SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, DECEMBER 3, 2013 - 7:00 PM

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY DECEMBER 3, 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 PRESENTATIONS

1.1 Update by Olga Rodriguez from the Port of Houston Authority on the activities with the Bayport Cruise Terminal. (Cook)

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

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

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

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

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

ATTACHMENT 1

3.1 Approve appointment of Sean Landis as the Acting City Manager, in accordance with the Seabrook City Charter, Section 3.05. (Cook)

3.2 Approve excused absence for Councilor Laura Davis for the December 17, 2013 meeting. (Glaser)

ATTACHMENT 2

3.3 Approve minutes of the November 19, 2013 City Council meeting. (Glaser)

ATTACHMENT 3

3.4 Approve second and final reading of proposed Ordinance No. 2013-25, "Regulation of Peddlers Itinerant Vendors, Hawkers, Solicitors and Canvassers." (Davis)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, CHAPTER 22, "BUSINESSES," ARTICLE III. "PEDDLERS AND SOLICITORS"BY DELETING THE EXISTING ARTICLE IN ITS ENTIRETY AND REPLACING WITH NEW PROVISIONS UNDER THE SAME CHAPTER, REVISING THE TITLE [NAME] OF ARTICLE III. TO "PEDDLERS, ITINERANT VENDORS, HAWKERS, SOLICITORS, AND CANVASSERS" TO UPDATE SUCH PROVISIONS RELATING TO SUCH PERSONS, ESTABLISHING PROTECTIONS FOR HOMEOWNERS DESIRING TO AVOID PEDDLERS, SOLICITORS AND CANVASSERS, REGULATING HANDBILLS AND ITINERANT VENDORS; PROVIDING A PENALTY IN AN AMOUNT OF $500, OR THE MAXIMUM AMOUNT PROVIDED BY LAW FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE.

END OF CONSENT AGENDA

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

ATTACHMENT 4

4.1 Consider approval of agreement with Anderson Advertising & Design for production of 2014 "Community Coupon Booklet" in an amount not to exceed $12,311.02. This is a budgeted item through EDC and was approved at the November 20, 2013 EDC meeting. (Chavez)

4.2 Update on progress of transportation alternatives to and from Seabrook hotels and the Cruise Terminal. (Holbrook)

ATTACHMENT 5

4.3 Consider revisions to golf cart regulations. (Llorente)

4.4 Update of possible solutions for vehicles on SH 146 attempting to turn left where there is no traffic signal. (Holbrook)

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

ATTACHMENT 6

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

ATTACHMENT 7

5.2 Establish future meeting dates and agenda items, including determining a quorum for a special joint public hearing to be held with the Planning & Zoning Commission on December 17, 2013 at 6:00 p.m. (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 Wednesday, November 27, 2013 and that this notice will remain posted until the meeting has ended.

_____

Meredith Brant, TRMC

Assistant City Secretary

SEABROOK

Memo

To: Mayor and City Council
From: Gayle Cook, City Manager
CC: Sean Landis, Director of Community Development
Date: December 3, 2013

Re: Seabrook Charter Section 3.05, Acting City Manager

With the departure of Kelly Templin as City Manager and my new appointment, I have decided to appoint Sean Landis, Director of Community Development to the position of Assistant City Manager/Director of Community Development as of December 1, 2013.

In this role Sean will also serve as the Acting City Manager as per Section 3.05 of the City Charter in my absence or disability. In addition, I will keep Nona Holomon, Chief of Police, as a secondary backup to Sean.

A letter will be filed with the City Secretary's office per the Charter noting these changes if Council so approves.

Excerpt from the Seabrook City Charter
Article III. The City Manager

Section 3.05. Acting City Manager.
The City Manager, within sixty (60) days after taking office, shall designate by letter filed with the City Secretary, a qualified administrative official of the City to perform the duties of the City Manager in his or her absence or disability. Such designation shall be subject to approval by Council. No member of Council shall serve as Acting City Manager. From time to time the City Manager may remove and/or appoint another Acting City Manager. In the event of failure of the City Manager to make such designation, the Council may by resolution appoint an official of the City to perform the duties of the City Manager until he or she shall return or his or her disability shall cease.

The City Council of the City of Seabrook met in regular session on Tuesday, November 19, 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	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANGROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON	COUNCIL PLACE NO. 3
DON HOLBROOK	COUNCIL PLACE NO. 4
THOM KOLUPSKI	COUNCIL PLACE NO. 5
LAURA DAVIS	MAYOR PRO TEM & COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Mayor Royal called the meeting to order at 7:00 p.m. and led the audience in the United States and Texas Pledges of Allegiance.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Bill Ferguson, Mija Lane asked Council to amend the Golf Cart Ordinance to allow carts to travel on streets with speed limits of 35 miles per hour or less, which is in conformance with state law. Currently the city only allows travel on streets with a maximum of 25 miles per hour which prohibits riders from traveling outside their subdivisions. He also recommended that no golf cart traffic be permitted on NASA Parkway or SH 146 even where the speed limit was 35 miles per hour. Ron Marsh, Clearwater Estates agreed with Mr. Ferguson.

Terry Sones, Baywood Drive, spoke about problems of noise at Carothers. She stated that citizens had voted for a parks expansion, not a party venue. She stated that the problem of noise was largely resolved with the new rental contract stipulation that renters could not allow open doors or windows. However, she stated some renters have disregarded this rule and the police told her they could not enforce this rule, as it is not an ordinance.

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

Several announcements were made.

2.0 CONSENT AGENDA

2.1 Approve the Investment Report for 4th quarter 2012/13. (Lab)

2.2 Approve the October 2013 Municipal Court Report. (Ancira)

2.3 Approve the October 2013 Community Development Report. (Landis)

2.4 Approve the October 2013 Public Safety Report. (Holomon)

2.5 Approve the minutes of the November 5, 2013 special joint meeting of the City Council and the Planning & Zoning Commission. (Glaser)

2.6 Approve the minutes of the November 5, 2013 regular Council meeting. (Glaser)

2.7 Approve proposed Resolution No. 2013-22,"In Support of the 'Ike Dike'." (Council)

A RESOLUTION SUPPORTING THE "IKE DIKE PROJECT" FOR A COASTAL BARRIER TO PROTECT THE HOUSTON-GALVESTON REGION, INCLUDING GALVESTON BAY, FROM HURRICANE STORM SURGES; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO REAR ADMIRAL ROBERT SMITH III, USN, PRESIDENT AND CHIEF EXECUTIVE OFFICER OF TEXAS A&M UNIVERSITY AT GALVESTON; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION

