

**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, FEBRUARY 18, 2014 - 7:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY FEBRUARY 18, 2014 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 Present a proclamation honoring Corky Clevenger. (Royal)

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 Consider approval of an amendment to the Memorandum of Understanding (MOU) for Pine Gully Project III Service Agreement that was effective as of July 3, 2013. (Cook)

- 3.2 Approve excused absences for Mayor Royal and Councilor Llorente for the February 4, 2014 council meeting. (Glaser)

 ATTACHMENT 2

- 3.3 Approve the January 2014 Building Report. (Landis)

 ATTACHMENT 3

- 3.4 Approve the January 2014 Public Safety Report. (Holomon)

 ATTACHMENT 4

- 3.5 Approve the minutes of the February 4, 2014 regular City Council meeting. (Glaser)

 ATTACHMENT 5

- 3.6 Consider approval of second and final reading of proposed Ordinance No. 2014-02, "Multi-Stop Sign at Lakeside Drive and Wild Oak Forest Lane." (Council)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, CHAPTER 90 "TRAFFIC AND VEHICLES" ARTICLE I, "IN GENERAL", SECTION 90-5 "STOP SIGNS DESIGNATED"; BY REVISING NAME OF SUBSECTION (1), "FOUR WAY STOPS" TO "MULTI-WAY STOPS," AND ADDING A NEW MULTI-WAY STOP AT THE INTERSECTION OF LAKESIDE DRIVE AND WILD OAK FOREST LANE; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00), OR THE MAXIMUM AMOUNT PERMITTED BY LAW, FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND NOTICE.

 ATTACHMENT 6

- 3.7 Consider approval of second and final reading of proposed Ordinance No. 2014-03, "Speed Limit and School Zone Designation on El Mar Lane." (Council)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 90 "TRAFFIC AND VEHICLES" ARTICLE II, "SPEED RESTRICTIONS", TO PROVIDE FOR NEW SPEED LIMITS ON EL MAR LANE, BY AMENDING SECTION 90-31, "ENUMERATION OF LIMITS," SUBSECTION (2) "EXCEPTIONS" ESTABLISHING A SPEED LIMIT OF 25 MILES PER HOUR FOR EL MAR LANE BETWEEN BAHAMA DRIVE AND NORTH MEYER AVE; SECTION 90-32 "SCHOOL ZONES" SUBSECTION "A," "TWENTY MILES PER HOUR DURING DESIGNATED TIMES," ESTABLISHING A SCHOOL ZONE AND SPEED OF 20 MILES PER HOUR ON THE PORTION OF EL MAR LANE FROM 200 FEET WEST OF THE CROSSWALK ADJACENT TO SCHOOL TO NORTH MEYER AVE, A DISTANCE OF APPROXIMATELY 750 FEET, FOR VEHICLES AS ESTABLISHED AND POSTED BY THE CITY OF SEABROOK; PROVIDING

FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

ATTACHMENT 7

- 3.8 Consider approval of second and final reading of Ordinance No. 2014-05, "Amendment to the Firearms Ordinance." (Johnson)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 44, "LAW ENFORCEMENT AND OFFENSES", ARTICLE III, "OFFENSES", DIVISION 1 "GENERALLY" BY AMENDING SECTION 44-78 "FIREARMS" TO EXPAND THE DEFINITIONS OF WEAPONS TO INCLUDE BOW AND ARROWS AND RELATED EQUIPMENT AS WEAPONS PROHIBITED FROM DISCHARGE IN THE CITY LIMITS.

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.

END OF CONSENT AGENDA

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

ATTACHMENT 8

- 4.1 Consider appointment/reappointment of three regular members and one alternate member of the Board of Adjustment, all with terms ending January 2016. (Glaser)

ATTACHMENT 9

- 4.2 Consider appointment/reappointment of three Planning and Zoning Commission Members with terms ending January 2017. (Glaser)

ATTACHMENT 10

- 4.3 Discuss/consider recommendation from the Open Space and Trails Committee for a sound barrier at Carothers Coastal Gardens. (Cook)

ATTACHMENT 11

- 4.4 Consider amending Ordinance No. 2013-25, "Regulation of Peddlers, Itinerant Vendors, Hawkers, Solicitors and Canvassers." (Council)

ATTACHMENT 12

- 4.5 Consider first reading of proposed Ordinance No. 2014-06, "Old Seabrook Village

PUD." (Applicant/P&Z Commission)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING APPROXIMATELY 13.81 ACRES, LOTS 1-7, BLOCK 1 AND LOTS 1-7, BLOCK 2 IN THE BAYBROOK SUBDIVISION, SECTION 1 AND 2, TRACTS 1, 2, AND 3, SITUATED IN ABSTRACT 52, OF THE RITSON MORRIS SURVEY, IN SEABROOK, HARRIS COUNTY, TEXAS, LOCATED IMMEDIATELY EAST OF MEYER ROAD AND NORTH OF 1ST STREET, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A," FROM "OS," OLD SEABROOK DISTRICT AND "R-2," SINGLE FAMILY DETACHED RESIDENTIAL DISTRICT (SMALL LOT), TO PLANNED UNIT DEVELOPMENT, "PUD," FOR A MIXED USE SUBDIVISION CONSISTING OF 112 LOTS, 17 BLOCKS, AND 9 RESERVES; PROVIDING FOR AN AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY.

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

📎 ATTACHMENT 13

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

📎 ATTACHMENT 14

- 5.2 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, February 14, 2014 and that this notice will remain posted until the meeting has ended.

Michele L. Glaser, TRMC
City Secretary

**AMENDMENT TO
MEMORANDUM OF UNDERSTANDING
PINE GULLY PROJECT PHASE III SERVICE AGREEMENT**

This Amendment (the “Amendment”) amends that certain Memorandum of Understanding for Pine Gully Project Phase III Service Agreement effective July 2, 2013 (the “MOU”), between the City of Seabrook, a home rule municipality of the State of Texas (“City”), the Galveston Bay Foundation (“GBF”), and the Port of Houston Authority of Harris County, Texas (“PHA”). Unless otherwise defined herein, capitalized terms used herein shall have the meaning set forth in the MOU.

A. The City and PHA previously entered into a Memorandum of Settlement Agreement which was executed by the parties on or about November 5, 2007 (the “Settlement Agreement”).

B. The MOU among the City, GBF, and PHA confirmed the parties’ understanding, contracting and funding of the Pine Gully Project – Phase III (“Phase III”) as provided for in Section 2(c) of the Settlement Agreement, and provided for certain additional services and funding necessary to complete Phase III.

C. Following the commencement of construction of Phase III, GBF and the City determined that additional material should be dredged from Pine Gully to complete the project, in excess of the amount previously estimated by the engineer for the project; the cost of this work was not provided for in the Settlement Agreement or the MOU.

D. In addition, GBF and the City determined that the scope of Phase III project did not include certain storm water controls required for placing the dredged material offsite; the cost of these controls was not provided for pursuant to the Settlement Agreement and the MOU.

E. The PHA intends to accept the material dredged from Pine Gully onto PHA property, and fund the additional amounts, totaling \$90,000, required to dredge the additional material and put in place the storm water controls associated with its placement on PHA property

F. The parties intend that such funding would be credited against PHA obligations regarding Pine Gully Project – Phase IV (“Phase IV”) as provided for in Section 2(d) of the Settlement Agreement.

G. By entering into this Amendment the parties now seek to provide for the funding of Phase III, and credit against Phase IV, as described in paragraphs E and F above.

For good and valuable consideration, the City, GBF, and PHA agree as follows:

1. Additional Phase III Payments. Notwithstanding the provisions of Section 2(c) of the Settlement Agreement, the parties agree that (i) promptly following the effective date of this Amendment PHA shall pay to GBF \$90,000, and (ii) GBF shall pay such amount to Contractor for the additional work as described in paragraphs C and D above, in such amounts and at such

times as directed by City. The parties acknowledge that such amount paid by PHA is in addition to the \$302,200 previously paid by PHA for Phase III as set forth in Section 2(c) of the Settlement Agreement and as acknowledged in the MOU.

2. Phase IV Obligation after Credit. The parties agree that, in order to credit PHA for such \$90,000 payment, PHA shall be obligated to commit or set aside no more than \$110,000 during the three year period from the completion of the re-vegetation of Pine Gully at the end of Phase III, for additional rehabilitation of Pine Gully if future problems arise within that three-year period as otherwise provided for under Section 2(d) of the Settlement Agreement.

3. Full Force and Effect. Except as amended by this Amendment, all provisions of the original MOU remain in full force and effect, and the rights and obligations of the parties remain unchanged.

IN WITNESS WHEREOF, this Amendment has been executed as of _____, 2014.

CITY OF SEABROOK

By: _____
Glenn Royal
Mayor

ATTEST:

Michele L. Glaser, TRMC
City Secretary

GBF:

GALVESTON BAY FOUNDATION

By: _____
Name: _____
Title: _____

PHA:

**PORT OF HOUSTON AUTHORITY
OF HARRIS COUNTY, TEXAS**

By: _____
Executive Director

APPROVED AS TO FORM:

APPROVED:

Deputy Executive Director/General Counsel

Managing Director, Strategic Planning

**FUNDS ARE AVAILABLE TO MEET
THIS OBLIGATION WHEN DUE:**

Port Authority Financial Services

PORT OF HOUSTON AUTHORITY

EXECUTIVE OFFICES: 111 EAST LOOP NORTH • HOUSTON, TEXAS 77029
MAILING ADDRESS: P.O. BOX 2562 • HOUSTON, TEXAS 77252-2562
TELEPHONE: (713) 670-2400 • FAX: (713) 670-2564



STRATEGIC PLANNING
(713) 670-2586

July 19, 2013

Mr. Glenn Royal
Mayor
City of Seabrook
1700 First Street
Seabrook, TX 77586

Dear Mayor Royal:

For your records, enclosed please find a fully-executed original of the Memorandum of Understanding between City of Seabrook, Galveston Bay Foundation and the Port of Houston Authority for Phase III of the Pine Gully Project.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Kelly Day". The signature is fluid and cursive, with the first name "Kelly" and last name "Day" clearly distinguishable.

Kelly A. Day
Administrative Coordinator II
Strategic Planning
Port of Houston Authority

Enclosure

MEMORANDUM OF UNDERSTANDING PINE GULLY PROJECT PHASE III SERVICE AGREEMENT

CITY: CITY OF SEABROOK, a home rule municipality of the State of Texas

ADDRESS 1700 First Street
Seabrook, Texas 77586

GBF: GALVESTON BAY FOUNDATION

ADDRESS: 17330 Highway 3
Webster, Texas 77598

PHA: PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY,
TEXAS, a political subdivision of the State of Texas

ADDRESS: 111 East Loop North
Houston, Texas 77029
Attn: Executive Director

EFFECTIVE DATE: July 2, 2013

CONTRACT AMOUNT: \$598,606

This Memorandum of Understanding for Pine Gully Project Phase III Service Agreement (the "Agreement") is entered as of the Effective Date between the CITY, PHA and GBF, with reference to the following. Capitalized terms not otherwise defined herein shall have the meanings set forth below.

A. The CITY and PHA previously entered into a Memorandum of Settlement Agreement which was executed by the parties on or about November 5, 2007 ("Settlement Agreement"). The Settlement Agreement generally provides that PHA and CITY will contract with GBF to investigate and mitigate the sedimentation of Pine Gully in the City, and specifically provides in subparagraph 2. "Pine Gully":

a. In the interest of resolving the Pine Gully Dispute, each of the parties has contracted with the Galveston Bay Foundation ("GBF"), under substantially identical agreements providing for equal shares of responsibility and reimbursement in all respects, to investigate and mitigate sedimentation of Pine Gully in Seabrook (the "Pine Gully Project"). In connection therewith, GBF engaged the engineering firm Moffat & Nichols ("M&N") to assist with Pine Gully Creek – Phase I of the Pine Gully Project, as described under the heading of "PHASE I SCOPE OF WORK" in M&N's letter of June 7, 2007.

b. The parties agree to further contract with GBF, under substantially identical agreements acceptable to the parties and providing for equal shares of responsibility and reimbursement in all respects (individually, a "Pine Gully II Agreement"), to assist with Pine Gully Creek – Phase II of the Pine Gully Project ("Pine Gully Project – Phase II"), provided that the cost thereof incurred by each party shall not exceed \$36,400. The parties agree and stipulate that they each have available funds for the expenditure of the subject costs. The parties agree that Pine Gully Project – Phase II shall consist of preliminary engineering design and permitting of the Pine Gully Project, as further described under the heading of "PHASE II OUTLINE OF WORK" in M&N's letters of June 7, 2007 and October 5, 2007. It is the express understanding and intent of the parties that the GBF shall be the permittee of the Pine Gully Project and shall apply for such permits (collectively, the "Pine Gully Permits") on or before one hundred twenty (120) days following the Approval Date.

c. The parties agree to further contract with GBF, under agreements acceptable to the parties providing for equal shares of responsibility, and that PHA shall bear the costs of the work (individually, a "Pine Gully III Agreement"), to assist with Pine Gully Creek – Phase III of the Pine Gully Project ("Pine Gully Project – Phase III"), provided that the cost thereof incurred by the PHA shall not exceed \$302,200. In the event the cost of Pine Gully Project – Phase III exceeds, or is expected to exceed, such amount, the parties shall attempt to resolve the matter using the procedures set forth in Section 10 below. The parties agree that Pine Gully Project – Phase III shall consist of the final design and construction services phase of the Pine Gully Project, as further described under the heading of "PHASE III OUTLINE OF WORK" in M&N's letters of June 7, 2007 and October 5, 2007, and with terms providing for construction to begin on or before three (3) months after GBF obtains all the Pine Gully Permits. It is the express understanding and intent of the parties that the GBF shall manage construction of the Pine Gully Project. The Pine Gully III Agreement shall also provide that GBF shall use its reasonable best efforts to diligently complete the Pine Gully Project – Phase III after obtaining all the Pine Gully Permits and the funds required to complete it.

d. The parties further agree that PHA shall commit and/or set aside an additional \$200,000 that would be available during a period of three (3) years from the completion of the re-vegetation of Pine Gully at the end of Phase III, with such funds to be applied by GBF to any expenditures required for additional rehabilitation of Pine Gully only if future problems, such as re-sedimentation of Pine Gully, arise within that three-year period (Pine Gully Project – Phase IV). The criteria of Pine Gully Project – Phase IV are set forth in Exhibit B-1. PHA stipulates that it has currently available funds for the obligations required herein.

e. The parties acknowledge that they have cooperated to obtain third-party funding for the Pine Gully Project. The parties agree that any third-party funds, including any CEPRA grant funds from the Texas General Land Office, shall be applied to permissible expenditures relating to the design/permit and/or restoration of Pine Gully, and that funds that Seabrook and/or PHA would have otherwise spent, as described above, shall be applied as necessary to cover monitoring costs associated with Pine Gully restoration. It is further agreed that any remaining funds intended for Phase II or Phase III shall be available for enhancement and improvement of Pine Gully Park within the time limitations of Pine Gully Project – Phase IV in the manner requested by Galveston Bay Foundation and approved by the parties. The parties shall continue to reasonably cooperate to obtain third-party funding.

B. The CITY, GBF and PHA have been working together to investigate and mitigate sedimentation at the mouth of Pine Gully in Seabrook, Texas (the “Pine Gully Project”) under prior corresponding substantially identical Agreements pursuant to the Settlement Agreement. This Agreement is to further confirm the understanding, contracting and funding of the Pine Gully Project- Phase III (“Phase III”) as made the basis of the Settlement Agreement (paragraph 2.c. above quoted provisions) between CITY and PHA, and the additional services and funding necessary for Phase III totaling \$598,606, pursuant to the lowest bid received for such services under the circumstances.

C. The CITY, GBF and PHA desire to accomplish the work required for Phase III. The CITY, with the assistance of GBF, through the competitive bidding process solicited bids for the Phase III project services (“Contractor Services”). The low bid received by the CITY for such restoration services was from Crawley Shoreline Construction, Inc (“Contractor”) in the amount of \$598,606 (“Contract Amount”). The Contract Amount exceeds the amount of \$302,200 committed by PHA in the Settlement Agreement, and requires the CITY and PHA to attempt to reach a resolution for the Contract Amount. In order to reach a resolution for payment of the balance remaining for payment of the Contract Amount, the CITY has committed \$250,000 and GBF has committed \$348,606 for funding (“Pledged Amounts”) for payment of the Contract Amount. Pursuant to the Settlement Agreement, PHA acknowledges and consents to the CITY entering into the agreement with Contractor with respect to the Pledged Amounts for payment of the Contract Amount. GBF represents and confirms that it has received the \$302,200 committed by PHA for Phase III and has current available funds for the above referenced Pledged Amounts for payment to the City for Contractor Services and the Contract Amount as provided hereafter.

For good and valuable consideration, the CITY, PHA and GBF agree as follows:

1. Payment.

a. GBF shall pay to Contractor the total sum of \$348,606 for Contractor Services in such payments and at such times as directed by CITY, following the CITY approval of the agreement for the Contractor Services/Contract Amount.

c. CITY shall pay the total sum of \$250,000 for Contractor Services as required for funding for Contractor Services/Contract Amount.

2. CITY Obligations.

a. CITY shall be responsible for administering the contract with Contractor for the Contract Services in accordance with the contract and bid specifications, which have been provided to GBF and PHA.

b. CITY shall direct the Pledged Amounts to pay Contractor for the Contractor Services in accordance with the contract and bid specifications, which have been provided to GBF and PHA.

3. Independent Contractor. The relationship of CITY, PHA and GBF shall be that of independent contractors. The subject parties shall have no authority to direct day-to-day activities of any of the personnel employed by the other. Conversely, neither party shall have authority to bind the other unless otherwise reflected in this Agreement.

6. Miscellaneous.

a. This Agreement and the legal relations of the parties shall be interpreted and enforced in accordance with the laws of Texas applicable to agreements negotiated, executed, delivered, and fully performed in Harris County, Texas. Venue for any dispute or litigation shall be exclusively in Harris County, Texas.

b. Failure of either party to insist on the strict performance of this Agreement or to exercise any rights or remedies upon default or failure of performance shall not be considered a waiver of the rights to insist upon and to enforce by an appropriate remedy strict compliance with any other obligation hereunder or to exercise any right or remedy occurring as a result of any future default or failure of performance.

c. This Agreement constitutes the entire agreement between the parties hereto, and no prior oral or written agreements, understandings, negotiations, or representations shall serve to modify or amend this Agreement. This Agreement shall not be modified except by written amendment executed by the parties hereto or their heirs, assigns, or successors in interest.

d. The invalidity or unenforceability of any provision hereof shall not affect the validity or enforceability of any other provision.

e. Subject to the foregoing, this Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, assigns or successors in interest.

f. This Agreement shall not bestow any rights upon any third party but rather shall benefit only CITY, PHA and GBF.

g. The invalidity, illegality, or unenforceability of any provision of this Agreement, or the occurrence of any event rendering any provision of this Agreement void, shall not affect the validity or enforceability of any other provision. Any such provision shall be deemed severed from this Agreement and the remainder hereof shall be construed and enforced as if this Agreement did not contain the particular provision.

h. The parties shall immediately disclose to each other any representation or engagement it has or may undertake in the future that is or could become a conflict with the other's interests in relation to this Agreement.

The parties to this Agreement hereby execute this Agreement in one or more copies, each shall be considered an original, but all shall evidence only one agreement, as of the Effective Date.

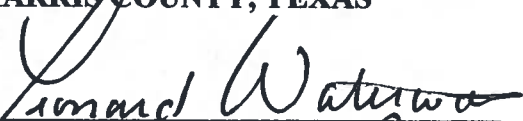
GBF:

GALVESTON BAY FOUNDATION

By: 
Name: Bob Stokes
Title: President

PHA:

**PORT OF HOUSTON AUTHORITY
OF HARRIS COUNTY, TEXAS**

By: 
Executive Director 18 July 2013

APPROVED AS TO FORM:


Deputy Executive Director/General Counsel

APPROVED:


Vice President, Strategic Planning

CITY OF SEABROOK:

By: 
Glenn Royal
Mayor



ATTEST:


Michele L. Glaser, TRMC
City Secretary



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, FEBRUARY 18, 2014

Submitter/Requestor: Sean Landis

Date Submitted: 2/10/2014 1:38:24 PM

Presenter: Sean Landis

Description/Subject:

Monthly Building Report for January

Purpose/Need: Administration Issue

Background/Issue(What prompted this need):

N/A

Impacted Parties(Expected/Notified): N/A

Miscellaneous Comments:

0 New Residential Permits issued for the month of January.
0 New Commercial Permits issued for the month of January.

Attachments:

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

Building Report

January Fire Inspections

Code Enforcement

**Fiscal
Impact:**

Budgeted

No

Finance Officer Review:

Budget Amendment Required

No

Future/Ongoing Impact

No

Budget Dept/Line Item Number

Funding Comments:

Where on the agenda should this item be placed?

