



**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 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 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 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

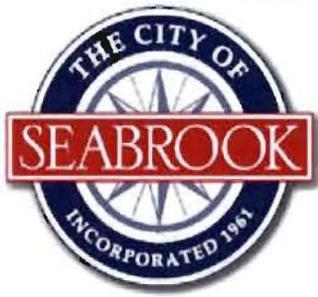
Documents:

[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 SIMILAR TO THE CURRENT ARTICLE BUT ARE SOMETIMES WRITTEN IN A DIFFERENT MANNER.**

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**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.

**THIS SPACE INTENTIONALLY LEFT BLANK**

**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

1 **Chapter 38 - FLOODS**

2 **ARTICLE I. - IN GENERAL**

3

4 **Secs. 38-1—38-25. - Reserved.**

5 **ARTICLE II. - FLOOD DAMAGE PREVENTION** <sup>[1]</sup>

6 **Footnotes:**

7 **--- (1) ---**

8 **Editor's note—Ordinance No. 2008-10, § 1, adopted July 15, 2008, repealed the former art. II, §§ 38-**  
9 **26—38-81, and enacted a new art. II as set out herein. The former art. II pertained to similar subject**  
10 **matter and derived from Code 1976; Code 1996; Ord. No. 96-19, adopted Nov. 19, 1996; and Ord.**  
11 **No. 97-08, adopted June 3, 1997.**

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

16

17 **DIVISION 1. - GENERAL PROVISIONS**

18

19 **Sec. 38-26. - Statutory authorization.**

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

24 **(Ord. No. 2008-10, § 1, 7-15-2008)**

25 **Sec. 38-27. - Findings of fact.**

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

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

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

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

44 (Ord. No. 2008-10, § 1, 7-15-2008)

45 Sec. 38-28. - Statement of purpose.

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

- 49 (1) Protect human life and health;
- 50 (2) Minimize expenditure of public money for costly flood control projects;
- 51 (3) Minimize the need for rescue and relief efforts associated with flooding and generally  
52 undertaken at the expense of the general public;
- 53 (4) Minimize prolonged business interruptions;
- 54 (5) Minimize damage to public facilities and utilities such as water and gas mains, electric,  
55 telephone and sewer lines, streets and bridges located in floodplains;
- 56 (6) Help maintain a stable tax base by providing for the sound use and development of  
57 flood-prone areas in such a manner as to minimize future flood-blight areas;
- 58 (7) Ensure that potential buyers are notified that property is in a flood area;
- 59 (8) Help citizens to realize that those who occupy areas of special flood hazard assume  
60 responsibility for their actions;
- 61 (9) Ensure that floodplains continue to convey and store flood waters; contribute to the  
62 better water quality and water supply; provide habitat for fish, game and wildlife; provide  
63 open space for leisure and recreational activities; and have productive soils for  
64 agriculture and timber; and
- 65 (10) Comply with V.T.C.A., Water Code, § 16.315.

66 (Ord. No. 2008-10, § 1, 7-15-2008)

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

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

- 69 (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of  
70 flood, or cause excessive increases in flood heights or velocities;
- 71 (2) Require that uses vulnerable to floods, including facilities which serve such uses, be  
72 protected against flood damage at the time of initial construction;
- 73 (3) Control the alteration of natural floodplains, stream channels, and natural protective  
74 barriers, which are involved in the accommodation of floodwaters;
- 75 (4) Control filling, grading, dredging and other development which may increase flood  
76 damage;

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

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

81 (Ord. No. 2008-10, § 1, 7-15-2008)

82 Sec. 38-30. - Definitions.

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

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

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

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

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

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

101 Appurtenant structure. See "Accessory structure."

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

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

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

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

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

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

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

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

127 Benchmark. See "Reference mark."

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

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

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

137 Building. See "Structure."

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

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

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

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

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

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

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

160 Elevation reference mark. See "Reference mark."

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

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

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

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

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

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

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

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

- 186 (1) The overflow of inland or tidal waters;  
187 (2) The unusual and rapid accumulation or runoff of surface waters from any source;  
188 (3) Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a  
189 river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth  
190 is carried by a current of water and deposited along the path of the current.

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

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

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

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

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

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

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

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

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

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

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

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

237 *Floodway.* See "Regulatory floodway."

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

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

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

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

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

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

258 *Historic structure* means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

350 *Recreational vehicle* means a vehicle which is:

351 (1) Built on a single chassis;

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

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

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

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

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

362 Repetitive loss (RL) means any insurable building for which two or more claims of more than  
363 \$1,000.00 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year  
364 period, since 1978. A RL property may or may not be currently insured by the NFIP.

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

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

371 Sand dunes mean naturally occurring accumulations of sand in ridges or mounds landward  
372 of the beach.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

432 (Ord. No. 2008-10, § 1, 7-15-2008)

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

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

436 (Ord. No. 2008-10, § 1, 7-15-2008)

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

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

444 (Ord. No. 2008-10, § 1, 7-15-2008)

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

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

448 (Ord. No. 2008-10, § 1, 7-15-2008)

449 Sec. 38-34. - Compliance.

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

453 (Ord. No. 2008-10, § 1, 7-15-2008)

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

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

459 (Ord. No. 2008-10, § 1, 7-15-2008)

460 Sec. 38-36. - Interpretation.

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

462 (1) Considered as minimum requirements;

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

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

465 (Ord. No. 2008-10, § 1, 7-15-2008)

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

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

474 (Ord. No. 2008-10, § 1, 7-15-2008)

475 Sec. 38-38. - Severability.

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

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

480 (Ord. No. 2008-10, § 1, 7-15-2008)

481 Secs. 38-39—38-55. - Reserved.

482 DIVISION 2 - ADMINISTRATION, VARIANCE PROCEDURES AND PENALTIES

483

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

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

489 (Ord. No. 2008-10, § 1, 7-15-2008)

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

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

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

495 a. All application, review and permitting forms;

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

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

500 d. Applicable elevation certificates;

501 e. Applicable flood-proofing certificates; and

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

505 (2) Review all development to:

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

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

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

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

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

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

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

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

525 c. When base flood elevation data has not been provided in accordance with section  
526 38-32, the floodplain administrator shall either:

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

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

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

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

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

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

553 **(Ord. No. 2008-10, § 1, 7-15-2008)**

554 **Sec. 38-58. - Permit procedures.**

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

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

- 562 **a. Site plan, drawn to scale, which include, but is not limited to:**
- 563 **1. Location and dimensions of all existing and proposed structures, including**
- 564 **manufactured homes;**
- 565 **2. Ground elevations at building corners of proposed new and substantially**
- 566 **improved structures;**
- 567 **3. Location, dimensions and elevation of proposed landscape and terrain**
- 568 **alterations;**
- 569 **4. Proposed locations of water supply, sanitary sewer, and utilities;**
- 570 **5. The location of the special flood hazard area and floodway; and**
- 571 **6. If available, the base flood elevation from the flood insurance study.**
- 572 **b. Building plans, if applicable, drawn to scale, which include, but are not limited to:**
- 573 **1. Elevation in relation to mean sea level of the lowest floor (including basement)**
- 574 **of all existing and proposed new and substantially improved structures;**
- 575 **2. For a crawl space foundation, the elevation of the crawl space, location and**
- 576 **total net area of foundation openings and venting (see FEMA Technical**
- 577 **Bulletins 1-93 and 7-93);**
- 578 **3. For foundations placed on fill, the location and height of fill, and compaction to**
- 579 **be achieved (compacted to a minimum of 95 percent using the standard proctor**
- 580 **test method);**
- 581 **4. Proposed elevation in relation to mean sea level to which any nonresidential**
- 582 **structure will be flood-proofed, (see FEMA Technical Bulletin TB 3-93).**
- 583 **c. If applicable, a certificate from a registered professional engineer that the**
- 584 **nonresidential flood-proofed structure shall meet the flood-proofing criteria of**
- 585 **section 38-30; and**
- 586 **d. A description of the extent to which any watercourse or natural drainage will be**
- 587 **altered or relocated as a result of proposed development.**
- 588 **e. All elevation requirements noted in this article shall be documented using the**
- 589 **elevation certificate, FEMA Form 086-0-33 (7/15) and shall be certified by a registered**
- 590 **professional engineer or surveyor, and shall be submitted to the floodplain**
- 591 **administrator (reference to architect removed).**
- 592 **(2) Approval or denial of a floodplain development permit by the floodplain administrator**
- 593 **shall be based on all of the provisions of this article and the following relevant factors:**
- 594 **a. The danger to life and property due to flooding or erosion damage;**
- 595 **b. The susceptibility of the proposed facility and its contents to flood damage and the**
- 596 **effect of such damage on the individual owner;**
- 597 **c. The danger that materials may be swept onto other lands to the injury of others;**
- 598 **d. The compatibility of the proposed use with existing and anticipated development;**
- 599 **e. The safety of access to the property in times of flood for ordinary and emergency**
- 600 **vehicles;**
- 601 **f. The costs of providing governmental services during and after flood conditions**
- 602 **including maintenance and repair of streets and bridges, and public utilities and**
- 603 **facilities such as sewer, gas, electrical and water systems;**
- 604 **g. The expected heights, velocity, duration, rate of rise and sediment transport of the**
- 605 **floodwaters and the effects of wave action, if applicable, expected at the site;**

- 606 h. The necessity to the facility of a waterfront location, where applicable;
- 607 i. The availability of alternative locations, not subject to flooding or erosion damage,
- 608 for the proposed use; and
- 609 j. The relationship of the proposed use to other community plans (hazard mitigation,
- 610 flood management, comprehensive, neighborhood) applicable to that area.

611 (Ord. No. 2008-10, § 1, 7-15-2008)

612 Sec. 38-59. - Variance procedures.

613 (a) Variance process.

- 614 (1) The appeal board, as established by the community, shall hear and render judgment on
- 615 requests for variances from the requirements of this article. The appeal board for
- 616 Seabrook, Texas is the "Board of Adjustments."
- 617 (2) The appeal board shall hear and render judgment on an appeal only when it is alleged
- 618 there is an error in any requirement, decision, or determination made by the floodplain
- 619 administrator in the enforcement or administration of this article.
- 620 (3) Any person or persons aggrieved by the decision of the appeal board may appeal such
- 621 decision in the courts of competent jurisdiction.
- 622 (4) The floodplain administrator shall maintain a record of all actions involving an appeal
- 623 and shall report variances to the Federal Emergency Management Agency upon request.

624 (b) Variance considerations.

- 625 (1) Variances shall only be issued upon a determination that the variance is the minimum
- 626 necessary, considering the flood hazard, to afford relief. The appeals board shall
- 627 consider all technical evaluations, all relevant factors, standards specified in other
- 628 sections of this article and the:
- 629 a. Danger that materials may be swept onto other lands to the injury of others;
- 630 b. Danger of life and property due to flooding or erosion damage;
- 631 c. Susceptibility of the proposed facility and its contents to flood damage and the
- 632 effect of such damage on the existing individual owner and future owners of the
- 633 property;
- 634 d. Importance of the services provided by the proposed facility to the community;
- 635 e. Necessity to the facility of a waterfront location, where applicable;
- 636 f. Availability of alternative locations for the proposed use which are not subject to
- 637 flooding or erosion damage;
- 638 g. Compatibility of the proposed use with existing and anticipated development;
- 639 h. Relationship of the proposed use to the comprehensive plan and floodplain
- 640 management program for that area;
- 641 i. Safety of access to the property in time of flood for ordinary and emergency
- 642 vehicles;
- 643 j. Expected heights, velocity, duration, rate of rise, and sediment transport of the
- 644 floodwaters expected at the site; and
- 645 k. Costs of providing governmental services during and after flood conditions,
- 646 including rescue services, maintenance and repair of public utilities and facilities

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

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

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

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

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

662 (6) Variances shall only be issued upon:

663 a. Showing a good and sufficient cause;

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

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

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

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

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

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

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

686 (c) Issuance and record of a variance.

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

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

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

695 (Ord. No. 2008-10, § 1, 7-15-2008)

696 Sec. 38-60. - Penalties for noncompliance.

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

707 (Ord. No. 2008-10, § 1, 7-15-2008)

708 Secs. 38-61—38-75. - Reserved.

709 DIVISION 3. - PROVISIONS FOR FLOOD HAZARD REDUCTION

710

711 Sec. 38-76. - General standards.

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

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

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

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

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

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

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

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

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

735 (Ord. No. 2008-10, § 1, 7-15-2008)

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

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

740 (1) All development.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 776 structural components having the capability of resisting hydrostatic and  
777 hydrodynamic loads and effects of buoyancy.
- 778 c. A registered professional engineer or architect shall develop and/or review  
779 structural design, specifications, and plans for the construction, and shall certify  
780 that the design and methods of construction are in accordance with accepted  
781 standards of practice as outlined in this subsection.
- 782 d. A record of such certification which includes the specific elevation (in relation to  
783 mean sea level) to which such structures are flood-proofed shall be maintained by  
784 the floodplain administrator.
- 785 **(4) Enclosures. New construction and substantial improvements may have enclosures**  
786 **below the lowest floor provided that the enclosure is:**
- 787 a. Used solely for parking of vehicles, building access or limited storage in an area  
788 other than a basement,
- 789 b. Designed to automatically equalize hydrostatic flood forces on exterior walls by  
790 allowing for the entry and exit of floodwaters. Designs for meeting this requirement  
791 must either be certified by a registered professional engineer or architect or meet or  
792 exceed the following minimum criteria:
- 793 1. A minimum of two openings on separate walls having a total net area of not less  
794 than one square inch for every square foot of enclosed area subject to flooding  
795 shall be provided.
- 796 2. The bottom of all openings shall be no higher than one foot above grade.
- 797 3. Openings may be equipped with screens, louvers, valves, or other coverings or  
798 devices provided that they permit the automatic entry and exit of floodwaters.
- 799 c. Enclosed areas below the lowest floor elevation must be constructed using flood-  
800 resistant materials.
- 801 **(5) Recreational vehicles. Require that recreational vehicles placed on sites within zones**  
802 **A1—30, AH, and AE on the community's FIRM either:**
- 803 a. Be on the site for fewer than 180 consecutive days, or
- 804 b. Be fully licensed and ready for highway use.
- 805 If neither of these conditions can be achieved, it is considered to be a manufactured  
806 home and is subject to the requirements of subsection (2).
- 807 **(6) Utilities. If a proposed building site is in a special flood hazard area (SFHA), the building**  
808 **support utility systems for all new construction and substantial improvements shall:**
- 809 a. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning  
810 equipment and other service facilities that are designed and/or located so as to  
811 prevent water from entering or accumulating within the components during  
812 conditions of flooding;
- 813 b. Require within flood-prone areas new and replacement water supply systems to be  
814 designed to minimize or eliminate infiltration of flood waters into the systems;
- 815 c. Require within flood-prone areas new and replacement sewage systems be  
816 designed to minimize or eliminate infiltration of floodwaters into the systems and  
817 discharges from the systems into flood waters; and
- 818 d. Require on-site water disposal systems be located to avoid impairment to them or  
819 contamination from them during flooding.

