

**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, OCTOBER 15, 2013 - 7:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY OCTOBER 15, 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 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 INTERVIEW CANDIDATES FOR VARIOUS BOARDS & COMMISSIONS

 ATTACHMENT 1

- 1.1 Interview candidates for vacancies on various boards and commissions. (Council)

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

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

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

3.0 SPECIFIC PUBLIC HEARING(S)

 ATTACHMENT 2

- 3.1 Proposed Ordinance No. 2013-22, "Request to change the zoning classification of land described below from the current classification of WAD (Waterfront Activity District) to C-2 (Commercial – Medium District)."

Applicant: Winward Investments, 6025 Genoa Red Bluff, Pasadena, Texas 77507

Owner: Elbar Investments, Inc., 2206 Hazard #15, Houston, Texas 77019

Legal Description: Tract I, a 1.5109-acre tract of land and Tract II, a 0.3256-acre tract of land, situated in Abstract 52, of Ritson Morris Survey, in Harris County, Texas. This property is located immediately south of NASA Parkway, east of Elam Road, and north of Pirate Landing Apartments.

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

All consent agenda items are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a council member, city manager, city attorney or city secretary so requests, in which event the item will be removed from the Consent Agenda and considered immediately following the Consent Agenda.

 ATTACHMENT 3

- 4.1 Consider and approve a letter penned by Greater New Orleans, Inc. to President Obama requesting an administrative delay in the implementation of the Biggert-Waters Act and authorizing the mayor to sign it. (Davis)

 ATTACHMENT 4

- 4.2 Approve the minutes of the October 1, 2013 regular City Council meeting. (Glaser)
- 4.3 Approve an excused absence for Gary Johnson on October 1, 2013. (Glaser)

 ATTACHMENT 5

- 4.4 Approve the September 2013 Building Report. (Landis)

 ATTACHMENT 6

- 4.5 Approve the September 2013 Municipal Court Report. (Court)

 ATTACHMENT 7

- 4.6 Approve the September 2013 Public Safety Report. (Holomon)

 ATTACHMENT 8

- 4.7 Approve the Master Agreement and the Warranty, Support and License Agreement between the City of Seabrook and Hart Intercivic for election equipment. (Glaser)

 ATTACHMENT 9

- 4.8 Approve proposed Resolution No. 2013-19, "Accepting the Resignation of City Manager and Appointing Interim City Manager." (Council)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS ACCEPTING RESIGNATION OF KELLY TEMPLIN AS CITY MANAGER, EFFECTIVE DECEMBER 1, 2013, PROVIDING FOR THE APPOINTMENT OF AN INTERIM CITY MANAGER, GAYLE COOK ON

**EFFECTIVE DATE, AND REPEALING ALL RESOLUTIONS, ORDERS,
AND ORDINANCES IN CONFLICT THEREWITH.**

ATTACHMENT 10

- 4.9 Approve proposed Resolution No. 2013-20, "Authorization for Acquisition of Additional Property for Public Works and Related Site Project." (Templin)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, AUTHORIZING PROCEEDING FOR THE ACQUISITION OF CERTAIN REAL PROPERTY FOR THE PUBLIC WORKS AND RELATED SITE PROJECT; SUCH PROPERTY CONSISTING OF A TRACT OF LAND CONTAINING APPROXIMATELY 29.76 ACRES (1,296,500 SQUARE FEET) SITUATED IN THE RITSON MORRIS SURVEY, A-52, HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOT 2, SEABROOK FIRE TRAINING FACILITY, A SUBDIVISION RECORDED IN VOLUME 585, PAGE 54, HARRIS COUNTY MAP RECORDS, BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED 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 MAYOR TO EXECUTE THE REAL ESTATE SALES CONTRACT ("CONTRACT") ATTACHED HERETO AS EXHIBIT "B"; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE PROPERTY, INCLUDING IDENTIFYING FUNDS FOR PAYMENT AND PURCHASE, INCLUDING ALL ASSOCIATED DUE DILIGENCE AND CLOSING COSTS IN ACCORDANCE WITH THE CONTRACT AND IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS AND CHARTER; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

END OF CONSENT AGENDA

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

ATTACHMENT 11

- 5.1 Consider an appointment to the Economic Development Corporation Board for an unexpired term ending May 2014. (EDC)

ATTACHMENT 12

- 5.2 Consider approval of tax rate for 2013. Required public hearings on the tax rate were held on September 24 and October 1, 2013.

Four separate motions are required: 1) To approve a tax rate of 48.3154 cents per \$100.00 valuation of assessed property for operations and maintenance; 2) To approve a tax rate of 16.8075 cents per \$100.00 valuation of assessed property for the interest and sinking fund; 3) To approve that the property tax rate be increased by the adoption of \$0.651229 which is effectively a 3.21 percent increase in the tax

rate; and 4) To approve proposed Ordinance No. 2013-20, "Tax Ordinance" on first and final reading with the reading of the caption serving as the reading of the ordinance and requiring a record vote. (Templin)

"AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF SEABROOK, TEXAS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014 AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF."

ATTACHMENT 13

- 5.3 Approve first reading of proposed Ordinance No. 2013-22, "Amendment to the Official Zoning Map to Rezone 1.8365 acres south of NASA Parkway, east of Elam Road and north of Pirates' Landing Apartments from WAD to C-2. (P&Z/Applicant)

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 1.5109 ACRES OF TRACT I, AND 0.3256 ACRES OF TRACT II OF LAND, SITUATED IN ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS FROM WAD WATERFRONT ACTIVITY DISTRICT TO C-2 MEDIUM COMMERCIAL DISTRICT AND REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS CHANGE.

- 6.0 **ROUTINE BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.**
- 6.1 Consider an update from the City Manager concerning progress of the Surf Oaks Drive project. (Council)

ATTACHMENT 14

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

ATTACHMENT 15

- 6.3 Establish future meeting dates and agenda items, including a reminder of the special joint meeting to be held with the Planning & Zoning Commission on November 5, 2013 at 6:00 p.m. (Council)

7.0 EXECUTIVE SESSION

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

Section 551.071

- 7.1 Consult with attorney to receive legal advice related to pending litigation, *City of Seabrook v. Exquisite Designs by Castlerock & Co., Inc.*, Debtor pending in U.S. Bankruptcy Court, Houston Division under Cause No. 12-38337-H4-11 (Brad Jones) as provided by Section 551.071 Texas Government Code.

Section 551.071

- 7.2 Consult with attorney to receive legal advice relating tp Hotel Occupancy Tax, economic incentives and economic development as provided by Section 551.071 Texas Government Code. (Templin)

Section 551.087

- 7.3 Discuss or deliberate commercial/financial information and offer of financial or other business incentive relating to a business prospect that the City seeks to have locate, stay or expand in the City and with which it is conducting economic development negotiations as provided by Section 551.087 Texas Government Code. (Templin)

8.0 OPEN MEETING

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

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

CERTIFICATE

I certify that this notice was posted on the bulletin board on or before Friday, October 11, 2013 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

Meredith Brant

Meredith Brant, TRMC
Assistant City Secretary

