

**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, MARCH 4, 2014 - 7:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY MARCH 4, 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 PUBLIC COMMENTS AND ANNOUNCEMENTS

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

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

2.0 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

- 2.1 Approve an Addendum to the agreement between the City of Seabrook, The Seabrook Economic Development Corporation and the Asparagus Group, LLC, granting an extension to allow the beginning of construction of improvements to begin no later than 300 days following the date of the first agreement on June 20, 2013. This item was approved by EDC on February 13, 2014. (EDC/applicant)
- 2.2 Approve excused absences for Councilors Giangrosso and Johnson for the February

18, 2014 council meeting and for Mayor Royal for the March 4, 2014 council meeting. (Glaser)

 ATTACHMENT 2

- 2.3 Approve a parade permit request and waiver of fee to allow the Bay Area Little League to hold an opening day parade on March 22, 2014. (Applicant)

 ATTACHMENT 3

- 2.4 Approve a special event application for the annual Trash Bash to be held on March 29, 2014, including using temporary signs and a waiver of permit fee contingent upon the receipt of the correct Certificate of Insurance. (Applicant)

 ATTACHMENT 4

- 2.5 Approve annual Racial Profiling Report as mandated by the State of Texas. (Wright)

 ATTACHMENT 5

- 2.6 Consider second and final 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.

 ATTACHMENT 6

- 2.7 Approve the February 18, 2014 minutes of the special joint meeting of the Seabrook City Council and the Planning and Zoning Commission. (Glaser)

 ATTACHMENT 7

- 2.8 Approve the minutes of the February 18, 2014 regular City Council meeting. (Glaser)

END OF CONSENT AGENDA

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

📎 ATTACHMENT 8

- 3.1 Consider first reading of proposed Ordinance No. 2014-07, "Amendment to the Regulation of itinerant Vendors." (Council)

AN ORDINANCE AMENDING ORDINANCE NO. 2013-25 AND THE SEABROOK CITY CODE, CHAPTER 22, "BUSINESSES," ARTICLE III. "PEDDLERS, ITINERANT VENDORS, HAWKERS, SOLICITORS AND CANVASSERS", SECTION 22-82, "ITINERANT VENDORS ON PRIVATE PROPERTY" TO ALLOW NON-PROFIT YOUTH ORGANIZATIONS TO BE EXEMPTED FROM THE REQUIREMENT TO OBTAIN AN ITINERANT VENDORS PERMIT; PROVIDING A PENALTY IN AN AMOUNT OF \$500.00 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.

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

📎 ATTACHMENT 9

- 4.1 Consider appointment/reappointment of three regular members and one alternate member of the Board of Adjustment, all with terms ending January 2016. This item was tabled on February 18, 2014. (Glaser)

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

📎 ATTACHMENT 10

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

📎 ATTACHMENT 11

- 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 28, 2014 and that this notice will remain posted until the meeting has ended.

Michele L. Glaser, TRMC
City Secretary

Addendum "2014-1"
to the
AGREEMENT BETWEEN THE CITY OF SEABROOK, TEXAS; THE SEABROOK
ECONOMIC DEVELOPMENT CORPORATION
AND
THE ASPARAGUS GROUP, LLC

This Addendum "2014-1", ("Addendum") is made this _____ day of _____, 2014, and is incorporated into and will be deemed to amend the **AGREEMENT BETWEEN THE ASPARAGUS GROUP, LLC, ("Asparagus Group"), THE CITY OF SEABROOK, TEXAS, AND THE SEABROOK ECONOMIC DEVELOPMENT CORPORATION, ("Agreement")** for economic development incentives to facilitate the redevelopment of certain property owned by the Asparagus Group, as more specifically provided in the Agreement, having an "Effective Date" of June 20, 2013. The purpose of this Addendum 2014-1 is to extend the time for construction of improvements from the Effective Date made the basis of the Agreement. The City of Seabrook, the Seabrook Economic Development Corporation and the Asparagus Group agree to the following:

By this Addendum 2014-1, it is the desire of the parties to the Agreement to document an extension for the time for performance of the Asparagus Group for construction of improvements as provided for under "Terms" Section 1.c of the Agreement.

The Agreement currently provides, on page 2, under the heading "Terms," Section 1. c. that the "Asparagus Group agrees that it will:

- c. *begin construction of the improvements within one hundred and eighty (180) days of execution of this Agreement; and"*

The aforementioned specific provision for the performance by Asparagus Group shall be amended to provide an extension of the subject time of performance as follows:

- c. *begin construction of the improvements within ~~[one hundred and eighty (180)]~~ **three hundred (300) days of the Effective Date, [execution] June 20, 2013,** of this Agreement; and"*

Except as amended herein, all other provisions of the Agreement shall remain in full force and effect. In case of conflict with this Addendum 2014-1, and the Agreement, this Addendum 2014-1 shall control.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum "2014-1" in multiple copies, each of equal dignity, on this ____ day of _____, 2014.

CITY OF SEABROOK, TEXAS

Glenn R. Royal
Mayor

DATE: _____, 2014

ATTEST:

Michele L. Glaser, TRMC
City Secretary

SEABROOK ECONOMIC DEVELOPMENT CORPORATION

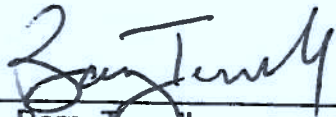
BY: Paul Dunphey,
Board President

DATE: _____, 2014

ATTEST:

Bob Poston,
Board Secretary

THE ASPARAGUS GROUP, LLC:


BY: Barry Terrell,
President and authorized agent

DATE: 2/17, 2014

Revised 01/12

**CITY OF SEABROOK
PARADE, CARNIVAL, SHOW, FESTIVAL,
SPECIAL OR COMMUNITY EVENT
APPLICATION**

Date of Application: 2/18/14 Name of Applicant: Erin Siebenlist
Full Address of Applicant: 1325 Plymouth Rock Ln Seabrook, Tx 77586
Day Time Phone 832 474 3115 Night time phone 832 474 3115

e-mail address:

Name of Organization, Firm or Corporation on whose behalf this application is made:
Bayside Area Little League

Address of Organization (if different from above): PO Box 357

City Seabrook State Tx Zip Code 77586

Phone Number of Organization (if different from above):

Is the organization recognized as a non-profit organization for tax purposes? yes

Requested Date(s) and Times of the Event: March 22nd 7:00am lineup Parade - 8-9:15am

Location of the Event: Miriman Shopping Center (to El Man to Meyer to B. All field)

Will any portion of this event be held on city property? Yes Miriman Shopping Center (see above) If so, where? B. All field

Note: If you will hold the event in a city park or facility, you must also complete an additional application to use city facilities.

Give a brief description of the event: Opening Day Parade for Bayside LL.
Route leaves Miriman Shopping Center going on
El Man to on Meyer to Bayside Complex

Estimated No. of Workers 16 Estimated No. of Attendees 450-500

Will the event be held in a parking area? Yes If so, how many parking spaces will be temporarily lost? half - 3/4

How many parking spaces are you providing for the event? Complex Parking

Will alcohol be served? No If so, you are required to pay an additional deposit if you wish to serve alcohol on city property. You must also contact the Texas Alcoholic Beverage Commission.