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

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

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

827 (1) All development.

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

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

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

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

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

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

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

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

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

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

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

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

- 865 b. Together with attendant utility and sanitary facilities be designed so that the  
866 structure is watertight to a minimum level eighteen inches above the base flood  
867 elevation or a minimum of eighteen inches above the highest adjacent grade at least  
868 as high as the depth number specified in feet on the community's FIRM (at least  
869 eighteen inches if no depth number is specified) with walls substantially  
870 impermeable to the passage of water and with structural components having the  
871 capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy;
- 872 c. A registered professional engineer or architect shall submit a certification to the  
873 floodplain administrator that the standards of this section, as proposed in section  
874 38-76 are satisfied;
- 875 d. Require within zones AH or AO that adequate drainage paths around structures on  
876 slopes, to guide floodwaters around and away from proposed structures.
- 877 (4) Enclosures. New construction and substantial improvements may have enclosures  
878 below the lowest floor provided that the enclosure is:
- 879 a. Used solely for parking of vehicles, building access or limited storage in an area  
880 other than a basement,
- 881 b. Designed to automatically equalize hydrostatic flood forces on exterior walls by  
882 allowing for the entry and exit of floodwaters. Designs for meeting this requirement  
883 must either be certified by a registered professional engineer or architect or meet or  
884 exceed the following minimum criteria:
- 885 1. A minimum of two openings on separate walls having a total net area of not less  
886 than one square inch for every square foot of enclosed area subject to flooding  
887 shall be provided.
- 888 2. The bottom of all openings shall be no higher than one foot above grade.
- 889 3. Openings may be equipped with screens, louvers, valves, or other coverings or  
890 devices provided that they permit the automatic entry and exit of floodwaters.
- 891 c. For any enclosed area below the lowest floor which is eighteen inches above the  
892 base flood elevation, all structures must be installed with flood-resistant materials.
- 893 (5) Recreational vehicles. Require that recreational vehicles placed on sites within zones  
894 A1—30, AH, and AE on the community's FIRM either:
- 895 a. Be on the site for fewer than 180 consecutive days, or
- 896 b. Be fully licensed and ready for highway use.
- 897 If neither of these conditions can be achieved, it is considered to be a manufactured  
898 home and is subject to the requirements of subsection 38-77(2).
- 899 (6) Utilities. If a proposed building site is in a special flood hazard area (SFHA), the building  
900 support utility systems for all new construction and substantial improvements shall:
- 901 a Be constructed with electrical, heating, ventilation, plumbing, and air conditioning  
902 equipment and other service facilities that are designed and/or located so as to  
903 prevent water from entering or accumulating within the components during  
904 conditions of flooding;
- 905 b Require within flood-prone areas new and replacement water supply systems to be  
906 designed to minimize or eliminate infiltration of floodwaters into the systems;
- 907 c. Require within flood-prone areas new and replacement sewage systems be  
908 designed to minimize or eliminate infiltration of floodwaters into the systems and  
909 discharges from the systems into floodwaters; and

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

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

913 Sec. 38-79. - Floodways.

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

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

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

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

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

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

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

931 (Ord. No. 2008-10, § 1, 7-15-2008)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

981 (7) Manufactured homes—Require that manufactured homes placed or substantially  
982 improved within zone V1-30, V, and VE on the community's FIRM on sites (i) outside of a  
983 manufactured home park or subdivision, (ii) in a new manufactured home park or  
984 subdivision, (iii) in an expansion to an existing manufactured home park or subdivision,  
985 or (iv) in an existing manufactured home park or subdivision on which a manufactured  
986 home has incurred "substantial damage" as the result of a flood, meet the standards of  
987 subsections (1) through (6) and that manufactured homes placed or substantially  
988 improved on other sites in an existing manufactured home park or subdivision within  
989 zones V1—30, V, and VE on the community's FIRM meet the requirements of subsection  
990 38-77(2) of this article.

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

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

994 b. Be fully licensed and ready for highway use;

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

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

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

- 1000 a. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning  
1001 equipment and other service facilities that are designed and/or located so as to  
1002 prevent water from entering or accumulating within the components during  
1003 conditions of flooding;
- 1004 b. Require within flood-prone areas new and replacement water supply systems to be  
1005 designed to minimize or eliminate infiltration of floodwaters into the systems;
- 1006 c. Require within flood-prone areas new and replacement sewage systems be  
1007 designed to minimize or eliminate infiltration of floodwaters into the systems and  
1008 discharges from the systems into floodwaters; and
- 1009 d. Require on-site water disposal systems be located to avoid impairment to them or  
1010 contamination from them during flooding.

1011 (Ord. No. 2008-10, § 1, 7-15-2008; Ord. No. 2008-29, § 1, 11-18-2008)

1012 Sec. 38-81. - Standards for subdivision proposals within the SFHA.

- 1013 (a) All subdivision proposals including the placement of manufactured home parks and  
1014 subdivisions shall be consistent with section 38-32 of this article.
- 1015 (b) All proposals for the development of subdivisions including the placement of manufactured  
1016 home parks and subdivisions shall meet floodplain development permit requirements of  
1017 section 38-58 of this article.
- 1018 (c) Base flood elevation data shall be generated (or provided to the community) for subdivision  
1019 proposals and other proposed development including the placement of manufactured home  
1020 parks and subdivisions which is greater than 20 lots or two acres, whichever is lesser, if not  
1021 otherwise provided pursuant to section 38-76 of this article.
- 1022 (d) All subdivision proposals including the placement of manufactured home parks and  
1023 subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- 1024 (e) All subdivision proposals including the placement of manufactured home parks and  
1025 subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water  
1026 systems located and constructed to minimize or eliminate flood damage.

1027 (Ord. No. 2008-10, § 1, 7-15-2008)

1028 Sec. 38-82. - Areas outside of the SFHA.

- 1029 (a) Residential construction outside of SFHA (including manufactured homes). New construction  
1030 and substantial improvement of any residential structure as well as all manufactured homes  
1031 to be placed or substantially improved outside of a SFHA (or, but within 200 feet of a  
1032 watercourse) shall have the lowest floor, any ductwork, exposed plumbing and electrical  
1033 components elevated eighteen inches above the natural grade.
- 1034 (b) Areas between limits of 100-year flood and 500-year flood (shaded zone X). All new  
1035 construction and substantial improvement of residential and nonresidential structures within  
1036 shaded zone X designations shall meet the following standards:
- 1037 (1) All new construction and substantial improvements of residential structures shall have  
1038 the lowest floor, including basement, elevated 18 inches above the nearest adjacent A  
1039 zone base flood elevation specified in feet on the community flood insurance rate map,  
1040 as determined by the floodplain administrator.
- 1041 (2) All new construction and substantial improvements of nonresidential structures shall:

- 1042            a. Have the lowest floor, including basement, elevated 18 inches above the nearest  
1043            adjacent A zone base flood elevation specified in feet on the community flood  
1044            insurance rate map, as determined by the floodplain administrator;
- 1045            b. Together with attendant utility and sanitary facilities, be designed so that below the  
1046            base flood level of the nearest adjacent A zone the structure is watertight with walls  
1047            substantially impermeable to the passage of water and with structural components  
1048            having the capability of resisting hydrostatic and hydrodynamic loads and effect of  
1049            buoyancy. A registered professional engineer or architect shall submit a  
1050            certification to the floodplain administrator that the standards of this subsection as  
1051            proposed are satisfied;
- 1052            c. A registered professional engineer or registered public surveyor shall submit a  
1053            certification to the floodplain administrator that the standards of this subsection, as  
1054            proposed are satisfied.

