

City of Shoreacres



NOTICE OF MEETING

Notice is hereby given that a Regular Meeting of the
City Council
of the City of Shoreacres, Texas, will be held on
Monday, September 9, 2013 at 7:00 p.m.
in the City Council Chambers on the first floor at City Hall, 601 Shore Acres Blvd.,
Shoreacres, Texas, at which time the following subjects will be discussed, to wit:

1.0 CALL TO ORDER / ROLL CALL: Members Present and Absent

2.0 PLEDGES OF ALLEGIANCE

Texas Pledge:

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

3.0 SPECIAL PRESENTATIONS

3.1 Clear Lake Emergency Medical Corps – Chief Roy Hunter

3.2 Economic Alliance Houston Port Region – President Chad Burke

4.0 APPROVAL OF MINUTES

4.1 Regular Council Meeting: August 26, 2013.

5.0 COUNCIL REPORTS & REQUESTS

5.1 Mayor Webber – Report on meetings attended.

6.0 PUBLIC HEARINGS & PUBLIC COMMENTS

6.1 Citizen's Comments

This is the opportunity for citizens to comment on items which do not appear on the agenda. Time is limited to five minutes per speaker. Members of Council are prohibited by law from participating in the discussion or deliberation of items that are not specifically identified on this agenda.

7.0 ADMINISTRATIVE REPORTS

7.1 City Administrator, David Stall

7.1.1 General activity report.

7.1.2 Street and drainage project updates.

7.1.3 Water and Sewer project updates.

7.2 Monthly Police Department report. ^{Newman}

7.3 Monthly Public Works Department report. ^{Sutton}

8.0 BUSINESS

- 8.1 Consideration and approval of invoices. ^{Stall}
- 8.2 Consideration and approval of Ordinance No. 2013-140 amending the City Code to increase the number of building inspectors. ^{Schnell}
- 8.3 Consideration and action to adopt Resolution No. 2013-121 Biggert-Waters Flood Insurance Act of 2012. ^{Webber}
- 8.4 Consideration and action to adopt Resolution No. 2013-122 designating a representative and alternate to the Houston-Galveston Area Council 2013 General Assembly. ^{Webber}
- 8.5 Consideration and approval of Ordinance No. 2013-141 amending rules of order and procedures for council meetings. ^{Webber}
- 8.6 Consideration and approval of Ordinance No. 2013-142 amending the City Code relating to recording and making available to the public recording of city council meeting. ^{Schnell}

9.0 ADJOURNMENT

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Shoreacres, Texas is a true and correct copy of said Notice and that I posted a copy of said Notice on the bulletin board at City Hall on September 5, 2013 at or before 8:00 p.m., at a place convenient and readily accessible to the general public at all times; to remain so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

DATED THIS 5TH DAY OF SEPTEMBER 2013.

BY: _____

David K. Stall, CFM, City Administrator / City Secretary



SHOREACRES, TEXAS

The City Council of the City of Shoreacres reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

The City Council Chamber is wheelchair accessible and accessible parking spaces are available.

Requests for accommodations or interpretive services must be made at least two (2) working days prior to the meeting. Please contact City Office at 281.471.2244 or fax 281.471.8955 for additional information.

I, the undersigned, do hereby certify that this Notice of Meeting was removed from the City Hall bulletin board at _____ AM/PM on _____, 2013.

BY: _____



City of Shoreacres



MEETING MINUTES

The City Council of the City of Shoreacres, Texas, met in Regular Session on **Monday, August 26, 2013 at 7:00 p.m.** in the City Council Chambers of City Hall, 601 Shore Acres Blvd., Shoreacres, Texas with the following present constituting a quorum:

Mayor	Matt Webber
Mayor pro tem	Rick Moses
Alderman	Steven Jones
Alderwoman	Nancy J. Schnell
Alderman	Bo Bunker
Alderman	Mike Wheeler
City Administrator / City Secretary	David K. Stall

1.0 CALL TO ORDER / ROLL CALL:

The meeting was called to order by Mayor Webber at 7:00 p.m.

2.0 PLEDGE OF ALLEGIANCE

3.0 SPECIAL PRESENTATIONS

3.1 San Jacinto College District – Maritime Campus: Chancellor Brenda Hellyer presented the San Jacinto College Maritime Technology Training Center construction plans. The project is scheduled to begin construction in the spring of 2014. San Jacinto College will host a meet & greet on September 11 from 6:00 p.m. to 8:00 p.m. at the Houston Yacht Club. San Jacinto College’s community liaison for the project is Teri Crawford, teri.crawford@sjcd.edu, 281-998-6152.

