

**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, JULY 10, 2012 - 7:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY JULY 10, 2012 AT 7:00 PM** IN THE SEABROOK CITY HALL COUNCIL CHAMBERS, 1700 FIRST STREET, SEABROOK, TEXAS 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 Certificates of Appreciation to sponsors of the 4th of July Kids' Parade. (Council)
- 1.2 Presentation of Certificates of Appreciation to outgoing board members. (Council)
- 1.3 Presentation of the 2012 Gold Leadership Circle Award to Finance Director Pam Lab. (Council)

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

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

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

3.0 BID AWARDS

 ATTACHMENT 1

- 3.1 Consider award of Bid Project No. 2012- 05 for street paving and waterline improvements to Seascape 1 to apparent low bidder D & W Contractors, Inc. in the

amount of \$503,240.00. (Chairez)

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

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

ATTACHMENT 2

- 4.1 Approve the construction of the Valerij Alyohin Memorial in Meador Park. (Templin)

ATTACHMENT 3

- 4.2 Approve minutes of the June 26, 2012 City Council meeting. (Glaser)

ATTACHMENT 4

- 4.3 Approve annual 5-K Fun Run hosted by the Bay Area Running Club on Saturday, August 4, 2012 from 5:00 - 11:00 a.m. beginning and ending at Outrigger's and contingent on the receipt of an appropriate certificate of liability insurance. (Applicant)

ATTACHMENT 5

- 4.4 Approve parade permit for annual charity bike race hosted by Outloud Productions on Saturday, August 25, 2012 from 7:30 - 9:30 a.m. (Applicant)

ATTACHMENT 6

- 4.5 Ratify the City Manager's Reappointment of John Chisler to the Civil Service Commission for a term of three years. (Templin)

ATTACHMENT 7

- 4.6 Approve Resolution No. 2012-16, Concerning Port of Houston Authority's Project to Deepen and Widen the Ship Channel.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SEABROOK, TEXAS
CONCERNING THE PORT OF HOUSTON'S PROJECT TO DEEPEN AND
WIDEN THE BAYPORT SHIP CHANNEL IN CHAMBERS AND HARRIS
COUNTIES, TEXAS.

ATTACHMENT 8

- 4.7 Approve Resolution 2012-17, "Acceptance of Temporary and Permanent Easements from John N. Huynh and Jenny Pham, Parcel 7 for the Waterfront Drive Public Improvements Project." (Templin)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT DRIVE RECONSTRUCTION," PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENTS FROM JOHN N. HUYNH AND WIFE, JENNY PHAM, PROPERTY OWNERS IN RELATION TO PARCEL 7, A 0.0344 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT 52, HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 6,7,AND 8, BLOCK 150 OF THE MAP OF SEABROOK, AS MORE PARTICULARLY DESCRIBED HEREIN

END OF CONSENT AGENDA

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

ATTACHMENT 9

- 5.1 Approve official naming of Monroe Park which is adjacent to Brummerhop Park) pursuant to the Warranty Deed from Pelican's Nest, comprising approximately 2.237 acres in Pelican's Nest Subdivision. The attached Deed requires that the property be used as a public park and carry the name of the Scott Monroe family. With the completion of the Repsdorph Road Project, the property has been released for access by the City for proceeding. (Templin)

ATTACHMENT 10

- 5.2 Consider appointment of a Mayor Pro Tem for 2012/13. Paul Dunphey served as Mayor Pro Tem for 2011/12. (Council)

ATTACHMENT 11

- 5.3 Consider appointment of bond attorney for the November, 2012 bond election. Staff recommendation is to appoint Fulbright & Jaworski. (Templin)
- 5.4 Distribute draft budget, discuss calendar and schedule future budget workshops. (Templin)

ATTACHMENT 12

- 5.5 Consider appointment of a member to the Ethics Review Commission for a term ending 10/31/12. (Council)

ATTACHMENT 13

- 5.6 Consider appointment of a member to the Planning & Zoning Commission with a term ending January, 2013. (Council)

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

ATTACHMENT 14

- 6.1 Discussion and consideration of recommended changes to the existing noise ordinance. This item was tabled on June 12, 2012. (Templin)

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

ATTACHMENT 15

- 7.1 Approve the Action Items Checklist which is attached and made a part of this agenda. (Council)

ATTACHMENT 16

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

8.0 EXECUTIVE SESSION

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

Section 551.071 and 551.072

- 8.1 Pursuant to Sections 551.071 and 551.072 of the Texas Government Code, deliberate the sale, purchase, exchange, lease or value of real property to avoid detrimental effect on position of City in negotiations with third parties if the matter was to be discussed in open meeting and legal issues associated herewith. (Templin)

9.0 OPEN MEETING

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

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

CERTIFICATE

I certify that this notice was posted on the bulletin board on or before Friday, July 6, 2012 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

Michele L. Glaser, TRMC
City Secretary



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, JULY 10, 2012

Submitter/Requestor: Arthur Chairez

Date Submitted: 7/2/2012 11:35:41 AM

Presenter: Arthur Chairez

Description/Subject:

Bid Award for Seascape 1 Paving & Waterline Improvement Project 2012-05

Purpose/Need: NA

Background/Issue(What prompted this need):

Need to improve street paving and upgrade the waterlines in Seascape I.

This project is a continuing effort of the Public Works Street Management Program to improve the neighborhood streets throughout the city funded in part by the Sanitation Franchise Fee transfer for street repair & improvements.

Impacted Parties(Expected/Notified): Citizens, Council, Public Works

Miscellaneous Comments:

The complete Seascape I project will be done in three (year) phases due to size and the amount of funds made available on an annual basis.

Attachments:

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

Press Release

Map

Letter of Recommendation

Fiscal Impact: Budgeted

Yes

Finance
Review:

Officer

Budget Amendment Required

No

Future/Ongoing Impact

No

Budget Dept/Line Item Number 500-6065 CIP

Funding Comments:

Budget Department Line Item Number 500-6065 CIP
Approximate Total Amount of Expenditure \$503,240.00

Where on the agenda should this item be placed?

Bid Awards

Suggested Motion:

Award bid to low bidder D&W Contractors Inc. for the sum of \$503,240.00

Agenda Language:

Consider award of Bid Project No. 2012- 05 for street paving and waterline improvements to Seascape 1 to apparent low bidder D & W Contractors, Inc. in the amount of \$503,240.00.
(Chairez)

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.)



LEAANN DEARMAN
MARKETING MANAGER
281.291.5577 OFFICE
281.291.5590 FAX
WWW.CI.SEABROOK.TX.US

NEWS FOR IMMEDIATE RELEASE

Monday, July 02, 2012

Seascape I – Street & Waterline Improvements

The Seascape I improvement project is a three year street and waterline replacement project. The existing streets are over 50 years old and built of asphalt type materials with numerous crack failures and are past due for improvements. The curbs are damaged, uneven and need to be replaced. This project is a continuing effort of the Public Works Street Management Program to improve the neighborhood streets throughout the city. The existing 6 inch waterlines are old and made of AC (asbestos cement) type material that cause frequent interruption of service and water loss due to line breaks. These waterlines require frequent maintenance and need to be replaced.

Phase 1 will consist of paving and waterline replacement along South Flamingo Drive from the intersection of Todville Road to the intersection of North Flamingo Drive.

Phase 2 will consist of paving and waterline replacement along North Flamingo Drive and Hamblen Court.

Phase 3 will consist of paving only along Bay Club Drive and Tharp Avenue.

Street replacement will replace the existing asphalt pavement and concrete curb with 6-inch concrete pavement and 6-inch concrete curbs. Adjacent driveways along the street replacements will be removed and be replaced with 6-inch concrete up to the existing right-of-way.

Waterline replacement will replace the existing 6-inch AC water line with an 8-inch PVC water line and replace the existing water service lines to each customer along the main line to the meter.

This improvement project is currently in the design stage getting ready for the bid process with construction tentatively starting this summer in June or July.

###

Media Contact: Public Works Director Arthur Chairez at (281) 474.3286



Google earth

feet
meters





July 2, 2012

Mr. Arthur Chairez
Director of Public Works
City of Seabrook
1700 First Street
Seabrook, Texas 77586

Re: **Recommendation of Award**
Seascape One Paving and Water Line Improvements, Phase I
Seabrook Project No. 2012-05

Dear Mr. Chairez,

Bids for the referenced project were received on July 2, 2012 and a tabulation of those is attached to this letter. The low bid was submitted by D&W Contractors, Inc. Based on our review of the bids and qualifications of the bidder, we recommend award of the contract to D&W Contractors, Inc. for a total Bid Price of \$503,240.00. If you have any questions or require additional information, I can be contacted at 281-993-4952.

Sincerely,

COBB, FENDLEY & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "B Matlock".

Brad Matlock, P.E.
Senior Project Manager

cc: Kelly Templin, City of Seabrook
Dale Conger, P.E., CobbFendley
File

Attachment

Client: CITY OF SEABROOK
Project Name: SEASCAPE ONE PAVING AND WATER LINE IMPROVEMENTS, PHASE I
Bid Date: JULY 2, 2012

Item No.	Item Description	Unit	Quantity	Bidder No. 1		Bidder No. 2		Bidder No. 3	
				D & W Contractors, Inc.		DWC Management, L.L.C., G.P. David Wight Construction Co., Ltd.		Triple B. Services, LLP	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
BASE BID ITEMS									
SECTION 1 - SITE PREPARATION FOR EARTH WORK									
1	Mobilization (No Greater Than 5% of Total Bid)	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 26,898.00	\$ 26,898.00	\$ 29,500.00	\$ 29,500.00
2	Tree and Plant Protection	LS	1	\$ 1,000.00	\$ 1,000.00	\$ 3,678.00	\$ 3,678.00	\$ 10,000.00	\$ 10,000.00
3	Remove and Dispose of Existing Asphalt Pavement and Base (All Depths) and Concrete Curbs and Gutters, and Paving Headers, as Required by the Drawings and Specifications	SY	6,900	\$ 3.50	\$ 24,150.00	\$ 4.30	\$ 29,670.00	\$ 4.05	\$ 27,945.00
4	Remove and Dispose of Existing Concrete Walkways and Driveways, as Required by the Drawings and Specifications	SY	1,000	\$ 2.50	\$ 2,500.00	\$ 4.30	\$ 4,300.00	\$ 7.80	\$ 7,800.00
SUBTOTAL SECTION 1					\$ 42,650.00		\$ 64,546.00		\$ 75,245.00
SECTION 2 - PAVING									
5	Manipulation of Lime Stabilized Subgrade (6" Depth)	SY	7,400	\$ 3.00	\$ 22,200.00	\$ 2.20	\$ 16,280.00	\$ 4.50	\$ 33,300.00
6	Type A, Hydrated Lime, (Estimated At 6% by Dry Weight)	TON	115	\$ 150.00	\$ 17,250.00	\$ 169.00	\$ 19,435.00	\$ 175.00	\$ 20,125.00
7	6" Reinforced Concrete Pavement, Complete in Place	SY	6,700	\$ 31.00	\$ 207,700.00	\$ 35.30	\$ 236,510.00	\$ 31.75	\$ 212,725.00
8	6" Cement Stabilized Sand Base, Complete in Place	CY	50	\$ 45.00	\$ 2,250.00	\$ 37.80	\$ 1,890.00	\$ 87.70	\$ 4,385.00
9	6" High Early Strength Reinforced Concrete Pavement, Complete in Place	SY	250	\$ 35.00	\$ 8,750.00	\$ 40.00	\$ 10,000.00	\$ 46.75	\$ 11,687.50
10	6" Reinforced Concrete Pavement for Driveways, Complete in Place	SF	7,500	\$ 5.00	\$ 37,500.00	\$ 4.85	\$ 36,375.00	\$ 5.10	\$ 38,250.00
11	6" High Early Strength Reinforced Concrete Pavement for Driveways, Complete in Place	SF	500	\$ 5.75	\$ 2,875.00	\$ 5.50	\$ 2,750.00	\$ 5.25	\$ 2,625.00
12	4 x 12" Concrete Curb, Complete in Place	LF	3,800	\$ 2.50	\$ 9,500.00	\$ 3.00	\$ 11,400.00	\$ 3.30	\$ 12,540.00
13	Concrete Pavement Header, Complete in Place	LF	180	\$ 6.00	\$ 1,080.00	\$ 6.50	\$ 1,170.00	\$ 27.30	\$ 4,914.00
14	4 1/2" Concrete Sidewalk, Complete in Place	SF	1,200	\$ 4.00	\$ 4,800.00	\$ 4.30	\$ 5,160.00	\$ 4.95	\$ 5,940.00
SUBTOTAL SECTION 2					\$ 313,905.00		\$ 340,970.00		\$ 346,491.50
SECTION 3 - DRAINAGE									
15	Adjust Existing Manhole to Grade	EA	5	\$ 200.00	\$ 1,000.00	\$ 230.00	\$ 1,150.00	\$ 450.00	\$ 2,250.00
16	Replace Concrete Type "B-B" Inlet Top and Grate, Complete in Place	EA	4	\$ 1,800.00	\$ 7,200.00	\$ 1,038.00	\$ 4,152.00	\$ 1,175.00	\$ 4,700.00
SUBTOTAL SECTION 3					\$ 8,200.00		\$ 5,302.00		\$ 6,950.00
SECTION 4 - WATER DISTRIBUTION SYSTEM									
17	8-Inch PVC C-900 Water Line Pipe, Including Mechanical Joint Fittings (All Depths), Complete in Place	LF	1,800	\$ 27.00	\$ 48,600.00	\$ 36.60	\$ 65,880.00	\$ 32.50	\$ 58,500.00
18	8-Inch PVC C-900 Water Line with Megalug Restraint Joint Pipe, Including Mechanical Joint Fittings (All Depths), Complete in Place	LF	150	\$ 50.00	\$ 7,500.00	\$ 82.00	\$ 12,300.00	\$ 50.00	\$ 7,500.00
19	6-Inch PVC C-900 Water Line Pipe, Including Mechanical Joint Fittings (All Depths), Complete in Place	LF	40	\$ 33.00	\$ 1,320.00	\$ 44.80	\$ 1,792.00	\$ 70.00	\$ 2,800.00
20	8-Inch Gate Valve and Box, Complete in Place	EA	5	\$ 1,200.00	\$ 6,000.00	\$ 1,026.00	\$ 5,130.00	\$ 1,200.00	\$ 6,000.00
21	6-Inch Gate Valve and Box, Complete in Place	EA	1	\$ 800.00	\$ 800.00	\$ 664.00	\$ 664.00	\$ 800.00	\$ 800.00
22	Fire Hydrant Assembly, Including Tee, Lead & 6-Inch Gate Valve and Megalug Restraint Joint, Complete in Place	EA	3	\$ 3,200.00	\$ 9,600.00	\$ 3,042.00	\$ 9,126.00	\$ 4,300.00	\$ 12,900.00
23	Water Tap and Service Line Installation, Long Side, Includes Tap, Sleeve, Corporation Stop, Service Line, and Meter, Complete in Place and Operational	EA	20	\$ 450.00	\$ 9,000.00	\$ 750.00	\$ 15,000.00	\$ 1,200.00	\$ 24,000.00
24	Water Tap and Service Line Installation, Short Side, Includes Tap, Sleeve, Corporation Stop, Service Line, and Meter, Complete in Place and Operational	EA	16	\$ 325.00	\$ 5,200.00	\$ 570.00	\$ 9,120.00	\$ 285.00	\$ 4,560.00
25	8-Inch Wet Connection	EA	2	\$ 600.00	\$ 1,200.00	\$ 600.00	\$ 1,200.00	\$ 950.00	\$ 1,900.00
26	6-Inch Wet Connection	EA	3	\$ 400.00	\$ 1,200.00	\$ 580.00	\$ 1,740.00	\$ 825.00	\$ 2,475.00
27	Well Pointing for Water Line, Min. Bid \$25/LF	LF	45	\$ 25.00	\$ 1,125.00	\$ 25.00	\$ 1,125.00	\$ 25.00	\$ 1,125.00
28	14-Inch Steel Casing Including Certa-Lok Restraint Joint Pipe, Trenchless Under Toddville Rd, Complete in Place	LF	45	\$ 170.00	\$ 7,650.00	\$ 174.00	\$ 7,830.00	\$ 195.00	\$ 8,775.00
SUBTOTAL SECTION 4					\$ 99,195.00		\$ 130,907.00		\$ 131,335.00
SECTION 5 - SWPPP									
29	Erosion/Sediment Control in Accordance with TPDES Requirements, Including Notice of Intent (NOI) and Notice of Termination (NOT), (1-Contractor, 1-Owner)	EA	2	\$ 325.00	\$ 650.00	\$ 630.00	\$ 1,260.00	\$ 500.00	\$ 1,000.00
30	SWPPP Inspection and Maintenance, and Reporting	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 520.00	\$ 520.00	\$ 2,500.00	\$ 2,500.00
31	Furnish and Install Filter Fabric Fence	LF	100	\$ 1.50	\$ 150.00	\$ 1.80	\$ 180.00	\$ 1.25	\$ 125.00
32	Furnish and Install Inlet Protection Barrier (Stage I)	EA	4	\$ 80.00	\$ 320.00	\$ 112.00	\$ 448.00	\$ 40.00	\$ 160.00
33	Furnish and Install Gravel Bags (Stage II)	LF	150	\$ 5.00	\$ 750.00	\$ 2.75	\$ 412.50	\$ 5.50	\$ 825.00
34	Sodding for Erosion Control (Block Sodding), As Shown on Plans, Complete in Place	SY	1,500	\$ 4.00	\$ 6,000.00	\$ 3.80	\$ 5,700.00	\$ 3.65	\$ 5,325.00
SUBTOTAL SECTION 5					\$ 10,870.00		\$ 8,520.50		\$ 9,935.00
SECTION 6 - TRAFFIC CONTROL AND REGULATION									
35	Traffic Control and Regulation, in Accordance with Drawings and Specifications	MO	2	\$ 1,700.00	\$ 3,400.00	\$ 2,175.00	\$ 4,350.00	\$ 6,500.00	\$ 13,000.00
SUBTOTAL SECTION 6					\$ 3,400.00		\$ 4,350.00		\$ 13,000.00
SECTION 7 - SANITARY SEWER SYSTEM									
36	8-Inch Sanitary Sewer Service Connections, Complete in Place	EA	12	\$ 2,085.00	\$ 25,020.00	\$ 1,368.00	\$ 16,416.00	\$ 600.00	\$ 7,200.00
SUBTOTAL SECTION 7					\$ 25,020.00		\$ 16,416.00		\$ 7,200.00
TOTAL BASE BID PRICE					\$ 503,240.00		\$ 571,011.50		\$ 590,156.50



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, JULY 10, 2012

Submitter/Requestor: K. Templin

Date Submitted: 7/2/2012 10:41:19 AM

Presenter: K. Templin

Description/Subject:

Requesting approval to commence construction of the Valerij Alyohin Memorial.