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1057    (Ord. No. 2008-10, § 1, 7-15-2008; Ord. No. 2008-29, § 1, 11-18-2008)

1058    Sec. 38-83. - Alteration of a watercourse.

- 1059    (a) In a case where alterations are made to the channels of rivers, stream, or drainage ways, the  
1060    flood carrying capacity must be the same or greater as the original watercourse. Additionally,  
1061    once the alteration is made, the capacity of the altered or relocated watercourse must be  
1062    maintained over time.
- 1063    (b) If a development permit application proposes a stream alteration, the local official must notify  
1064    adjacent communities, the Texas Water Development Board, and provide a copy to the FEMA  
1065    region VI office.

1066    (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 18<sup>th</sup> 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 Transportation**

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](http://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](http://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.

<b>STREET</b>	<b>EXACT LOCATION</b>	<b>TIME</b>
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.

**THIS SPACE INTENTIONALLY LEFT BLANK**

**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 previous 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 dissolve 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.**

1  
2  
3 The City Council of the City of Seabrook met in regular session on Tuesday, September 20, 2016  
4 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if  
5 appropriate, take action on the items listed below.  
6

- |    |                         |                     |
|----|-------------------------|---------------------|
| 7  | THOSE PRESENT WERE:     |                     |
| 8  | GLENN R. ROYAL          | MAYOR               |
| 9  | ROBERT LLORENTE         | COUNCIL PLACE NO. 1 |
| 10 | MIKE GIANGROSSO         | COUNCIL PLACE NO. 2 |
| 11 | GARY JOHNSON – Ex. Abs. | COUNCIL PLACE NO. 3 |
| 12 | MELISSA BOTKIN          | COUNCIL PLACE NO. 4 |
| 13 | GLENNA ADOVASIO         | COUNCIL PLACE NO. 5 |
| 14 | O.J. MILLER             | MAYOR PRO TEM &     |
| 15 |                         | COUNCIL PLACE NO. 6 |
| 16 | GAYLE COOK              | CITY MANAGER        |
| 17 | SEAN LANDIS             | DEPUTY CITY MANAGER |
| 18 | STEVE WEATHERED         | CITY ATTORNEY       |
| 19 | ROBIN HICKS             | CITY SECRETARY      |

20  
21 Mayor Royal called the meeting to order at 7:00 p.m. and led the audience in the United States  
22 and Texas Pledge of Allegiance.  
23

24 **1. PRESENTATIONS**

25  
26 1.1. EDC Semi-Annual Report  
27 **Presentation of the semi-annual Seabrook Economic Development Corporation report.**  
28 **(Chavez)**  
29

30 Paul Dunphey, EDC President, presented the semi-annual report.  
31

32 Business development incentives have been or will be given to the following businesses:  
33 Burkes, Hampton Inn, Tookie’s Seafood; and Merlion. The businesses must perform as per the  
34 incentive agreement.  
35

36 The EDC Board has partnered with the City on both the Comprehensive Master Plan and  
37 the SH 146 Corridor Expansion Project. The Board wants businesses to know there is a plan and  
38 assistance is available.  
39

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

92 3.3. Public Hearing General, Enterprise, and Special Funds 2016/17 Budget  
93 **Present the General, Enterprise, and Special Funds Budgets for FY 2016/17. (Cook)**  
94

95 Having no speakers come forward, Mayor Royal closed the public hearings.  
96

97 3.4. Public Hearing on proposed Chesapeake Bay Senior Living Community PUD  
98 **Conduct a Public Hearing on submittal of Preliminary Plan by Chesapeake Bay for**  
99 **modification of Planned Unit Development (approved by Ordinance 2015-11), located**  
100 **immediately East of Repsdorff Road and South of Brummerhop Park by creating a Phase**  
101 **II, III, and IV, limiting all commercial uses to be located within Phase III to those**  
102 **permissible within C-1 (Light-Commercial District) with the exception that Restaurants**  
103 **shall be a Use by Right and not require a Conditional Use Permit. (Landis)**  
104

105 The City Council did not conduct the public hearing on the Chesapeake Bay Senior  
106 Living Community PUD, as the notice published in the newspaper was incorrect; therefore, the  
107 public hearing will be conducted after publication of the correct notice.  
108

109 **4. BID AWARDS**  
110

111 4.1. Bid Award Project 2016-11  
112 **Consider and take all appropriate action on a Bid Award for Project 2016-11, Relocation of**  
113 **the Water Plant. (Chairez)**  
114

115 Arthur Chairez, Director of Public Works, stated that four (4) bids were received with the  
116 bid from Long & Son, Inc. being low bidder and within the budget for this project. Staff  
117 recommends the award of the bid go to Long and Son, Inc. for a sum of \$1,922, 307.00.  
118

119 Amber Hurd, Shareholder, Cobb Fendley, stated that the low bid is a really good price.  
120 Ms. Hurd has worked with Long & Son, Inc. for 15 years on various projects, and the company  
121 is comfortable with its bid numbers.  
122

123 Motion was made by Councilmember Miller and seconded by Councilmember Adovasio  
124

125 To approve a Bid Award for Project 2016-11, Relocation of the Water Plant, to Long & Son, Inc.  
126

127 MOTION CARRIED BY UNANIMOUS CONSENT  
128

129 **5. CONSENT AGENDA**

130 **Council will discuss, consider, and if appropriate, take action on the items listed below.**  
131

132 5.1. Resolution 2016-15 EDC Project Hampton Inn  
133 **Approve on second of two readings proposed Resolution 2016-15, "EDC Project**  
134 **Designation for Seabrook Hospitality, LP (Hampton Inn) and Authorization for Business**  
135 **Development Grant for Reconstruction of Hotel." (Chavez)**

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

144 5.2. Investment Policy

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

147  
148 5.3. CLEMC Monthly Report  
149 **Approve the Clear Lake Emergency Medical Corps (CLEMC) monthly report for August**  
150 **2016. (Hunter)**

151  
152 5.4. Fire Department Monthly Report  
153 **Approve the Seabrook Volunteer Fire Department (SVFD) monthly report for August**  
154 **2016. (Gutaker)**

155  
156 5.5. This item was removed from the Consent Agenda by City Manager, Gayle Cook.  
157

158 5.6. Building Department Monthly Report  
159 **Approve the Seabrook Building Department monthly report for August 2016. (Landis)**  
160

161 5.7. Special Event Houston Happy Hikers  
162 **Approve a special event permit and waiver of permit fees for the Houston Happy Hikers**  
163 **5K and 10K Walks on Saturday, November 12, 2016, from 8:30 am until**  
164 **3:00pm at Miramar Park. All supporting documentation, including a request for a waiver**  
165 **of the fees, has been submitted. (Hicks)**  
166

167 5.8. Excused Absence  
168 **Approve an excused absence for Robert Llorente and Mike Giangrosso for the September**  
169 **6, 2016 regular City Council meeting. (Hicks)**  
170

171 Motion was made by Councilmember Llorente and seconded by Councilmember Giangrosso  
172

173 To approve the Consent Agenda with the exception of item 5.5.  
174

175 **MOTION CARRIED BY UNANIMOUS CONSENT**  
176

177 5.5 Police Department Monthly Report  
178 **Approve the Seabrook Police Department monthly report for August 2016. (Wright)**  
179

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

183  
184 Chief Wright explained that under the category of theft of automobiles the report shows a  
185 433% increase from 8 auto thefts in August 2015 to 17 in August 2016. The reality is the there  
186 were four (4) thefts at Sam's Boat, and a couple of those cars did not have the doors locked.  
187 There were five (5) vehicle burglaries in one night, all related to the Family Dollar burglary. The  
188 suspects in the Family Dollar incident needed two vehicles, but they broke into five vehicles to  
189 steal ultimately steal two vehicles. The auto theft category on the report also includes attempted  
190 theft, which will show an increase. In addition, if a person breaks into a car to grab loose  
191 change, it is counted on the report as an auto theft. Of all the neighborhoods, there have only  
192 been three (3) additional/new burglaries this year from last year. The key is to lock your doors.