Will admission be charged for this event? No

Special Events Application
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Page 2

Do you want to display temporary signs or banners to advertise this event? No

Number of signs for this event None Complete the sign permit application attached to the packet. Please note that signs may only be displayed on private property, with the property owners' permission and with a city permit. Signs are not permitted in any street rights-of-way.

If this event is a parade, please answer the following additional questions.

Proposed Route (Attach Map): El Mar Shopping Center to El Mar Lane to N. Meyer to B.A.L.L. Complex located at 1805 N. Meyer Rd.

Estimated number and kind of animals to be used: No animals will be used.

Estimated number of parade participants including, animals and riders, bicycle riders, animal-drawn vehicles, floats motor vehicles, motorized displays and marching units or organizations, such as bands, color-guards, and drill teams:

Approximately 40 vehicle driven floats, 2 Seabrook firetrucks, 4-6 chaperoned dignitaries

THIS SECTION NEEDS TO BE COMPLETED IN ORDER TO PROCESS YOUR APPLICATION.

This application has been reviewed by the Seabrook Police Chief or designee and the signature below verifies that adequate provisions for security have been made by the applicant.

Bryan Brand
Print name
Police Department Representative

2-21-14
Date Approved

[Signature]
Signature
Police Department Representative

Comments: will be secured w/ P.D.
1/2 C.E.R.T.

I have enclosed the following items as part of my application and have initialed each relevant item:

1. ✓ completed applications form including approval by the Seabrook Police Department.
2. _____ If the event is to be held on city property, an additional application for the use of city facilities.
3. _____ Permit fee in the amount of \$ 50.00. (Non-profit organizations may substitute a letter of request to the City Council requesting a waiver of the permit fee.

Special Events Application

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4. ☒ If event is a parade a deposit fee of 100⁰⁰ City of Seabrook is included. Deposits are not waived.
5. ☒ A certificate of insurance, naming the City of Seabrook as certificate holder. This insurance provides protection of not less than \$100,000 against liability for damages to property and protection of not less than \$100,000 for protection of injury to the death of one person and of not less than \$300,000 for protection against injury to death of two or more persons in a single accident or occurrence. (A sample certificate of insurance is enclosed.)
6. ☐ For special events, a site plan is attached as required by the Code of the City of Seabrook, Section 4.07. (See attached excerpt.)
7. ☒ For parades, a map showing the parade route is attached.

NO APPLICATION WILL BE ACCEPTED UNLESS ALL ITEMS LISTED ABOVE ARE PROVIDED.

As applicant, I certify that all information contained in this application is true and correct to the best of my knowledge. I state that I am fully authorized to act and contract for any persons, organizations, firms or corporations on whose behalf this application is made. As applicant for the above organization, I do contract and agree that they will jointly and severally, indemnify and hold the City of Seabrook harmless against liability for any and all claims for damage to property or injury to or death of persons arising out of or resulting from the issuance of the permit or the conduct of the participants. As applicant, I understand that I may be held liable as principal in place of the organization for the cost of cleaning or repairing city property which may have sustained damage as a result of the special event. I understand that a special events permit may be issued for no more than five consecutive days. If the permit is granted, I, as representative, agree to adhere to all city ordinances regarding the special event.

I understand that if I am applying to use a city park, community house or other city facility to hold this event, additional applications and fees will be required. I also understand that all required applications, accompanying documents and fees must be submitted to the City Secretary's Office at least 30 days prior to the date of the event, and that the event may not be held without approval of the Seabrook City Council. I have read and have agreed to the above conditions.

Erin Siebenlist

Signature of Applicant

Erin Siebenlist

Printed Name of Applicant

2/19/2014

Date Submitted

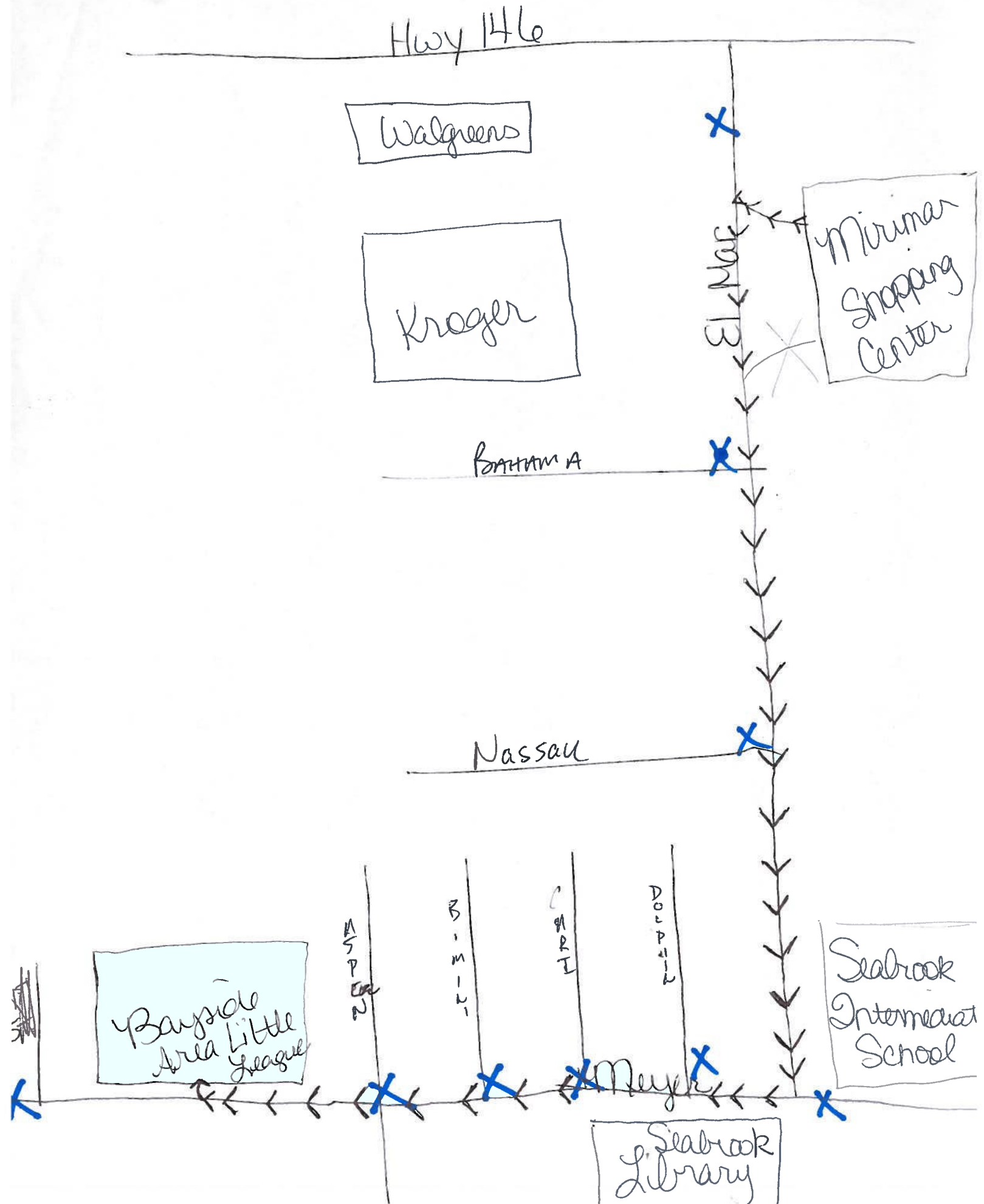
FOR OFFICE USE ONLY

Reviewed by City Secretary _____ Date _____

If applicable: Fire Marshal notified _____ Building Official Notified _____ City Mgr _____

This application has been reviewed by the Seabrook City Council on _____
and has been APPROVED DENIED.

