SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, NOVEMBER 1, 2016 - 7:00 PM

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY NOVEMBER 1, 2016 AT 7:00 PM** IN THE CITY HALL CITY 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. PRESENTATIONS

1.1. Municipal Court Week
Presentation of a proclamation declaring November 7-11, 2016 as "Municipal Court Week". (Royal)

1.2. Distinguished Service Awards
Recognize Assistant Court Administrator, Karen Lemay, and Court Specialist, Cristina Duran, as recipients of the "Distinguished Service Award" from the Texas Court Clerks Association. (Ancira)

1.3. Service Recognition
Recognize Judge Carolyn Webbon for her hard work and dedication during her 20 years of service as the Seabrook Municipal Court Judge. (Ancira)

2. 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, shall be limited to city business or city-related business or matters of general public interest, and shall not include any personal attacks. 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. **CONSENT AGENDA**

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

3.1. Ordinance 2016-27 Flood Damage Prevention

Approve on second reading proposed Ordinance 2016-27, "Flood Damage Prevention". (Landis)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS BY DELETING THE CURRENT CHAPTER 38, "FLOOD", ARTICLE II, "FLOOD DAMAGE PREVENTION" AND REPLACING IT WITH A NEW ARTICLE II, UNDER THE SAME TITLE, "FLOOD DAMAGE PREVENTION" WHICH CONTAINS SECTIONS FOR STAUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS; DEFINITIONS; GENERAL PROVISIONS INCLUDING ADOPTING THE FLOOD INSURANCE RATE MAP (FIRM) AND FLOOD INSURANCE RATE STUDY (FIS), DATED JANUARY 6, 2017; ADMINISTRATION, PERMITTING AND VARIANCE PROCEDURES; AND PROVISIONS FOR FLOOD DAMAGE REDUCTION. THE CONTENTS OF THE NEW REPLACEMENT ARTICLE ARE SIMILAR TO THE CURRENT ARTICLE BUT ARE SOMETIMES WRITTEN IN A DIFFERENT MANNER..

THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF $500.00, OR THE MAXIMUM PROVIDED BY LAW, FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH, SPECIFICALLY INCLUDING ORDINANCES NOS. 87-07, 91-17, 93-30, 96-19, 97-08, 08-10, 08-22, 08-28 AND 08-29; AND PROVIDES FOR SEVERABILITY AND NOTICE.

Documents:

Agenda Briefing - Flood Damage Prevention.pdf
Ordinance No 2016-27.pdf
Floodplain Ordinance - 01-06-2017 Maps .pdf

3.2. Ordinance 2016-30 Travel Policy

Approve on second reading proposed Ordinance 2016-30, "Revision to Personnel Policy Travel Regulations and Expense Reimbursement". (Gibbs)

AN ORDINANCE OF THE CITY OF SEABROOK, TEXAS, AMENIDNG THE CITY OF SEABROOK "PERSONNEL POLICIES", CHAPTER 4 "ORIENTATION AND TRAINING", SECTION 7 "TRAVEL REGULATIONS AND EXPENSE REIMBURSEMENT"; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Documents:

Ordinance 2016-30.pdf
Ord 2016-30 exhibit.pdf

3.3. Ordinance 2016-31 No Parking

Approve on second reading proposed Ordinance 2016-31. (Cook)

AN ORDINANCE AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS ENTITLED "TRAFFIC AND VEHICLES," ARTICLE III, "STOPPING, STANDING, AND PARKING," DIVISION 1, "GENERALLY," TO UPDATE AND PROVIDE FOR ADDITIONAL TRAFFIC

REGULATIONS UNDER SECTION 90-80, "SCHEDULE I - NO PARKING ZONES" PERTAINING TO LAKESIDE DRIVE; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS ($200.00) FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE

Documents:

Ordinance 2016-31.pdf
Agenda Briefing - parking on Lakeside.pdf

3.4. Board of Directors Harris-Galveston Subsidence District

Approve an appointment to the Board of Directors of the Harris-Galveston Subsidence District for a two-year term. Mr. James Edwards is the incumbent and is recommended for reappointment. (Royal)

3.5. Excused Absence

Approve an excused absence for Mike Giangrosso for the October 18, 2016 regular City Council meeting. (Hicks)

3.6. Minutes September 20, 2016

Approve minutes of the September 20, 2016 regular City Council meeting. (Hicks)

Documents:

092016cc regular meeting minutes.pdf

4. NEW BUSINESS

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

4.1. Resolution 2016-23

Consider and take all appropriate action on proposed Resolution 2016-23. (Cook)

A RESOLUTION OF THE CITY COUNCIL OF SEABROOK, TEXAS RELATING TO INTERPRETATION OF THE SEABROOK CITY CHARTER IN RELATION TO REQUIRED QUORUMS IN GENERAL FOR CITY COUNCIL ACTION AND TO SPECIFICALLY DETERMINE THAT THE MAYOR IS A VOTING MEMBER OF CITY COUNCIL FOR DETERMINATION OF REQUIRED QUORUM UNDER THE CITY CHARTER AND THE TEXAS OPEN MEETINGS ACT.

Documents:

Resolution 2016-23.pdf
certified minutes.pdf

4.2. Bay Area Houston Convention and Visitors Bureau

Consider and take all appropriate action to appoint LeaAnn Dearman, Director of Communications, as one of the Council liaisons to the Bay Area Houston Convention and Visitors Bureau. (Cook)

5. ROUTINE BUSINESS

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

5.1. Approve the Action Items Checklist which is attached and made a part of this Agenda.

Documents:

072916 action items checklist.pdf

5.2. Establish future meeting dates and agenda items

Documents:

November calendar.pdf

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.

I certify that this notice was posted on the bulletin board on or before Friday, October 28, 2016 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

Robin Hicks, TRMC
City Secretary

CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: October 18, 2016

Submitter/Requestor: Sean Landis **Date Submitted:** October 4, 2016

Presenter: Sean Landis

Description/Subject:

AN ORDINANCE PROVIDING THAT THE CODE OF THE CITY OF SEABROOK BE AMENDED BY DELETING THE CURRENT CHAPTER 38, "FLOOD", ARTICLE II, "FLOOD DAMAGE PREVENTION" AND REPLACING IT WITH A NEW CHAPTER 38, ARTICLE II, "FLOOD DAMAGE PREVENTION" WHICH CONTAINS SECTIONS FOR STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS; DEFINITIONS; GENERAL PROVISIONS INCLUDING ADOPTING THE FLOOD INSURANCE RATE MAP (FIRM) AND FLOOD INSURANCE RATE STUDY (FIS) DATED JANUARY 6, 2017; ADMINISTRATION, PERMITTING AND VARIANCE PROCEDURES; AND PROVISIONS FOR FLOOD DAMAGE REDUCTION. THE CONTENTS OF THE NEW ARTICLE ARE SIMILAR TO THE CURRENT ARTICLE BUT ARE SOMETIMES WRITTEN IN A DIFFERENT MANNER.

Purpose/Need: Policy Issue☑ Administrative Issue ☐

Background/Issue (What prompted this need?):

March 29, 2013 the City was provided copies of the Preliminary Flood Insurance Rate Map (FIRM) panels.

November 14, 2013 the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for our community. FEMA did not receive any appeals of the proposed flood hazard determinations. Therefore, the determination of FEMA as to the proposed flood hazard determinations for our community is considered final. The Flood Insurance Rate Map (FIRM) for our community will become effective on January 6, 2017, and will revise the FIS report and FIRM which were in effect prior the this date.

As required to participate in the National Flood Insurance Program (NFIP) the City of Seabrook shall update Chapter 38, Titled Floods and as part of this update adopt the Flood Insurance Rate Maps (FIRM) and FIS reports Dated January 6, 2017.

2008 Flood Ordinance to 2016 Proposed Flood Ordinance
Significant change comparison:

- Increase freeboard requirements from 1 foot to 18 inches in all Special Flood Hazard Areas (SFHA).

Impacted Parties (Expected/Notified):

Whole Community

Recommended Action:

Staff recommends approval.

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

Proposed Ordinance 2016-27
Federal Insurance Rate Maps (FIRMS dated January 6, 2017) Electronic Format 3 Pages
FEMA Letter (Requiring Adoption of Flood Insurance Rate Map (FIRM Panels)

Fiscal Impact: NA

Funding Comments: NA

Where on the agenda should this item be placed?
(i.e. Public Hearing, New Business, Old Business, Consent Agenda, Executive Session, etc.)

New Business

Suggested Motion:

Staff recommends approval.

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.

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CITY OF SEABROOK

ORDINANCE NO. 2016-27
FLOOD DAMAGE PREVENTION

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS BY DELETING THE CURRENT CHAPTER 38, "FLOOD", ARTICLE II, "FLOOD DAMAGE PREVENTION" AND REPLACING IT WITH A NEW ARTICLE II, UNDER THE SAME TITLE, "FLOOD DAMAGE PREVENTION" WHICH CONTAINS SECTIONS FOR STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS; DEFINITIONS; GENERAL PROVISIONS INCLUDING ADOPTING THE FLOOD INSURANCE RATE MAP (FIRM) AND FLOOD INSURANCE RATE STUDY (FIS), DATED JANUARY 6, 2017; ADMINISTRATION, PERMITTING AND VARIANCE PROCEDURES; AND PROVISIONS FOR FLOOD DAMAGE REDUCTION. THE CONTENTS OF THE NEW REPLACEMENT ARTICLE ARE SMILAR TO THE CURRENT ARTICLE BUT ARE SOMETIMES WRITTEN IN A DIFFERENT MANNER.

THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF $500.00, OR THE MAXIMUM PROVIDED BY LAW, FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH, SPECIFICALLY INCLUDING ORDINANCES NOS. 87-07, 91-17, 93-30, 96-19, 97-08, 08-10, 08-28 AND 08-29; AND PROVIDES FOR SEVERABILITY AND NOTICE.

WHEREAS, in March of 2013, the City was provided copies of the Preliminary Flood Insurance Rate Map (FIRM) panels; and

WHEREAS, in November of 2013, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for our community; and FEMA did not receive any appeals of the proposed flood hazard determinations. Therefore, the determination of FEMA as to the proposed flood hazard determinations for our community is considered final. The Flood Insurance Rate Map (FIRM) for our community will become effective on January 6, 2017, and will revise the FIS report and FIRM which were in effect prior to this date; and

WHEREAS, as a requirement to participate in the National Flood Insurance Program (NFIP) the City of Seabrook is required to revise its Code of Ordinances, Chapter 38, titled "Floods" and as part of this update, is also required to adopt the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) dated for January 2017; now therefore,

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

SECTION 1. AMENDMENT TO THE CODE.

The Code of the City of Seabrook, is hereby amended by deleting the current Chapter 38, entitled "Floods", Article II, "Flood Damage Prevention" in its entirety as shown on Attachment "A" which is made a part of this ordinance and replacing it with a new Article II entitled "Flood Damage Prevention" as shown as Attachment "B" which is made a part of this Ordinance.

SECTION 2. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code of Ordinances, Section 1-15, "General penalty; continuing violations" which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $500.00, or the maximum amount provided by law. Each day of violation shall constitute a separate offense.

SECTION 3. SEVERABILITY.

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

SECTION 4. REPEAL OF PREVIOUS ORDINANCE.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed, specifically including Ordinance No. 87-07, "Flood Damage Prevention" and subsequent amending Ordinance Nos. 91-17, 93-30, 96-19, 97-08, 08-10, 08-28 and 08-29 any other amending ordinances relating to Floods or Flood Damage Prevention are hereby repealed upon the adoption of Ordinance No. 2016-27.

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SECTION 5. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 18th day of October, 2016.

PASSED AND APPROVED on second and final reading this 1st day of November, 2016.

By:

_____
Glenn Royal
Mayor

ATTEST:

By:_____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

_____
Steven L. Weathered, City Attorney

Chapter 38 - FLOODS

ARTICLE I. - IN GENERAL

Secs. 38-1—38-25. - Reserved.