Consent Agenda

Suggested Motion:

N/A

Agenda Language:

Approve the January 2014 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.)

Building Department Statistics January 2014

PERMIT TYPES	# ISSUED	VALUATION	FEES PAID
New Residential	0	\$0.00	\$0.00
Building Additions	1	\$18,000.00	\$255.00
New Commercial	0	\$0.00	\$0.00
Commercial Additions	1	\$2,700.00	\$67.50
New City	0	\$0.00	\$0.00
City Additions	0	\$0.00	\$0.00
Electrical	9	\$18,925.00	\$1,160.00
Fill	0	\$0.00	\$0.00
Irrigation	3	\$10,800.00	\$543.75
Mechanical	9	\$54,471.60	\$1,029.00
Plumbing	9	\$25,400.00	\$347.50
Sign	1	\$1,000.00	\$202.50
Demolition	0	\$0.00	\$0.00
Fire/Sprinkler	0	\$0.00	\$0.00
Miscellaneous	3	\$14,600.00	\$255.00
TOTALS	36	\$145,896.60	\$3,860.25

[illegible]

SVFD

Inspections by Occupancy

Date Completed Between {01/01/2014} And
{01/31/2014}318WATERFRON Alfredo's Grocery
318 Waterfront DR
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/31/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

MARVINCIR193 Angel's Food Mart
1933 Marvin CIR
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/17/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

BAYPORT1505 Bay Area Chimney & Remodeling
1505 Bayport Blvd (SH 146)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/20/2014		201 INSECTION - Final	0.00	
Total Activities for Occupancy: 1			0.00	

SHIPYARD1900 Blue Marlin Fuel Dock
1900 Shipyard DR
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/31/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {01/01/2014} And
{01/31/2014}BAYPORT2800 CVS Pharmacy
2800 Bayport Blvd (SH 146)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/24/2014		205 Re-Inspection	0.00	
Total Activities for Occupancy: 1			0.00	

NASA2513 Cabo
2513 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/31/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

NASA3138 Cafe 1979 Asian Cuisine
3138 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/24/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

WATERFRONT40 Captain Wick's (Not in Business)
400 Waterfront DR
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/31/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {01/01/2014} And
{01/31/2014}NASA2511 Classic Cafe
2511 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/08/2014		205 Re-Inspection	0.00	
01/20/2014		205 Re-Inspection	0.00	
01/31/2014		205 Re-Inspection	0.00	
Total Activities for Occupancy: 3			0.00	

CLEA01 Clear Lake Marine (Boat Fire Invest)
4141 Nasa Parkway (El Lago) RD
Dock E
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/07/2014		710 INVESTIGATION - Cause, Fire	0.00	
Total Activities for Occupancy: 1			0.00	

NASA2901 Comfort Inn & Suites
2901 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/08/2014		205 Re-Inspection	0.00	
Total Activities for Occupancy: 1			0.00	

NASA3101 Endeavour Marina
3101 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/08/2014		205 Re-Inspection	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {01/01/2014} And
{01/31/2014}

RED Excelesior Academy
 2600 Red Bluff RD
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/24/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

GLEN01 Glendora Archibald (Foster Care)
 1861 Dolphin DR
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/17/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

BAYPORT2304- Hill's Liquor
 2304 Bayport Blvd (SH 146)
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/17/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

NASA1818 Hooter's
 1818 Nasa Pkwy
 Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/31/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {01/01/2014} And
{01/31/2014}NASA2912B Kies Solutions
2912 Bayport Blvd (SH 146)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/07/2014		205 Re-Inspection	0.00	
Total Activities for Occupancy: 1			0.00	

ELMAR1905 Kroger
1905 El Mar LANE
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/17/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

NASA 2425 Lakewood Yacht Club
2425 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/06/2014		800 CONSULTATION - General	0.00	
Total Activities for Occupancy: 1			0.00	

BAYPORT2119 Laredo's
2119 Bayport Blvd (SH 146)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/31/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {01/01/2014} And
{01/31/2014}NASA3136 C Maribell's
3136 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/20/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

MOSKOWITZ121 Private Residence was SB Massage
1214 Moskowitz ST
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/24/2014		201 INSECTION - Final	0.00	
Total Activities for Occupancy: 1			0.00	

WATERFRONT50 Rose's Seafood
415 Waterfront DR
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/08/2014		205 Re-Inspection	0.00	
Total Activities for Occupancy: 1			0.00	

NASA3101-B-1 Sam's Boat
3101 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/20/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

SVFD

Inspections by Occupancy

Date Completed Between {01/01/2014} And
{01/31/2014}NASA3620 Seabrook Childrens Academy
3620 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/08/2014	200	INSPECTION - General	0.00	
01/17/2014	205	Re-Inspection	0.00	
01/27/2014	821	CONSULTATION - Fire Alarm	0.00	
01/31/2014	221	INSPECTION - Fire Alarm	0.00	
Total Activities for Occupancy: 4			0.00	

SHIPYARD Seabrook Marina
1900 Shipyard DR
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/16/2014	810	CONSULTATION - Site	0.00	
Total Activities for Occupancy: 1			0.00	

NASA3528 See N Stop
3528 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/17/2014	200	INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

FIFTH2109 Springhill Suites
2109 5th (Fifth) ST
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/31/2014	200	INSPECTION - General	0.00	

SVFD

Inspections by Occupancy

Date Completed Between {01/01/2014} And
{01/31/2014}FIFTH2109 Springhill Suites
2109 5th (Fifth) ST
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
Total Activities for Occupancy: 1			0.00	

SECOND1714 Super Save
1714 2nd (Second) ST
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/17/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

WATERFRONT30 T.H. Seafood
302 Waterfront DR
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/08/2014		205 Re-Inspection	0.00	
Total Activities for Occupancy: 1			0.00	

BAYPORT2144 Tobacco Store
2144 Bayport Blvd (SH 146)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/17/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

BAYPORT1202 Tookies
1202 Bayport Blvd (SH 146)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
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SVFD

Inspections by Occupancy

Date Completed Between {01/01/2014} And
{01/31/2014}

01/20/2014	200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1		0.00	

SEVENTH2102 Trader John's
2104 7th (Seventh) ST
2104 BB 7th (Seventh)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/24/2014		201 INSECTION - Final	0.00	
Total Activities for Occupancy: 1			0.00	

NASA3324 Valero
3324 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/20/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

NASA3713 Villa Capri
3713 Nasa Pkwy
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/24/2014		200 INSPECTION - General	0.00	
Total Activities for Occupancy: 1			0.00	

BAYPORT1902 Walgreens
1902 Bayport Blvd (SH 146)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
01/17/2014		200 INSPECTION - General	0.00	

SVFD

Inspections by Occupancy

Date Completed Between {01/01/2014} And
{01/31/2014}

BAYPORT1902 Walgreens
1902 Bayport Blvd (SH 146)
Seabrook, TX 77586

Date	Time	Type	Staff Hrs	Fee
Total Activities for Occupancy: 1			0.00	

Grand Total Activities: 41

Grand Totals: 0.00 0.00

Code Enforcement Update for January 2014

- **Building Inspections Completed**

- November: 88
- December: 94
- January: 113

- **Open Code Enforcement Cases:**

- October : 253
- November: 210
- December: 221
- January: 194

- **Code Enforcement Abatement Liens Paid 2014:**

- January: (8) Liens: Mowing & debris removal \$2,806.12

- **Code Enforcement Abatement Liens Filed 2013:**

- May: (6) Liens: mowing & debris removal \$1,735.11
- July: (7) Liens: mowing & Debris Removal \$2,057.62
- September: (6) Liens: mowing & debris removal \$1,758.71
- December: (4) Liens: Mowing & debris removal \$1,371.00



CITY OF SEABROOK

Date of Meeting: February 18, 2014

Submitter/Requestor: Chief Nona Holomon

Date Submitted: Feb. 10, 2014

Presenter: Chief Nona Holomon

Description/Subject: Public Safety Activity Report for January 2014

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

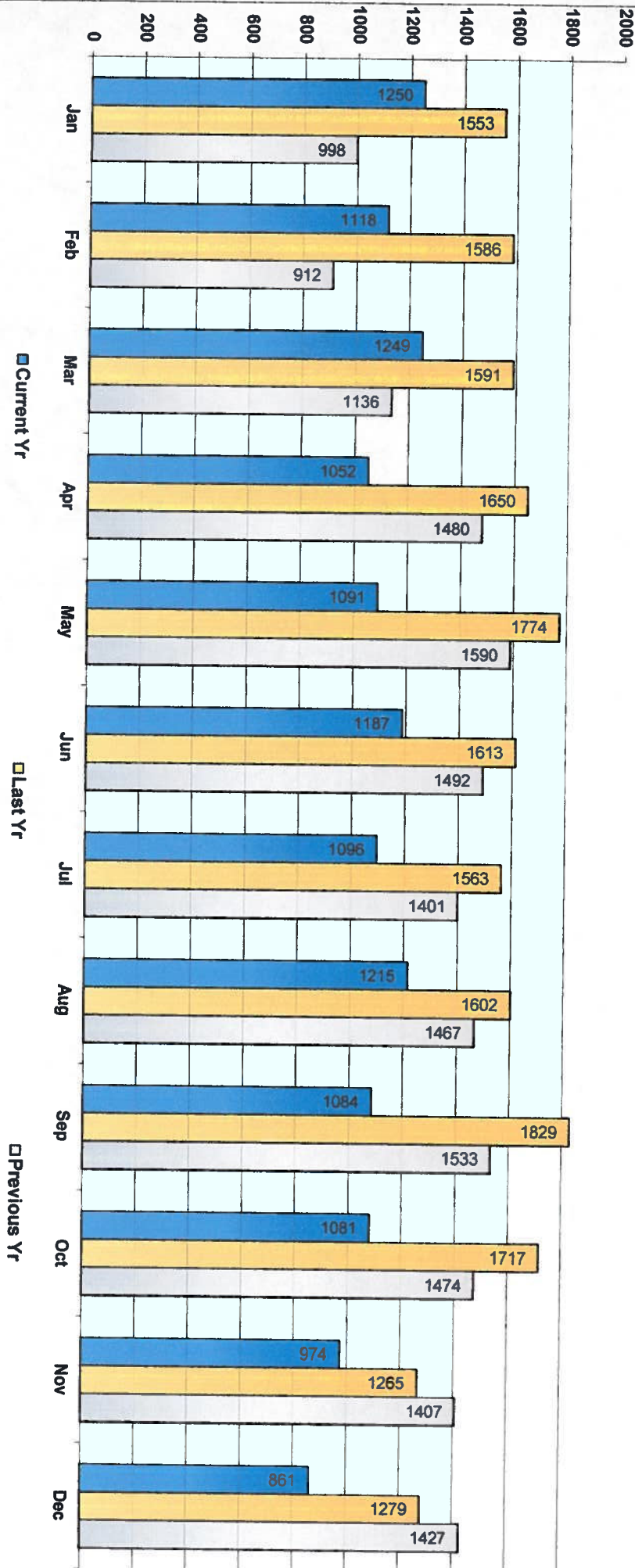
Suggested Motion: Motion to accept report.

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

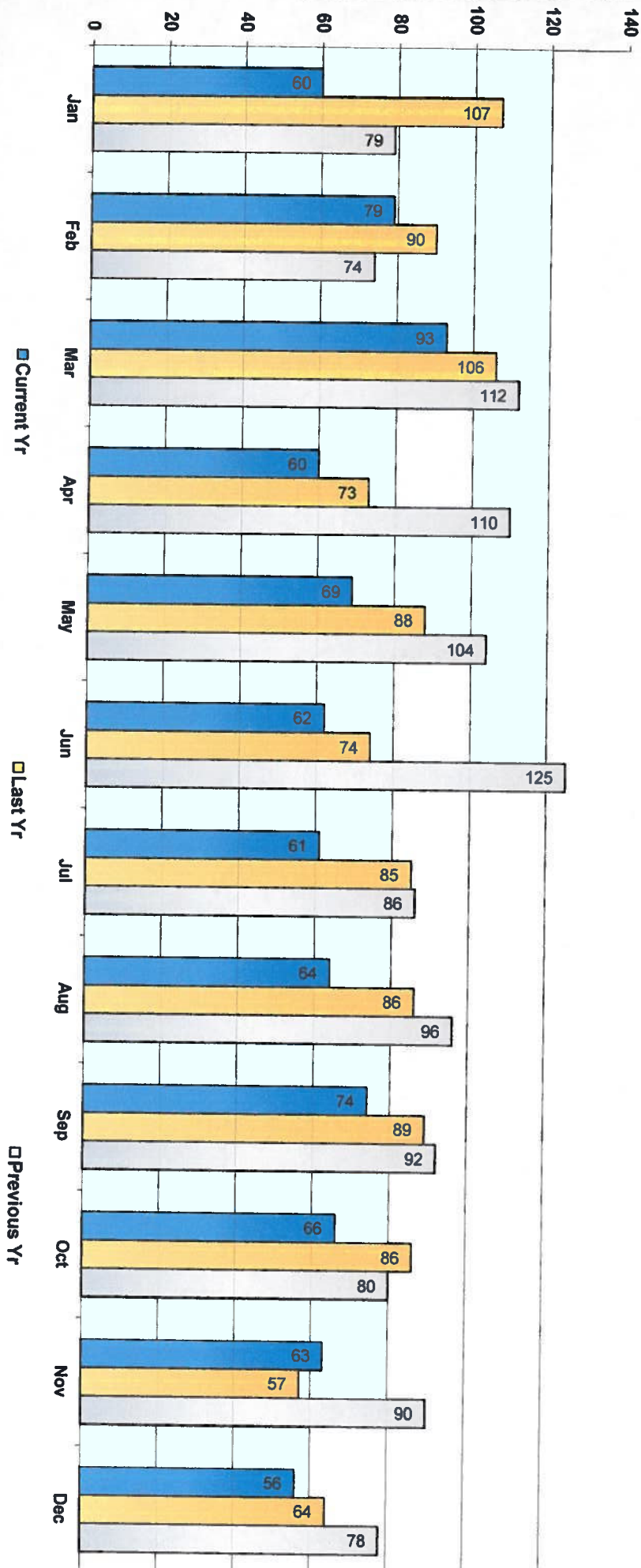
Received and accepted by the City Secretary/Assistant _____

Returned by the City Secretary/Assistant (If incomplete) _____

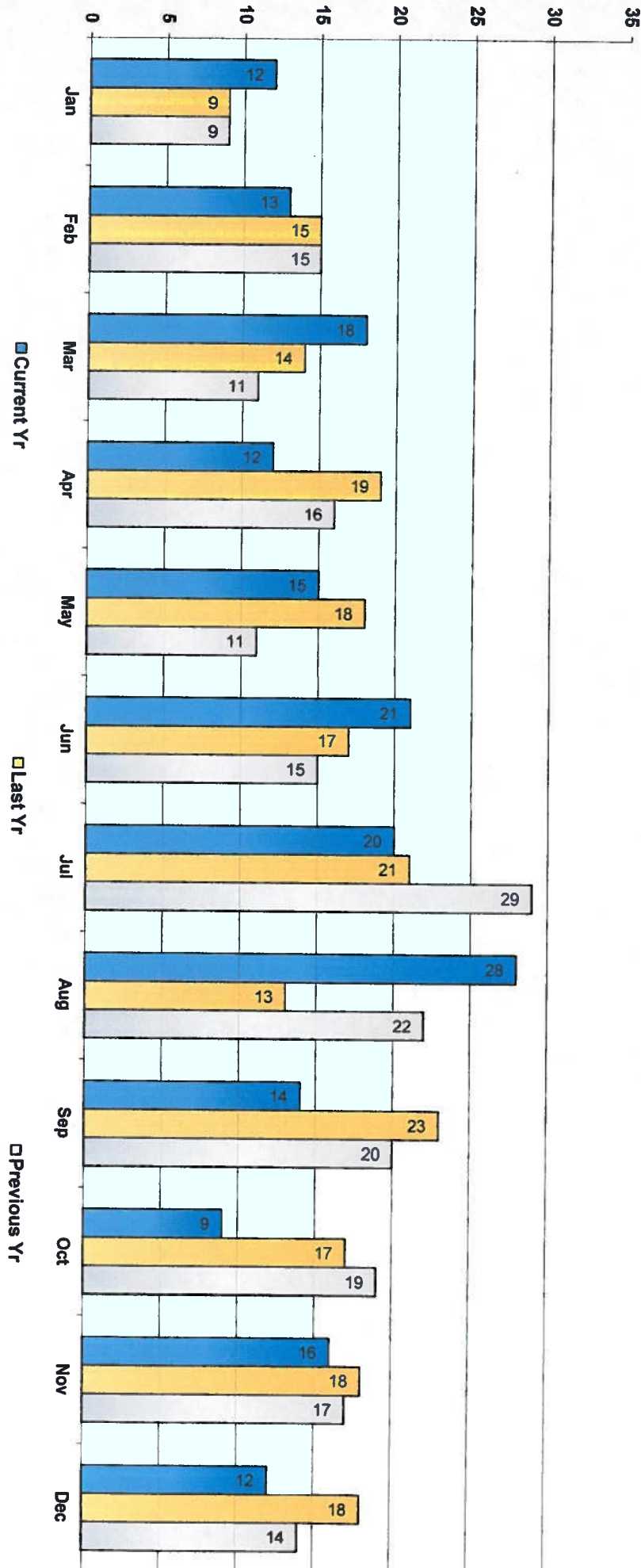
**Seabrook Police Department
Total Calls-For-Service
As Of February 10, 2014**



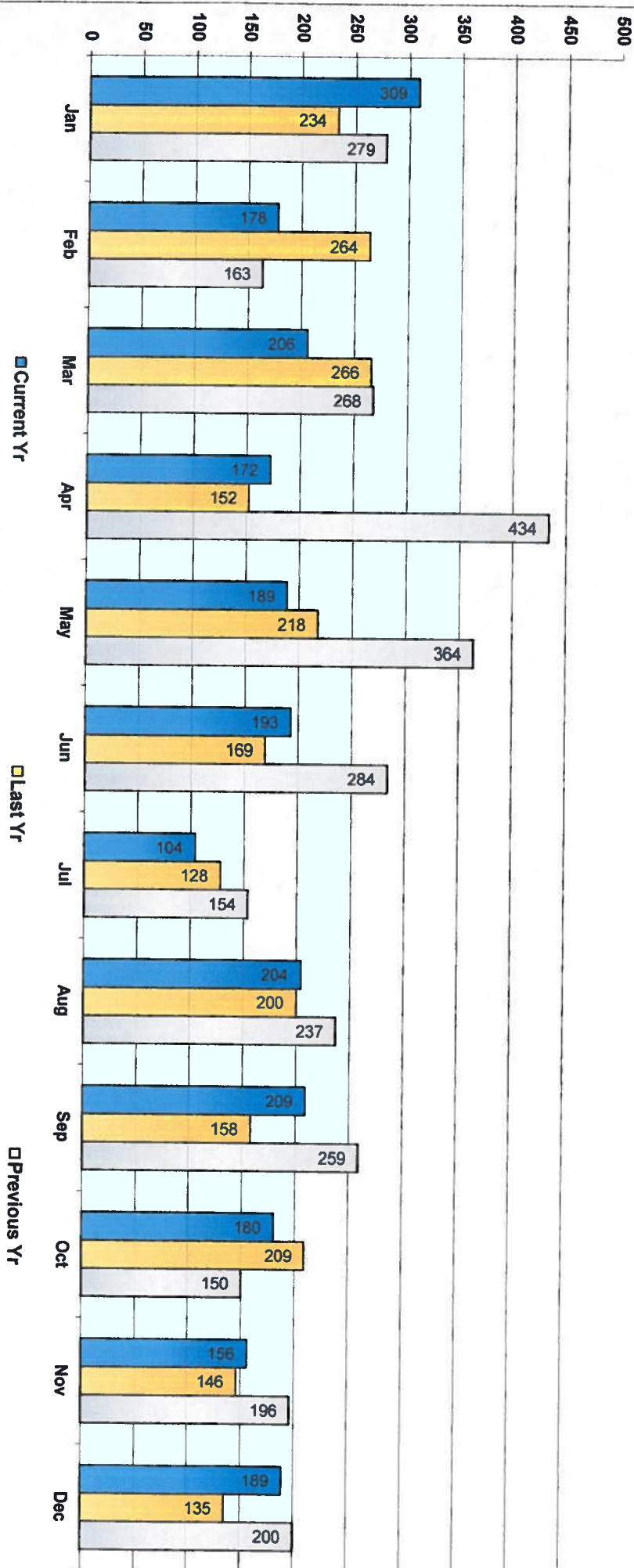
**Seabrook Police Department
Total Arrests
As Of February 10, 2014**