2.8 Approve proposed Resolution No. 2013-23, "Opposing the Centennial Gate Concept in Its Current Form." (Royal)

A RESOLUTION OF THE CITY OF SEABROOK, TEXAS OPPOSING THE CENTENNIAL GATE CONCEPT IN ITS CURRENT FORM BEING PROPOSED BY THE RICE UNIVERSITY SSPEED CENTER (SEVERE STROM PREDICTION, EDUCATION AND EVACUATION FROM DISASTERS) AND PROVIDING FOR THE DELIVERY OF SUCH RESOLUTION TO THE SSPEED CENTER AS WELL AS TO REGIONAL ECONOMIC DEVELOPMENT AGENCIES AND STATE LEGISLATORS THAT REPRESENT SEABROOK

2.9 Approve second and final reading of proposed Ordinance No. 2013-24, "Ethics Review Commission, Change in Frequency of Required Meetings." (ERC)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 2. "ADMINISTRATION", ARTICLE VI. "CODE OF ETHICS", DIVISION 2. "ETHICS REVIEW COMMISSION", SEC. 2-209 "MEETINGS" BY CHANGING THE FREQUENCY OF REQUIRED MEETINGS FROM QUARTERLY TO SEMI-ANNUALLY. THIS ORDINANCE REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR SEVERABILITY.

Motion was made by Councilor Llorente and seconded by Councilor Johnson

To approve the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

3.0 NEW BUSINESS

3.1 Consider the feasibility of constructing a wall on the Carothers Coastal Gardens property for additional sound barrier. (Cook/Chairez)

Mrs. Cook and Mr. Chairez gave a presentation stating that the city had a quote of $48,000 to raise the existing six-foot high wall to 10 feet and to extend the length of the wall from 150 feet to 350 feet. The wall will be composed of cinder blocks with stucco façade to so it will blend in with the current building. It is estimated that the finished wall will decrease the sound by 3 or 4 decibels. In addition, the wall would help alleviate the problem of visitors wandering on to adjacent private property. Suggestions from Council members included: 1) create a curved wall which will further decrease the noise; 2) plant hedges to indicate the property line; 3) ask the Open Space and Trails Committee for input.

Police Captain Sean Wright stated that generally the door of the Carothers building closest to adjacent properties is not open. He stated that the police will respond to a noise complaint by taking a reading, but they cannot enforce contract provisions requiring that windows and doors of the building be shut, as the requirement is not in ordinance form.

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To direct staff to come back to Council with alternatives, including cost estimates and estimate of how effective the alternative will be in reducing noise.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.2 Consider approval of the appointment of Gayle Cook as city manager and approval of an employment contract between the City and Ms. Cook. (Council)

Motion was made by Councilor Davis and seconded by Councilor Holbrook

To appoint Gayle Cook as city manager effective December 1, 2013 and to approve the employment contract between Mrs. Cook and the city,

All members expressed their support of Mrs. Cook.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.3 Consider first reading of proposed Ordinance No. 2013-25,"Regulation of Peddlers Itinerant Vendors, Hawkers, Solicitors and Canvassers." (Davis)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, CHAPTER 22, "BUSINESSES," ARTICLE III. "PEDDLERS AND SOLICITORS"BY DELETING THE EXISITING PROVISIONS IN ITS ENTIRETY AND REPLACING WITH NEW PROVISIONS UNDER THE SAME CHAPTER WITH REVISION TO TITLE OF ARTICLE III. TO BE ENTITLED "PEDDLERS, ITINERANT VENDORS, HAWKERS, SOLICITORS, AND CANVASSERS," TO UPDATE SUCH PROVISIONS REGULATING PEDDLERS, ITINERANT VENDORS, HAWKERS, SOLICITORS, AND CANVASSERS, HAWKERS, AND SOLICITORS, ESTABLISHING PROTECTIONS FOR HOMEOWNERS DESIRING TO AVOID PEDDLERS, SOLICITORS AND CANVASSERS, REGULATING HANDBILLS; PROVIDING A PENALTY IN AN AMOUNT OF $500, OR THE MAXIMUM AMOUNT PROVIDED BY LAW FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE.

Motion was made by Councilor Davis and seconded by Councilor Giangrosso

To approve proposed Ordinance No. 2013-25 on first reading with the reading of the caption serving as the reading of the ordinance.

Mr. Weathered stated that the proposed ordinance had originated from the Texas Municipal League with some modifications. He asked that any questions of a legal nature be addressed in executive session.

7.0 EXECUTIVE SESSION

At 7:40 p.m. Mayor Royal announced that City Council would hold a closed executive meeting concerning Agenda Item 3.3, 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 551.071, Consultation with Attorney.

8.0 OPEN MEETING

Mayor Royal reconvened the open meeting at 8:07 p.m. and stated that Agenda Item 3.3 been discussed in executive session, but no action had yet been taken.

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To amend the original motion to allow the city attorney's comments on street vendors to be added to the ordinance for review at second reading.

MOTION CARRIED BY UNANIMOUS CONSENT.

Mayor Royal then called for a vote on the original motion to approve Ord. No. 2013-23 on first reading, as amended.
MOTION CARRIED BY UNANIMOUS CONSENT.

The following items were taken out of order.

4.0 ROUTINE BUSINESS

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

Councilor Holbrook asked that Item #4 " Consider Transportation alternatives from hotels to the new cruise terminal" and Item #14 "Meet with city engineers for recommendations concerning safety of left turns on SH 146" be added on the December 3 agenda for an update and possible resolution.

Concerning Item #14, Mrs. Cook that that the owner of Tookies asked that Council explore all options before placing dividers to prohibit left turns on SH 146 where there are no signal lights.

Council members discussed the removal of Item #9, "Ad Hoc committee to deal with fire department issues."

Motion was made by Councilor Holbrook and seconded by Councilor Llorente

To approve the Action Items Checklist with the removal of Item #9.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.2 Establish future meeting dates and agenda items, including a determining a quorum for a special joint public hearing to be held with the Planning & Zoning Commission on December 17, 2013 at 6:00 p.m. (Council)

All council members except Councilor Davis stated that they were available to attend the special joint public hearing on December 17, 2013 at 6:00 p.m.

Councilor Llorente asked that a discussion of the golf cart regulations be placed on the December 3 agenda.

Mayor Royal called a recess at 8:20 p.m. He reconvened the meeting at 8:34 p.m.