ARTICLE II. - FLOOD DAMAGE PREVENTION [1]

Footnotes:

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Editor's note—Ordinance No. 2008-10, § 1, adopted July 15, 2008, repealed the former art. II, §§ 38-26—38-81, and enacted a new art. II as set out herein. The former art. II pertained to similar subject matter and derived from Code 1976; Code 1996; Ord. No. 96-19, adopted Nov. 19, 1996; and Ord. No. 97-08, adopted June 3, 1997.

State Law reference— Authority of city to adopt regulations designed to minimize flood losses, V.T.C.A., Water Code §§ 16.315 and 16.321; Flood Control and Insurance Act authorizes city to take all necessary actions to comply with requirements of National Flood Insurance Program, Vernon's Ann. Texas Civ. St., art. 8280-13 (Water Aux.).

DIVISION 1. - GENERAL PROVISIONS

Sec. 38-26. - Statutory authorization.

The legislature of the State of Texas has in the Flood Control Insurance Act, V.T.C.A., Water Code, § 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses and promote the public health, safety and general welfare of its citizenry. Therefore, the city council of the City of Seabrook, Texas does ordain as follows.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-27. - Findings of fact.

(a) The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

(c) Special flood hazard areas (SFHA) in the city are identified on the Harris County Flood Insurance Rate Maps (FIRMs) and the accompanying flood insurance study (FIS) published by the Federal Emergency Management Agency (FEMA).

(d) The term floodplain has broader scope than the special flood hazard areas (SFHAs) and refers to any land which is subject to periodic inundation. Floodplains are important to the city because they convey and store floodwaters; they contribute to better water quality and water supply; they provide habitat for fish, game and wildlife; they provide open space for leisure and recreational activities; and they have productive soils for agriculture and timber. Floodplains, by nature, change over time due to natural processes and from human development.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-28. - Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare, to minimize public and private losses due to flood conditions in specific areas, and to maintain healthy and functional floodplains by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood-blight areas;

(7) Ensure that potential buyers are notified that property is in a flood area;

(8) Help citizens to realize that those who occupy areas of special flood hazard assume responsibility for their actions;

(9) Ensure that floodplains continue to convey and store flood waters; contribute to the better water quality and water supply; provide habitat for fish, game and wildlife; provide open space for leisure and recreational activities; and have productive soils for agriculture and timber; and

(10) Comply with V.T.C.A., Water Code, § 16.315.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-29. - Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

(6) Promote uses of land in the floodplain that are consistent with the natural and beneficial functions of the floodplain.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-30. - Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

***A zone.* See "Area of shallow flooding" and "Area of special flood hazard."**

***Accessory structure* means a structure which is on the same parcel of property as the principal structure and the use of which is incidental and subordinate to the use of the principal structure. This includes, but is not limited to, a detached garage, storage shed, gazebo, picnic pavilion, boathouse, barn or other similar building.**

***Addition* means an improvement that increases the square footage of structures including lateral additions added to the side or rear of a structure, vertical additions added on top of a structure, and enclosures added underneath a structure. Related to "substantial improvement."**

***Alluvial fan flooding* means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths. Alluvial fan flooding is depicted on a flood insurance rate map (FIRM) as zone AO, with a flood depth and velocity.**

***Apex* means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.**

***Appurtenant structure.* See "Accessory structure."**

***Area of future conditions flood hazard* means the land area that would be inundated by the one percent annual chance (100-year) flood based on future conditions hydrology.**

***Area of shallow flooding* means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.**

***Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1—30, AE, A99, AR, AR/A1—30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1—30, VE or V.**

***Area of special mudslide (i.e., mudflow) hazard* means the land within a community most likely to be subject to severe mudslides (i.e., mudflows). The area may be designated as zone M on the FHBM. After the detailed evaluation of the special mudslide (i.e., mudflow) hazard area in preparation for publication of the FIRM, zone M may be further refined.**

***Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.**

***Base flood elevation (BFE)* means the computed elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1—**

A30, AR, V1—V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year, also called "the base flood."

Basement **means any area of the building having its floor subgrade (below ground level) on all sides.**

Benchmark. **See "Reference mark."**

Breakaway wall **means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:**

(1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and

(2) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

Building. **See "Structure."**

Chief executive officer of the community (CEO) **means the official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.**

Coastal high hazard area **means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a flood insurance rate map (FIRM) as zones V1—V30, VE, or V.**

Community **means any state or area or political subdivision thereof, or any indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.**

Critical facility. **Typical critical facilities include hospitals, fire stations, police stations, storage of critical records, and similar facilities. These facilities should be given special consideration when formulating regulatory alternatives and floodplain management plans.**

Critical feature **means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.**

Development **means any manmade change to improved and unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.**

Elevated building **means, for insurance purposes, a nonbasement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.**

Elevation reference mark. **See "Reference mark."**

Enclosure **means a fully enclosed walled in area below the lowest floor of an elevated building (includes crawlspaces). See "Lowest floor."**

Encroachment **means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a regulatory floodplain which may impede or alter its flow capacity.**

Erosion **means the process of the gradual wearing away of land masses.**

Exemption certificate **means a certificate issued by the community defining that the proposed activity within the special flood hazard area does not meet the definition of development and not subject to the requirements of this article. Activities may include painting, minor repairs and landscaping.**

Existing construction **means for the purposes of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."**

Existing manufactured home park or subdivision **means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site-grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.**

Expansion to an existing manufactured home park or subdivision **means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site-grading or the pouring of concrete pads).**

Flood **or** ***flooding*** **means a general and temporary condition of partial or complete inundation of normally dry land areas from:**

(1) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source;

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood elevation study **means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.**

Flood hazard boundary map (FHBM) **means an official map of a community, issued by the administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as zones A, M, and/or E.**

Flood insurance rate map (FIRM) **means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.**

Flood insurance study (FIS) **means official report provided by the Federal Emergency Management Agency that examines, evaluates and determines the flood hazards and, if appropriate, corresponding flood profiles and water surface elevations. It can also be the examination, evaluation, and determination of mudslide and/or flood-related erosion hazards.**

Flood protection system **means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.**

Floodplain **or** ***flood-prone area*** **means any land area susceptible to being inundated by water from any source (See definition of "flooding").**

Floodplain management **means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain including, but not limited to, emergency preparedness plans,**

flood control works, floodplain management regulations, subdivision regulations, open space plans and floodplain management plans.

Floodplain management regulations **means this article, zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading ordinance and erosion control ordinances) and other applications of police power which apply to the development and land use in flood-prone areas. The term describes such federal, state or local regulations, in any combination thereof, which provide standards for the purpose of floodplain management.**

Flood-proofing **means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Also see "Wet flood-proofing." Refer to FEMA technical bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet flood-proofing.**

Flood-related erosion area **or** ***flood-related erosion prone area*** **means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage. Also see "Special flood-related erosion hazard area."**

Flood-resistant **means any building material capable of withstanding direct and prolonged contact with floodwaters for at least 72 hours without sustaining any damage requiring more than low-cost cosmetic repair (such as painting). Refer to FEMA Technical Bulletin 2-93, "Flood-resistant materials requirements for buildings located in the special flood hazard areas in accordance with the National Flood Insurance Program."**

Floodway. **See "Regulatory floodway."**

Functionally dependent use **means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.**

Future conditions flood hazard areas **or** ***future conditions floodplain.*** **See "Area of future conditions flood hazard."**

Future conditions hydrology **means the flood discharges associated with projected land-use conditions based on a community's zoning maps and/or comprehensive land-use plans and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.**

Governing body **means the local governing unit (i.e., county or municipality) that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.**

Highest adjacent grade **means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.**

Highway ready with respect to a recreational vehicle **means ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, and is fully licensed.**

Historic structure **means any structure that is:**

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

b. Directly by the Secretary of the Interior in states without approved programs.

***Hydrodynamic forces* are imposed on an object, such as a building, by water flowing against and around it. Among the forces are positive frontal pressure against the structure, drag effect along the sides, and negative pressure in the downstream side.**

***Hydrostatic forces.* Standing water or slowly moving water can induce horizontal hydrostatic forces against a structure, especially when floodwater levels on different sides of a wall are not equal. Also flooding can cause vertical hydrostatic forces, or flotation.**

***Letter of map change (LOMC)* means a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include letter of map amendment (LOMA), letter of map revision (LOMR), and letter of map revision based on fill (LOMR-F).**

***Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.**

***Levee system* means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.**

***Limited storage* means the type of storage permitted in an enclosed area below the base flood elevation and is limited to that which is incidental and accessory to the principal use of the structure. For example, if the structure is a residence, storage should be limited to items such as lawn and garden equipment, snow tires, and other low value items which can be conveniently moved to the elevated part of the building.**

***Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.**

***Lowest horizontal structural member in an elevated building* means the lowest beam, joist, or other horizontal member that supports the building. Grade beams installed to support vertical foundation members where they enter the ground are not considered lowest horizontal members.**

***Manufactured home* means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."**

***Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.**

***Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum of 1988 (NAVD 88), or**

other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Mudslide (i.e., mudflow) **describes a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.**

Mudslide (i.e., mudflow) prone area **means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.**

National Flood Insurance Program (NFIP) **means a federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for state and community floodplain management regulations that reduce future flood damages. Participation in the NFIP is based on an agreement between communities and the federal government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in floodplains, the federal government will make flood insurance available within the community as a financial protection against flood losses. This insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods. The U.S. Congress established the National Flood Insurance Program (NFIP) with the passage of the National Flood Insurance Act of 1968.**

New construction for floodplain management purposes **means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.**

New manufactured home park or subdivision **means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.**

Nonresidential structure **means a structure that is primarily used for uses other than residential including, but is not limited to: small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, boat houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, hotels and motels with normal room rentals for less than six months' duration, and nursing homes.**

One percent annual chance flood. **See "Base flood."**

One hundred year flood **or** ***100-year flood.*** **See "Base flood."**

Primary frontal dune **means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.**

Recreational vehicle **means a vehicle which is:**

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Reference mark **means a point of vertical ground elevation reference to be shown on the FIRM for comparison to the BFE. ERMs shall be referenced to the National Geodetic Vertical Datum (NGVD) or the North American Vertical Datum (NAVD).**

Regulatory floodway **means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.**

Repetitive loss (RL) **means any insurable building for which two or more claims of more than $1,000.00 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. A RL property may or may not be currently insured by the NFIP.**

Residential structure **means a structure that is considered to be a domicile or is used for residential purposes for six months or more. Residential structures include a single family home, multiple unit apartment buildings, a residential condominium, or a manufactured or modular home.**

Riverine **means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.**

Sand dune**s mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.**

Severe repetitive loss property **means a residential property that is covered under flood insurance by the National Flood Insurance Program (NFIP):**

(1) That has at least four NFIP claim payments over $5,000.00 each, when at least two such claims have occurred within any ten-year period, and the cumulative amount of such claims payments exceeds $20,000.00, or

(2) For which at least two separate claims payments have been made with the cumulative amount of the building portion of such claims exceeding the value of the property, when two such claims have occurred within any ten-year period.

Special flood hazard area. **See "Area of special flood hazard."**

Special flood-related erosion hazard area. **See "Area of special flood-related erosion hazard."**

Start of construction **(for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.**

Structure **means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.**

Substantial damage **means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.**

Substantial improvement **means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:**

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

V zone. **See "Coastal high hazard area."**

Variance **means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations.)**

Violation **means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.**

Watercourse **means a definite channel with bed and banks within which concentrated water flows continuously, frequently or infrequently.**

Water surface elevation **means the height, in relation to the National Geodetic Vertical Datum of 1929 (NGVD 29), North American Vertical Datum of 1988 (NSVD 88), or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.**

Wet flood-proofing **includes permanent or contingent measures applied to a structure or its contents that prevent or provide resistance to damage from flooding while allowing floodwaters to enter the structure or area.**

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-31. - Lands to which this article applies.