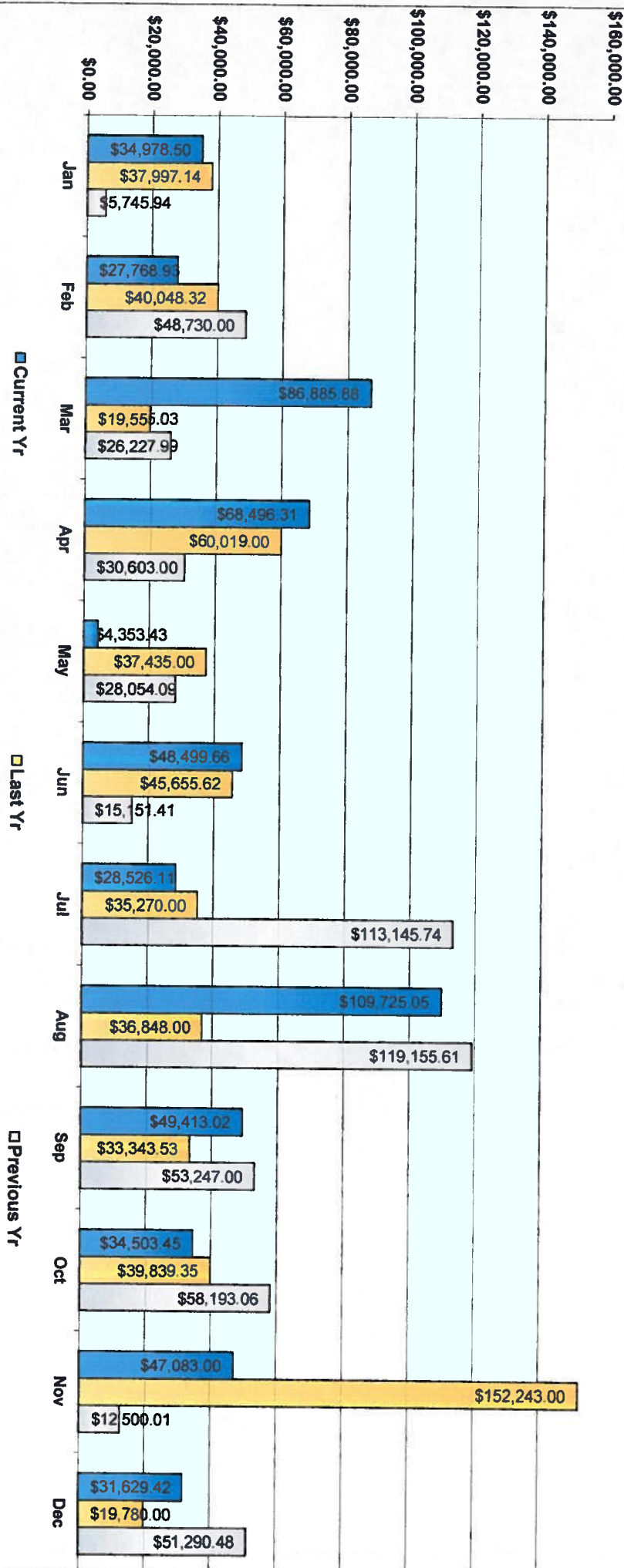
**Seabrook Police Department
ALL PART-I OFFENSES
As Of February 10, 2014**



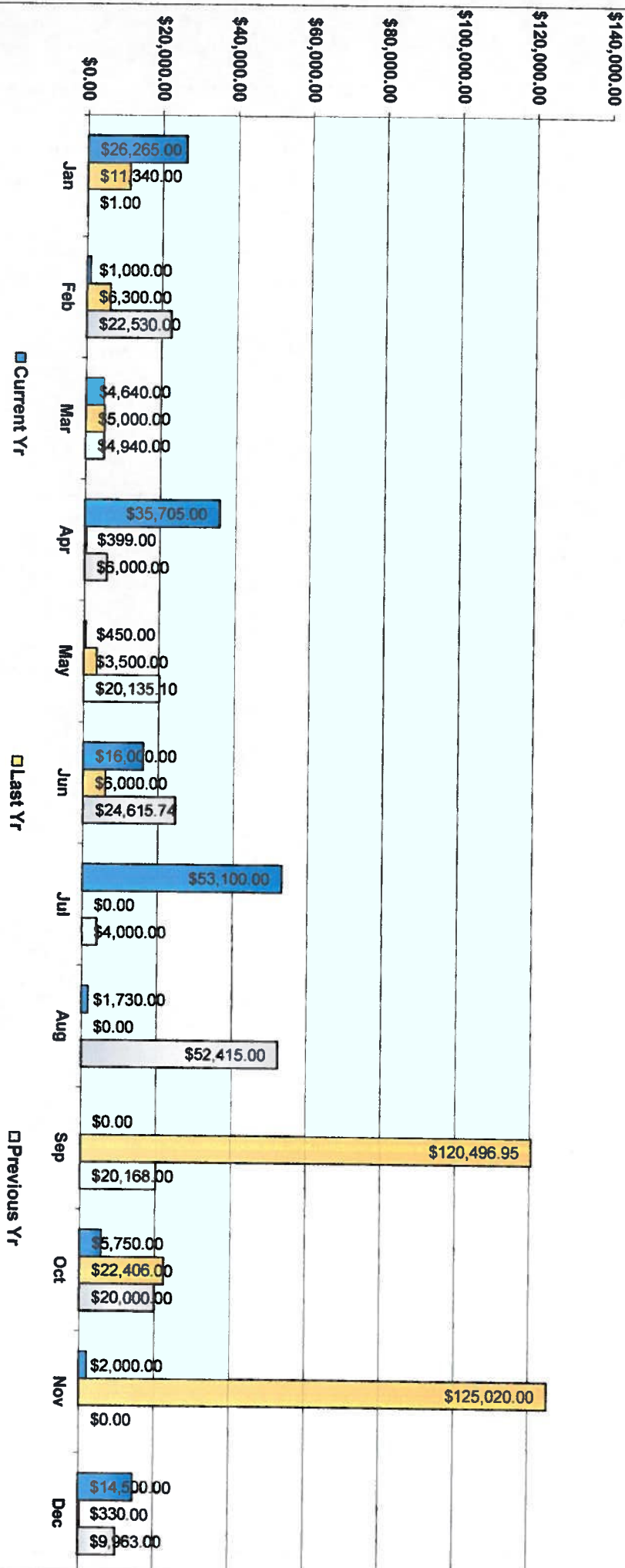
**Seabrook Police Department
Total Traffic Tickets
As Of February 10, 2014**



**Seabrook Police Department
Stolen Property Value
As Of February 10, 2014**



**Seabrook Police Department
Recovered Property Value
As Of February 10, 2014**



SEABROOK POLICE DEPARTMENT DETECTIVE ACTIVITY REPORT

1/1/2014 Through 1/31/2014

Case Status Change This Period																	
Selected Investigators	Previously Assigned Cases Carried Over (Active / Pending)	Cases Assigned This Period	Cleared								Inactivated		Closed/Unf.		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 Totals:	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, Hulien	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

Seabrook

City of Seabrook Monthly Statistics

Alarm Date Between {01/01/2014} And {01/31/2014}
and District = "1"

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
131 Passenger vehicle fire	1	2.94%	\$0	0.00%
151 Outside rubbish, trash or waste fire	1	2.94%	\$0	0.00%
154 Dumpster or other outside trash receptacle	1	2.94%	\$0	0.00%
	<u>3</u>	<u>8.82%</u>	<u>\$0</u>	<u>0.00%</u>
3 Rescue & Emergency Medical Service Incident				
311 Medical assist, assist EMS crew	18	52.94%	\$0	0.00%
321 EMS call, excluding vehicle accident with	1	2.94%	\$0	0.00%
322 Motor vehicle accident with injuries	2	5.88%	\$0	0.00%
	<u>21</u>	<u>61.76%</u>	<u>\$0</u>	<u>0.00%</u>
4 Hazardous Condition (No Fire)				
412 Gas leak (natural gas or LPG)	1	2.94%	\$0	0.00%
440 Electrical wiring/equipment problem, Other	1	2.94%	\$0	0.00%
444 Power line down	1	2.94%	\$0	0.00%
	<u>3</u>	<u>8.82%</u>	<u>\$0</u>	<u>0.00%</u>
5 Service Call				
5311 Smoking Vehicle	1	2.94%	\$300	100.00%
	<u>1</u>	<u>2.94%</u>	<u>\$300</u>	<u>100.00%</u>
5 Good Intent Call				
611 Dispatched & cancelled en route	1	2.94%	\$0	0.00%
622 No Incident found on arrival at dispatch	1	2.94%	\$0	0.00%
	<u>2</u>	<u>5.88%</u>	<u>\$0</u>	<u>0.00%</u>
7 False Alarm & False Call				
700 False alarm or false call, Other	1	2.94%	\$0	0.00%
745 Alarm system activation, no fire -	3	8.82%	\$0	0.00%
	<u>4</u>	<u>11.76%</u>	<u>\$0</u>	<u>0.00%</u>

Total Incident Count: 34

Total Est Loss: \$300

Seabrook

City of Seabrook Monthly Statistics

**Alarm Date Between {01/01/2014} And {01/31/2014}
and District = "1"**

Total Number of Incidents	34	Total Number of Responding Personnel	218
Average Turnout per Incident	7		

Seabrook**City of Seabrook Monthly Statistics**

**Alarm Date Between {01/01/2014} And {01/31/2014}
and District = "1"**

1 Seabrook

Incident	Alarm Date & Time		Arrival Date & Time		Stn	Shift	Response Time
131 Passenger vehicle fire							
14-0000037	01/26/2014	21:11:45	01/26/2014	21:15:06	1	2	00:03:21
Average Response Time for District/Incident Type							00:03:21
151 Outside rubbish, trash or waste fire							
14-0000009	01/05/2014	22:18:04	01/05/2014	22:20:05	1	N	00:02:01
Average Response Time for District/Incident Type							00:02:01
154 Dumpster or other outside trash receptacle fire							
14-0000043	01/29/2014	19:54:37	01/29/2014	19:58:12	1	2	00:03:35
Average Response Time for District/Incident Type							00:03:35
311 Medical assist, assist EMS crew							
14-0000004	01/04/2014	10:10:05	01/04/2014	10:13:38	1	N	00:03:33
14-0000010	01/05/2014	23:58:52	01/05/2014	23:58:52	1	3	00:00:00
14-0000016	01/11/2014	09:50:03	01/11/2014	09:54:59	1	1	00:04:56
14-0000017	01/13/2014	01:40:46	01/13/2014	01:43:52	1	3	00:03:06
14-0000019	01/15/2014	20:33:50	01/15/2014	20:39:05	1	2	00:05:15
14-0000021	01/16/2014	15:09:31	01/16/2014	15:16:14	1	2	00:06:43
14-0000023	01/19/2014	04:24:59	01/19/2014	04:31:45	1	N	00:06:46
14-0000026	01/20/2014	15:06:35	01/20/2014	15:11:47	1	2	00:05:12
14-0000027	01/21/2014	12:53:44	01/21/2014	12:57:43	1	1	00:03:59
14-0000028	01/21/2014	17:47:11	01/21/2014	17:47:11	1	2	00:00:00
14-0000031	01/24/2014	08:40:12	01/24/2014	08:48:33	1	1	00:08:21
14-0000033	01/25/2014	16:56:09	01/25/2014	17:00:38	1	2	00:04:29
14-0000034	01/26/2014	08:21:19	01/26/2014	08:27:00	1	1	00:05:41
14-0000035	01/26/2014	18:25:56	01/26/2014	18:27:24	1	2	00:01:28
14-0000036	01/26/2014	20:14:34	01/26/2014	20:14:34	1	2	00:00:00
14-0000040	01/28/2014	09:18:59	01/28/2014	09:21:11	1	1	00:02:12
14-0000042	01/28/2014	19:59:16	01/28/2014	20:01:36	1	2	00:02:20
14-0000046	01/31/2014	12:21:39	01/31/2014	12:23:44	1	1	00:02:05
Average Response Time for District/Incident Type							00:03:40
321 EMS call, excluding vehicle accident with injury							
14-0000045	01/31/2014	11:11:43	01/31/2014	11:13:58	1	1	00:02:15
Average Response Time for District/Incident Type							00:02:15
322 Motor vehicle accident with injuries							
14-0000014	01/10/2014	16:47:15	01/10/2014	16:47:15	1	2	00:00:00
14-0000018	01/14/2014	13:51:26	01/14/2014	14:00:35	1	1	00:09:09
Average Response Time for District/Incident Type							00:04:35
312 Gas leak (natural gas or LPG)							
14-0000011	01/06/2014	09:47:03	01/06/2014	09:57:57	1	1	00:10:54
Average Response Time for District/Incident Type							00:10:54
40 Electrical wiring/equipment problem, Other							
14-0000030	01/23/2014	17:26:50	01/23/2014	17:34:23	1	N	00:07:33
Average Response Time for District/Incident Type							00:07:33

Seabrook**City of Seabrook Monthly Statistics**

**Alarm Date Between {01/01/2014} And {01/31/2014}
and District = "1"**

1 Seabrook

Incident	Alarm Date & Time	Arrival Date & Time	Stn	Shift	Response Time
444 Power line down					
14-0000002	01/03/2014 13:11:03	01/03/2014 13:15:11	1	1	00:04:08
Average Response Time for District/Incident Type					00:04:08
5311 Smoking Vehicle					
14-0000024	01/19/2014 15:36:27	01/19/2014 15:41:12	1	2	00:04:45
Average Response Time for District/Incident Type					00:04:45
622 No Incident found on arrival at dispatch address					
14-0000047	01/31/2014 18:45:51	01/31/2014 18:50:01	1	2	00:04:10
Average Response Time for District/Incident Type					00:04:10
700 False alarm or false call, Other					
14-0000015	01/10/2014 20:02:37	01/10/2014 20:07:02	1	2	00:04:25
Average Response Time for District/Incident Type					00:04:25
745 Alarm system activation, no fire - unintentional					
14-0000020	01/16/2014 02:52:53	01/16/2014 03:00:41	1	3	00:07:48
14-0000038	01/27/2014 17:55:56	01/27/2014 18:00:00	1	2	00:04:04
14-0000039	01/28/2014 07:16:37	01/28/2014 07:19:20	1	1	00:02:43
Average Response Time for District/Incident Type					00:04:52
Overall Average Response Time for District 00:04:09					

Total Incident Count: 33

Overall Average Response Time: 00:04:09

CLEMC REPORT **Seabrook Stats Report JAN14**

	Nov-13	Dec-13	Jan-14	3 Month Total
Allergic Reaction	1	0	0	1
Assist by EMS	3	1	3	7
Attempted Suicide	2	2	3	7
Breathing problems	5	7	2	14
Choking	0	0	0	0
CPR	0	0	0	0
CVA	0	3	0	3
Death Investigation	0	0	0	0
Diabetic	2	0	2	4
Drowning	0	0	0	0
Heart problems/pain	6	4	4	14
Injured person	11	20	17	48
Motor Vehicle Incidents	0	0	7	7
Medical Alert Alarm	0	0	0	0
OB Baby Call	0	0	1	1
Overdose	0	1	1	2
Seizure	1	5	0	6
Sick Call	18	17	12	47
Trauma Gunshot/Stabbing	0	0	1	1
fire stand-by	0	0	0	0
Unconscious	4	6	0	10
Total	53	66	53	172

Response Time

4Min15Sec

4Min11Sec

4Min34Sec

Average Response Time
4Min20Sec

Last Year Same Time Period

	Nov-12	Dec-12	Jan-13	3 Month Total
Allergic Reaction	0	0	0	0
Assist by EMS	1	5	1	7
Attempted Suicide	2	3	2	7
Breathing problems	4	4	0	8
Choking	1	0	1	2
CPR	0	1	0	1
CVA	1	2	3	6
Death Investigation	0	0	0	0
Diabetic	2	3	3	8
Drowning	0	0	0	0
Heart problems/pain	5	8	7	20
Injured person	16	19	14	49
Major Accident	0	2	1	3
Medical Alert Alarm	0	1	1	2
OB Baby Call	0	0	0	0
Overdose	2	2	2	6
Seizure	2	2	3	7
Sick Call	14	10	12	36
Trauma Gunshot/Stabbing	0	0	0	0
fire stand-by	0	0	0	0
Unconscious	5	2	3	10
Total	55	64	53	172

Average Response Time

Response Time

4Min50Sec

4Min53Sec

45Min48Sec

4Min51Sec

Seabrook City Council Regular Meeting
Minutes of February 4, 2014
Page 1

The City Council of the City of Seabrook met in regular session on Tuesday, February 4, 2014 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 - Ex. Abs.	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
SEAN LANDIS	ASSISTANT CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Mayor Pro Tem Davis called the meeting to order at 7:00 p.m. and asked the Girl Scouts in the audience to lead the audience in the United States and Texas Pledges of Allegiance.

1.0 PRESENTATIONS

1.1 Presentation of Annual EDC report to City Council. (Chavez)

EDC President Paul Dunphrey presented the annual report which included a budget review and updates on major projects such as the Waterfront Drive improvements, the planned SH 146 expansion, and plans to retain current businesses and attract new businesses. He reported that 11 new businesses have started and four have closed.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Lori Webster, Seabrook, stated that the new peddler ordinance will have a significant negative impact on girl scout cookie sales as the permitting process is time-consuming and booth sales are limited to 72 hours.

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

Councilor Giangrosso reported on several upcoming events.

3.0 CONSENT AGENDA

3.1 Approve renewal of contract with Houston Community Newspapers (Bay Area Citizen) for one year. (Cook)

**Seabrook City Council Regular Meeting
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Page 2**

3.2 Approve minutes of the regular City Council meeting of January 21, 2014. (Glaser)

3.3 Removed from the Consent Agenda by Councilor Kolupski.

Motion was made by Councilor Giangrosso and seconded by Councilor Johnson

To approve Items 3.1 and 3.2 of the Consent Agenda.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF THE CONSENT AGENDA

3.3 Request to waive the requirement of the Peddler's Ordinance, Section 22-80 to allow Scouts in the San Jacinto Girl Scout Council to conduct girl scout cookie booth sales in Seabrook from February 21 through March 30, 2014. (Applicant)

Mrs. Glaser explained that the girl scouts will still have to secure a no charge permit for cookie sales, but that approval of this request will allow cookie sales booths to operate from February 21 through March 30, 2014. The current ordinance has a limit of 72 consecutive sales hours for itinerant vendors.

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To approve the request to allow San Jacinto Girl Scout booth sales to occur from February 21 through March 30, 2014.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.0 NEW BUSINESS

4.1 Consider approval of first and final reading of proposed Ordinance No. 2014-01, "Budget Amendment for Fiscal Year 2012-13." (Lab)

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013.

Motion was made by Councilor Holbrook and seconded by Councilor Johnson

To approve first and final reading of proposed Ordinance No. 2014-01, with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.2 Consider approval of first reading of proposed Ordinance No. 2014-02, "Multi-Stop Sign at Lakeside Drive and Wild Oak Forest Lane." (Council)

Seabrook City Council Regular Meeting
Minutes of February 4, 2014
Page 3

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, CHAPTER 90 "TRAFFIC AND VEHICLES" ARTICLE I, "IN GENERAL", SECTION 90-5 "STOP SIGNS DESIGNATED"; BY REVISING NAME OF SUBSECTION (1), "FOUR WAY STOPS" TO "MULTI-WAY STOPS," AND ADDING A NEW MULTI-WAY STOP AT THE INTERSECTION OF LAKESIDE DRIVE AND WILD OAK FOREST LANE; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00), OR THE MAXIMUM AMOUNT PERMITTED BY LAW, FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND NOTICE.

Mr. Weathered noted some minor typographical errors.

