSEBUD CARADEC	MEMBER
MIKE DEHART	MEMBER
DODIE MILLER	MEMBER
MICHAEL SHARPE	MEMBER
BOLIVAR LEWIS	MEMBER
SEAN LANDIS	DIRECTOR OF COMMUNITY DEVELOPMENT
ALESIA HAMMOCK	SECRETARY

Chairman Potts called the meeting to order at 7:00 p.m. and stated there was a quorum present.

1.0 ROUTINE PUBLIC HEARING AND ANNOUNCEMENTS - None

2.0 SPECIFIC PUBLIC HEARING

2.1 Request for approval of a Short-form Plat for Caldwell Special Subdivision.

Applicant: Mark Caldwell, Seabrook, Texas

Owner: Ashley Caldwell, Seabrook, Texas

Property: 1318 N. Meyer Avenue, Seabrook, Texas 77586

Location: This property is located immediately east of N. Meyer. The property is located in the OS (Old Seabrook) zoning district.

Request: The applicant is requesting approval of a Short-form plat consisting of 2 lots.

Sean Landis stated that the applicant is requesting to subdivide the property into two 0.17 Acre Lots (7,424 SQ.FT.). Mr. Landis stated that at a hearing on May 8, 2013 held before the Board of Adjustments, a variance was granted to Section 4.12 Appendix A. Article 3, Section 3.12.02 (B) 2 (F) – Comprehensive Zoning. Section 4.12 Appendix A. Article 3, Section 3.12.02 (B) 2 (F) establishes a minimum lot width of 50'. The Board found that a hardship exists and granted a 1 foot variance to the 50' lot width requirement. He stated that Staff has reviewed the Short-form plat, and finds it to be compliant with the City's Subdivision and Zoning Ordinances. Staff recommends that the commission approves the short-form plat.

Chairman Potts stated that he was going to take the agenda out of order and go to New Business 3.1.

3.1 Discussion, consideration and possible action concerning the request for approval of a Short-form Plat for Caldwell Special Subdivision.

Motion was made by Buddy Hammann and seconded by Michael Sharpe

To approve the Short-form Plat for Caldwell Special Subdivision as presented by staff.

MOTION CARRIES BY UNANIMOUS CONSENT.

Chairman Potts stated that he would take 4.0, Approval of Minutes out, of order.

4.0 APPROVAL OF MINUTES

4.1 Discussion, consideration and possible action concerning the minutes from the May 16, 2013 meeting.

Motion was made by Rosebud Caradec and seconded by Dodie Miller

To approved the minutes from the May 16, 2013 meeting as written.

Ayes: Caradec, DeHart, Lewis, Miller, Potts, and Sharpe

Nays: None

Abstained: Hammann

2.0 SPECIFIC PUBLIC HEARING

2.2 Review proposed text changes to Appendix A. Comprehensive Zoning, Article 6 "Sign Standards".

Sean Landis stated that City Council has requested that the Planning and Zoning Commission review the Comprehensive Zoning Ordinance, Article 6, Signs, for possible modification. He stated that the two sections that they identified are: Article 6, Section 6.04.02(C) Temporary Grand Opening Signs and Article 6, Section 6.04.02(D) Temporary Special Sales Signs.

Mr. Landis stated that he called neighboring communities and these two ordinances are very close to what they have.

Mr. Landis stated that Article 6, Section 6.04.02(C) Temporary Grand Opening Signs states:

Temporary grand opening signage: Wall signs to advertise grand opening celebrations for individual businesses shall be allowed for a period not to exceed 30 days.

(1) Maximum size not to exceed 32 square feet per sign and may be in the form of a banner.

(2) May not project above roofline except buildings with parapet walls.

Mr. Landis asked if the 30 day time limitation too restrictive and recommended that the following language found in Article 6, Section 6.04.02(D) Temporary Special Sales Signs be added: Wind-driven signs in the form of pennants, flags (other than official flags), ribbons, streamers, spinners, or other similar devices shall be considered temporary grand opening signs for the purpose of this ordinance, subject to the limitations contained herein.