Purpose/Need: NA

Background/Issue(What prompted this need):

Valerij Alyohin was badly burned and eventually died in the apartment fire in Seabrook/El Lago a year ago. It was acknowledged by many of the apartment residents and the fire department that his selfless actions alerted many and probably saved additional lives. The City Council has taken two actions to commemorate his actions. One was a joint proclamation with the city of El Lago. The other was to approve in concept a memorial for Val. (Attached.) A local group has been working on a design for the memorial. They have also collected private donations for the construction and no Seabrook money is needed for the construction. Maintenance is nominal and not expect to be an ongoing expense for the city. The location as shown in the attached picture is under a live oak tree in Miramar Park. The general concept is to have a small slab with two benches. A memorial plaque will be included on the bench or near the benches. This is a highly used area of the park and additional places to sit will be useful and prove a nice memorial for Mr. Alyohin.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

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

05-2011 Regular Session

11-01-2011 Regular Session

View One Memorial

View Three Memorial

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

Funding Comments:

Where on the agenda should this item be placed?

Consent Agenda

Suggested Motion:

A motion to approve the construction of the Valerij Alyohin Memorial in Meador Park.

Agenda Language:

Approve the construction of the Valerij Alyohin Memorial in Meador Park. (Templin)

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.)

Seabrook City Council Regular Meeting
Minutes of April 5, 2011
Page 1

The City Council of the City of Seabrook met in regular session on Tuesday, April 5, 2011 at Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GARY T. RENOLA
KIM MORRELL
GARRY MACK
PAUL R. DUNPHEY

MAYOR
COUNCIL PLACE NO. 1
COUNCIL PLACE NO. 2
MAYOR PRO TEM &
COUNCIL PLACE NO. 3
COUNCIL PLACE NO. 4
COUNCIL PLACE NO. 5
COUNCIL PLACE NO. 6
CITY MANAGER
CITY ATTORNEY
ASSISTANT CITY SECRETARY

Mayor Renola called the meeting to order at 7:00 p.m. and led the audience in the Pledge of Allegiance.

1.0 PRESENTATIONS

1.1 Presentation of a Proclamation from the City of Seabrook and the City of El Lago in Honor and in Memory of Valerij Alyohin. (Councils)

Mayor Renola read the proclamation and stated that an original had been sent to the family of Valerij Alyohin in San Francisco where he will be honored by the Russian American Community Services.

1.2 Presentation by the Houston Area Red Cross and by the City of Seabrook thanking those who assisted in the recent fire at the Emerald Shores Apartments. After the awards, there will be a short reception to honor the recipients. (Council)

Presentations were made by Mayor Renola and representatives of the Red Cross.

After the reception, Mayor Renola reconvened the meeting at 7:30 p.m.

1.3 Update from Jennifer Vogel of Your Town TV regarding the hotel/motel promotion project as requested by City Council.

Jennifer Vogel stated that she has had a great experience with the hoteliers and nine videos have been completed featuring the hotels and bed and breakfasts. Three other videos have covered the Lucky Trail Marathon, a brief tour of all the hotels and Keels

Seabrook City Council Regular Meeting

Minutes of April 5, 2011

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and Wheels which is still in process. The You Tube page is complete and all videos may be seen by searching "cityofseabrook." Videos may also be seen on the tourism page.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Joe Pirtle, Seabrook Municipal Court Judge, submitted a letter to the assistant city secretary and asked that it be entered into the minutes of the meeting. He stated that he would not be appearing for Item 7.1 and pursuant to Section 551.074(b) he asked that the Executive Session be made a public meeting.

Pam Summers of the Bay Area Houston Convention and Visitors Bureau announced that the Comfort Suites located on Bayport will be honored as the Best Hotel in the State on April 28 at a state award ceremony. Also, the CVB will be hosting its board meeting at the Carothers property on April 14 and will preview its new guide which targets non-professional meeting planners. The meeting will be from 5:30 to 7:00 p.m. and everyone is invited to attend. She also thanked the city for its support.

2.1 Mayor, City Council and/or members of city staff may make announcements about city/community events, including, but not limited to: Dedication of Carothers Gardens on 4/9, 12 noon - 4 p.m.; Rotary Gumbo Cook off on 4/9; BAHEP's Annual Wellness & Technology Festival at Clear Lake Park on 4/10 from 12 noon - 4 p.m.; Men Who Cook on 4/12 and the City of El Lago's 50th Anniversary on 4/16. (Council)

Mayor Renola made the announcements.

3.0 BID AWARDS

3.1 Consider approval of city engineer's recommendation to reject all bids associated with Bid Project No. 2011-03, 2011 Street Program, as bids submitted exceed funds available. The city engineer recommends rebidding the project with modifications for Carothers site. (Chairez)

Motion was made by Councilor Kolupski and seconded by Councilor Davis

To reject all bids for Project No. 2011-03 and rebid the project with modifications.

Public Works Director Arthur Chairez stated that bids exceeded the funding available. He added that the modification will substitute asphalt which is less expensive, for concrete.

MOTION CARRIES BY UNANIMOUS CONSENT

4.0 CONSENT AGENDA

4.1 Approve the Action Items Checklist. (Council)

**Seabrook City Council Regular Meeting
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Page 3**

- 90
91 **4.2 Approve the minutes of the regular City Council meeting of March 22, 2011.**
92 **(Glaser)**
93

- 94 **4.3 Consider second and final reading of Ord. No. 2011-04, Amendment to Chapter 18,**
95 **"Buildings and Building Regulations", Update and Amendment of**
96 **Various Building Codes. (Landis/P&Z)**

97 **AN ORDINANCE AMENDING THE SEABROOK CITY CODE BY REVISING**
98 **CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS", TO PROVIDE**
99 **FOR REGISTRATION OF ALL CONTRACTORS, TO ADOPT UPDATED**
100 **VERSIONS OF VARIOUS BUILDING AND TRADE CODES; TO**
101 **ENUMERATE CITY AMENDMENTS TO SUCH CODES; TO RENUMBER**
102 **SECTIONS AND SUBSECTIONS AS NECESSARY AND TO PROVIDE FOR**
103 **OTHER RELATED MISCELLANEOUS AMENDMENTS. THIS ORDINANCE**
104 **PROVIDES FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00**
105 **FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE**
106 **CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES**
107 **INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR**
108 **SEVERABILITY.**

- 109
110 **4.4 Consider second and final reading of Ord. No. 2011-05, Update & Amendment to**
111 **Chapter 34, "Fire Protection & Prevention. (Landis/P&Z)**

112 **AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK BY**
113 **REVISING CHAPTER 34 "FIRE PREVENTION AND PROTECTION,"**
114 **ARTICLE III. "STANDARDS," DIVISION 2. "CODES", BY ADOPTING**
115 **UPDATED VERSIONS OF THE INTERNATIONAL FIRE CODE AND LIFE**
116 **SAFETY CODE; ENUMERATING CITY AMENDMENTS TO SUCH CODES;**
117 **DELETING REGULATIONS FOR WOODEN, STRAW AND THATCH ROOFS**
118 **AS SUCH REGULATIONS ARE INCLUDED IN CHAPTER 18 OF THE CODE**
119 **AND RENUMBERING SECTIONS AS NECESSARY. THIS ORDINANCE**
120 **PROVIDES FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00**
121 **FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE**
122 **CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES**
123 **INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR**
124 **SEVERABILITY.**

- 125
126 **4.5 Consider approval of second and final reading of proposed Ord. No. 2011-08,**
127 **Zoning Ordinance Amendment, Buffering Requirements. (P&Z**
128 **Commission/Templin)**
129

130 **AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK,**
131 **APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT**
132 **OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS",**
133 **SUBSECTIONS 3.06.07, 3.07.07, 3.08.07, 3.09.07, 3.10.07, AND 3.11.04, ,**

**Seabrook City Council Regular Meeting
Minutes of April 5, 2011
Page 4**

134 **"BUFFERING AND SCREENING," BY AMENDING THE EXISTING**
135 **REFERENCED SUBSECTIONS TO ELIMINATE THE BUFFERING**
136 **REQUIREMENT BETWEEN COMMERCIAL ZONING DISTRICTS AND**
137 **MULTI-FAMILY (R-3), AND BETWEEN COMMERCIAL DISTRICTS AND**
138 **THE OLD SEABROOK (OS) DISTRICT; AND ELIMINATING THE REQUIRED**
139 **BUFFER FOR PROPERTIES DOWNZONED FROM A COMMERCIAL**
140 **DISTRICT TO A RESIDENTIAL DISTRICT AFTER JANUARY 1, 2011;**
141 **PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR**
142 **VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE**
143 **CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES**
144 **INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR**
145 **SEVERABILITY.**

146
147 Motion was made by Councilor Dunphey and seconded by Councilor Holbrook to

148
149 To approve the Consent Agenda.

150
151 MOTION CARRIES BY UNANIMOUS CONSENT.

152
153 **END OF CONSENT AGENDA**

154
155 **5.0 NEW BUSINESS**

156
157 **5.1 Consider approval of a suitable memorial to honor Val Alyohin for his bravery**
158 **during the recent fire at the Emerald Shores Apartments. (Council)**

159
160 Motion was made by Councilor Davis and seconded by Councilor Mack

161
162 To approve a suitable memorial honoring Val Alyohin.

163
164 MOTION CARRIES BY UNANIMOUS CONSENT.

165
166 Mayor Renola stated that this action shows council support for staff to bring back a
167 proposal for a memorial.

168
169 **6.0 ROUTINE BUSINESS**

170
171 **6.1 Establish future meeting dates and agenda items. (Council)**

172
173 There was no discussion of this item.

174
175 **7.0 EXECUTIVE SESSION**

176 At 8:03 p.m. Mayor Renola announced that the City Council would hold a closed
177 executive meeting concerning Items 7.2 and 7.3 pursuant to the provisions of the open
178 meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in

**Seabrook City Council Regular Meeting
Minutes of April 5, 2011
Page 5**

accordance with the authority contained in Section 551.071, Consultation with Attorney and Section 551.087, Economic Development.

Section 551.074

- 7.1 Discuss personnel matters - Judge Pirtle, Municipal Court Judge/Alternate Judge(s) pursuant to Section 551.074 of the Texas Government Code which provides that City Council may conduct an executive session "to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of an officer or public employee; or to hear a complaint against an officer or employee. (Council)**

Mayor Renola stated that this item would not be discussed in Executive Session.

Section 551.087

- 7.2 Discussion and deliberation regarding commercial or financial information received by City from a business prospect that the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations and/or to deliberate the offer of a financial or other incentive to such business prospect(s) as provided under Section 551.087 of the Texas Government Code.**

Section 551.071

- 7.3 Consult with City Attorney to receive legal advice on legal issues only on a pending matter pursuant to Section 551.071 of the Texas Government Code. (Weathered)**

8.0 OPEN MEETING

Mayor Renola reconvened the Open Meeting at 9:57 p.m. Items 7.2 and 7.3 were discussed in Executive Session, but no action was taken. With Council's permission, Items 8.1 and 8.2 were taken out of order.

- 8.2 Discuss and take all appropriate action in relation to Executive Session Item 7.2 as shown above.**

Motion was made by Councilor Dunphey and seconded by Councilor Mack

To authorize the City Manager to expend funds not to exceed \$75,000 for economic development projects per 7.2/8.2 of the agenda.

MOTION CARRIES BY UNANIMOUS CONSENT.

- 8.1 Discuss and take all appropriate action commensurate with Personnel Matter, Item 7.1 above for selection/appointment of judge(s) for Municipal Court consistent with Section 9.02 of the Seabrook City Charter. (Council)**

**Seabrook City Council Regular Meeting
Minutes of April 5, 2011
Page 6**

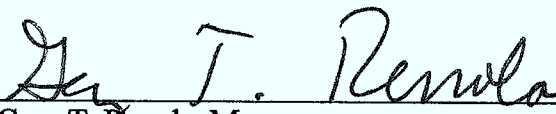
224 Motion was made by Councilor Dunphey and seconded by Councilor Morrell
225

226 To instruct the City Manager/City Staff to solicit and acquire resumes for Council
227 selection and appointment of judges for the Municipal Court.
228

229 MOTION CARRIES BY UNANIMOUS CONSENT.
230

231 Upon motion, the meeting was adjourned at 9:59 p.m.
232

233
234 APPROVED THIS 19TH DAY OF APRIL, 2011.
235

236
237 
238 _____
239 Gary T. Renola, Mayor
240

241
242
243 
244 _____
245 Meredith Brant, TRMC
246 Assistant City Secretary

**Seabrook City Council Regular Meeting
Minutes of November 1, 2011
Page 1**

The City Council of the City of Seabrook met in regular session on Tuesday, November 1, 2011 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
KIM MORRELL – Ex. Absence
MIKE GIANGROSSO - Ex. Absence
PAUL R. DUNPHEY
DON HOLBROOK
THOM KOLUPSKI
LAURA DAVIS
CHUCK PINTO
STEVEN L. WEATHERED
KELLY TEMPLIN
MICHELE L. GLASER

MAYOR
COUNCIL PLACE NO. 1
COUNCIL PLACE NO. 2
MAYOR PRO TEM &
COUNCIL PLACE NO. 3
COUNCIL PLACE NO. 4
COUNCIL PLACE NO. 5
COUNCIL PLACE NO. 6
CITY MANAGER
CITY ATTORNEY
DEPUTY CITY MANAGER
CITY SECRETARY

Mayor Royal called the meeting to order at 7:00 p.m. and led the audience in the Pledge of Allegiance. He then presented a proclamation to Judge Webbon and staff declaring November 7-11, 2011 "Municipal Courts Week." Judge Webbon thanked council for the recognition and also thanked her staff.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.

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

Council was reminded of the Sign dedication on November 9. Mayor Royal thanked Councilors Davis and Holbrook and city staff for their hard work in making Seabrook's 50th Anniversary Celebration a success.

2.0 CONSENT AGENDA

2.1 Approve the Action Items Checklist. (Council)

2.2 Approve minutes of the October 11, 2011 Special City Council meeting. (Glaser)

2.3 Approve minutes of the October 18, 2011 regular City Council meeting. (Glaser)

2.4 Approve Resolution 2011-20, A Resolution of the City Council of the City of Seabrook Casting its Ballot for the Election of a Person to the Board of Directors of the Harris County Appraisal District. Ed Heathcott is the incumbent and is the only candidate. (Council)

47 **2.5 Approve the sketch/plans for the memorial honoring Valerij Alyohin. (Pinto)**

48 Motion was made by Councilor Holbrook and seconded by Councilor Dunphey

49
50 To approve the Consent Agenda as presented.

51
52 MOTION CARRIES BY UNANIMOUS CONSENT.

53
54 **END OF CONSENT AGENDA.**

55
56 **3.0 NEW BUSINESS**

57 **3.1 Review current city wrecker rates contained in Resolution 2001-02 for possible update.**
58 **(Kolupski)**

59
60 Motion was made by Councilor Kolupski and seconded by Councilor Davis

61
62 To discuss this item.

63
64 Councilor Kolupski stated that he had placed this item on the agenda at the request of Bosone
65 Automotive. He also stated that the wrecker fees have not increased since 2001.

66
67 From the audience, Chuck Bosone stated that both League City and Kemah have strong
68 wrecker ordinances and he recommended that Seabrook review those ordinances. Mr. Bosone
69 offered his services in the drafting of a new ordinance and fees.

70
71 Councilor Kolupski stated that the City Manager and Chief of Police are reviewing the
72 wrecker regulations and fees at this time. Mr. Pinto stated that he and Chief Holomon plan to
73 present preliminary data to Council in December and a new ordinance/resolution in January,
74 2012.

75
76 **3.2 Discuss/consider how to recognize the volunteers and donors of Seabrook's 50th**
77 **anniversary celebration. (Davis)**

78
79 Motion was made by Councilor Davis and seconded by Councilor Holbrook

80
81 To discuss this item.