Motion was made by Councilor Giangrosso and seconded by Councilor Kolupski

To approve the first reading of proposed Ordinance No. 2014-02, with the reading of the caption serving as the reading of the ordinance and to make the minor corrections recommended by the City Attorney.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.3 Consider approval of first reading of proposed Ordinance No. 2014-03, "Speed Limit and School Zone Designation on El Mar Lane." (Council)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 90 "TRAFFIC AND VEHICLES" ARTICLE II, "SPEED RESTRICTIONS", TO PROVIDE FOR NEW SPEED LIMITS ON EL MAR LANE, BY AMENDING SECTION 90-31, "ENUMERATION OF LIMITS," SUBSECTION (2) "EXCEPTIONS" ESTABLISHING A SPEED LIMIT OF 25 MILES PER HOUR FOR EL MAR LANE BETWEEN BAHAMA DRIVE AND NORTH MEYER AVE; SECTION 90-32 "SCHOOL ZONES" SUBSECTION "A," "TWENTY MILES PER HOUR DURING DESIGNATED TIMES," ESTABLISHING A SCHOOL ZONE AND SPEED OF 20 MILES PER HOUR ON THE PORTION OF EL MAR LANE FROM 200 FEET WEST OF THE CROSSWALK ADJACENT TO SCHOOL TO NORTH MEYER AVE, A DISTANCE OF APPROXIMATELY 750 FEET, FOR VEHICLES AS ESTABLISHED AND POSTED BY THE CITY OF SEABROOK; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

To approve first reading of proposed Ordinance No. 2014-03, with the reading of the caption serving as the reading of the ordinance.

Seabrook City Council Regular Meeting
Minutes of February 4, 2014
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MOTION CARRIED BY UNANIMOUS CONSENT.

4.4 Consider first and final reading of Ordinance No. 2014-04, "Ordering a May 10, 2014 General City Election and a June 7, 2014 Runoff Election, If Necessary." (Glaser)

AN ORDINANCE CALLING AND ESTABLISHING PROCEDURES FOR THE GENERAL CITY OFFICERS' ELECTION FOR MAYOR AND COUNCIL POSITIONS 2, 4 AND 6 TO BE HELD ON MAY 10, 2014; ESTABLISHING PROCEDURES FOR A RUNOFF ELECTION TO BE HELD ON JUNE 7, 2014 IF NO CANDIDATE RECEIVES A MAJORITY OF VOTES CAST IN THE MAY GENERAL ELECTION; AND MAKING OTHER PROVISIONS RELATED THERETO.

Mrs. Glaser stated that the ordinance contained a statement that the alternate judge would be appointed by Council by minute order at a later date, as it was not certain if the city's long-time alternate judge would be available to serve for the May election.

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To approve first and final reading of proposed Ordinance No. 2014-04, with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.5 Consider approval of first reading of Ordinance No. 2014-05, "Amend Firearms Ordinance to Discharge of Weapons and Exceptions."

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 44, "LAW ENFORCEMENT AND OFFENSES", ARTICLE III, "OFFENSES", DIVISION 1 "GENERALLY" BY AMENDING SECTION 44-78 "FIREARMS" TO EXPAND THE DEFINITIONS AND INCLUDE ARCHERY EQUIPMENT ~~[AND ALLOW FOR THE PERMITTED EXCEPTIONS TO BE APPROVED BY THE CHIEF OF POLICE OR DESIGNEE.]~~

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 Johnson and seconded by Councilor Holbrook

To approve first reading of proposed Ordinance No. 2014-05, with the reading of the caption serving as the reading of the ordinance.

Seabrook City Council Regular Meeting
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Page 5

Mr. Weathered stated that the caption would be amended as shown above as that section of the ordinance had been removed.

Staff was asked to determine if a cross bow shoots a bolt rather than an arrow, and if so, to add the term "bolt" to the ordinance on second reading.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.0 ROUTINE BUSINESS

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

Motion was made by Councilor Holbrook and seconded by Councilor Johnson

To approve the Action Items Checklist after the removal of Item 24.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

Council members were reminded of a special joint meeting with the Planning and Zoning Commission on February 18 at 6:00 p.m. in addition to the regular meeting at 7:00 p.m.

6.0 EXECUTIVE SESSION

At 7:27 p.m. Mayor Pro Tem Davis announced that City Council would hold a closed executive meeting concerning Agenda Item 6.1, 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.

Section 551.071

6.1 Conduct an Executive Session under Section 551.071, Texas Government Code, to receive legal advice regarding legal issues associated with the city's water supply contract. (Royal)

7.0 OPEN MEETING

Mayor Pro Tem Davis reconvened the Open Meeting at 7:57 p.m. and stated that Agenda Item 6.1 had been discussed in Executive Session, but no action had been taken.

Upon motion, Mayor Pro Tem Davis adjourned the meeting at 7:57 p.m.

Seabrook City Council Regular Meeting
Minutes of February 4, 2014
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Approved this 18th day of February 2014.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary

Amended at first reading on 02/04/14

ORDINANCE NO. 2014-02
MULTI-STOP SIGN AT LAKESIDE DRIVE AND WILD OAK FOREST LANE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, CHAPTER 90 "TRAFFIC AND VEHICLES" ARTICLE I, "IN GENERAL", SECTION 90-5 "STOP SIGNS DESIGNATED"; BY REVISING NAME OF SUBSECTION (1), "FOUR WAY STOPS" TO "MULTI-WAY STOPS," AND ADDING A NEW MULTI-WAY STOP AT THE INTERSECTION OF LAKESIDE DRIVE AND WILD OAK FOREST LANE; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00), OR THE MAXIMUM AMOUNT PERMITTED BY LAW, FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND NOTICE.

WHEREAS, the City Council of the City of Seabrook, after hearing reports of concerned citizens, and after requesting evaluation by the City Engineer, has determined the need for additional multi stop signs on Lakeside Drive, at the intersections of Wild Oak Forest Lane ("Intersection"), and

WHEREAS, although not otherwise required by law, the City has required such investigations and studies as are appropriate and necessary to determine the need for the multi stops at the subject Intersection; and

WHEREAS, in accordance with the requirements of good engineering practices, the City Engineer has made such investigations and studies as are appropriate and necessary to determine the potential need for the stop signs at the subject Intersection and has rendered an opinion and evaluation approving the placement of such stops, which is attached hereto and marked Exhibit "A", and

WHEREAS, the City Council of the City of Seabrook, has determined the necessity for this Ordinance in order to preserve the health, safety and well-being of the residents, citizens and inhabitants of the municipality;

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

SECTION 1. FINDINGS OF FACT.

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

47
48 **SECTION 2. AMENDMENT TO THE CODE.**
49

50 The Seabrook City Code, Chapter 90 "Traffic and Vehicles", Article I. "In
51 General", Section 90-5 entitled "Stop Signs Designated", **[and] is amended by**
52 revising title of subsection (1) "Four-way stops," to now be entitled "Multi-way stops"
53 and adding new multi stop at Lakeside Drive and Wild Oak Forest Lane as follows:
54

55 **"Sec. 90-5. Stop Signs Designated.**
56

57 All stop signs presently in existence as of January 1, 2009 that are located on
58 city streets, as provided herein and in substantial compliance with the Texas Manual
59 on Uniform Traffic Control Devices, are hereby adopted in the Code for enforcement.
60 Any person operating an automobile or other vehicle upon the streets of the city
61 shall, prior to entering any of the intersections designated where stop signs are
62 located, come to a complete stop before proceeding into the intersection.
63

64 The City Manager shall be responsible for maintaining a current inventory of
65 all such traffic control devices. It shall not be a defense to prosecution for violating a
66 traffic control device that a sign/signal does not comply with the Texas Manual on
67 Uniform Traffic Control Devices, or that the sign/signal is not in the inventory
68 maintained by the director of public works, if (1) the sign/signal substantially
69 complied with the manual, or (2) the defendant had actual notice of the sign/signal.
70 The following traffic control devices (stop signs) are determined necessary for traffic
71 safety and in the general public interest for the health, safety and welfare of the city:
72

73 **(1) Multi-way stops [Four-way stops].** Stop signs indicating **multi-way [four-**
74 **way]** stops shall be placed at the following locations within the city:
75

76 Lakeside Drive and Hampton Springs Drive
77

78 Lakeside Drive and Scenic Shore Drive.
79

80 **Lakeside Drive and Wild Oak Forest Lane."**
81

82
83 **SECTION 3. PENALTY CLAUSE; INCLUSION INTO THE CODE.**
84

85 This Ordinance is hereby incorporated into and made a part of the Seabrook
86 City Code. Any person who shall violate any provision of this Ordinance shall be
87 deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount
88 not more than **[Five] Two** Hundred Dollars (\$200.00) per offense or the maximum
89 amount permitted by law. Each violation shall constitute a separate offense.
90
91
92

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extents 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 PUBLICATON

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 consistent with the City Code of Ordinances and Charter; the Ordinance to take effect upon publication and posting of signs in accordance with law.

SECTION 7. NOTICE BY ERECTION OF SIGNALS

This Ordinance shall not become effective until appropriate placement of stop signage to establish and provide additional notice of the establishment of the subject stop locations as provided for herein.

PASSED AND APPROVED on first reading on this 4th day of February, 2014.

PASSED, APPROVED, AND ADOPTED on second and final reading on this 18th day of February, 2014.

By: _____
Glenn Royal
Mayor

Ordinance No. 2014-02
Page 4

139
140 ATTEST:
141
142

143
144 By: _____
145 Michele L. Glaser, TRMC
146 City Secretary
147

148
149 APPROVED AS TO FORM:
150
151

152
153 By: _____
154 Steven L. Weathered
155 City Attorney
156
157
158
159

Exhibit "A"



Cobb, Fendley & Associates, Inc.

TBPE Firm Registration No. 274 | TBPLS Firm Registration No. 100467

1506 E. Broadway, Suite 201 | Pearland, TX 77581

Phone 281.993.4952 | Fax 281.993.8086

Technical Memorandum

Date	January 15, 2014
To	City of Seabrook
From	Brian Castille, PE
Subject	Lakeside Dr at Seaward Dr & Lakeside Dr at Wild Oak Forest Ln Multi-Way Stop Analysis

Introduction

Cobb, Fendley & Associates, Inc. has been requested by the City of Seabrook to provide a technical memorandum to outline the findings from the intersection analysis and the determination for the need of multi-way stop control at the intersections of Lakeside Dr at Seaward Dr and Lakeside Dr at Wild Oak Forest Ln in Seabrook, Texas.

Assumptions

For the purpose of this memorandum, Lakeside Dr is a north/south street with a posted speed limit of 30 miles per hour. Seaward Dr and Wild Oak Forest Ln are both east / west streets.

Data Collection

Data collection was performed at both intersections on December 4, 2013. It is attached to this memorandum.

Multi-Way Stop Analysis

Three different conditions were evaluated in the multi-way stop analysis which are traffic volumes, roadway characteristics and intersection sight distance. If at least one condition meets criteria set forth in the 2011 edition of the Texas Manual on Uniform Traffic Control Devices (TMUTCD), a multi-way stop is warranted. Installation of a multi-way stop is based on it being warranted and on engineering judgment.

Traffic Volumes

According to the procedures outlined in the 2011 edition of the TMUTCD, a multi-way stop is warranted when the average number of vehicles on both approaches of the major street is 300 vehicles per hour and is 200 vehicles per hour for both approaches on the minor street for those same eight hours. Due to traffic volumes at both intersections not meeting this criteria, a multi-way stop is not warranted at either intersection.

Roadway Characteristics

If two intersecting roadways are of similar design and characteristics, a multi-way stop may be warranted. Since Lakeside Dr is a collector street and both Seaward Dr and Wild Oak Forest Ln are residential streets, the design and operating characteristics are completely different. Therefore, a multi-way stop is not warranted at either intersection.

Intersection Sight Distance

A multi-way stop may be warranted at an intersection if there is an obstruction such as a fence that restricts a driver's line of sight when turning onto a roadway where cross traffic does not have to stop

at the intersection. Any potential obstructions are identified utilizing existing aerial photography and photographs taken at the site.

At the intersection of Lakeside Dr at Wild Oak Forest Ln, an intersection sight distance analysis was performed. **Figure 1** shows the view from westbound Wild Oak Forest Ln looking south on Lakeside Dr.



Figure 1 - On Westbound Wild Oak Forest Ln looking south on Lakeside Dr

An intersection sight distance analysis was performed utilizing methods outlined in the 2011 edition of the AASHTO "Green Book". In order for a driver in a passenger car to be able to turn left across Lakeside Dr and head south, it would require a clear sight distance of 335' as shown in **Figure 2**. The fence blocks the driver's view of Lakeside Dr where they do not have enough sight distance to be able to make a left turn across Lakeside Dr. Due to this, a multi-way stop is warranted and recommended for this intersection.



Figure 2 – Lakeside Dr at Wild Oak Forest Ln Sight Triangle

At the intersection of Lakeside Dr at Seaward Dr, an intersection sight distance analysis was performed. **Figure 3** shows the view from northbound Lakeside Dr looking north towards Seaward Dr.



Figure 3 - On Northbound Lakeside Dr looking North Towards Seaward Dr

An intersection sight distance analysis was performed utilizing methods outlined in the 2011 edition of the AASHTO "Green Book". In order for a driver in a passenger car to be able to turn left across Lakeside Dr and head south, it would require a clear sight distance of 375' as shown in **Figure 4**.

According to the analysis, the sight triangle is clear of the edge of the fence on the northeast corner and does not block a driver's view of Lakeside Dr. According to the analysis, they have enough sight distance to be able to make a left turn across Lakeside Dr. Due to this, a multi-way stop is not warranted on intersection sight distance and is not recommended for this intersection. Other intersection sight distance conditions were looked at for this location but this was the condition that was closest to having obstructions within the sight triangle.

Full results of the multi-way stop analysis are attached to this report.

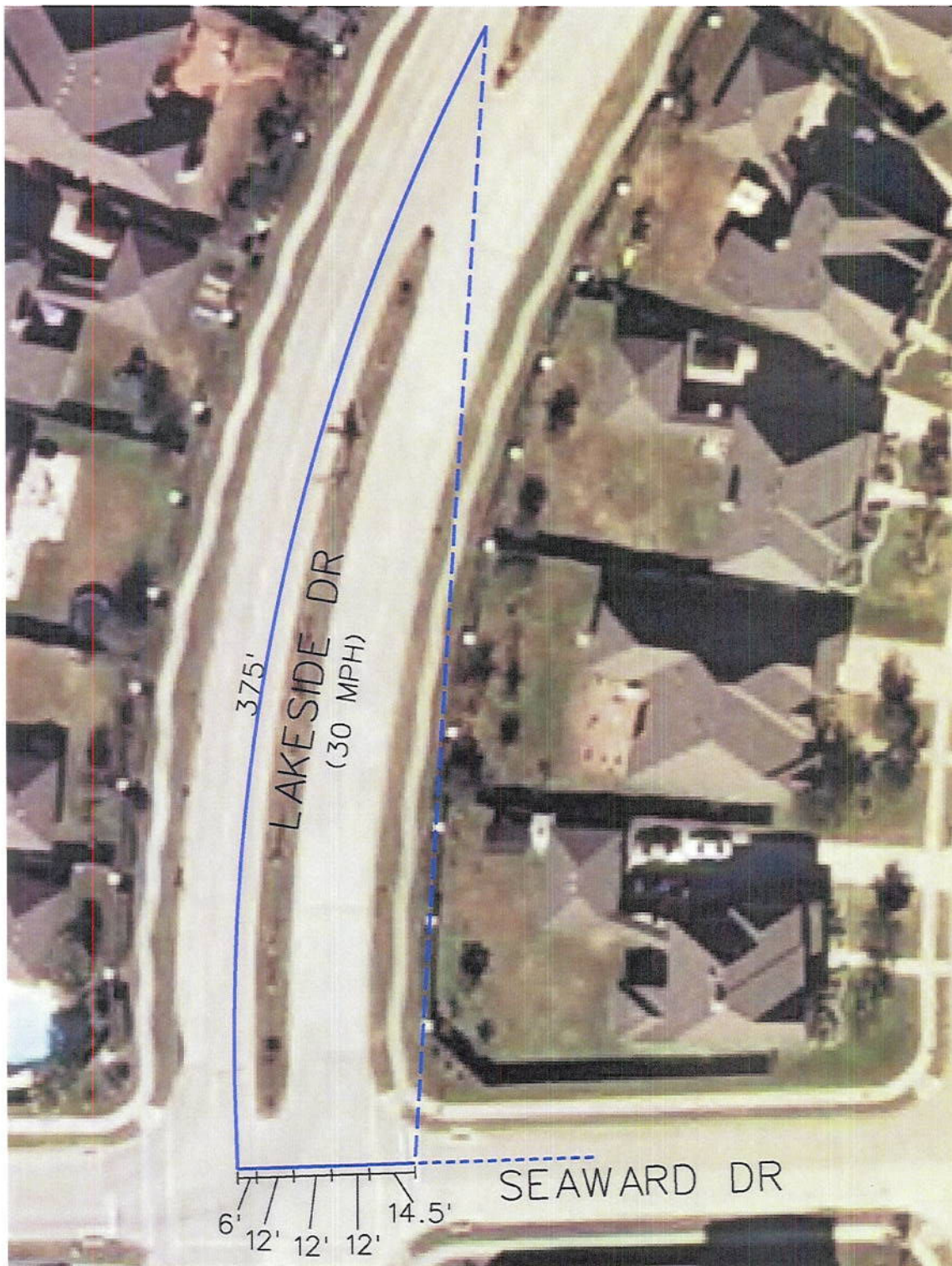


Figure 4 – Lakeside Dr at Seaward Dr Sight Triangle

Lakeside Dr
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Conclusion

Based on the analysis in this memorandum, a multi-way stop is warranted and recommended for the intersection of Lakeside Dr at Wild Oak Forest Ln. A multi-way stop is not warranted and is not recommended for the intersection of Lakeside Dr at Seaward Dr.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Castille".

Brian Castille, PE



A handwritten signature in blue ink, appearing to read "B. Castille".

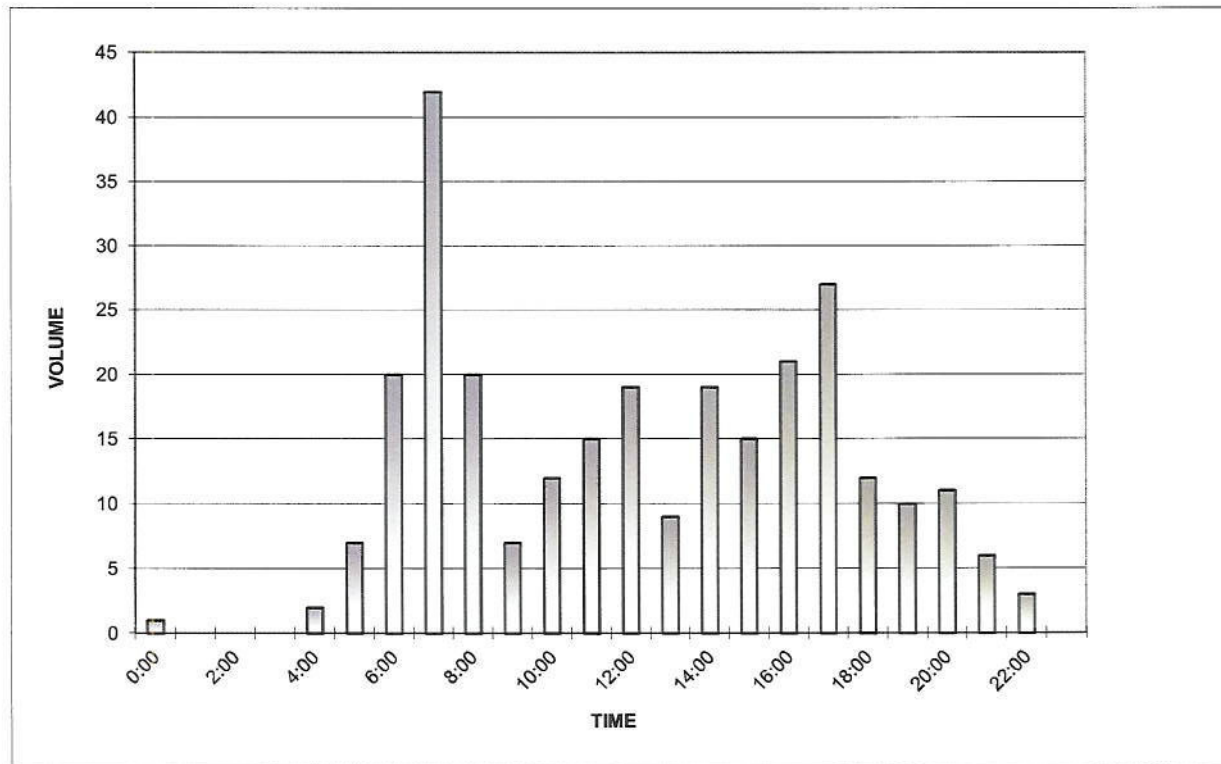
1-15-14

Date Began:
12/4/2013

Westbound Wild Oak Forest Lane east of Lakeside Drive

TIME	0:00	0:15	0:30	0:45	TOTAL
0:00	0	0	1	0	1
1:00	0	0	0	0	0
2:00	0	0	0	0	0
3:00	0	0	0	0	0
4:00	0	0	0	2	2
5:00	0	0	5	2	7
6:00	3	4	6	7	20
7:00	10	13	7	12	42
8:00	3	5	4	8	20
9:00	4	0	2	1	7
10:00	1	3	2	6	12
11:00	7	7	0	1	15
12:00	5	4	2	8	19
13:00	0	4	1	4	9
14:00	7	6	2	4	19
15:00	10	1	3	1	15
16:00	3	4	6	8	21
17:00	9	9	4	5	27
18:00	5	2	4	1	12
19:00	0	3	3	4	10
20:00	4	1	1	5	11
21:00	4	0	1	1	6
22:00	1	2	0	0	3
23:00	0	0	0	0	0
TOTAL:					278