The article shall apply to all areas within the jurisdiction of Seabrook, Texas, including areas of special flood hazard.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-32. - Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Harris County, Texas," dated January 6, 2017, with accompanying flood insurance rate maps dated January 6, 2017, and all subsequent amendments and/or revisions thereto are hereby adopted by reference and declared to be a part of this article. Such maps are available for review in the office of the floodplain administrator.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-33. - Establishment of development permit.

A floodplain development permit or exemption certificate shall be required to ensure conformance with the provisions of this article.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-34. - Compliance.

No development shall occur, nor any structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-35. - Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-36. - Interpretation.

In the interpretation and application of this article, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-37. - Warning and disclaimer or liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-38. - Severability.

This article and the various parts thereof are hereby declared to be severable. Should any section of this article be declared by the courts to be unconstitutional or invalid, such decision

shall not affect the validity of the article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. No. 2008-10, § 1, 7-15-2008)

Secs. 38-39—38-55. - Reserved.

DIVISION 2 - ADMINISTRATION, VARIANCE PROCEDURES AND PENALTIES

Sec. 38-56. - Designation of the floodplain administrator.

The chief building official is hereby appointed the "floodplain administrator" to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-57. - Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this article. This includes, but is not limited to:

a. All application, review and permitting forms;

b. All current and past versions of the flood insurance rate maps (FIRMs), flood boundary and floodway maps (FBFMs), flood insurance studies (FISs);

c. Any other studies, information or data used in regulating development in the floodplain;

d. Applicable elevation certificates;

e. Applicable flood-proofing certificates; and

f. Correspondence, applications, studies, and reports related to letters of map amendments, letters of map revisions and conditional letters of map revision as submitted to and approved by FEMA.

(2) Review all development to:

a. Determine that all requirements of this article have been satisfied;

b. Ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding;

c. Ensure that development in flood-prone areas would not adversely impact other properties;

d. Assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; and compliance with Sections 9 and 10 of the Endangered Species Act) from which prior approval or permits are required; and

e. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(3) Determine regulatory floodplain and floodway designation, delineation, and elevation:

a. For the purposes of determining if a floodplain development permit is required in accordance with this article;

b. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation; and

c. When base flood elevation data has not been provided in accordance with section 38-32, the floodplain administrator shall either:

1. Obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of subsection (5). Reference: "Managing Floodplain Development in Approximate Zone A Areas—A Guide for Obtaining and Developing Base (100-year) Flood Elevations," dated July 1995, or

2. Require the applicant to provide hydrological and hydraulic data prepared by a professional engineer licensed in the State of Texas which established the base flood elevation.

d. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1—30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(4) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(5) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1—30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

(6) Take action to remedy violations of this article as specified in sections 38-59 and 38-60 of this article.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-58. - Permit procedures.

A floodplain development permit shall be obtained before any construction or other development may begin in any special flood hazard area or other regulatory floodplain within the jurisdiction of Seabrook, Texas. A record of all such information shall be maintained in accordance with subsection 38-57(1).

(1) Application for a floodplain development permit shall be presented to the floodplain administrator, on forms furnished by him/her. Applications must be filled out completely and include:

a. Site plan, drawn to scale, which include, but is not limited to:

1. Location and dimensions of all existing and proposed structures, including manufactured homes;

2. Ground elevations at building corners of proposed new and substantially improved structures;

3. Location, dimensions and elevation of proposed landscape and terrain alterations;

4. Proposed locations of water supply, sanitary sewer, and utilities;

5. The location of the special flood hazard area and floodway; and

6. If available, the base flood elevation from the flood insurance study.

b. Building plans, if applicable, drawn to scale, which include, but are not limited to:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all existing and proposed new and substantially improved structures;

2. For a crawl space foundation, the elevation of the crawl space, location and total net area of foundation openings and venting (see FEMA Technical Bulletins 1-93 and 7-93);

3. For foundations placed on fill, the location and height of fill, and compaction to be achieved (compacted to a minimum of 95 percent using the standard proctor test method);

4. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed, (see FEMA Technical Bulletin TB 3-93).

c. If applicable, a certificate from a registered professional engineer that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of section 38-30; and

d. A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

e. All elevation requirements noted in this article shall be documented using the elevation certificate, FEMA Form 086-0-33 (7/15) and shall be certified by a registered professional engineer or surveyor, and shall be submitted to the floodplain administrator (reference to architect removed).

(2) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

h. The necessity to the facility of a waterfront location, where applicable;

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

j. The relationship of the proposed use to other community plans (hazard mitigation, flood management, comprehensive, neighborhood) applicable to that area.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-59. - Variance procedures.

(a) *Variance process.*

(1) The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article. The appeal board for Seabrook, Texas is the "Board of Adjustments."

(2) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

(3) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

(4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(b) *Variance considerations.*

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. The appeals board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and the:

a. Danger that materials may be swept onto other lands to the injury of others;

b. Danger of life and property due to flooding or erosion damage;

c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

d. Importance of the services provided by the proposed facility to the community;

e. Necessity to the facility of a waterfront location, where applicable;

f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. Compatibility of the proposed use with existing and anticipated development;

h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. Safety of access to the property in time of flood for ordinary and emergency vehicles;

j. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and

k. Costs of providing governmental services during and after flood conditions, including rescue services, maintenance and repair of public utilities and facilities

such as sewer, gas, electrical, and water system, and maintenance and repair of streets and bridges.

(2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this article.

(3) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(4) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 38-28).

(5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(6) Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

a. The criteria outlined in section 38-28 are met, and

b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(8) Under some circumstances it may be appropriate to wet-flood-proof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety.

(9) Under limited circumstances, variances may be issued for functionally dependent uses provided that the structure is protected by methods that minimize flood damages during the base flood and there are no additional threats to public safety.

(c) *Issuance and record of a variance.*

(1) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation;

(2) A copy of the notice shall remain on file with the city; and

(3) A copy of the notice shall be recorded with the office of the city secretary (or other recording office) as a public record and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-60. - Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00, (or the maximum amount permitted by law); or imprisoned for not more than 30 days (or the maximum amount permitted by law); or both, for each violation; and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2008-10, § 1, 7-15-2008)

Secs. 38-61—38-75. - Reserved.

DIVISION 3. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 38-76. - General standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into flood waters;

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

(8) A structure shall be deemed to be substantially improved or substantially damaged when the costs of the improvements or damage repairs, equal or exceed 50 percent of the market value of the structure;

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-77. - Specific standards (A and AE zones).

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) section 38-32, (ii) section 38-33, or (iii) section 38-35, the following provisions are required:

(1) *All development.*

a. If fill material is to be used to elevate any structure, the following will apply:

1. Fill material must be compacted to at least 95 percent of standard laboratory maximum density (standard proctor) according to ASTM Standard D—698.

2. Fill soils must be fine grained soils of low permeability, such as those classified as CH, CL, SC, or ML according to ASTM Standard D—2487, "Classification of soils for engineering purposes".

3. The fill material must be homogeneous and isotropic; that is, the soil must be all of one material, and the engineering properties must be the same in all directions.

b. All elevation requirements noted in this article shall be documented using the elevation certificate, FEMA Form 086-0-33 (7/15), and shall be certified by a registered professional engineer or surveyor, and shall be submitted to the floodplain administrator (reference to architect removed).

(2) *Residential construction (including manufactured homes).* New construction and substantial improvement of any residential structure as well as all manufactured homes to be placed or substantially improved within a SFHA:

a. Shall have the lowest floor (including basement), any ductwork, exposed plumbing and electrical components elevated to or above a minimum of eighteen inches above the base flood elevation;

b. If a detailed base flood elevation is unavailable, the lowest floor (including basement) and any ductwork, and exposed plumbing and electrical components shall be elevated a minimum of eighteen inches above the highest adjacent grade;

c. Shall be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local manufactured home anchoring requirements for resisting wind forces;

d. For any area below the elevation which is eighteen inches above the base flood elevation, all structures must be installed with flood-resistant materials.

(3) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure:

a. Shall either have the lowest floor (including basement) elevated to or above a minimum of eighteen inches above the base flood elevation.

b. Together with attendant utility and sanitary facilities, be designed so that the structure is watertight to a minimum level eighteen inches above the base flood elevation with walls substantially impermeable to the passage of water and with

structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection.

d. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the floodplain administrator.

(4) *Enclosures.* New construction and substantial improvements may have enclosures below the lowest floor provided that the enclosure is:

a. Used solely for parking of vehicles, building access or limited storage in an area other than a basement,

b. Designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. Enclosed areas below the lowest floor elevation must be constructed using flood-resistant materials.

(5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1—30, AH, and AE on the community's FIRM either:

a. Be on the site for fewer than 180 consecutive days, or

b. Be fully licensed and ready for highway use.

If neither of these conditions can be achieved, it is considered to be a manufactured home and is subject to the requirements of subsection (2).

(6) *Utilities.* If a proposed building site is in a special flood hazard area (SFHA), the building support utility systems for all new construction and substantial improvements shall:

a. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

b. Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems;

c. Require within flood-prone areas new and replacement sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters; and

d. Require on-site water disposal systems be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 2008-10, § 1, 7-15-2008; Ord. No. 2008-29, § 1, 11-18-2008)

Sec. 38-78. - Specific standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in section 38-32, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) *All development.*

a. If fill material is to be used to elevate any structure, the following will apply:

1. Fill material must be compacted to at least 95 percent of standard laboratory maximum density (standard proctor) according to ASTM standard D-698;

2. Fill soils must be fine grained soils of low permeability, such as those classified as CH, CL, SC, or ML according to ASTM standard D-2487, "Classification of soils for engineering purposes".

3. The fill material must be homogeneous and isotropic; that is, the soil must be all of one material, and the engineering properties must be the same in all directions.

b. All elevation requirements noted in this article shall be documented using the elevation certificate, FEMA Form 086-0-33 (7/15), and shall be certified by a registered professional engineer, surveyor, or architect, and shall be submitted to the floodplain administrator.

(2) *Residential construction.* New construction and substantial improvements of residential structures as well as manufactured homes to be placed or substantially improved within the SFHA:

a. Shall have the lowest floor (including basement) any ductwork, exposed plumbing and electrical components elevated to or above a minimum of eighteen inches above the base flood elevation or a minimum of eighteen inches above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least eighteen inches if no depth number is specified);

b. If a detailed base flood elevation is unavailable, the lowest floor (including basement) and any ductwork, and exposed plumbing and electrical components shall be elevated a minimum of eighteen inches above the highest adjacent grade;

c. Shall be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local manufactured home anchoring requirements for resisting wind forces;

d. For any area below the elevation which is eighteen inches above the base flood elevation, all structures must be installed with flood resistant materials.

(3) *Nonresidential construction.* All new construction and substantial improvements of nonresidential structures:

a. Have the lowest floor (including basement) elevated to or above a minimum of eighteen inches above the base flood elevation or a minimum of eighteen inches above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least eighteen inches if no depth number is specified);

b. Together with attendant utility and sanitary facilities be designed so that the structure is watertight to a minimum level eighteen inches above the base flood elevation or a minimum of eighteen inches above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least eighteen inches if no depth number is specified) with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy;

c. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 38-76 are satisfied;

d. Require within zones AH or AO that adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(4) *Enclosures.* New construction and substantial improvements may have enclosures below the lowest floor provided that the enclosure is:

a. Used solely for parking of vehicles, building access or limited storage in an area other than a basement,

b. Designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. For any enclosed area below the lowest floor which is eighteen inches above the base flood elevation, all structures must be installed with flood-resistant materials.

(5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1—30, AH, and AE on the community's FIRM either:

a. Be on the site for fewer than 180 consecutive days, or

b. Be fully licensed and ready for highway use.