The following conditions are placed upon this event: _____





CERTIFICATE OF LIABILITY INSURANCE

Attachment 2, Item # 2.3

Page 5 of 5

DATE (MM/DD/YYYY)

2/12/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Harris County Insurance Center 608 Rollingbrook Dr. Baytown TX 77521		CONTACT NAME: Linda Robertson PHONE (A/C No. Ext): (281) 427-6511 FAX (A/C No.): (281) 422-0554 E-MAIL ADDRESS:	
INSURED Bayside Area Little League P.o. Box 357 Seabrook TX 77586		INSURER(S) AFFORDING COVERAGE INSURER A: Scottsdale Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: CI1421200944

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	☐ CLAIMS-MADE ☒ OCCUR	X		CPS1892037	3/1/2014	3/1/2015	MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
	☒ POLICY ☐ PRO-JECT ☐ LOC						GENERAL AGGREGATE \$ 2,000,000
	AUTOMOBILE LIABILITY						PRODUCTS - COMP/OP AGG \$ 1,000,000
	☐ ANY AUTO						COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ALL OWNED AUTOS						BODILY INJURY (Per person) \$
	☐ HIRED AUTOS						BODILY INJURY (Per accident) \$
	☐ SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident) \$
	☐ NON-OWNED AUTOS						\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	☐ OCCUR						\$
	☐ CLAIMS-MADE						\$
	DED						WC STATUTORY LIMITS
	RETENTION \$						OTH-ER
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						E.L. EACH ACCIDENT \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. DISEASE - EA EMPLOYEE \$
	If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

CITY OF SEABROOK
1805 MYER
SEABROOK, TX 77586

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Kyle Carrier/LINDA

Revised 01/12

**CITY OF SEABROOK
PARADE, CARNIVAL, SHOW, FESTIVAL,
SPECIAL OR COMMUNITY EVENT
APPLICATION**

Date of Application: 2-26-14 Name of Applicant: DANALD Halbrook

Full Address of Applicant: 1113 WEST FLAMINGO

Day Time Phone _____ Night time phone () _____

e-mail address: _____

Name of Organization, Firm or Corporation on whose behalf this application is made:
TRASH BASH

Address of Organization (if different from above): P.O. Box 58405

City Houston State Texas Zip Code 77258-8405

Phone Number of Organization (if different from above): () _____

Is the organization recognized as a non-profit organization for tax purposes? Yes

Requested Date(s) and Times of the Event: _____

Location of the Event: Bay Elementary and water ways through the City

Will any portion of this event be held on city property? If so, where?
Yes Community House and some Parks

Note: If you will hold the event in a city park or facility, you must also complete an additional application to use city facilities.

Give a brief description of the event: Cleaning the water ways in the
City

Estimated No. of Workers 25-30 Estimated No. of Attendees 300-500

Will the event be held in a parking area? Yes. If so, how many parking spaces will be temporarily lost? All

How many parking spaces are you providing for the event? 200

Will alcohol be served? No If so, you are required to pay an additional deposit if you wish to serve alcohol on city property. You must also contact the Texas Alcoholic Beverage Commission.

Will admission be charged for this event? No

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Do you want to display temporary signs or banners to advertise this event? Yes

Number of signs for this event 10 Complete the sign permit application attached to the packet. **Please note that signs may only be displayed on private property, with the property owners' permission and with a city permit. Signs are not permitted in any street rights-of-way.**

If this event is a parade, please answer the following additional questions.

Proposed Route (Attach Map): _____

Estimated number and kind of animals to be used: _____

Estimated number of parade participants including, animals and riders, bicycle riders, animal-drawn vehicles, floats motor vehicles, motorized displays and marching units or organizations, such as bands, color-guards, and drill teams:

THIS SECTION NEEDS TO BE COMPLETED IN ORDER TO PROCESS YOUR APPLICATION.

This application has been reviewed by the Seabrook Police Chief or designee and the signature below verifies that adequate provisions for security have been made by the applicant.

Bryan Brand
Print name
Police Department Representative

2-26-14
Date Approved

[Signature]
Signature
Police Department Representative

Comments: regular event - no security needed

I have enclosed the following items as part of my application and have initialed each relevant item:

1. _____ completed applications form including approval by the Seabrook Police Department.
2. N/A If the event is to be held on city property, an additional application for the use of city facilities.
3. DEA Permit fee in the amount of \$ 50.00. (Non-profit organizations may substitute a letter of request to the City Council requesting a waiver of the permit fee.

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4. N/A

If event is a parade a deposit fee of _____ is included. Deposits are not waived.

5. DET

A certificate of insurance, naming the City of Seabrook as certificate holder. This insurance provides protection of not less than \$100,000 against liability for damages to property and protection of not less than \$100,000 for protection of injury to the death of one person and of not less than \$300,000 for protection against injury to death of two or more persons in a single accident or occurrence. (A sample certificate of insurance is enclosed.)

will get
a week before
event

6. N/A

For special events, a site plan is attached as required by the Code of the City of Seabrook, Section 4.07. (See attached excerpt.)

7. N/A

For parades, a map showing the parade route is attached.

NO APPLICATION WILL BE ACCEPTED UNLESS ALL ITEMS LISTED ABOVE ARE PROVIDED.

As applicant, I certify that all information contained in this application is true and correct to the best of my knowledge. I state that I am fully authorized to act and contract for any persons, organizations, firms or corporations on whose behalf this application is made. As applicant for the above organization, I do contract and agree that they will jointly and severally, indemnify and hold the City of Seabrook harmless against liability for any and all claims for damage to property or injury to or death of persons arising out of or resulting from the issuance of the permit or the conduct of the participants. As applicant, I understand that I may be held liable as principal in place of the organization for the cost of cleaning or repairing city property which may have sustained damage as a result of the special event. I understand that a special events permit may be issued for no more than five consecutive days. If the permit is granted, I, as representative, agree to adhere to all city ordinances regarding the special event.

I understand that if I am applying to use a city park, community house or other city facility to hold this event, additional applications and fees will be required. I also understand that all required applications, accompanying documents and fees must be submitted to the City Secretary's Office at least 30 days prior to the date of the event, and that the event may not be held without approval of the Seabrook City Council. I have read and have agreed to the above conditions.

Donald E. Holdbrook

Signature of Applicant

Donald Holdbrook
Printed Name of Applicant

2-26-14
Date Submitted

FOR OFFICE USE ONLY

Reviewed by City Secretary _____ Date _____

If applicable: Fire Marshal notified _____ Building Official Notified _____ City Mgr _____

This application has been reviewed by the Seabrook City Council on _____
and has been APPROVED DENIED.