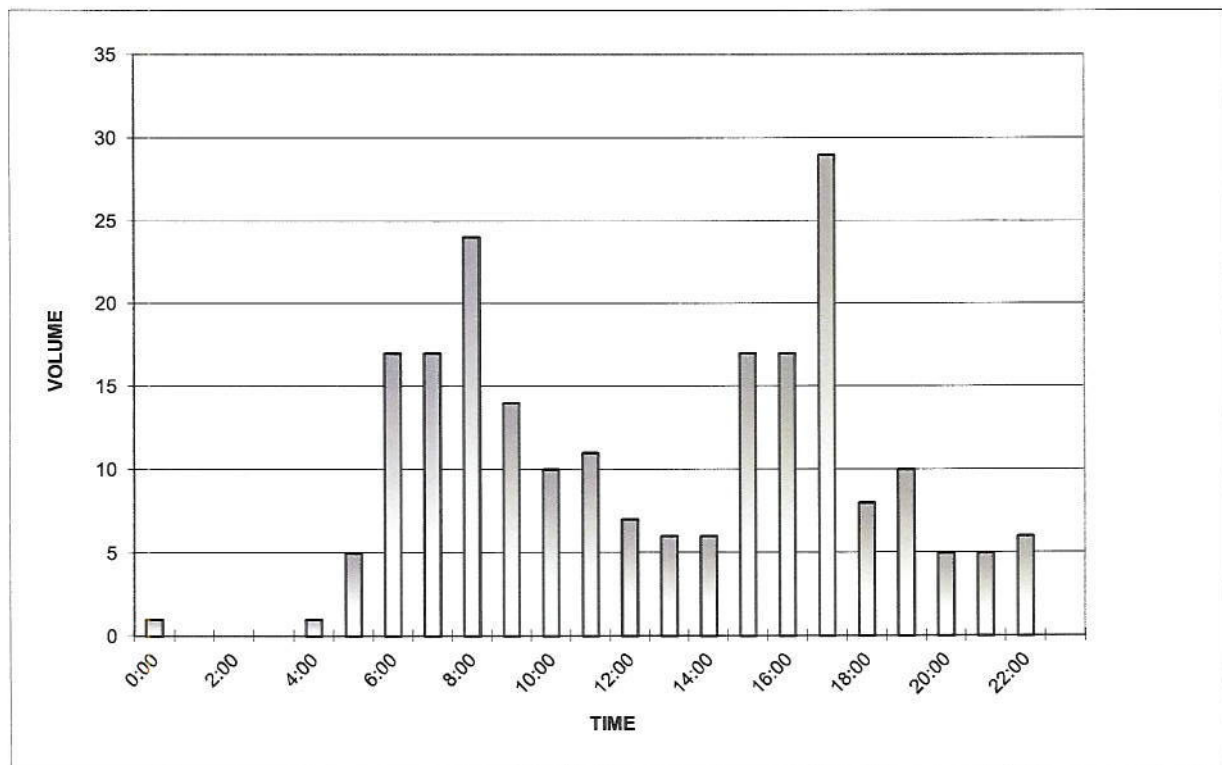
The A.M. peak hour from 7:00 to 8:00 is 42
The P.M. peak hour from 16:30 to 17:30 is 32



Date Began:
12/4/2013

Westbound Seaward Drive east of Lakeside Drive					
TIME	0:00	0:15	0:30	0:45	TOTAL
0:00	1	0	0	0	1
1:00	0	0	0	0	0
2:00	0	0	0	0	0
3:00	0	0	0	0	0
4:00	0	1	0	0	1
5:00	0	2	3	0	5
6:00	2	1	10	4	17
7:00	5	5	5	2	17
8:00	5	2	12	5	24
9:00	5	4	5	0	14
10:00	1	2	5	2	10
11:00	4	1	4	2	11
12:00	1	2	3	1	7
13:00	1	2	2	1	6
14:00	0	0	3	3	6
15:00	4	6	2	5	17
16:00	2	4	7	4	17
17:00	9	2	9	9	29
18:00	1	4	2	1	8
19:00	2	2	2	4	10
20:00	0	0	3	2	5
21:00	1	0	2	2	5
22:00	2	2	1	1	6
23:00	0	0	0	0	0
TOTAL:					216

The A.M. peak hour from 8:30 to 9:30 is 26
The P.M. peak hour from 17:00 to 18:00 is 29



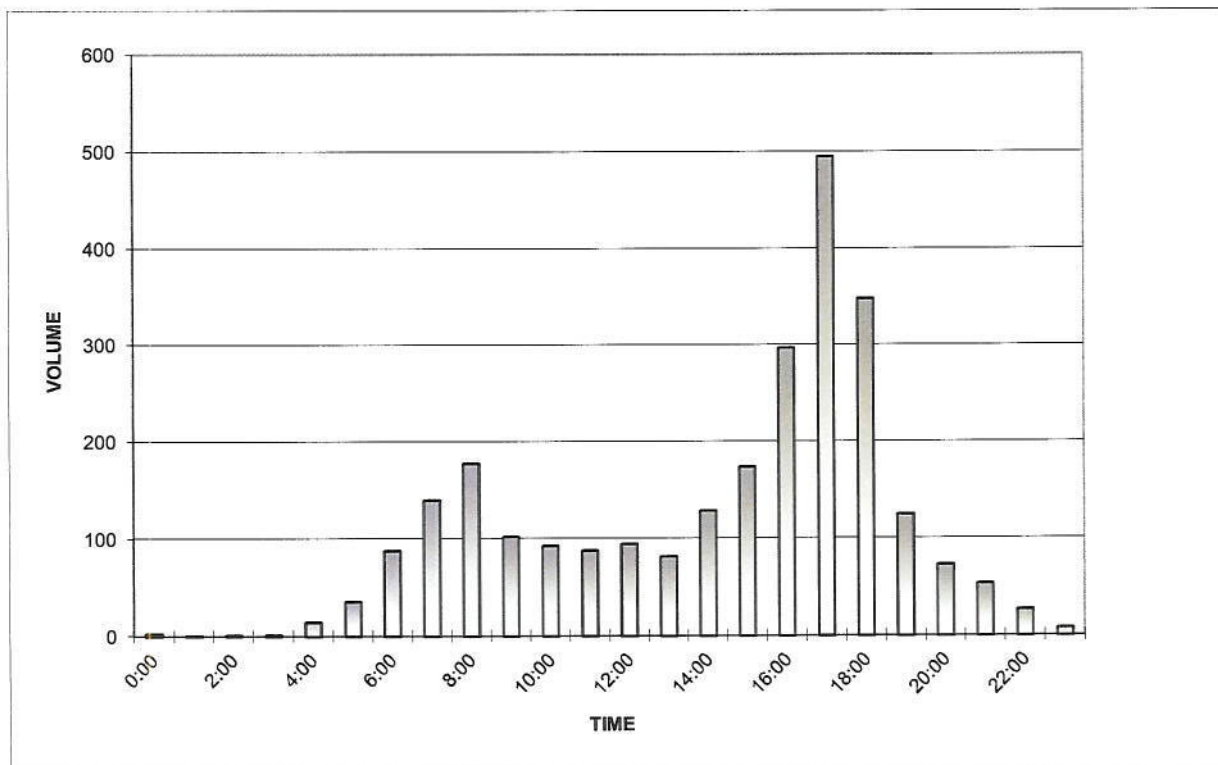
Date Began:
12/4/2013

Southbound Lakeside Drive north of Wild Oak Forest Lane

TIME	0:00	0:15	0:30	0:45	TOTAL
0:00	2	0	1	0	3
1:00	0	1	0	0	1
2:00	1	1	0	0	2
3:00	0	0	1	1	2
4:00	0	1	4	10	15
5:00	5	8	12	11	36
6:00	6	14	31	37	88
7:00	34	34	26	46	140
8:00	45	45	48	40	178
9:00	30	25	26	21	102
10:00	22	24	25	22	93
11:00	21	23	16	28	88
12:00	29	22	18	26	95
13:00	22	23	16	21	82
14:00	30	26	28	45	129
15:00	39	35	39	61	174
16:00	50	72	84	91	297
17:00	123	119	128	125	495
18:00	125	118	66	39	348
19:00	33	31	34	27	125
20:00	12	21	24	16	73
21:00	13	16	15	10	54
22:00	10	6	8	3	27
23:00	2	3	0	3	8
TOTAL:					2655

The A.M. peak hour from 7:45 to 8:45 is 184

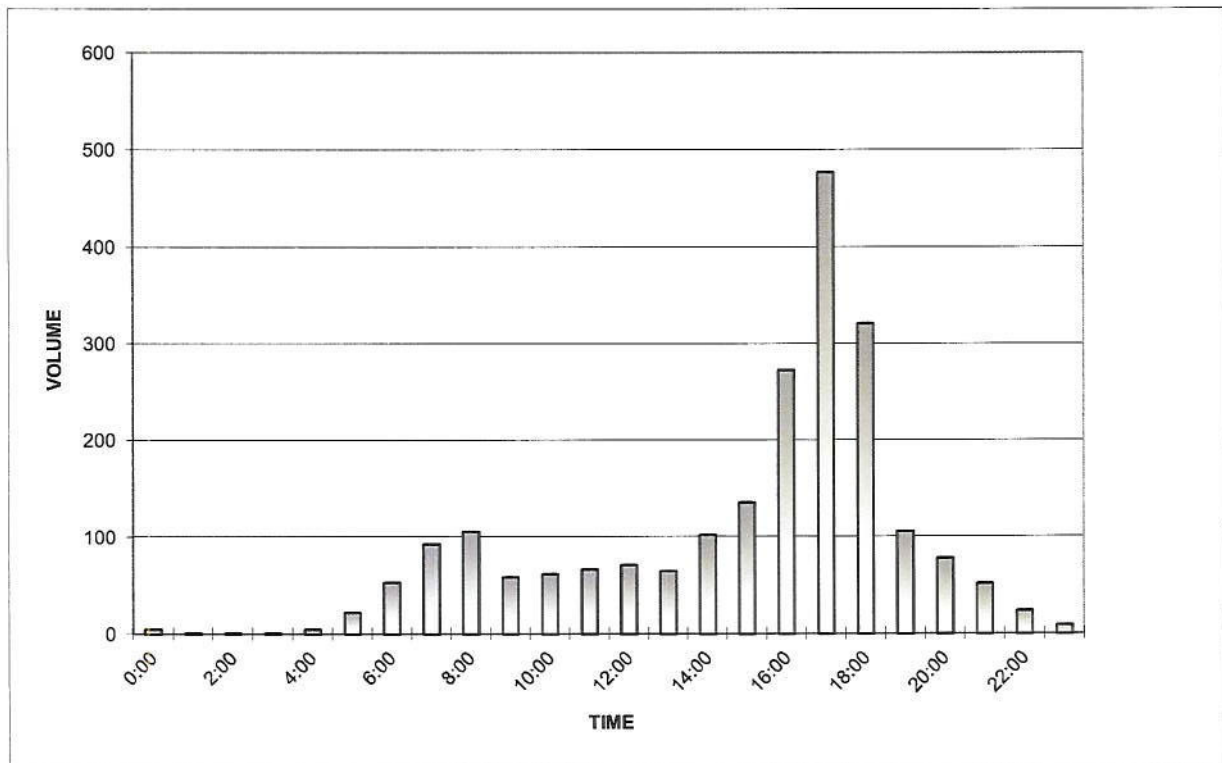
The P.M. peak hour from 17:15 to 18:15 is 497



Date Began:
12/4/2013

Southbound Lakeside Drive north of Seaward Drive					
TIME	0:00	0:15	0:30	0:45	TOTAL
0:00	2	1	1	1	5
1:00	0	0	0	1	1
2:00	1	0	0	0	1
3:00	0	0	1	0	1
4:00	0	0	2	3	5
5:00	5	4	6	7	22
6:00	4	8	21	20	53
7:00	22	23	21	27	93
8:00	23	34	26	23	106
9:00	19	13	13	14	59
10:00	16	12	17	17	62
11:00	17	18	14	18	67
12:00	17	22	12	20	71
13:00	13	21	17	14	65
14:00	23	21	23	35	102
15:00	24	30	36	46	136
16:00	50	62	75	86	273
17:00	117	124	115	121	477
18:00	122	105	56	38	321
19:00	28	23	32	23	106
20:00	16	21	23	18	78
21:00	11	19	13	9	52
22:00	7	6	8	3	24
23:00	2	4	2	1	9
TOTAL:					2189

The A.M. peak hour from 7:45 to 8:45 is 110
The P.M. peak hour from 17:15 to 18:15 is 482



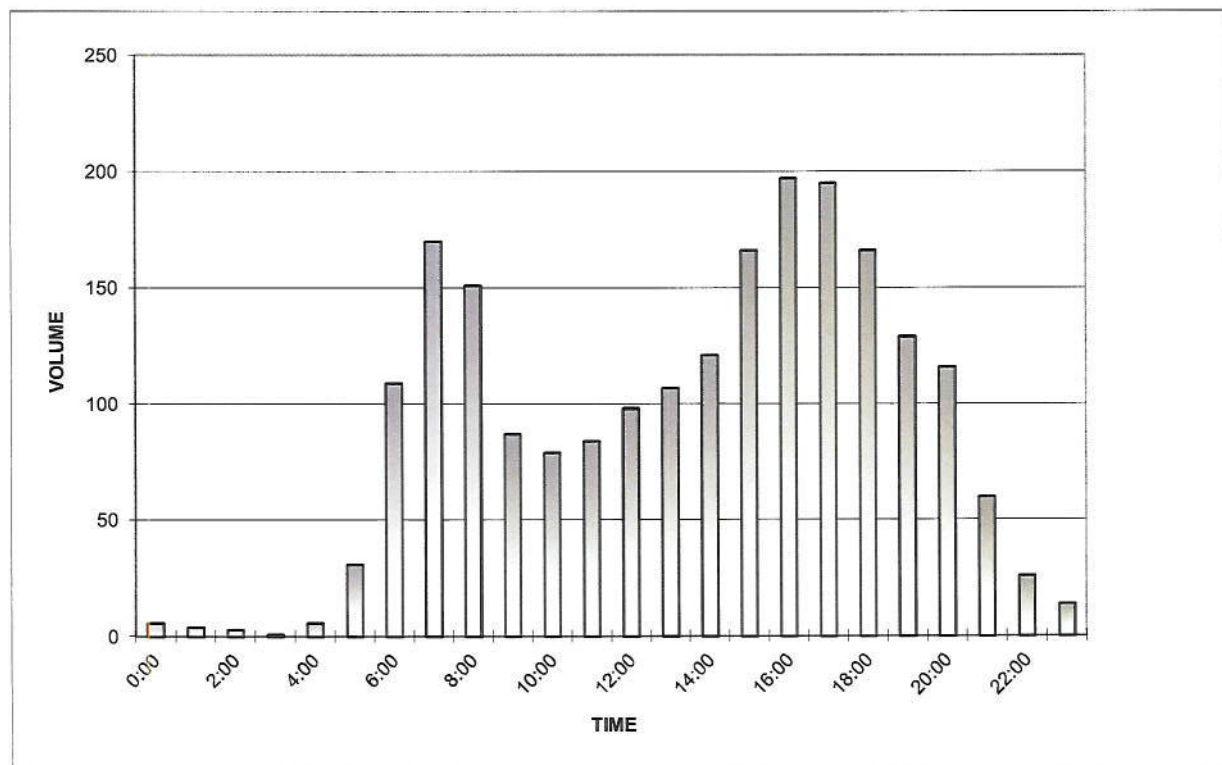
Date Began:
12/4/2013

Northbound Lakeside Drive south of Wild Oak Forest Lan:

TIME	0:00	0:15	0:30	0:45	TOTAL
0:00	1	2	3	0	6
1:00	0	0	3	1	4
2:00	1	0	2	0	3
3:00	1	0	0	0	1
4:00	2	4	0	0	6
5:00	3	5	11	12	31
6:00	16	28	32	33	109
7:00	35	55	39	41	170
8:00	43	41	37	30	151
9:00	37	15	17	18	87
10:00	19	19	22	19	79
11:00	23	27	14	20	84
12:00	25	24	22	27	98
13:00	21	25	25	36	107
14:00	27	28	35	31	121
15:00	36	48	42	40	166
16:00	37	57	44	59	197
17:00	47	44	53	51	195
18:00	46	40	39	41	166
19:00	33	31	31	34	129
20:00	31	29	29	27	116
21:00	26	16	9	9	60
22:00	6	9	6	5	26
23:00	5	5	3	1	14
TOTAL:					2126

The A.M. peak hour from 7:15 to 8:15 is 178

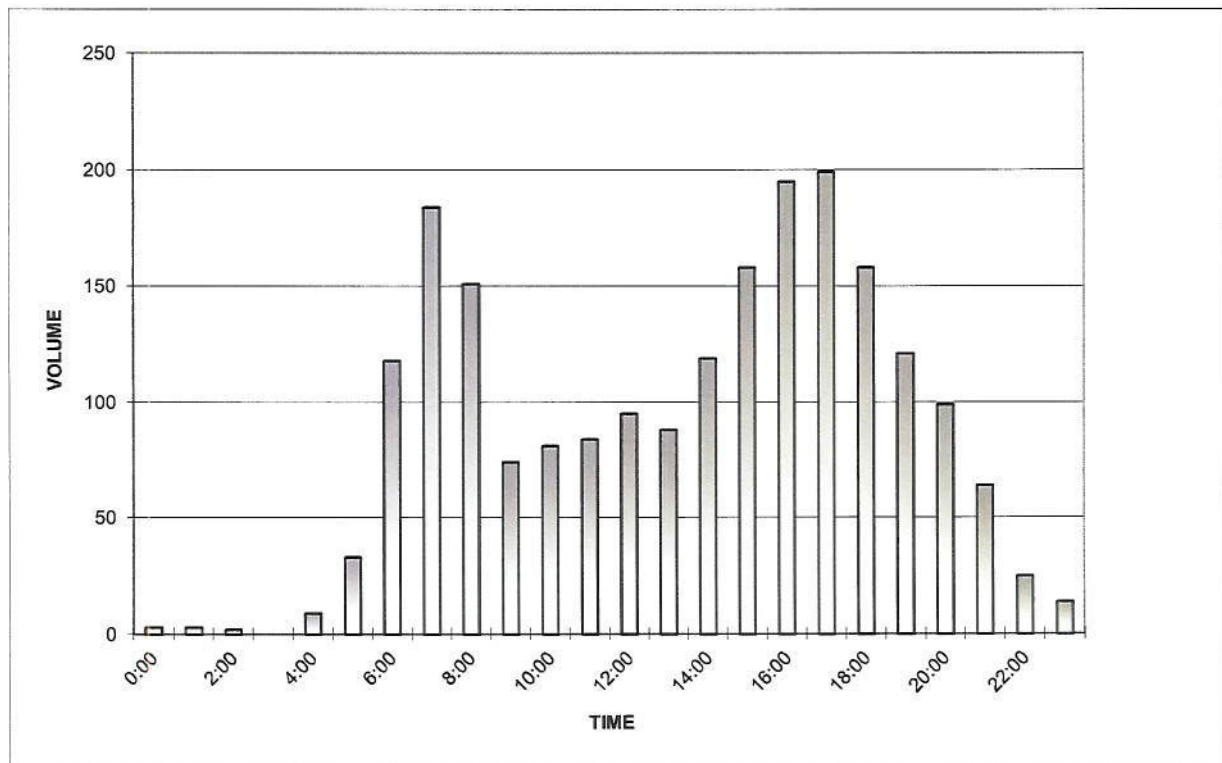
The P.M. peak hour from 16:15 to 17:15 is 207



