

**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, DECEMBER 1, 2015 - 7:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY DECEMBER 1, 2015 AT 7:00 PM** IN THE SEABROOK CITY HALL COUNCIL CHAMBERS, 1700 FIRST STREET, SEABROOK, TEXAS, **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 Report on success of Inaugural Celebration Seabrook : Feast & Wine by the Bay Festival. (Cook/Dearman)
- 1.2 Update on status of Old Seabrook Village Planned Unit Development. (Landis/Caldwell)

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

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

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

3.0 SPECIFIC PUBLIC HEARING(S)

📎 ATTACHMENT 1

- 3.1 Public hearing regarding an amendment of land use assumptions, the capital improvements plan, and impact fees as contained in Ordinance 2015-22, "Amending Impact Fees for New Construction and Adoption of a Land use Assumptions Map." (Landis/Matlock)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 85 "TAXATION AND FINANCE", ARTICLE V. "FINANCE", DIVISION 2. "IMPACT FEES", SECTIONS 85-156-85-158, BY AMENDING AND UPDATING IMPACT FEES IN ACCORDANCE WITH STATE LAW; MAKING FINDINGS OF FACT; PROVIDING A PENALTY FOR VIOLATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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 proposed Resolution No. 2015-33, "Reimbursement of Expenditures for the Relocation and Construction of a Ground Water Storage Tank." (Cook)

A RESOLUTION DECLARING INTENTION TO REIMBURSE PROJECT EXPENDITURES FOR THE RELOCATION AND CONSTRUCTION OF A GROUND WATER STORAGE TANK

📎 ATTACHMENT 3

- 4.2 Appoint Kevin Ferguson as an alternate member to the Board of Adjustment / Building and Standards Commission, to fill a vacant position left by Robert Duncan, with a term ending January 31, 2016. (Council)
- 4.3 Approve an excused absence for Melissa Botkin for the November 17, 2015 regular City Council meeting. (Hicks)

END OF CONSENT AGENDA

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

📎 ATTACHMENT 4

- 5.1 Consider approval of first reading of proposed Ordinance 2015-22, "Amending Impact Fees for New Construction and Adoption of a Land use Assumptions Map." (Landis)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 85 "TAXATION AND FINANCE", ARTICLE V. "FINANCE", DIVISION 2. "IMPACT FEES", SECTIONS 85-156-85-158, BY AMENDING

AND UPDATING IMPACT FEES IN ACCORDANCE WITH STATE LAW; MAKING FINDINGS OF FACT; PROVIDING A PENALTY FOR VIOLATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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

ATTACHMENT 5

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

ATTACHMENT 6

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

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

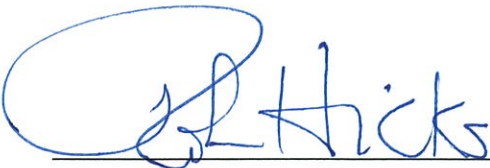
ATTACHMENT 7

- 7.1 Discussion and consideration for implementing a new standing Quarterly Report agenda item for all active Commissions. (Cook)

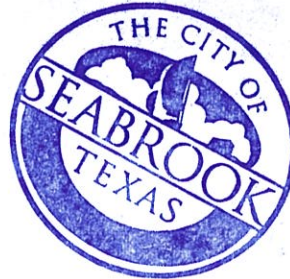
THE CITY COUNCIL RESERVES THE RIGHT TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE) THAT JUSTIFIES EXECUTIVE SESSION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

CERTIFICATE

I certify that this notice was posted on the bulletin board on or before Wednesday, November 25, 2015 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.



Robin Hicks
City Secretary





CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: December 01, 2015

Submitter/Requestor: City of Seabrook

Date Submitted: 11/23/2015

Presenter: Sean Landis

Description/Subject:

Discussion, consideration, and possible action regarding a report from the City Engineer and Planning and Zoning Commission on the update of The Land Use Assumptions and Capital Improvements Plan.

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 85 "TAXATION AND FINANCE" BY AMENDING AND UPDATING LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS OR IMPACT FEES (IMPACT FEES), PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE ANNOTATED, §395.001 ET. SEQ.; REPEALING ORDINANCE NO. 2010-32; AND ESTABLISHING AN EFFECTIVE DATE.

Applicant:

Legal Description:

Request:

Purpose/Need: Policy Issue ☒ Administrative Issue ☐

Background/Issue (What prompted this need?):

At their meeting held on June 23, 2015, City Council appointed the Planning and Zoning Commission as the Seabrook Capital Improvements Advisory Committee with the task of reviewing the Land Use Assumption, Capital Improvements Plan and Impact Fees and prepare a final report of findings to City Council.

State law requires cities that impose utility impact fees perform a study every five years so that the fees are accurate and representative of the costs incurred to the system by new utility services.

Cobb Findley was contracted on August of 2015 by the City to prepare a 10 year Capital Improvement Plan for water and wastewater, and to perform a study to determine a maximum allowable impact fee. The report is entitled, "City of Seabrook, Water and Wastewater Capital Improvements Plan and Impact Fee Determination 2015-2025". The plan recommends a fee increase to the water impact fee from

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\$1192.37 per Equivalent Dwelling Unit (EDU) to \$2,966.00 per EDU and a fee increase to the wastewater impact fee from \$2,692.70 per EDU to \$2,887.00 per EDU with the combined cost of \$5,853.00 per EDU.

The Commission after receiving a presentation from Cobb Fendley and City Staff regarding the “City of Seabrook Water and Wastewater Capital Improvements Plan and Impact Determination 2015-2025 Plan” proposed not to change the current wastewater impact fee of \$2,692.70 and to increase the current water impact fee of \$1192.37 by 15% a year for the next 5 years.

Impacted Parties (Expected/Notified):

Recommended Action:

The Commission after receiving a presentation from Cobb Fendley and City Staff regarding the “City of Seabrook Water and Wastewater Capital Improvements Plan and Impact Determination 2015-2025 Plan” proposed not to change the current wastewater impact fee of \$2,692.70 and to increase the current water impact fee of \$1192.37 by 15% a year for the next 5 years.

Aye: Miller, Sharp, Dehart, Caradec and Potts
Nay: Davis
Absent: Hammann

Attachments:

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

1. Proposed Ordinance 2015-22
2. Planning and Zoning Commission Official Report from the November 19, 2015 Meeting
3. City of Seabrook Water and Wastewater Capital Improvements Plan and Impact Fee Determination 2015-2025

Fiscal Impact:	Budgeted	☐ Yes	☐ No	Finance Officer Review:
	Budget Amendment Required	☐ Yes	☐ No	
	Future/Ongoing Impact	☐ Yes	☐ No	

Budget Dept/Line Item Number N/A

Funding Comments:

N/A

Where on the agenda should this item be placed?