3.0 NEW BUSINESS (continued)

3.4 Consider a request for preliminary approval of a Planned Unit Development (PUD) to create "The Commons at Seabrook", a 14.734-acre, 416 unit, luxury apartment complex, 6.58 acres of retail development and 1.295 acres for the construction of a public street. The required public hearing for this request was held on November 19 at 6:00 p.m. in joint session with the Planning & Zoning Commission. (Applicant)

Planning & Zoning Commission Chair, Michael Potts issued a written report from the Commission concerning the request for preliminary PUD approval for the Commons at Seabrook. (See Attachment A which has been made a part of these minutes.)

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To approve the preliminary PUD, including the Planning & Zoning Commission's recommendations listed in the report.

MOTION CARRIED BY UNANIMOUS CONSENT.

Upon motion, Mayor Royal adjourned the meeting at 8:44 p.m.

Approved this 3rd day of December 2013.

_____
Glenn R. Royal, Mayor

_____
Michele L. Glaser, TRMC
City Secretary

Planning & Zoning Commission
OFFICIAL REPORT

The Planning and Zoning Commission of the City of Seabrook met on November 19, 2013 to hold a meeting to consider:

Request for approval of a Planned Unit Development (PUD) to create "The Commons at Seabrook", a 14.734 Acre, 416 Unit, Luxury Apartment Complex, 6.58 Acres of Retail Development, and 1.295 Acres for a Street.

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 November 19, 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.**

Recommend Approval of the Preliminary Planned Unit Development with the following recommended conditions:

1. C-2 uses in the commercial development.
2. Open Space calculations, including assumptions.
3. Detention Pond design details – dimension, landscape, and aeration.
4. Active marketing and signage for commercial property.
5. Defined scope and text – finish.
6. Construction detail for dumpster enclosures.
7. Tab 10: Phasing and Development Schedule – Remove 10% modification clause.
8. Detailed schedule per ordinance.

VOTE:	AYE	NAY	ABSTAINED	ABSENT	INITIAL
Rosebud Caradec		X			
Mike DeHart	X				
Buddy Hammann					
Bolivar Lewis				X	
Dodie Miller	X				
Michael Potts	X				
Michael Sharpe	X				

Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:

Alesia L. Hammock
Secretary

ORDINANCE NO. 2013-25
REGULATION OF PEDDLERS, ITINERANT VENDORS, HAWKERS, SOLICITORS, AND CANVASSERS

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, CHAPTER 22, "BUSINESSES," ARTICLE III. "PEDDLERS AND SOLICITORS"BY DELETING THE EXISITING ARTICLE IN ITS ENTIRETY AND REPLACING WITH NEW PROVISIONS UNDER THE SAME CHAPTER, REVISING THE TITLE [~~NAME~~] OF ARTICLE III. TO "PEDDLERS, ITINERANT VENDORS, HAWKERS, SOLICITORS, AND CANVASSERS" TO UPDATE SUCH PROVISIONS RELATING TO SUCH PERSONS, ESTABLISHING PROTECTIONS FOR HOMEOWNERS DESIRING TO AVOID PEDDLERS, SOLICITORS AND CANVASSERS, REGULATING HANDBILLS AND ITINERANT VENDORS; PROVIDING A PENALTY IN AN AMOUNT OF $500, OR THE MAXIMUM AMOUNT PROVIDED BY LAW FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE.

WHEREAS, many citizens of this community expect their local government to assist them in preserving their privacy, protecting citizen safety, avoiding petty annoyances that disrupt their quiet enjoyment of their homes, and prevent litter and debris; and

WHEREAS, the City Council of the City of Seabrook has attempted to be continually aware of the problems and issues relating to itinerant vendors, peddlers, solicitors and other circumstances which negatively impact the health, safety and well-being of its residents, citizens and inhabitants; and

WHEREAS, other persons often desire to interrupt the quiet enjoyment of one's home to solicit donations for causes believed to be worthy of support, or to canvas for support for particular religious, ideological, or political causes or for reasons of prompting commerce; and

WHEREAS, an important part of the freedom enjoyed by all citizens and residents of the United States is the right to speak freely, to express ideas that may be unpopular, and to engage others in debate without government interference; and

WHEREAS, the Supreme Court of the United States has consistently recognized the right and obligation of local governments to protect their citizens from fraud and harassment, particularly when solicitation of money is involved, and

WHEREAS, it is the responsibility of all units of government to balance these competing interests in a manner consistent with the Constitution of the United States and of Texas, while attempting to minimize fraud, prevent crime, and protect the privacy of our citizens; and

WHEREAS, it is a paramount interest of City Council to prohibit the dangerous activity of solicitors' entering busy traffic intersections; it being aware that newspaper street-vendors in nearby cities have been seriously injured at intersections; and

WHEREAS, the City Council is aware that streets are traditional public forums and in order to prohibit such activity in a quintessential public forum, a content-based regulation must be "necessary to serve a compelling state interest" and it is the desire and intent of City Council therefore to narrowly tailor such restrictions for the protection of the public, while leaving open adequate alternative channels for solicitation;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, AS FOLLOWS:

ARTICLE 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and incorporated by reference.

ARTICLE II. The Code of the City of Seabrook is hereby amended at Chapter 22, "Businesses", by repealing the current Article III. "Peddlers and Solicitors" in its entirety and replacing it with the following:

"Article III. Peddlers, Itinerant Vendors, Hawkers, Solicitors, and Canvassers

Section 22-66. Definitions. As used in this ordinance the following words have the meaning indicated:

A. "Peddler" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A "peddler" does NOT include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "solicitor."

B. "Solicitor" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of: (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the

sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event or service.

C. "Canvasser" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of: (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service.

D. "Itinerant Vendor" or "Hawker" is a person who sets up and operates a temporary business on privately owned property, whether improved or unimproved, in the city, soliciting, selling, or taking orders for, or offering to sell or take orders for any goods or services. A temporary business is one that continues for forty-five days or less; and, exists whether solicitation is from a stand, vehicle, or freestanding.

Section 22-67. Exception. This ordinance shall not apply to a federal, state or local government employee, [~~or~~] a public utility employee in the performance of his/her duty for his/her employer, or to individuals/professions licensed by the state and exempted from municipal regulation as made the basis of this article.

Section 22-68. License Required for Peddlers, Hawkers, and Solicitors, available for Canvassers. No person shall act as a peddler, hawker, or solicitor within the city without first obtaining a Peddler License in accordance with this ordinance. A canvasser is not required to have a Peddler License but any canvasser wanting a Peddler License for the purpose of reassuring city residents of the canvasser's good faith shall be issued one upon request.