Date Began:
12/4/2013

Northbound Lakeside Drive south of Seaward Drive					
TIME	0:00	0:15	0:30	0:45	TOTAL
0:00	0	1	2	0	3
1:00	0	0	2	1	3
2:00	0	0	2	0	2
3:00	0	0	0	0	0
4:00	2	4	0	3	9
5:00	1	4	14	14	33
6:00	17	29	37	35	118
7:00	40	61	44	39	184
8:00	43	45	33	30	151
9:00	26	14	21	13	74
10:00	20	22	20	19	81
11:00	22	27	16	19	84
12:00	25	24	19	27	95
13:00	20	26	24	18	88
14:00	29	28	35	27	119
15:00	33	44	45	36	158
16:00	38	56	42	59	195
17:00	47	43	54	55	199
18:00	44	36	39	39	158
19:00	31	30	31	29	121
20:00	28	24	24	23	99
21:00	27	18	10	9	64
22:00	6	7	6	6	25
23:00	5	5	3	1	14
TOTAL:					2077

The A.M. peak hour from 7:15 to 8:15 is 187
The P.M. peak hour from 16:15 to 17:15 is 204



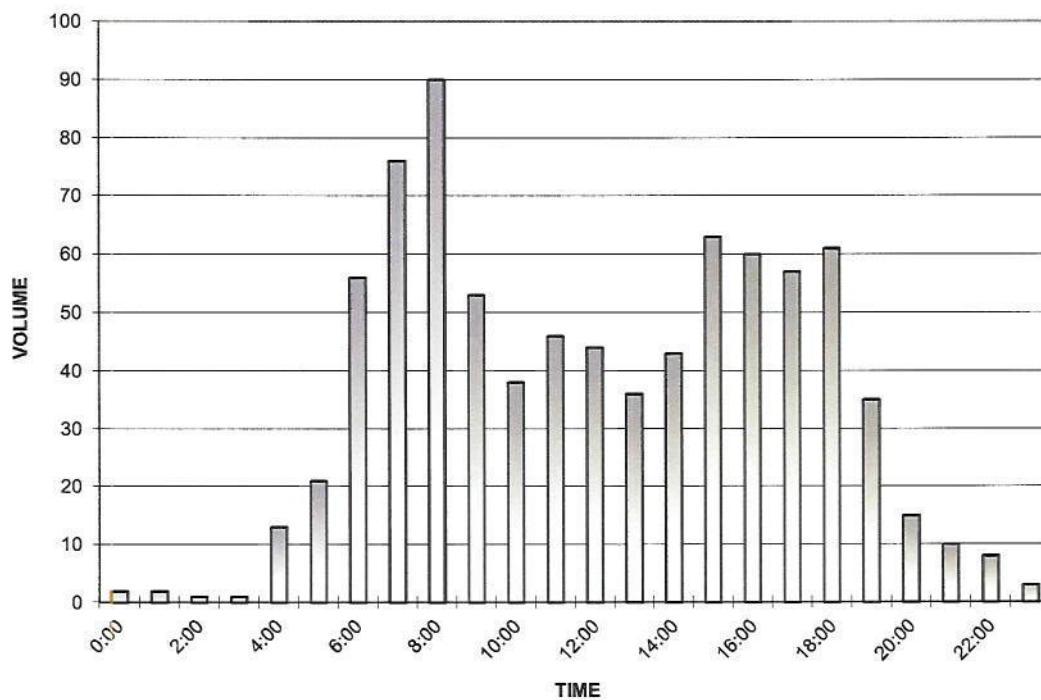
Date Began:
12/4/2013

Eastbound Seaward Drive west of Lakeside Drive

TIME	0:00	0:15	0:30	0:45	TOTAL
0:00	0	1	0	1	2
1:00	1	1	0	0	2
2:00	0	1	0	0	1
3:00	0	0	0	1	1
4:00	1	2	3	7	13
5:00	1	5	8	7	21
6:00	10	11	12	23	56
7:00	17	25	10	24	76
8:00	27	14	27	22	90
9:00	16	14	11	12	53
10:00	8	16	5	9	38
11:00	16	7	11	12	46
12:00	15	10	12	7	44
13:00	11	7	7	11	36
14:00	9	14	11	9	43
15:00	17	14	11	21	63
16:00	12	15	14	19	60
17:00	14	9	19	15	57
18:00	19	19	14	9	61
19:00	15	11	6	3	35
20:00	4	4	3	4	15
21:00	1	3	4	2	10
22:00	2	3	1	2	8
23:00	2	0	0	1	3
TOTAL:					834

The A.M. peak hour from 7:45 to 8:45 is 92

The P.M. peak hour from 17:30 to 18:30 is 72



Traffic Survey — Count Analysis

Traffic Survey — Count Analysis

TMUTCD Multi-Way Stop Warrants

County: HarrisDistrict: N/ACity: SeabrookPopulation: >10,000Survey Date: 12/4/13

	Route #	Name	Approach Lanes	85% Speed
Major		Lakeside Dr	2 lanes	30 mph
Minor		Wild Oak Forest Ln	1 lane	xx mph

Eight Highest Hours: Include the same 8 hours for the Major and Minor St. volumes.

Time Ends	Major St. Both Approaches	Minor St. Both Approaches			Comments:
	Veh. Total	Veh. Total	Bike Total	Ped. Total	
1st	310	42	-	-	Due to sight distance restrictions for the westbound Wild Oak Forest Ln approach, multi-way stop control is recommended for this intersection.
2nd	690	27	-	-	
3rd	494	21	-	-	
4th	329	20	-	-	
5th	197	20	-	-	
6th	250	19	-	-	
7th	193	19	-	-	
8th	340	15	-	-	
Average	351	23	-	-	

Average Vehicle Volume

Average Vehicles Per Hour on Major St (Total of Both Approaches)				Average Units Per Hour on Minor St (Total of Both Approaches)			
Required			Existing 117.0%	Required			Existing 11.5%
100%	80%	70%		100%	80%	70%	
300	240	210	351	200	160	140	23

Eight Hour Vehicular Volume Average Warrant

- ☐ Yes ☒ No Meets 100% of eight-hour average vehicle volume on major street and minor street.
- or -
- ☐ Yes ☒ No Meets 70% of eight-hour average vehicle volume on major street and minor street, and major street 85th percentile speed exceeds 40 mph.
- or -
- ☐ Yes ☐ No Meets 80% of eight-hour average vehicle volume on major street and minor street, and there have been 4 or more crashes susceptible to correction by a traffic signal in a 12 month period.

Interim Condition Warrant

☐ Yes ☒ No Is a traffic signal warranted and are arrangements being made for its installation?

Crash Experience Warrant

☐ Yes ☒ No Have there been more than 5 crashes susceptible to correction by a traffic signal in 12 months?

Other Considerations

- ☐ Yes ☒ No Is there a need to control left-turn conflicts?
- ☐ Yes ☒ No Is there a need to control vehicle/pedestrian conflicts and is the intersection near a location generating high pedestrian volumes?
- ☒ Yes ☐ No Is a road user, after stopping, unable to see conflicting traffic and is unable to reasonably safely negotiate the intersection unless conflicting cross traffic is also required to stop?
- ☐ Yes ☒ No Is the intersection composed of two residential neighborhood collector streets of similar design and operating characteristics where multi-way stop control would improve operations?

Traffic Survey — Count Analysis

Traffic Survey — Count Analysis

TMUTCD Multi-Way Stop Warrants

County: HarrisDistrict: N/ACity: SeabrookPopulation: >10,000Survey Date: 12/4/13

	Route #	Name	Approach Lanes	85% Speed
Major		Lakeside Dr	2 lanes	30 mph
Minor		Seaward Dr	1 lane	xx mph

Eight Highest Hours: Include the same 8 hours for the Major and Minor St. volumes.

Time Ends	Major St. Both Approaches	Minor St. Both Approaches			Comments:
	Veh. Total	Veh. Total	Bike Total	Ped. Total	
1st	257	114	-	-	Multi-way stop control is NOT recommended for this intersection.
2nd	277	93	-	-	
3rd	676	86	-	-	
4th	294	80	-	-	
5th	468	77	-	-	
6th	171	73	-	-	
7th	479	69	-	-	
8th	133	67	-	-	
Average	345	83	-	-	

Average Vehicle Volume

Average Vehicles Per Hour on Major St (Total of Both Approaches)				Average Units Per Hour on Minor St (Total of Both Approaches)			
Required			Existing	Required			Existing
100%	80%	70%	115.0%	100%	80%	70%	41.5%
300	240	210	345	200	160	140	83

Eight Hour Vehicular Volume Average Warrant

☐ Yes ☒ No Meets 100% of eight-hour average vehicle volume on major street and minor street.

— or —

☐ Yes ☒ No Meets 70% of eight-hour average vehicle volume on major street and minor street, and major street 85th percentile speed exceeds 40 mph.

— or —

☐ Yes ☒ N/A No Meets 80% of eight-hour average vehicle volume on major street and minor street, and there have been 4 or more crashes susceptible to correction by a traffic signal in a 12 month period.

Interim Condition Warrant

☐ Yes ☒ N/A No Is a traffic signal warranted and are arrangements being made for its installation?

Crash Experience Warrant

☐ Yes ☒ N/A No Have there been more than 5 crashes susceptible to correction by a traffic signal in 12 months?

Other Considerations

☐ Yes ☒ No Is there a need to control left-turn conflicts?

☐ Yes ☒ N/A No Is there a need to control vehicle/pedestrian conflicts and is the intersection near a location generating high pedestrian volumes?

☐ Yes ☒ No Is a road user, after stopping, unable to see conflicting traffic and is unable to reasonably safely negotiate the intersection unless conflicting cross traffic is also required to stop?

☐ Yes ☒ No Is the intersection composed of two residential neighborhood collector streets of similar design and operating characteristics where multi-way stop control would improve operations?

EXHIBIT "A"



Cobb, Fendley & Associates, Inc.

TBPE Firm Registration No. 274 | TBPLS Firm Registration No. 100467

1506 E. Broadway, Suite 201 | Pearland, TX 77581

Phone 281.993.4952 | Fax 281.993.8086

Technical Memorandum

Date January 15, 2014
To City of Seabrook
From Brian Castille, PE
Subject El Mar Speed Analysis

Introduction

Cobb, Fendley & Associates, Inc. has been requested by the City of Seabrook to provide a technical memorandum to outline the findings from the speed analysis on El Mar Ln in between Bahama Dr and N Meyer Ave in Seabrook, Texas.

Existing Conditions

For the purpose of this memorandum, El Mar Ln is an east/west street with a posted speed limit of 20 miles per hour in between Bahama Dr and N Meyer Ave, which are north/south streets. El Mar Ln is two lanes in each direction separated by open ditch drainage. Pavement is Portland cement concrete with curb and gutter. The outside lane in both directions allows for on street parking. See **Figure 1** below.

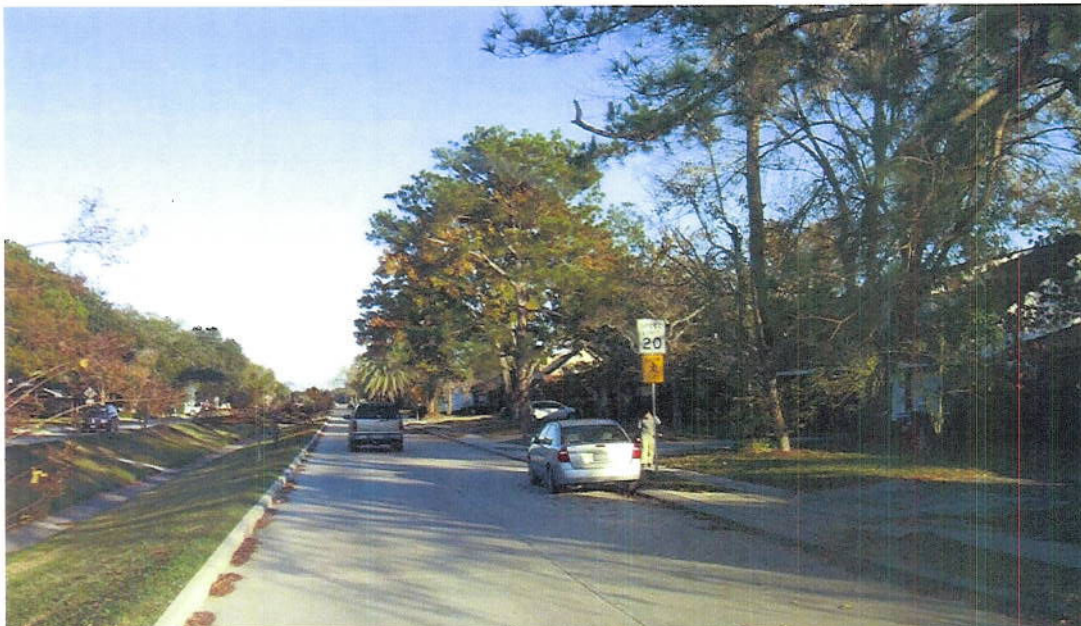


Figure 1 – El Mar Ln (One Direction) in between Bahama Dr and Nassau Dr

Data Collection

Data collection was performed on December 3, 2013. It is attached to this memorandum.

Speed Analysis

According to the data collected, the 85th percentile speed on El Mar Ln in between Bahama Dr and Nassau Dr (in between Bahama Dr and N Meyer Ave) is 32 mph for eastbound and 33 mph for westbound.

According to Title 43, Part 1, Chapter 25, Subchapter B, Rule §25.23 (d), (5), (A) of the Texas Administrative Code,

"The posted speed selected is the nearest value ending in 5 or 0. The final speed limit may be lowered or raised by as much as 5 miles per hour from the 85th percentile speed or trial-run speed (performed if 125 cars cannot be checked during the two or four hour speed check) based on the professional judgment of the supervising engineer. Only under special conditions would the zone speed vary further from the 85th percentile. Explanations of such conditions follow."

Based on this, the posted speed limit on El Mar Ln would be 30 mph in both directions. However, according to page 3-19 of the TxDOT *Procedures for Establishing Speed Zones* Manual, the posted speed limit may be reduced by as much as 10 miles per hour below the 85th percentile speed due to the high driveway density along El Mar Ln. Therefore, the lowest speed limit allowable by staying within 10 mph of the 85th percentile speed would be 25 mph in both directions.

School Zone Speed Limit

According to Title 43, Part 1, Chapter 25, Subchapter B, Rule §25.23 of the Texas Administrative Code,

When the results of a speed study indicate an 85th percentile speed at or below 50 miles per hour, the reduced school speed limit should not be more than 15 miles per hour below the 85th percentile speed or normal posted speed limits.

Factual studies, reason, and sound engineering judgment should govern the final decision on the maximum deviation from the 85th percentile speed which will provide a reasonable and prudent speed limit.

In this case, the 85th percentile speeds are 32 mph and 33 mph for eastbound and westbound respectively. The lowest allowable school zone speed limit that stays within 15 mph of the 85th percentile speed would be 20 mph in both directions. This is also the existing school zone speed limit on N Meyer Ave.

Conclusion

Based on the analysis in this memorandum, the following would be allowed according to the Texas Administrative Code and TxDOT *Procedures for Establishing Speed Zones* Manual:

- Lowest allowable posted speed limit on El Mar Ln in between Bahama Dr and N Meyer Ave is 25 mph.
- Lowest allowable school zone speed on El Mar Ln in between Bahama Dr and N Meyer Ave is 20 mph, which is also the existing school zone speed limit on N Meyer Ave.

The limits for a school zone are determined using standards set forth in the 2011 edition of the Texas Manual on Uniform Traffic Control Devices (TMUTCD), the Texas Administrative Code and Engineering Judgment. **Figure 2** provides potential sign locations for a school zone along El Mar

El Mar Ln
Page 3 of 3



Ln. The length of the school zone shown is from 200' west of the crosswalk adjacent to the school to N Meyer Ave. The total distance of the school zone shown is approximately 750' which is an acceptable length according to the Texas Administrative Code.

The 20 mph school zone speed limit shown is from 7:30am to 9:30am in the morning and 2:45pm to 4:45pm in the afternoon. These times shown are directly from the City of Seabrook as depicted in City Ordinance No. 2010-23 for Seabrook Intermediate School. If school operating times are adjusted, the school zone times shown on the "S4-1P" plaque would need to be adjusted in order to conform to the Texas Administrative Code.



Figure 2 – Potential Sign Locations on El Mar Ln

Sincerely,

Brian Castille, PE



1-15-19

RADAR MOTOR VEHICLE SPEED
Field Tally Sheet

Form 1882
(Rev. 02/12)

Date: 12/3/2013 County: Harris
Time:
(from): 9:00 AM (to): 3:00 PM
Surface Type: Concrete

Roadway: El Mar Lane Location:
Between Bahama Drive and Nassau Drive
Weather: Clear
Surface Condition: Dry: Smooth:

AUTOMOBILES		
mph	Direction: West Bound	Total
>80		0
79		0
78		0
77		0
76		0
75		0
74		0
73		0
72		0
71		0
70		0
69		0
68		0
67		0
66		0
65		0
64		0
63		0
62		0
61		0
60		0
59		0
58		0
57		0
56		0
55		0
54		0
53		0
52		0
51		0
50		0
49		0
48		0
47		1
46		0
45		0
44		1
43		0
42		0
41		1
40		2
39		0
38		2
37		5
36		11
35		11
34		12
33		16
32		16
31		19
<30		212
TOTAL		309

85th Percentile Automobile 263
85th Percentile Speed(mph) 33

AUTOMOBILES		
mph	Direction:	Total
>80		
79		
78		
77		
76		
75		
74		
73		
72		
71		
70		
69		
68		
67		
66		
65		
64		
63		
62		
61		
60		
59		
58		
57		
56		
55		
54		
53		
52		
51		
50		
49		
48		
47		
46		
45		
44		
43		
42		
41		
40		
39		
38		
37		
36		
35		
34		
33		
32		
31		
<30		
TOTAL		

85th Percentile Automobile
85th Percentile Speed(km/h)

RADAR MOTOR VEHICLE SPEED
Field Tally Sheet

Form 1882
(Rev. 02/12)

Date: 12/3/2013 County: Harris
Time (from): 9:00 AM (to): 3:00 PM
Surface Type: Concrete

Roadway: El Mar Lane Location: Between Bahama Drive and Nassau Drive
Weather: Clear
Surface Condition: Dry: Smooth:

AUTOMOBILES		
Direction:	East Bound	Total
mph		
>80		0
79		0
78		0
77		0
76		0
75		0
74		0
73		0
72		0
71		0
70		0
69		0
68		0
67		0
66		0
65		0
64		0
63		0
62		0
61		0
60		0
59		0
58		0
57		0
56		0
55		0
54		0
53		0
52		1
51		0
50		0
49		0
48		0
47		1
46		0
45		0
44		0
43		0
42		0
41		0
40		1
39		0
38		5
37		5
36		2
35		7
34		6
33		15
32		18
31		19
<30		243
TOTAL		323

85th Percentile Automobile
85th Percentile Speed(mph) 32

AUTOMOBILES		
Direction:		Total
mph		
>80		
79		
78		
77		
76		
75		
74		
73		
72		
71		
70		
69		
68		
67		
66		
65		
64		
63		
62		
61		
60		
59		
58		
57		
56		
55		
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53		
52		
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50		
49		
48		
47		
46		
45		
44		
43		
42		
41		
40		
39		
38		
37		
36		
35		
34		
33		
32		
31		
<30		
TOTAL		

85th Percentile Automobile
85th Percentile Speed(km/h)

ORDINANCE NO. 2014-03

**DESIGNATION OF A SPEED LIMIT AND SCHOOL ZONE
ON EL MAR LANE**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 90 "TRAFFIC AND VEHICLES" ARTICLE II, "SPEED RESTRICTIONS", TO PROVIDE FOR NEW SPEED LIMITS ON EL MAR LANE, BY AMENDING SECTION 90-31, "ENUMERATION OF LIMITS," SUBSECTION (2) "EXCEPTIONS" ESTABLISHING A SPEED LIMIT OF 25 MILES PER HOUR FOR EL MAR LANE BETWEEN BAHAMA DRIVE AND NORTH MEYER AVE; SECTION 90-32 "SCHOOL ZONES" SUBSECTION "A," "TWENTY MILES PER HOUR DURING DESIGNATED TIMES," ESTABLISHING A SCHOOL ZONE AND SPEED OF 20 MILES PER HOUR ON THE PORTION OF EL MAR LANE FROM 200 FEET WEST OF THE CROSSWALK ADJACENT TO SCHOOL TO NORTH MEYER AVE, A DISTANCE OF APPROXIMATELY 750 FEET, FOR VEHICLES AS ESTABLISHED AND POSTED BY THE CITY OF SEABROOK; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, El Mar Lane is a city street within the corporate limits of the City of Seabrook; and

WHEREAS, heretofore previously, although not otherwise required by law, the City Engineer has, in accordance with the requirements of good engineering practices, made such investigations and studies as are appropriate and necessary to determine the adequacy of speed regulations in relation to specific locations of El Mar Lane and has rendered an opinion and evaluation as attached hereto and marked Exhibit "A" and incorporated by reference; and

WHEREAS, the City Engineer has recommended that the City of Seabrook City Council adopt this Ordinance setting speed limits as provided by the Manual of Uniform Traffic Control Devices published by the Texas Department of Transportation (TxDOT) by revising the posted speed limit on El Mar Lane, between Bahama Drive and North Meyer Ave, to 25 miles per hour, and additionally, creating a school zone and speed limit of 20 miles per hour from 200 feet west of the crosswalk adjacent to school to North Meyer Ave, a distance of approximately 750 feet, as described in Exhibit "A"; and

WHEREAS, the City Council of the City of Seabrook has determined the necessity for this Ordinance establishing the subject speed limit and creating a new school zone and speed limit by revising Sections 90-31 and 90-32,

Ordinance No. 2014-03
Creating Speed Zones on El Mar
Page 2

respectively for such purpose, providing for penalties for conviction for violation in accordance therewith pursuant to the Code of Ordinances of the City of Seabrook (Code); and

WHEREAS, the City Council of the City of Seabrook has determined the necessity for this Ordinance in order to preserve the health, safety and well-being of the residents, citizens and inhabitants of the municipality;

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

SECTION 1. FINDINGS OF FACT.