193  
194 Motion was made by Councilmember Miller and seconded by Councilmember Giangrosso

195  
196 To approve the Seabrook Police Department monthly report for August 2016.

197  
198 MOTION CARRIED BY UNANIMOUS CONSENT

199  
200 6. NEW BUSINESS

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

202 6.1. Ordinance 2016-22 EDC Budget

203 **Consider and take all appropriate action on first and final reading of proposed Ordinance**  
204 **2016-22, "Seabrook Economic Development Corporation (EDC) Budget for FY 2016/17."**  
205 **(Chavez)**

206  
207 **AN ORDINANCE APPROVING AND ADOPTING THE SEABROOK ECONOMIC**  
208 **DEVELOPMENT CORPORATION BUDGET FOR THE FISCAL YEAR BEGINNING**  
209 **ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017 FOR THE CITY OF**  
210 **SEABROOK; APPROPRIATING FUNDS; AND NOTING A PUBLIC HEARING WAS**  
211 **HELD BY THE SEABROOK CITY COUNCIL ON SEPTEMBER 20, 2016.**

212  
213 Motion was made by Councilmember Llorente and seconded by Councilmember Giangrosso

214  
215 To approve on first and final reading proposed Ordinance 2016-22, "Seabrook Economic  
216 Development Corporation (EDC) Budget for FY 2016/17".

217  
218 MOTION CARRIED BY UNANIMOUS CONSENT

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229 6.2. Ordinance 2016-23 CCD Budget  
230 **Consider and take all appropriate action on first and final reading of proposed Ordinance**  
231 **2016-23, "Seabrook Crime Control & Prevention District (CCD) Budget for FY 2016/17, as**  
232 **approved by the District's Board of Directors." (Wright)**

233  
234 **AN ORDINANCE APPROVING AND ADOPTING THE SEABROOK CRIME**  
235 **CONTROL AND PREVENTION DISTRICT BUDGET FOR THE FISCAL YEAR**  
236 **BEGINNING ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017 FOR**  
237 **THE CITY OF SEABROOK; APPROPRIATING FUNDS; AND NOTING A PUBLIC**  
238 **HEARING WAS HELD BY THE SEABROOK CITY COUNCIL ON SEPTEMBER 20,**  
239 **2016.**

240  
241 Motion was made by Councilmember Adovasio and seconded by Councilmember Llorente  
242  
243 To approve on first and final reading proposed Ordinance 2016-23, "Seabrook Crime Control &  
244 Prevention District (CCD) Budget for FY 2016/17, as approved by the District's Board of  
245 Directors."

246  
247 MOTION CARRIED BY UNANIMOUS CONSENT  
248

249 6.3. Ordinance 2016-24 City Budget  
250 **Consider and take all appropriate action, by required record vote, on first and final**  
251 **reading of proposed Ordinance 2016-24, "Budget Ordinance for FY 2016/17".**  
252 **(Cook/Gibbs)**

253  
254 **AN ORDINANCE APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL**  
255 **YEAR BEGINNING ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017**  
256 **FOR THE CITY OF SEABROOK; APPROPRIATING FUNDS; AND NOTING A**  
257 **PUBLIC HEARING WAS HELD BY THE SEABROOK CITY COUNCIL ON**  
258 **SEPTEMBER 20, 2016 IN ACCORDANCE WITH THE CITY'S CHARTER AND WITH**  
259 **STATE LAW.**

260  
261 Motion was made by Councilmember Llorente and seconded by Councilmember Giangrosso  
262  
263 To approve by roll call vote on first and final reading proposed Ordinance 2016-24, "Budget  
264 Ordinance for FY 2016/17".

265  
266 Councilmember Llorente - yay  
267 Councilmember Giangrosso - yay  
268 Councilmember Johnson – absent  
269 Mayor Royal – yay  
270 Councilmember Botkin – yay  
271 Councilmember Adovasio – yay  
272 Councilmember Miller – yay

273  
274

275 6.4. Ordinance 2016-25 Tax Ordinance  
276 **Consider and take all appropriate action on first and final reading of Ordinance 2016-25,**  
277 **"Tax Ordinance". (Gibbs)**  
278

279 **Four separate motions are required: 1) to approve a tax rate of \$0.394574 cents per \$100.00**  
280 **valuation of assessed property for operations and maintenance; 2) to approve a tax rate of**  
281 **\$0.170603 cents per \$100.00 valuation of assessed property for the interest and sinking**  
282 **fund; 3) to approve the property tax rate of \$0.565177 cents per \$100.00 valuation which is**  
283 **equal to the effective tax rate; and 4) to approve proposed Ordinance 2016-25, "Tax**  
284 **Ordinance" on first and final reading with the reading of the caption serving as the reading**  
285 **of the ordinance and requiring a record vote. (Cook)**  
286

287 **AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR**  
288 **THE CITY OF SEABROOK, TEXAS FOR THE FISCAL YEAR ENDING SEPTEMBER**  
289 **30, 2017 AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF.**  
290

291 Four separate motions are required:  
292

293 1. Motion was made by Councilmember Miller and seconded by Councilmember  
294 Giangrosso  
295

296 To approve a tax rate of \$0.394574 cents per \$100.00 valuation of assessed property for  
297 operations and maintenance;  
298

299 Councilmember Llorente - yay  
300 Councilmember Giangrosso - yay  
301 Councilmember Johnson – absent  
302 Mayor Royal – yay  
303 Councilmember Botkin – yay  
304 Councilmember Adovasio – yay  
305 Councilmember Miller - yay  
306

307 2. Motion was made by Councilmember Miller and seconded by Councilmember Adovasio  
308

309 To approve a tax rate of \$0.170603 cents per \$100.00 valuation of assessed property for the  
310 interest and sinking fund;  
311

312 Councilmember Llorente - yay  
313 Councilmember Giangrosso - yay  
314 Councilmember Johnson – absent  
315 Mayor Royal – yay  
316 Councilmember Botkin – yay  
317 Councilmember Adovasio – yay  
318 Councilmember Miller – yay  
319  
320

321 3. Motion was made by Councilmember Miller and seconded by Councilmember Llorente  
322  
323 To approve the property tax rate of \$0.565177 cents per \$100.00 valuation which is equal to the  
324 effective tax rate;

325  
326 Councilmember Llorente - yay  
327 Councilmember Giangrosso - yay  
328 Councilmember Johnson – absent  
329 Mayor Royal – yay  
330 Councilmember Botkin – yay  
331 Councilmember Adovasio – yay  
332 Councilmember Miller - yay  
333

334 4. Motion was made by Councilmember Miller and seconded by Councilmember Adovasio  
335  
336 To approve proposed Ordinance 2016-25, "Tax Ordinance" on first and final reading with the  
337 reading of the caption serving as the reading of the ordinance and requiring a record vote.  
338

339 Councilmember Llorente - yay  
340 Councilmember Giangrosso - yay  
341 Councilmember Johnson – absent  
342 Mayor Royal – yay  
343 Councilmember Botkin – yay  
344 Councilmember Adovasio – yay  
345 Councilmember Miller - yay  
346

347 6.5. Resolution 2016-17 Water and Wastewater Utility Rates  
348 **Consider and take appropriate action on proposed Resolution 2016-17, "Updating Water**  
349 **and Wastewater Utility Rates." (Gibbs)**  
350