Section 22-69. Fee. The fee for the issuance of each Peddler License shall be:

A. For a peddler acting on behalf of a merchant a fee of $50.00 per month.

B. For a solicitor (including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence) no fee.

C. For a canvasser requesting a Peddler License no fee.

Section 22-70. Application for Peddler License. Any person or organization (formal or informal) may apply for one or more peddler licenses by completing an application form at the office of the issuing officer, during regular office hours.

The peddler license shall be issued promptly after application but in all cases within 3 business days of completion of an application, unless it is determined within

that time that:

A. the applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven years,

B. with respect to a particular license, the individual for whom a card is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven years, or

C. any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

Section 22-71. Contents of Application. The applicant (person or organization) shall provide the following information:

A. Name of applicant.

B. Number of peddler licenses required.

C. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a driver's license, state identification card, passport, or other government-issued identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken. If a photograph is not supplied, the city will take an instant photograph of each person for which a card is requested at the application site. The actual cost of the instant photograph will be paid by the applicant.

D. The permanent and (if any) local address of the applicant.

E. The permanent and (if any) local address of each person for whom a license is requested.

F. A brief description of the proposed activity related to this peddler license. (Copies of literature to be distributed may be substituted for this description at the option of the applicant).

G. Date and place of birth for each person for whom a card is requested.

H. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a license is requested for the seven years immediately prior to the application.

I. The motor vehicle make, model, year, color, and state license plate number of any vehicle which will be used by each person for whom a card is requested.

J. If a license is requested for a peddler:

1. The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).

2. A copy of the principal's sales tax license as issued by the state of *Texas, **provided that no copy of a license shall be required of any business which appears on the city's annual report of Sales Tax payees as provided by the Texas Comptroller's office.***

3. The location where books and records are kept of sales which occur within the city and which are available for city inspection to determine that all city sales taxes have been paid.

K. If a license is requested for a solicitor:

1. The name and permanent address of the organization, person, or group for whom donations (or proceeds) are accepted.

2. The web address for this organization, person, or group (or other address) where residents having subsequent questions can go for more information.

L. Any other information the applicant wishes to provide, perhaps including, (but not required), copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

Section 22-72. Investigation. During the time following the application for one or more peddler licenses and its issuance, the city shall investigate as to the truth and accuracy of the information contained in the application. If the city has not completed this investigation within the 3 business days provided in Section 22-70, the identification card will nonetheless be issued, subject, however, to administrative revocation upon completion of the investigation. [If a canvasser requests a peddler license, the investigation will proceed as described above, but if the city refuses to issue the peddler license (or revokes it after issuance), the canvassers will be advised that the failure to procure a peddler license does not prevent him/her from canvassing the residents of the city.]

Section 22-73. Revocation of license.

A. Grounds. Any license issued hereunder may be revoked if the license holder is convicted of a violation of any provisions of this article or has knowingly made a false material statement in the application or otherwise becomes disqualified for the

issuance of a license under the terms of this article.

B. Notice. If the chief of police/designee officer denies (or upon completion of an investigation revokes) the peddler license to one or more persons he/she shall immediately convey the decision to the applicant orally and shall within 2 business days after the denial prepare a written or electronic report of the reason for the denial which shall be immediately made available to the applicant.

C. Appeal; hearing. The licensee shall have ten (10) calendar days after receipt of notice of revocation or denial in which to file notice of appeal to the city manager from the order denying or revoking the license. If the notice is timely received, the city manager/designee shall make an inquiry and determine whether the chief of police/designee properly revoked or denied the permit and shall schedule a hearing with applicant within three (3) business days after the city manger receives applicants appeal. The city manager shall give the applicant notice of the time, date, and place of such hearing. After the hearing, the city manager/designee shall make a decision in writing affirming or reversing the revocation or denial. In the event of an affirmation of the revocation or denial, the permit or identification card shall be immediately returned to the chief of police/designee.

D. In the event of the filing of an appeal from a revocation issued under the provisions of this article, then, until such appeal has been determined such revocation order shall be stayed.

Section 22-74. Display of Peddler License. Each peddler license shall be (when the individual for whom it was issued is acting as a peddler or solicitor) worn on the outer clothing of the individual or otherwise displayed, as so to be reasonably visible to any person who might be approached by said person.

Section 22-75. Validity of Peddler License. A peddler license shall be valid within the meaning of this ordinance for a period of one month from its date of issuance.

Section 22-76. Revocation of Card by Municipal Court Judge. A municipal court judge, in addition to imposing a fine, may institute proceedings to suspend or revoke the license of a person if the person is required by law to obtain a peddler license from the city and the judge finds the person guilty of violating a city ordinance relating to peddlers.

Section 22-77 Distribution of Handbills and Commercial Flyers. In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

A. No handbill or flyer shall be left at, or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The police are authorized to remove any handbill or flyer found within the right-of-way.

B. No handbill or flyer shall be left at, or attached to any privately owned property in a manner that causes damage to such privately owned property.

C. No handbill or flyer shall be distributed, deposited, placed, thrown, scattered, left at, or attached to any [~~of the~~] property[~~:~~] having a "no solicitor" sign, as provided in Section 22-78.

D. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the police (either by producing a peddler license or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the city receives a complaint of damage caused to private property during the distribution of handbills or flyers.

Section 22-78 General Prohibitions. No peddler, hawker, solicitor or canvasser shall:

A. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right of way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two inches in height. (The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers, hawkers, and canvassers).

B. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.

C. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.

1. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.

2. Enter upon the property of another except between the hours of 8:00 a.m. and one-half (1/2) hour before sunset. Except that the above prohibitions shall not apply when the peddler, hawker, solicitor, or canvassers has an express invitation from the resident or occupant of a dwelling allowing

him/her to enter upon any posted property.

E. For a commercial solicitor, peddler, or hawker to solicit for a purpose other than that set out in the application upon which the license was issued.

Section 22-79 Solicitation in public right-of-way.

A. A person may solicit for a charitable or political purpose in or upon the public right-of-way, except those areas prohibited in this article.

B. A person may conduct commercial solicitation in or upon the public right-of-way, except those areas prohibited in this article, if the solicitor has obtained a license or who is a member of an organization that has obtained a license.

C. Solicitation for any purpose in the public right-of-way shall be conducted only during the hours of daylight, specifically one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset.