4.0 APPROVAL OF MINUTES

4.1 Regular Council Meeting August 12, 2013. Rick Moses moved to approve the August 12, 2013 Regular Council Meeting minutes; seconded by Nancy Schnell. Motion carried unanimously.

4.2 Council Workshop Meeting August 19, 2013. Mike Wheeler moved to approve the August 19, 2013 Council Workshop Meeting minutes; seconded by Rick Moses. Motion carried unanimously.

4.3 Special Council Workshop Meeting August 22, 2013. Rick Moses moved to approve the August 22, 2013 Special Council Workshop Meeting minutes; seconded by Nancy Schnell. Motion carried unanimously.

5.0 COUNCIL REPORTS & REQUESTS

5.1 Mayor Webber reported on meeting with San Jacinto College Chancellor Hellyer and staff regarding the construction plan of the Maritime Technology Training Center.

Nancy Schnell requested for the San Jacinto College Maritime Technology Center – FAQs to be posted on the City's website.

6.0 PUBLIC HEARINGS & PUBLIC COMMENTS

6.1 Citizen's Comments:

Darlene Bays, 616 Baywood – Ms. Bays expressed her appreciation to Council for passing Resolution No. 2013-118. Asked Council to consider the following items: (a) include funds in the 2013-14 budget for a mosquito sprayer; (b) set-up a Q&A public meeting with FEMA representatives to discuss the expected increase in flood insurance cost.

7.0 ADMINISTRATIVE REPORTS

7.1 City Administrator Report: Mr. Stall reported the following:

7.1.1 General activity report:

Progress has been delayed due to weather: asphalt street repair; fence installation around water plant #1 and lift station #1; fill & flush of water plant #1 by R&B construction and the replacement of the Public Works Building roof.

The City was recently notified by ISO that with the retirement of Janine Ellington, we now have a new CRS specialist based out of Florida. After numerous conversations and e-mails with our new specialist, we are now back on track with the program.

Our Five-year Hazard Mitigation Plan will be up for renewal, will meet with Harris County staff tomorrow to discuss the renewal process.

7.2 Monthly financial report:

General Fund	\$127,000
Utility Fund	\$ 64,000
TxCDBG	\$ 1,700
TxPool	\$954,000
CDs	\$250,000

Property tax collected YTD is \$820,293.

Amount of sales tax collected continued to increase over to last year.

7.3 Audit Committee Report: Mr. Rick Moses reported that the Shoreacres Audit Committee (Committee) met with Mr. John Manning, Partner of Patillo, Brown & Hill Accounting firm (the Firm) on July 17, 2013 to review the FY 2011-12 financial audit and conduct of the auditors. A summary of the meeting is as follow:

- The Committee believes the annual financial report to be complete and the audit was performed in accordance with generally accepted auditing standards.
- The Committee is satisfied with the auditing conduct of Mr. Manning's and the firm.
- The Committee recommends that Council and Mayor require the City Administrator to: (a) rectify identified findings within a reasonable time period and (b) provide a monthly status report to council until the corrections are complete.



8.0 BUSINESS

8.1 Consideration and approval of invoices.

Rick Moses moved to pay our bills; seconded by: Mike Wheeler. Motion carried unanimously.

8.2 Consideration and action to accept a proposal from Patillo, Brown, & Hill to perform a financial audit for General Fund (fiscal year ending 2013) and Utility Fund (fiscal year ending 2013) including compliance with the Single Audit Act requirement for state and federal funds received; and, adoption of Ordinance No. 2013-138 authorizing the Mayor to sign agreement.

Nancy Schnell moved to approve Ordinance No. 2013-138 authorizing the Mayor to sign agreement and to accept Patillo, Brown & Hill to perform audit services for the fiscal year ending 2013; seconded by Rick Moses. Motion carried unanimously.

8.3 Consideration, discussion, and action to propose a property tax rate that exceeds the effective tax rate.

Nancy Schnell moved to propose a property tax rate that exceeds the effective tax rate; seconded by Mike Wheeler. Motion carried with Councilman Jones opposed.

8.4 Consideration and action to schedule Public Hearings on the property tax rate increase.

Rick Moses moved to schedule a Public Hearings at 6:00 p.m. on August 29 and September 9 for the proposed property tax increase; seconded by Mike Wheeler. Motion carried unanimously.

8.5 Consideration and approval of Resolution No. 2013-120 authorizing the City Administrator to contract for mowing services.

Mike Wheeler moved to approve Resolution No. 2013-120; seconded by Rick Moses. Motion carried unanimously.