If neither of these conditions can be achieved, it is considered to be a manufactured home and is subject to the requirements of subsection 38-77(2).

(6) *Utilities.* If a proposed building site is in a special flood hazard area (SFHA), the building support utility systems for all new construction and substantial improvements shall:

a Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

b Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of floodwaters into the systems;

c. Require within flood-prone areas new and replacement sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and

d. Require on-site water disposal systems be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 2008-10, § 1, 7-15-2008; Ord. No. 2008-29, § 1, 11-18-2008)

Sec. 38-79. - Floodways.

Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply to floodways:

(1) Encroachments to the floodway, including fill material of any kind, new construction and substantial improvements are prohibited;

(2) Drilling of water, gas and/or oil wells is prohibited;

(3) Storage of hazardous materials, in any form, is prohibited;

(4) Storage of any unanchored materials (which aren't considered fill or construction) are prohibited;

(5) For any other proposed development, hydrologic and hydraulic analyses must performed in accordance with standard engineering practice to demonstrate that the proposed development would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(6) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulation, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-80. - Coastal high hazard areas. (Zones V1-30, VE, and/or V)

Located within the areas of special flood hazard established in section 38-76, are areas designated as coastal high hazard areas (zones V1-30, VE, and/or V). These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this article, the following provisions must also apply:

(1) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The floodplain administrator shall maintain a record of all such information.

(2) All new construction shall be located landward of the reach of mean high tide.

(3) All new construction and substantial improvements shall be elevated on pilings and columns so that:

a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of eighteen inches above the base flood level,

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those

required by applicable state or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsection (3) a. and b. of this section.

(4) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

(5) Prohibit the use of fill for structural support of buildings.

(6) Prohibit manmade alteration of sand dunes and mangrove stands that increase potential flood damage.

(7) Manufactured homes—Require that manufactured homes placed or substantially improved within zone V1-30, V, and VE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of subsections (1) through (6) and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1—30, V, and VE on the community's FIRM meet the requirements of subsection 38-77(2) of this article.

(8) Recreational vehicles— Require that recreational vehicles placed on sites within zones V1—30, V, and VE on the community's FIRM either:

a. Be on the site for fewer than 180 consecutive days;

b. Be fully licensed and ready for highway use;

If neither of these conditions can be achieved, it is considered to be a manufactured home and is subject to the requirements of subsection 38-77(2).

c. Or meet the requirements of subsection 38-77(1)—(6).

(9) Utilities—If a proposed building site is in a special flood hazard area (SFHA), the building support utility systems for all new construction and substantial improvements shall:

a. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

b. Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of floodwaters into the systems;

c. Require within flood-prone areas new and replacement sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and

d. Require on-site water disposal systems be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 2008-10, § 1, 7-15-2008; Ord. No. 2008-29, § 1, 11-18-2008)

Sec. 38-81. - Standards for subdivision proposals within the SFHA.

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with section 38-32 of this article.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of section 38-58 of this article.

(c) Base flood elevation data shall be generated (or provided to the community) for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 20 lots or two acres, whichever is lesser, if not otherwise provided pursuant to section 38-76 of this article.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 2008-10, § 1, 7-15-2008)

Sec. 38-82. - Areas outside of the SFHA.

(a) *Residential construction outside of SFHA (including manufactured homes).* New construction and substantial improvement of any residential structure as well as all manufactured homes to be placed or substantially improved outside of a SFHA (or, but within 200 feet of a watercourse) shall have the lowest floor, any ductwork, exposed plumbing and electrical components elevated eighteen inches above the natural grade.

(b) *Areas between limits of 100-year flood and 500-year flood (shaded zone X).* All new construction and substantial improvement of residential and nonresidential structures within shaded zone X designations shall meet the following standards:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated 18 inches above the nearest adjacent A zone base flood elevation specified in feet on the community flood insurance rate map, as determined by the floodplain administrator.

(2) All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor, including basement, elevated 18 inches above the nearest adjacent A zone base flood elevation specified in feet on the community flood insurance rate map, as determined by the floodplain administrator;

b. Together with attendant utility and sanitary facilities, be designed so that below the base flood level of the nearest adjacent A zone the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this subsection as proposed are satisfied;

c. A registered professional engineer or registered public surveyor shall submit a certification to the floodplain administrator that the standards of this subsection, as proposed are satisfied.

(Ord. No. 2008-10, § 1, 7-15-2008; Ord. No. 2008-29, § 1, 11-18-2008)

Sec. 38-83. - Alteration of a watercourse.

(a) In a case where alterations are made to the channels of rivers, stream, or drainage ways, the flood carrying capacity must be the same or greater as the original watercourse. Additionally, once the alteration is made, the capacity of the altered or relocated watercourse must be maintained over time.

(b) If a development permit application proposes a stream alteration, the local official must notify adjacent communities, the Texas Water Development Board, and provide a copy to the FEMA region VI office.

(Ord. No. 2008-10, § 1, 7-15-2008)

CITY OF SEABROOK
ORDINANCE NO. 2016-30

REVISION TO PERSONNEL POLICY
TRAVEL REGULATIONS AND EXPENSE
REIMBURSEMENT

AN ORDINANCE OF THE CITY OF SEABROOK, TEXAS, AMENDING THE CITY OF SEABROOK "PERSONNEL POLICIES", CHAPTER 4 "ORIENTATION AND TRAINING", SECTION 7 "TRAVEL REGULATIONS AND EXPENSE REIMBURSEMENT"; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City Manager is charged under Section 3.04 of the City Charter to be responsible to the City Council for the administration of all City affairs placed under his/her charge by Charter or Council, specifically including to direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by Charter or by law; and

WHEREAS, the City Charter, Section 4.06 "Personnel System" provides that the City Manager shall prepare personnel rules which may be adopted, with or without amendment, by Ordinance of City Council; and

WHEREAS, the City of Seabrook "Personnel Policies" requires updates and amendments to the Travel Regulations and Expense Reimbursement Policy for accountability and budget management measures; and

WHEREAS, the revised Travel Regulations and Expense Reimbursement Policy will establish new guidelines for travel for all City employees to utilize when requesting permission to travel or attend training and is attached hereto as Exhibit "A", pending City Council review; and

WHEREAS, the City Council has determined it is appropriate at this time to accept Exhibit "A" as guidance for travel or attendance for training, as it relates to members of City Council, and other officers subject to exception under the "City of Seabrook Personnel Policies," Chapter 1 Section 3, "Exceptions" ("excepted officers"), it being understood that City Council members and other excepted officers are not specifically subject to the provisions of the Personnel Policy, that City Council exclusively directs itself, and specifically reserves such authority as provided by Charter; and

WHEREAS, the City Council of the City of Seabrook, Texas deems it in the public interest to accept the amendment proposed and adoption of the Personnel Policies with this revision;

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

SECTION 1. FINDINGS.

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are adopted by the City Council and made a part hereof for all purposes.

SECTION 2. ADOPTION.

The "Personnel Policies" of the City of Seabrook, attached hereto as Exhibit "B", are hereby adopted, including the revision to Chapter 4 "Orientation and Training," Section 7 "Travel Regulations and Expense Reimbursement".

SECTION 3. SEVERABILITY.

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

THIS SPACE INTENTIONALLY LEFT BLANK

SECTION 4. NOTICE

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 18th day of October, 2016.

PASSED, APPROVED, AND ADOPTED on second and final reading this 1st day of November, 2016.

By:_____
Glenn Royal
Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

_____
Steven L. Weathered
City Attorney

CITY OF SEABROOK
TRAVEL REGULATIONS AND
EXPENSE REIMBURSEMENT POLICY

POLICY

Payment of travel expenses are intended to be and shall be solely for travel performed by employees of the City on "Official City Business". Official City business is defined as that which is necessary and proper and has been approved by the City Manager or his/her designee. A detail of expenses must be submitted prior to reimbursement to the employee.

PROCEDURES

TRANSPORTATION

City Vehicle

City vehicles should be used whenever possible. Gasoline, parking and tolls will be reimbursed by the City. Receipts for all reimbursement requests must be submitted with the Travel Expense Report.

Personal Vehicle

The rate of reimbursement for employees utilizing their personally owned vehicle shall be the most recent published Internal Revenue Service allowance on the basis of the shortest practical route between points. Gasoline, parking and tolls will be reimbursed by the City. Receipts for all reimbursement requests must be submitted with the Travel Expense Report.

Employees receiving a car allowance will be reimbursed for any mileage over 100 mile radius of the City.

When authorized, the City will pay auto rental charges for an employee in travel status. Unless otherwise authorized, the rental car shall be of the most economical variety. Purchased gas and oil used in rental cars shall normally be reimbursed provided receipts are submitted. Several rental agencies should be contacted to obtain the most economical rate.

Air Travel

All airline tickets must be booked at the lowest available airfare in economy or coach class. Flight arrangements should be made at least twenty-one (21) days in advance to obtain the lowest possible airfares. The Department Director should approve airfare for flights booked less than twenty-one (21) days in advance or greater than $350 prior to making the reservation.

Airline tickets should be purchased using a City credit card whenever possible. If a personal credit card is used to purchase an airline ticket, this expense will be reimbursed after the trip is completed and upon receipt of proper documentation by the City.

Taxis and Other Local Transporatation

The cost of taxis to and from places of business, hotels and airports in connection with business activities will be reimbursed by the City upon submission of receipts.

PER DIEM ALLOWANCE

Per Diem allowance shall be provided to accommodate meals, tips and incidentals. Per Diem shall be provided consistent with the most current allowances as set by law. Access the U.S. General Services Administration website, www.gsa.gov and click on the Per Diem Rate Lookup under the Travel Tab.

Meals provided in the registration or by an event or other agency, should be deducted from the per diem reimbursement allowance (except for medical, dietary or religious reasons as outlined in the GSA regulations). Please refer to the Meals & Incidental (M&IE) Breakdown at www.gsa.gov.

Per Diem allowance shall be prorated for the day of departure and the day of return according to GSA guidelines, currently 75% for each of the two traveling days.

Meals for training or during travel that does not include an overnight stay are not reimbursable.

LODGING

Expenses for lodging must be supported by receipt and will be reimbursed to the employee on actual cost basis for reasonable accommodations. No personal phone calls or meals are to be included, as this is considered covered under the per diem. If you charge meals to your hotel bill, you must deduct from your per diem allowance based on the actual cost of the meal.

REQUEST AND REPORTING PROCEDURES

TRAVEL ADVANCES

Requests shall be submitted to the Finance Department at least ten (10) days prior to date of training, completed with the amount of the request, purpose, nature, location, place of lodging, travel dates and supporting documentation.

Approval – The request must be signed by the traveler and submitted to the Department Head. The Department Head will sign the request indicating approval and availability of funds. The approved travel advance request forms are then forwarded to the Finance Department.

Check Processing – Upon receipt of the approved advance request, the Finance Department will prepare the advance check payable to the traveler. The traveler is personally responsible for the advanced amount until an approved expense report is processed and the difference is refunded or until the full amount is refunded. *The City may deduct any delinquent advance amounts from an employee's payroll check*.

TRAVEL EXPENSE REPORTS

Reports shall be completed within ten (10) days of return by the traveler, with supporting documentation. The expense report shall have attached receipts, hotel bills, etc. sufficient to review the traveler's expenses for compliance with this policy.

The Expense Report form shall be completed and signed by the traveler, reviewed, approved and signed by the Department Head and then submitted to the Finance Department for audit.

The Finance Department shall review the expense report for compliance with this policy and the Finance Director or their designee shall sign the travel expense report or return for further information. After a satisfactory review the Finance Officer shall relieve the traveler of the advanced amount and/or reimburse the traveler for expenses in excess of the advance.

Expense reports and supporting documentation are subject to the Texas Public Information Act and may be disclosed to the public upon submission of an Open Records request.