Mr. Landis stated that Article 6, Section 6.04.02(D) Temporary Special Sales Signs states:

- D. Temporary special sales signs: Temporary special sales signs shall comply with the following:
- (1) Limited to one 14 continuous-day period per quarter.
 - (2) The banner shall not exceed 32 square feet.
 - (3) Shall be attached to a building and may not project above the roofline or parapet of the building.
 - (4) Wind-driven signs in the form of pennants, flags (other than official flags), ribbons, streamers, spinners, or other similar devices shall be considered temporary special sales signs for the purpose of this ordinance, subject to the limitations contained herein.

Mr. Landis asked if the 14 day per quarter time limitation too restrictive. He stated that it is very hard for staff to enforce this type of signage because you do not have to have a permit. Mr. Landis stated that staff would support deleting the time restrictions for both sign ordinances and enforcing the sections that state that they have to be maintained and in good shape. He suggested staff communicated with the business owners to let them know what they are or not allowed to do.

Rosebud Caradec asked if the City had any form of communication with the businesses like they do with the citizens with emails and letters.

Mr. Landis stated that there is a community newsletter that goes out via email and the Economic Development Director (EDC) meets with the business community once a quarter at the "Morning Brew." He stated that he planned to do some educational outreach.

Michael Sharpe stated that if you do not have some time limits on both temporary grand opening and special sales signs then it will no longer be "temporary" and as long as they are maintained, they could be there forever.

Bolivar Lewis asked if the temporary grand opening signs were permitted.

Mr. Landis stated no.

Dodie Miller asked if anyone had the authority to enforce the sign ordinance for signs that are not maintained or signs that are up past the time limits.

Mr. Landis stated that the code enforcement officer has that authority; usually a notice will be given first.

Chairman Potts stated that the temporary grand opening signs should be changed from 30 days to 60 days and the language found in Article 6, Section 6.04.02(D) Temporary Special Sales Signs for wind-driven signs be added.

2.3 Review proposed text changes to Appendix A. Comprehensive Zoning, Article 4. Special Use Regulations, Section 4.10. Planned Unit Developments.

Mr. Landis stated that he did a comprehensive review of this ordinance and found items that need to be changed. He stated that there were some items that had to be submitted to both City Council and Planning & Zoning and there were some that just had to be submitted to Planning & Zoning. Mr. Landis stated that after discussing the PUD zoning changes with City Council, he felt that they believe this should be a joint effort and one group should not be deciding all of it.

Section 4.10.06 PUD designation procedures

B. Submission of a final PUD plan: Before a building permit may be issued or before any development action on a proposed PUD may begin, the landowner shall submit a final plan to the planning and zoning commission. The submission may be for all of the land included within a proposed PUD site or for a part of the site. The submission shall include all of the information prescribed in subsection A., above, and shall additionally include specifications, covenants, easements, conditions, bonds, or other information required by the commission.

Mr. Landis stated that he recommended adding “and city council for final approval” after “planning and zoning commission. He stated that the process to approve a PUD is a lot like a preliminary plat. The applicant will submit preliminary PUD document that will have to be approved by Planning & Zoning and City Council, but once you get to final approval only P&Z has to approve it. Mr. Landis stated that if City Council is involved with the preliminary part, they will want to be involved in the oversight of the final also.

Mr. Landis stated that PUD’s could be very big projects with multiple variances and allowances, like a master plan.

Buddy Hammann stated that the way it is worded, it implies that there has to be a joint meeting. He stated that it should state “and then city council for final approval.”

Mr. Landis stated that he would change that. He stated that he would recommend joint public hearings and meetings, this way both parties could hear the others opinions.

Chairman Potts stated that the last sentence should read “required by the commission and city council.”