351 **A RESOLUTION UPDATING WATER AND WASTEWATER UTILITY RATES AND**  
352 **DEPOSITS EFFECTIVE WITH THE SEPTEMBER 15 - OCTOBER 15 BILLING**  
353 **CYCLE FOR THE CITY OF SEABROOK. THIS RESOLUTION REPLACES**  
354 **RESOLUTION 2015-30 WHICH WAS APPROVED ON OCTOBER 20, 2015.**  
355

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

361  
362 Motion was made by Councilmember Llorente and seconded by Councilmember Giangrosso  
363  
364 To approve proposed Resolution 2016-17, "Updating Water and Wastewater Utility Rates."  
365

366 MOTION CARRIED BY UNANIMOUS CONSENT

367 6.6. Chesapeake Bay Senior Living Community Request to Amend PUD  
368 **Consider and take all appropriate action on submittal of Preliminary Plan by Chesapeake**  
369 **Bay for modification of Planned Unit Development (approved by Ordinance 2015-11),**  
370 **located immediately east of Repsdorph Road and South of Brummerhop Park by creating**  
371 **a Phase II, III, and IV, limiting all commercial uses to be located within Phase III to those**  
372 **permissible within C-1 (Light-Commercial District) with the exception that Restaurants**  
373 **shall be a Use by Right and not require a Conditional Use Permit. (Landis)**  
374

375 The City Council did not discuss or take action on the Chesapeake Bay Senior Living  
376 Community PUD, as the notice published in the newspaper was incorrect; therefore, this item  
377 will come back before Council after publication of the correct notice.  
378

379 6.7. BAHCVB Agreement  
380 **Consider and take all appropriate action on the Bay Area Houston Convention and**  
381 **Visitors Bureau ("BAHCVB") Agreement in an amount equal to 15% of the City's Hotel**  
382 **Occupancy Tax (HOT) revenues for a period beginning October 1, 2016 to September 30,**  
383 **2019, with the right to terminate after one (1) year. (Cook)**  
384

385 Ms. Cook explained that the City of League City tabled their item, and League City is the  
386 only city who has not yet committed to the three year agreement. If League City does not  
387 participate, the budget will still require only 15% from each participating city out of Hotel  
388 Occupancy Tax funds, but it will have an impact on the salaries of the CVB employees. Every  
389 city will have the opportunity to opt out after one (1) year.  
390

391 Even though the CVB office is moving from Seabrook to Kemah, the hotel occupancy  
392 will not be affected because there are only two (2) hotels in Kemah. The CVB will be referring  
393 people to Seabrook, Nassau Bay, and League City for lodging. Most people who go to the  
394 Visitor Center want to know where to eat, where to do things, and to pick up discounted tickets.  
395 Those people are already in a hotel here.  
396

397 Nassau Bay and Kemah are meeting this week and next to discuss and take action on this  
398 agreement. The CVB is trying to get all cities to approve the agreement before October 1.  
399

400 Motion was made by Councilmember Giangrosso and seconded by Councilmember Adovasio  
401  
402 To approve the Bay Area Houston Convention and Visitors Bureau ("BAHCVB") Agreement in  
403 an amount equal to 15% of the City's Hotel Occupancy Tax (HOT) revenues for a period  
404 beginning October 1, 2016 to September 30, 2019, with the right to terminate after one (1) year.  
405

406 MOTION CARRIED BY UNANIMOUS CONSENT  
407  
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413 7. ROUTINE BUSINESS

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

415 7.1. Reports

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

418

419 Council Liaisons:

420

421 a. Bay Area Houston Convention & Visitors Bureau – See above item on the CVB agreement

422 b. Bay Area Houston Economic Partnership – recently celebrated its 40<sup>th</sup> anniversary

423 c. Bay Area Transportation Partnership – the Partnership has a new director, who is the  
424 former director of Harris County Judge Emmit’s office

425 d. Clear Lake Emergency Medical Corps – the next meeting is Sept. 28

426 e. Economic Alliance, Port Region – EDC named the business of the year, which is Neptune  
427 Subs and the honor will be acknowledged at the banquet in November

428 f. Galveston Bay Foundation – no report

429 g. Hotel Tax Liaison Committee – no report

430 h. Houston-Galveston Area Council – no report

431

432 7.2. Approve the Action Items Checklist which is attached and made a part of this Agenda.

433

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

438

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

443

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

447

448 Motion was made by Councilmember Miller and seconded by Councilmember Giangrosso

449

450 To approve the Action Items Checklist

451

452 MOTION CARRIED BY UNANIMOUS CONSENT

453

454 7.3. Establish future meeting dates and agenda items

455

456 Council is on its regular schedule.

457

458

459 **8. EXECUTIVE SESSION**

460 *The City Council will now hold a closed executive meeting pursuant to the provisions of the*  
461 *open meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in*  
462 *accordance with the authority contained in one or more of the following sections: Section*  
463 *551.071, Consultation with Attorney; Section 551.072, Real Property; Section 551.073,*  
464 *Deliberation Regarding a Prospective Gift; Section 551.074, Personnel Matters; Section*  
465 *551.076. Security Devices; and Section 551.087, Economic Development.*

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

470 8.1. Section 551.071

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

474  
475 At 8:31 p.m. Mayor Royal reconvened the meeting in open session and stated that item  
476 8.1 had been discussed, but that no action had been taken in executive session.

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

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

479  
480 Approved this 1st day of November, 2016.

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\_\_\_\_\_  
Glenn Royal  
Mayor

\_\_\_\_\_  
Robin Hicks, TRMC  
City Secretary

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**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 and shall vote on Council actions, (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 by affirmative vote of Councilmembers present, (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

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**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 25<sup>th</sup> day of October, 2016.



  
\_\_\_\_\_  
Robin Hicks, TRMC  
City Secretary

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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 &<br>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.

46 **2. PUBLIC COMMENTS AND ANNOUNCEMENTS - None**  
47 *At this time we would like to listen to any member of the audience on any subject matter,*  
48 *whether or not that item is on the agenda. All comments are limited to a maximum of four*  
49 *minutes for each speaker, shall be limited to city business or city-related business or matters of*  
50 *general public interest, and shall not include any personal attacks. In accordance with the*  
51 *Open Meetings Act, members may not discuss or take action on any item that has not been*  
52 *posted on the agenda. When your name is called, please come to the podium and state your*  
53 *name and address clearly into the microphone before making your comments. Thank you.*  
54

55 **2.1. Mayor, City Council and/or members of the city staff may make announcements**  
56 **about city/community events. (Council)**  
57

58 Councilmember Adovasio announced several upcoming events, including the TXDOT Highway  
59 146 relocation workshop; the Last Day of Summer at pool party; the SUMC Back to School  
60 Bash; the CCISD Back to School event; the 2016 Seabrook Kids' Fish; and the Seabrook  
61 Saltwater Derby, which is a 2 day event. City offices will be closed on Monday, September 5,  
62 for the Labor Day holiday.  
63

64 **3. SPECIFIC PUBLIC HEARINGS**  
65

66 **3.1. Specific Public Hearing - Ordinance 2016-18 - Rezone**  
67 **Hold a public hearing on proposed Ordinance 2016-18, "Amendment to the Official Zoning**  
68 **Map to Rezone approximately 4.69 acres east of Bayport Boulevard and west of Old**  
69 **Highway 146 from C-2 (Medium Commercial) to LI (Light Industrial). (Landis)**  
70