(i.e. Public Hearing, New Business, Old Business, Consent Agenda, Executive Session, etc.)

Public Hearing & New Business

Suggested Motion:

The Commission after receiving a presentation from Cobb Fendley and City Staff regarding the “City of Seabrook Water and Wastewater Capital Improvements Plan and Impact Determination 2015-2025 Plan”

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

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proposed not to change the current wastewater impact fee of \$2,692.70 and to increase the current water impact fee of \$1192.37 by 15% a year for the next 5 years.

Aye: Miller, Sharp, Dehart, Caradec and Potts
Nay: Davis
Absent: Hammann

City Manager Review:

- ☐ Approved as submitted
- ☐ Submitted for Council consideration without comment
- ☐ Submitted for Council consideration with comments stated below:

(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.)

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

Received and accepted by the City Secretary/Assistant _____

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

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

ORDINANCE NO. 2015-22

**AMENDING IMPACT FEES FOR NEW CONSTRUCTION AND ADOPTION OF
A LAND USE ASSUMPTIONS MAP**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 85 "TAXATION AND FINANCE", ARTICLE V. "FINANCE", DIVISION 2. "IMPACT FEES", SECTIONS 85-156 – 85-158, BY AMENDING AND UPDATING IMPACT FEES IN ACCORDANCE WITH STATE LAW; MAKING FINDINGS OF FACT; PROVIDING A PENALTY FOR VIOLATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City of Seabrook has previously adopted Impact Fees in accordance with applicable law contained in Chapter 395 of the Texas Local Government Code; and

WHEREAS, Section 395.052 of the Texas Local Government Code requires that the land use assumptions and capital improvement plan for which an impact fee is imposed shall be reviewed, evaluated, and updated at least every five years; and

WHEREAS, the City of Seabrook previously reviewed, evaluated and updated the land use assumptions and capital improvement plan for impact fees by the passage of Ordinance No. 2010-32; and

WHEREAS, in accordance with the provisions of Chapter 395 of the Texas Local Government Code, Section 395.058, the City Council of the City of Seabrook determined to appoint the Planning and Zoning Commission to act as the Capital Improvements Advisory Committee, (Committee), for the purpose of advising City Council of the need to update or revise the land use assumptions, capital improvements/Impact Fees and determined that the appointment of such Committee complied in all respects to the provisions of law; and

WHEREAS, the Committee has filed its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and impact fees as required by law, before the fifth business day before the date of the public hearing, for which notice was properly provided by the Seabrook City Council within 60 days after the date it received the update of the land use assumptions and capital improvements plan, in accordance with sections 395.053 and 395.056 of the Texas Local Government Code; and

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46 **WHEREAS**, the capital improvements plan/Impact Fees, included in a study by
47 Cobb Fendley & Associates, Inc. entitled “Water and Waste Water Capital Improvements
48 Plan and Impact Fee Determination 2015-2025” is attached hereto as Exhibit “A” and
49 incorporated by reference; and

50
51 **WHEREAS**, all required notices have been publicized in accordance with law;
52 and

53
54 **WHEREAS**, after publication of the first notice, which occurred on October 29,
55 2015, no person within the time required by law has made a request that the land use
56 assumptions, capital improvements plan/Impact Fees be updated; and

57
58 **WHEREAS**, the City of Seabrook has met all of the legal requirements and
59 prerequisites for continuation of the Impact Fees in accordance with Chapter 395 of the
60 Texas Local Government Code; and

61
62 **WHEREAS**, the City Council of the City of Seabrook finds and determines its
63 legislative intent to enable the provisions of Chapter 395 of the Texas Local Government
64 Code and has determined to approve the amendments to the Impact Fees within 30 days
65 after the date of the public hearings on the subject amendments in compliance with
66 Section 395.057;

67
68 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
69 **THE CITY OF SEABROOK, STATE OF TEXAS:**

70
71 **SECTION 1. ADOPTION OF FINDING.**

72
73 That the City Council of the City of Seabrook adopts the preceding preamble
74 paragraphs as if repeated verbatim herein and find them as matters of fact.

75
76 **SECTION 2. AMENDMENT TO THE CODE.**

77
78 The Seabrook City Code, Chapter 85 "Taxation and Finance", Article V.
79 “Finance”, Division 2 "Impact Fees", is hereby amended as follows:

80
81 **“Sec. 85-156. Definitions.**

82
83 Capital improvements means the water and wastewater capital improvements plan
84 adopted by the city council, as may be amended from time to time, that identifies capital
85 improvements or facility expansions for which impact fees may be assessed.

86
87 *Equivalent dwelling unit (“EDU”*, see Table 85.1) means the table approved by
88 the city council converting utilization of capacity required by various land uses to
89 numbers of service units based upon the type and size of meters.

90

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91 Impact fee has the meaning ascribed to it in Section 395.001 of V.T.C.A. Local
92 Government Code.

93
94 New development means the subdivision of land; the construction, reconstruction,
95 redevelopment, conversion, structural alteration, relocation or enlargement of any
96 structure or any use or extension of the use of land; any of which increases the number of
97 service units.

98
99 Offset or Credit means the amount of the reduction of an impact fee, determined
100 under this article that is equal to the value of a water facility or a portion thereof included
101 in the capital improvements plan that is constructed or financed by a property owner.

102
103 Plat means the plan or map for the subdivision to be filed for record with the
104 county clerk in the county in which the property is located. Plat includes replat.

105
106 Property Owner or Owner of Property means the owner in fee of a tract or parcel
107 of land upon which new development is to be located or his authorized representative.

108
109 Service area means the area within the corporate boundaries and extraterritorial
110 jurisdiction to be served by the capital improvements or facilities expansions specified in
111 the capital improvements plan.

112
113 Service units mean a standardized measure of consumption of water and wastewater
114 systems capacity which is equal to the average flow rate for a single family dwelling unit
115 in the city.”

116
117 **Sec. 85-157[6]. Impact fees for new construction.**

118
119 (a) Created. There is hereby created an impact fee as provided by V.T.C.A., Local
120 Government Code § 395.001 et. seq. which is incorporated herein by reference, for the
121 city to generate revenue for funding or recouping the cost of capital improvements that
122 have a life expectancy of three or more years, including water supply, treatment and
123 distribution facilities and wastewater collection and treatment facilities, for new
124 development in the city.

125
126 (b) New development to be charged. Fees may be charged against new development
127 in the city, including the subdivision of land; the construction, reconstruction,
128 redevelopment, conversion, structural alteration, relocation or enlargement of any
129 structure; or any use or extension of the use of land; any of which increases the demand
130 for additional services.