9.0 ADJOURNMENT.

The meeting was adjourned at 8:11 p.m.

PASSED AND APPROVED ON THIS 9th DAY OF SEPTEMBER, 2013.

(CITY SEAL)

Matt Webber, Mayor

ATTEST:

David K. Stall, CFM
City Administrator / City Secretary

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MEMORANDUM

City of Shoreacres
POLICE DEPARTMENT



601 Shore Acres Blvd., Shoreacres, TX 77571-7262 ♦ 281.307.1950 ♦ 281.471.8955 Fax

DATE: September 9, 2013
TO: City Council
CC:
FROM: David Newman, Chief of Police
REF: August 2013 Police Report

CRIME REPORT:

There were 4 thefts reported for the month.

On August 29th, Officer Thompson stopped an individual for a traffic violation. During the course of the investigation a large amount of marijuana and cocaine was seized. The driver was booked into the La Porte Jail on multiple felonies.

TRAFFIC ENFORCEMENT:

96 citations were issued in August.

CODE ENFORCEMENT:

3 letters were sent out for various code violations and 2 citations were issued.

RESERVE PROGRAM:

We have 2 individuals who successfully passed the background investigation. They are currently in the process of taking their medical and psychological examinations.

NATIONAL NIGHT OUT:

As a reminder to the residents the annual National Night Out is planned for Tuesday, October 1st, at 6pm in Circle Park.

Summary of Police Statistics As Reported to Council

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	YTD
Accidents.....	2	4	2	3	2	5	3	0					21
Alarms/Hangups.....	5	4	4	5	5	4	0	3					30
Animal Calls.....	5	7	4	6	11	10	8	3					54
Arrests.....	11	11	10	8	6	7	4	12					69
Arrests for other cities	6	3	5	1	2	4	2	5					28
Arson.....	0	0	0	0	0	0	0	0					0
Assaults.....	2	0	2	3	1	0	1	0					9
Assist other Agencies.....	5	6	7	6	5	11	14	16					70
Calls for Service.....	78	67	69	64	77	90	85	92					622
Criminal Mischief.....	1	0	0	2	1	3	2	0					9
EMS/Fire Calls.....	9	4	5	6	3	7	7	6					47
Harassment.....	0	0	1	0	1	2	1	0					5
Miles Driven.....	5001	5903	6041	5118	5367	5512	6344	5602					44888
Misc.....	25	26	30	19	23	27	25	31					206
On Views.....	1353	1549	2040	1921	2103	2618	2869	2672					17125
Suspicious Persons/Vehicles.....	16	8	8	9	14	14	15	20					104
Thefts/Burglaries.....	1	2	3	3	4	4	2	4					23
Tickets.....	129	123	209	160	143	148	92	88					1092
Traffic Arrests.....	5	4	2	1	1	2	2	4					21
CVE Days.....	0	0	0	0	0	0	0	0					0
CVE Citations.....	0	0	0	0	0	0	0	0					0
City Citations.....	0	0	0	0	0	0	0	0					0



Item 7.3

09/09/13

MEMORANDUM

City of Shoreacres

601 Shore Acres Blvd., Shoreacres, TX 77571-7262 / 281.471.2244 / 281.471.8955 Fax



DATE: September 5, 2013
TO: David Stall, City Administrator
CC:
FROM: David Sutton, Public Works Director
REF: Monthly Report (August) 2013

Water usage came up to 8.2 million gallons this month compared to 7 million gallons in July. This was anticipated with the warmer temperatures and water leaks played a big part in this as well.

21 water leaks were repaired this month and none of the leaks were from our contractors. We should see leaks begin to come back down by the end of September, or early October.

Mowing was completed this month with the exception of the few streets that are under construction throughout our city. These streets will be done once construction has been completed or can be accessed by our slope mower.

**PUBLIC WORKS
Monthly Productivity Report**

Month : August 2013

	Total Calls		Total Collected in Cu. Yrds.
Water/Wastewater	42	***Solid Waste***	16
Water Repairs	21	Recycling :	16
Meter Changeouts	3	* Paper	6
Backfills (Yard Cleanups)	14	* Plastic	5
Fire Hydrant Repairs	0	* Cardboard	4
Water Taps	0	* Aluminum Cans	1
Water Plant Repairs	0	* Glass	0
Sewer Taps	0	Debris Removal	0
Sewer Point Repairs	0		
Lift Station Repairs	0		
Manhole Repairs	2		
After Hour Repairs	2		

Repairs

Streets and Drainage		***ROW Maintenance***	
Potholes :	0	Miles Mowed	17.4
* Concrete Repairs	0	Miles of Ditch Inspected	0
* Asphalt Repairs	0	Culverts Inspected	0
Drainage Cave-in Repairs	0	Hours Mowed	47
Traffic	0	***Parks***	
Stop Sign Repairs	0	Cubic Yards of Trash Removed	2
Safety Sign Repairs	0	Park Equipment Repair	0
Public Notification Signs Repaired	0	Lighting Repairs	0

Comments

**ORDINANCE No. 2013-140
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SHOREACRES PROVIDING FOR AN INCREASE IN THE NUMBER OF BUILDING INSPECTORS; CONTAINING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * *

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

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

That section 10-7 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 10-7. – Length of time permit is valid.