4.10.10. Development schedule:

Prior to the issuance of any building permits, a construction schedule must be submitted to and approved by the planning and zoning commission. The schedule shall include a detailed timeframe in which street, utility and building construction shall be completed. The owner/developer of the PUD is to appear before the planning and zoning commission on no less than a quarterly basis until completion of the project.

Building permits shall be secured for the PUD project no later than six months after approval by the city council. The city council may grant one six-month extension upon majority vote.

Completion of the project shall occur no later than 24 months after approval except as may be extended by the majority vote.

Mr. Landis stated that what he is recommending is that you add city council after “approved by the planning and zoning commission”, change quarterly to annual, and delete all of the time limitations. He stated that you could not possible construct a PUD in 24 months. Mr. Landis stated that with the top paragraph and the changes that they are talking about, you are establishing the schedule.

4.10.11. Dissolution of the PUD:

Should the PUD project fail to meet the schedule listed above as approved by the planning and zoning commission, the PUD shall automatically dissolve and the land shall return to the zoning that existed immediately prior to the PUD, without further action by the city council.

Mr. Landis stated that he recommended adding “approved by the planning and zoning commission and city council”, delete “without further action by the city council” because it is not necessary, and delete “listed above” because those items are what he is requesting to be deleted.

Chairman Potts asked how the action to dissolve the PUD be initiated.

Mr. Landis stated if that did not meet the schedule that had been approved, that would initiate it.

Ms. Caradec asked if there was any way they could expand their timeframe.

Mr. Landis stated that when they meet with Planning & Zoning and City Council on an annual basis they could request any changes to the schedule.

Ms. Caradec stated that "the PUD shall automatically dissolve and the land shall return to the zoning that existed immediately prior to the PUD, without further action by the city council" should be deleted.

Mr. Landis stated that he would make changes to the section and bring it back to P&Z.

Chairman Potts stated that to dissolve a PUD, should be initiated by a notice from staff.

Ms. Caradec stated that there would have to be some remediation possibilities.

Mr. Sharpe stated that once you have established an approved schedule and you are going to require annual updates from the builder, if they need to extend the schedule out they would have to get approval from Planning & Zoning and City Council.

Mr. Landis stated that if anyone makes changes to the original document it would have to be approved by Planning & Zoning and City Council. He stated that he could review the section with the city attorney and make the appropriate changes.

Chairman Potts stated that he thought semi-annual updates would be better than annual updates.

Mr. Landis stated that when a PUD is submitted, he suggest that P&Z require them to implement their time schedule within the document, which makes it enforceable. He stated that they might not need to change the ordinance language very much, because they could implement the requirements as part of the document.

Chairman Potts closed the specific public hearing portion of the meeting.

3.0 NEW BUSINESS – The Commission will discuss, consider, and if appropriate, take action on the items listed below.

3.2 Discussion, consideration and possible action concerning the request to review proposed text changes to Appendix A. Comprehensive Zoning, Article 6 "Sign Standards".

Motion was made by Mike DeHart and seconded by Rosebud Caradec

To add "wind driven signs" language to Section 6.04.02 C Temporary Grand Opening Signs and to not change "30 day" time limit to "60 days".

MOTION CARRIES BY UNANIMOUS CONSENT.

3.3 Discussion, consideration and possible action concerning the request to review proposed text changes to Appendix A. Comprehensive Zoning, Article 4. Special Use Regulations, Section 4.10. Planned Unit Developments.

Motion was made by Buddy Hammann and seconded by Bolivar Lewis

To instruct staff to make recommended changes and bring back to the next meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.0 ROUTINE BUSINESS

5.1 Discussion and Consideration of the Community Development Activity Summary.

Sean Landis gave a brief report.

5.2 Report from the Director of Planning and Community Development on the status of a list of actions taken by Planning & Zoning and sent to City Council for its action or review.

Sean Landis gave a brief report.