131
132 (c) Use of funds. The funds collected by the city from such fees shall be used only to
133 pay the costs of constructing capital improvements or facility expansions, including and
134 limited to the construction contract price, surveying and engineering fees, land
135 acquisition costs (including land purchases, court awards and costs, attorney's fees and
136 expert witness' fees) and the fees actually paid or contracted to be paid to an independent

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qualified engineer or financial consultant, not an employee of the city, preparing or updating the capital improvement plan on which fees are based. Funds may also be used for the payment of principal and interest on bonds, notes or other obligations issued by or on behalf of the city to finance the cost of such improvements. The funds may not be used for construction of any improvements not identified in the plan; to repair, operate or maintain existing or new capital improvements; to upgrade, update, expand or replace capital improvements serving existing development in order to meet stricter safety, efficiency, environmental or regulatory standards or to better serve existing developments; to pay administrative and operating costs of the city; or to pay for the cost of preparing the land use assumptions or the capital improvements plan if performed by municipal employees, or as otherwise prohibited by law.

(d) Fees. The fees to be charged are as follows:

(1) EDU equivalencies for various types and sizes of water meters.

TABLE 85[6].1

EDU EQUIVALENCIES FOR VARIOUS TYPES AND SIZES OF WATER METER

TABLE INSET:

Water Impact Fee Amount per EDU	<u>\$2966.00</u>
Wastewater Impact Fee Amount per EDU	<u>\$2887.00</u>

TABLE INSET:

Meter Type	Meter Size (inches)	Continuous Duty Maximum Rate (gpm)	Ratio to 5/8-Inch Meter (Equiv. # of EDUs)	Fee for Water	Fee for Wastewater
Simple	5/8 × 3/4	10	1	<u>\$ 2,966.00</u>	<u>\$ 2,887.00</u>
Simple	3/4	15	1.5	<u>\$4,449.00</u>	<u>\$4,331.00</u>
Simple	1	25	2.5	<u>\$7,415.00</u>	<u>\$7,218.00</u>
Simple	1 1/2	50	5	<u>\$14,830.00</u>	<u>\$14,435.00</u>
Simple	2	80	8	<u>\$23,728.00</u>	<u>\$23,096.00</u>
Compound	2	80	8	<u>\$23,728.00</u>	<u>\$23,096.00</u>
Turbine	2	100	10	<u>\$29,660.00</u>	<u>\$28,870.00</u>

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Compound	3	160	16	<u>\$47,456.00</u>	<u>\$46,192.00</u>
Turbine	3	240	24	<u>\$71,184.00</u>	<u>\$69,288.00</u>
Compound	4	250	25	<u>\$74,150.00</u>	<u>\$72,175.00</u>
Turbine	4	420	42	<u>\$124,572.00</u>	<u>\$121,254.00</u>
Compound	6	500	50	<u>\$148,300.00</u>	<u>\$144,360.00</u>
Turbine	6	920	92	<u>\$272,872.00</u> -	<u>\$265,604.00</u>
Compound	8	800	80	<u>\$237,280.00</u>	<u>\$230,960.00</u>
Turbine	8	1,600	160	<u>\$474,560.00</u>	<u>\$461,920.00</u>
Compound	10	1,150	115	<u>\$341,090.00</u>	<u>\$332,005.00</u>
Turbine	10	2,500	250	<u>\$741,500.00</u>	<u>\$721,750.00</u>
				—	—
Turbine	12	3,300	330	<u>\$978,780.00</u>	<u>\$952,710.00</u>

- (2) Credit for prior fees. [~~If water and sewer service had been supplied to the new development prior to the effective date of this section, a credit shall be applied to reduce the impact fee due according to the following schedule:]~~

A property owner of a new development who constructs or finances a capital improvement or facility expansion included in the capital improvements plan pursuant to a development agreement approved by the city on or after December 1, 2015 shall, at the city's election, either:

- (i) Receive a credit against the impact fees otherwise due from the new development; or

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(ii) Be reimbursed for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, which fees shall be collected and reimbursed to the property owner at the time the other new development records its plat.

A credit or offset associated with a plat shall be applied against an impact fee due at the time that the first fee for the new development is collected, and thereafter to all subsequently collected fees, until the credit or offset is exhausted.

(e) Assessment and payment of impact fees. The impact fee imposed by this section shall be assessed and collected in full at the time of issuance of the building permit for the service units or at the time the water meter is installed, whichever occurs first, if the lot or tract was platted prior to June 20, 1987. For land platted after June 20, 1987, the impact fees shall be assessed at the time of recordation of the final plat and collected in full at the time of issuance of the building permit for the service units or at the time the water meter is installed, whichever occurs first. Once the fee is assessed and collected, additional impact fees or increases in fees may not be assessed and collected against the lot or tract unless the number of service units to be developed on the lot or tract increases. In such event, the city may increase the assessment and collection of fees to fund new capital improvement in the amount attributable to the additional service units.

(f) Exemptions. Impact fees may be assessed but shall not be collected in areas where services are not currently available unless:

(1) The city and the developer enter into a contract for the construction or financing of necessary facilities, which agreement contains provision for crediting such contributions against impact fees or for reimbursement from fees paid by other new developments using the facilities.

(2) The city elects to collect fees and commence construction of necessary facilities within two years and provide services within five years.

(3) The owner voluntarily requests the city to reserve capacity to serve future development and the city and the owner enter into a written agreement regarding the reserve capacity.

(g) Deposit of fees. All funds collected under this section shall be deposited in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee was adopted. All interest earned in the accounts shall be considered funds of the account.

(h) Refunds. Impact fees must be refunded to the record owner of the property with statutory interest under the following circumstances:

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(1) On request of the owner of property on which an impact fee was paid, if services are available and the city denies service, or if the city fails to commence construction of new facilities to serve the development or fails to complete such facilities within five years of the time the fee is collected.

(2) If the funds collected are not spent for earmarked facilities within ten years from the date of collection.

(3) Upon completion of the capital improvements for which the fee was collected, the city must recalculate the impact fee based on actual project costs and if the fee collected exceeds the amount paid for the improvements by more than ten percent, the difference must be refunded to the property owner.

(i) Administrative remedies. If the city does not perform a duty imposed by the V.T.C.A., Local Government Code § 395.001 et seq., any person who has paid an impact fee or an owner of land upon which an impact fee has been paid shall present a written request to the city council stating the nature of any unperformed duty on the part of the city and request that it be performed within 60 days of the request.