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.

The Seabrook City Code, Chapter 90 "Traffic and Vehicles", Article II. "Speed Restrictions", Section 90-32 "Enumeration of Limits.", Subsection "(b)", "Exceptions," is hereby amended as follows:

"ARTICLE II. SPEED RESTRICTIONS

Sec. 90-31. Enumeration of Limits.

- (1) *Maximum speed limit established.* The maximum speed limit on any road, street, avenue, boulevard or highway within the city limits shall be 30 miles per hour, unless specifically excepted by this section.
- (2) *Exceptions.* Notwithstanding the provisions of subsection (a)[1] of this section, the maximum speed limits on the following roads, streets, boulevards and highways or portions of same, shall be as follows:

NASA Parkway (formerly NASA Road 1 or F.M. 528), for its entire length within the city, being from the western city limits to its intersection with State Highway 146, 45 miles per hour.

Red Bluff Road, from the west city limits to State Highway 146, a distance of approximately 0.90 mile, 45 miles per hour.

Red Bluff Road, from a point 400 feet west of Park Drive to Todville Road, 35 miles per hour.

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Creating Speed Zones on El Mar
Page 3

Repsdorph Road, for its entire length, a distance of 1.40 miles, 35 miles per hour.

SH 146 from the northern limits of the city to 1,367 feet north of Repsdorph Road, a distance of approximately 1.369 miles, 50 miles per hour.

SH 146 from 1,367 feet north of Repsdorph Road to the centerline of Third Street, a distance of approximately 1.000 mile, 35 miles per hour.

SH 146 from the centerline of Third Street to the southern limits of the City of Seabrook, a distance of approximately 0.902 miles, 45 miles per hour.

Todville Road, from a point 600 feet north of East Meyer Avenue to the north city limits, a distance of 1.60 miles, 35 miles per hour.

El Mar Lane, between Bahama Drive and North Meyer Ave of 25 miles per hour.

SECTION 3. AMENDMENT TO THE CODE.

The Seabrook City Code, Chapter 90 "Traffic and Vehicles", Article II. "Speed Restrictions", Section 90-32 "School Zones" subsection "(a)", "Twenty miles per hour during designated times." is hereby amended as follows:

"ARTICLE II. SPEED RESTRICTIONS

Sec. 90-32. School zones.

- (a) *Twenty miles per hour during designated times.* The following streets and roads are hereby designated school zones, within which school zones it shall be unlawful to operate any motor vehicle at any speed in excess of 20 miles per hour, between the hours of 7:30 a.m. until 9:30 a.m. and from 2:45 p.m. until 4:45 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday; provided, however, that such maximum speed limit shall not apply at other times of the day, or when school is not in session, at which other times the maximum speed limits shall be as provided elsewhere in this article:

- (1) Anders Street, from its intersection with Second Street, north to the property line of Bay Elementary School.

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Creating Speed Zones on El Mar
Page 4

- (2) Cook Street, from its intersection with Second Street, north to the property line of Bay Elementary School.
 - (3) First Street, from its intersection with State Highway 146, east to its intersection with Cook Street.
 - (4) North Meyer Avenue, from its intersection with Second Street to its intersection with East Meyer Avenue.
 - (5) East Meyer Avenue, from its intersection with North Meyer Avenue east to its intersection with Todville Road.
 - (6) **El Mar Lane, from 200 feet west of the crosswalk adjacent to school to North Meyer Ave, a distance of approximately 750 feet.”**
- (b) *Fifteen miles per hour during designated times.* The following streets and roads are hereby designated school zones, within which school zones it shall be unlawful to operate any motor vehicle at any speed in excess of 15 miles per hour, from 7:30 a.m. to 8:30 a.m. and from 3:00 p.m. to 4:00 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday; provided, however, that such maximum speed limit shall not apply at other times of the day, or when school is not in session, at which other times the maximum speed limits shall be as provided elsewhere in this article:
- (1) Lakeside Drive from 25 feet north of Seward to 25 feet south of Humble, (with the actual school zone beginning 200 feet north of Humble Drive).
- (c) *Marking of school zones.* All the above listed school zones shall be clearly marked, so as to apprise motorists of the time and place of the restricted speed zones.”

SECTION 4. 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 Two Hundred Dollars (\$200.00) per offense or the maximum amount permitted by law. Each violation shall constitute a separate offense.

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Creating Speed Zones on El Mar
Page 5

SECTION 5. REPEAL OF CONFLICTING ORDINANCES.

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

SECTION 6. 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 7. NOTICE BY 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 and posting of signs in accordance with law.

SECTION . NOTICE BY ERECTION OF SIGNS/SIGNAL

This Ordinance shall become effective upon appropriate erection of speed zone signage to establish and provide additional notice of the establishment of the subject school zones speed limit during school-designated times as provided for herein.

PASSED AND APPROVED on first reading on this 4th day of February 2014.

PASSED, APPROVED, AND ADOPTED on second and final reading on this 18th day of February 2014.

By: _____
Glenn Royal
Mayor

Ordinance No. 2014-03
Creating Speed Zones on El Mar
Page 6

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, FEBRUARY 18, 2014

Submitter/Requestor: COOK

Date Submitted: 2/10/2014 10:45:22 AM

Presenter: COOK

Description/Subject:

Amendment of the Firearms Ordinance to delete the term "firearm" and replace it with "weapon", to further include within the definition section additional archery equipment that cannot be discharged within the city limits. In addition, this amendment includes changing the approval the exceptions permit from the city council to the Chief of Police or his/her designee.

Purpose/Need: NA

Background/Issue(What prompted this need):

At the January 7, 2014 meeting, the City Council discussed and directed staff to draft an ordinance that would prohibit hunting within the city limits. The city is prohibited from enacting ordinances that are stricter than state law when it comes to the area of weapons, under Texas Local Government Code Section 229.001 and 229.002, and Texas Parks and Wildlife Code, Section 62.012; however, it does not prohibit a city from prohibiting the discharge of a weapon within the city limits.

The existing ordinance provides for "firearms" only, and this ordinance amendment provides for the inclusion of bow and arrow, cross bow, long bow, and compound bow.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

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

Ordinance revised

Fiscal Impact: Budgeted

Yes

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?

Consent Agenda

Suggested Motion:

Approve Ordinance 2014-05, "Amendment to the Firearms Ordinance." (Council)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 44, "LAW ENFORCEMENT AND OFFENSES", ARTICLE III, "OFFENSES", DIVISION 1 "GENERALLY" BY AMENDING SECTION 44-78 "FIREARMS" TO EXPAND THE DEFINITIONS OF WEAPONS TO INCLUDE BOW AND ARROWS AND RELATED EQUIPMENT AS WEAPONS PROHIBITED FROM DISCHARGE IN THE CITY LIMITS.

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.

Agenda Language:

Consider approval of second and final reading of Ordinance No. 2014-05, "Amendment to the Firearms Ordinance." (Johnson)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 44, "LAW ENFORCEMENT AND OFFENSES", ARTICLE III, "OFFENSES", DIVISION 1 "GENERALLY" BY AMENDING SECTION 44-78 "FIREARMS" TO EXPAND THE DEFINITIONS OF WEAPONS TO INCLUDE BOW AND ARROWS AND RELATED EQUIPMENT AS WEAPONS PROHIBITED FROM DISCHARGE IN THE CITY LIMITS.

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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.)

Revised at First Reading on 02/04/14

ORDINANCE NO. 2014 -05
AMENDMENT TO THE FIREARMS ORDINANCE

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 44, "LAW ENFORCEMENT AND OFFENSES", ARTICLE III, "OFFENSES", DIVISION 1 "GENERALLY" BY AMENDING SECTION 44-78 "FIREARMS" TO EXPAND THE DEFINITIONS OF WEAPONS TO INCLUDE BOW AND ARROWS AND RELATED EQUIPMENT AS WEAPONS PROHIBITED FROM DISCHARGE IN THE CITY LIMITS.

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.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the Code of Ordinances (Code) relating to the elimination of hazards, nuisances and other circumstances which negatively impact the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, the City Council of the City of Seabrook has investigated, reviewed and considered citizen complaints addressed to the use of dangerous weapons, specifically bow and arrows and related archery equipment within the city limits that pose the potential risk of serious personal injury, death or damage to property of its residents: and

WHEREAS, the City Council has determined that bow and arrow and related archery devices should be included in the definition of weapons to be regulated for the protection of the health, peace and safety of its residents and others; and

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

SECTION 1. FINDINGS OF FACT.

That the City Council of the City of Seabrook adopts the preceding preamble paragraphs as if repeated verbatim herein and find them as matters of fact.

SECTION 2. AMENDMENT TO THE CODE.

Chapter 44 "Law Enforcement and Offenses", Article III., "Offenses," Division 1, "Generally" is amended as follows:

Sec. 44-78. ~~[Firearms]~~ Discharge of Weapons and Exceptions.

(a) *Definition.*

For the purposes of this section, the term ~~["firearm"]~~ **"weapon"** means any ~~[gun]~~ **firearm, (including** revolver, pistol, rifle, shotgun, pellet gun, ~~[cartridge]~~ **BB gun), bow and arrow (including cross bow, long bow, compound bow, or similar device composed of a curved piece of resilient wood or other material with a taut cord to propel an arrow or bolt),** or any other weapon that is spring loaded, discharged by explosive action of any kind or nature, or of pneumatic design and operation.

(b) *Discharge prohibited.*

It shall be unlawful for any person within the city to cast, throw, shoot, fire or discharge any **weapon, as defined in subsection (a) above** ~~rifle, gun, revolver, pistol, pellet gun, shotgun, cartridge, or any firearm of any kind or nature~~ in the city, **other than law enforcement officers or authorized persons engaged in the performance of their duty**

(c) *Exceptions; defenses.*

(1) Nothing in this section shall be construed to apply to the **transfer, private ownership, keeping, transportation, licensing, or registration of firearms, ammunition, or firearm supplies, or the discharge of a firearm at a sport shooting range as provided for pursuant to Section 229.001, Texas Local Government Code;** ~~[possession or ownership of any firearm or to the sale of such firearm]~~ nor shall this section be construed to prevent any public or private demonstration or display of firearms of any kind, if conducted under proper supervision, after an application is made and a permit issued by the city council for such demonstration.

(2) **It is a defense to prosecution under paragraph (b) that:**

(a) The weapon was discharged upon an authorized sport shooting range;

(b) The weapon was discharged by a law enforcement officer acting within the scope of his duties;

(c) The weapon was discharged in lawful defense of a person or property; or

(d) The bow and arrow discharged was a toy designed to be used by children.

~~[(2) If application shall be made for a permit to operate a shooting range of any type or kind, the duration of such permit, if issued, shall be at the discretion of the city council. No such permit shall be granted unless such demonstration,~~

Ordinance No. 2014-05
Page 3

~~display or shooting range shall be of such a character and so located and operated as, in the opinion of the city council after proper inspection, shall not be hazardous to property or endanger any person.]~~

- (3) This section shall not apply to any shooting range sponsored and sanctioned by the city.

(Code 1976, § 18-1; Code 1996, § 42-3)

State law reference— *Authority of city to prohibit, regulate, etc., use of firearms, V.T.C.A., Local Government Code § 229.001, 229.002*

SECTION 3. 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

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 the 4th day of February 2014.

Approved on second and final reading on the 18th day of February 2014.

Ordinance No. 2014-05
Page 4

Glenn R. Royal, Mayor

ATTEST:

Michele L. Glaser, TRMC
City Secretary

Approved as to form:

Steven L. Weathered
City Attorney



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, FEBRUARY 18, 2014

Submitter/Requestor:

Date Submitted: 2/10/2014 11:37:04 AM

Presenter:

Description/Subject:

Current regular members with expiring terms are: Margaret Hunt, Ed Muniz and Julia Poston. Robert Duncan, Jr. is the current alternate member with an expiring term.

Herman Burton is interested in appointment. He has been previously interviewed.

Purpose/Need: NA

Background/Issue(What prompted this need):

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

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

Burton application

Fiscal Impact:	Budgeted	Yes	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 appointment/reappointment of three regular members and one alternate member of the Board of Adjustment, all with terms ending January 2016. (Glaser)

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.)

Rec.
8/16/13

Rev. 05/13

**CITY OF SEABROOK
BOARDS/COMMISSION/CORPORATIONS
APPLICATION AND INFORMATION STATEMENT**

QUALIFICATIONS FOR APPOINTMENT TO THE CITY OF SEABROOK BOARDS/COMMISSIONS/CORPORATIONS ARE AS FOLLOWS:

- You have been a resident of Seabrook for at least six months prior to the date of appointment. (One year for appointment to the P&Z Commission and Board of Adjustment.)
- You are a qualified City of Seabrook voter at the time of appointment. Certification # _____
- You have no felony conviction for which you have not been pardoned.
- You are not an adversary party to pending litigation against the City.
- You are not in arrears on any city taxes, water service charges or other obligations owed the City.

Please number the Boards/Commissions/Corporations you wish to serve on in order of preference. Please do not select more than three (3) boards on which you wish to serve.

Board of Adjustment/Building Standards X Civil Service Commission _____ EDC _____

Ethics Review Commission _____ Open Space & Trails Commission _____

P&Z Commission _____ Public Safety _____ Other _____

ALL INFORMATION ON THIS APPLICATION WILL BECOME PUBLIC RECORD.

NAME: Herman Burton

HOME ADDRESS: 2918 Sea Ledge Dr.

HOME PHONE: _____ CELL PHONE: _____

E-MAIL ADDRESS: _____

DAY TIME PHONE: _____

PROFESSION: retired

BUSINESS NAME AND ADDRESS: _____

PERSONAL REFERENCES:

Name Address Daytime Phone #

Mike Laible 2823 Sea Ledge _____

~~Mike Laible~~ Molly Hammack 2914 Sea Ledge _____

How long have you lived in the City of Seabrook? 22 years



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, FEBRUARY 18, 2014

Submitter/Requestor:

Date Submitted: 2/10/2014 11:28:25 AM

Presenter:

Description/Subject:

Purpose/Need: NA

Background/Issue(What prompted this need):

Rosebud Caradec, Buddy Hammann and Michael Sharpe are current P&Z members with terms ending January 2014.

Applicants who would like to be considered for appointment are: Christian Frandsen, Sean Riley and Richard Tomlinson who have all been previously interviewed by Council.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

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

Frandsen application

Riley application

Tomlinson application

Fiscal Impact: Budgeted

Yes

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 appointment/reappointment of three Planning and Zoning Commission Members with terms ending January 2017. (Glaser)

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.)

Rev. 05/13

**CITY OF SEABROOK
BOARDS/COMMISSION/CORPORATIONS
APPLICATION AND INFORMATION STATEMENT**

QUALIFICATIONS FOR APPOINTMENT TO THE CITY OF SEABROOK BOARDS/COMMISSIONS/CORPORATIONS ARE AS FOLLOWS:

- You have been a resident of Seabrook for at least six months prior to the date of appointment. (One year for appointment to the P&Z Commission and Board of Adjustment.)
- You are a qualified City of Seabrook voter at the time of appointment. Certification # 10598123
- You have no felony conviction for which you have not been pardoned.
- You are not an adversary party to pending litigation against the City.
- You are not in arrears on any city taxes, water service charges or other obligations owed the City.

Please number the Boards/Commissions/Corporations you wish to serve on in order of preference. Please do not select more than three (3) boards on which you wish to serve.

Board of Adjustment/Building Standards _____ Civil Service Commission _____ EDC 1
Ethics Review Commission _____ Open Space & Trails Commission 3
P&Z Commission 2 Public Safety _____ Other _____

ALL INFORMATION ON THIS APPLICATION WILL BECOME PUBLIC RECORD.

NAME: CHRISTIAN FRANDSEN
HOME ADDRESS: 806 IRISH MAPLE ST.
HOME PHONE: _____ CELL PHONE: _____
E-MAIL ADDRESS: _____
DAY TIME PHONE: _____
PROFESSION: CAREER & TECHNOLOGY TEACHER
BUSINESS NAME AND ADDRESS: PASADENA ISD - TEGELER CAREER CENTER
4949 BURKE RD PASADENA TX 77504

PERSONAL REFERENCES:

Name	Address	Daytime Phone #
<u>DAVID JANDA</u>	<u>3601 E. DESERT DR. APOKALIPS</u>	<u>77511</u>

How long have you lived in the City of Seabrook? 11.5 MONTHS (JUN. 18)

Rev. 05/13

**CITY OF SEABROOK
BOARDS/COMMISSION/CORPORATIONS
APPLICATION AND INFORMATION STATEMENT**

QUALIFICATIONS FOR APPOINTMENT TO THE CITY OF SEABROOK BOARDS/COMMISSIONS/CORPORATIONS ARE AS FOLLOWS:

- You have been a resident of Seabrook for at least six months prior to the date of appointment. (One year for appointment to the P&Z Commission and Board of Adjustment.)
- You are a qualified City of Seabrook voter at the time of appointment. Certification # 40106866
- You have no felony conviction for which you have not been pardoned.
- You are not an adversary party to pending litigation against the City.
- You are not in arrears on any city taxes, water service charges or other obligations owed the City.

Please number the Boards/Commissions/Corporations you wish to serve on in order of preference. Please do not select more than three (3) boards on which you wish to serve.

Board of Adjustment/Building Standards _____ Civil Service Commission _____ EDC 2

Ethics Review Commission _____ Open Space & Trails Commission 1

P&Z Commission 3 Public Safety _____ Other _____

ALL INFORMATION ON THIS APPLICATION WILL BECOME PUBLIC RECORD.

NAME: SEAN CHRISTOPHER RODRIGUEZ RILEY

HOME ADDRESS: 4517 REECHCRAFT ST, SEABROOK, TEXAS 77586

HOME PHONE: 8 _____ CELL PHONE _____

E-MAIL ADDRESS: _____

DAY TIME PHONE: _____

PROFESSION: FLIGHT ATTENDANT extraordinary

BUSINESS NAME AND ADDRESS: UNITED CONTINENTAL AIRLINES, WILLIS TOWER, CHICAGO, IL

PERSONAL REFERENCES:

Name Address Daytime Phone #

MICHAEL GIANGROSSO 3405 OCEAN RIDGE CIRCLE

JEANIE ROYAL 1709 DOLPHIN DRIVE

How long have you lived in the City of Seabrook? SEVEN YEARS

Name of Applicant JEAN GR KILBY

No

No

MASTERS OF SCIENCE IN RESEARCH INTERPRETATION & FORESTRY
MASTERS IN PUBLIC ADMINISTRATION

SEABROOK'S MEN WHO COOK, BOY SCOUTS, CLEAR LAKE ROTARY

I hereby affirm the information provided herein is true and correct to the best of my knowledge.

Signature 

Date _____

Michele L. Glaser, City Secretary
1700 First St.; Seabrook, TX 77586
(281)291-5663; FAX (281)5710
melaser@seabrooktx.gov or mbrant@seabrooktx.gov

OFFICE USE ONLY

Comments

Date Appointed:

May 2013

Rev. 05/09

**CITY OF SEABROOK
BOARDS/COMMISSION/CORPORATIONS
APPLICATION AND INFORMATION STATEMENT**

QUALIFICATIONS FOR APPOINTMENT TO THE CITY OF SEABROOK BOARDS/COMMISSIONS/CORPORATIONS ARE AS FOLLOWS:

- You have been a resident of Seabrook for at least six months prior to the date of appointment. (One year for P&Z Commission and Board of Adjustment.)
- You are a qualified City of Seabrook Voter at the time of appointment. Certification # 39208541
- You have no felony conviction for which you have not been pardoned.
- You are not an adversary party to pending litigation against the City.
- You are not in arrears on any city taxes, water service charges or other obligations owed the City.