82
83 Councilor Davis stated that as the city received many door prizes, in-kind donations and free
84 advertising for the recent event, there were approximately 70 people to be recognized.
85 Council agreed to present certificates of appreciation to the honorees and to hold a short
86 reception at the December 6 meeting.

**Seabrook City Council Regular Meeting
Minutes of November 1, 2011
Page 3**

3.3 Consider first reading of proposed Ordinance No. 2011-21, "Update Rules for Placement of City Council Agenda Items." (Council)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COUNCIL," DIVISION II, "RULES OF PROCEDURE", SECTION 2-48, "ORDER OF BUSINESS" BY AMENDING RULES OF PROCEDURE CONCERNING PLACEMENT OF AGENDA ITEMS AT CITY COUNCIL MEETINGS. HIS ORDINANCE REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR SEVERABILITY.

Motion was made by Councilor Dunphey and seconded by Councilor Holbrook

To approve proposed Ordinance No. 2011-21 on first reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIES BY UNANIMOUS CONSENT.

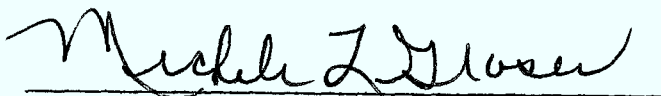
4.0 ROUTINE BUSINESS

4.1 Establish future meeting dates and agenda items including, but not limited to, possible cancellation of the December 20 Council meeting. (Council)

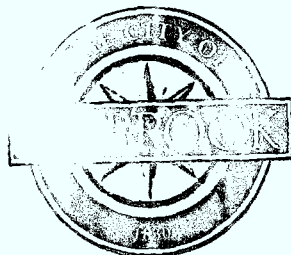
Council members were reminded of the joint meeting with the City of El Lago and the SVFD Executive Board on November 8 at 7:00 p.m. at Fire Station #1. Council agreed to cancel the December 20 regular Council meeting, unless there were items that could not be deferred until January.

Upon motion, Mayor Royal adjourned the meeting at 7:15 p.m.

Approved this 15th day of November, 2011.


Michele L. Glaser, TRMC
City Secretary


Glenn R. Royal, Mayor





let bravery be thy choice

friend

hero



Seabrook City Council Regular Meeting
Minutes of June 26, 2012
Page 1

The City Council of the City of Seabrook met in regular session on Tuesday, June 26,, 2012 at 7:30 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANGROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON	COUNCIL PLACE NO. 3
DON HOLBROOK.	COUNCIL PLACE NO. 4
THOM KOLUPSKI	COUNCIL PLACE NO. 5
LAURA DAVIS	COUNCIL PLACE NO. 6
KELLY TEMPLIN	CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Mayor Royal led the audience in the Pledge of Allegiance. He changed the agenda order to consider Item 2.0 before Item 1.1.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Nancy Edmonson, Todville spoke about the Port of Houston Authority's (POH) plans to widen and deepen the Ship Channel. She stated that the POH has submitted two options for disposal of the spoils: 1) to deposit spoil behind Atkinson Island; 2) to build a new island in North Galveston Bay between the Houston Yacht Club and Morgan's' Point. She asked Council to approve a resolution that states that the city is in favor of Option 1 and against Option 2.

1.0 INTERVIEW CANDIDATES FOR VARIOUS BOARDS & COMMISSIONS

1.0 Interview candidates for various city boards and commissions. (Council)

City Council interviewed current EDC members Ernie Davis, Natalie Picha and Gene Scott. Bruce Dresner and Richard Tomlinson were not present.

Council interviewed new candidates Mark Caldwell, Terry Chapman, Tom Diegelman, Kim Jernigan, Bolivar (Bo) Lewis, Kim Morrell, Robert Poston, Sean Riley and David Wilkerson. Paul Dunphey had also submitted an application but was unable to attend the meeting.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS (continued)

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

The following events were announced: the Children's Parade at Meador Park on July 4 at 10 a.m. and the Grand Opening of Seabrook Waffle Company on Saturday, June 30, 2012.

**Seabrook City Council Regular Meeting
Minutes of June 26, 2012
Page 2**

46 **3.0 CONSENT AGENDA**

47 3.1 Approve an excused absence for Thom Kolupski for the June 25, 2012 Council Meeting.
48 (Glaser)
49

50 **This item was removed from consideration as Councilor Kolupski was in attendance.**
51

52 **3.2 Approve the minutes of the June 19, 2012 special City Council meeting. (Glaser)**
53

54 **3.3 Approve the Minutes of the June 12, 2012 City Council Meeting. (Glaser)**

55 **3.4 Approve Resolution No. 2012-14, "Acceptance of Temporary and Permanent Easements**
56 **Matthew D. Wiggins, Jr., Parcels 11 and 13 for the Waterfront Drive Improvement**
57 **Project". (Templin)**

58 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,
59 DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT
60 DRIVE RECONSTRUCTION," PUBLIC IMPROVEMENTS PROJECT; APPROVING THE
61 ACCEPTANCE OF SAID EASEMENTS FROM MATTHEW D. WIGGINS, JR., PROPERTY
62 OWNER IN RELATION TO PARCEL 11, A 0.0344 ACRE TRACT SITUATED IN THE
63 RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND
64 PART OF LOTS 1, 2 AND 3, BLOCK 148 OF THE MAP OF SEABROOK; AND PARCEL
65 13, A 0.0230 ACRE TRACT SITUATION IN THE RITSON MORRIS SURVEY, A-52
66 HARRIS COUNTY, TEXAS, BEING OUT OF A ND PART OF LOTS 4 AND 5, BLOCK
67 148 OF THE MAP OF SEABROOK; ALL ,AS MORE PARTICULARLY DESCRIBED
68 HEREIN.

69 **3.5 Approve Resolution No. 2012-15, "Acceptance of Temporary and Permanent Easements**
70 **from Cam Duc Ho and Nu Nhi Dang, Parcel 16 for the Waterfront Drive Improvement**
71 **Project." (Templin)**

72 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,
73 DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT
74 DRIVE RECONSTRUCTION," PUBLIC IMPROVEMENTS PROJECT; APPROVING THE
75 ACCEPTANCE OF SAID EASEMENTS FROM CAM DUC HO AND WIFE, NU NHI
76 DANG, PROPERTY OWNERS IN RELATION TO PARCEL 16, A 0.0230 ACRE TRACT
77 SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS,
78 BEING OUT OF AND PART OF LOT 1, BLOCK 166 OF THE MAP OF SEABROOK, AS
79 MORE PARTICULARLY DESCRIBED HEREIN
80

81 **3.6 Approve the May, 2012 Public Safety Report. (Holomon)**
82

83 **3.7 Approve the Community Development Report for May, 2012. (Landis)**
84

85 Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

Seabrook City Council Regular Meeting
Minutes of June 26, 2012
Page 3

To approve the Consent Agenda as presented with the exception of Item 3.1 which was removed from the agenda.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

4.0 NEW BUSINESS

With the consent of Council, Mayor Royal deferred Item 4.1 until later in the meeting.

4.2 Consider appointment/reappointment of five citizen members of the Economic Development Corporation for two year terms to end May, 2014. (Council)

Mayor Royal stated that he would read the names of each candidate and asked each member to vote for no more than five candidates. The five applicants with the most votes would be appointed to the Economic Development Corporation for two year terms to expire in May, 2014.

Votes were as follows:

Councilor Davis: Mark Caldwell, Terry Chapman, Paul Dunphey, Natalie Picha.

Councilor Kolupski: Mark Caldwell, Terry Chapman, Ernie Davis, Paul Dunphey and Natalie Picha.

Councilor Holbrook: Mark Caldwell, Terry Chapman, Ernie Davis, Natalie Picha and David Wilkerson.

Councilor Johnson: Mark Caldwell, Terry Chapman, Ernie Davis, Natalie Picha and David Wilkerson.

Councilor Giangrosso: Mark Caldwell, Terry Chapman, Ernie Davis, Paul Dunphey and Natalie Picha.

Councilor Llorente: Mark Caldwell, Terry Chapman, Ernie Davis, Kim Morrell and Robert Poston.

Mayor Royal: Mark Caldwell, Terry Chapman, Ernie Davis, Paul Dunphey.

Mayor Royal and Councilor Davis stated that they did not vote for a fifth candidate due to conflicts of interest.

After the voting was complete, Mayor Royal announced that the five candidates with the greatest number of votes who would be appointed to the Economic Development Corporation for terms ending May, 2014 were: Mark Caldwell (7 votes), Terry Chapman, (7 votes), Ernie Davis, (6 votes), Paul Dunphey (4 votes) and Natalie Picha (5 votes.)

Seabrook City Council Regular Meeting
Minutes of June 26, 2012
Page 4

4.3 Consider appointment of candidates to various boards and commissions. Three positions are open for the Ethics Review Commission and one position is open for the Planning & Zoning Commission. (Council)

Mayor Royal announced that the same voting procedure would be used for this agenda item.

Votes for the Planning and Zoning Commission Member were:

Councilor Davis:	Kim Jernigan
Councilor Kolupski:	David Wilkerson
Councilor Holbrook:	Bo Lewis
Councilor Johnson:	Bo Lewis
Councilor Giangrosso:	David Wilkerson
Councilor Llorente:	David Wilkerson
Mayor Royal:	Kim Jernigan.

Mayor Royal announced that David Wilkerson received the highest number of votes (3 votes) and therefore would be appointed as a member of the Planning and Zoning Commission with a term ending January, 2013.

Members were instructed to vote for no more than three people for the Ethics Review Commission.

Councilor Davis:	Kim Jernigan, Bo Lewis, Gene Scott.
Councilor Kolupski:	Bo Lewis, Robert Poston, Gene Scott.
Councilor Holbrook:	Kim Jernigan, Bo Lewis, Robert Poston.
Councilor Johnson:	Kim Jernigan, Bo Lewis, Gene Scott.
Councilor Giangrosso:	Kim Jernigan, Bo Lewis, Sean Riley.
Councilor Llorente	Absent from the room.
Mayor Royal:	Kim Jernigan, Sean Riley, Gene Scott.

Mayor Royal announced that Kim Jernigan (5 votes), Bo Lewis (5 votes) and Gene Scott (4 votes) received the highest number of votes and would therefore be appointed as members of the Ethics Review Commission.

4.1 Consider selection/appointment of Council Members as representatives and/or member of various organizations. (Council)

As in previous years, Council Members volunteered for the following positions.

BOARD AND COMMITTEES

Appointees 2012/13

EDC MEMBER (in addition to Mayor)

Thom Kolupski

Seabrook City Council Regular Meeting
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Page 5

BAY AREA-HOUSTON CONVENTION & VISITORS BUREAU	Mike Giangrosso Thom Kolupski
BAY AREA HOUSTON ECONOMIC PARTNERSHIP	Gary Johnson Rep Robert Llorente, Alternate
BAY AREA TRANSPORTATION PARTNERSHIP	Glenn Royal, Rep. Laura Davis, Alt
CLEAR LAKE AREA CHAMBER OF COMMERCE	Thom Kolupski No alternate
CLEAR LAKE EMERGENCY MEDICAL CORPS	Don Holbrook, Rep Gary Johnson, Rep
ECONOMIC ALLIANCE, PORT REGION (<i>The Alliance</i>)	Robert Llorente, Rep Mike Giangrosso, Alternate
GALVESTON BAY FOUNDATION	Gary Johnson
HOUSTON-GALVESTON AREA COUNCIL	Glenn. Royal, Rep. Don Holbrook, Alternate
HOTEL TAX LIAISON COMMITTEE	Thom Kolupski Mike Giangrosso
PUBLIC SAFETY COMMITTEE (Actual members; not liaisons)	Laura Davis Don Holbrook

Motion was made by Councilor Davis and seconded by Councilor Giangrosso

To approve the appointments as listed above.

MOTION CARRIES BY UNANIMOUS CONSENT.

4.4 Consider formation of an Ad Hoc Committee to review various city regulations as requested by the Wildwood Civic Association and consider appointments to the committee. (Royal)

Motion was made by Councilor Giangrosso and seconded by Councilor Holbrook

To appoint Gayle Cook, Jeff Galyean, Sean Landis and Mae Wright as staff representatives and Mayor Royal and Councilor Llorente as Council representatives to the Ad Hoc Committee.

MOTION CARRIES BY UNANIMOUS CONSENT.

**Seabrook City Council Regular Meeting
Minutes of June 26, 2012
Page 6**

5.0 ROUTINE BUSINESS

**5.1 Approve 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 Giangrosso

To approve the Action Items Checklist.

MOTION CARRIES BY UNANIMOUS CONSENT.

**5.2 Establish future meeting dates and agenda items, including scheduling a special meeting
to discuss the Noise Ordinance. (Council)**

Council members agreed to place further discussion of the Noise Ordinance on the July 10 agenda rather than holding a special workshop on the item. The City Secretary was also directed to place a resolution addressing the Port's plans to deepen and widen the Ship Channel on the July 10 agenda.

Upon motion, Mayor Royal adjourned the meeting at 9:28 p.m.

Approved this 10th day of July, 2012.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC

Revised 01/12

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

Date of Application: 6-12-12 Name of Applicant: Bay Area Running Club (Pete Cahill)

Full Address of Applicant: [REDACTED] Houston TX 77058

Day Time Phone [REDACTED] Night time phone [REDACTED]

e-mail address: [REDACTED]

Name of Organization, Firm or Corporation on whose behalf this application is made:
Bay Area Running Club (B.A.R.C.)

Address of Organization (if different from above): 2427 Bay Area BLVD. Houston TX 77058

City N/A State _____ Zip Code _____

Phone N/A 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: SAT. Aug 4 2012, 5:00AM - 11:00AM

Location of the Event: CHARITY FUN RUN, Todville Rd. to North Myer 9th Back.

Will any portion of this event be held on city property? If so, where?
NO, START and FINISH from Outriggers (Todville 9th Back.)

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: 5-K CHARITY FUN RUN, Starting at Outriggers, (Todville + Back) Down Second St. to North Myer 9th Back. 3.1 miles. Starting 7:00AM 8-4-12

Estimated No. of Workers 20 Estimated No. of Attendees 120

Will the event be held in a parking area? NO If so, how many parking spaces will be temporarily lost? _____

How many parking spaces are you providing for the event? 150

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
Revised 01/12
Page 2

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

Number of signs for this event N/A 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): Tadville to N. Myer and back.

(Need 2 officers, Tadville + Second St., Second St. + N. Myer.

Estimated number and kind of animals to be used: N/A

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: N/A

2 hr 2 officers 6³⁰ AM START 4 hr min @ 30⁰⁰ EACH

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.

CAPT SEAN WRIGHT

Print name
Police Department Representative

6-12-12

Date Approved

Sean Wright

Signature
Police Department Representative

Comments: _____

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. ✓ 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.

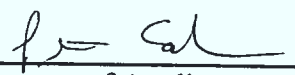
Special Events Application
Revised 01/12
Page 3

4. ✓ If event is a parade a deposit fee of _____ 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. 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. ✓ 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.