(j) Appeals. Appeals may be made as follows:

(1) The property owner or applicant for new development may appeal the following decisions to the city council:

- a. The applicability of an impact fee to the development;
- b. The amount of the impact fee due;
- c. The availability or the amount of an offset or credit;
- d. The application of an offset or credit against an impact fee due; and
- e. The amount of the refund due, if any.

(2) The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset or credit was not calculated according to the applicable fee schedule or the guidelines established for determining offsets and credits.

(3) The appellant must file a notice of appeal with the city secretary within 30 days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the city attorney in an amount equal to the original determination of the impact fee due, the development application or tap purchase may be processed while the appeal is pending.

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(k) Updates to plan and revision of fees. The city shall review the land use assumptions and capital improvements plan for water and sewer facilities as required by law. The city council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements plan or impact fees are needed and shall, in accordance with the procedures set forth in V.T.C.A., Local Government Code § 395.001 et seq., or any successor statute, either update the fees or make a determination that no update is necessary.

(l) Impact fees. Impact fees established by this section are additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits or the sale of water or wastewater taps or the issuance of certificates of occupancy. Such fees are intended to be consistent with and to further the policies of the city's comprehensive plan, capital improvements plan, zoning ordinance, subdivision regulations and other city policies, ordinances and resolutions by which the city seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(m) Waiver of fees. The city council may waive all or a portion of impact fees from proposed new commercial development due, located within a neighborhood empowerment zone created in accordance with V.T.C.A., Local Government Code ch. 378, that qualifies for such reduction or waiver under such zone, once the service unit is constructed, upon written request by a developer or owner of commercial property subject to the ordinance, following a public hearing, upon finding that such waiver substantially furthers the city's goals of promoting economic development, as may be set forth in the city's goals, policies and regulations. In granting such waiver, the city council shall make findings relating to such purposes and shall take into consideration the extent to which other incentives and waivers have been granted the development pursuant to then existing laws and regulations. [Upon payment of a performance bond in the amount of 25 percent of the original determination of the impact fees due, payment of the 25 percent of impact fees due may be delayed by 12 months.]

Sec. 85-158[7]. Adoption of land use assumptions map.

The Land Use Assumptions Map, which was prepared as part of the Impact Fee Study, is hereby adopted and made a part of this division.

Secs. 85-159—85-175. – Reserved.”

SECTION 3. PENALTY CLAUSE; INCLUSION INTO THE CODE.

This Ordinance is hereby incorporated into and made a part of the Seabrook City Code of Ordinances. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than Five Hundred Dollars (\$500.00) per offense. Each day of violation shall constitute a separate offense.

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SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances or resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed but only to the extent of such conflict.

SECTION 5. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. SAVINGS.

All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

SECTION 7. NOTICE BY PUBLICATION

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; and shall be effective as provided by law.

PASSED AND APPROVED on first reading this 1st day of December, 2015.

PASSED AND APPROVED on second and final reading this 15th day of December, 2015.

By: _____
Glenn Royal, Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

Approved as to form:

By: _____
Steven L. Weathered, City Attorney

Planning & Zoning Commission OFFICIAL REPORT

The Planning and Zoning Commission of the City of Seabrook met on November 19, 2015 to hold a meeting to consider:

Update of the Land Use Assumptions and Capital Improvements Plan.

THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:

APPROVAL ☐ APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW) ☒ DENIAL ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on November 19, 2015, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

Keep current wastewater impact fee
Increase current water impact fee by 15% each
year for the next 5 years

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec	X				RC
Laura Davis		X			LD
Mike DeHart	X				MD
Buddy Hammann				X	BH
Dodie Miller	X				DM
Michael Potts	X				MP
Michael Sharpe	X				MDS

Michael Potts

Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:

Robin Hicks

Alesia L. Hammock ROBIN Hicks
City Secretary

CITY OF SEABROOK

RESOLUTION NO. 2015-33

**REIMBURSEMENT OF EXPENDITURES FOR THE RELOCATION AND
CONSTRUCTION OF A GROUND WATER STRAGE TANK**

**A RESOLUTION DECLARING INTENTION TO REIMBURSE PROJECT
EXPENDITURES FOR THE RELOCATION AND CONSTRUCTION OF A GROUND
WATER STORAGE TANK**

WHEREAS, the City Council of the City of Seabrook, Texas has previously approved, and the City is proceeding with its program to construct a new water storage tank (herein, the "Project"), the maximum aggregate cost of which is expected to be approximately \$2,751,000;

WHEREAS, the City anticipates providing funds to permanently finance the capital costs of the Project by issuing after the date hereof its Certificates of Obligation in the year 2016 (the "Certificates"), which are currently expected to have a maximum aggregate principal amount of approximately \$2,600,000 (herein, the "Certificates"), all of which is expected to be used to pay costs of the Project and costs of issuance of the Certificates;

WHEREAS, no funds of the City are, or are reasonably expected to be, allocated, reserved, or otherwise set aside in the City's budget on a long-term basis to pay the costs of the Project;

WHEREAS, the Certificates will be payable from taxes and revenues levied, assessed and collected by the City for the Certificates;

WHEREAS, the City anticipates that after the date hereof and prior to the issuance of the Certificates, it will be obligated to pay certain costs constituting expenditures properly chargeable to a capital account (under general federal income tax principles) in connection with the Project in the aggregate amount of not more than \$500,000 (herein, the "Expenditures");

WHEREAS, the money to be used to pay the Expenditures set forth in this Resolution is in the City's General Fund, the general purpose and function of which is to pay the general operating and maintenance expenses of the City and such money is not appropriated for any other purpose, and

WHEREAS, the City reasonably expects that the District will be reimbursed for the Expenditures with proceeds of the Certificates; and

WHEREAS, after the issuance of the Certificates, it will: (1) evidence each allocation of proceeds of the Certificates to the reimbursement of the Expenditures with an entry in its books and records maintained with respect to the Certificates, and (2) identify in such entry the actual prior Expenditure being reimbursed or the fund from which the Expenditure was made.

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

Section 1. The City Council hereby adopts the findings set out in the preamble hereof and declares its intent within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended, to issue approximately \$2,600,000 principal amount of Bonds, all of which will be used to pay the costs of the Project, of which a maximum amount of \$500,000 is expected to be used to reimburse the City for capital expenditures paid in connection with the Project prior to the issuance of the Bonds.

Section 2. The City will maintain this Resolution at the office of the City at 1700 First Street, Seabrook, Texas 77586 and make it continuously available for inspection by the general public during normal business hours on business days beginning within 30 days after the date of this Resolution.

PASSED AND APPROVED this 1st day of December, 2015.