The following conditions are placed upon this event: _____

**CITY OF SEABROOK
COMMUNITY DEVELOPMENT DEPARTMENT
1700 FIRST STREET
SEABROOK, TEXAS 77586
PHONE #: (281) 291-5669 FAX #: (281) 291-5690**

PLEASE LIST LOCATIONS OF ALL TEMPORARY SIGNS

1. Apex School Area
2. Where every the City Places the Signs
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____



*CITY
OF
SEABROOK*

Date of Meeting: March 4, 2014

Submitter/Requestor: Chief Nona Holomon

Date Submitted: Feb. 18, 2014

Presenter: Captain Sean Wright

Description/Subject: Seabrook police Department Racial Profiling Report
FY 2013

Purpose/Need: Policy Issue ☐ Administrative Issue: The Seabrook police Department is mandated by the State of Texas (SB1074) to present to the City of Seabrook's governing body a report of Racial Profiling.

Background/Issue: In compliance with Senate Bill 1074 "The Texas Profiling Law" a report is due March 1 of each year.

Impacted Parties (Expected/Notified): Citizens of Seabrook

Miscellaneous Comments: According to this law, a series of components must make up the annual report due March 1 of each year. We feel the components are found in the template used and submitted to Seabrook's Govern body and to Texas Commission on Law Enforcement (TCOLE). This report will show that Seabrook Police Department did not racially profile during this time frame.

Attachments: Copy of report to be presented to TCOLE

Fiscal Impact: Budgeted ☐ Yes ☒ No

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) _____

TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: SEABROOK POLICE DEPT.
Reporting Date: 02/21/2014
TCOLE Agency Number: 201222
Chief Administrator: NONA F. HOLOMON
Agency Contact Information: Mailing Address:
SEABROOK POLICE DEPT.
1400 Cook
Seabrook, tx 77586

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

SEABROOK POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the SEABROOK POLICE DEPT. from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the SEABROOK POLICE DEPT. if the individual believes that a peace officer employed by the SEABROOK POLICE DEPT. has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the SEABROOK POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the SEABROOK POLICE DEPT.'s policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) The Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

I certify these policies are in effect.

Executed by: **NONA F. HOLOMON**

Chief Administrator

SEABROOK POLICE DEPT.

Date: 02/21/2014

SEABROOK POLICE DEPT. Motor Vehicle Racial Profiling Information

Number of motor vehicle stops:

1. **1093** citation only
2. **8** arrest only
3. **278** both
4. **1379 Total** (4, 11, 14 and 17 must be equal)

Race or Ethnicity:

- 5 **100** African
6. **16** Asian
7. **1055** Caucasian
8. **201** Hispanic
9. **0** Middle Eastern
10. **7** Native American
11. **1379 Total** (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

12. **80** Yes
13. **1299** No
14. **1379 Total** (lines 4, 11, 14 and 17 must be equal)

Search conducted?

15. **184** Yes
16. **1195** No
17. **1379 Total** (lines 4, 11, 14 and 17 must be equal)

Was search consented?

18. **16** Yes
19. **168** No
20. **184 Total** (must equal line 15)

**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"), 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

**Revised at First Reading
Ordinance No. 2014-06
Page 2**

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 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”).

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

93
94 The Seabrook City Code of Ordinances, Appendix A, "Comprehensive Zoning",
95 Article 2, "Administration", Section 2.05, "Official Zoning Map" is hereby amended by
96 rezoning the Property from OS and R-2 to PUD (mixed use) *strictly conditioned upon full*
97 *and complete compliance with the approved PUD Plan, the regulations, restrictions, and*
98 *conditions* hereinafter set forth in "Exhibit B", (on file with the City Secretary and
99 incorporated by reference), for the subject 13.81 acres generally located immediately east of
100 Meyer Road and north of 1St Street, the same to be a mixed use development and to be
101 referred to as "Old Seabrook Village," consisting of 101 Lots, 17 Blocks and 9 Reserves
102 legally described as Lots 1-7, Block I and Lots 1-7, Block 2 in the Baybrook Subdivision,
103 Section 1 and Tracts 1, 2 and 3 situated in Abstract 52 of Ritson Morris Survey, in Seabrook,
104 Harris County, Texas; being more particularly described by metes and bounds in the attached
105 "Exhibit A", which is incorporated by reference for all purposes. The Plan, (Exhibit "B") as
106 submitted for the first reading of this Ordinance on February 18, 2014, shall be amended to
107 provide that the uses of "bakers", "dinner theatres", and "coffee shops" shall be permitted as
108 conditional uses only, and not uses as a matter of right as originally submitted, ("restaurants",
109 "bars", and "health clubs" already being subject to conditional uses as provided in the subject
110 Plan).

111
112 **SECTION 3. AMENDMENT OF ZONING MAP.**

113
114 The Official Zoning Map of the City of Seabrook shall be revised and amended to
115 show the designation of the Property, as described and as provided in Section 2 above, with
116 the appropriate reference thereon to the number and effective date of this Ordinance, and a
117 brief description of the nature of the change.

118
119 **SECTION 4. INCORPORATION INTO THE CODE; PENALTY CLAUSE.**

120
121 This ordinance is hereby incorporated and made a part of the Seabrook City Code.
122 Violation of this Ordinance is subject to the penalty section of said Code including, Section
123 11.06, "Criminal Enforcement" which provides that any person who shall violate any
124 provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction,
125 shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a
126 separate offense. Additionally, should the subject PUD project fail to meet the schedule as
127 approved herein, or otherwise fail to comply with this Ordinance, the PUD Plan, the PUD
128 classification and all related permits shall be immediately terminated, and the Property shall
129 return to the zoning that existed immediately prior to the PUD as conditionally approved by
130 this Ordinance.

131
132 **SECTION 5. REPEAL OF CONFLICTING ORDINANCES.**

133
134 All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance
135 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: _____
Laura Davis
Mayor Pro Tem

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

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

**Seabrook City Council and Planning & Zoning Commission
Special Joint Meeting Minutes of February 18, 2014
Page 1**

The City Council and the Planning and Zoning Commission of the City of Seabrook met in special joint session on Tuesday, February 18, 2014 at 6:00 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:

CITY COUNCIL

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANGROSSO – Ex. Abs.	COUNCIL PLACE NO. 2
GARY JOHNSON – Ex. Abs.	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

PLANNING & ZONING COMMISSION

MICHAEL POTTS	CHAIRMAN
ROSEBUD CARADEC	MEMBER
MIKE DEHART	MEMBER
BUDDY HAMMANN	VICE-CHAIR
BOLIVAR F. LEWIS, III – Ex. Abs.	MEMBER
DODIE MILLER	MEMBER
MICHAEL SHARPE	MEMBER

STAFF

GAYLE COOK	CITY MANAGER
SEAN LANDIS	ASSISTANT CITY MANAGER & DIRECTOR OF COMMUNITY DEVELOPMENT
MICHELE L. GLASER	CITY SECRETARY
ALESIA HAMMOCK	P&Z COMMISSION SECRETARY
STEVEN L. WEATHERED	CITY ATTORNEY

Mayor Royal requested that Chairman Potts conduct the meeting. Chairman Potts called the meeting to order at 6:00 p.m., declaring a quorum was present.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.