No permit issued by the building official shall be valid for a period of more than one year from date of issuance. If work is not completed within that period of time, the applicant must secure a new permit from the city. The new permit may be valid for a period of time less than one year if specified by the building official. If no new permit is secured to continue work, the building official may require demolition of all existing construction. The building official may require that plans be reviewed again. If so, a new plan check fee shall be charged and paid for by the applicant before the [inspector] building official reviews the plans. If no additional plan checking is required, the applicant shall be charged the permit fees shown in Attachment "A".

That section 10-8 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 10-8. - Permit fees.

Building permit fees are listed in Attachment "A" of this ordinance (Ord. No. 2004-23). Additional fees may also be charged for use of an outside consultant for plan review, inspections, or both and administrative or overhead costs not designated by Attachment "A". No permit shall be issued until fees are paid in full, except as detailed in the following paragraph.

For all applications for a dwelling or extensive remodeling in which plans or drawings are required to be submitted, the applicant shall pay \$150.00 at the time of original submission. After review of the plans, this fee shall be deducted from the overall permit price. This may not include the total plan review fee. Any additional fee will be included in the overall permit. This fee shall not be returned to the applicant due to change of mind or failure of applicant to meet the city ordinances and codes in his/her plans. If, in the opinion of the building official, the plans are incomplete or inadequate and therefore cannot be used to issue a permit, the **[inspector]** building official may charge an additional plan review fee for rechecking the plans after correction. Plans shall not be rechecked until all appropriate fees have been paid.

That section 10-57 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 10-57. - Application and fees.

- (a) An application shall be made to the city building **[inspector]** official for each permit required under section 10-56, in such form as specified by the building **[inspector]** official.
- (b) Building permit fees are listed in section 10-59 under the category "Charged by City." No permit shall be issued until fees are paid in full.
- (c) For all applications in which plans or drawings are required to be submitted, the applicant shall pay the cost of the plan check fee at the time of original submission. This fee shall not be returned to the applicant due to change of mind or failure of applicant to meet city ordinances and codes in his proposed plans. If in the opinion of the building official the plans are incomplete or inadequate and therefore cannot be used to issue a permit, the **[inspector]** building official may charge an additional plan check fee for rechecking the plans after correction. Plans shall not be rechecked until all appropriate fees have been paid.
- (d) The building official shall issue a permit for a purpose as set forth in this article only when the proposed activity and plans are not in conflict with city ordinances or other law and only after fees as set forth in this article have been paid to the city.

That section 10-8 of the Shoreacres City Code is hereby amended by adding a section to be numbered Section 10-90 which reads as follows:

Sec. 10-90. – Building Officials.

- (a) A building official shall perform building plan and permit application review and approval based on adopted building codes and related city ordinances. They shall also issue a certificate of occupancy or completion after a building or project

- has been completed according to city requirements. All inspections shall be performed by an official building official.
- (b) All building officials shall be code-certified inspectors in the International Building Code and the National Electric Code.
- (c) The mayor, subject to approval of city council, shall appoint building officials. Building officials may be construed to mean a private company, provided the private company and their employees meet Sec. 10-90(b) requirements.
- (d) The city shall not enter into any contract of for building official services for a period of time longer than 12 months. All new and renewal contracts for appointment of a building official must be approved by at least a three-fifths majority of members of the city council in an open meeting.
- (e) Where this section differs from the International Building Code, adopted in Sect. 10-116, this section shall have precedence, regardless if a newer and updated International Building Code is later adopted.

That section 10-91 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 10-91. – Inspection [department] fees.

[The city building inspector shall also serve as the plumbing official, gas inspector, mechanical official and electrical inspector for the city, performing the duties and responsibilities set forth in the codes adopted herein.]

- (a) All inspection fee schedules shall be approved by city council.
- (b) All inspection fee schedules shall be posted on the city web site and made available to citizens, upon request, from city hall.