INELIGIBLE EXPENSES

The following items will not be considered for payment or reimbursement by the City:

- Entertainment including sporting events, theater, in-room movies, etc.
- Alcoholic beverages of any type
- Other items not pertaining to City business
- Spouse's or any other traveling companion's expenses
- Health clubs and spas
- Personal articles (i.e. toiletries, magazines, etc.)
- Business and personal calls from hotels
- Calls to 900 numbers
- Dry cleaning or laundry
- Fines
- Costs resulting from failure to cancel transportation or hotel reservations

The above items are specifically excluded, but the list is not to be considered all inclusive.

CITY OF SEABROOK
ORDINANCE NO. 2016-31

AN ORDINANCE AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS ENTITLED "TRAFFIC AND VEHICLES," ARTICLE III, "STOPPING, STANDING, AND PARKING," DIVISION 1, "GENERALLY," TO UPDATE AND PROVIDE FOR ADDITIONAL TRAFFIC REGULATIONS UNDER SECTION 90-80, "SCHEDULE I – NO PARKING ZONES" PERTAINING TO LAKESIDE DRIVE; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS ($200.00) FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE.

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

WHEREAS, the City Council of the City of Seabrook sets forth in Section 90-80 of the Code of Ordinances, as reflected in Ordinance 2016-14, adopted June 21, 2016, "Schedule I – No Parking Zones", that provides a listing of street locations and restricting parking at times referenced therein; and

WHEREAS, after subsequent study City Council has determined that there be further revisions to the subject "No Parking Zones" by adding two parking restricted zones for Lakeside Drive; and

WHEREAS, City Council has determined that the following locations on Lakeside Drive, as stated in Section 2 be designated for official traffic control devices bearing the words "No Parking 6:00 a.m. until 6:00 p.m." and "No Parking Anytime" be installed at the specific locations as provided herein.

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

SECTION 1. FINDINGS OF FACT.

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

SECTION 2. AMENDMENT TO THE CODE.

That Chapter 90 entitled, "Traffic and Vehicles," Article III, "Stopping, Standing, and Parking," Division 1, "Generally", Section 90-80, "Schedule I – No Parking Zones", be amended as follows:

"Sec. 90-80. Schedule I: No Parking Zones

There shall be installed at such points on streets and rights-of-way in the city, as may be directed by the city council, appropriate signs or markings designating "No Parking Any Time" or related prohibitions, which shall be installed at the locations as listed. Such signs may include additional notice of tow-away zone, but such additional notice shall not be required. Whenever any such sign has been erected, it shall be unlawful for the driver or operator of any vehicle to park contrary to such sign. Each day or part of a day that prohibited parking continues shall constitute a separate offense.

The parking prohibition provided in this section shall not be in effect until appropriate signs or markings have been provided at the location giving notice to motorists. The city manager, chief of police or their authorized representative is directed to cause such signs to be erected or appropriate markings to be made on the curbs at such locations in accordance with the Texas Manual for Traffic Signs and Signals.

STREET	EXACT LOCATION	TIME
10th Street	At any point on 10th Street, including no parallel parking within McHale Park Parking Area	No parking at any time
Waterfront Dr.	0 Blk - 699 Blk at the intersection with Todville Road southeast to the end of 11th Street at the Point	No parking at any time
Bahama Drive	1500 Blk to 1900 Blk on the east side between Aspen Lane and El Mar Lane	No parking at any time
Bath Avenue	100 Blk to 300 Blk between 10th Street and 12th Street	No parking at any time
Cook Street	1200 Blk to 1400 Blk on either side of Cook St	No parking at any time
Ellis Avenue	100 Blk (Unimproved Surface) from Waterfront Dr southwest to the end of Ellis Avenue	No parking at any time
Hardesty	1000 Blk on the west side between 3rd Street and 4th Street	No parking at any time

Lakeside Drive	In its entirety; EXCEPT for the 1809 Block as reflected hereafter	No parking between 6:00 a.m. and 6:00 p.m.
Lakeside Drive	Both the east and west sides of the 1809-1810 Block of Lakeside	No parking at anytime
Larrabee	In its entirety from NASA Parkway north to its end	No parking at any time
Main Street	1500 Blk to 1800 Blk, between SH 146 and N. Meyer	No parking at any time
N. Meyer	500 Blk to 2000 Blk between State Highway 146 and E. Meyer	No parking at any time
Old SH 146	At any point	No parking at any time
State Highway 146	From the northern city limit extending south to the southern city limit	No parking at any time
Todville Road	1100 Blk – 1200 Blk on either side of Todville Road	No parking at any time
W. Repsdorph Road	At any point	No parking at any time

SECTION 3. PENALTY CLAUSE; INCLUSION INTO THE CODE.

This Ordinance is hereby incorporated into and made a part of the Seabrook City Code. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than Two Hundred Dollars ($200.00) per offense. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

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

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SECTION 5. SEVERABILITY.

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

SECTION 6. NOTICE BY PUBLICATION

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 18th day of October, 2016.

PASSED AND APPROVED on second and final reading this 1st day of November, 2016.

By: _____
Glenn Royal
Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

Approved as to form:

_____
Steven L. Weathered
City Attorney

CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: October 18, 2016

Submitter/Requestor: Cook/Wright **Date Submitted:** October 10,2016

Presenter: Wright

Description/Subject: Ordinance 2016 -31 , Amending the table to add new segments of Lakeside Drive.

Name of Applicant (if applicable) :

Legal Description (if applicable):

Purpose/Need: Policy Issue

Background/Issue (What prompted this need?)**:** City Council heard via public comment in previousl meetings from several residents in the Lakeside Drive corridor that were experiencing issues with increased parking and nuisance issues from individuals that do not dwell in the immediate area. Public Works, Public Safety and Administration all met with the concerned citizens after the meeting and tried to resolve the issues with additional patrol and reaching out to other property owners in the area.

The efforts have not alleviated the issues and the concerned citizens reapproached staff asking for a better remedy. Staff explained the options for the no parking zones and the inability to do any type of permit parking. At the end of discussions, it was concluded that by extending the 6am to 6pm parking prohibition, the area residents could legally disolve some of the major issues.

Impacted Parties (Expected/Notified)**:**

Miscellaneous Comments:

Recommended Action: Approve the First Reading of Ordinance 2016-31

Attachments: Proposed Ordinance 2016-31

Fiscal Impact:

Finance Officer Review	☐ Yes	☒ No
Budgeted	☐ Yes	☒ No
Budget Amendment Required	☐ Yes	☒ No

Budget Dept/Line Item Number: n/a
Future/Ongoing Impact: n/a

Funding Comments: n/a

Where on the agenda should this item be placed? New Business

Suggested Motion: Motion to approve the first reading of Ordinance 2016-31 amending Section 90-80 Schedule I for the parking zones pertaining to Lakeside Drive

(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 on Yes

Approved by City Attorney on 10-14-2016
(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

All requests must be submitted to the City Secretary's Office no later than 12:00 p.m. on the Monday, one week prior to the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

The City Council of the City of Seabrook met in regular session on Tuesday, September 20, 2016 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANGROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON – Ex. Abs.	COUNCIL PLACE NO. 3
MELISSA BOTKIN	COUNCIL PLACE NO. 4
GLENNA ADOVASIO	COUNCIL PLACE NO. 5
O.J. MILLER	MAYOR PRO TEM & COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	DEPUTY CITY MANAGER
STEVE WEATHERED	CITY ATTORNEY
ROBIN HICKS	CITY SECRETARY

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

1. PRESENTATIONS

1.1. EDC Semi-Annual Report

Presentation of the semi-annual Seabrook Economic Development Corporation report. (Chavez)

Paul Dunphey, EDC President, presented the semi-annual report.

Business development incentives have been or will be given to the following businesses: Burkes, Hampton Inn, Tookie's Seafood; and Merlion. The businesses must perform as per the incentive agreement.

The EDC Board has partnered with the City on both the Comprehensive Master Plan and the SH 146 Corridor Expansion Project. The Board wants businesses to know there is a plan and assistance is available.

The EDC Director has been active in accomplishing visits to affected businesses of the SH 146 Expansion Project; coordinating a TXDOT Business Relocation Workshop that saw 26 of the 34 businesses noted for relocation by TXDOT in attendance; performing Site Consultant Tours; and conducting Business Morning Brew Meetings.

EDC Goals for 2016-17 include:

- Promotion of Seabrook branding, image enhancement, communication, and key marketing initiatives
- Development and promotion of Old Seabrook
- Review of and potential expansion of incentives for business development
- Guidance to the Seabrook City Council on economic development decisions and future land uses

This year has seen 14 new businesses plus one expansion in Seabrook, with 8 businesses closed but only three sites remaining vacant.

The 2016-17 EDC budget is straight forward, and was approved by the EDC Board on 9/8/16.

- Expenses = $1,267,321
- Administrative Services = $200,000
- Total Expenditures = $1,467,321
- Expected Revenue = $835,619

2. PUBLIC COMMENTS AND ANNOUNCEMENTS - None

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, shall be limited to city business or city-related business or matters of general public interest, and shall not include any personal attacks. 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)

Councilmember Giangrosso announced several events, including the Kids' Fish and the Saltwater Derby.

3. SPECIFIC PUBLIC HEARINGS

Mayor Royal opened the public hearings for all three budgets.

3.1. Public Hearing EDC 2016/17 Budget

Present the FY 2016/17 Seabrook Economic Development Corporation Budget. (Chavez)

3.2. Public Hearing CCD 2016/17 Budget

Present the FY 2016/17 Crime Control & Prevention District Budget. (Wright)

3.3. Public Hearing General, Enterprise, and Special Funds 2016/17 Budget
Present the General, Enterprise, and Special Funds Budgets for FY 2016/17. (Cook)

Having no speakers come forward, Mayor Royal closed the public hearings.

3.4. Public Hearing on proposed Chesapeake Bay Senior Living Community PUD
Conduct a Public Hearing on submittal of Preliminary Plan by Chesapeake Bay for modification of Planned Unit Development (approved by Ordinance 2015-11), located immediately East of Repsdorph Road and South of Brummerhop Park by creating a Phase II, III, and IV, limiting all commercial uses to be located within Phase III to those permissible within C-1 (Light-Commercial District) with the exception that Restaurants shall be a Use by Right and not require a Conditional Use Permit. (Landis)

The City Council did not conduct the public hearing on the Chesapeake Bay Senior Living Community PUD, as the notice published in the newspaper was incorrect; therefore, the public hearing will be conducted after publication of the correct notice.

4. BID AWARDS

4.1. Bid Award Project 2016-11
Consider and take all appropriate action on a Bid Award for Project 2016-11, Relocation of the Water Plant. (Chairez)

Arthur Chairez, Director of Public Works, stated that four (4) bids were received with the bid from Long & Son, Inc. being low bidder and within the budget for this project. Staff recommends the award of the bid go to Long and Son, Inc. for a sum of $1,922, 307.00.

Amber Hurd, Shareholder, Cobb Fendley, stated that the low bid is a really good price. Ms. Hurd has worked with Long & Son, Inc. for 15 years on various projects, and the company is comfortable with its bid numbers.

Motion was made by Councilmember Miller and seconded by Councilmember Adovasio

To approve a Bid Award for Project 2016-11, Relocation of the Water Plant, to Long & Son, Inc.

MOTION CARRIED BY UNANIMOUS CONSENT

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

5.1. Resolution 2016-15 EDC Project Hampton Inn
Approve on second of two readings proposed Resolution 2016-15, "EDC Project Designation for Seabrook Hospitality, LP (Hampton Inn) and Authorization for Business Development Grant for Reconstruction of Hotel." (Chavez)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, AUTHORIZING A PROJECT OF THE SEABROOK ECONOMIC DEVELOPMENT CORPORATION, TO PROVIDE BUSINESS INCENTIVES TO SEABROOK HOSPITALITY, LP, DOING BUSINESS AS THE HAMPTON INN, IN AN AMOUNT NOT TO EXCEED $40,000 FOR HOTEL CONSTRUCTION IMPROVEMENTS, PURSUANT TO THE TERMS AND CONDITIONS OF THE "ECONOMIC DEVELOPMENT AGREEMENT", ATTACHED HERETO.