2.0 SPECIFIC PUBLIC HEARING(S)

2.1 Request for final approval of a Planned Unit Development (PUD) to create Old Seabrook Village, 101 Lots, 17 Blocks and 9 Reserves.

Applicant/Owner: OSVillage LLC, 2510 De Four Trace, Seabrook, Texas 77586

Legal Description: Lots 1-7, Block 1 and Lots 1-7, Block 2 in the Baybrook Subdivision, Section 1 and Tract 1, 2 and 3. Being 13.81 acres of land, situated in Abstract 52 of

Seabrook City Council and Planning & Zoning Commission
Special Joint Meeting Minutes of February 18, 2014
Page 2

Ritson Morris Survey, in Harris County, Texas. This property is located immediately east of Meyer and north of 1st Street. The property is located in the R-2 (Single Family Detached-Small Lot) and OS (Old Seabrook) zoning districts.

Mr. Landis gave a presentation on the proposed PUD as shown in Attachment A. Mr. Landis stated that the developer will conform to the proposed flood zone maps that will change the property from an AE flood zone to a VE flood zone with a minimum elevation of 17 feet. The PUD is primarily a residential subdivision of single family, zero lot line duplexes and town homes with some commercial as listed in the plan. The city engineer is aware that requested right-of-way widths are less than 50 feet. The PUD is divided into three phases. Phase 1 will begin within 12 months of approval with an estimated total build out of the PUD within 4-5 years of the start of Phase 1.

Councilor Kolupski questioned allowing businesses on zero lot line lots, as there could be an issue of odor and noise from some uses. Developer, Mark Caldwell stated all commercial uses listed in the PUD are currently permitted in the OS zoning district but some uses allowed in the OS district will not be allowed in the PUD. He added that vents will not be placed on the zero lot line. While businesses can be located anywhere in the PUD, Mr. Caldwell stated that he anticipates that most businesses will front Meyer or the waterfront. He also stated that he had no objection to making additional uses conditional if requested by Council.

Mr. DeHart asked about parking for businesses. Mr. Caldwell stated that there is additional parking on Meyer and every street will allow on-street parking. Mr. Landis stated that all businesses will adhere to the parking requirements in the Comprehensive Zoning Ordinance and that businesses may require more than one lot to meet the parking requirements.

Councilor Davis asked if the reduced right-of-way width was sufficient for emergency vehicles to turn around. Mr. Landis stated that although the right-of-way width is reduced, the pavement width for streets will be 30 feet curb to curb which meets the city's standards and is the same as other neighborhood city streets. The alley payment width will be 20 feet which will meet minimum fire lane distances.

Councilor Davis also asked if phases of the development were in a mandated order as the traffic circle, if built at the beginning of the project, could be used as a turnaround for emergency vehicles. Mr. Landis stated that the phases are not mandated in the plan. He stated that the PUD must comply with subdivision regulations and plat will be reviewed by the staff and the Planning and Zoning Commission. This process will give staff the authority to determine the necessary infrastructure.

Councilor Davis asked if visibility requirements applied to alleys as well as to streets. Mr. Landis said that both streets and alleys will be treated the same regarding visibility. Mr. Landis stated that as part of the plat review, staff will insure that the visibility triangle requirements are met. Councilor Davis asked if the maximum height of a structure is measured from the road elevation. Mr. Landis stated that the maximum height is measured from base flood elevation, as is all construction in the city so that a builder is not penalized for meeting FEMA requirements. Lastly, Councilor Davis asked if conceptual information

**Seabrook City Council and Planning & Zoning Commission
Special Joint Meeting Minutes of February 18, 2014
Page 3**

could be in writing instead of just photos. Mr. Landis stated that the Council can add this as a condition to the use.

In answer to additional questions about parking, Mr. Landis stated that the Comprehensive Zoning Ordinance has a matrix that lists the required parking for each use. Permits will not be issued for construction unless the required parking is met. Residential units will have two off-street parking spaces.

No one from the public wished to speak.

Upon motion, Chairman Potts adjourned the special joint meeting at 6:41 p.m.

Approved by the Seabrook City Council on this 4th day of March 2014.

Laura Davis, Mayor Pro Tem

Approved by the Planning and Zoning Commission on this ____ day of _____, 2014.

Michael Potts, Chairman

Michele L. Glaser, TRMC
City Secretary

City of Seabrook

City Council and Planning & Zoning Commission Joint Public
Hearing
Old Seabrook Village Planned Unit Development Final Plan
Approval

February 18, 2014



Project Description

- Old Seabrook Village ("OSV") is a proposed 14-acre waterfront, mixed use infill development located in the 1500 block of N. Meyer Road.
- It is five blocks from the intersection of Highway 146 and East NASA Parkway, with a long water frontage bordering the Seabrook Slough.
- The development will consist of 112 subdivided lots.
- The development complies with the minimum parcel size of 3.5 acres.
- The development plan complies with the minimum open space requirement of 20 percent.



Project Description

- The development plan is in accordance with the City's Comprehensive Master Plan 2030.
- The PUD allows for efficient use of land through smaller lots and larger open spaces.
- The community will be pedestrian friendly and will connect all blocks with public sidewalks leading to pocket parks, community water features and the Bay view waterfront park.



Site Plan



Aerial Photo



Conceptual Housing Product



Conceptual Housing Product



Conceptual Street Plan

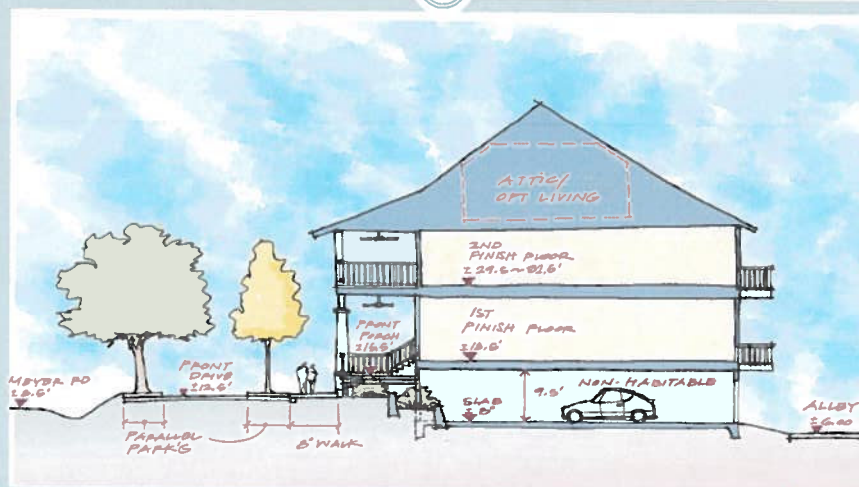


Conceptual Street Plan



SEABROOK

Conceptual House Cross Section



SEABROOK

PUD Regulations

Category of Regulation	OSV-PUD
Single Family Homes:	
Density per Acre	8.11 per acre
Density per Lot	2 primary buildings/lot
Minimum-Lot square footage	2,400
Minimum-Lot width	30 feet
Minimum-Lot frontage on cul-de-sac	30 feet
Minimum-Lot depth	75 feet
Minimum Front Yard (set back)	8 feet
Minimum Rear Yard (set back)	7 feet
Minimum Side Yard (set back)	0 feet
Minimum Side Yards (total set backs)	5 feet
Maximum Building Height	40 feet above BFE