Signature of Applicant

PEETE CAHILL
Printed Name of Applicant

6-12-12
Date Submitted

FOR OFFICE USE ONLY

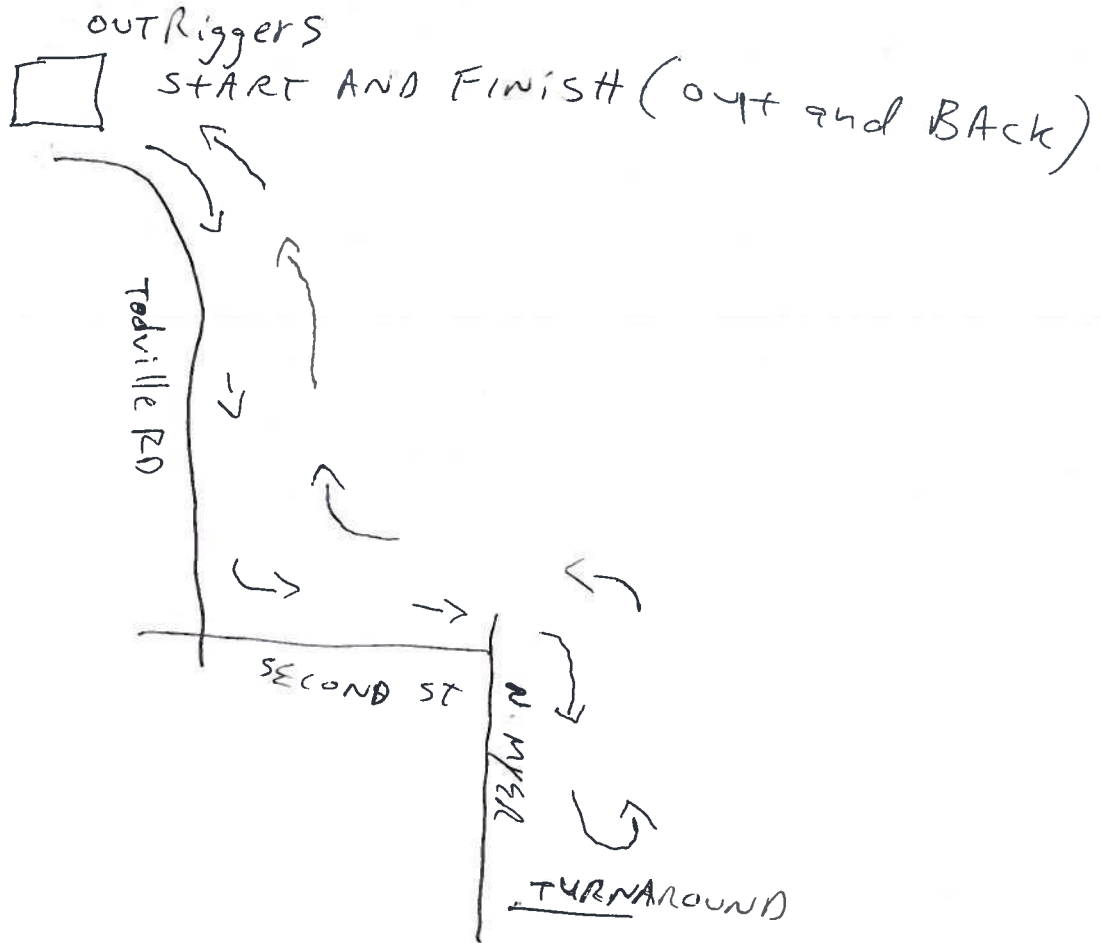
Reviewed by City Secretary _____ Date _____

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: _____

MAP of COURSE



CITY OF SEABROOK

REC#: 00496387 6/22/2012 11:59 AM
OPER: 017 TERM: 001
REF#: 2492

TRAN: 3.0000 LICENSES & PERMITS
BAY AREA RUNNING CLUB DEPOSIT
AND PERMIT FOR AUG 4TH 2012
LICENSES & PERMITS 250.00CR

TENDERED: 250.00 CHECK
APPLIED: 250.00-

CHANGE: 0.00

Revised 03/11

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

Date of Application: 6/18/12 Name of Applicant: GREG PENNINGTONFull Address of Applicant: [REDACTED]Day Time Phone [REDACTED] Night time phone ()e-mail address: [REDACTED]Name of Organization, Firm or Corporation on whose behalf this application is made:
OUTLAND PRODUCTIONSAddress of Organization (if different from above): SAME

City _____ State _____ Zip Code _____

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:

SATURDAY, AUGUST 25, 2012 7:30 - 9:30 AMLocation of the Event: SOUTH SHORE HARBOR RESORTGive a brief description of the event: BIKE RACE TO INCLUDE PORTIONS
OF SEABROOK (SEE BIKE ROUTE MAP)Estimated No. of Workers _____ Estimated No. of Attendees 100 BICYCLISTSWill the event be held in a parking area? No If so, how many parking spaces will be temporarily lost? _____

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

Will any portion of this event be held on city property? If so, where?
NoWill 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? NoDo you want to display temporary signs or banners to advertise this event? No

Number of signs for this event 0 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): NASA ROAD ONE & HWY 146

Estimated number and kind of animals to be used: 0

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:

700 BICYCLISTS

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

6-27-12
Date Approved

[Signature]
Signature
Police Department Representative

Comments: Security arrangements have
been made & approved

I have enclosed the following items as part of my application:

1. A completed application form including approval by the Seabrook Police Department.
2. 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.
3. If event is a parade a deposit fee of _____ is included. Deposits are not waived.
4. 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.)

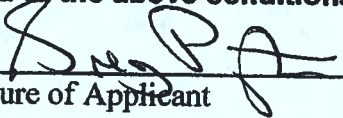
5. For special events, a site plan is attached as required by the Code of the City of Seabrook, Section 4.07. (See attached excerpt.)
6. For parades, a map showing the parade route is attached.

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 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.



Signature of Applicant

GREG PENNINGTON
Printed Name of Applicant

6/19/12
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: _____

**RESOLUTION NO. 94-12
ESTABLISHING A DEPOSIT AND FEE SCHEDULE FOR PERMITTED PARADES**

WHEREAS, the City Council of the City of Seabrook has established by ordinance rules for securing parade permits and for the conduct of such parades; and

WHEREAS, the City Council has also determined that deposits and fees for such parades may be established and amended by resolution; and

WHEREAS, the City Council has reviewed and considered these fees, now, therefore,

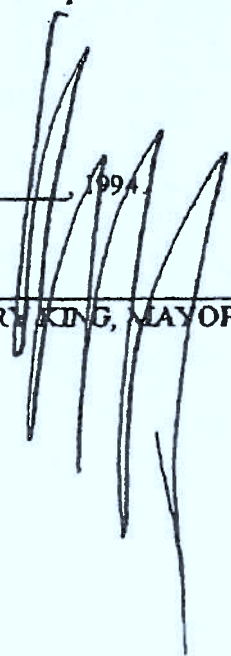
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

THAT, effective immediately, the following deposits and fees are established for all parades held within the City of Seabrook. The application fee and cleaning deposit are due and payable at the time the application for a parade permit is submitted to the City Secretary for approval. Payment for police officers' overtime pay is due when the permit is approved by the Chief of Police.

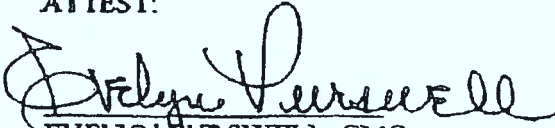
- | | | |
|------|--|-----------|
| I. | Application Fee (non-refundable): | \$ 50.00 |
| II. | Deposit for Clean-up | |
| | up to & including 200 parade participants | \$200.00 |
| | 201-500 parade participants | \$ 300.00 |
| | 500+ parade participants | \$ 500.00 |
| III. | An additional fee equal to overtime pay necessary for police officers on duty will be charged. The Chief of Police shall determine the number of police officers needed. | |

AND IT IS SO ORDERED.

PASSED THIS 3 DAY OF May, 1994.


LARRY KING, MAYOR

ATTEST:


EVELYN PURSWELL, CMC
CITY SECRETARY

CERTIFICATE OF INSURANCE**DATE:** 6/19/2012**CERTIFICATE NUMBER:** 20120619083996**AGENCY:**

Entertainment & Sports Insurance eXperts (ESIX)
5660 New Northside Drive, Suite 640
Atlanta, Georgia 30328
Phone: 678-324-3300 Fax: 678-324-3303

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

NAMED INSURED:

USA Triathlon
5825 Delmonico Drive
Colorado Springs, Colorado 80919-2401

Greg Pennington / Outloud! Productions

INSURERS AFFORDING COVERAGE:

INSURER A: AXIS Insurance Company (NAIC# 37273)

EVENT INFORMATION:

2012 Clear Lake International Triathlon (8/25/2012 - 8/25/2012)

POLICY/COVERAGE INFORMATION:

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	X COMMERCIAL GENERAL LIABILITY	AXGL04100261-11	12/1/2011 12:01 AM	12/1/2012 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$2,000,000
	X Occurrence				EACH OCCURRENCE \$1,000,000
	X Participant Legal Liability				DAMAGE TO RENTED PREMISES (Each Occ.) \$1,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$1,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:

The certificate holder is an additional insured, as required by written contract or written agreement, but only for liability arising out of the negligence of the named insured, but only with respect to the USAT sanctioned or approved event specified on this certificate.

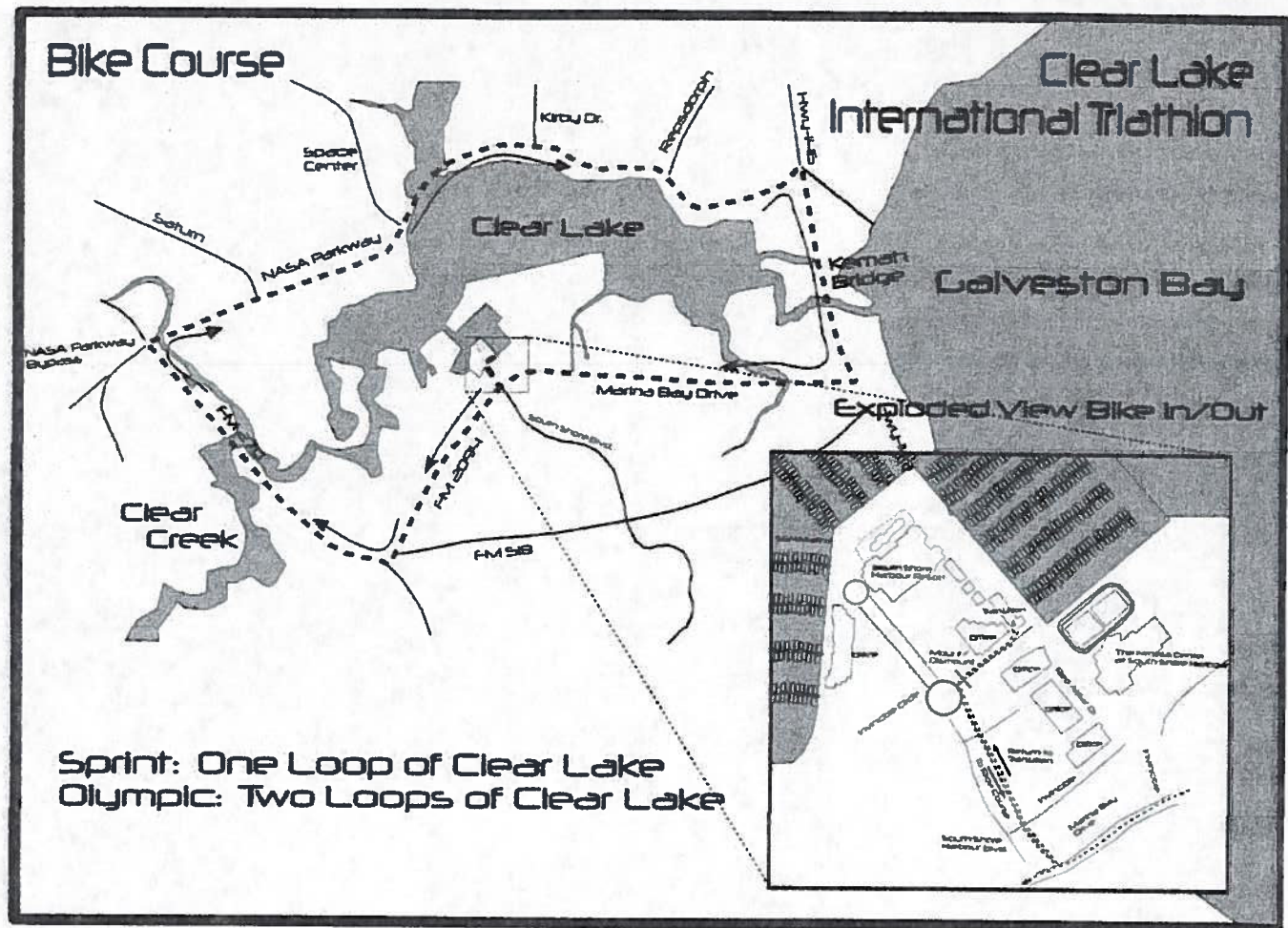
CERTIFICATE HOLDER:

City of Seabrook
1700 First Street
Seabrook, 77586

NOTICE OF CANCELLATION:

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:

CITY OF SEABROOK

RECH: 00496754 6/27/2012 2:27 PM
 OPER: 006 TERM: 006
 REF#: 2586

TRAN: 3.0000 LICENSES & PERMITS
 OUT LOUD PRODUCTIONS PARADE
 PERMIT AND DEPOSIT / 8/25/12
 LICENSES & PERMITS 550.00CR

TENDERED: 550.00 CHECK
 APPLIED: 550.00-

CHANGE: 0.00

Seabrook Area Intersection Support for Lake International Triathlon, 2011

○ Taylor Lake Village

▼ ○ El Lago

Lakeshore

1

Nasa Road

2

Repsdorph

Lakeside

1

Repsdorph Rd

NASA Pkwy
and 146

2

Seabrook

Bayport Blvd

2nd St

146 at North Side
of Bridge

1

1

2

= one of

= two of

© 2011 Google

Date: 3/10/2011

29°33'55 50" N 95°02'10 45" W elev 14 ft

Eye alt 14



June 27, 2012

To: Honorable Mayor and City Council

Re: Reappointment to Civil Service Commission

Mr. John Chisler has expressed the desire to serve another term on the Seabrook Civil Service Commission and I heartily endorse his reappointment.

John's initial term was for one year. His reappointment will be for a full, three-year term.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kelly Templin", with a long horizontal flourish extending to the right.

Kelly Templin
City Manager

**RESOLUTION NO. 2012-16
CONCERNING PORT OF HOUSTON AUTHORITY'S
PROJECT TO DEEPEN AND WIDEN THE SHIP CHANNEL**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS
CONCERNING THE PORT OF HOUSTON'S PROJECT TO DEEPEN AND WIDEN
THE BAYPORT SHIP CHANNEL IN CHAMBERS AND HARRIS COUNTIES, TEXAS.**

WHEREAS, the Port of Houston has submitted Permit Application No. SWG-2011-01183 to deepen and widen the existing Bayport Ship Channel (BSC), deepen the Turning Basin (TB), deepen a portion of the Bayport Flare (BF), and place the new work dredged material and maintenance material in a proposed beneficial use (BU) site and/or in existing dredged material placement areas (PA); and

WHEREAS, the City of Seabrook supports the deepening and widening of the Bayport Ship Channel, Turning Basin and the Bayport Flare; and

WHEREAS, the existing dredged material placement areas were previously studied and permitted after completion of a formal Environmental Impact Statement (EIS); and

WHEREAS, the U.S. Army Corps of Engineers (Corps) has made the initial determination that an Environmental Impact Statement (EIS) is not required for the new, proposed open bay Beneficial Use (BU) area, despite the fact that previously permitted Beneficial Use (BU) areas were identified and designed based on a site-specific EIS; and

WHEREAS, the proposed Beneficial Use (BU) site was not included in the previous study and EIS for the deepening and widening of the Houston Ship Channel; and

WHEREAS, the proposed new Beneficial Use (BU) area has not been fully studied, modeled, designed and proven to not be a threat to water quality from wind, wave and ship wake erosion, tidal and current erosion, and a hazard to navigation for recreational and commercial vessels that use Upper Galveston Bay; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has expressed written concerns with the proposed new Beneficial Use (BU) area, including water quality degradation from erosion and suspension of sediments from ship wakes and concerns with adjacent oyster beds, as well as the proposed mitigation of displaced oyster beds.

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

THAT, The City of Seabrook supports the deepening and widening of the Bayport Ship Channel, Turning Basin and the Bayport Flare and the disposal of dredged material in the existing placement areas (PA).

THAT, the City of Seabrook objects to the creation of any new Beneficial Use (BU) area on the west side of the Houston Ship Channel in Upper Galveston Bay, as identified in Permit Application No. SWG-2011-01183, due to concerns with water quality, navigation, lack of actual design and final determination of the actual location and configuration of the proposed new Beneficial Use (BU) area without the requirement of a formal Environmental Impact Statement (EIS).

THAT, should the Corps determine that a formal Environmental Impact Statement is not required for the creation of the proposed new Beneficial Use (BU) area, the City of Seabrook formally requests that the Corps hold a Public Hearing to receive comments from the public regarding the need for a formal Environmental Impact Statement (EIS).

THAT, the City Manager shall send a certified copy of this resolution to the Regulatory Branch, Galveston District of the United States Army Corps of Engineers and the Texas Commission on Environmental Quality.

PASSED, APPROVED and ADOPTED this 10th day of July, 2012.

CITY OF SEABROOK

By:

GLENN R. ROYAL
MAYOR

ATTEST:

Michele L. Glaser, TRMC
City Secretary

RESOLUTION NO. 2012-17
ACCEPTANCE OF TEMPORARY AND PERMANENT EASEMENTS
FROM JOHN N. HUYNH AND JENNY PHAM – PARCEL 7
FOR THE WATERFRONT DRIVE PUBLIC IMPROVEMENTS PROJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE “WATERFRONT DRIVE RECONSTRUCTION,” PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENTS FROM JOHN N. HUYNH AND WIFE, JENNY PHAM, PROPERTY OWNERS IN RELATION TO PARCEL 7, A 0.0344 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT 52, HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 6,7,AND 8, BLOCK 150 OF THE MAP OF SEABROOK, AS MORE PARTICULARLY DESCRIBED HEREIN

WHEREAS, the City Council of the City of Seabrook finds and determines that public convenience and necessity for the “Waterfront Drive Reconstruction” (“Project”) require that the City acquire easements over, across and under a certain property generally located along and either side of Todville Road from a point 300 feet north of 10th Street southward and southeasterly to the end of Waterfront Drive, specifically Parcel 7, including a 0.0344 acre tract situated in the Ritson Morris Survey, Abstract 52, out of Lots 6,7, and 8, Block 150 of the Map of Seabrook, a subdivision recorded in Volume 1, Page 50 of the Harris County Map Records, City of Seabrook, Harris County, Texas, more specifically described in the Easements, attached hereto and incorporated by reference (“Easements”); and

WHEREAS, the City of Seabrook, through its duly authorized representatives, has negotiated with owners John N. Huynh and wife, Jenny Pham for agreement of the just compensation for the property interest made the basis of the Easements, including the attached Permanent Easement and Temporary Construction Easement; and

WHEREAS, the City of Seabrook has been able to agree with such owners as to the just compensation for such Easements and dedication related thereto to the City; now, therefore;

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

Resolution No. 2012-17
Page 2

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

Section 2. The City Council of the City of Seabrook finds that bona fide negotiations have been conducted by the authorized representatives of the City for the acquisition of the subject Permanent and Temporary Construction Easements, attached hereto as Exhibits 1-2, and incorporated by reference, over the therein described tracts of land, and that said negotiations were successful, and that the acquisition of the Easements for the negotiated price and payment, in an amount not to exceed \$_____, which includes related costs, is hereby approved as just compensation for payment for the subject Easement.