Please number the Boards/Commissions/Corporations you wish to serve on in order of preference. Please do not select more than three (3) boards on which you wish to serve.

Board of Adjustment _____ Charter Review Commission _____ Community Events _____
EDC X Ethics Review _____ Master Plan Review _____
Open Space, Beautification & Preservation _____ P&Z Commission X
Public Safety _____ Other _____

ALL INFORMATION ON THIS APPLICATION WILL BECOME PUBLIC RECORD.

NAME: Richard Tomlinson
HOME ADDRESS: 2517 Du Lac Trace
HOME PHONE: 601 444 1111 CELL PHONE: _____ FAX: _____
BUSINESS PHONE: _____ E-MAIL ADDRESS: _____

NUMBER WHERE I CAN BE REACHED DURING THE DAY: _____
PROFESSION: Civil Engineer / Project Manager / Facilities Engineer
BUSINESS NAME AND ADDRESS: NASA

PERSONAL REFERENCES:

Name	Address	Daytime Phone #
<u>Paul Dunphy</u>	<u>Seabrook</u>	_____
<u>Gary Renda</u>	<u>Seabrook</u>	_____

How long have you lived in the City of Seabrook? 14 years

Name of Applicant Richard Tomlinson

If you have been a member of a Seabrook Board/Commission/Corporation before, please indicate the Board, Commission or Corporation and the approximate dates of service:

EDC 2006-2012, Master Plan Review 2005, Seabrook Marine District
Have you ever been convicted of a crime, other than minor traffic violations? 2005

no
What experience do you have that may qualify you for service on a particular Board, Commission or Corporation (i.e. licenses, degrees, and certificates)?

Professional Engineer State of Texas
TPBE Windstorm Certification

Please list any civic or community endeavors in which you have been involved:

President of Lake Cove HOA, Seabrook Rotary
SCFC Soccer Coach & Division Manager, Lakewood Youth Club

I understand that applicants for board positions will be interviewed by City Council during a Council meeting. A list of typical questions is included with this application. Other questions may be asked during the interview. I will be contacted by the city secretary's office for an interview date and time.

I understand that if appointed, I must adhere to the Ethics Ordinance, including Section 2-239, that requires all members of the Board of Adjustment, EDC II and Planning and Zoning Commission to complete a disclosure statement within 10 business days of appointment. (See attached.)

I agree to be bound by the Seabrook Charter, including Section 11.09, "Personal Interest" (See attached.)

I understand that State law requires that I undergo one hour of training concerning the Opening Meetings Act within 90 days of my appointment.

I hereby affirm the information provided herein is true and correct to the best of my knowledge.

Signature

Date

Return to:

Michele L. Glaser, City Secretary
1700 First St.; Seabrook, TX 77586
(281)291-5663; FAX (281)5710
mglaser@ci.seabrook.tx.us

This application will remain on file for one year.

OFFICE USE ONLY

Date Submitted 5/7/13 Received by: MB Date(s) Interviewed _____

Comments: _____

Date Appointed: _____

Report for City Council – February 18, 2014

Carothers Coastal Gardens Sound Barrier Recommendations

Natural Barrier v. Wall Barrier

Background

On November 19, 2013, staff brought to City Council a discussion item for a sound wall at the Carothers Coastal Gardens property after a residential complaint of noise during an event. Council discussed the item and directed staff to further investigate the option and gather pricing.

Information and pricing was brought back before Council on December 27, 2013, for several sound barrier wall options along the Carothers Coastal Gardens property line on the north side of the facility. Council reviewed options and made further recommendations to consult with Councilor Kolupski on additional sound barrier materials and structures. After further review, the alternative materials and options were costly and had an appearance that was not complimentary to the property's current landscape design. Further, to construct a wall and/or purchase barrier materials to add on a wall would give an estimated decibel reduction that staff finds low compared with the substantial cost.

The City Manager met with the Open Space and Trails Committee, who serves as a partner to our Parks Department on many projects, and asked for their recommendation as a group on other alternatives for the property. The committee met at their February 6, 2014 meeting on the issue and recommended an additional option by using dense shrubbery to create a barrier. In addition, this option would make a better definition of the property line between Carothers and an adjacent landowner. This owner has contacted the city regarding visitors at Carothers and Pine Gully Park walking across to his property on numerous occasions. Again, this thick type shrubbery alternative would serve well as a secondary barrier for this issue and create a clear definition of the properties lines.

Over time as this shrubbery matures, it is believed that the height and density will offer a good buffer between the property and adjacent neighborhood. Staff will continue to communicate and enforce noise issues with those renting the facility so that the noise ordinance is complied with in all circumstances.

Cost Estimate for Natural Barrier

On February 10, 2014, the Open Space and Trail Committee Chair met with the City Manager and Public Work's management to communicate the committee's recommendation for Carothers Coastal Garden.

Recommendation:	Oleander plantings approximately 5ft apart along 700ft + of Carothers Coastal Gardens northern property line
Plants:	140 Oleanders
Labor:	City Staff
Approx Cost:	\$2,520





**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 EXISTING ARTICLE IN ITS ENTIRETY AND REPLACING WITH NEW PROVISIONS UNDER THE SAME CHAPTER, REVISING THE TITLE 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 persons soliciting, selling or distributing any material to occupants of a motor vehicles by entering dangerous traffic intersections; it being aware that newspaper street-vendors in nearby cities have been seriously injured at intersections; and

Ordinance No. 2013-25
Page 2

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

55
56 **WHEREAS**, the City Council has evaluated the costs for conducting background checks
57 and has determined that the charges attributable for such, as provided hereafter, are
58 reasonable for recoupment of such costs by the City;

59
60 **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
61 **SEABROOK, TEXAS, AS FOLLOWS:**

62
63 **ARTICLE 1. STATEMENT OF FACT.**

64
65 The facts and matters set forth in the preamble of this Ordinance are hereby found to be
66 true and correct and incorporated by reference.

67
68 **ARTICLE II. AMENDMENT TO THE CODE.**

69
70 The Code of the City of Seabrook is hereby amended at Chapter 22, "Businesses", by
71 repealing the current Article III. "Peddlers and Solicitors" in its entirety and replacing it with the
72 following:

73
74 **"Article III. Peddlers, Itinerant Vendors, Hawkers, Solicitors, and Canvassers.**

75
76 **Section 22-66. Definitions.**

77
78 As used in this ordinance the following words have the meaning indicated:

79
80 A. "Peddler" is a person who attempts to make personal contact with a resident at
81 his/her residence without prior specific invitation or appointment from the resident, for the
82 primary purpose of attempting to sell a good or service. A "peddler" does NOT include a person
83 who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good
84 or service that is offered to the resident for purchase at a location away from the residence or at
85 a time different from the time of visit. Such a person is a "solicitor."

86
87 B. "Solicitor" is a person who attempts to make personal contact with a resident at
88 his/her residence without prior specific invitation or appointment from the resident, for the
89 primary purpose of: (1) attempting to obtain a donation to a particular patriotic, philanthropic,
90 social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious
91 purpose, even if incidental to such purpose there is the sale of some good or service, or (2)
92 distributing a handbill or flyer advertising a commercial event or service.

93
94 C. "Canvasser" is a person who attempts to make personal contact with a resident
95 at his/her residence without prior specific invitation or appointment from the resident, for the

Ordinance No. 2013-25
Page 3

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 72 consecutive business hours or less whether solicitation is from a stand, vehicle, or freestanding, or as provided herein.

Section 22-67. Exception.

This ordinance shall not apply to a federal, state or local government employee, 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 License in accordance with this ordinance. A canvasser is not required to have a License but any canvasser wanting a 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 License shall be:

- A. For a peddler, 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) \$50.00 per month.
- C. For a canvasser requesting a Peddler License no fee.
- D. Applicants representing 5.01(c)(3) charitable organizations may have the fee waived.

Section 22-70. Application for Peddler/Solicitor/Hawker License.

Any person or organization (formal or informal) shall apply for one or more licenses by completing an application form at the office of the issuing officer, during regular office hours.

The license shall be issued promptly after application but in all cases within five (5) business days of completion of an application, unless it is determined within that time that:

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Page 4

143
144 A. the applicant has been convicted of a felony or a misdemeanor involving moral
145 turpitude within the past seven years,

146
147 B. with respect to a particular license, the individual for whom a card is requested
148 has been convicted of any felony or a misdemeanor involving moral turpitude within the past
149 seven years, or

150
151 C. any statement upon the application is false, unless the applicant can
152 demonstrate that the falsehood was the result of excusable neglect.

153
154 **Section 22-71. Contents of Application.**

155
156 The applicant (person or organization) shall provide the following information:

157
158 A. Name of applicant.

159
160 B. Number of licenses required.

161
162 C. The name, physical description and photograph of each person for which a card
163 is requested and a driver's license, state identification card, passport, or other government-
164 issued identification card (issued by a government within the United States). If a separate
165 photograph is not supplied, the city will take an instant photograph of each person for which a
166 card is requested at the application site. The actual cost of the instant photograph will be paid
167 by the applicant.

168
169 D. The permanent and (if any) local address, phone number and email address of
170 the applicant.

171
172 E. The permanent and (if any) local address, phone number and email address of
173 each person for whom a license is requested.

174
175 F. A brief description of the proposed activity related to this license. (Copies of
176 literature to be distributed may be substituted for this description at the option of the applicant).

177
178 G. Date and place of birth for each person for whom a card is requested.

179
180 H. A list of all infractions, offenses, misdemeanors and felony convictions of each
181 person for whom a license is requested for the seven years immediately prior to the application.

182
183 I. The motor vehicle make, model, year, color, and state license plate number of
184 any vehicle which will be used by each person for whom a card is requested.

185
186 J. In addition, if a license is requested for a peddler:

187
188 1. The name, permanent address, phone number and email address of the

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Page 5

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. In addition, if a license is requested for a solicitor:

1. The name, permanent address, phone number and email 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 licenses for peddlers, solicitors and hawkers 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 five (5) 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 license, the investigation will proceed as described above, but if the city refuses to issue the license (or revokes it after issuance), the canvassers will be advised that the failure to procure a 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 city secretary/designee officer denies (or upon completion of an investigation revokes) the license to one or more persons he/she shall immediately convey the decision to the applicant orally and shall within two (2) business days after the denial prepare a written or electronic report of the reason for the denial which shall be immediately made

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Page 6

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 city secretary/designee properly revoked or denied the permit and shall schedule a hearing with applicant within three (3) business days after the city manager 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 License.

Each license shall be (when the individual for whom it was issued is acting as a peddler, hawker, 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/Hawker/Solicitor License.

A 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 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 person 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

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at, or attached to any 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 an appropriate 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.

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

E. 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.

F. 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 Refusal to leave.

Any peddler who enters upon premises owned, leased or rented to another and refuses to leave such premises after having been notified by the owner or occupant of such premises or his agent to leave the same and not return to such premises, or any peddler who enters upon property posted with a "No soliciting" or other similar type posted sign shall be deemed guilty of criminal trespass and or attempted criminal trespass and may be punished as provided in V.T.C.A. Penal Code §§15.01, 30.05.

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Section 22-80. 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. (See specifically Section 22- 81 which shall control in the event of any conflict.)

B. A person may conduct commercial solicitation for legal purposes in or upon the public right-of-way, except those areas prohibited in this article, if the solicitor has obtained a license or 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 between the hours of 8:00 a.m. 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 person at any time to enter or remain in the traveled portion of the roadway unless otherwise permitted by law. The restriction on solicitation, selling or distributing any material in the traveled portion of the roadway does not apply to public residential streets.

F. It shall be unlawful for a person 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 22-81 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 unless otherwise permitted by law. It is specifically provided, however, that a person, other than a person eighteen years of age or younger, may solicit or sell or distribute material to the occupant of a motor vehicle on a permitted 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 22-82 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 city secretary after review by 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

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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 fifty dollars (\$50.00). 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 be issued for a period of no more than 72 consecutive business hours and shall not be issued more frequently than every 90 days to the same applicant or business property. This provision shall not apply to an existing business governed by Section 3.06.08 "Outside storage and display" of this Code. **This provision shall also not apply to special events or related use approved by City Council.**

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 nonprofit 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.

7. Due to traffic safety concerns, no permit shall issue hereunder for locations along State Highway 146 or NASA Parkway.

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

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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 of 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 and final reading this 7th day of January, 2014.

Glenn R. Royal
Mayor

ATTEST:

Michele L. Glaser, TRMC
City Secretary

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Page 11

470
471 APPROVED AS TO FORM:

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473
474 _____
475 Steven L. Weathered
476 City Attorney
477

ORDINANCE NO. 2014-06
OLD SEABROOK VILLAGE PUD

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING APPROXIMATELY 13.81 ACRES, LOTS 1-7, BLOCK 1 AND LOTS 1-7, BLOCK 2 IN THE BAYBROOK SUBDIVISION, SECTION 1 AND 2, TRACTS 1, 2, AND 3, SITUATED IN ABSTRACT 52, OF THE RITSON MORRIS SURVEY, IN SEABROOK, HARRIS COUNTY, TEXAS, LOCATED IMMEDIATELY EAST OF MEYER ROAD AND NORTH OF 1ST STREET, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A," FROM "OS," OLD SEABROOK DISTRICT AND "R-2," SINGLE FAMILY DETACHED RESIDENTIAL DISTRICT (SMALL LOT), TO PLANNED UNIT DEVELOPMENT, "PUD," FOR A MIXED USE SUBDIVISION CONSISTING OF 112 LOTS, 17 BLOCKS, AND 9 RESERVES; PROVIDING FOR AN AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, OS Village, LLC, applicant and owner, ("Owner") acting by and through its duly authorized representative Mark Caldwell has requested rezoning of property consisting of approximately 13.81 acres generally located immediately east of Meyer Road and north of 1st Street, the same to be a mixed use development and to be referred to as "Old Seabrook Village," consisting of 112 Lots, 17 Blocks and 9 Reserves legally described as Lots 1-7, Block 1 and Lots 1-7, Block 2 in the Baybrook Subdivision, Section 1 and Tracts 1, 2 and 3 situated in Abstract 52 of Ritson Morris Survey, in Seabrook, Harris County, Texas being more particularly described by metes and bounds in the attached "Exhibit A", ("Property") which is incorporated by reference for all purposes; and

WHEREAS, Applicant has filed an application to rezone the Property from "OS" (Old Seabrook District) and "R-2" (Single Family Detached Residential District – Small Lot) to "PUD" (Planned Unit Development) (mixed use) and has submitted a development plan providing for raised public streets to an elevation of between 10' and 12' MSL, rear alleys behind most homes at an elevation of 6' to 8' MSL to allow for a rear sloping lot to the back alley for residents to utilize covered garage parking access underneath their homes. as further depicted in site PUD plan ("Plan"),

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Page 2

referenced herein as Exhibit "B" which is on file with the City Secretary and incorporated by reference for all purposes; and

WHEREAS, the Seabrook Planning and Zoning Commission and the City Council conducted a public hearing to consider approval of the preliminary plan for PUD designation submitted by Applicants, with the Planning and Zoning Commission filing a report recommending approval on November 21, 2013, which was thereafter approved by City Council on January 7, 2014 in accordance with the Seabrook Code of Ordinances ("Code"), Appendix A, Section 4.10.06; and

WHEREAS, the Seabrook Planning and Zoning Commission and the City Council conducted a joint public hearing to consider approval of the final PUD plan submitted by Applicants, (see Exhibit "B"), with the Planning and Zoning Commission filing a report recommending approval, which was thereafter approved by City Council on February 18, 2014 in accordance with the Code, Appendix "A", Section 4.10.06; and

WHEREAS, the subject hearings were duly called as provided by the laws of the State of Texas and Appendix "A" of the Code of Ordinances of the City, and that in such hearing all persons attending were allowed to be heard on the question of whether or not to rezone the Property from OS and R-2 to PUD (mixed use), as requested and as further depicted in the site PUD Plan, Exhibit "B" to determine whether such rezoning would affect the health, safety, convenience, or general welfare of the citizens of Seabrook, and whether or not such change in zoning would violate the rights of any interested person; and

WHEREAS, all public notices have been published, mailed and provided in accordance with statute and Appendix "A" of the City Code of Ordinances (Zoning Code); and

WHEREAS, as a result of the said public hearings and the recommendation of the Planning and Zoning Commission as contained in its final report, the City Council hereby finds and determines that the proposed amendment to rezone the Property to PUD mixed development in accordance with the submitted Plan as referenced in Exhibit "B" would not be detrimental to the community, and is in conformance with the zoning ordinance and comprehensive plan for development of the City;

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, it being understood that City Council is relying upon the

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Page 3

express representations of Owner appearing in the documents submitted for final approval, including the application for rezoning, oral representations made to the Planning and Zoning Commission and City Council to induce approval of the rezoning made the subject of this Ordinance, the final report from the Planning & Zoning Commission, the minutes of Planning and Zoning/City Council, the property identification, (Exhibit "A") and Plan, (Exhibit "B").

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 the Property from OS and R-2 to PUD (mixed use) *strictly conditioned upon full and complete compliance with the approved PUD Plan, the regulations, restrictions, and conditions* hereinafter set forth in "Exhibit B", (on file with the City Secretary and incorporated by reference), for the subject 13.81 acres generally located immediately east of Meyer Road and north of 1St Street, the same to be a mixed use development and to be referred to as "Old Seabrook Village," consisting of 101 Lots, 17 Blocks and 9 Reserves legally described as Lots 1-7, Block I and Lots 1-7, Block 2 in the Baybrook Subdivision, Section 1 and Tracts 1, 2 and 3 situated in Abstract 52 of Ritson Morris Survey, in Seabrook, Harris County, Texas; being more particularly described by metes and bounds in the attached "Exhibit A", which is incorporated by reference for all purposes. The subject rezoning conditions, as referenced, shall require:

_____.

SECTION 3. AMENDMENT OF ZONING MAP.

The Official Zoning Map of the City of Seabrook shall be revised and amended to show the designation of the Property, as described and as provided in Section 2 above, with the appropriate reference thereon to the number and effective date of this Ordinance, and a brief description of the nature of the change.

SECTION 4. 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. Additionally, should the subject PUD project fail to meet the schedule as approved herein, or

otherwise fail to comply with this Ordinance, the PUD Plan, the PUD classification and all related permits shall be immediately terminated, and the Property shall return to the zoning that existed immediately prior to the PUD as conditionally approved by this Ordinance.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Seabrook, save and except the change in zoning classification and specific uses/structures approved in the Plan, as provided herein.

SECTION 6. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part 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.

SECTION 7. 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 18th day of February, 2014.

PASSED, APPROVED, AND ADOPTED on second and final reading this 4th day of March, 2014.

By: _____
Glenn Royal
Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

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Page 5

183 APPROVED AS TO FORM:

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Steven L. Weathered

189 City Attorney

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Exhibit “A” to Ordinance No. 2014-06

The Property – Metes & Bounds
13.81 acres

“Exhibit B” to Ordinance No. 2014-06

1. Application for PUD
2. Planned Unit Development Plan (on file with City Secretary)
3. Surveys and Site Plan

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.	Tabled on 12/3/13 for re-evaluation in six months.
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.
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.	On 1/21 City Mgr reported that all residents have signed agreements and surveyor has been secured.
22	OPEN/IN WORK	11/19/2013			Staff			3.1	Develop options to reduce sound from Carothers to surrounding properties.	Recommendation of Open Space & Trails Committee to be discussed on 2/18/14.
23	OPEN/IN WORK	12/3/2013			Mayor/ City Mgr.			5.1	Provide periodic updates on TxDOT's progress to improve/widen SH 146.	Last update on 1/21/14
25	OPEN/IN WORK	1/21/2014			Council			5.1	Appointments to Charter Review & Master Review Commission in 7/14	Reminder to Council to begin looking for candidates.
26	OPEN/IN WORK	1/21/2014			City Mgr.			4.3	Determine if Option 1 is enforceable concerning left turns on SH 146 and write a letter to TxDOT asking for assistance in funding.	In progress.

February 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Council	5	6 Open Space 5:00 p.m.	7	8
9	10	11 Men Who Cook	12	13 EDC	14	15
16	17	18 Joint Public Hearing 6 p.m. Council 7 p.m.	19	20 P&Z HCMCA	21	22
23	24	25	26	27	28 5 p.m. deadline to file for office For May Election	

March 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 Candidates Meeting 5 p.m.	4 Primary Election 7 am to 7 pm Council	5	6 Open Space 5 p.m.	7	8
9	10	11	12	13	14	15 Lucky Trails
16 Lucky Trails	17	18 Council	19 EDC	20 P&Z HCMCA	21	22
23	24	25	26 Ethics Review	27	28	29 Trash Bash
30	31					