Glenn Royal
Mayor

Robin Hicks, TRMC
City Secretary

Rev. 05/14

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

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

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

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

Board of Adjustment/Building Standards Nov. 2015

Charter Review Commission 2

Civil Service Commission _____ Comprehensive Master Plan Review Commission 1

EDC _____ Ethics Review Commission _____ Open Space & Trails Commission _____

P&Z Commission _____

ALL INFORMATION ON THIS APPLICATION WILL BECOME PUBLIC RECORD.

NAME: Kevin Ferguson

HOME ADDRESS: 4106 Windjammer Ct, Seabrook TX 77586

HOME PHONE: [REDACTED] CELL PHONE: _____

E-MAIL ADDRESS: [REDACTED]

DAY TIME PHONE: 281-244-4478

PROFESSION: Aerospace Engineer

BUSINESS NAME AND ADDRESS: The Boeing Company, 3700 Bay Area Blvd,
Pasadena, TX 77058

PERSONAL REFERENCES:

Name

Address

Daytime Phone #

Greg Vajdos 1122 Tangle Briar Dr, Taylor Lake Village 832-515-7936

Kim Jernigan 3222 Scenic Shore Dr, Seabrook 281-326-8833

How long have you lived in the City of Seabrook? 10¹¹ years

*spoke to
7/17/14*

~~N/A~~ Charter Review Commission 7/14 to 1/15

No

6 years service in US Air Force (honorable discharge)

None

John L. L.

8 Jul 2014
Date

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

Date Submitted __/__/__ Received by: _____ Date(s) Interviewed _____
Comments: _____



MIKE SULLIVAN

Tax Assessor-Collector

MILITARY HELP DESK

ABOUT THE TAX ASSESSOR-COLLECTOR

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PROPERTY TAX

VEHICLE REGISTRATION

PERMITS & SPECIAL TAXES

VOTER REGISTRATION



Photo ID is now required to vote in person. For more information, please visit the Voter Identification page.

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HARRIS COUNTY VOTER REGISTRATION RECORDS

Mike Sullivan

This record is for information purposes only.

Harris County Voter Registrar
713 368-2000
P.O. Box 3527
Houston, TX 77253-3527

VOID	Sex	Valid from	U.S. REP.	STATE SEN.	STATE REP.	COMM. PREC.	JUSTICE PREC.
		1/1/2014					
Legacy Number	Prec. No.	thru					
	0090	12/31/2015					

Name and Permanent Residence Address
FERGUSON KEVIN LEE
4106 WINDJAMMER CT
SEABROOK TX 77586-1565

Elected District Representatives in Precinct 0090

U.S. Senator: John Cornyn
U.S. Senator: Ted Cruz
U.S. Representative: Steve Stockman
State Senator: Larry Taylor
State Representative: John E. Davis
Harris County Judge: Ed Emmett
Harris County Tax Assessor-Collector: Mike Sullivan
Harris County Commissioner: Jack Morman
Harris County Constable: Phil Sandlin
Justice of the Peace Pos. 1: Judge Holly Williamson
Justice of the Peace Pos. 2: Judge Louie Ditta
State Board of Education: Barbara Cargill

Other Districts You Reside In

City of SEABROOK
CLEAR CREEK ISD (CLEAR CREEK ISD POS 1)
HC SCHOOL TRUSTEE POS 1

Careers

Contact

Forms

Public Information Request



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: December 01, 2015

Submitter/Requestor: City of Seabrook

Date Submitted: 11/23/2015

Presenter: Sean Landis

Description/Subject:

Discussion, consideration, and possible action regarding a report from the City Engineer and Planning and Zoning Commission on the update of The Land Use Assumptions and Capital Improvements Plan.

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 85 "TAXATION AND FINANCE" BY AMENDING AND UPDATING LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS OR IMPACT FEES (IMPACT FEES), PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE ANNOTATED, §395.001 ET. SEQ.; REPEALING ORDINANCE NO. 2010-32; AND ESTABLISHING AN EFFECTIVE DATE.

Applicant:

Legal Description:

Request:

Purpose/Need: Policy Issue ☒ Administrative Issue ☐

Background/Issue (What prompted this need?):

At their meeting held on June 23, 2015, City Council appointed the Planning and Zoning Commission as the Seabrook Capital Improvements Advisory Committee with the task of reviewing the Land Use Assumption, Capital Improvements Plan and Impact Fees and prepare a final report of findings to City Council.

State law requires cities that impose utility impact fees perform a study every five years so that the fees are accurate and representative of the costs incurred to the system by new utility services.

Cobb Findley was contracted on August of 2015 by the City to prepare a 10 year Capital Improvement Plan for water and wastewater, and to perform a study to determine a maximum allowable impact fee. The report is entitled, "City of Seabrook, Water and Wastewater Capital Improvements Plan and Impact Fee Determination 2015-2025". The plan recommends a fee increase to the water impact fee from

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\$1192.37 per Equivalent Dwelling Unit (EDU) to \$2,966.00 per EDU and a fee increase to the wastewater impact fee from \$2,692.70 per EDU to \$2,887.00 per EDU with the combined cost of \$5,853.00 per EDU.

The Commission after receiving a presentation from Cobb Fendley and City Staff regarding the “City of Seabrook Water and Wastewater Capital Improvements Plan and Impact Determination 2015-2025 Plan” proposed not to change the current wastewater impact fee of \$2,692.70 and to increase the current water impact fee of \$1192.37 by 15% a year for the next 5 years.

Impacted Parties (Expected/Notified):

Recommended Action:

The Commission after receiving a presentation from Cobb Fendley and City Staff regarding the “City of Seabrook Water and Wastewater Capital Improvements Plan and Impact Determination 2015-2025 Plan” proposed not to change the current wastewater impact fee of \$2,692.70 and to increase the current water impact fee of \$1192.37 by 15% a year for the next 5 years.

Aye: Miller, Sharp, Dehart, Caradec and Potts
Nay: Davis
Absent: Hammann

Attachments:

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

1. Proposed Ordinance 2015-22
2. Planning and Zoning Commission Official Report from the November 19, 2015 Meeting
3. City of Seabrook Water and Wastewater Capital Improvements Plan and Impact Fee Determination 2015-2025

Fiscal Impact:	Budgeted	☐ Yes	☐ No	Finance Officer Review:
	Budget Amendment Required	☐ Yes	☐ No	
	Future/Ongoing Impact	☐ Yes	☐ No	

Budget Dept/Line Item Number N/A

Funding Comments:

N/A

Where on the agenda should this item be placed?

(i.e. Public Hearing, New Business, Old Business, Consent Agenda, Executive Session, etc.)

Public Hearing & New Business

Suggested Motion:

The Commission after receiving a presentation from Cobb Fendley and City Staff regarding the “City of Seabrook Water and Wastewater Capital Improvements Plan and Impact Determination 2015-2025 Plan”

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Agenda Briefing Form
Page 3

proposed not to change the current wastewater impact fee of \$2,692.70 and to increase the current water impact fee of \$1192.37 by 15% a year for the next 5 years.