71 **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF**  
72 **SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES,**  
73 **APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION",**  
74 **SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 4.69 ACRES OF**  
75 **RESERVE A, BLOCK 1, BAYPORT LOGISTICS CENTER PHASE 2, ABSTRACT 52**  
76 **OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS, AS MORE**  
77 **PARTICULARLY DESCRIBED IN ATTACHMENT A, FROM C-2 MEDIUM**  
78 **COMMERCIAL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT; REQUIRING**  
79 **THAT THE ZONING MAP BE AMENDED TO REFLECT THIS AMENDMENT;**  
80 **MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT;**  
81 **PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000 FOR**  
82 **VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE;**  
83 **REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH,**  
84 **AND PROVIDING FOR SEVERABILITY.**  
85

86 Mayor Royal opened the public hearing.  
87  
88  
89

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

100  
101 Applicant, Bill Friedrichs, with WMF Investments, explained that in late 2014, Gulf Winds  
102 purchased 12 acres, thinking they had enough property for their facility operations. The nearby  
103 gas station opened in March, 2009. WMF has had no commercial businesses interested in the  
104 property. The proposal is to erect a 10 foot sound barrier/decorative fence between the existing  
105 hotel and the proposed parking lot. The City's current property tax revenue on this portion, at its  
106 current use, is about \$5,000. If this rezoning is approved, the City's new tax revenue, on the land  
107 only, will be about \$35,000.

108  
109 In response to questions from Council regarding formerly not being interested in a rezone, the  
110 change in the value of the hotel, the value of the property as C-2, Mr. Friedrichs remarked that  
111 WMF Investments' research indicates there is no interest in commercial businesses locating or  
112 relocating to this far north property. In addition, there seems to be plenty of other locations for  
113 commercial businesses including Retail at the Commons, the Traffic Circle, and spaces along  
114 NASA Rd. 1.

115  
116 Mr. Todd Stewart, owner and president of Gulf Winds International, spoke and explained that  
117 Gulf Winds is one of the larger transportation businesses in this area. With Port of Houston  
118 numbers growing, Gulf Winds is continuing to have a need to expand. This rezone is an  
119 opportunity to make the expansion happen, to be more efficient internally, and to be more  
120 competitive in the market. The need is there to maximize the current footprint so that all  
121 containers can be handled on Gulf Winds property, rather than continuing to lease additional  
122 property from the Port of Houston. The City will benefit from having all containers onsite, as the  
123 personal property taxable value will increase. In addition, the expansion of the Gulf Winds  
124 business will require the employment of more drivers who will buy gas, buy food, sleep in hotel  
125 rooms. Gulf Winds is a family owned business that continually works to reinvest in the  
126 community and be a good community partner.

127  
128 Gulf Winds does not have a timeline or design for a second warehouse at this time because the  
129 economy cannot be predicted, and the immediate need is for the parking lot, which will increase  
130 the City's personal property tax base in the short run.

131  
132  
133

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

140  
141 Steve Weathered, City Attorney, reminded Council that the request is for a zoning change, and  
142 Council cannot place any land use restrictions on this property along with the zoning change.

143  
144 Having no other speakers come forward, the Mayor closed the public hearing.

145  
146 **3.2. Specific Public Hearing - Ordinance 2016-19 - Rezone**  
147 **Hold a public hearing on proposed Ordinance 2016-19, "Amendment to the Official Zoning**  
148 **Map to Rezone approximately 2,500 acres east of Bayport Boulevard and west of Old**  
149 **Highway 146 from C-2 (Medium Commercial) to LI (Light Industrial). (Landis)**

150  
151 **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF**  
152 **SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES,**  
153 **APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION",**  
154 **SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 2,500 ACRES OF TRACT**  
155 **6J-1, ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS,**  
156 **AS MORE PARTICULARLY DESCRIBED IN ATTACHMENT A, FROM C-2 MEDIUM**  
157 **COMMERCIAL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT; REQUIRING**  
158 **THAT THE ZONING MAP BE AMENDED TO REFLECT THIS AMENDMENT;**  
159 **MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT;**  
160 **PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000 FOR**  
161 **VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE;**  
162 **REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH,**  
163 **AND PROVIDING FOR SEVERABILITY.**

164  
165 Mayor opened the public hearing.

166  
167 Having no speakers come forward, the Mayor closed the public hearing.

168  
169  
170  
171  
172

173 THIS SPACE INTENTIONALLY LEFT BLANK

174  
175  
176  
177  
178

- 179 **4. CONSENT AGENDA**  
180 *Council will discuss, consider and if appropriate, take action on the items listed below.*  
181
- 182 **4.1. Ordinance 2016-20 Public Safety Fleet Replacement**  
183 Approve on second reading proposed Ordinance 2016-20, "Establishing a Public Safety  
184 Vehicle/Equipment Replacement Fund. (Lab)  
185
- 186 **AN ORDINANCE ESTABLISHING A PUBLIC SAFETY VEHICLE/EQUIPMENT**  
187 **REPLACEMENT FUND; ESTABLISHING CRITERIA AND SCHEDULES FOR THE**  
188 **REPLACEMENT OF VEHICLES AND EQUIPMENT IN THE CITY OF SEABROOK**  
189 **PUBLIC SAFETY FLEET; ESTABLISHING GUIDELINES FOR THE**  
190 **ADMINISTRATION OF THE FUND; REPEALING ALL ORDINANCES OR PARTS OF**  
191 **ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING**  
192 **FOR SEVERABILITY.**  
193
- 194 **4.2. Ordinance 2016-21 Nunc Pro Tunc Correction**  
195 Approve on second reading proposed Ordinance 2016-21, "Amending Nunc Pro Tunc The  
196 Noise Regulations Ordinance". (Hicks)  
197
- 198 **AN ORDINANCE AMENDING ORDINANCE 2012-16 NUNC PRO TUNC, TO**  
199 **CORRECT SCRIVNER'S ERROR BY AMENDING CHAPTER 55 OF THE CODE OF**  
200 **ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "NUISANCES AND**  
201 **MISCELLANEOUS PROVISIONS," ARTICLE II, ENTITLED "NOISE," BY**  
202 **REVISING REFERENCES IN SECTION 55-26, "ENFORCEMENT"; PROVIDING A**  
203 **PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY**  
204 **PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL**  
205 **ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT**  
206 **HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN**  
207 **EFFECTIVE DATE.**  
208
- 209 **4.3. Resolution 2016-13 Public Safety Vehicle and Equipment Replacement Policy**  
210 Approve proposed Resolution 2016-13, "Adoption of the Public Safety Vehicle and  
211 Equipment Replacement Policy for the City of Seabrook." (Lab)  
212
- 213 **A RESOLUTION ADOPTING THE PUBLIC SAFETY VEHICLE AND EQUIPMENT**  
214 **REPLACEMENT POLICY**  
215
- 216 **4.4. CLEMC Monthly Report**  
217 Approve the Clear Lake Emergency Medical Corps (CLEMC) monthly report for July  
218 2016. (Hunter)  
219
- 220 **4.5. Fire Department Monthly Report**  
221 Approve the Seabrook Volunteer Fire Department (SVFD) monthly report for July 2016.  
222 (Gutaker)  
223