That section 10-92 of the Shoreacres City Code is hereby repealed in its entirety:

[Sec. 10-92. – Building contract services — Contract.]

[An agreement has been made between the city and Latane Lamb for to provide the following inspections and plan review services to the city.

Art. 1. Services provided by Latane Lamb:

- 1.1. Building plan and permit application review and approval based on adopted building codes and related city ordinances.
- 1.2. Set a maximum time limit for plan review approvals or denials.
- 1.3. Notify contractors of plan review approvals by telephone regarding denials in writing.
- 1.4. Assign permit fees based on city approved fee schedule.
- 1.5. Provide for structural, electrical, plumbing and mechanical inspections. Number and type to be agreed upon.

- 1.6. Set days and times that inspections would be provided.
- 1.7. Issue a certificate of occupancy or completion after a building or project has been completed according to city requirements.
- 1.8. Help the city establish a tracking system that would provide the city with detailed day-to-day knowledge of all building department activities.
- 1.9. Provide restoration of service inspections as needed.
- 2.0. Provide a backup inspector if needed.
- 2.1. Provide billing twice a month that will reconcile with tracking system listed above.

Art. 2. *Services provided by the city:*

- 2.1. *Office space.* Table, chair, legal size file cabinet, access to a computer, etc.
- 2.2. *Clerical personnel.* Filing, telephone answering, message taking, writing inspection requests, issue permits and receive permit fees, fax receiving/sending, etc.
- 2.3. Building department forms of all types. Carbonless copies as needed.
- 2.4. Building department plan stamps and ink pads.
- 2.5. Adoption of permit fee schedule as attached. The city will be billed 80 percent of permit fees. Fees will be billed as individual plan reviews/inspections are made. Separate permits will be required for all trades per the fee schedule. Inspections made for existing permits will be billed at 80 percent of the fee collected under the existing system. City will not be invoiced for fees generated by violation of city ordinances.
- 2.6. Appoint Latane Lamb the building official.
- 2.7. Adopt and administer a contractor registration program for all contractors required pulling a permit. Adopt registration fee to cover the city's cost of registration, license and insurance verification of all contractors working in the city under a required permit. Adopt insurance requirements for all contractors working in the city under a required permit. Adopt an electrical licensing requirement for all electrical contractors working in the city under a required electrical permit.

Art. 3. Termination of agreement.

- 3.1. Either party without cause upon may terminate this agreement no less than 30 days prior written notice to the other party.
- 3.2. In the event of termination by the city, Latane Lamb shall be compensated for all work performed (and all direct expenses) and reimbursable expenses accrued prior to termination under the terms of this agreement.
- 3.3. Time and reimbursable expenses arising from ongoing litigation, litigation arising subsequent to the termination and attributable thereto and services as a witness shall be paid by the city at the rates enumerated herein.
- 3.4. All material and property of the city shall be returned to same within the 30-day notification period. All pertinent records, photos and all evidence shall be returned to the city within the same 30-day period.
- 3.5. Latane Lamb shall prepare and submit to the city a final accounting and closing invoice within 45 days of termination.

Art. 4. Terms of agreement. The terms of this agreement may be reviewed annually. The terms will remain in effect from year to year unless otherwise modified in writing.]

That section 10-93 of the Shoreacres City Code is hereby repealed in its entirety:

[Sec. 10-93. - Same—Fees.

Inspections fees			
Single-family dwelling	Per inspection	Per reinspection	Plan review
0–1,499 sq. ft.	\$50.00	\$50.00	\$80.00
1,500–1,799 sq.ft.	80.00	50.00	100.00
1,800–2,199 sq. ft.	120.00	50.00	110.00
2,200–2,999 sq. ft.	180.00	50.00	130.00
3,000–4,399 sq. ft.	210.00	50.00	190.00
4,400–5,000 sq. ft.	250.00	50.00	230.00
Each 1,000 sq.ft. over 5,000	50.00		50.00
<i>Commercial</i>			
0–4,000sq.ft.	\$180.00	\$50.00	\$210.00
Each 1,000 sq. ft. over 4,000	50.00		50.00
Swimming pools	50.00	50.00	50.00
Temporary electric pole	50.00		50.00
<i>Plumbing, electrical and mechanical</i>	50.00		50.00
All work not listed above: Use single-family dwelling schedule			

Persons working without pulling a permit or to continue work started without a permit for which a permit is required will be charged the normal fee + 200% + all legal and administrative fees.]

This Ordinance shall be effective immediately after its passage and approval.

PASSED AND APPROVED this the 9th day of September 2013.