PUD Regulations

Townhomes:	
Density per Acre	8.11 per acre
Density per Lot	2 primary buildings/lot
Minimum-Lot square footage	2,400
Minimum-Lot width	30 feet
Minimum-Lot depth	75 feet
Minimum Front Yard-Townhomes (set back)	8 feet
Minimum Rear Yard-Townhomes (set back)	7 feet
Minimum Side Yard (set back)	5 feet
Maximum Building Height	40 feet above BFE



PUD Regulations

Zero Lot Line, Duplex Homes:	
Density per Acre	n/a
Density per Lot	2 primary buildings/lot
Minimum-Lot square footage	2,400
Minimum-Lot width-Zero Lot Line	30 feet
Minimum-Lot frontage on cul-de-sac	30 feet
Minimum-Lot depth	75 feet
Minimum Side Yard (set back)	0 feet
Minimum Side Yard-Zero Lot Line (set back)	6 feet
Minimum Side Yards (total set backs)	5 feet
Maximum Building Height	40 feet above BFE



Allowed and Conditional Uses

Category of Uses	OSV-PUD
Duplex	Allowed
Single Family Detached	Allowed
Townhome	Allowed
Zero Lot Line Homes	Allowed
Accessory Buildings	Allowed
Alterations, Clothing	Allowed
Antique Shops & Dealers	Allowed
Appliance Dealers, Retail	Allowed
Bakers, Retail	Allowed
Banks or Financial Services	Allowed
Barbers/Salons/Spa	Allowed
Bars/Pubs	Conditional
Bed & Breakfast	Allowed
Bicycle Sales	Allowed
Boat Rental	Allowed
Candy & Confection retail	Allowed
Child day care	Allowed
Clothing Store	Allowed
Coffee Shop/Store	Allowed
Coin Dealers	Allowed
Computer Sales & Service	Allowed
Convenience General Store	Allowed
Copy & Duplicating Service	Allowed
Dance Instruction	Allowed
Dinner Theatre	Allowed
Florist	Allowed
Food Store, Specialty	Allowed
Health Club	Conditional
Office, Professional	Allowed
Office, Medical	Allowed
Public Use-Government	Allowed
Restaurants	Conditional



Regulations that apply to all uses by right and conditional uses allowed in this PUD

Accessory structures:

- Accessory structures shall not occupy a required front or corner side yard or project beyond the front building line of the principal structure on a site.
- Accessory structures shall be set back at least five feet from interior side and rear property lines.
- A minimum distance of not less than five feet shall be maintained between the main structure and accessory buildings.
- Connecting breezeways shall not exceed eight feet in width from finish wall to finish wall.
- Buildings shall be separated by an approved fire-stop in the roof and walls.
- No accessory structures or other obstructions including decks, pools, paving, landscaping structures or trees and fountains may be erected on any utility easement.
- No accessory structure shall be allowed to be constructed prior to completion of the principal structure unless constructed concurrently with the primary structure.



Regulations that apply to all uses by right and conditional uses allowed in this PUD

Buffering and screening:

- Any property classified in this PUD which adjoins or abuts any property classified in the R-1 zoning district shall provide a front, side or rear setback as applicable that is at least as deep or wide as that required in such adjoining or abutting districts.
- Properties in the OSV PUD which are separated by a street from any R-1 zone will provide a 5-foot landscape buffer between the street and any adjoining R-1 zoning district.



Regulations that apply to all uses by right and conditional uses allowed in this PUD

Outside storage and display:

- Outside display of merchandise is permitted except in any of the required parking areas or other restricted areas.
- No display shall be erected in a manner that obstructs the safe flow of pedestrian or vehicular traffic.
- Temporary permits for outside display in parking areas or other private areas may be issued to a business by the building official.
- These temporary permits may be for a period of no more than 72 consecutive business hours.



Regulations that apply to all uses by right and conditional uses allowed in this PUD

Outside storage and display:

- Outside storage shall be permitted only when incidental to the commercial use located on the same premises and provided that:
 1. The storage area may not be visible from the front line of the building.
 2. The storage area may not be located in any of the required parking areas.
 3. All stored merchandise must be behind a screen fence which shall be 100-percent impervious to sight and a minimum of six feet in height.
 4. Merchandise shall not protrude above the height of the enclosed fence, walls or buildings.



Regulations that apply to all uses by right and conditional uses allowed in this PUD

Animal control:

- No farm fowl or farm animals shall be kept on the premises.
- No boarding or sale of any animals shall be allowed within the district at any time.

Lighting:

- Adequate lighting shall be provided if off-street parking and/or loading facilities are to be used at night.
- The lighting shall be designed and installed to reflect away from adjacent property.



Regulations that apply to all uses by right and conditional uses allowed in this PUD

Parking:

- The PUD shall be in accordance with (Article 5*) of the Seabrook ordinance with regard to Parking criteria.



Regulations that apply to all uses by right and conditional uses allowed in this PUD

Landscaping:

- The PUD shall be in accordance with (Article 5*) of the Seabrook ordinance with regard to landscaping criteria.

Sidewalks:

- All 50-foot and 40-foot ROW street frontages shall have sidewalks which shall be a minimum of FOUR feet in width, placed one foot from the right-of-way line for the full width of the property.
- 35-foot ROW streets will have sidewalks on one side only.



Regulations that apply to all uses by right and conditional uses allowed in this PUD

Supplementary regulations:

- a. **Lighting:** Any light used for security or to illuminate the parking area shall be so arranged as to reflect away from any adjacent residential uses.
- b. Temporary structures for uses incidental to construction work on the premises which are removed upon completion or abandonment of construction work are allowed upon permit from the building official.
- c. No temporary structures, including recreational vehicles, construction trailers or travel trailers, may be used for on-site dwelling purposes.
- d. Eaves shall be permitted to encroach no more than 18 inches upon any setback.



Regulations that apply to all uses by right and conditional uses allowed in this PUD

Visibility requirements:

- a. In any zone, no fence, wall, shrubbery, tree, sign, marquee or other obstruction to vision between the heights of 3½ feet and 15 feet above street level shall be permitted within 15 feet of the intersection of the right-of-way lines of two streets.
- b. Accessory structures within 25 feet of the rear lot line of a corner lot shall be set back the minimum front yard depth required on the side street.



Regulations that apply to all uses by right and conditional uses allowed in this PUD

Rights-of-way and street widths:

- It is the intent of this section to establish minimum standards for street widths within the PUD. The PUD will comply with the standards set forth in Sec. 80-120 with the following exceptions:
 - a. The principal residential street off of Meyer Road, within the PUD shall have minimum right-of-way width of 50 feet.
 - b. The minor adjoining residential streets within the PUD shall have minimum right-of-way widths of 35 feet for single sidewalk streets or 40 feet for typical 2 sidewalk streets. Interior lots shall have rear alleys. Waterfront lots will have traditional front-of-lot access off of a 35-foot or 40-foot ROW per plan.
 - c. Streets shall have a minimum paved surface width of 30 feet, back of curb to back of curb and rear access alleys shall have a minimum paved surface width of 20 feet.