Aye: Miller, Sharp, Dehart, Caradec and Potts
Nay: Davis
Absent: Hammann

City Manager Review:

- ☐ Approved as submitted
- ☐ Submitted for Council consideration without comment
- ☐ Submitted for Council consideration with comments stated below:

(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.)

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

Received and accepted by the City Secretary/Assistant _____

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

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

ORDINANCE NO. 2015-22

**AMENDING IMPACT FEES FOR NEW CONSTRUCTION AND ADOPTION OF
A LAND USE ASSUMPTIONS MAP**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 85 "TAXATION AND FINANCE", ARTICLE V. "FINANCE", DIVISION 2. "IMPACT FEES", SECTIONS 85-156 – 85-158, BY AMENDING AND UPDATING IMPACT FEES IN ACCORDANCE WITH STATE LAW; MAKING FINDINGS OF FACT; PROVIDING A PENALTY FOR VIOLATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City of Seabrook has previously adopted Impact Fees in accordance with applicable law contained in Chapter 395 of the Texas Local Government Code; and

WHEREAS, Section 395.052 of the Texas Local Government Code requires that the land use assumptions and capital improvement plan for which an impact fee is imposed shall be reviewed, evaluated, and updated at least every five years; and

WHEREAS, the City of Seabrook previously reviewed, evaluated and updated the land use assumptions and capital improvement plan for impact fees by the passage of Ordinance No. 2010-32; and

WHEREAS, in accordance with the provisions of Chapter 395 of the Texas Local Government Code, Section 395.058, the City Council of the City of Seabrook determined to appoint the Planning and Zoning Commission to act as the Capital Improvements Advisory Committee, (Committee), for the purpose of advising City Council of the need to update or revise the land use assumptions, capital improvements/Impact Fees and determined that the appointment of such Committee complied in all respects to the provisions of law; and

WHEREAS, the Committee has filed its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and impact fees as required by law, before the fifth business day before the date of the public hearing, for which notice was properly provided by the Seabrook City Council within 60 days after the date it received the update of the land use assumptions and capital improvements plan, in accordance with sections 395.053 and 395.056 of the Texas Local Government Code; and

Ordinance No. 2015-22

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46 **WHEREAS**, the capital improvements plan/Impact Fees, included in a study by
47 Cobb Fendley & Associates, Inc. entitled “Water and Waste Water Capital Improvements
48 Plan and Impact Fee Determination 2015-2025” is attached hereto as Exhibit “A” and
49 incorporated by reference; and

50
51 **WHEREAS**, all required notices have been publicized in accordance with law;
52 and

53
54 **WHEREAS**, after publication of the first notice, which occurred on October 29,
55 2015, no person within the time required by law has made a request that the land use
56 assumptions, capital improvements plan/Impact Fees be updated; and

57
58 **WHEREAS**, the City of Seabrook has met all of the legal requirements and
59 prerequisites for continuation of the Impact Fees in accordance with Chapter 395 of the
60 Texas Local Government Code; and

61
62 **WHEREAS**, the City Council of the City of Seabrook finds and determines its
63 legislative intent to enable the provisions of Chapter 395 of the Texas Local Government
64 Code and has determined to approve the amendments to the Impact Fees within 30 days
65 after the date of the public hearings on the subject amendments in compliance with
66 Section 395.057;

67
68 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
69 **THE CITY OF SEABROOK, STATE OF TEXAS:**

70
71 **SECTION 1. ADOPTION OF FINDING.**

72
73 That the City Council of the City of Seabrook adopts the preceding preamble
74 paragraphs as if repeated verbatim herein and find them as matters of fact.

75
76 **SECTION 2. AMENDMENT TO THE CODE.**

77
78 The Seabrook City Code, Chapter 85 "Taxation and Finance", Article V.
79 “Finance”, Division 2 "Impact Fees", is hereby amended as follows:

80
81 **“Sec. 85-156. Definitions.**

82
83 Capital improvements means the water and wastewater capital improvements plan
84 adopted by the city council, as may be amended from time to time, that identifies capital
85 improvements or facility expansions for which impact fees may be assessed.

86
87 *Equivalent dwelling unit (“EDU”*, see Table 85.1) means the table approved by
88 the city council converting utilization of capacity required by various land uses to
89 numbers of service units based upon the type and size of meters.

90

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91 Impact fee has the meaning ascribed to it in Section 395.001 of V.T.C.A. Local
92 Government Code.

93
94 New development means the subdivision of land; the construction, reconstruction,
95 redevelopment, conversion, structural alteration, relocation or enlargement of any
96 structure or any use or extension of the use of land; any of which increases the number of
97 service units.

98
99 Offset or Credit means the amount of the reduction of an impact fee, determined
100 under this article that is equal to the value of a water facility or a portion thereof included
101 in the capital improvements plan that is constructed or financed by a property owner.

102
103 Plat means the plan or map for the subdivision to be filed for record with the
104 county clerk in the county in which the property is located. Plat includes replat.

105
106 Property Owner or Owner of Property means the owner in fee of a tract or parcel
107 of land upon which new development is to be located or his authorized representative.

108
109 Service area means the area within the corporate boundaries and extraterritorial
110 jurisdiction to be served by the capital improvements or facilities expansions specified in
111 the capital improvements plan.

112
113 Service units mean a standardized measure of consumption of water and wastewater
114 systems capacity which is equal to the average flow rate for a single family dwelling unit
115 in the city.”

116
117 **Sec. 85-157[6]. Impact fees for new construction.**

118
119 (a) Created. There is hereby created an impact fee as provided by V.T.C.A., Local
120 Government Code § 395.001 et. seq. which is incorporated herein by reference, for the
121 city to generate revenue for funding or recouping the cost of capital improvements that
122 have a life expectancy of three or more years, including water supply, treatment and
123 distribution facilities and wastewater collection and treatment facilities, for new
124 development in the city.

125
126 (b) New development to be charged. Fees may be charged against new development
127 in the city, including the subdivision of land; the construction, reconstruction,
128 redevelopment, conversion, structural alteration, relocation or enlargement of any
129 structure; or any use or extension of the use of land; any of which increases the demand
130 for additional services.