(CITY SEAL)

Matt Webber, Mayor

ATTEST:

David K. Stall, CFM
City Secretary

M/2		Yea	Nay	N/V	Absent
<input type="checkbox"/>	M. Webber	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	B. Bunker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	S. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	R. Moses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	N. Schnell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M. Wheeler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed _____
David Stall, City Secretary - Date

**RESOLUTION No. 2013-121
CITY OF SHOREACRES**

A RESOLUTION OPPOSING IMPLEMENTATION OF THE BIGGERT WATERS FLOOD INSURANCE REFORM ACT OF 2012, AS RECENTLY PASSED BY THE U.S. CONGRESS, AND PROVIDING FOR THE DELIVERY OF SUCH RESOLUTION TO STATE AND FEDERAL LEGISLATORS REPRESENTING THE CITY OF SHOREACRES; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * * *

WHEREAS, the City of Shoreacres, Texas, is a coastal community with sea level frontage on Galveston Bay, Taylor Bayou, Boggy Bayou and tributaries affected by storm surge and subtropical coastal rain events; and,

WHEREAS, since 1968 the historical purpose of the National Flood Insurance Program (NFIP) has been to provide affordable flood insurance in exchange for communities adopting regulations based on flood risk indicated on a Flood Insurance Rate Map (FIRM) derived from a Flood Insurance Study (FIS) generated by the Federal Emergency Management Agency (FEMA); and,

WHEREAS, the City of Shoreacres has made every effort throughout the years to meet all FEMA flood prevention regulations; and

WHEREAS, since 2007 the entire jurisdiction of the City of Shoreacres has been located within a Special Flood Hazard Area (SFHA) subject to regulation and flood insurance requirements; and,

WHEREAS, generations of Shoreacres home owners have made lifelong plans and investments based on the availability of affordable NFIP flood insurance; and,

WHEREAS, the Biggert-Waters Flood Insurance Reform Act of 2012 (BW12), in its current form, requires the phasing out of grandfathered rates beginning in 2014 so that actuarial rates will be effective within five years thereafter; and,

WHEREAS, FEMA has also recently issued a preliminary FIRM draft that when it becomes effective will dramatically increase the Base Flood Elevation (BFE) requirement for nearly every property within the city causing currently compliant properties, including those rebuilt to then-current standards after Hurricane Ike, into a non-compliant status; and,

WHEREAS, previously these structures were rated as Pre-FIRM or the FIRMS in effect when the structure was constructed, and now, even though the structures were not substantially damaged, their owners will struggle to pay exorbitant amounts of money to keep flood insurance on these structures; and,

WHEREAS, the Flood Disaster Act of 1973 required the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of federal or federal-related financial assistance, (banks, mortgage companies, savings and loans) for acquisition or construction purposes with respect to buildings in high-risk flood areas; and,

WHEREAS, through the passage of the Biggert-Waters Flood Insurance Reform Act (Public

Law 112-141, aka: BW12) signed into law on July 6, 2012, the NFIP was revised such that the public's trust and reliance on the program to provide affordable flood insurance protection was drastically reduced through elimination of subsidized or discounted premiums; and,

WHEREAS, the Biggert-Waters Act removes subsidized rates (pre-FIRM rates) for many structures and allows rates to increase by 25 percent of the newly established premium per year until actuarial rates are achieved beginning in 2013; and,

WHEREAS, the 25 percent rate increase for properties in the floodplain would include, but is not limited to, any residential property that is not a primary residence, any severe repetitive loss property, any business property, or any new or lapsed policy; and,

WHEREAS, there will be a rise in the limit for annual rate increases within any risk classification of structures, such as primary residential properties, from 10 percent to 20 percent; and,

WHEREAS, the Act lowers from 50 percent to 30 percent of fair market value the threshold at which structures may be declared substantially damaged; and,

WHEREAS, with no practical alternative provided for with passage of BW12, it substantially and immediately devalued the investments made in all properties receiving subsidized insurance premium rates through the drastic increase in the cost of flood insurance and all other properties in the area; and,

WHEREAS, the increase of flood insurance premiums will financially impact many homeowners currently living along the coast next to rivers, estuaries, bays, sounds and oceans, that lawfully constructed their homes as allowed by the National Flood Insurance Program; and,

WHEREAS, the dramatic increase in flood insurance premiums will impact the sale, purchase and construction of homes and will likely result in foreclosures and owners that need coverage choosing to cancel their flood insurance; and,

WHEREAS, it is necessary to consider the need to have a long term, sustainable and viable NFIP with rates that are affordable.

NOW, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES THAT:

Section 1. The Shoreacres City Council finds that the recitals above are true and correct.