- 224 **4.6. Police Department Monthly Report**  
225 Approve the Seabrook Police Department monthly report for July 2016. (Wright)  
226
- 227 **4.7. Building Department Monthly Report**  
228 Approve the Seabrook Building Department monthly report for July 2016. (Landis)  
229
- 230 **4.8. Special Event Permit Running Alliance Sport**  
231 Approve a special event permit, temporary signs permit, and waiver of permit fees for  
232 the Running Alliance Sport 9th Annual Toughest 10K on Sunday, September 18, 2016. All  
233 supporting documentation, including a request for a waiver of the fees, has been  
234 submitted. (Hicks)  
235
- 236 **4.9. Excused Absence**  
237 Approve an excused absence for Glenn Royal and O.J. Miller for the August 2, 2016  
238 regular City Council meeting. (Hicks)  
239
- 240 Motion was made by Councilmember Botkin and seconded by Councilmember Adovasio  
241  
242 To approve the Consent Agenda as presented.  
243
- 244 MOTION CARRIED BY UNANIMOUS CONSENT  
245
- 246 The Mayor changed the order of the agenda to go to Executive Session after Consent Agenda.  
247
- 248 **6. EXECUTIVE SESSION**  
249 *The City Council will now hold a closed executive meeting pursuant to the provisions of the*  
250 *open meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in*  
251 *accordance with the authority contained in one or more of the following sections: Section*  
252 *551.071, Consultation with Attorney; Section 551.072, Real Property; Section 551.073,*  
253 *Deliberation Regarding a Prospective Gift; Section 551.074, Personnel Matters; Section*  
254 *551.076. Security Devices; and Section 551.087, Economic Development.*  
255
- 256 At 7:54 p.m. Mayor Royal announced that the City Council will now hold a closed executive  
257 meeting pursuant to the provisions of the Open Meetings Act, Chapter 551, Government Code,  
258 and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section  
259 551.071, Consultation with Attorney.  
260
- 261 **6.1. Executive Session 551.071**  
262 Consult with an Attorney to receive legal advice on legal issues concerning municipal  
263 boundaries. (Cook)  
264
- 265 **6.2. Executive Session. 551.071**  
266 Consult with an Attorney to receive legal advice on legal issues associated with a Water  
267 Supply Contract with the City of Pasadena. (Cook)  
268

269 **7. OPEN MEETING**

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

272  
273 At 8:40 p.m. Mayor Royal reconvened the meeting in open session and stated that items 6.1 and  
274 62 had been discussed, but that no action had been taken in executive session.

275  
276 **5. NEW BUSINESS**

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

278  
279 **5.1. Ordinance 2016-18 Rezone 4.69 Acres**

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

284  
285 **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF**  
286 **SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES,**  
287 **APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION",**  
288 **SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 4.69 ACRES OF**  
289 **RESERVE A, BLOCK 1, BAYPORT LOGISTICS CENTER PHASE 2, ABSTRACT 52**  
290 **OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS, AS MORE**  
291 **PARTICULARLY DESCRIBED IN ATTACHMENT A, FROM C-2 MEDIUM**  
292 **COMMERCIAL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT; REQUIRING**  
293 **THAT THE ZONING MAP BE AMENDED TO REFLECT THIS AMENDMENT;**  
294 **MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT;**  
295 **PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000 FOR**  
296 **VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE;**  
297 **REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH,**  
298 **AND PROVIDING FOR SEVERABILITY.**

299  
300 Motion was made by Councilmember Miller and seconded by Councilmember Adovasio

301  
302 To deny on first reading the proposed Ordinance 2016-18, "Amendment to the Official Zoning  
303 Map to Rezone approximately 4.69 acres east of Bayport Boulevard and west of Old Highway  
304 146 from C-2 (Medium Commercial) to LI (Light Industrial).

305  
306 Mayor Royal stated that his responsibility is to the taxpayers, and the current C-2 zoning can  
307 generate revenue to the City. Making this change to go towards a parking lot has no benefit to  
308 the residents of the City. Had there been designs to build a warehouse, this zoning change would  
309 have been considered.

310  
311 **MOTION CARRIED BY UNANIMOUS CONSENT**

312  
313

314 **5.2. Ordinance 2016-19 Rezone 2.500 Acres**

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

319

320 **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF**  
321 **SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES,**  
322 **APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION",**  
323 **SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 2.500 ACRES OF TRACT**  
324 **6J-1, ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS,**  
325 **AS MORE PARTICULARLY DESCRIBED IN ATTACHMENT A, FROM C-2 MEDIUM**  
326 **COMMERCIAL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT; REQUIRING**  
327 **THAT THE ZONING MAP BE AMENDED TO REFLECT THIS AMENDMENT;**  
328 **MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT;**  
329 **PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000 FOR**  
330 **VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE;**  
331 **REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH,**  
332 **AND PROVIDING FOR SEVERABILITY.**

333

334 Motion was made by Councilmember Miller and seconded by Councilmember Botkin

335

336 To deny on first reading of proposed Ordinance 2016-19, "Amendment to the Official Zoning  
337 Map to Rezone approximately 2.500 acres east of Bayport Boulevard and west of Old Highway  
338 146 from C-2 (Medium Commercial) to LI (Light Industrial).

339

340 MOTION CARRIED BY UNANIMOUS CONSENT

341

342 **5.3. Resolution 2016-14 Intent to Issue Certificates of Obligation**

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

348

349 Motion was made by Councilmember Miller and seconded by Councilmember Botkin

350

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

355

356

357

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

366

367 MOTION CARRIED BY UNANIMOUS CONSENT

368

369 **8. ROUTINE BUSINESS**

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

371

372 **8.1. Reports**

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

375

376 **Council Liaisons:**

377

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

381

382 **b. Bay Area Houston Economic Partnership** – The celebration of the 40<sup>th</sup> anniversary is in  
383 the works.

384

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

389

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

394

395 **e. Economic Alliance, Port Region** – no report

396

397 **f. Galveston Bay Foundation** – no report

398

399 **g. Hotel Tax Liaison Committee** – no report

400

401 **h. Houston-Galveston Area Council** - no report

402

403 **8.2. Approve the Action Items Checklist which is attached and made a part of this**  
404 **Agenda.**

405  
406 TXDOT – Gayle Cook, City Manager, stated that there are no new updates at this time.  
407 Economic Development continues to get call and continues to meet with property owners to  
408 inform them how the City can help with relocation. TXDOT is hosting a relocation workshop on  
409 August 17.

410  
411 Projects – Ms. Cook stated the Public Works Complex should be vertical soon, as all the  
412 ground work has been completed, with no issues.

413  
414 Benches and Pelican purchase – Ms. Cook explained Rotary will be giving the City  
415 \$5000 for park benches, and seven have been ordered at \$477 each. Four of the new benches  
416 have been purchased by Council members. There will be an item on the next Council agenda  
417 regarding Pelicans.

418  
419 Motion was made by Councilmember Botkin and seconded by Councilmember Miller

420  
421 To approve the Action Items Checklist.

422  
423 MOTION CARRIED BY UNANIMOUS CONSENT

424  
425 **8.3. Establish future meeting dates and agenda items**

426  
427 The Council is on its regular schedule, and there will be joint meeting with EDC on  
428 August 30 at 7pm to discuss the City’s Branding and Landscape Master Plan.

429  
430

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

432  
433 Approved this 6<sup>th</sup> day of September 2016.

434  
435

436  
437

438  
439

440  
441

442 Robin Hicks, TRMC  
443 City Secretary



Glenn Royal  
Mayor

## 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 <i>City Council Regular Meeting 7:00pm</i>	2	3 <i>Open Space 5:00pm CERT Training</i>	4	5 <i>Celebration Seabrook 2016</i>
6 <i>Celebration Seabrook 2016</i>	7	8	9	10 <i>EDC 7:00pm CERT Training</i>	11	12 <i>Movie Night in Meador Park—The Good Dinosaur</i>
13	14	15 <i>City Council Regular Meeting 7:00pm</i>	16	17 <i>P&amp;Z 7:00pm</i>	18	19
20	21	22	23	24 <i>Thanksgiving City Offices Closed</i>	25 <i>City Offices Closed</i>	26
27	28	29	30			