5.2. Investment Policy

Approve proposed Resolution 2016-18, "Adoption of the City's Investment Policy." (Gibbs)

5.3. CLEMC Monthly Report

Approve the Clear Lake Emergency Medical Corps (CLEMC) monthly report for August 2016. (Hunter)

5.4. Fire Department Monthly Report

Approve the Seabrook Volunteer Fire Department (SVFD) monthly report for August 2016. (Gutaker)

5.5. This item was removed from the Consent Agenda by City Manager, Gayle Cook.

5.6. Building Department Monthly Report

Approve the Seabrook Building Department monthly report for August 2016. (Landis)

5.7. Special Event Houston Happy Hikers

Approve a special event permit and waiver of permit fees for the Houston Happy Hikers 5K and 10K Walks on Saturday, November 12, 2016, from 8:30 am until 3:00pm at Miramar Park. All supporting documentation, including a request for a waiver of the fees, has been submitted. (Hicks)

5.8. Excused Absence

Approve an excused absence for Robert Llorente and Mike Giangrosso for the September 6, 2016 regular City Council meeting. (Hicks)

Motion was made by Councilmember Llorente and seconded by Councilmember Giangrosso

To approve the Consent Agenda with the exception of item 5.5.

MOTION CARRIED BY UNANIMOUS CONSENT

5.5 Police Department Monthly Report

Approve the Seabrook Police Department monthly report for August 2016. (Wright)

Ms. Cook stated that the Police Department purchased new reporting software that will give Council year to date information. The August 2016 report shows a large percentage change on the number of thefts of motor vehicles.

Chief Wright explained that under the category of theft of automobiles the report shows a 433% increase from 8 auto thefts in August 2015 to 17 in August 2016. The reality is the there were four (4) thefts at Sam's Boat, and a couple of those cars did not have the doors locked. There were five (5) vehicle burglaries in one night, all related to the Family Dollar burglary. The suspects in the Family Dollar incident needed two vehicles, but they broke into five vehicles to steal ultimately steal two vehicles. The auto theft category on the report also includes attempted theft, which will show an increase. In addition, if a person breaks into a car to grab loose change, it is counted on the report as an auto theft. Of all the neighborhoods, there have only been three (3) additional/new burglaries this year from last year. The key is to lock your doors.

Motion was made by Councilmember Miller and seconded by Councilmember Giangrosso

To approve the Seabrook Police Department monthly report for August 2016.

MOTION CARRIED BY UNANIMOUS CONSENT

6. NEW BUSINESS

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

6.1. Ordinance 2016-22 EDC Budget

Consider and take all appropriate action on first and final reading of proposed Ordinance 2016-22, "Seabrook Economic Development Corporation (EDC) Budget for FY 2016/17." (Chavez)

AN ORDINANCE APPROVING AND ADOPTING THE SEABROOK ECONOMIC DEVELOPMENT CORPORATION BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017 FOR THE CITY OF SEABROOK; APPROPRIATING FUNDS; AND NOTING A PUBLIC HEARING WAS HELD BY THE SEABROOK CITY COUNCIL ON SEPTEMBER 20, 2016.

Motion was made by Councilmember Llorente and seconded by Councilmember Giangrosso

To approve on first and final reading proposed Ordinance 2016-22, "Seabrook Economic Development Corporation (EDC) Budget for FY 2016/17".

MOTION CARRIED BY UNANIMOUS CONSENT

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6.2. Ordinance 2016-23 CCD Budget

Consider and take all appropriate action on first and final reading of proposed Ordinance 2016-23, "Seabrook Crime Control & Prevention District (CCD) Budget for FY 2016/17, as approved by the District's Board of Directors." (Wright)

AN ORDINANCE APPROVING AND ADOPTING THE SEABROOK CRIME CONTROL AND PREVENTION DISTRICT BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017 FOR THE CITY OF SEABROOK; APPROPRIATING FUNDS; AND NOTING A PUBLIC HEARING WAS HELD BY THE SEABROOK CITY COUNCIL ON SEPTEMBER 20, 2016.

Motion was made by Councilmember Adovasio and seconded by Councilmember Llorente

To approve on first and final reading proposed Ordinance 2016-23, "Seabrook Crime Control & Prevention District (CCD) Budget for FY 2016/17, as approved by the District's Board of Directors."

MOTION CARRIED BY UNANIMOUS CONSENT

6.3. Ordinance 2016-24 City Budget

Consider and take all appropriate action, by required record vote, on first and final reading of proposed Ordinance 2016-24, "Budget Ordinance for FY 2016/17". (Cook/Gibbs)

AN ORDINANCE APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017 FOR THE CITY OF SEABROOK; APPROPRIATING FUNDS; AND NOTING A PUBLIC HEARING WAS HELD BY THE SEABROOK CITY COUNCIL ON SEPTEMBER 20, 2016 IN ACCORDANCE WITH THE CITY'S CHARTER AND WITH STATE LAW.

Motion was made by Councilmember Llorente and seconded by Councilmember Giangrosso

To approve by roll call vote on first and final reading proposed Ordinance 2016-24, "Budget Ordinance for FY 2016/17".

Councilmember Llorente - yay
Councilmember Giangrosso - yay
Councilmember Johnson – absent
Mayor Royal – yay
Councilmember Botkin – yay
Councilmember Adovasio – yay
Councilmember Miller – yay

6.4. Ordinance 2016-25 Tax Ordinance

Consider and take all appropriate action on first and final reading of Ordinance 2016-25, "Tax Ordinance". (Gibbs)

Four separate motions are required: 1) to approve a tax rate of $0.394574 cents per $100.00 valuation of assessed property for operations and maintenance; 2) to approve a tax rate of $0.170603 cents per $100.00 valuation of assessed property for the interest and sinking fund; 3) to approve the property tax rate of $0.565177 cents per $100.00 valuation which is equal to the effective tax rate; and 4) to approve proposed Ordinance 2016-25, "Tax Ordinance" on first and final reading with the reading of the caption serving as the reading of the ordinance and requiring a record vote. (Cook)

AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF SEABROOK, TEXAS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017 AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF.

Four separate motions are required:

1. Motion was made by Councilmember Miller and seconded by Councilmember Giangrosso

To approve a tax rate of $0.394574 cents per $100.00 valuation of assessed property for operations and maintenance;

Councilmember Llorente - yay
Councilmember Giangrosso - yay
Councilmember Johnson – absent
Mayor Royal – yay
Councilmember Botkin – yay
Councilmember Adovasio – yay
Councilmember Miller - yay

2. Motion was made by Councilmember Miller and seconded by Councilmember Adovasio

To approve a tax rate of $0.170603 cents per $100.00 valuation of assessed property for the interest and sinking fund;

Councilmember Llorente - yay
Councilmember Giangrosso - yay
Councilmember Johnson – absent
Mayor Royal – yay
Councilmember Botkin – yay
Councilmember Adovasio – yay
Councilmember Miller – yay

3. Motion was made by Councilmember Miller and seconded by Councilmember Llorente

To approve the property tax rate of $0.565177 cents per $100.00 valuation which is equal to the effective tax rate;

Councilmember Llorente - yay
Councilmember Giangrosso - yay
Councilmember Johnson – absent
Mayor Royal – yay
Councilmember Botkin – yay
Councilmember Adovasio – yay
Councilmember Miller - yay

4. Motion was made by Councilmember Miller and seconded by Councilmember Adovasio

To approve proposed Ordinance 2016-25, "Tax Ordinance" on first and final reading with the reading of the caption serving as the reading of the ordinance and requiring a record vote.

Councilmember Llorente - yay
Councilmember Giangrosso - yay
Councilmember Johnson – absent
Mayor Royal – yay
Councilmember Botkin – yay
Councilmember Adovasio – yay
Councilmember Miller - yay

6.5. Resolution 2016-17 Water and Wastewater Utility Rates

Consider and take appropriate action on proposed Resolution 2016-17, "Updating Water and Wastewater Utility Rates." (Gibbs)

A RESOLUTION UPDATING WATER AND WASTEWATER UTILITY RATES AND DEPOSITS EFFECTIVE WITH THE SEPTEMBER 15 - OCTOBER 15 BILLING CYCLE FOR THE CITY OF SEABROOK. THIS RESOLUTION REPLACES RESOLUTION 2015-30 WHICH WAS APPROVED ON OCTOBER 20, 2015.

Ms. Cook stated that the water supply contract with the City of Pasadena is a 40 year contract, and the City of Pasadena has exercised and issued a letter to increase the rate. Resolution 2016-17 is adjusting the rates pursuant to that letter and to account for the new debt. The water rate study is still in effect and future rate adjustments will be made in conjunction with the water rate study.

Motion was made by Councilmember Llorente and seconded by Councilmember Giangrosso

To approve proposed Resolution 2016-17, "Updating Water and Wastewater Utility Rates."

MOTION CARRIED BY UNANIMOUS CONSENT

6.6. Chesapeake Bay Senior Living Community Request to Amend PUD

Consider and take all appropriate action on submittal of Preliminary Plan by Chesapeake Bay for modification of Planned Unit Development (approved by Ordinance 2015-11), located immediately east of Repsdorph Road and South of Brummerhop Park by creating a Phase II, III, and IV, limiting all commercial uses to be located within Phase III to those permissible within C-1 (Light-Commercial District) with the exception that Restaurants shall be a Use by Right and not require a Conditional Use Permit. (Landis)

The City Council did not discuss or take action on the Chesapeake Bay Senior Living Community PUD, as the notice published in the newspaper was incorrect; therefore, this item will come back before Council after publication of the correct notice.

6.7. BAHCVB Agreement

Consider and take all appropriate action on the Bay Area Houston Convention and Visitors Bureau ("BAHCVB") Agreement in an amount equal to 15% of the City's Hotel Occupancy Tax (HOT) revenues for a period beginning October 1, 2016 to September 30, 2019, with the right to terminate after one (1) year. (Cook)

Ms. Cook explained that the City of League City tabled their item, and League City is the only city who has not yet committed to the three year agreement. If League City does not participate, the budget will still require only 15% from each participating city out of Hotel Occupancy Tax funds, but it will have an impact on the salaries of the CVB employees. Every city will have the opportunity to opt out after one (1) year.

Even though the CVB office is moving from Seabrook to Kemah, the hotel occupancy will not be affected because there are only two (2) hotels in Kemah. The CVB will be referring people to Seabrook, Nassau Bay, and League City for lodging. Most people who go to the Visitor Center want to know where to eat, where to do things, and to pick up discounted tickets. Those people are already in a hotel here.

Nassau Bay and Kemah are meeting this week and next to discuss and take action on this agreement. The CVB is trying to get all cities to approve the agreement before October 1.

Motion was made by Councilmember Giangrosso and seconded by Councilmember Adovasio

To approve the Bay Area Houston Convention and Visitors Bureau ("BAHCVB") Agreement in an amount equal to 15% of the City's Hotel Occupancy Tax (HOT) revenues for a period beginning October 1, 2016 to September 30, 2019, with the right to terminate after one (1) year.

MOTION CARRIED BY UNANIMOUS CONSENT

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7. ROUTINE BUSINESS

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

7.1. Reports

Reports and announcements concerning items of community interest. No discussion or action will be taken by Council.