Section 2. The City Council of the City of Shoreacres hereby opposes the implementation of the Biggert-Waters Act as currently adopted due to the dramatic financial impact that the tremendous increase in flood insurance cost will have on residents throughout the City of Shoreacres; and

Section 3. The City of Shoreacres hereby thanks its federal legislative delegation for its leadership on this issue, and requests continued efforts to amend the Biggert-Waters Act to reduce or mitigate the financial impact of the changes to the NFIP for area home and business owners, with options for consideration including, but not limited to:

- Temporary suspension of release of all new flood maps for adoption by communities while FEMA continues to develop and refine proposed maps working with local stakeholders to ensure accuracy in the reflection of communities' true flood risk;
- Creation of a special enrollment period for NFIP, which would provide a limited and one-time-only option for home and business owners to establish or renew NFIP

coverage using current maps, with possible conditions including that properties enrolled during such a special period would keep their subsidized rates until the property is destroyed or abandoned by a non-flood event, the policy is allowed to lapse, or the property has a flood claim(s) equal to the property's insured value (these conditions could carry forward to new owners if the subject property is sold, donated or otherwise transferred after enrollment or renewal during the special period);

- Creation and issuance of different policies that provide varying levels of protection and deductibles that would still allow policy holders to maintain coverage;
- Retention of "grandfathering" for structures that have not flooded; and

Section 4. The Shoreacres City Council directs the City Secretary to send this resolution to all State of Texas legislators and members of the U.S. Congress who represent Shoreacres, Texas.

Section 5. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. All resolutions and agreements and parts of resolutions and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

Section 7. This Resolution shall take effect immediately upon passage.

PASSED AND APPROVED, THIS 9TH DAY OF SEPTEMBER, 2013.

CITY OF SHOREACRES

(CITY SEAL)

By: _____
Matt Webber, Mayor

ATTEST:

David K. Stall, CFM
City Secretary

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RESOLUTION No. 2013-122
CITY OF SHOREACRES

A RESOLUTION DESIGNATING A REPRESENTATIVE AND OFFICIAL ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2014 GENERAL ASSEMBLY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * *

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

THAT _____ be, and is hereby designated as its Representative to the GENERAL ASSEMBLY of the Houston-Galveston Area Council for the year 2013.

FURTHER, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should resign, is _____.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

This Resolution shall take effect immediately upon passage.

PASSED AND APPROVED, this 9th day of September, 2013.

CITY OF SHOREACRES

(CITY SEAL)

By: _____
Matt Webber, Mayor

ATTEST:

David K. Stall, CFM
City Secretary

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**ORDINANCE No. 2013-141
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SHOREACRES RULES OF ORDER AND PROCEDURES FOR COUNCIL MEETINGS; CONTAINING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * *

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

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

That section 2-83 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-83. - Rules of order and procedure for council meetings.

- (a) *Time of meetings/closed sessions.* Regular meetings of the city council shall be held on the 2nd and the 4th Monday of each month in the council chambers, city hall, commencing at 7:00 p.m. except when agreed on by majority vote of council to another time/date. The order of business shall be described in subsection (b) (order of business).

Closed sessions will be scheduled as needed on the regular agenda.

The council shall not consider any resolution, motion, or matter that does not affect the conduct of the business of the City of Shoreacres or its corporate powers or duties as a municipal corporation. The council shall not consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of Texas, the Congress of the United States, or before any officer or agency of said state or nation unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business

or the powers and duties of the City of Shoreacres or its officers or employees as such. Communications that do not directly relate to the conduct of business for the City of Shoreacres shall be provided to council on an information only basis. Such communications may be submitted on a council agenda upon request of a council member.

- (b) *Order of business.* The agenda for regular council meetings shall be taken up for consideration in substantially the following order. The mayor or a member of council may at any time, by majority consent, change the order of the agenda items. City council agenda items that are continued from one meeting to another shall have preference on the agenda. If items are scheduled for a specific time, the council will attempt to address those issues at the specific time.

7:00 p.m.	Call to order
	Roll call
	Pledge of Allegiance (at the discretion of the presiding officer)
	Special presentations
	Approval of minutes
	Council reports/general requests
	Public comments
	Administrative reports
	Business
	Closed session (if applicable)
	Adjourn

- (c) *The following is a general policy statement discussing the process and/or policy related to the order of business (subsection (b)):*

- (1) *Call to order.* The presiding officer will call the meeting to order at the posted time.
- (2) *Roll call.* The city clerk will call roll as the first order of business at each meeting.
- (3) *Pledge of allegiance.* The presiding officer will lead in the Pledge of Allegiance as the second order of business at each meeting, if desired.
- (4) *Special presentations.* Special presentations in recognition of persons or groups, or for the promotion of an event or service shall be scheduled by the mayor and city clerk. Requests for special presentations must be submitted to the city clerk in writing pursuant to the agenda deadlines.
- (5) *Approval of minutes.* Minutes of the city council meetings shall be submitted to the council for approval and/or correction in draft form at a

subsequent regular meeting. Only members of the council and the city clerk have the authority to make revisions to the minutes, subject to a majority vote of the city council.