Development Schedule

- OSV will begin development in 2014 and will be developed in multiple successive phases.
- The developer expects that construction of streets and infrastructure for phase one will begin within 12 months of the approval of the PUD final plan.
- The developer expects that construction of all streets and infrastructure for all phases will be completed within 3 years from the start date of construction of phase one.
- The developer expects that all homes will be constructed within 4 years from the start date of construction of phase one.



**Seabrook City Council Regular Meeting
Minutes of February 18, 2014
Page 1**

The City Council of the City of Seabrook met in regular session on Tuesday, February 18, 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	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANROSSO - Ex. Abs.	COUNCIL PLACE NO. 2
GARY JOHNSON – Ex. Abs.	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 Royal called the meeting to order at 7:00 p.m. and asked the Girl Scouts in the audience to lead the United States and Texas Pledges of Allegiance.

1.0 PRESENTATIONS

1.1 Present a proclamation honoring Corky Clevenger. (Royal)

Mayor Royal presented the proclamation honoring Corky to her family.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Mary Lee, Darden Lane, Girl Scout Leader told Council that the new peddler's ordinance requiring scouts to obtain a permit was detrimental to fund raising. She asked Council to consider an exception for boy and girl scouts. Also speaking against the ordinance were Seabrook Girl Scouts, Katrina Byres, Aspen DeLucia, Carolyn Buck and Sigourney and Savannah Lee. Cheryl Radney, representing Seabrook Boy Scouts also asked for an exemption.

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

Mayor Royal announced several upcoming events.

3.0 CONSENT AGENDA

3.1 Removed from the Consent Agenda by Mayor Royal.

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

Seabrook City Council Regular Meeting
Minutes of February 18, 2014
Page 2

47 **3.3 Approve the January 2014 Building Report. (Landis)**

48
49 **3.4 Approve the January 2014 Public Safety Report. (Holomon)**

50
51 **3.5 Approve the minutes of the February 4, 2014 regular City Council meeting. (Glaser)**

52
53 **3.6 Consider approval of second and final reading of proposed Ordinance No. 2014-02,**
54 **"Multi-Stop Sign at Lakeside Drive and Wild Oak Forest Lane." (Council)**

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

66
67 **3.7 Consider approval of second and final reading of proposed Ordinance No. 2014-03,**
68 **"Speed Limit and School Zone Designation on El Mar Lane." (Council)**

69
70 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER
71 90 "TRAFFIC AND VEHICLES" ARTICLE II, "SPEED RESTRICTIONS", TO PROVIDE
72 FOR NEW SPEED LIMITS ON EL MAR LANE, BY AMENDING SECTION 90-31,
73 "ENUMERATION OF LIMITS," SUBSECTION (2) "EXCEPTIONS" ESTABLISHING A
74 SPEED LIMIT OF 25 MILES PER HOUR FOR EL MAR LANE BETWEEN BAHAMA
75 DRIVE AND NORTH MEYER AVE; SECTION 90-32 "SCHOOL ZONES" SUBSECTION
76 "A," "TWENTY MILES PER HOUR DURING DESIGNATED TIMES," ESTABLISHING
77 A SCHOOL ZONE AND SPEED OF 20 MILES PER HOUR ON THE PORTION OF EL
78 MAR LANE FROM 200 FEET WEST OF THE CROSSWALK ADJACENT TO SCHOOL
79 TO NORTH MEYER AVE, A DISTANCE OF APPROXIMATELY 750 FEET, FOR
80 VEHICLES AS ESTABLISHED AND POSTED BY THE CITY OF
81 SEABROOK; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN
82 TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISIONS
83 HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR
84 PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND
85 PROVIDING FOR SEVERABILITY.

86
87 **3.8 Consider approval of second and final reading of Ordinance No. 2014-05, "Amendment**
88 **to the Firearms Ordinance." (Johnson)**

89 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER
90 44, "LAW ENFORCEMENT AND OFFENSES", ARTICLE III, "OFFENSES", DIVISION

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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.

Motion was made by Councilor Holbrook and seconded by Councilor Llorente

To approve the Consent Agenda with the exception of Item 3.1.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

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

Bob Stokes, Galveston Bay Foundation, stated that the extension will not require any additional city expenditures. Mr. Stokes added that the project is anticipated to be completed within 90 days of approval.

Motion was made by Councilor Llorente and seconded by Councilor Davis

To approve the contract amendment as presented and authorize the mayor to sign.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

With the consent of Council, Mayor Royal took some items in "New Business" out of order.

4.0 NEW BUSINESS

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

Motion was made by Councilor Kolupski and seconded by Councilor Davis

To amend the ordinance.

Mayor Royal explained that the reason for passage of the recent ordinance was that there had been many citizen complaints about peddler and solicitors. Mayor Royal stated that there had been no intent to create a hardship for Scouts. However, if Council gives favor to one group

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over another, the city can receive challenges to the ordinance. He added that one change that can be made is to exclude certain groups from the itinerant vendor portion of the ordinance only. Although the change would not exclude any group under the peddler portion of the ordinance, the city may issue a peddler permit to the San Jacinto Council of Girls Scouts and/or the Sam Houston Council of Boy Scouts that would cover all scouts. He stated that no group may solicit or peddle at any property that has been posted with a sign that no solicitors or peddlers are allowed.

Councilor Davis stated that she brought the new ordinance to Council because of many citizen complaints. She stated that Council was sensitive to scouts by waiving all fees and that it had not been the intent of Council to hinder Girl Scouts and Boy Scouts from fund raising activities.

Motion was made by Councilor Davis and seconded by Councilor Llorente

To amend Ordinance No. 2013-25 to make an exception to Section 22-82., "Itinerant Vendors on Private Property" which shall state: **"No provision of this section shall apply to children 17 years of age or younger engaged in fundraising activities for any nonprofit organization or extracurricular activities sanctioned by a public school district."**; and further, to allow Girl Scouts and Boy Scouts to obtain peddler permits at the San Jacinto or Sam Houston Council level, as applicable, so that scouts will not be required to obtain individual peddler permits.

MOTION CARRIED BY UNANIMOUS CONSENT.

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.

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Following the Planning and Zoning Commission's meeting at 7:00 p.m., Chairman Potts presented the Commission's final report which contained a unanimous recommendation for approval without any conditions or amendments. He stated that Commission members reviewed the issues raised by Council. The Commission did not see the need to change any uses by right to conditional uses as it has confidence in the current city ordinances and in staff's ability to administer the ordinances. Concerning the visibility triangle, the front of the house will parallel the street and will be controlled which will insure that the back corner of the house will be as equally controlled. Concerning the documentation of architectural details, the Commission did not want to tie down the developer by describing every possibility that may be built on the 112 lots. Commission members decided that the general description in the document contains sufficient detail.

Councilor Davis recommended written text to describe the appearance of the development, including minimum standards instead of relying only on conceptual photos in order to project the city in cases of change in owner and/or developer.

Councilor Kolupski recommended that in addition to bars and restaurants, other food uses that can cause odors should be designated as conditional uses instead of uses by right. Councilor Kolupski stated that such uses require grease traps which could cause odors to adjoining properties, especially in the case of zero lot line structures.