5.3 Discussion with staff and P&Z Commission to establish future agenda items and meeting dates.

Chairman Potts stated that the next meeting will be on July 18, 2013 and the following will be discussed:

- Rezoning Request C-2 to LI
- PUD Ordinance
- Area Planning

Motion was made by Buddy Hammann and seconded by Michael Sharpe

To adjourn the Planning & Zoning Commission meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

Having no further business, the meeting adjourned at 8:14 p.m.

APPROVED THIS 18th DAY OF JULY, 2013.


Michael Potts, Chairman


Alesia Hammock, Secretary

Buddy Hammann V. CHAIR



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: TUESDAY, AUGUST 20, 2013

Submitter/Requestor: K. Templin

Date Submitted: 8/12/2013 10:59:42 AM

Presenter: K. Templin

Description/Subject:

A number of residents who reside along Surf Oaks Drive, a private drive, would like for the City to consider accepting the drive following its improvement dedication by all adjoining property owners and improvement by Harris County.

The residents have had conversations with Precinct 2 representatives regarding the improvement of Surf Oaks. The drive would have to be formalized, turned over to Harris County, repaired and improved by Precinct Two and then turned over to the City of Seabrook by Harris County.

It's been found that there has never been a formal dedication or platting of Surf Oaks Drive so the adjacent property owners will have to be willing to dedicate portions of their property to form a right-of-way. This will require surveying and possibly some legal work. The costs of this work would be borne by the Surf Oaks property owners. The City would simply have to be willing to accept the "street" after it has been improved by Harris County. The residents seek to poll the Council on this matter prior to beginning the tasks required for this effort.

Purpose/Need: NA

Background/Issue(What prompted this need):

Impacted Parties(Expected/Notified): Property owners along Surf Oaks Drive.

Miscellaneous Comments:

Attachments:

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

Request

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

Funding Comments:

Where on the agenda should this item be placed?

New Business

Suggested Motion:

Agenda Language:

Consider a request from some Surf Oaks Drive residents for the city to accept Surf Oaks Drive following its dedication by all adjoining property owners and improvement by Harris County. (Templin/Applicants)

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.)

1 **Mayor Glenn Royal**

2
3 **and**

4
5 **Council Members: Laura Davis, Robert Llorente, Mike Giangrosso, Gary Johnson, Don Holbrook and Thom**
6 **Kolupski**

7
8 Ladies and Gentlemen:

9
10 Surf Oaks continues to be a blight on the City of Seabrook, not to mention a perennial pain for Councils past
11 and present. In the interest of full disclosure I voted against improvements when the matter came before
12 Council during my term, but I did so predicated on the argument that roadways are the responsibility of a
13 “developer”. It made sense. The City isn’t obliged to take a roadway into its inventory until improved. I am a
14 resident of Surf Oaks now and while my perspective is understandably different, I’d like to think that had the
15 following two arguments been presented at the time I would have voted differently:

- 16
17
 - Prior to incorporation, all of the streets in Seabrook were private. And many were in arguably
 - 18 just as bad a condition. As I recall Surf Oaks existed then as now.
 - 19 ○ Surf Oaks residents pay taxes that support street improvement bonds, as do all other
 - 20 property owners. We just don’t enjoy the benefit where our own street is concerned.

21
22 There appears now to be a solution, one that is available without cost to the City. What is needed first,
23 though, is an initiative driven by the City. For a host of reasons this community is not responsive to proposals
24 floated by me or any other like-minded resident. If an initiative were to come from the City Manager, then I
25 submit that Surf Oaks residents would be much more receptive. There are concerns, for example, related to
26 code requirements and / or the prospect of taking land. Neither would be required, but as a private citizen I
27 cannot adequately address or allay those types of concerns. The City Manager can simply by virtue of his
28 position.

29
30 I assume that such an initiative would require direction from City Council, thus my appeal for your support.
31 Please know that if there is some nominal cost for surveying then there are enough residents in this
32 community who would be willing to pay for it. In that regard we are certainly open to working with the City.