Section 3. The Mayor is authorized to execute any documentation necessary to accept, document, and record said Easements.

PASSED, APPROVED, AND RESOLVED this 10th day of July, 2012.

Glenn R. Royal, Mayor

ATTEST:

Michele L. Glaser, TRMC
City Secretary

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: your Social Security number or driver's license number.

TEMPORARY CONSTRUCTION EASEMENT GRANT

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF HARRIS §

That this Agreement is made and entered into this _____ day of _____, 2012, by and between JOHN N. HUYNH and wife JENNY PHAM, whose mailing address is 2514 Anders Lane, Kemah, Texas 77565, (hereinafter called the Grantor), and the CITY OF SEABROOK, TEXAS, a body politic located in Harris County, Texas, whose mailing address is 1700 First Street, Seabrook, Texas 77586, is hereinafter referred to as Grantee.

That for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration as herein set out, paid and received by Grantor, the receipt and sufficiency of which is hereby confessed and acknowledged, and for which no lien is retained, either expressly or implied, Grantor by these presents does grant, bargain, sell and convey to Grantee, City of Seabrook, a temporary easement, ("Construction Easement") to fill and improve the existing driveways and/or parking areas by cleaning up and tying said driveway and/or parking area to the raised roadway, and constructing said revisions as needed in order to meet the permitted allowance(s), (and if no existing applicable improvements, to fill and tie to the elevation of the raised roadway), and install, fill, topsoil and seed, and repair, as well as to use the surface and subsurface thereof in any lawful manner that shall be deemed necessary and desirable by Grantee, including all rights over, under, across, upon, along and through the property more specifically identified as:

A CONSTRUCTION EASEMENT CONTAINING 0.0344 ACRE (1,500 SQUARE FEET) SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS;

and being more particularly described in Exhibit "A" attached hereto and incorporated by reference for all purposes, and sometimes hereinafter referenced as the ("Easement Area").

This Construction Easement is for roadway and drainage improvements necessary for the Waterfront Street Project and related facilities. All construction, grade, fill, and reclamation will be at no cost to the Grantor. Grantee may do and perform all acts necessary to construct, reconstruct, repair, relocate, grade, or fill, the subject right of way within said Easement and to operate thereon all necessary machinery and equipment to efficiently prosecute the work. Grantee shall be responsible for obtaining any and all necessary consents, approvals, and permits. Grantor retains, reserves, and shall continue to enjoy the use of the surface of the easement property for any and all purposes which do not interfere with or prevent the use by Grantee of the Easement for the purposes stated herein.

This Construction Easement is subject to the express conditions:

1. This Construction Easement shall expire upon completion of work described above.
2. Upon expiration of this Construction Easement, all right, title and interest subject to this temporary easement on the subject property shall automatically revert to Grantor subject to any conditions contained herein.
3. Upon expiration of this Construction Easement, the above-described Easement Area will be restored to a comparable condition that it was in when this Construction Easement commenced other than the raised grade needed to tie to the raised roadway and any other driveway or parking changes required to accommodate the roadway project as determined by Grantee.
4. As an obligation existing on an ongoing and continuing basis, Grantor covenants and agrees that he shall not have the right to remove material from the fill to be constructed, as provided herein, without constructing a permanent retaining structure to provide lateral support to the adjoining roadway as determined by Grantee. The Grantor shall retain the right to add additional fill material to the Easement Area and to his remaining property to raise the general elevation of the property.

TO HAVE AND TO HOLD the Construction Easement for the purposes set forth, unto Grantee, its successors and assigns; and Grantor hereby binds itself, its successors and assigns, against every person whomsoever lawfully claiming or to claim

the same or any part thereof by, through, or under Grantor, but no further, limited, however, to the terms and provisions hereof, and subject to all matters of record in Harris County, Texas, to the extent that such matters are presently valid and enforceable against the property covered by the Construction Easement and to all matters as would be shown by an accurate survey.

This Agreement contains the entire agreement between the parties relating to the subject matter. Any oral representations or modifications concerning this Agreement shall be of no force and effect. Any subsequent amendment or modification must be in writing and agreed to by all parties.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this _____ day of _____, 2012.

GRANTOR:

Date: _____, 2012

By: _____

JOHN N. HUYNH

Date: _____, 2012

By: _____

JENNY PHAM

Accepted and agreed by the City of Seabrook, Texas, on this the _____ day of _____, 2012.

GRANTEE:

CITY OF SEABROOK, TEXAS

By: _____

GLENN ROYAL, Mayor

ATTEST:

Michele Glaser, TMRC
City Secretary

ACKNOWLEDGEMENT

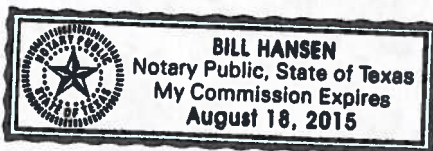
STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared John N. Huynh, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he is the owner of the subject property and duly authorized and executed the same for the purposes and consideration therein expressed and in the capacity therein stated for an on behalf of Grantor.

Given under my hand and seal of office, this the 3rd day of July, 2012.



Bill Hansen
Notary Public, State of Texas

My commission expires: 8/18/15

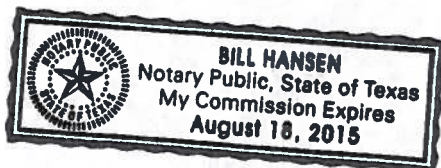
STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Jenny Pham, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she is the owner of the subject property and duly authorized and executed the same for the purposes and consideration therein expressed and in the capacity therein stated for an on behalf of Grantor.

Given under my hand and seal of office, this the 3rd day of July, 2012.



Bill Hansen
Notary Public, State of Texas

My commission expires: 8/18/15

After recording return to:
City Secretary
1700 First Street
Seabrook, Texas 77586

EXHIBIT _____

EASEMENT DESCRIPTION FOR PARCEL NO. 7

**A 10 FOOT WIDE FILL EASEMENT CONTAINING
0.0344 ACRE (1,500 SQUARE FEET) SITUATED IN
THE RITSON MORRIS SURVEY, A-52
HARRIS COUNTY, TEXAS**

Being a 10 foot wide Fill Easement containing 0.0344 acre (1,500 square feet) of land situated in the Ritson Morris Survey, Abstract Number 52, Harris County, Texas, and being out of and a part of Lots 6, 7 and 8, Block 150 of the Map of Seabrook, a subdivision recorded in Volume 1, Page 50, Harris County Map Records (H.C.M.R.) and being out of and a part of that certain tract conveyed to John N. Huynh and Jenny Pham by deed executed December 17, 2010 and recorded under Harris County Clerks File (H.C.C.F.) Number 20100542669, Film Code Number 075-38-1033, Official Public Records of Harris County, Texas, said 0.0344 acre easement being more particularly described as follows (bearings are oriented to the Texas Coordinate System of 1983, South Central Zone):

COMMENCING at a 5/8-inch iron rod found marking the intersection of the northeasterly right-of-way (R.O.W.) line of Waterfront Drive (also known as Eleventh Street) (50 feet wide) with the northwesterly R.O.W. line of Avenue D (50 feet wide), both streets being delineated on the record plat of said Map of Seabrook, and marking the southerly corner of Lot 5, Block 145 of said Map of Seabrook from which a 1/2-inch iron rod found marking the easterly corner of Lot 5, Block 168 of said Map of Seabrook bears South 37°31'54" West, a distance of 50.00 feet;

THENCE, North 52°28'06" West, along the northeasterly R.O.W. line of said Waterfront Drive, at a distance of 1,500.00 feet pass a point for the intersection of said northeasterly R.O.W. line with the northwesterly R.O.W. line of Todville Road (50 feet wide) as delineated on said Map of Seabrook and the southerly corner said Lot 6 and continuing, in all, a distance of 1,510.00 feet to the **POINT OF BEGINNING** and southerly corner of the herein described easement;

THENCE, continuing North 52°28'06" West, along the northeasterly R.O.W. line of said Waterfront Drive and along the southwesterly line of said Lot 6, a distance of 10.00 feet to a point for the westerly corner of the herein described easement;

THENCE, North 37°31'54" East, a distance of 150.00 feet to a point in the common line of said Lot 8 and Lot 9 of said Block 150 and for the northerly corner of the herein described easement;

THENCE, South 52°28'06" East, along the common line of said Lots 8 and 9, a distance of 10.00 feet to a 5/8-inch iron rod with a plastic cap stamped "Cobb Fendley & Associates" set marking the easterly corner of the herein described easement;

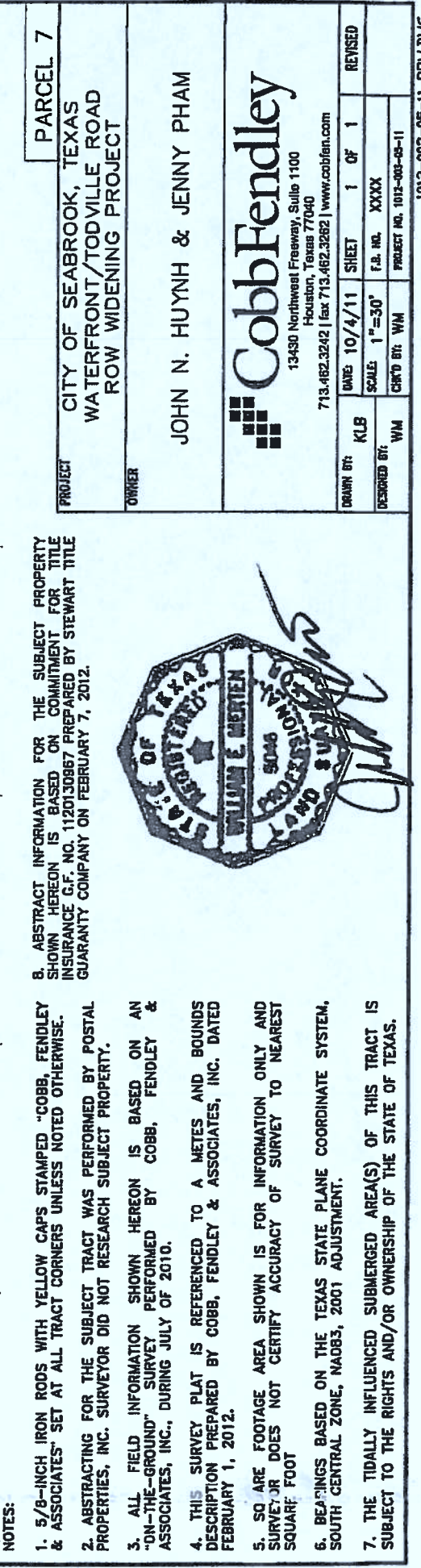
THENCE, South 37°31'54" West, at a distance of 125.00 feet pass a 5/8-inch iron rod with a plastic cap stamped "Cobb Fendley & Associates" set for reference and continuing, in all, a distance of 150.00 feet to the **POINT OF BEGINNING** and containing 0.0344 acre (1,500 square feet) of land.

Note: This metes and bounds description is referenced to a survey drawing prepared by Cobb, Fendley & Associates, Inc. dated February 1, 2012, and titled "PARCEL 7 – CITY OF SEABROOK, TEXAS, WATERFRONT/TODVILLE ROAD ROW WIDENING PROJECT".

COBB, FENDLEY & ASSOCIATES, INC.
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
Ph. 713-462-3242

Job No. 1012-003-05-11
P7-E
February 1, 2012





Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: your Social Security number or driver's license number.

PERMANENT EASEMENT GRANT AND DEDICATION

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF HARRIS §

That this Agreement is made and entered into this _____ day of _____, 2012, by and between JOHN N. HUYNH and wife JENNY PHAM, whose mailing address is 2514 Anders Lane, Kemah, Texas 77565, (hereinafter called the Grantor), and the CITY OF SEABROOK, TEXAS, a body politic located in Harris County, Texas, whose mailing address is 1700 First Street, Seabrook, Texas 77586, is hereinafter referred to as Grantee.

That for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration as herein set out, paid and received by Grantor, the receipt and sufficiency of which is hereby confessed and acknowledged, and for which no lien is retained, either expressly or implied, Grantor by these presents does grant, bargain, sell and convey to Grantee, City of Seabrook, for the purpose of public right of way, a permanent perpetual easement, ("Easement") to construct, install, maintain, operate, inspect, fill, and repair, as well as to use the surface and subsurface thereof in any lawful manner that shall be deemed necessary and desirable by Grantee, including all rights over, under, across, upon, along and through the property more specifically identified as:

A PARCEL OF LAND CONTAINING 0.0344 ACRE (1,500 SQUARE FEET)
SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS
COUNTY, TEXAS;

and being more particularly described in Exhibit "A" attached hereto and incorporated by reference for all purposes).

This Easement is for roadway and drainage improvements necessary for the Waterfront Street Project and related facilities as further depicted in the attached Exhibit "B". All construction and reclamation will be at no cost to the Grantor. Grantee may do and perform all acts necessary to construct, reconstruct, repair, relocate, or maintain the subject right of way within said Easement and to operate thereon all necessary machinery and equipment to

efficiently prosecute the work. Grantee shall be responsible for obtaining any and all necessary consents, approvals, and permits. Grantor retains, reserves, and shall continue to enjoy the use of the surface of the easement property for any and all purposes which do not interfere with or prevent the use by Grantee of the Easement for the purposes stated herein.

The terms and provisions hereby shall extend to and be binding upon Grantor and Grantee and the successors and assigns of Grantor and Grantee. References herein to Grantor or Grantee shall also refer to their respective successors and assigns. Grantee shall not assign this Easement except to a successor governmental agency.

This conveyance is expressly made subject to any and all restrictions, mineral and/or royalty reservations, covenants, and easements appearing of record relative to the Easement, but only to the extent that the same are still in force and effect and enforceable against the same. The Easement, along with all rights and privileges relating thereto shall terminate when the Easement, as described above, is abandoned by adoption of an Ordinance abandoning or vacating such by Grantee.

TO HAVE AND TO HOLD the Easement for the purposes set forth, unto Grantee, its successors and assigns; and Grantor hereby binds itself, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but no further, limited, however, to the terms and provisions hereof, and subject to all matters of record in Harris County, Texas, to the extent that such matters are presently valid and enforceable against the property covered by the Easement and to all matters as would be shown by an accurate survey.

This Agreement contains the entire agreement between the parties relating to the subject matter. Any oral representations or modifications concerning this Agreement shall be of no force and effect. Any subsequent amendment or modification must be in writing and agreed to by all parties.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this _____ day of _____, 2012.

GRANTOR:

Date: _____, 2012

By: _____

JOHN N. HUYNH

Date: _____, 2012

By: _____

JENNY PHAM

Accepted and agreed by the City of Seabrook, Texas, on this the _____ day of _____, 2012.

GRANTEE

CITY OF SEABROOK, TEXAS

By: _____

GLENN ROYAL, Mayor

ATTEST:

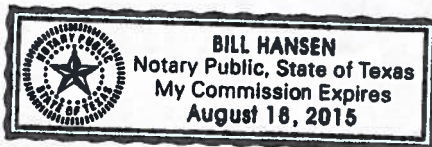
Michele Glaser, TMRC
City Secretary

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared John N. Huynh, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he is the owner of the subject property and duly authorized and executed the same for the purposes and consideration therein expressed and in the capacity therein stated for an on behalf of Grantor.

Given under my hand and seal of office, this the 3rd day of July, 2012.

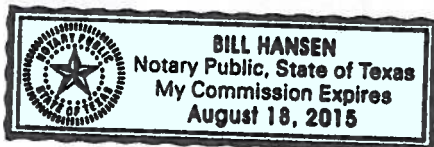


Bill Hansen
Notary Public, State of Texas
My commission expires: 8/18/2015

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Jenny Pham, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she is the owner of the subject property and duly authorized and executed the same for the purposes and consideration therein expressed and in the capacity therein stated for an on behalf of Grantor.

Given under my hand and seal of office, this the 3rd day of July, 2012.