D. It shall be unlawful for a person younger than eighteen (18) years of age to solicit in the public right-of-way.

E. It shall be unlawful for a solicitor at any time to enter or remain in the traveled portion of the roadway unless otherwise permitted by law. The restriction on solicitation in the traveled portion of the roadway does not apply to public residential streets.

F. It shall be unlawful for a solicitor at any time to enter or remain in the traveled portion of the roadway of residential streets so that their presence impedes the flow of traffic.

G. It shall be unlawful for a person to solicit in the public right-of-way that is within one thousand (1,000) feet of any public or private elementary or secondary school between the hours of 7:30 a.m. and 4:30 p.m. on days when such school is in session. The measurement of the distance shall be made from the nearest property line of the public or private elementary or secondary school.

Section 22-80 Solicitation in selected public rights-of-way prohibited.

No person who is within a public roadway may solicit, sell or distribute any material to the occupant of any motor vehicle stopped on a public roadway in obedience to a traffic control signal light. It is specifically provided, however, that a person, other than a person twelve years of age or younger, may solicit or sell or distribute material to the occupant of a motor vehicle on a public roadway so long as he or she remains on the surrounding sidewalks and unpaved shoulders, and not in or on the roadway itself,

including the medians and islands.

Section 22-81 Itinerant vendors on private property.

A. Permit required. No itinerant vendor/hawker may intermittently occupy any privately owned property for the purpose of operating a temporary business within the city without having previously obtained a temporary sales permit from the building inspection department. The applicant must have such permit within his or her personal possession during the time that the temporary business is in operation and must display the permit in such a manner that it is clearly visible from the abutting street.

B. Permit fee. Prior to the issuance of a permit, the applicant must pay the City of Seabrook a permit fee in the amount of twenty dollars ($20.00). The city will not require payment of this permit fee by locally-based charitable organizations or organizations engaged in activities such as bake sales or car washes.

C. Permit duration. A permit requested under this article will issue for a minimum of five (5) days, but not to exceed forty-five (45) days. Each eligible property may only allow use of the property for a temporary business for a maximum of forty-five (45) days per calendar year.

D. Requirements for permit issuance. The building inspection department shall only issue a permit if the applicant has complied with the following requirements:

1. The itinerant vendor must conduct his business on the property in a manner that does not violate any code of the city, including all zoning, building, and health codes. The city will exempt an itinerant vendor from zoning provisions where the proposed location of the temporary business is an improved property that contains an active institutional use, such as a church or school; and

2. The itinerant vendor must possess a valid state sales tax certificate or proof of a tax exemption; and

3. The itinerant vendor must provide the city with a copy of either a lease or written permission from the owner of the private property showing that the itinerant vendor may use the property; and

4. The itinerant vendor must submit a dimensioned or scaled site plan indicating the location of the display area, curb cuts, and parking area. The city requires all parking on an all-weather surfaced area; and

5. The itinerant vendor must provide one unisex portable sanitary facility. In lieu of the portable sanitary facility, the vendor may provide a permission letter from the owner or manager of a property located within a two-hundred-foot radius of the

temporary business granting permission to use their sanitary facilities; however, the property where the itinerant vendor has permission to use the sanitary facilities cannot be located across a thoroughfare of four lanes or larger; and

6. If the sale involves food products, the itinerant vendor must obtain all the necessary health permits.

E. An itinerant vendor may not use a tent or temporary building, except a portable sanitary facility, in conjunction with a temporary sale.**"**

Article III. Violation. Any person violating any part of this ordinance or failing to observe any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars or the maximum amount provided by law. Every day the violation continues shall be deemed as a separate offense.

Article IV. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

Article V. Notice of Publication. 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 19th day of November, 2013;

PASSED AND APPROVED on second reading this 3rd day of December, 2013.

Glenn R. Royal
Mayor

ATTEST:

Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

July 2007 Legal Q&A

By Laura Mueller
Legal Counsel

(INSERT PHOTO)

Q: What are the differences among the terms "peddler," "solicitor," and "canvasser?"

A: A peddler, sometimes known as an "itinerant vendor," is a commercial dealer who goes to a public place for a temporary period, or to people's homes or places of business, to sell or promote a product or service. *See Ex parte Hogg*¸ 156 S.W. 931 (1913). Solicitors are usually noncommercial, and include charities, political advocates, or other organizations that ask for money on city streets, public areas, or at private residences and businesses. *Watchtower*, 536 U.S. at 165. Finally, canvassers are generally persons who promote a political or religious idea or political candidate, but who do not actively ask for donations.

Q: Are cities authorized to regulate peddlers, solictors, or canvassers?

A: It depends. Cities generally regulate peddlers, who sell products and services, and solicitors, who ask for donations, to help prevent fraud and protect privacy. *See Watchtower Bible and Tract Society of New York, Inc. v. Village of Stratton*, 536 U.S. 150, 165 (2002). Cities have broad authority to regulate commercial peddlers who sell goods or services and solicitors who ask for donations. On the other hand, cities may not generally regulate canvassers who promote political or religious ideas through handbills or other means *but do not ask for donations*. *Id.* Express statutory authority for most general law cities to "license, tax, suppress, prevent, or otherwise regulate" peddlers is found in Section 215.031 of the Local Government Code. Home rule cities are not expressly forbidden from regulating peddlers, and thus may do so pursuant to their broad powers of self-government. *See also* Tex. Loc. Gov't Code Sections 51.035; 51.051; *Ex parte Faulkner*, 158 S.W.2d 525 (Tex. Crim. App. 1942).

Q: May a city bar all or certain peddlers and solicitors from transacting business in the city?

A: The state has given general law cities the authority to regulate peddlers and solicitors, but has not granted the authority to completely prohibit them. *See Faulkner*¸ 158 S.W.2d at 527. Even home rule cities, with their broad powers of self-government, arguably do not have the authority to outright prohibit all commercial peddlers or solicitors. And cities clearly may not prohibit noncommercial canvassers who do not request donations. *See Watchtower*, 536 U.S. at 166.

Q: What are some limitations regarding how a city may regulate commercial peddlers?