33
34 For now I simply ask that one or more of you kindly sponsor the matter on an upcoming Agenda. I will leave it
35 to City Manager Templin to explain the logistics.

36
37 Thank you in advance...,
38 Jack (Chip) Boteler
39 832-473-7791

40
41
42 Cc: Kelly Templin, City Manager
43
44
45
46

**CITY OF SEABROOK
RESOLUTION NO. 2013-16
OPPOSING THE 2012 BIGGERT-WATERS FLOOD INSURANCE REFORM ACT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, OPPOSING THE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012 RECENTLY PASSED BY U.S. CONGRESS, AND PROVIDING FOR THE DELIVERY OF SUCH RESOLUTION TO STATE AND FEDERAL LEGISLATORS THAT REPRESENT SEABROOK.

WHEREAS, the City of Seabrook, Texas is a coastal community which borders Galveston Bay, Clear Lake and Taylor Lake and has a significant population of residents that could be affected by storm surge and subtropical coastal rain events; and

WHEREAS, the Biggert-Waters Flood Insurance Reform Act of 2012, in its current form requires that primary residences within the Special Hazard Flood Areas (SHFA) will lose their current rate status if the property is sold, the policy lapses, or if new policy is purchased; and

WHEREAS, Biggert-Waters Flood Insurance Reform Act of 2012, in its current form requires the phasing out of grandfathered rates beginning in 2014 so actuarial rates will be effective within five years thereafter; and

WHEREAS, without grandfathering, subsequent maps will affect greater and greater numbers of homes and businesses; and

WHEREAS, the Federal Emergency Management Agency (FEMA) is currently proposing a change to the Floodplain maps that will not only expand the geographical boundary of the SHFA, but also will increase the Base Flood Elevation (BFE) thereby reclassifying numerous currently compliant properties into a non-compliant condition; and

WHEREAS, a significant portion of existing homes within the City of Seabrook will be directly impacted by these changes in Federal law; and

WHEREAS, a significant number of low and moderate income residents in Seabrook will not be able to afford the higher rates and will therefore go uninsured; and

WHEREAS, these same residents will also not be able to sell their homes as persons of similar income likely to purchase these homes will also be priced out of the flood insurance market; and

Resolution No. 2013-16

Page 2

WHEREAS, the aforementioned residents work in industries vital to the national economy, such as the petrochemical companies, port operations and the National Air and Space Administration (NASA); and

WHEREAS, the combined effects of the Biggert-Waters Act will be to devastate property values and economic development efforts in the throughout the nation's coastal areas.

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

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

Section 2. The Seabrook City Council hereby opposes the Biggert-Waters Flood Insurance Reform Act of 2012 in its current form due to impacts that will disproportionately affect coastal homeowners' ability to remain in, and market in their homes due to substantial increases in flood insurance costs.

Section 3. The City Council of the City of Seabrook hereby directs the City Secretary to send this Resolution to all State, County and Federal Legislators and members that represent Seabrook, Texas.

PASSED, APPROVED, AND ADOPTED on the 20th day of August, 2013.

CITY OF SEABROOK, TEXAS

BY: _____
Glenn R. Royal, Mayor

ATTEST:

Michele L. Glaser, TRMC
City Secretary

Michele Glaser

Subject: FW: Pine Gully Tree

From: Kelly Templin
Sent: Wednesday, July 31, 2013 5:30 PM
To: Michele Glaser
Subject: FW: Pine Gully Tree

Could we attach this to the Pine Gully Item?

Kelly E. Templin
City Manager
City of Seabrook
1700 First Street
Seabrook, TX 77586
281.291.5688
291.291.5710 (facsimile)



Option 1 – Excavate outside the drip line and create a bulb in the channel and install reinforced box culverts on the south side of the tree to provide the required capacity.

