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RESOLUTION 2022-22

**RESOLUTION OF CITY OF SEABROOK
PROPOSED SEDC PROJECT – “OLD SEABROOK LIVABLE CENTER – PHASE 1”**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, AUTHORIZING A PROJECT OF THE SEABROOK ECONOMIC DEVELOPMENT CORPORATION TO SUPPORT AND APPROVE FUNDING OF OLD SEABROOK LIVABLE CENTER STUDY IMPLEMENTATION PHASE 1 – PRELIMINARY ENGINEERING REPORT (“PER”); TO ENHANCE AND RECONFIGURE MAIN STREET AND BAYSIDE PARK (ESTIMATE OF \$122,000); TO MAKE CAPITAL IMPROVEMENT PROJECT (“CIP”) CONTRIBUTION OR LOCAL MATCH FOR CONSTRUCTION OF INFRASTRUCTURE IN OLD SEABROOK DISTRICT (ESTIMATE OF \$625,000); FUND CITY OF SEABROOK CIP PROJECTS IN THE OLD SEABROOK DISTRICT FOR STREET IMPROVEMENTS, SIDEWALKS, ON-STREET PARKING, PARKING FACILITIES, UTILITIES, SAFETY ELEMENTS, GATEWAYS, PLACEMAKING ELEMENTS, DESIGN, RIGHT OF WAY ACQUISITION, IF NEEDED, AND DEMOLITION (ESTIMATE OF \$253,000); OR ANY OTHER EXPENDITURES CONSISTENT WITH THE PURPOSES AND DUTIES AS A TYPE B CORPORATION FOR THIS PROJECT IN AN AMOUNT NOT TO EXCEED \$1,000,000.00 (“PROJECT”), PURSUANT TO THE TERMS AND CONDITIONS OF THE “ECONOMIC DEVELOPMENT AGREEMENT”, AND CITY ACCEPTANCE OF “PUBLIC EASEMENT AGREEMENT”, ATTACHED HERETO

WHEREAS, on January 18, 1992, the voters of the City of Seabrook authorized the City of Seabrook to adopt a one-half cent sales and use tax to pay for the costs of projects authorized by Section 4B of Article 5190.6, V.T.C.S., as amended, and to pay for the principal and interest of bonds or other obligations issued to pay the costs of such designated projects; and

WHEREAS, the Seabrook Economic Development Corporation (“SEDC”) was established to oversee the expenditures of tax monies, and bylaws were established for the operation of the SEDC; and

WHEREAS, SEDC has analyzed potential projects that will meet the enabling legislation’s purposes and assist it in attracting businesses, creating jobs, and assisting in other statutorily authorized economic development programs; and

WHEREAS, the Seabrook Economic Development Corporation (“SEDC”) met on April 14, 2022 and at that time took formal action to support and approve funding of Old Seabrook Livable Center Study Implementation Phase 1 - Preliminary Engineering Report (“PER”) to Enhance and Reconfigure Main Street and Bayside Park, (estimate of \$122,000); Capital Improvement Project (“CIP”) Contributions or Local Match for Construction of Infrastructure in Old Seabrook District, (estimate of \$625,000); City of Seabrook CIP Projects in the Old Seabrook District for Street Improvements, Sidewalks, On-Street Parking, Parking Facilities,

47 Utilities, Safety Elements, Gateways and Placemaking Elements, Design, Right of Way
48 Acquisition, if needed, demolition (estimate of \$253,000), or any other expenditures consistent
49 with the purposes and duties as a Type B corporation for this Project in an amount not to exceed
50 \$1,000,000.00, (“Project”), unless otherwise determined by the Board of Directors and approved
51 by City Council, in accordance with Texas Local Government Code Sections 501.101, 501.103,
52 505.152, 505.155, 505.158, and 505.302, for this Project; and

53

54 **WHEREAS**, the SEDC has evaluated whether the expenditure for such Project in such
55 amount from its economic development sales and use tax proceeds relates to the promotion of
56 new or expanded business development and/or the creation or retention of primary jobs, and/or
57 related uses authorized pursuant to the Texas Local Government Code and has determined that
58 such funding is appropriate for such purposes; and

59

60 **WHEREAS**, the SEDC is also permitted to undertake projects that include the “*land,*
61 *buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements*” and
62 finds that the Project will promote new or expanded business development, and that it may use
63 such sales tax proceeds to fund the Project; and

64

65 **WHEREAS**, notice of this Project was posted on the city bulletin board on April 21,
66 2022 and published in the city’s official newspaper on the same date; and

67

68 **WHEREAS**, such publication and posting notified the public of a 60 day comment
69 period to end on June 20, 2022, prior to expenditure of funds for the Project, as required pursuant
70 to Section 505.159 of the Texas Local Government Code; and

71

72 **WHEREAS**, a public hearing was conducted on May 12, 2022 and the SEDC has
73 evaluated the proposed Project, finding it has sufficient funds for proceeding; and

74

75 **WHEREAS**, pursuant to Texas Local Government Code Section 505.158, and prior to
76 the SEDC funding a project involving an expenditure by the SEDC of more than \$10,000, per
77 project, the City Council is required to adopt a Resolution authorizing the project, which
78 Resolution shall be read by the City Council, on two separate occasions with all notice(s) and
79 City Council determines that hearing(s) have been provided in accordance with law; and

80

81 **WHEREAS**, the City has reviewed the actions of the SEDC related to the Project noted
82 herein, has considered and evaluated that Project, has found it meets eligibility for City Council’s
83 approval and determination for proceeding with the Project within the budgeted amount;

84

85 **NOW THEREFORE, BE IT RESOLVED BY THE SEABROOK ECONOMIC**
86 **DEVELOPMENT CORPORATION BOARD OF DIRECTORS AND THE CITY**
87 **COUNCIL OF THE CITY OF SEABROOK:**

88

89 **Section 1.** That SEDC will undertake to establish the Project, in an amount not to
90 exceed \$1,000,000.00, over multiple fiscal years with funds available pursuant to City Council
91 approval pursuant to annual budget approval.