131
132 (c) Use of funds. The funds collected by the city from such fees shall be used only to
133 pay the costs of constructing capital improvements or facility expansions, including and
134 limited to the construction contract price, surveying and engineering fees, land
135 acquisition costs (including land purchases, court awards and costs, attorney's fees and
136 expert witness' fees) and the fees actually paid or contracted to be paid to an independent

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qualified engineer or financial consultant, not an employee of the city, preparing or updating the capital improvement plan on which fees are based. Funds may also be used for the payment of principal and interest on bonds, notes or other obligations issued by or on behalf of the city to finance the cost of such improvements. The funds may not be used for construction of any improvements not identified in the plan; to repair, operate or maintain existing or new capital improvements; to upgrade, update, expand or replace capital improvements serving existing development in order to meet stricter safety, efficiency, environmental or regulatory standards or to better serve existing developments; to pay administrative and operating costs of the city; or to pay for the cost of preparing the land use assumptions or the capital improvements plan if performed by municipal employees, or as otherwise prohibited by law.

(d) Fees. The fees to be charged are as follows:

(1) EDU equivalencies for various types and sizes of water meters.

TABLE 85[6].1

EDU EQUIVALENCIES FOR VARIOUS TYPES AND SIZES OF WATER METER

TABLE INSET:

Water Impact Fee Amount per EDU	<u>\$2966.00</u>
Wastewater Impact Fee Amount per EDU	<u>\$2887.00</u>

TABLE INSET:

Meter Type	Meter Size (inches)	Continuous Duty Maximum Rate (gpm)	Ratio to 5/8-Inch Meter (Equiv. # of EDUs)	Fee for Water	Fee for Wastewater
Simple	5/8 × 3/4	10	1	<u>\$ 2,966.00</u>	<u>\$ 2,887.00</u>
Simple	3/4	15	1.5	<u>\$4,449.00</u>	<u>\$4,331.00</u>
Simple	1	25	2.5	<u>\$7,415.00</u>	<u>\$7,218.00</u>
Simple	1 1/2	50	5	<u>\$14,830.00</u>	<u>\$14,435.00</u>
Simple	2	80	8	<u>\$23,728.00</u>	<u>\$23,096.00</u>
Compound	2	80	8	<u>\$23,728.00</u>	<u>\$23,096.00</u>
Turbine	2	100	10	<u>\$29,660.00</u>	<u>\$28,870.00</u>

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Compound	3	160	16	<u>\$47,456.00</u>	<u>\$46,192.00</u>
Turbine	3	240	24	<u>\$71,184.00</u>	<u>\$69,288.00</u>
Compound	4	250	25	<u>\$74,150.00</u>	<u>\$72,175.00</u>
Turbine	4	420	42	<u>\$124,572.00</u>	<u>\$121,254.00</u>
Compound	6	500	50	<u>\$148,300.00</u>	<u>\$144,360.00</u>
Turbine	6	920	92	<u>\$272,872.00</u> -	<u>\$265,604.00</u>
Compound	8	800	80	<u>\$237,280.00</u>	<u>\$230,960.00</u>
Turbine	8	1,600	160	<u>\$474,560.00</u>	<u>\$461,920.00</u>
Compound	10	1,150	115	<u>\$341,090.00</u>	<u>\$332,005.00</u>
Turbine	10	2,500	250	<u>\$741,500.00</u>	<u>\$721,750.00</u>
				—	—
Turbine	12	3,300	330	<u>\$978,780.00</u>	<u>\$952,710.00</u>

- (2) Credit for prior fees. [~~If water and sewer service had been supplied to the new development prior to the effective date of this section, a credit shall be applied to reduce the impact fee due according to the following schedule:]~~

A property owner of a new development who constructs or finances a capital improvement or facility expansion included in the capital improvements plan pursuant to a development agreement approved by the city on or after December 1, 2015 shall, at the city's election, either:

- (i) Receive a credit against the impact fees otherwise due from the new development; or

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(ii) Be reimbursed for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, which fees shall be collected and reimbursed to the property owner at the time the other new development records its plat.

A credit or offset associated with a plat shall be applied against an impact fee due at the time that the first fee for the new development is collected, and thereafter to all subsequently collected fees, until the credit or offset is exhausted.

(e) Assessment and payment of impact fees. The impact fee imposed by this section shall be assessed and collected in full at the time of issuance of the building permit for the service units or at the time the water meter is installed, whichever occurs first, if the lot or tract was platted prior to June 20, 1987. For land platted after June 20, 1987, the impact fees shall be assessed at the time of recordation of the final plat and collected in full at the time of issuance of the building permit for the service units or at the time the water meter is installed, whichever occurs first. Once the fee is assessed and collected, additional impact fees or increases in fees may not be assessed and collected against the lot or tract unless the number of service units to be developed on the lot or tract increases. In such event, the city may increase the assessment and collection of fees to fund new capital improvement in the amount attributable to the additional service units.

(f) Exemptions. Impact fees may be assessed but shall not be collected in areas where services are not currently available unless:

(1) The city and the developer enter into a contract for the construction or financing of necessary facilities, which agreement contains provision for crediting such contributions against impact fees or for reimbursement from fees paid by other new developments using the facilities.

(2) The city elects to collect fees and commence construction of necessary facilities within two years and provide services within five years.

(3) The owner voluntarily requests the city to reserve capacity to serve future development and the city and the owner enter into a written agreement regarding the reserve capacity.

(g) Deposit of fees. All funds collected under this section shall be deposited in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee was adopted. All interest earned in the accounts shall be considered funds of the account.

(h) Refunds. Impact fees must be refunded to the record owner of the property with statutory interest under the following circumstances:

Ordinance No. 2015-22

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(1) On request of the owner of property on which an impact fee was paid, if services are available and the city denies service, or if the city fails to commence construction of new facilities to serve the development or fails to complete such facilities within five years of the time the fee is collected.

(2) If the funds collected are not spent for earmarked facilities within ten years from the date of collection.

(3) Upon completion of the capital improvements for which the fee was collected, the city must recalculate the impact fee based on actual project costs and if the fee collected exceeds the amount paid for the improvements by more than ten percent, the difference must be refunded to the property owner.

(i) Administrative remedies. If the city does not perform a duty imposed by the V.T.C.A., Local Government Code § 395.001 et seq., any person who has paid an impact fee or an owner of land upon which an impact fee has been paid shall present a written request to the city council stating the nature of any unperformed duty on the part of the city and request that it be performed within 60 days of the request.

(j) Appeals. Appeals may be made as follows:

(1) The property owner or applicant for new development may appeal the following decisions to the city council:

- a. The applicability of an impact fee to the development;
- b. The amount of the impact fee due;
- c. The availability or the amount of an offset or credit;
- d. The application of an offset or credit against an impact fee due; and
- e. The amount of the refund due, if any.

(2) The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset or credit was not calculated according to the applicable fee schedule or the guidelines established for determining offsets and credits.