Revise Drainage Report and submit to HCFCF - \$9k
Redesign of Construction Plans and resubmit to HCFCF – \$15k
Construction Inspection (Estimated Additional 45 days) - \$6k
Construction Cost - \$225k (Cost is high, because we will have to lay large box culverts to obtain the capacity)
Construction Materials Testing – \$4k

Total Option 1 ~ \$260k

Option 2 – Complete purchase of land to the south of the tree, and excavate south of the tree far enough to obtain capacity, creating an island around the tree.

Revise Drainage Report and submit to HCFCF - \$9k
Redesign of Construction Plans and resubmit to HCFCF – \$20k (Need more survey)
Construction Inspection (Estimated Additional 30 days) - \$2k
Construction Cost – (Approximatley 10,000cy, Armor Slope and other Appurt.)= \$250k
Time delay due to property purchase - \$......

Total Option 2 ~ \$280k

ACTION ITEM CHECK LIST STATUS

#	STATUS	DATE ASSIGNED	NEXT REVIEW DATE	PROPOSED CLOSURE DATE	RESPONSIBLE ORGANIZATION	City Council RESPONSIBILITY	PLANNING OBJECTIVE #	AGENDA ITEM NUMBER	DESCRIPTION OF ACTION ITEM	STATUS AND DATE
4	OPEN/IN WORK	12/4/2012			Staff/Council			6.1	Consider transportation alternatives from hotels to new cruise terminal.	Update provided at 2/19 meeting. Ongoing discussions.
5	OPEN/IN WORK	12/4/2012			Staff/P&Z			5.4	Ord. No. 2012-24, "Deleting Existing Point Overlay Sign Regulations" was tabled for staff & P&Z review.	P&Z met on 2/21. Will send to Council at a future date after discussion with business(es).
9	OPEN/IN WORK	1/22/2013			Ad hoc members/city manager			5.2	Ad hoc committee to deal with fire department issues.	Ongoing.
10	OPEN/IN WORK	2/5/2013			City Secretary			3.4	Advertise for new applicants whenever board members terms are expiring.	Ongoing.
11	OPEN/IN WORK	4/2/2013			P&Z/Landis			6.3	Council asked P&Z to allow special advertising for businesses during special events and for new businesses.	On 6/21 P&Z recommended that temporary signs, including spinners be allowed for up to 50 days for grand openings. Public hearing and first reading of ordinance on 8/20/13.
14	OPEN/IN WORK	4/2/2013			City Manager			6.2	Meet with city engineers for recommendations concerning safety of left turns from SH 146.	Postponed from consideration on 6/4 as TxDOT is still in the process of formulating various options.
15	OPEN/IN WORK	7/2/2013			Staff			5.1	Staff to develop a proposal for a special permit to allow additional cats/dogs in a household under specific conditions	Amendments made on 8/6, city attorney to review and bring back to repeat first reading on 8/20.
17	OPEN/IN WORK	8/6/2013			Staff/City Eng.			3.1	Prepare a more detailed timeline and anticipated costs for saving tree near Pine Gully. Obtain an opinion from a tree expert	Update on 8/20/13 agenda for consideration.
18	OPEN/IN WORK	8/6/2013			Staff			3.3	Res. No. 2013-14, Animal Control Fees	To be considered on 9/17/14 to coincide with second reading of Ord. 2013-12

August 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 Open Space	2	3
4	5	6 Council	7	8 EDC	9	10
11	12	13	14	15 P&Z HCMCA	16	17
18	19	20 Special Meeting 6 p.m. Council 7 p.m.	21	22	23	24
25	26	27 Budget Meeting 6 p.m.	28	29	30	31

September 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 Labor Day City Hall Closed	3 Council	4	5 Open Space	6	7
8	9	10 Special Council Meeting re: budget and tax rate	11	12 EDC	13	14 Kid Fish 10am-12 noon
15	16	17 Crime Prevention Dist. 6:30 p.m. Council	18	19 P&Z HCMCA	20	21
22	23	24 Special Council Meeting— if needed to adopt tax rate	25	26	27	28
29	30					