- (6) *Council reports/general requests.* Each regular meeting agenda will provide for "council comments and general requests". This is the opportunity for the council members to ask questions for clarification, provide information to staff or other members of council, request staff to report back on a matter, or to request staff to place a matter on a subsequent agenda.
- (7) *Public comments.* Time shall be reserved on each regular meeting agenda to provide an opportunity for members of the public to directly address the council. Each person shall be subject to the provisions of this article. Any item of interest not appearing on the agenda that is presented by a member of the public under "citizen's comments" may be referred to the city clerk, mayor, or a member of council for investigation and placement on a future agenda if desired.

Each person desiring to address council shall complete a speaker registration form provided by the city clerk. The completed form shall be provided to the city clerk prior to speaking.

All citizens must observe the following rules with respect to comment and testimony:

- a. *Five-minute limit.* Comment and testimony shall be limited to five minutes for each member of the public who wishes to speak. "Applicants" or "appellants" are not held to this time limit. (See hearings and appeals). All comments and testimony shall be from the podium or other approved council location; no comment shall be shouted from the audience. The city clerk shall set the timer for five minutes and comments will conclude at the end of the five-minute limit. Questions for staff or the applicant shall be made through the presiding officer. Any such questions are part of the five-minute limit.
- b. *Additional time.* If additional time is needed for public commentary, citizens must ask for this at the outset of the comment period and have it approved by the city council.
- c. *Less time.* The council may limit the total amount of time devoted to public comment, the amount of time offered to each speaker, or the number of speakers to be heard on an issue, or may make such other modifications as the council deem appropriate. To the extent practicable, the council and/or city clerk shall include notice of such modification or limit in published notice of the meeting.

- d. *Speak only once.* Second opportunities for a member of the public to speak on the same issue or agenda item will not be permitted unless mandated by law. No member of the public may give all or part of their time to speak to another member of the public.
 - e. *Addressing the council.* Comments and testimony are to be directed to the city council. Dialogue between and inquiries from citizens and members of the staff or the seated audience is not permitted. Unless otherwise authorized by motion and vote of the council, inquiries which require staff response shall be referred to staff for response at a later time.
 - f. *Disruptive comments or conduct.* No person who addresses council shall make any belligerent, personal, impertinent, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the council, staff or other individuals in a manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the council meeting. Nor shall any person engage in any other disorderly conduct which so disrupts, disturbs or impedes the orderly conduct of the meeting. Council shall be held to the same standards. Nothing in this section shall prohibit or discourage orderly criticism of any city decision or policy within the limits of these rules. Any violation of this rule shall be grounds for terminating the citizen's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, shall be grounds for removal from the meeting.
- (8) *Administrative reports.* Administrative reports are reports and recommendations from administrative staff intended for council discussion or to inform council of items of interest.
- Staff reports and related background material regarding these agenda items should be received by the city clerk by noon, four days prior to the meeting.
- (9) *Business.* All items of business, such as contracts, agreements, ordinances, and resolutions that require action to be addressed by council should be presented under business. During discussion council members may ask questions of staff or other members of council for clarification. The city administrator shall serve as a resource to the council and provide information to facilitate its ability to make informed decisions. The mayor may allow public comment or testimony germane to the item of business under consideration by council.
- (10) *Closed session (if applicable).* Closed sessions will be carried out according to Texas Laws, or as defined by law.

(11) *Adjournment.* Generally, council meetings should adjourn by 10:00 p.m.

Any items not completed at the conclusion of a meeting shall be continued at the next regular meeting and shall be considered before any new items within their category.

This Ordinance shall be effective immediately after its passage and approval.

PASSED AND APPROVED this the 9th day of September 2013.

(CITY SEAL)

Matt Webber, Mayor

ATTEST:

David K. Stall, CFM
City Secretary

M/2		Yea	Nay	N/V	Absent
<input type="checkbox"/>	M. Webber	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	B. Bunker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	S. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	R. Moses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	N. Schnell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M. Wheeler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed _____
David Stall, City Secretary - Date

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