Council Liaisons:

a. Bay Area Houston Convention & Visitors Bureau – See above item on the CVB agreement
b. Bay Area Houston Economic Partnership – recently celebrated its 40th anniversary
c. Bay Area Transportation Partnership – the Partnership has a new director, who is the former director of Harris County Judge Emmit's office
d. Clear Lake Emergency Medical Corps – the next meeting is Sept. 28
e. Economic Alliance, Port Region – EDC named the business of the year, which is Neptune Subs and the honor will be acknowledged at the banquet in November
f. Galveston Bay Foundation – no report
g. Hotel Tax Liaison Committee – no report
h. Houston-Galveston Area Council – no report

7.2. Approve the Action Items Checklist which is attached and made a part of this Agenda.

TXDOT – Ms. Cook stated that TXDOT has made 46 offers. Several businesses have chosen the eminent domain package and are scheduling the next step. Cobb Fendley has been contracted to process eminent domain and they have secured the Community House for the hearings. The first hearing will take place in the next two weeks.

PROJECT UPDATES – The Public Works Complex is progressing really well and concrete will be poured sometime this week. The Delabrook Paving project is just about completed. The Todville and Meyer waterline projects are 90% completed and Public Works took special care to put the trails back in place every evening.

BENCHES AND PELICANS – The Council purchased benches should be in this week and probably by Friday, will be set in place. Council agreed to have the worst benches in the city replaced first. Ms. Cook will have an update on the Council's pelican at the next meeting.

Motion was made by Councilmember Miller and seconded by Councilmember Giangrosso

To approve the Action Items Checklist

MOTION CARRIED BY UNANIMOUS CONSENT

7.3. Establish future meeting dates and agenda items

Council is on its regular schedule.

8. 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.

At 7:52 p.m. Mayor Royal announced that the City Council will now hold a closed executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551 Government code, and Vernon's Texas Codes Annotated, in accordance with the Authority contained in Section 551.071, Consultation with an Attorney.

8.1. Section 551.071

Pursuant to Section 551.071, Texas Government Code, consult with attorney to receive legal advice regarding Code of Ordinances, Appendix A, "Comprehensive Zoning", Section 4.10, "Planned Unit Developments". (Cook)

At 8:31 p.m. Mayor Royal reconvened the meeting in open session and stated that item 8.1 had been discussed, but that no action had been taken in executive session.

No action was taken in open meeting on the executive session items.

Upon motion duly made and seconded, Mayor Royal adjourned the meeting at 8:33 p.m.

Approved this 1st day of November, 2016.

_____
Glenn Royal
Mayor

_____
Robin Hicks, TRMC
City Secretary

CITY OF SEABROOK
RESOLUTION 2016–23

A RESOLUTION OF THE CITY COUNCIL OF SEABROOK, TEXAS RELATING TO INTERPRETATION OF THE SEABROOK CITY CHARTER IN RELATION TO REQUIRED QUORUMS IN GENERAL FOR CITY COUNCIL ACTION AND TO SPECIFICALLY DETERMINE THAT THE MAYOR IS A VOTING MEMBER OF CITY COUNCIL FOR DETERMINATION OF REQUIRED QUORUM UNDER THE CITY CHARTER AND THE TEXAS OPEN MEETING ACT.

WHEREAS, the Office of the Attorney General of the State of Texas ("Attorney General") has made inquiry regarding the presence of a quorum for the passage and approval of Resolution 2016-14 "Resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation, in an Aggregate Principal Amount not to exceed $7,100,000 for the Acquisition, Construction and Improvement of certain Public Works, and Authorizing Certain Other Matters Relating Thereto", (the "Resolution"); and

WHEREAS, the adopted minutes of August 16, 2016, reflect that the Resolution was adopted by unanimous vote of the Mayor and three other City Council members, as referenced in the attached certified copy of the subject Minutes from the City Secretary reflecting a quorum of four (4) City Councilmembers were present and voting; and

WHEREAS, the Attorney General has made specific inquiry of whether the Mayor is a Council member for purposes of determining whether a quorum is present for adoption; and

WHEREAS, the City Council of the City of Seabrook has a paramount interest in insuring compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code as well as uniformity in interpretation and compliance with the requirements of the Seabrook City Charter ("Charter"); and

WHEREAS, the City Council is cognizant of Attorney General Opinions GA-0362 (2005), GA-130 (2003) that reflects that the Attorney General declines to interpret city charter provisions, absent matters that are preempted by state or federal law (see, GA-0433); and

WHEREAS, the Seabrook City Charter provides that City Council shall be composed of a Mayor and six (6) Councilmembers (Section 2.01); that the Mayor shall be the official head of City government, shall preside at all meetings of Council <u>and shall vote</u> <u>on Council actions</u>, (Section 2.04, emphasis supplied); that four (4) Councilmembers shall constitute a quorum and that no action of Council, (except as provided elsewhere by Charter or state law) shall be binding unless <u>by affirmative vote of Councilmembers present</u>, (Section 2.10, emphasis supplied); and

WHEREAS, consistent with the Seabrook City Charter, City Council determined that a quorum of four (4) City Councilmembers were present for the City Council meeting on August 16, 2016 for purposes of compliance with the Texas Open Meeting Act, consisting of the Mayor and three (3) other Councilmembers and that Resolution 2016-14 was thereafter adopted by unanimous vote of the Mayor and three (3) other City Councilmembers; and

WHEREAS, the inclusion of the Mayor for determination of the required quorum has been a historical course of conduct; was not a special occurrence for the adoption of the subject Resolution, and not subject to prior question of interpretation or ambiguity; and

WHEREAS, in direct response to the Attorney General inquiry seeking confirmation of the required quorum for adoption of the subject Resolution, the Seabrook City Council finds that the intent of the Seabrook City Charter is and has been to recognize the Mayor as a voting Councilmember for purposes of determination of the requisite quorum for action by City Council as provided therein.

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

Section 1. That the City Council of the City of Seabrook adopts the preceding preamble paragraphs as if repeated verbatim herein and find them as matters of fact.

Section 2. That the Seabrook City Council finds and determines that the intent of the Seabrook City Charter is and has been to recognize the Mayor as a voting Councilmember for purposes of determination of the requisite quorum for action by City Council as provided therein.

AND IT IS SO ORDERED.

PASSED AND ADOPTED with a quorum present, by an affirmative vote of a majority of Councilmembers present, on this **1st day of November, 2016**, in accordance with Seabrook City Charter Section 2.10.

By:_____
Glenn Royal
Mayor

ATTEST:

By: _____
Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

_____
Steven L. Weathered
City Attorney

CERTIFICATE
CITY OF SEABROOK

STATE OF TEXAS §
§
COUNTY OF HARRIS §

I, Robin Hicks, duly appointed City Secretary of the City of Seabrook, Texas, do hereby certify that the attached document is a true and complete copy of the approved minutes of the August 16, 2016 regular City Council meeting, at which meeting a quorum of four (4) City Council members were present and voting.

I have hereunto set my hand and the official seal of the City of Seabrook on this the 25th day of October, 2016.

Robin Hicks, TRMC
City Secretary

The City Council of the City of Seabrook met in regular session on Tuesday, August 16, 2016 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE – Ex. Abs.	COUNCIL PLACE NO. 1
MIKE GIANGROSSO – Ex. Abs.	COUNCIL PLACE NO. 2
GARY JOHNSON – Ex. Abs.	COUNCIL PLACE NO. 3
MELISSA BOTKIN	COUNCIL PLACE NO. 4
GLENNA ADOVASIO	COUNCIL PLACE NO. 5
O.J. MILLER	MAYOR PRO TEM & COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	DEPUTY CITY MANAGER
STEVE WEATHERED	CITY ATTORNEY
ROBIN HICKS	CITY SECRETARY

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

1. PRESENTATIONS

1.1. Oath of Office

Introduce new police officer Cynthia Jimenez and administer oath of office. (Wright / Hicks)

Chief Wright announced that it is a proud day for the Seabrook Police Department to introduce new officer, Cynthia Jimenez, who has been with the Department for about three weeks. Officer Jimenez has a bachelor's degree from the University of Houston in Criminal Justice and has achieved her TCLEOSE certification. On Sunday morning, the Chief received a phone call from a person who has complained in the past on officers, but this day he called to say what a fine officer Seabrook hired and he gave compliments to her training officer, Jambrik. Cynthia understands the value of the job and how to treat people right!

Chief Wright issued Officer Jimenez her badge, and she took her oath of office. Officer Jimenez spoke to the audience and thanked the Police Department staff, especially her training Officer, Jambrik, and thanked her family for being very supportive. Cynthia looks forward to many years with the Seabrook Police Department.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS - None

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, shall be limited to city business or city-related business or matters of general public interest, and shall not include any personal attacks. 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)

Councilmember Adovasio announced several upcoming events, including the TXDOT Highway 146 relocation workshop; the Last Day of Summer at pool party; the SUMC Back to School Bash; the CCISD Back to School event; the 2016 Seabrook Kids' Fish; and the Seabrook Saltwater Derby, which is a 2 day event. City offices will be closed on Monday, September 5, for the Labor Day holiday.

3. SPECIFIC PUBLIC HEARINGS

3.1. Specific Public Hearing - Ordinance 2016-18 - Rezone

Hold a public hearing on proposed Ordinance 2016-18, "Amendment to the Official Zoning Map to Rezone approximately 4.69 acres east of Bayport Boulevard and west of Old Highway 146 from C-2 (Medium Commercial) to LI (Light Industrial). (Landis)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 4.69 ACRES OF RESERVE A, BLOCK 1, BAYPORT LOGISTICS CENTER PHASE 2, ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED IN ATTACHMENT A, FROM C-2 MEDIUM COMMERCIAL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT; REQUIRING THAT THE ZONING MAP BE AMENDED TO RELFECT THIS AMENDMENT; MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN $2,000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH, AND PROVIDING FOR SEVERABILITY.

Mayor Royal opened the public hearing.

Sean Landis, Deputy City Manager, gave a combined presentation for both items 3.1 and 3.2. He stated that this request if for a rezone of approximately 7 acres total from C-2 (Medium Commercial) to LI (Light Industrial), located south of the existing Gulf Winds facility inside the City limits to the far north. Gulf Winds would like to expand their existing facilities operations, in two (2) phases, with an extension of the parking lot to the south of the existing warehouse and then in the near future there will be a need for an additional warehouse on the same location. Currently, there is no timetable or design for the new warehouse. The surrounding properties zoning include C-2 to the south, and LI to the north, east and west. On July 21, at their regular meeting, the Planning & Zoning Commission, with Commissioner Davis absent, voted 6-0 in favor of this project, recommending approval.

Applicant, Bill Friedrichs, with WMF Investments, explained that in late 2014, Gulf Winds purchased 12 acres, thinking they had enough property for their facility operations. The nearby gas station opened in March, 2009. WMF has had no commercial businesses interested in the property. The proposal is to erect a 10 foot sound barrier/decorative fence between the existing hotel and the proposed parking lot. The City's current property tax revenue on this portion, at its current use, is about $5,000. If this rezoning is approved, the City's new tax revenue, on the land only, will be about $35,000.

In response to questions from Council regarding formerly not being interested in a rezone, the change in the value of the hotel, the value of the property as C-2, Mr. Friedrichs remarked that WMF Investments' research indicates there is no interest in commercial businesses locating or relocating to this far north property. In addition, there seems to be plenty of other locations for commercial businesses including Retail at the Commons, the Traffic Circle, and spaces along NASA Rd. 1.

Mr. Todd Stewart, owner and president of Gulf Winds International, spoke and explained that Gulf Winds is one of the larger transportation businesses in this area. With Port of Houston numbers growing, Gulf Winds is continuing to have a need to expand. This rezone is an opportunity to make the expansion happen, to be more efficient internally, and to be more competitive in the market. The need is there to maximize the current footprint so that all containers can be handled on Gulf Winds property, rather than continuing to lease additional property from the Port of Houston. The City will benefit from having all containers onsite, as the personal property taxable value will increase. In addition, the expansion of the Gulf Winds business will require the employment of more drivers who will buy gas, buy food, sleep in hotel rooms. Gulf Winds is a family owned business that continually works to reinvest in the community and be a good community partner.

Gulf Winds does not have a timeline or design for a second warehouse at this time because the economy cannot be predicted, and the immediate need is for the parking lot, which will increase the City's personal property tax base in the short run.