A: The main issue in regulating commercial peddlers is unlawful discrimination. A city must treat all vendors who are selling similar goods alike. *Ex parte Faulkner*, 158 S.W.2d 525 (Tex. Crim. App. 1942). An ordinance regulating peddlers must comport with the equal

protection provisions of the Texas and United States Constitutions. A city may classify peddlers according to their business and may apply different rules to different kinds of businesses so long as the differences are reasonably related to the city's permissible purposes in its regulations. In *City of New Orleans v. Dukes*, the ordinance in question only allowed food vendors who had been in the city for a certain amount of time, and prohibited all new food vendors. *City of New Orleans v. Dukes*, 427 U.S. 297, 298-99 (1976) (per curiam). The Supreme Court validated the ordinance's distinction between new food vendors and established food vendors because the city's purpose in promoting the appearance and culture of the French Quarter was permissible, and the distinction within the ordinance could reasonably achieve the city's permissible purpose. *Id.* at 304. *See also Hixon v. State*, 523 S.W.2d 711 (Tex. Crim. App. 1975). However, in *City of Houston*, Houston's ordinance prohibiting the sale of newspapers on city streets, while allowing the sale of ice cream and flowers, was struck down partly because the distinction was unlawfully discriminatory. *Houston Chronicle Pub1'g Co. v. City of Houston*, 620 S.W.2d 833, 838 (Tex. Civ. App.—Houston [14th Dist.] 1981). The city claimed that the purpose of the regulation was to promote traffic safety. *Id.* However, the court struck down the ordinance because prohibiting the sale of newspapers, an activity that implicates freedom of the press, while allowing the purely commercial activity of selling ice cream and flowers, is not a reasonable distinction. *Id.* Also, the city did not provide a sufficient reason to justify the limitation of the fundamental right of freedom of the press. *Id.*

The regulation of certain peddlers also invokes fundamental personal rights such as freedom of speech, freedom of the press, and equal protection. If an ordinance restricts these rights, the city must show that the regulation is necessary to promote a compelling city interest, and that there is no less restrictive means of achieving the city's regulatory purpose. *See Houston Chronicle Publ'g Co. v. City of League City*, 2007 WL 1544645 (5th Cir. (Tex.) 2007); *Houston Chronicle Pub1'g Co. v. City of Houston*, 620 S.W.2d 833, 838 (Tex. Civ. App.—Houston [14th Dist.] 1981).

Q: What are some limitations regarding how a city may regulate solicitors and canvassers?

A: A city's ability to regulate canvassers who do not ask for donations is extremely limited. *Watchtower*, 536 U.S. at 166; *City of League City*, 2007 WL 1544645. The limited ability to regulate solicitors who request donations comes from the fact that the solicitation of charitable funds has historically involved fraudulent activity, the prevention of which is the most common purpose in peddler regulation. *Watchtower*, 536 U.S. at 165. Unfortunately, because of the nature of religious and political speech, attempts to license or otherwise regulate solicitors and canvassers will often lead to litigation. On the other hand, limited time, place, and manner regulation (such as reasonable hours of approaching people or limiting the intersections where solicitation or canvassing may occur) may be permissible. *City of League City*, 2007 WL 1544645.

Q: What regulations do city ordinances typically contain?

A: Ordinances typically provide for the granting and issuing of licenses, direct how the licenses are issued and registered, and set the fees to be paid for licenses for commercial peddlers and noncommercial solicitors who ask for donations.

For example, the *Watchtower* case indicates that a license or permit application can request information that would allow a city to verify whether a potential peddler gives correct information and whether the peddler poses a threat of fraud or crime. 536 U.S. at 169. Ordinance provisions that require names, addresses, business names, and photo identification are arguably permissible, and perhaps even necessary for a valid ordinance that provides for the issuance of a permit or license. *See id.* (holding that the ordinance's permit requirement was not permissible partially because the information the city required would not have allowed the city to actually verify the peddlers' identities).

City ordinances usually provide for the expiration of licenses or permits, permit durations vary from one day to one year. Under statute, most general law cities may not issue a license for a period of more than one year, and a license may not be assigned except as permitted by the governing body of the city. The licensing fees also vary according to duration, usually with a year license costing a hundred dollars or more, but a shorter license costing as little as five dollars a day. By statute, most general law cities may charge an amount reasonably necessary to cover their administrative and regulatory costs or costs reasonably related to its legitimate licensing objective. *See* TEX. LOC. GOV'T § 215.033; Tex. Atty. Gen'l Op. JC-0145 (1999). Cities can deny or revoke a license based on their investigation or other factors. However, for most general law cities, the license can be suspended or revoked only through the municipal court based on ordinance violations. *Id.* § 215.034. A city cannot require a license or license fee for a peddler who is already licensed by the state, such as an insurance salesman. *Combined Am. Ins. Co. v. City of Hillsboro*, 421 S.W.2d 488 (Tex. Civ. App.—Waco 1967). A city may not levy an occupation tax on street vendors or peddlers since the state has not chosen to levy such a tax. *See* TEX. CONST. art. VIII, 5 l(f).

Ordinances frequently require reasonable hours that a peddler may approach private residences or work in city streets or public areas (e.g., from sunrise to sunset). *See City of League City*, 2007 WL 1544645. An ordinance may also regulate which city streets and public property vendors and solicitors may or may not use for their business, so long as there are adequate alternate places for solicitation. *See id.*; Tex. Atty. Gen'l Op. JC-0145. However, a city may not completely prohibit peddlers from approaching private residences. *Faulkner*, 158 S.W.2d at 526; Tex. Atty. Gen'l Op. JC-0145 (1999). A city may also compile a "no solicitations" list that residents can sign up for, and the city can give this list to potential peddlers. The peddlers and solicitors can be required to comply with no solicitor signs, and if licensed, could have their license revoked. *See, e.g.*, Tex. Loc. Gov't §§ 215.031; 215.033

Municipal regulation of peddlers is a complex area of the law. Each city should consult with local legal counsel prior to adopting or amending an ordinance.

CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: TUESDAY, DECEMBER 3, 2013

Submitter/Requestor: EDC **Date Submitted: 11/25/2013 3:33:28 PM**

Presenter: Paul Chavez

Description/Subject:

Approval of contract to move forward with the 2014 Community Coupon Booklet

Purpose/Need: NA

Background/Issue(What prompted this need):

This agreement is with Anderson Advertising & Design in an amount not to exceed $12,311.02 and is for the annual coupon book. The agreement was approved unanimously by the EDC at the November 20, 2013 EDC meeting. It is a budgeted item.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

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

Fiscal Impact:	Budgeted	Yes	Finance Review:	Officer
	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:

Approval

Agenda Language:

Consider approval of agreement with Anderson Advertising & Design for production of 2014 "Community Coupon Booklet" in an amount not to exceed $12,311.02. This is a budgeted item through EDC and was approved at the November 20, 2013 EDC meeting. (Chavez)

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.)