Bill Hansen
Notary Public, State of Texas
My commission expires: 8/18/2015

After recording return to:
City Secretary
1700 First Street
Seabrook, Texas 77586

EXHIBIT ____

PROPERTY DESCRIPTION FOR PARCEL NO. 7

A PARCEL OF LAND CONTAINING
0.0344 ACRE (1,500 SQUARE FEET) SITUATED IN
THE RITSON MORRIS SURVEY, A-52
HARRIS COUNTY, TEXAS

Being a parcel containing 0.0344 acre (1,500 square feet) of land situated in the Ritson Morris Survey, Abstract Number 52, Harris County, Texas, and being out of and a part of Lots 6, 7 and 8, Block 150 of the Map of Seabrook, a subdivision recorded in Volume 1, Page 50, Harris County Map Records (H.C.M.R.) and being out of and a part of that certain tract conveyed to John N. Huynh and Jenny Pham by deed executed December 17, 2010 and recorded under Harris County Clerks File (H.C.C.F.) Number 20100542669, Film Code Number 075-38-1033, Official Public Records of Harris County, Texas, said 0.0344 acre parcel being more particularly described as follows (bearings are oriented to the Texas Coordinate System of 1983, South Central Zone):

COMMENCING at a 5/8-inch iron rod found marking the intersection of the northeasterly right-of-way (R.O.W.) line of Waterfront Drive (also known as Eleventh Street) (50 feet wide) with the northwesterly R.O.W. line of Avenue D (50 feet wide), both streets being delineated on the record plat of said Map of Seabrook, and marking the southerly corner of Lot 5, Block 145 of said Map of Seabrook from which a 1/2-inch iron rod found marking the easterly corner of Lot 5, Block 168 of said Map of Seabrook bears South 37°31'54" West, a distance of 50.00 feet;

THENCE, North 52°28'06" West, along the northeasterly R.O.W. line of said Waterfront Drive, a distance of 1,500.00 feet to a point for the intersection of said northeasterly R.O.W. line with the northwesterly R.O.W. line of Todville Road (50 feet wide) as delineated on said Map of Seabrook and for the **POINT OF BEGINNING** and the southerly corner said Lot 6 and the herein described parcel;

THENCE, continuing North 52°28'06" West, along the northeasterly R.O.W. line of said Waterfront Drive and along the southwesterly line of said Lot 6, a distance of 10.00 feet to a point for the westerly corner of the herein described parcel;

THENCE, North 37°31'54" East, at a distance of 25.00 feet pass a 5/8-inch iron rod with a plastic cap stamped "Cobb Fendley & Associates" set for reference and continuing, in all, a distance of 150.00 feet to a 5/8-inch iron rod with a plastic cap stamped "Cobb Fendley & Associates" set in the common line of said Lot 8 and Lot 9 of said Block 150 and marking the northerly corner of the herein described parcel;;

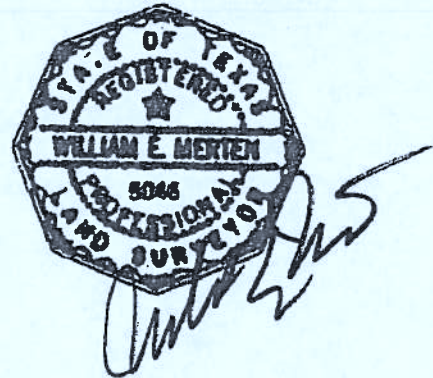
THENCE, South 52°28'06" East, along the common line of said Lots 8 and 9, a distance of 10.00 feet to a point in the northwesterly R.O.W. line of said Todville Road, for the southerly corner of said Lot 9 and for the easterly corner of said Lot 8 and the herein described parcel;

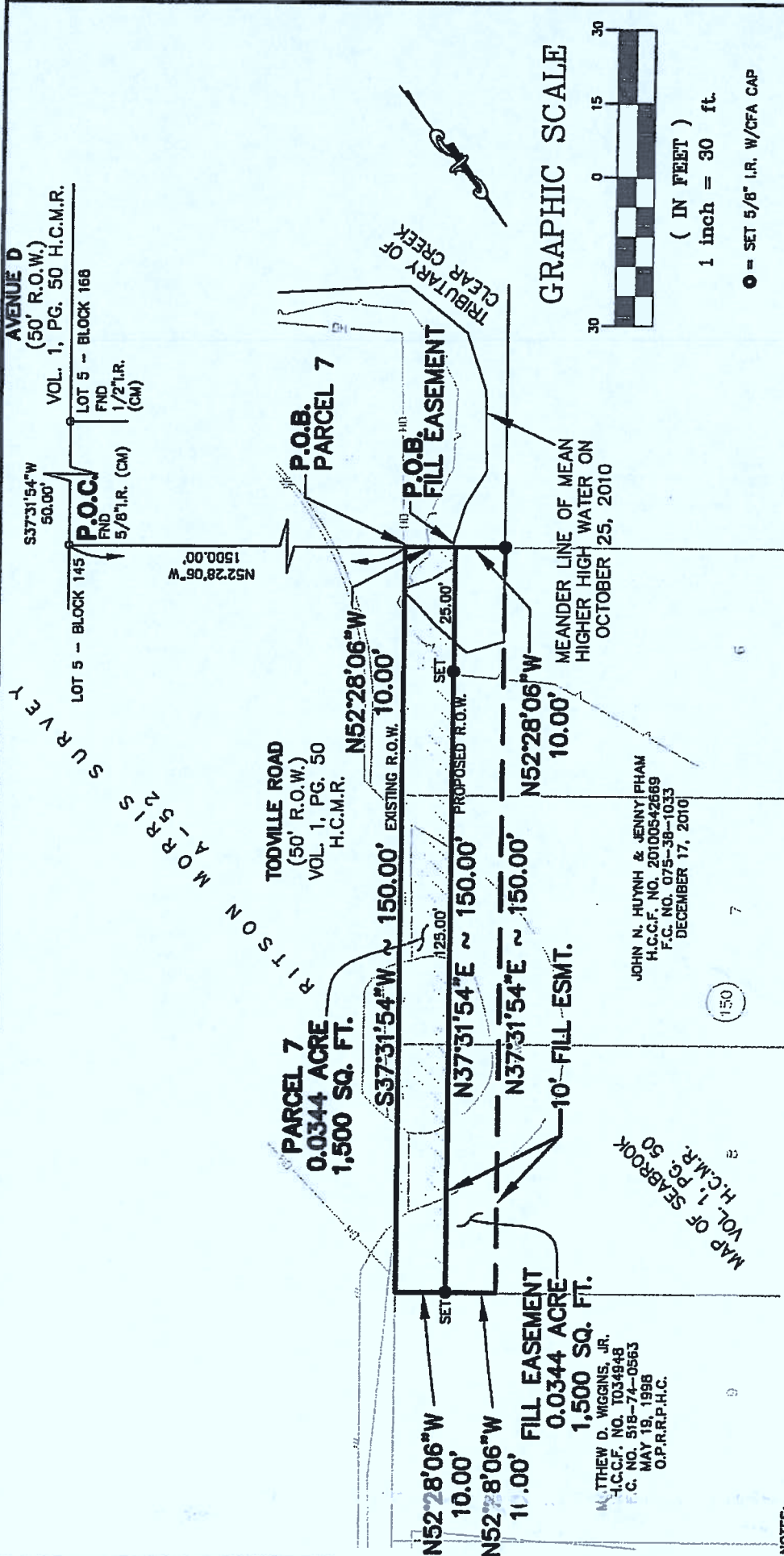
THENCE, South 37°31'54" West, along the northerly R.O.W. line of said Todville Road and along the southeasterly line of said Lots 8, 7 and 6, a distance of 150.00 feet to the **POINT OF BEGINNING** and containing 0.0344 acre (1,500 square feet) of land.

Note: This metes and bounds description is referenced to a survey drawing prepared by Cobb, Fendley & Associates, Inc. dated February 1, 2012, and titled "PARCEL 7 – CITY OF SEABROOK, TEXAS, WATERFRONT/TODVILLE ROAD ROW WIDENING PROJECT".

COBB, FENDLEY & ASSOCIATES, INC.
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
Ph. 713-462-3242

Job No. 1012-003-05-11
P7
February 1, 2012

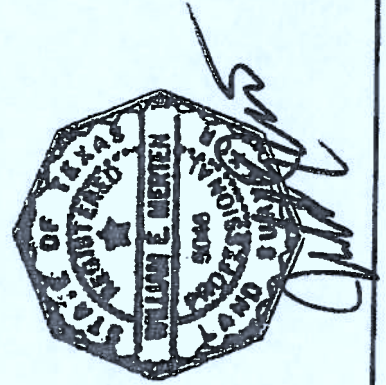




8. ABSTRACT INFORMATION FOR THE SUBJECT PROPERTY SHOWN HEREON IS BASED ON COMMITMENT FOR TITLE INSURANCE G.F. NO. 1120130867 PREPARED BY STEWART TITLE GUARANTY COMPANY ON FEBRUARY 7, 2012.

NOTES:

1. 5/8-INCH IRON RODS WITH YELLOW CAPS STAMPED "COBB, FENDLEY & ASSOCIATES" SET AT ALL TRACT CORNERS UNLESS NOTED OTHERWISE.
2. ABSTRACTING FOR THE SUBJECT TRACT WAS PERFORMED BY POSTAL PROPERTIES, INC. SURVEYOR DID NOT RESEARCH SUBJECT PROPERTY.
3. ALL FIELD INFORMATION SHOWN HEREON IS BASED ON AN "ON-THE-GROUND" SURVEY PERFORMED BY COBB, FENDLEY & ASSOCIATES, INC., DURING JULY OF 2010.
4. THIS SURVEY PLAT IS REFERENCED TO A METES AND BOUNDS DESCRIPTION PREPARED BY COBB, FENDLEY & ASSOCIATES, INC. DATED FEBRUARY 1, 2012.
5. SQUARE FOOTAGE AREA SHOWN IS FOR INFORMATION ONLY AND SURVEYOR DOES NOT CERTIFY ACCURACY OF SURVEY TO NEAREST SQUARE FOOT
6. BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, 2001 ADJUSTMENT.
7. THE TIDALLY INFLUENCED SUBMERGED AREA(S) OF THIS TRACT IS SUBJECT TO THE RIGHTS AND/OR OWNERSHIP OF THE STATE OF TEXAS.



PARCEL 7

CITY OF SEABROOK, TEXAS
WATERFRONT/TODVILLE ROAD
ROW WIDENING PROJECT

OWNER

JOHN N. HUYNH & JENNY PHAM

CobbFendley
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
713.462.3242 | fax 713.462.3262 | www.cobb-fendley.com

DATE: 10/4/11	SHEET 1 OF 1	REVISED
SCALE: 1"=30'	P.L. NO. XXXX	
DESIGNED BY: WM	CHECKED BY: WM	PROJECT NO. 1012-003-08-11



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, JULY 10, 2012

Submitter/Requestor: K. Templin

Date Submitted: 6/26/2012 8:46:51 AM

Presenter: K. Templin

Description/Subject:

Naming the 2.237 acres deeded to the city by Scott Monroe, "Monroe Park."

Purpose/Need: Administration Issue

Background/Issue(What prompted this need):

Council agreed to name the former detention pond, located on the south edge of Pelican's Nest, "Monroe Park" when the property was received from Scott Monroe in 2010. (See attached warranty deed.)

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

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

Council minutes excerpt

Letter

Warranty Deed

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

Funding Comments:

Where on the agenda should this item be placed?

New Business

Suggested Motion:

A motion to name the property bordering the south edge of Pelican's Nest and deeded to the City by Mr. Monroe, "Monroe Park."

Agenda Language:

Approve official naming of Monroe Park (which is adjacent to Brummerhop Park) pursuant to the Warranty Deed from Pelican's Nest, comprising approximately 2.237 acres in Pelican's Nest Subdivision. The attached Deed requires that the property be used as a public park and carry the name of the Scott Monroe family. With the completion of the Repsdorph Road Project, the property has been released for access by the City for proceeding. (Templin)

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.)

✓
Hold for Old Republic Title
Co. of Houston

GF # 10002189-HA

20100235174
06/04/2010 RP3 \$28.00

4
WD
R
NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS; YOUR SOCIAL SECURITY NUMBER OR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

THAT PELICAN'S NEST, L.P., a Texas limited partnership (hereinafter referred to as "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by, the CITY OF SEABROOK, a home rule municipality chartered under the laws of the State of Texas (hereinafter referred to as "Grantee"), whose address is 1701 First Street, Seabrook, Texas 77586, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents, does GRANT, SELL and CONVEY, unto the said Grantee, the real property situated in Harris County, more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, together with all improvements, if any, located on such real estate and all rights, privileges and easements appurtenant thereto (collectively, the "Property").

IT IS EXPRESSLY UNDERSTOOD AND AGREED that if all of the Property described above is not used for a public purpose, with some of the subject Property being used as a public park that shall carry the name of the Scott Monroe family, (as by way of example only, "Monroe Park"), Grantor shall, upon ten (10) days written notice to Grantee, have the right to reenter and assume ownership of the Property, it being the intent of Grantor to convey the right, title, and interest described on a condition subsequent. If the City ever abandons, or seeks to sell or convey the Property for a use that is not for a public purpose, then all rights, title and interest conveyed by this instrument shall automatically revert to and vest in Grantor, Grantor's heirs, successors, and assigns, without the necessity of any further act or part of or on behalf of the Grantor, it being the intent of Grantor to convey a determinable estate to the Grantee in this instance.

EXCEPT FOR THE SPECIAL WARRANTY OF TITLE HEREINAFTER SET FORTH, THE PROPERTY IS CONVEYED "AS IS", "WHERE IS" BASIS ONLY AND "WITH ALL FAULTS AND GRANTOR MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS, IMPLIED OF ANY KIND, INCLUDING ANY ENVIRONMENTAL CONDITION OF THE PROPERTY. GRANTOR EXPRESSLY DISCLAIMS ANY WARRANTIES, EXPRESS OR IMPLIED, AS TO THE FITNESS, ENVIRONMENTAL CONDITION, AREA, QUANTITY, CHARACTER, VALUE, SIZE, UTILITY AVAILABILITY, PROFITABILITY, SUITABILITY, SALEABILITY, MERCHANTABILITY OR HABITABILITY OF THE PROPERTY OR OTHERWISE, EXCEPT AS SPECIFICALLY SET FORTH IN THE

CONTRACT AND THIS WARRANTY DEED.

TO HAVE AND TO HOLD the Property, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto said Grantee, and its successors and assigns forever, and Grantor hereby binds itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, all and singular the title to the Property, subject as aforesaid, unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim all or part of the Property.

Taxes for the current year have been prorated as of the date hereof, and Grantee assumes and agrees to pay taxes from and after the date hereof.

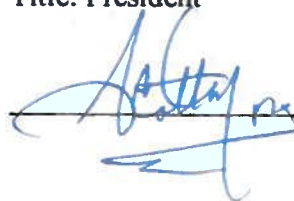
EXECUTED AND DELIVERED the 27 day of MAY 2010.

GRANTOR:

PELICAN'S NEST, L.P.,
a Texas limited partnership

By: M-Properties, Inc.
Its General Partner

By: Scott Monroe
Title: President

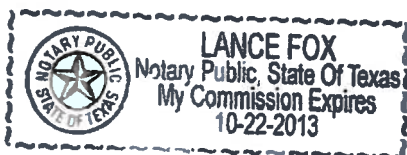


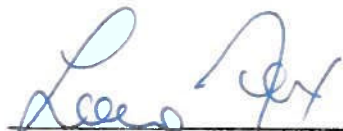
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared, Scott Monroe, President of M-Properties, Inc, the General Partner of Grantor, PELICAN'S NEST, L.P., a Texas partnership, who after each being by me first duly sworn, on oath acknowledged to me that in his capacity as President of M-Properties, Inc., he has full authority to execute this Warranty Deed in behalf of said corporation and partnership, in the capacities therein stated.

MAY 27, 2010.

SEAL





Notary Public in and for the State of Texas

RP 072-27-2042

GRANTEE:

CITY OF SEABROOK

Received and Accepted by the City of Seabrook, Texas on this the 2nd day of June, 2010.

City of Seabrook, Texas

Gary T. Rehola
Gary T. Rehola, Mayor

ATTEST:

Meredith Grant, Assistant
~~Michelle L. Glaser, City Secretary~~

AFTER RECORDING PLEASE RETURN TO:
CITY OF SEABROOK
c/o ROSS, BANKS, MAY, CRON & CAVIN, P.C.
2 Riverway, Suite 700
Houston, Texas 77056

EXHIBIT "A" TO DEED

LEGAL DESCRIPTION

Reserve "A", comprising approximately 2.237 acres, all in PELICAN'S NEST SUBDIVISION, a subdivision of Harris County Texas, according to the map or plat thereof, filed on October 27, 2005 and recorded on October 28, 2005 in Film Code No. 593018 of the Map Records of Harris County, Texas. 9

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in the number Sequence on the date and at time stamped herein by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County Texas on

JUN - 4 2010



County Clerk
COUNTY CLERK
HARRIS COUNTY, TEXAS

2010 JUN - 4 PM 1:12
COUNTY CLERK
HARRIS COUNTY, TEXAS

FILED

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photocopy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded.

**Seabrook City Council Meeting
Minutes of June 1, 2010
Page 4**

- 35
136
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145
146
- 4.8 **Approve Public Safety Activity Report for the month of April. (Holomon)**
- 4.9 **Approve Community Development Report for the month of April. (Templin)**
- 4.10 **Approve minutes of the Regular City Council meeting of May 4, 2010. (Glaser)**
- 4.11 **Approve minutes of Special City Council meeting of May 12, 2010. (Glaser)**
- 4.12 **Approve excused absence for Laura Davis for June 15, 2010 City Council meeting. (Council)**

147 Motion was made by Councilor Dunphey and seconded by Councilor Davis

148
149 To approve the Consent Agenda with the exception of Item 4.1.

150
151 MOTION CARRIES BY UNANIMOUS CONSENT.

152
153 **END OF CONSENT AGENDA**

- 154
155
156
157
158
- 4.1 **Reappointment of Ernie Davis, Bruce Dresner, Gene Scott and Richard Tomlinson to the Economic Development Corporation, serving two-year terms beginning May 2010 and ending May 2012. (Council)**

159 Motion was made by Councilor Holbrook and seconded by Councilor Mack

160
161 To approve the reappointments to EDC.

162
163 AYES: Renola, Dunphey, Holbrook, Kolupski, Mack, Morrell.
164 ABSTAIN: Davis.

165
166 MOTION CARRIES BY MAJORITY VOTE.