Discussion ensued among Council members regarding citizen complaints about damaged trucks and u-turns on Old Highway 146; the creation of PUDs due to Gulf Winds not follow through with plans approved by Council in the past; traffic control/lane management; no date or design for a second warehouse; uses in LI including sexually oriented businesses; current warehouse capacity; the aesthetics of having a parking lot seen as people are coming into the City; and if a second warehouse was built, at where would the needed parking lot be located.

Steve Weathered, City Attorney, reminded Council that the request is for a zoning change, and Council cannot place any land use restrictions on this property along with the zoning change.

Having no other speakers come forward, the Mayor closed the public hearing.

3.2. Specific Public Hearing - Ordinance 2016-19 - Rezone
Hold a public hearing on proposed Ordinance 2016-19, "Amendment to the Official Zoning Map to Rezone approximately 2.500 acres east of Bayport Boulevard and west of Old Highway 146 from C-2 (Medium Commercial) to LI (Light Industrial). (Landis)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 2.500 ACRES OF TRACT 6J-1, ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED IN ATTACHMENT A, FROM C-2 MEDIUM COMMERCIAL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT; REQUIRING THAT THE ZONING MAP BE AMENDED TO RELFECT THIS AMENDMENT; MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN $2,000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH, AND PROVIDING FOR SEVERABILITY.

Mayor opened the public hearing.

Having no speakers come forward, the Mayor closed the public hearing.

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4. CONSENT AGENDA

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

4.1. Ordinance 2016-20 Public Safety Fleet Replacement

Approve on second reading proposed Ordinance 2016-20, "Establishing a Public Safety Vehicle/Equipment Replacement Fund. (Lab)

AN ORDINANCE ESTABLISHING A PUBLIC SAFETY VEHICLE/EQUIPMENT REPLACEMENT FUND; ESTABLISHING CRITERIA AND SCHEDULES FOR THE REPLACEMENT OF VEHICLES AND EQUIPMENT IN THE CITY OF SEABROOK PUBLIC SAFETY FLEET; ESTABLISHING GUIDELINES FOR THE ADMINISTRATION OF THE FUND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

4.2. Ordinance 2016-21 Nunc Pro Tunc Correction

Approve on second reading proposed Ordinance 2016-21, "Amending Nunc Pro Tunc The Noise Regulations Ordinance". (Hicks)

AN ORDINANCE AMENDING ORDINANCE 2012-16 NUNC PRO TUNC, TO CORRECT SCRIVNER'S ERROR BY AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "NUISANCES AND MISCELLANEOUS PROVISIONS," ARTICLE II, ENTITLED "NOISE," BY REVISING REFERENCES IN SECTION 55-26, "ENFORCEMENT"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

4.3. Resolution 2016-13 Public Safety Vehicle and Equipment Replacement Policy

Approve proposed Resolution 2016-13, "Adoption of the Public Safety Vehicle and Equipment Replacement Policy for the City of Seabrook." (Lab)

A RESOLUTION ADOPTING THE PUBLIC SAFETY VEHICLE AND EQUIPMENT REPLACEMENT POLICY

4.4. CLEMC Monthly Report

Approve the Clear Lake Emergency Medical Corps (CLEMC) monthly report for July 2016. (Hunter)

4.5. Fire Department Monthly Report

Approve the Seabrook Volunteer Fire Department (SVFD) monthly report for July 2016. (Gutaker)

4.6. Police Department Monthly Report
Approve the Seabrook Police Department monthly report for July 2016. (Wright)

4.7. Building Department Monthly Report
Approve the Seabrook Building Department monthly report for July 2016. (Landis)

4.8. Special Event Permit Running Alliance Sport
Approve a special event permit, temporary signs permit, and waiver of permit fees for the Running Alliance Sport 9th Annual Toughest 10K on Sunday, September 18, 2016. All supporting documentation, including a request for a waiver of the fees, has been submitted. (Hicks)

4.9. Excused Absence
Approve an excused absence for Glenn Royal and O.J. Miller for the August 2, 2016 regular City Council meeting. (Hicks)

Motion was made by Councilmember Botkin and seconded by Councilmember Adovasio

To approve the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

The Mayor changed the order of the agenda to go to Executive Session after Consent Agenda.

6. 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.

At 7:54 p.m. Mayor Royal announced that the City Council will now hold a closed executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, Consultation with Attorney.

6.1. Executive Session 551.071
Consult with an Attorney to receive legal advice on legal issues concerning municipal boundaries. (Cook)

6.2. Executive Session. 551.071
Consult with an Attorney to receive legal advice on legal issues associated with a Water Supply Contract with the City of Pasadena. (Cook)

7. OPEN MEETING

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

At 8:40 p.m. Mayor Royal reconvened the meeting in open session and stated that items 6.1 and 62 had been discussed, but that no action had been taken in executive session.

5. NEW BUSINESS

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

5.1. Ordinance 2016-18 Rezone 4.69 Acres

Consider and take all appropriate action on first reading of proposed Ordinance 2016-18, "Amendment to the Official Zoning Map to Rezone approximately 4.69 acres east of Bayport Boulevard and west of Old Highway 146 from C-2 (Medium Commercial) to LI (Light Industrial). (Landis)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 4.69 ACRES OF RESERVE A, BLOCK 1, BAYPORT LOGISTICS CENTER PHASE 2, ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED IN ATTACHMENT A, FROM C-2 MEDIUM COMMERCIAL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT; REQUIRING THAT THE ZONING MAP BE AMENDED TO RELFECT THIS AMENDMENT; MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN $2,000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH, AND PROVIDING FOR SEVERABILITY.

Motion was made by Councilmember Miller and seconded by Councilmember Adovasio

To deny on first reading the proposed Ordinance 2016-18, "Amendment to the Official Zoning Map to Rezone approximately 4.69 acres east of Bayport Boulevard and west of Old Highway 146 from C-2 (Medium Commercial) to LI (Light Industrial).

Mayor Royal stated that his responsibility is to the taxpayers, and the current C-2 zoning can generate revenue to the City. Making this change to go towards a parking lot has no benefit to the residents of the City. Had there been designs to build a warehouse, this zoning change would have been considered.

MOTION CARRIED BY UNANIMOUS CONSENT

5.2. Ordinance 2016-19 Rezone 2.500 Acres

Consider and take all appropriate action on first reading of proposed Ordinance 2016-19, "Amendment to the Official Zoning Map to Rezone approximately 2.500 acres east of Bayport Boulevard and west of Old Highway 146 from C-2 (Medium Commercial) to LI (Light Industrial). (Landis)

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Motion was made by Councilmember Miller and seconded by Councilmember Botkin

To deny on first reading of proposed Ordinance 2016-19, "Amendment to the Official Zoning Map to Rezone approximately 2.500 acres east of Bayport Boulevard and west of Old Highway 146 from C-2 (Medium Commercial) to LI (Light Industrial).

MOTION CARRIED BY UNANIMOUS CONSENT

5.3. Resolution 2016-14 Intent to Issue Certificates of Obligation

Consider and take all appropriate action on proposed Resolution 2016-14, "Authorizing the Publication of Notice of Intention to Issue Certificates of Obligation in the Aggregate Principal Amount Not to Exceed $7,100,000 for the acquisition, construction, and improvement of certain Public Works, and authorizing certain other matters relating thereto." (Cook / Robuck)

Motion was made by Councilmember Miller and seconded by Councilmember Botkin

To approve proposed Resolution 2016-14, "Authorizing the Publication of Notice of Intention to Issue Certificates of Obligation in the Aggregate Principal Amount Not to Exceed $7,100,000 for the acquisition, construction, and improvement of certain Public Works, and authorizing certain other matters relating thereto."

John Robuck, Bond Attorney, stated that this is a continuation of the discussion from the last Council meeting he and the other Bond Attorney, Marcus Dietz, attended. The bond market has improved and it's a great environment to sell bonds. Hopefully we will get a good rate. If this resolution is approved, the notice will be published in the paper for two (2) consecutive weeks, on August 25 and September 1. The bonds can be sold on October 4 and we will close on November 3. The resolution states $7.1 million as the not to exceed amount, so that we can sell up to that amount if we have to sell more bonds to generate the proceeds we need. The actual amount is $6,950,000.

MOTION CARRIED BY UNANIMOUS CONSENT

8. ROUTINE BUSINESS

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

8.1. Reports

Reports and announcements concerning items of community interest. No discussion or action will be taken by Council.

Council Liaisons:

a. Bay Area Houston Convention & Visitors Bureau – no report at this time. The Bureau is in transition. A sample contract and comments are circulating and a draft of a new agreement will be brought to Council at some point. The Visitors Center is closed.

b. Bay Area Houston Economic Partnership – The celebration of the 40th anniversary is in the works.

c. Bay Area Transportation Partnership – The Mayor will be chairing a meeting on September 6 to bring all the different players together to discuss this region's trucking issue. Some cities are opposed to heavy haul, which is a concern because the Port of Houston is on the wrong side of the channel and their operations continue to expand and increase.

d. Clear Lake Emergency Medical Corps – CLEMC is looking into the purchase of vehicles that can be used for non-emergency transports, which will generate income and hopefully keep Seabrook's costs the same. CLEMC has a guaranteed contract now and is working on two additional contracts.

e. Economic Alliance, Port Region – no report

f. Galveston Bay Foundation – no report

g. Hotel Tax Liaison Committee – no report

h. Houston-Galveston Area Council - no report

8.2. Approve the Action Items Checklist which is attached and made a part of this Agenda.

TXDOT – Gayle Cook, City Manager, stated that there are no new updates at this time. Economic Development continues to get call and continues to meet with property owners to inform them how the City can help with relocation. TXDOT is hosting a relocation workshop on August 17.

Projects – Ms. Cook stated the Public Works Complex should be vertical soon, as all the ground work has been completed, with no issues.

Benches and Pelican purchase – Ms. Cook explained Rotary will be giving the City $5000 for park benches, and seven have been ordered at $477 each. Four of the new benches have been purchased by Council members. There will be an item on the next Council agenda regarding Pelicans.

Motion was made by Councilmember Botkin and seconded by Councilmember Miller

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT

8.3. Establish future meeting dates and agenda items

The Council is on its regular schedule, and there will be joint meeting with EDC on August 30 at 7pm to discuss the City's Branding and Landscape Master Plan.

Upon motion duly made and seconded, Mayor Royal adjourned the meeting at 9:00 p.m.

Approved this 6th day of September 2016.

Glenn Royal
Mayor

Robin Hicks, TRMC
City Secretary

ACTION ITEM CHECK LIST STATUS

#	STATUS	DATE ASSIGNED	RESPONSIBLE ORGANIZATION	AGENDA ITEM NUMBER	DESCRIPTION OF ACTION ITEM
23	OPEN/IN WORK	11/4/2014	Mayor / City Mgr.	5.1	Provide periodic updates on TxDOT's progress to improve/widen SH 146.
32	OPEN/IN WORK	2/17/2015	Staff	6.1	Provide periodic project updates
35	OPEN/IN WORK	7/19/2016	Council	6.1	Provide periodic update on park bench and Pelican purchases

November 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 ***City Council Regular Meeting 7:00pm***	*2*	*3* ***Open Space 5:00pm*** ***CERT Training***	*4*	*5* ***Celebration Seabrook 2016***
6 ***Celebration Seabrook 2016***	*7*	*8*	*9*	*10* ***EDC 7:00pm*** ***CERT Training***	*11*	*12* ***Movie Night in Meador Park—The Good Dinosaur***
13	*14*	*15* ***City Council Regular Meeting 7:00pm***	*16*	*17* ***P&Z 7:00pm***	*18*	*19*
20	*21*	*22*	*23*	*24* ***Thanksgiving*** ***City Offices Closed***	*25* ***City Offices Closed***	*26*
27	*28*	*29*	*30*			