Anderson
advertising & design

Project Estimate

Prepared for:
City of Seabrook
Attn: Paul Chavez
Prepared by:
Jennifer Anderson

October 22, 2013

Community Coupon Booklet – Standard Ads (24 pages, 4-color; 5.5" x 8.5" booklet)

Outline and Detailed Estimate of Turn-Key Services

I. Business Development/Project Management Services

Anderson Advertising & Design (AAD) will assist the City of Seabrook in promoting and coordinating participation from various Seabrook business owners to advertise in a **Community Coupon Booklet**. Such advertisement will be provided at no charge to the business owners in exchange for their offering residents and visitors a discount on their goods and or services via a coupon/offer within their advertisement.

AAD will also: create, distribute and collect contractual materials for advertising from the business owners; deliver and review all guidelines and instructions for participation in the **Coupon Booklet**; and collect all ad materials, logos, photos and information for the execution of all advertisements from the city-approved advertisers.

Breakdown of Cost for Business Development/Project Management Services:

24 Pages = (84) quarter-page advertisers/coupons = $5,040.00 ($60 per advertiser)

Price shown above is based on full participation in 20 dedicated advertisement pages. Front and back cover, plus one additional full page is reserved for the City of Seabrook.

II. Design & Agency Services

AAD will provide turn-key design and agency services including:

- Ad design/s
- Internal proofing/quality control
- Book layout & assembly
- Press proofing
- Proof delivery & collection of approvals
- Stock ad images from library
- Overall project management

Breakdown of Cost for Design & Agency services:

Individual ad design/s:
Quarter-page size ads ($40 each for new ads; $20 each for returning ads w changes; $0 expiration date change only):
84 ads = up to $3,360.00

Book Layout & Assembly:
24 pages = $480.00

Pricing shown above is with content/art for remaining pages (front & back cover and two inside full pages) provided camera ready by the City of Seabrook. If requested, AAD will design such pages at a rate of $150 per page.

B. Summary & Estimate of Turn-Key Services

24 Page Coupon Booklets	
Detailed Services	**20 Pgs. - 84 Ads**
Business Development/Project Management	$ 5,040.00
Ad Design (100% of ads)	$ 1,680.00 - 3,360.00
Book Assembly	$ 480.00
Printing – 4 Color on 70# Gloss 5,000 copies	$ 2,425.35
Mailing to 3,284 provided addresses; mail processing & postage*	$ 1,005.67
PROJECT TOTAL	**$ 10,631.02 – 12,311.02**

* Postage and mailing costs estimated *are based on last year's actual cost*; which is subject to change with any postage increases made by the USPS and by any changes to the updated residential mailing list provided by the City.

C. Acceptance of Project Estimate/Proposal

As an authorized representative of the City of Seabrook, I hereby agree to the pricing for all services as outlined above.

Signed: _____

By (printed): _____

Dated: _____

PART II - CODE OF ORDINANCES
Chapter 90 - TRAFFIC AND VEHICLES
ARTICLE VII. - REGULATION OF GOLF CARTS

(Ord. No. 2010-31, § 2, 11-16-2010)

Sec. 90-202. - Required equipment regulations.

(a) Every golf cart operated within the City of Seabrook shall be equipped with the following equipment which shall be operational at all times: headlights, tail lamps, reflectors, parking brakes, rearview mirror(s) and a slow moving vehicle emblem clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet as provided for in §§ 551.404 and 547.703, respectively of the V.T.C.A., Transportation Code.

(b) Every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and shall comply with all state, federal and city regulations, specifically section 55-21 et seq. ("Noise") of the City Code.

(c) Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are prohibited.

(Ord. No. 2010-31, § 2, 11-16-2010)

Sec. 90-203. - Operation regulations.

(a) All operators of golf carts shall be licensed to operate a motor vehicle as provided by the Texas Transportation Code and shall carry a valid Texas drivers' license while operating the golf cart.

(b) All operators of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using any public highway in the city.

(c) Golf carts shall not be operated on public sidewalks at any time.

(d) Golf carts may only be operated upon a public street or highway with a posted speed limit of not more than 25 mph unless otherwise restricted. Golf carts may not operate at a speed greater than 15 mph at any time in the city.

(e) A golf cart may cross a street or highway with a posted speed limit of more than 25 mph if said crossing occurs at an intersection and said crossing is perpendicular to the street or highway with a posted speed limit of more than 25 mph.

(f) The operator of a golf cart on a public highway may cross a multi-lane or a county or state route only at a signalized intersection.

(g) All golf carts are entitled to a full use of a lane on the public highway and no motor vehicle shall be operated in such a manner as to deprive any golf cart of the full use of a lane.

(h) The operator of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(i) No operator shall operate a golf cart between lanes of traffic or between adjacent lines of rows of vehicles.

(j) Golf carts shall move to the right and yield the right of way to faster moving vehicles.

(k) The operator and every occupant of a golf cart shall be limited to the seating capacity as designed by the manufacturer and all occupants shall remain seated in a seat designed to hold passengers while

Off-Highway Vehicles

Low-Speed Vehicles (LSVs), also known as Neighborhood Electric Vehicles (NEVs), and golf carts are regulated by state and federal laws. Registered, titled and insured NEVs may be legally driven at a maximum speed of 35 mph on public roads with a posted speed limit of 45 mph or less, unless a city or county ordinance prohibits their operation. The TxDMV does not title or register golf carts. Golf cart owners who received a title before the law changed on September 1, 2009, are not required to return their titles to the TxDMV. For Driver License requirements to operate any of these vehicles, contact your local law enforcement agency.

Golf Carts

A vehicle is classified as a golf cart if it:

- has no less than three wheels,
- has a maximum speed of between 15-25 mph, and
- is manufactured primarily for operation on golf courses.

TxDMV does not register or title golf carts. Registration is not needed to operate your golf cart on a public road. State law allows for use of golf carts with a slow-moving vehicle emblem in the following situations:

- in master planned communities with a uniform set of restrictive covenants in place,
- on public or private beaches,
- to cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour.

A city can pass a local ordinance allowing for the use of golf carts on certain roads. The road must be within the boundaries of the city and have a speed limit of 35 mph or lower. In these cases, the golf cart must be insured and have the following minimum equipment:

- headlamps,
- tail lamps,
- reflectors,
- parking brake,
- mirrors, and
- a slow-moving vehicle emblem.

The state, a county, or a city may prohibit golf cart operation on all or part of a public road in the interest of safety.