167
168
169

5.0 **NEW BUSINESS**

- 170
171
172
173
174
- 5.1 **Approve execution of Dedication Agreement and acceptance of Warranty Deed from Pelican's Nest L.P. for conveyance to City of approximately 2.237 acres, in Pelican's Nest Subdivision, a subdivision of Harris County for Repsdorph Road Project. (Pinto)**

175 Motion was made by Councilor Holbrook and seconded by Councilor Morrell

176
177 To approve the agreement and warranty deed.
178

Seabrook City Council Meeting
Minutes of June 1, 2010
Page 5

City Manager Chuck Pinto explained that the property is the drainage adjacent to Pelican's Nest and is currently a dry hole. He stated that once the project begins, the pipes will be connected, the property filled and then used as a staging yard for the county equipment. When the project is complete the property will revert to the city and become a part of Brummerhop Park.

City Attorney Steve Weathered stated that he has the documents for execution, but would like to discuss one issue in Executive Session.

Motion was made by Councilor Davis and seconded by Councilor Dunphey

To table this item.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.2 Consider options for design of waterfront sign. (Mack)

Motion was made by Councilor Mack and seconded by Councilor Dunphey

To discuss options.

Ernie Davis, President of EDC, spoke concerning the timeline, meetings and considerations for the design of the gateway sign.

Mayor Renola suggested that Ms. Nelson be appointed to the group working on the sign design.

A motion was made by Councilor Mack and seconded by Councilor Davis

To add Dori Nelson to the design committee.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.3 Consider approval of first reading of Ordinance No. 2010-11, Reduced Sideyard Setbacks for Certain Non-Conforming Lots in R-1 Districts. (Templin)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.03 "R-1 SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT," BY AMENDING THE EXISTING SUBSECTION 3.03.04 "AREA REGULATIONS" TO PROVIDE FOR A REDUCED SIDE YARD SETBACK FOR LOTS THAT WERE PLATTED PRIOR TO JULY 19, 1970 AND ARE NONCONFORMING AS TO AREA; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO

Seabrook City Council Meeting
Minutes of June 1, 2010
Page 11

other streets that apply. (Mack)

8.0 OPEN MEETING

Mayor Renola reconvened the open meeting at 10:37 p.m. stating that Items 7.1, 7.2 and 5.5 had been discussed, but no action was taken.

5.1 Approve execution of Dedication Agreement and acceptance of Warranty Deed from Pelican's Nest L.P. for conveyance to City of approximately 2.237 acres, in Pelican's Nest Subdivision, a subdivision of Harris County for Repsdorph Road Project. (Pinto)

Motion was made by Councilor Dunphey and seconded by Councilor Davis

To remove this item from the table.

MOTION CARRIES BY UNANIMOUS CONSENT.

Motion was made by Councilor Hobbrook and seconded by Councilor Dunphey

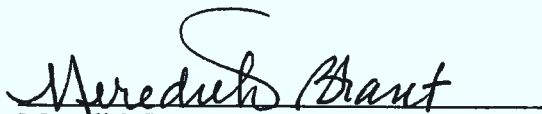
To approve.

MOTION CARRIES BY UNANIMOUS CONSENT.

Upon motion the meeting was adjourned at 10:39 p.m.

APPROVED THIS 6TH DAY OF JULY, 2010.


Gary T. Renola, Mayor


Meredith Brant
Assistant City Secretary

CHARTER

§ 2.05

Section 2.04. Mayor and Mayor Pro-Tem.

The Mayor shall be the official head of the City government. He or she shall preside at all meetings of the Council, shall have a vote on all Council actions, and shall when authorized by the Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds. He or she shall perform such other duties consistent with this Charter or as may be imposed upon him or her by Council. He or she shall not have the power of veto.

The Mayor Pro-Tem shall be a Councilmember and be selected by the Council at the second regular Council meeting following a runoff election if any, but not more than the second regular Council meeting in June of each year in those years of no elections for Councilmembers. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor or if the office is vacated and in this capacity shall have the rights conferred upon the Mayor. Should the Mayor refuse or is unable to perform in his or her official capacity, the Mayor Pro-Tem shall act in his or her stead for that specific case. Should neither the Mayor nor Mayor Pro-Tem be able to perform, the Council may designate another member to act in his or her stead for that specific case.

(Election of 5-7-2005; Charter Election of 5-8-2010)

Section 2.05. Vacancies, forfeiture, filling of vacancies.

(a) *Vacancies:* The office of a Councilmember or office of the Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, or forfeiture of his or her office.

(b) *Forfeiture of Office:* A Councilmember or the Mayor shall forfeit his or her office if he or she:

- (1) Lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law,
- (2) Violates any expressed prohibition of this Charter,

- (3) Fails to discharge official duties as provided in this Charter,
- (4) Is convicted of a felony, or
- (5) Fails to attend three (3) consecutive regular Council meetings without being excused by the Council by first notifying the City Secretary of the absence; emergency absence notwithstanding. Regular Council meeting is defined as the Council meeting required in Section 2.10 in this Charter, which is held at least once each month and is identified on the agenda as "regular" scheduled meeting.

(c) *Filling of Vacancies:* Any Council vacancy shall be filled in accordance with state law, which requires that all vacancies of Councilmembers with three (3) year terms shall be filled by a majority vote of the qualified voters at a special election called for such purpose within one hundred twenty (120) days after such vacancy or vacancies occur. However, if such vacancy or vacancies occur within one hundred twenty (120) days preceding a regular election, then no special election shall be called and the vacant positions shall be filled at the same time as the next regular election.

Notwithstanding the requirement in section 2.12 that a quorum of the Council consists of four (4) members, if at any time the membership of the Council is reduced to less than four (4), elections shall be held in conformance with state law. All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled.

(d) *Removal from Office:* Any charge of a violation or infraction must be formally submitted in writing to the City Secretary at a regular Council meeting with copies furnished to all Councilmembers. A charge filed in accordance with this Section may not be considered by the City without a favorable vote of a super majority of all Councilmembers present excepting the member or members charged. In the event a majority of Councilmembers are included in a charge, all Councilmembers shall be entitled to vote on proceeding with the charges. The Council may, by majority vote, appoint a special investigator to investigate and present facts surrounding the charge and may establish review processes not in



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, JULY 10, 2012

Submitter/Requestor:

Date Submitted: 7/2/2012 3:49:32 PM

Presenter:

Description/Subject:

The City Secretary also recommends Fulbright & Jaworski.

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)

recommendation

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 of bond attorney for the November, 2012 bond election. Staff recommendation is to appoint Fulbright & Jaworski. (Templin)

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.)

From: [Pam Lab](#)
To: [Kelly Templin](#); [Michele Glaser](#); [Gayle Cook](#)
Subject: bond attorney
Date: Thursday, June 28, 2012 2:38:51 PM

Three firms submitted qualifications for consideration for bond counsel-Fulbright & Jaworski, Bracewell & Giuliani, and McCall, Parkhurst & Horton (MPH).

I have reviewed the qualifications and fee schedules and I recommend that we go with Fulbright & Jaworski for the reasons below.

Any comments?

	fulbright	bracewell	mph
fee	0.10%	0.10%	0.10%
minimum	15,000	15,000	6,000
\$6M w/election	15,000	15,000	15,000
\$6M w/o election	15,000	15,000	11,000
Plusses	previous relationship w/atty previous relationship w/firm recommended by FA pricing competitive houston office	pricing competitive houston office	pricing competitive
Minuses			no houston office pricing higher over \$6M issue *

* Because our charter requires an election for essentially any bond issue, mph's minimum of \$6,000 would not apply.

All three firms are equally qualified to handle any bond issuances the City may have. Pricing for each firm is also competitive. Being generally equal, I would recommend Marcus Deitz at Fulbright & Jaworski because 1) We have worked with Marcus previously, 2) Fulbright & Jaworski has represented the City previously and 3) Marcus' familiarity with City staff, procedure & city history.

Regards,

Pam Lab
Director of Finance

City of Seabrook
1700 First Street
Seabrook, Texas 77586
281-291-5677 Office
281-291-5690 FAX



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, JULY 10, 2012

Submitter/Requestor:

Date Submitted: 7/3/2012 1:26:10 PM

Presenter:

Description/Subject:

Mr. Wilkerson was appointed to the P&Z Commission on 6/26/12. Due to a meeting day conflict, he is not able to serve on P&Z. He indicated that he was willing to serve on the Ethics Review Commission. The city has an opening as Ethics member, John Rodriguez resigned last week. We do not have any other applications for the Ethics Review Commission.

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)

**Wilkerson application
placeholder**

Fiscal Impact:	Budgeted	Yes	Finance Review:	Officer
	Budget Amendment Required	Yes		
	Future/Ongoing Impact	Yes		

Budget Dept/Line Item Number

Funding Comments:

Where on the agenda should this item be placed?

New Business

Suggested Motion:

Agenda Language:

Consider appointment of a member to the Ethics Review Commission for a term ending 10/31/12. (Council)

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.)

Place holder



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, JULY 10, 2012

Submitter/Requestor:

Date Submitted: 7/2/2012 4:22:23 PM

Presenter:

Description/Subject:

Attached are applications of all applicants that were not appointed to a board position on June 26, 2012. They are:

Tom Diegelman
Kim Morrell
Robert Poston
Sean Riley

Purpose/Need: NA

Background/Issue(What prompted this need):

Mr. Wilkerson was appointed as a member of the P&Z Commission on June 26, 2012. However, he is unable to serve due to a conflict with P&Z's Thursday meeting dates.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

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

**Application
application
application
application
placeholder**

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 of a member to the Planning & Zoning Commission with a term ending January, 2013. (Council)

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.)

Place holder

Sec. 55-21. - Unreasonable noise prohibited.

Causing unreasonable loud and disturbing noise in the city is hereby prohibited and shall constitute an offense. Noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary reasonable person are hereby prohibited. It shall be unlawful for any person to make, assist in making, continue or allow or cause to be made or continued within the limits of the city, and 5,000 feet beyond the limits any noise nuisance. This chapter is designed to regulate noise by various alternative means in order to allow the enforcement of noise regulations at times when and by persons for whom noise meters are not available. A noise may be in violation of this chapter because it is disturbing to a reasonable person of ordinary sensibilities pursuant to [section 50-24](#), or because it exceeds the decibel level restrictions provided in [section 50-23](#). If a noise violates more than one of these provisions, the violation will be enforced under whichever provision is most applicable to the situation as determined by the enforcement officer of the city.

(Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-22. - Definitions.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Chief of police means the chief of police of the City of Seabrook or the chief's designee.

Daytime means the times between 7:00 a.m. and 10:00 p.m.

Decibel (dB) is the unit of measurement for sound pressure level at a specified location.

Emergency situation means a situation in which one must take actions to prevent a traffic accident or to attempt to prevent a traffic accident.

Emergency work means any work or action immediately necessary to deliver essential services including, but not limited to, repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or abating life-threatening conditions.

Motor vehicle means any vehicle that is propelled or drawn on land by an engine or motor.

Nighttime means the hours from ten o'clock p.m. through seven o'clock a.m.

Noise-sensitive area includes, but is not limited to, a posted area where a school, church, hospital, nursing home, day care facility, court, public library, or similar facility (where persons gather and have a reasonable expectation of quiet, peace or solitude) is located.

Person means any individual, firm, business, entity, association, partnership, joint venture, or corporation.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public, which is owned or controlled by any government entity.

Public space means any real property or structure(s) on real property, owned or controlled by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

Real property line means either:

- (1) The imaginary line, including its vertical extension, that separates one parcel of real property from another; or
- (2) The vertical and horizontal boundaries of each unit of a multi-unit building which is under separate ownership or tenancy.

Residential area means any real property zoned for residential use in accordance with the city's zoning ordinance, all other real property which has been platted for residential use on which persons reside, and the public rights-of-way abutting any such real property.

Sound equipment means a loud speaker, public address system, amplification system, musical instrument, radio, CD player, or other sound producing device.

Sound level means the instantaneous sound pressure level measured in decibels obtained by the use of a sound level meter set for A-weighting on slow integration speed, unless otherwise noted.

(Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-23. - Restrictions on decibel levels.

- (a) *Maximum decibel levels.* No person shall cause, suffer, allow, or permit any of the following acts which are declared to be noise nuisances. If a noise is made on property which falls under more than one of the categories enumerated hereafter, the lowest level shall apply.

The making of noise which exceeds 85 decibels during the daytime or 63 decibels during the nighttime in all areas specifically including public rights-of-way.

- (b) *Method of noise measurement.* Whenever portions of this Chapter prohibit noise over a certain decibel limit, measurement of said noise should be made with a sound level meter meeting the standards prescribed by the American Standards Association and using the A-weighted scale. The measuring instruments shall be maintained in calibration and good working order. Calibration corrections shall be employed in meeting the response specifications prior to every noise sampling event. Measurements recorded shall be taken so as to provide a proper representation of the noise being measured. The microphone shall be screened from wind and water and otherwise used in accordance with the manufacturer's specifications. Measurements of noise emanating from private property shall be taken from a point beyond the real property line of the property from which the noise is being generated. Measurements of noise being generated on a public right of way or a public space shall be taken from a distance greater than or equal to 100 feet from the source of the noise.

(Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-24. – Violations ~~Disturbance of reasonable person of ordinary sensibilities prohibited.~~

- (a) *Prohibited noises.* In addition to the other noise restrictions provided in this chapter, no person shall make, cause, suffer, allow, or permit unreasonably loud noises in such a manner, or with such volume, intensity, or duration that exceed the permissible decibel levels enumerated herein, ~~so as to disturb a reasonable person of ordinary sensibilities. A decibel level measurement shall not be required for the enforcement of this section.~~
- (b) *Included noises.* This section is intended to apply to, but is not limited to, unreasonable noises in the form of: barking dogs; car alarms, vehicle exhaust, engine braking systems, radios, boom boxes, musical instruments, and other devices which reproduce or amplify sound; the cries of peddlers, hawkers and vendors; any noise during nighttime in a residential or noise-sensitive area which can be heard beyond the real property line of the premises from which the noise is originating.
- (c) *Noise from vehicles—Specifically.* No person shall cause, suffer, allow or permit operation of a radio, tape or CD/DVD/MP3 player, or other electronic or mechanical sound-making device from a motor vehicle in a manner which emits sound audible to the human ear of a person with average and normal hearing, at a distance of 15 or more feet from the motor vehicle or which causes a person at that distance to be aware of a vibration accompanying the sound. The use of any automobile, motorcycle, or other vehicle so out of repair, loaded, or equipped in such a manner so as to create loud or unreasonable noise including grating, grinding, rattling or any other loud and unreasonable sound is hereby prohibited and declared unlawful.
- (d) *Noisy animals and birds.* The keeping of any animal or bird which causes or makes frequent or long and continued sound which unreasonably disturbs, injures or

endangers the comfort, repose, health, peace or safety of ordinary, reasonable persons of normal sensibilities and ordinary tastes, habits and modes of living who reside in the vicinity thereof is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this chapter, regardless of whether the sound so created by said animal or bird is within the permissible levels specified in section 50-23 of this Code.

(Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-25. - Exemptions.

The following acts and sounds shall be exempt from the requirements of this chapter.

- (1) The generation of sound for the purpose of alerting persons to the existence of imminent danger or an actual emergency;
- (2) The generation of sound in the performance of emergency work;
- (3) Sirens, whistles, or bells, lawfully used by emergency vehicles, or any alarm systems used by government entities in case of fire, collision, civil defense, police activity, or imminent danger.
- (4) Engine braking systems for emergency response vehicles and when used by commercial vehicles in an emergency situation;
- (5) Repairs or excavations of bridges, streets or highways by the city, the State, or the federal government during the nighttime when public welfare and convenience render it impractical to perform the work during daylight hours;
- (6) Athletic events. Athletic events in a stadium, ball park, or on public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic events;
- (7) Law enforcement motor vehicles equipped with any communication device necessary in the performance of law enforcement duties or emergency vehicles equipped with any communication device necessary in the performance of any emergency procedures;
- (8) Noise made by a horn or other warning device required by state or federal law;
- (9) Sound produced by permitted parades, approved special events and events sponsored and held by the city on public property for the general public, and pyrotechnic displays approved by the city;
- (10) An employee of a governmental entity engaged in the employee's official duty; or
- (11) A person operating a bell for a religious activity.

(Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-26. - Enforcement.

- (a) The Chief of Police will have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this Chapter shall prevent the Chief of Police from having the authority to obtain voluntary compliance by way of warning, notice or education.
- (b) If a person's conduct would otherwise violate this Chapter and consists of speech or communication delivered to others who have gathered to hear or observe speech or communication; or to others who have gathered to picket or otherwise express in a non-violent manner a position on social, economic, political or religious questions; the person who is in violation of this Chapter shall be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation, prior to arrest or a citation being issued. The affirmative defenses for speech or expression enumerated in V.T.C.A., Penal Code § 42.04 (prior order to move, disperse or remedy) shall also be available in any prosecutions for violations of this article.
- (c) Violation of any provision of this chapter shall be cause for a citation to be issued by the chief of police. In the event the noise violating this chapter is not stopped following issuance of a citation, the chief of police may issue an administrative stop order to any person having possession or control over noise generating property to immediately halt the making of any sound which exceeds the decibel levels in section 50-23 or limits prescribed in section 50-24 (~~"Disturbance of reasonable person of ordinary sensibilities"~~) prohibited by this article.
- (d) In the event a noise violation continues after the delivery of an administrative stop order, the chief of police may apply to any magistrate for an administrative search warrant for the purpose of entering private property to investigate and identify noise nuisance producing devices which are violating this chapter and their owners, and to temporarily seize the devices in the event the owner of the offending noise producing device has been convicted of a violation of this chapter in the previous year. Any noise producing devices seized under this section shall be returned to any person requesting their return and presenting proof of ownership following twenty-four hours after the seizure of the devices. Any disputed ownership of the seized property shall be resolved at a hearing before a magistrate of the city. Nothing herein shall prevent the city from exercising any other rights or remedies available under this chapter or by other laws.

(Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-27. - Penalties.

- (a) A person commits an offense if the person makes noise in violation of a provision of this chapter.
- (b) An offense under this chapter is a Class C misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$2,000.00, or, if the person has previously been convicted of a violation under this chapter, by a fine of not less than \$200.00 nor

more than \$2,000.00, as is consistent with the portion of section 1-15 governing penalties for health and safety violations.

- (c) Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.
- (d) A violation of this chapter is a nuisance. The prosecution of an offense under this chapter does not limit the city's right to abate the nuisance, including the use of injunctive or other civil relief.
- (e) No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

(Ord. No. 2010-17, § 2, 10-19-2010)

Secs. 55-28—55-50. - Reserved. 

Area Noise Ordinances

City	Day Maximum (dBA)	Night Maximum (dBA)	Daytime Def.
Seabrook	85	63	7am - 10 pm
Kemah	85	85	7am - 10 pm
La Porte	75	58	7am - 10 pm
Nassau Bay	65	65	7am - 10 pm
Friendswood	75 (comm)/65 (res)	58	7am - 10 pm
El Lago	10 over ambient	5 over ambient	7am - 9 pm

Commercial	Industrial	Residential	dB Level
Threshold For Hearing			0
Good Recording Studio		Breathing	10
		Rustling Leaves	15
		Whisper, Mosquito	20
Library		Living / Dining Room	30
Refrigerator Hum		Kitchen / Bathroom	40
Quiet Office	Power Lawn Mower	Home Office	50
		Birds at 10'	50
Conversational Speech			60
Piano Practice		Electric Shaver	60
Business Office		Piano Practice	65
Noisy Restaurant	Inplant Office	Street Traffic	70
Chamber Music		Barking Dog	75
Classroom		Alarm Clock	75
		Television / Dishwasher	75
Airplane at 1 mile	Manual Machines	Vacuum Cleaner	80
Reception / Lobby Area	Handsaw	Garbage Disposal	85
Motor Bus		Telephone Dial Tone	85
Applause in Auditorium		Lawn Mower	85
OSHA Required Hearing Protection in Factory			85
Teleconference Room		Train at 100'	90
Subway	Farm Tractor	Teenage Stereo	90
Sustained Exposure May Cause Hearing Loss			90
Music Practice Room	Electric Drill	Walkman at 5/10	94
French Horn	Average Factory Noise	Blender	100
Orchestra	Diesel Truck	Motorcycle	105
Computer Room	Printing Press	Train	105
Bass Drum	Heavy Truck	Power Saw	110
Dog Kennel	Power Mower	Baby Crying	110
Symphony Orchestra	Punch Press	Squeaky Toy to Ear	110
Pain Begins			120
Disco	Sandblasting	Shot Gun	120
Cymbal Crash	Pneumatic Clipper	Air Raid Siren	130
Dragcar Racing	Military Jet	Shotgun	140
Rock Concert	Aircraft Carrier Deck	Jet Takeoff	140
Chest Wall Begins to Vibrate			150
Ear Drum Breaks Instantly			160
Death of Hearing Tissue			180
Loudest Possible Sound			194

NUISANCES AND MISCELLANEOUS PROVISIONS

§ 55-22

ARTICLE I. IN GENERAL

Secs. 55-1—55-20. Reserved.

ARTICLE II. NOISE*

Sec. 55-21. Unreasonable noise prohibited.

Causing unreasonable loud and disturbing noise in the city is hereby prohibited and shall constitute an offense. Noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary reasonable person are hereby prohibited. It shall be unlawful for any person to make, assist in making, continue or allow or cause to be made or continued within the limits of the city, and 5,000 feet beyond the limits any noise nuisance. This chapter is designed to regulate noise by various alternative means in order to allow the enforcement of noise regulations at times when and by persons for whom noise meters are not available. A noise may be in violation of this chapter because it is disturbing to a reasonable person of ordinary sensibilities pursuant to section 50-24, or because it exceeds the decibel level restrictions provided in section 50-23. If a noise violates more than one of these provisions, the violation will be enforced under whichever provision is most applicable to the situation as determined by the enforcement officer of the city.

(Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-22. Definitions.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Chief of police means the chief of police of the City of Seabrook or the chief's designee.

*Editor's note—Section 2 of Ord. No. 2010-17, adopted Oct. 19, 2010, repealed the former Art. II, §§ 55-21—55-25, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Code 1996, §§ 30-26—30-30; Ord. No. 95-09, §§ 1—5, adopted Aug. 15, 1995.

State law reference—Authority of city as to abatement and removal of nuisances, V.T.C.A., Local Government Code § 217.041 et seq.

Daytime means the times between 7:00 a.m. and 10:00 p.m.

Decibel (dB) is the unit of measurement for sound pressure level at a specified location.

Emergency situation means a situation in which one must take actions to prevent a traffic accident or to attempt to prevent a traffic accident.

Emergency work means any work or action immediately necessary to deliver essential services including, but not limited to, repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or abating life-threatening conditions.

Motor vehicle means any vehicle that is propelled or drawn on land by an engine or motor.

Nighttime means the hours from ten o'clock p.m. through seven o'clock a.m.

Noise-sensitive area includes, but is not limited to, a posted area where a school, church, hospital, nursing home, day care facility, court, public library, or similar facility (where persons gather and have a reasonable expectation of quiet, peace or solitude) is located.

Person means any individual, firm, business, entity, association, partnership, joint venture, or corporation.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public, which is owned or controlled by any government entity.

Public space means any real property or structure(s) on real property, owned or controlled by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

Real property line means either:

- (1) The imaginary line, including its vertical extension, that separates one parcel of real property from another; or
- (2) The vertical and horizontal boundaries of each unit of a multi-unit building which is under separate ownership or tenancy.

Residential area means any real property zoned for residential use in accordance with the city's zoning ordinance, all other real property which has been platted for residential use on which persons reside, and the public rights-of-way abutting any such real property.

Sound equipment means a loud speaker, public address system, amplification system, musical instrument, radio, CD player, or other sound producing device.

Sound level means the instantaneous sound pressure level measured in decibels obtained by the use of a sound level meter set for A-weighting on slow integration speed, unless otherwise noted. (Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-23. Restrictions on decibel levels.

(a) *Maximum decibel levels.* No person shall cause, suffer, allow, or permit any of the following acts which are declared to be noise nuisances. If a noise is made on property which falls under more than one of the categories enumerated hereafter, the lowest level shall apply.

The making of noise which exceeds 85 decibels during the daytime or 63 decibels during the nighttime in all areas specifically including public rights-of-way.

(b) *Method of noise measurement.* Whenever portions of this Chapter prohibit noise over a certain decibel limit, measurement of said noise should be made with a sound level meter meeting the standards prescribed by the American Standards Association and using the A-weighted scale. The measuring instruments shall be maintained in calibration and good working order. Calibration corrections shall be employed in meeting the response specifications prior to every noise sampling event. Measurements recorded shall be taken so as to provide a proper representation of the noise being measured. The microphone shall be screened from wind and water and otherwise used in accordance with the manufacturer's specifications. Measurements of noise emanating from private property shall be taken from a point beyond the real property line of the property from which the noise is being generated. Measurements of noise being generated on a public right of

way or a public space shall be taken from a distance greater than or equal to 100 feet from the source of the noise.

(Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-24. Disturbance of reasonable person of ordinary sensibilities prohibited.

(a) *Prohibited noises.* In addition to the other noise restrictions provided in this chapter, no person shall make, cause, suffer, allow, or permit unreasonably loud noises in such a manner, or with such volume, intensity, or duration, so as to disturb a reasonable person of ordinary sensibilities. A decibel level measurement shall not be required for the enforcement of this section.

(b) *Included noises.* This section is intended to apply to, but is not limited to, unreasonable noises in the form of: barking dogs; car alarms, vehicle exhaust, engine braking systems, radios, boom boxes, musical instruments, and other devices which reproduce or amplify sound; the cries of peddlers, hawkers and vendors; any noise during nighttime in a residential or noise-sensitive area which can be heard beyond the real property line of the premises from which the noise is originating.

(c) *Noise from vehicles—Specifically.* No person shall cause, suffer, allow or permit operation of a radio, tape or CD/DVD/MP3 player, or other electronic or mechanical sound-making device from a motor vehicle in a manner which emits sound audible to the human ear of a person with average and normal hearing, at a distance of 15 or more feet from the motor vehicle or which causes a person at that distance to be aware of a vibration accompanying the sound. The use of any automobile, motorcycle, or other vehicle so out of repair, loaded, or equipped in such a manner so as to create loud or unreasonable noise including grating, grinding, rattling or any other loud and unreasonable sound is hereby prohibited and declared unlawful.

(d) *Noisy animals and birds.* The keeping of any animal or bird which causes or makes frequent or long and continued sound which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of ordinary,

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reasonable persons of normal sensibilities and ordinary tastes, habits and modes of living who reside in the vicinity thereof is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this chapter, regardless of whether the sound so created by said animal or bird is within the permissible levels specified in section 50-23 of this Code.

(Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-25. Exemptions.

The following acts and sounds shall be exempt from the requirements of this chapter.

- (1) The generation of sound for the purpose of alerting persons to the existence of imminent danger or an actual emergency;
- (2) The generation of sound in the performance of emergency work;
- (3) Sirens, whistles, or bells, lawfully used by emergency vehicles, or any alarm systems used by government entities in case of fire, collision, civil defense, police activity, or imminent danger.
- (4) Engine braking systems for emergency response vehicles and when used by commercial vehicles in an emergency situation;
- (5) Repairs or excavations of bridges, streets or highways by the city, the State, or the federal government during the nighttime when public welfare and convenience render it impractical to perform the work during daylight hours;
- (6) Athletic events. Athletic events in a stadium, ball park, or on public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic events;
- (7) Law enforcement motor vehicles equipped with any communication device necessary in the performance of law enforcement duties or emergency vehicles equipped with any communication device necessary in the performance of any emergency procedures;

(8) Noise made by a horn or other warning device required by state or federal law;

(9) Sound produced by permitted parades, approved special events and events sponsored and held by the city on public property for the general public, and pyrotechnic displays approved by the city;

(10) An employee of a governmental entity engaged in the employee's official duty; or

(11) A person operating a bell for a religious activity.

(Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-26. Enforcement.

(a) The Chief of Police will have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this Chapter shall prevent the Chief of Police from having the authority to obtain voluntary compliance by way of warning, notice or education.

(b) If a person's conduct would otherwise violate this Chapter and consists of speech or communication delivered to others who have gathered to hear or observe speech or communication; or to others who have gathered to picket or otherwise express in a non-violent manner a position on social, economic, political or religious questions; the person who is in violation of this Chapter shall be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation, prior to arrest or a citation being issued. The affirmative defenses for speech or expression enumerated in V.T.C.A., Penal Code § 42.04 (prior order to move, disperse or remedy) shall also be available in any prosecutions for violations of this article.

(c) Violation of any provision of this chapter shall be cause for a citation to be issued by the chief of police. In the event the noise violating this chapter is not stopped following issuance of a citation, the chief of police may issue an administrative stop order to any person having possession or control over noise generating property to immediately halt the making of any sound which exceeds the decibel levels in section 50-23 or

limits prescribed in section 50-24 ("Disturbance of reasonable person of ordinary sensibilities") prohibited by this article.

(d) In the event a noise violation continues after the delivery of an administrative stop order, the chief of police may apply to any magistrate for an administrative search warrant for the purpose of entering private property to investigate and identify noise nuisance producing devices which are violating this chapter and their owners, and to temporarily seize the devices in the event the owner of the offending noise producing device has been convicted of a violation of this chapter in the previous year. Any noise producing devices seized under this section shall be returned to any person requesting their return and presenting proof of ownership following twenty-four hours after the seizure of the devices. Any disputed ownership of the seized property shall be resolved at a hearing before a magistrate of the city. Nothing herein shall prevent the city from exercising any other rights or remedies available under this chapter or by other laws.

(Ord. No. 2010-17, § 2, 10-19-2010)

Sec. 55-27. Penalties.

(a) A person commits an offense if the person makes noise in violation of a provision of this chapter.

(b) An offense under this chapter is a Class C misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$2,000.00, or, if the person has previously been convicted of a violation under this chapter, by a fine of not less than \$200.00 nor more than \$2,000.00, as is consistent with the portion of section 1-15 governing penalties for health and safety violations.

(c) Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

(d) A violation of this chapter is a nuisance. The prosecution of an offense under this chapter does not limit the city's right to abate the nuisance, including the use of injunctive or other civil relief.

(e) No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.
(Ord. No. 2010-17, § 2, 10-19-2010)

Secs. 55-28—55-50. Reserved.

ARTICLE III. TRASH, RUBBISH, WEEDS AND WILD GROWTH AND OTHER OFFENSIVE CONDITIONS*

Sec. 55-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Brush means all trees or shrubbery under seven feet in height, not cultivated or cared for by persons owning or controlling the premises.

Other objectionable, unsightly or unsanitary matter of whatever nature means all uncultivated vegetable growth, objects and matter not included within the meaning of the other terms in this subsection, which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition to the premises within the general locality where the same are situated, and any species of ragweed or other vegetable growth which might or may tend to be unhealthy to persons residing within the general locality.

Rubbish means all refuse, rejected tin cans, old vessels of all sorts, useless articles, discarded clothing and textiles of all sorts and, in general, all litter and all other things usually included within the meaning of such term.

Weeds means all rank and uncultivated vegetable growth or matter which has grown to more than nine inches in height or which, regardless of

*State law references—Authority of city as to abatement and removal of nuisances, V.T.C.A., Local Government Code §§ 51.001 et seq., 217.041 et seq.; sanitation and environmental standards, V.T.C.A., Health and Safety Code § 341.001 et seq.; local regulation of sanitation, V.T.C.A., Health and Safety Code § 342.001 et seq.; abatement of public health nuisances, V.T.C.A., Health and Safety Code § 343.001 et seq.

EXCERPT FROM JUNE 12, 2012 MINUTES

6.0 OLD BUSINESS

6.1 Discussion and consideration of recommended changes to the existing noise ordinance. (Templin)

Motion was made by Councilor Davis and seconded by Councilor Morrell

To discuss and consider recommended changes.

Councilor Davis stated that she was not in favor of retaining the clause contained in Section 55-24, "Disturbance of reasonable person of ordinary sensibilities prohibited" as it requires individual judgment calls. She stated that the city's decibel levels seem to be in line with those of other cities. She spoke in favor of changing the time when the lower night time level would take effect. Councilor Kolupski stated that there are fewer complaints during the day. He also recommended changing the time requiring a lower maximum decibel level from 10:00 p.m. until 9:00 p.m. Mayor Royal suggested that the decibel level be lowered at 8:00 p.m. or 9:00 p.m. for all areas of the city except NASA Parkway and SH 146.

Councilor Davis asked if the city is culpable if the "reasonable person" clause is left in the ordinance. Mr. Weathered stated that statutes allow the reasonable person argument.

Council discussed the impact of live bands. Mr. Weathered stated that the city could determine that live music is a use and then legislate that use.

Councilor Morrell recommended holding a special work session on the subject. Mr. Templin agreed.

Motion was made by Councilor Holbrook and seconded by Councilor Morrell

To table this item and schedule a special workshop to further discusses this item.

MOTION CARRIES BY UNANIMOUS CONSENT.

EXCERPT FROM JUNE 26, 2012 MINUTES

5.2 Establish future meeting dates and agenda items, including scheduling a special meeting to discuss the Noise Ordinance. (Council)

After discussion, Council members agreed to place further discussion of the Noise Ordinance on the July 10 agenda rather than holding a special workshop on the item. The City Secretary was also directed to place a resolution addressing the Port's plans to deepen and widen the Ship Channel on the July 10 agenda.

ACTION ITEM CHECK LIST STATUS

#	STATUS	DATE ASSIGNED	NEXT REVIEW DATE	PROPOSED CLOSURE DATE	RESPONSIBLE ORGANIZATION	SUPPORT ORGANIZATIONS	City Council RESPONSIBILITY	PLANNING OBJECTIVE #	AGENDA ITEM NUMBER	DESCRIPTION OF ACTION ITEM	STATUS AND DATE
1	OPEN/IN WORK	5/1 & 6/12/12	7/10/2012		Staff/Council				3.3	Noise Ordinance Proposal	Tabled on 6/12. On 6/26 Council placed on 7/10/12 agenda for discussion.

July 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 City Hall Closed	5	6	7
8	9 Open Space 5 p.m.	10 Reg. Council	11 Public Safety	12 EDC	13	14
15	16	17 Budget Work- session (Tentative)	18	19 P&Z HCM&CA	20	21
22	23	24 Reg. Council	25	26	27	28
29	30	31				

August 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2 Open Space	3	4
5	6	7 City Council	8 Public Safety	9 EDC	10	11
12	13	14	15	16 EDC HCMCA	17	18
19	20	21 City Council	22	23	24	25
26	27	28	29	30	31	