Mr. Landis stated that he could work with the applicant to develop written language to describe the type of architecture for the development. Mr. Landis also stated that the applicant can come back to the city and ask for changes as needed. Councilor Llorente asked if the builder could build a one-story building. Mr. Landis stated that there is no requirement to build two-story structures and a one-story building could still meet the conceptual plan. He added that although there is no minimum square footage requirement for any structure, the size of the lots would probably result in a majority of two story structures.

The applicant, Mr. Mark Caldwell stated that he had no objection to changing retail bakers, dinner theatres and coffee shops from uses by right to conditional uses. (Restaurants, bars and health clubs are already listed as conditional uses in the PUD document.)

Mr. Caldwell stated that he believed Councilor Davis's concerns are addressed in the PUD document on page 5, Item III. "Conceptual Plan Objectives", second paragraph, which states:

"All the homes will feature front porches along streets with no driveways and most will also offer roof-top terraces with views of Galveston Bay and Clear Lake... Most houses will have alleyways behind with tuck-under garages and all will have ground-level yards, gardens, courtyards or spa pools. The waterfront homes will have extensive terraces and decks to take full advantage of the sea breezes and the natural beauty of the surroundings."

Mr. Caldwell stated that, as a developer, he will sell the lots to custom builders who will receive the concept information and understand the architectural scheme. The main concept is

Seabrook City Council Regular Meeting
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that there will be no garage visible from the front façade which will result in a more attractive product. He added that there will be architectural guidelines, a homeowners' association and an architectural review board.

Motion was made by Councilor Llorente and seconded by Councilor Holbrook

To approve the first reading of proposed Ordinance No. 2014-06, with the reading of the caption serving as the reading of the ordinance, with an amendment to change the uses of bakers, coffee shops and dinner theatres from uses by right to conditional uses.

Steve reviewed the details already in the ordinance which lists 112 lots with 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')" and a metes and bounds description attached as Exhibit A.

Mr. Caldwell agreed that this description was accurate.

MOTION CARRIED BY UNANIMOUS CONSENT.

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)

Motion was made by Councilor Davis and seconded by Councilor Llorente

To table this item.

MOTION TO TABLE CARRIED BY UNANIMOUS CONSENT.

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

Motion was made by Councilor Davis and seconded by Councilor Llorente

To reappoint Rosebud Caradec, Buddy Hammann and Michael Sharpe to the Planning and Zoning Commission for three year terms to expire January 2017.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

Mrs. Cook stated that the Open Space and Trails Committee had recommended that the city use a natural barrier, such as oleanders, to reduce noise and delineate the area. They also recommended planting vines to cover existing walls.

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Motion was made by Councilor Davis and seconded by Councilor Holbrook.

To authorize the expenditure of \$3,000 to create a natural barrier of oleanders and vines.

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 Davis

To approve the Action Items Checklist after removing Items 22 and 26.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

Mrs. Cook asked Council to confirm April 4 as an all day planning session for Council and management staff. It was decided to meet between 8:00 a.m. and 3:00 p.m. Council candidates will be invited to attend also.

Items on the next agenda include approval of the Trash Bash special events permit, appointments/reappointments to the Board of Adjustment and an extension agreement with Tookies that has already been approved by the Economic Development Corporation.

Upon motion, Mayor Royal adjourned the meeting at 8:25 p.m.

Approved this 4th day of March 2014.

Laura Davis, Mayor Pro Tem

Michele L. Glaser, TRMC
City Secretary

ORDINANCE NO. 2014-07
AMENDMENT TO THE REGULATION OF ITINERANT VENDORS

AN ORDINANCE AMENDING ORDINANCE NO. 2013-25 AND THE SEABROOK CITY CODE, CHAPTER 22, "BUSINESSES," ARTICLE III. "PEDDLERS, ITINERANT VENDORS, HAWKERS, SOLICITORS AND CANVASSERS", SECTION 22-82, "ITINERANT VENDORS ON PRIVATE PROPERTY" TO ALLOW NON-PROFIT YOUTH ORGANIZATIONS TO BE EXEMPTED FROM THE REQUIREMENT TO OBTAIN AN ITINERANT VENDORS PERMIT; PROVIDING A PENALTY IN AN AMOUNT OF \$500.00 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.

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

ARTICLE I. AMENDMENT TO THE CODE.

The Code of the City of Seabrook is hereby amended at Chapter 22, "Businesses", Article III. "Peddlers and Solicitors", Section 22-82 as written below.

"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 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

Ordinance No. 2014-07
Page 2

47 does not violate any code of the city, including all zoning, building, and health codes. The city
48 will exempt an itinerant vendor from zoning provisions where the proposed location of the
49 temporary business is an improved property that contains an active nonprofit institutional use,
50 such as a church or school; and

51
52 2. The itinerant vendor must possess a valid state sales tax certificate or proof of a
53 tax exemption; and

54
55 3. The itinerant vendor must provide the city with a copy of either a lease or
56 written permission from the owner of the private property showing that the itinerant vendor may
57 use the property; and

58
59 4. The itinerant vendor must submit a dimensioned or scaled site plan indicating
60 the location of the display area, curb cuts, and parking area. The city requires all parking on an
61 all-weather surfaced area; and

62
63 5. The itinerant vendor must provide one unisex portable sanitary facility. In lieu
64 of the portable sanitary facility, the vendor may provide a permission letter from the owner or
65 manager of a property located within a two-hundred-foot radius of the temporary business
66 granting permission to use their sanitary facilities; however, the property where the itinerant
67 vendor has permission to use the sanitary facilities cannot be located across a thoroughfare of
68 four lanes or larger; and

69
70 6. If the sale involves food products, the itinerant vendor must obtain all the
71 necessary health permits.

72
73 7. Due to traffic safety concerns, no permit shall issue hereunder for locations
74 along State Highway 146 or NASA Parkway.

75
76 E. An itinerant vendor may not use a tent or temporary building, except a portable
77 sanitary facility, in conjunction with a temporary sale.”

78
79 **F. No provision of this section shall apply to children 17 years of age or younger**
80 **engaged in (i) fundraising activities for any nonprofit organization or (ii) extracurricular**
81 **activities sanctioned by a public school district.**

82
83 **ARTICLE II. VIOLATION.**

84
85 Any person violating any part of this ordinance or failing to observe any provision of this
86 article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished
87 by a fine not exceeding five hundred dollars or the maximum amount provided by law. Every
88 day the violation continues shall be deemed as a separate offense.

89
90

ARTICLE III. 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 IV. 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 4th day of March 2014;

PASSED AND APPROVED on second and final reading this 18th day of March 2014.

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, MARCH 4, 2014

Submitter/Requestor:

Date Submitted: 2/24/2014 10:37:19 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?

Old 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. This item was tabled on February 18, 2014. (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 #
<u>Mike Laible</u>	<u>2823 Sea Ledge</u>	<u>1222</u>
<u>Mike Molly Hammack</u>	<u>2914 Sea Ledge</u>	<u>122</u>

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

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.
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.

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					

April 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Council	2	3 Open Space	4 Council Work Session 8am from 8 a.m. to 3 p.m.	5
6	7	8	9	10 EDC	11	12
13	14	15 Council	16	17 P&Z	18 Holiday City Hall Closed	19 Easter Egg Hunt
20 Easter	21	22	23	24	25	26
27	28 Early Voting Begins	29	30			