25 MPH
THE POINT ON TAYLOR LAKE
TAYLOR LAKE SHORES
Old Kirby Rd
Red Bluff Rd
Lakepointe Foreste
Baypport Blvd
Seabrook Island
Red Bluff Rd
Red Bluff Rd
Flamingo Dr
Seascape
146
Friendship Park
Egret Dr
Seascape
Seascape
TIMBER COVE
El Lago
Mystic Village
Sea Ridge
Toddville Rd
Clearwater Estates
E Meyer
E Meyer Ave
TAYLOR LAKE VILLAGE
Lake Cove
Harbour Cove
The Oaks
EL LAGO
Rex L Meador Park
El Mar
EL LAGO ESTATES
Lakeside Oakse
Miramar Park
Toddville Road Homes
La Quinta Inn & Suites Houston NASA Seabrook
Lakeside Dr
Seabrook Sports Complex
SEABROOK
MORRISTOWN
YACHT CLUB
E NASA Pkwy
Old Town
Pirates Landing Apartments
Map data ©2013 Google -
Edit

30 MPH
THE POINT ON TAYLOR LAKE
TAYLOR LAKE SHORES
Old Kirby Rd
Red Bluff Rd
Lakepointe Foreste
Baypoint Blvd
Seabrook Island
146
Red Bluff Rd
Red Bluff Rd
Egret Dr
Flamingo
Seascape
Seascape
Seascape
Friendship Park
Mystic Village
TIMBER COVE
El Lago
Clearwater Estates
Sea Ridge
Toddville Rd
E Meyer Ave
TAYLOR LAKE VILLAGE
Lake Cove
Harbour Cove
The Oaks
EL LAGO
Rex L Meador Park
El Mar
146
EL LAGO ESTATES
Miramar Park
Lakeside Oakse
Toddville Road Homes
La Quinta Inn & Suites Houston NASA Seabrook
Lakeside Dr
Seabrook Sports Complex
SEABROOK
MORRISTOWN
E NASA Pkwy
Old Town
Pirates Landing Apartments
Map data ©2013 Google -
Edit

35 MPH
THE POINT ON TAYLOR LAKE
TAYLOR LAKE SHORES
Old Kirby Rd
Red Bluff Rd
Lakepointe Foreste
Bayport Blvd
Seabrook Island
146
Red Bluff Rd
Red Bluff Rd
Egret Dr
Flamingo Dr
Seascape
Seascape
Seascape
Friendship Park
Mystic Village
TIMBER COVE
El Lago
Clearwater Estates
Sea Ridge
E Meyer Ave
TAYLOR LAKE VILLAGE
Lake Cove
Harbour Cove
The Oaks
EL LAGO
Rex L Meador Park
El Mar
146
EL LAGO ESTATES
Miramar Park
Lakeside Oakse
Toddville Road Homes
Seabrook Sports Complex
La Quinta Inn & Suites Houston NASA Seabrook
Lakeside Dr
SEABROOK
MORRISTOWN
E NASA Pkwy
Old Town
Pirates Landing Apartments
Map data ©2013 Google - Edit

PART II - CODE OF ORDINANCES
Chapter 90 - TRAFFIC AND VEHICLES
ARTICLE VII. - REGULATION OF GOLF CARTS

(Ord. No. 2010-31, § 2, 11-16-2010)

Sec. 90-202. - Required equipment regulations.

(a) Every golf cart operated within the City of Seabrook shall be equipped with the following equipment which shall be operational at all times: headlights, tail lamps, reflectors, parking brakes, rearview mirror(s) and a slow moving vehicle emblem clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet as provided for in §§ 551.404 and 547.703, respectively of the V.T.C.A., Transportation Code.

(b) Every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and shall comply with all state, federal and city regulations, specifically section 55-21 et seq. ("Noise") of the City Code.

(c) Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are prohibited.

(Ord. No. 2010-31, § 2, 11-16-2010)

Sec. 90-203. - Operation regulations.

(a) All operators of golf carts shall be licensed to operate a motor vehicle as provided by the Texas Transportation Code and shall carry a valid Texas drivers' license while operating the golf cart.

(b) All operators of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using any public highway in the city.

(c) Golf carts shall not be operated on public sidewalks at any time.

(d) Golf carts may only be operated upon a public street or highway with a posted speed limit of not more than ***35 mph except that no golf carts are allowed to travel on State Highway 146 or on NASA Parkway except to cross these roads as provided for in Section (e) below.*** Golf carts may not operate at a speed greater than 15 mph at any time in the city.

(e) A golf cart may cross a street or highway with a posted speed limit of more than 25 mph if said crossing occurs at an intersection and said crossing is perpendicular to the street or highway with a posted speed limit of more than 25 mph.

(f) The operator of a golf cart on a public highway may cross a multi-lane or a county or state route only at a signalized intersection.

(g) All golf carts are entitled to a full use of a lane on the public highway and no motor vehicle shall be operated in such a manner as to deprive any golf cart of the full use of a lane.

(h) The operator of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(i) No operator shall operate a golf cart between lanes of traffic or between adjacent lines of rows of vehicles.

(j) Golf carts shall move to the right and yield the right of way to faster moving vehicles.

(k) The operator and every occupant of a golf cart shall be limited to the seating capacity as designed by the manufacturer and all occupants shall remain seated in a seat designed to hold passengers while

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 on 12/3/13.
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 recommends future discussion/consideration be deferred until the waterfront improvements are complete.
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.	Update on 12/3/13.
19		OPEN/IN WORK	8/20/2013			City Manager			4.5	Coordinate and lead project to attempt to have Surf Oaks Drive dedicated to allow Precinct 2 to repave.	In progress. Last update provided on 10/15/13.
20		OPEN/IN WORK	11/5/2013			City Manager			5.1	Perform traffic study for possible school zone on El Mar.	In progress.
21		OPEN/IN WORK	11/5/2013			City Manager			5.2	Revisit traffic study to determine if stop sign can be erected at Lakeside & Seward	In progress
22		OPEN/IN WORK	11/19/2013			Staff			3.1	Develop options to reduce sound from Carothers to surrounding properties.	In progress

December 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 **Council 7 p.m.**	4	5 **OSC 5pm** **Xmas tree lighting 7pm**	6	7 **Breakfast with Santa 9 a.m.**
8	9	10 **Share Your Christmas ends**	11	12 **EDC 7 p.m.**	13	14 **SVFD** **Santa Run**
15	16	17 **Joint Public Hearing at 6 p.m.** **Council 7 p.m.**	18	19 **HCMCA**	20	21
22	23	24 **Xmas holiday**	25 **Xmas holiday**	26	27	28
29	30	31				