(3) The appellant must file a notice of appeal with the city secretary within 30 days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the city attorney in an amount equal to the original determination of the impact fee due, the development application or tap purchase may be processed while the appeal is pending.

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(k) Updates to plan and revision of fees. The city shall review the land use assumptions and capital improvements plan for water and sewer facilities as required by law. The city council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements plan or impact fees are needed and shall, in accordance with the procedures set forth in V.T.C.A., Local Government Code § 395.001 et seq., or any successor statute, either update the fees or make a determination that no update is necessary.

(l) Impact fees. Impact fees established by this section are additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits or the sale of water or wastewater taps or the issuance of certificates of occupancy. Such fees are intended to be consistent with and to further the policies of the city's comprehensive plan, capital improvements plan, zoning ordinance, subdivision regulations and other city policies, ordinances and resolutions by which the city seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(m) Waiver of fees. The city council may waive all or a portion of impact fees from proposed new commercial development due, located within a neighborhood empowerment zone created in accordance with V.T.C.A., Local Government Code ch. 378, that qualifies for such reduction or waiver under such zone, once the service unit is constructed, upon written request by a developer or owner of commercial property subject to the ordinance, following a public hearing, upon finding that such waiver substantially furthers the city's goals of promoting economic development, as may be set forth in the city's goals, policies and regulations. In granting such waiver, the city council shall make findings relating to such purposes and shall take into consideration the extent to which other incentives and waivers have been granted the development pursuant to then existing laws and regulations. [Upon payment of a performance bond in the amount of 25 percent of the original determination of the impact fees due, payment of the 25 percent of impact fees due may be delayed by 12 months.]

Sec. 85-158[7]. Adoption of land use assumptions map.

The Land Use Assumptions Map, which was prepared as part of the Impact Fee Study, is hereby adopted and made a part of this division.

Secs. 85-159—85-175. – Reserved.”

SECTION 3. PENALTY CLAUSE; INCLUSION INTO THE CODE.

This Ordinance is hereby incorporated into and made a part of the Seabrook City Code of Ordinances. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than Five Hundred Dollars (\$500.00) per offense. Each day of violation shall constitute a separate offense.

Ordinance No. 2015-22

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SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances or resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed but only to the extent of such conflict.

SECTION 5. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. SAVINGS.

All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

SECTION 7. NOTICE BY PUBLICATION

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; and shall be effective as provided by law.

PASSED AND APPROVED on first reading this 1st day of December, 2015.

PASSED AND APPROVED on second and final reading this 15th day of December, 2015.

By: _____
Glenn Royal, Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

Approved as to form:

By: _____
Steven L. Weathered, City Attorney

Planning & Zoning Commission OFFICIAL REPORT

The Planning and Zoning Commission of the City of Seabrook met on November 19, 2015 to hold a meeting to consider:

Update of the Land Use Assumptions and Capital Improvements Plan.

THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:

APPROVAL ☐ APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW) ☒ DENIAL ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on November 19, 2015, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

Keep current wastewater impact fee
Increase current water impact fee by 15% each
year for the next 5 years

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec	X				RC
Laura Davis		X			LD
Mike DeHart	X				MD
Buddy Hammann				X	BH
Dodie Miller	X				DM
Michael Potts	X				MP
Michael Sharpe	X				MDS

Michael Potts

Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:

Robin Hicks

Alesia L. Hammock ROBIN Hicks
City Secretary

ACTION ITEM CHECK LIST STATUS

#		STATUS	DATE ASSIGNED	NEXT REVIEW DATE	PROPOSED CLOSURE DATE	RESPONSIBLE ORGANIZATION	City Council RESPONSIBILITY	PLANNING OBJECTIVE #	AGENDA ITEM NUMBER	DESCRIPTION OF ACTION ITEM	STATUS AND DATE
23		OPEN/IN WORK	11/4/2014			Mayor/ City Mgr.			5.1	Provide periodic updates on TxDOT's progress to improve/widen SH 146.	
30		OPEN/IN WORK	11/18/2014			Staff			4.2	Provide periodic updates of Strategic Plan	
32		OPEN/IN WORK	2/17/2015			Staff			6.1	Provide periodic project updates	

December 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		<i>1</i> City Council Regular meeting 7:00pm	<i>2</i>	<i>3</i> Christmas on Main Tree Lighting 7:00pm	<i>4</i>	<i>5</i> Breakfast with Santa 9:00am-11:00am
<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i> EDC 7:00pm	<i>10</i>	<i>11</i>	<i>12</i>
<i>13</i>	<i>14</i>	<i>15</i> City Council Regular meeting 7:00pm	<i>16</i>	<i>17</i> Planning & Zoning 7:00pm	<i>18</i>	<i>19</i>
<i>20</i>	<i>21</i>	<i>22</i>	<i>23</i>	<i>24</i> Christmas Holiday	<i>25</i> Christmas Holiday	<i>26</i>
<i>27</i>	<i>28</i>	<i>29</i>	<i>30</i>	<i>31</i>		

January 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					<i>1</i> New Year's Day City Offices Closed	<i>2</i>
<i>3</i>	<i>4</i>	<i>5</i> Regular City Council Meeting 7:00pm	<i>6</i>	<i>7</i> Open Space & Trails 5:00pm	<i>8</i>	<i>9</i>
<i>10</i>	<i>11</i>	<i>12</i>	<i>13</i>	<i>14</i> EDC 7:00pm	<i>15</i>	<i>16</i>
<i>17</i>	<i>18</i>	<i>19</i> Regular City Council Meeting 7:00pm	<i>20</i>	<i>21</i> PZ 7:00pm	<i>22</i>	<i>23</i>
<i>24</i>	<i>25</i>	<i>26</i>	<i>27</i>	<i>28</i>	<i>29</i>	<i>30</i>
<i>31</i>						



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, DECEMBER 1, 2015

Submitter/Requestor: Cook

Date Submitted: 11/16/2015 3:49:32 PM

Presenter: Cook

Description/Subject:

Discussion and consideration for implementing a new standing Quarterly Report agenda item for all active Commissions.

Purpose/Need: NA

Background/Issue(What prompted this need):

As part of the 2015-16 Strategic Planning Session, Initiative 1 of the Economic Development section points out a goal of establishing better communication between active commissions/boards and City Council. Many new updates to comprehensive plans have been in the works over the past several months that seriously impact the direction and vision of the city as a whole for future developments both economically and other. Therefore, it is important that there is a constant and open communication between all of the active boards/commissions are maintained for success to be a concentrated effort by all.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

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

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?

Discussion Items

Suggested Motion:

Agenda Language:

Discussion and consideration for implementing a new standing Quarterly Report agenda item for all active Commissions. (Cook)

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.)