



CITY OF HOUSTON

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Via Email

Troy Lemon, City Secretary
Office of the City Secretary
900 Bagby St., Rm. P101
Houston, Texas 77002

Re: City of Houston's Rebuttal to "Appeal of SignAd, Ltd. Regarding Off-Premise Sign Located at 11700 Wilcrest Drive" dated May 22, 2025

Dear Mr. Lemon:

The City of Houston submits this letter to be presented to City Council regarding SignAd, Ltd.'s appeal pursuant to Rule 12 of the Houston City Council Rules of Procedures related to SignAd's billboard located at 11700 Wilcrest Drive (Wilcrest Sign). Specifically, the letter submitted by SignAd's counsel, Christopher Rothfelder, dated May 22, 2025, contained improper argument outside the written record of the hearing before the General Appeals Board (GAB) on March 27, 2025. ***SignAd's "written exceptions" cannot be considered exceptions to the proceedings on the facts before the GAB because they are not complaints about the proceeding itself. Therefore, SignAd's May 22, 2025, letter should not be considered by Council.***

To provide the Council more background based on the evidence presented at the GAB hearing, the Wilcrest Sign was originally permitted in 1997 pursuant to Houston Sign Code Section 4617. Section 4617 allows for a special, one-time, 10-year permit for construction of an offsite billboard when the Texas Department of Transportation condemned the land on which a billboard was sitting. § 4617 (a)(2), (10). In exchange for the one-time, ***nonrenewable*** special permit, the sign owner enters into a contract with the City waiving any takings claims. § 4617(a)(6), (10); City's Ex. 8. The sign owner also agrees in the contract to remove the sign after the 10-year period expires. § 4617(a)(10); City's Ex. 8. By settlement agreement related to threatened litigation, the Wilcrest Sign's Section 4617 permit was extended until September 2024. City's Ex. 9. SignAd is refusing to comply with the Sign Code and its agreement to take down the billboard after the permit expired—***and SignAd is using all procedural delays at its disposal to keep the Wilcrest Sign up and earning profits despite having no legal right to do so.***

Even if the Council were to consider the arguments in SignAd's letter dated May 22, 2025, the Council should uphold the City's Sign Administration's denial of SignAd's application for a new Section 4617 permit because:

1. The applicable spacing requirements are contained in Section 4617(a)(8)b, or at least 1,500 feet to another billboard. SignAd is asking to use a "credit" from a sign it took down on from 8811 ½ Main St. to obtain a new special permit at the Wilcrest location. City's Ex. 6 at p. 3. Since the Main Street location is not the same tract of land, nor an abutting property, it is being relocated pursuant to Section 4617(a)(4)d, which triggers the spacing requirements of Section 4617(a)(8)b.
2. SignAd is not disputing that the Wilcrest sign does not meet the spacing requirements of 4617(a)(8)b. Instead, SignAd argues that different spacing requirements should be applied, because SignAd alleges different requirements have been applied in the past. The City Sign Administrator, however, has the responsibility to "ensure[e] that all signs comply with [the Sign Code] and any other applicable laws." § 4604(b). This duty does not include enforcing alleged prior misinterpretations of the Sign Code or other laws.
3. Even if the 2015 settlement agreement had a provision that allowed the City and SignAd to come to an agreement to extend the original Section 4617 permit for the Wilcrest Sign, the agreement did not require the City to agree to an extension. In any event, the provision required such an extension for "any sign whose permit has not expired," but the original special permit expired in September 2024, and SignAd admittedly did not apply for another special permit until November 2024. SignAd Ex. 5 at ¶ 9; GAB Hearing Transcript at pp. 65, 70-71.
4. Further, although the SignAd applied for a special permit for both faces of the Wilcrest Sign, it offered a billboard "credit" with only one face in its November 2024 special permit application. GAB Hearing Transcript at p. 67.

Very truly yours,

/s/ Lori J. Yount

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