The City Council of the City of Seabrook met in regular session on Tuesday, October 23, 2012 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANGROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON	COUNCIL PLACE NO. 3
DON HOLBROOK.	COUNCIL PLACE NO. 4
THOM KOLUPSKI - Ex. Abs,	COUNCIL PLACE NO. 5
LAURA DAVIS	MAYOR PRO TEM & COUNCIL PLACE NO. 6
KELLY TEMPLIN	CITY MANAGER
GAYLE COOK	ASSISTANT CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Mayor Royal called the meeting to order and led the audience in the Pledge of Allegiance.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

David Evans, Loganberry Circle, gave an update on his contacts regarding noise from the trains. He asked Council to consider an ordinance regulating noise for trains.

1.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

On October 27 there will be a ribbon cutting ceremony by Precinct 2 for new trails at Clear Lake Park at 9:00 a.m. The Arts Festival will also take place on October 27 at the Community House at 10:00 a.m.

2.0 BID AWARDS

2.1 Award bid for Project No. 2012-09, "Disposal of Municipal Sludge" to Solids Recovery Services, Inc. in the amount of $118,800.00 ($396.00 per dry ton). This is a budgeted item. (Chairez)

Director of Public Works, Arthur Chairez stated that this is a rebid. The city received three bids, two of which tied for the lowest cost. He recommended awarding the bid to Solids Recovery who tied for low bid, as it is the city's current contractor.

Motion was made by Councilor Davis and seconded by Councilor Llorente

To approve Bid Project No. 2012-09 as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.0 CONSENT AGENDA

3.1 This item was removed from the Consent Agenda by Councilor Holbrook.

3.2 Approve Resolution No. 2012-31, "Approving Sale of Property Located on Bath Avenue and Waterfront Drive." (Templin)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS APPROVING THE SALE OF PROPERTY GENERALLY LOCATED ON BATH AVENUE AND WATERFRONT DRIVE, CONSISTING OF TWO TRACTS TOTALING APPROXIMATELY 0.1033 ACRES, GENERALLY DESCRIBED AS LOT 1 BLOCK 148 OF THE TOWN OF SEABROOK RECORDED IN VOLUME 92, PAGE 284, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS AND A 25 FOOT STRIP OF LAND ADJACENT AND CONTIGUOUS TO THE NORTHEAST PROPERTY LINE IN SAID BLOCK 148 OF THE SEABROOK SUBDIVISION AS SHOWN ON THE RECORDED MAP IN VOLUME 1 PAGE 50, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; ALL AS MORE PARTICULARY DESCRIBED HEREIN; MAKING FINDINGS IN RELATION THERETO; PROVIDING FOR THE TERMS AND CONDITIONS OF SALE; AND PROVIDING AUTHORIZATION FOR THE MAYOR OR CITY MANAGER TO EXECUTE NECESSARY CLOSING DOCUMENTS FOR THE SALE OF SUCH PROPERTY.

3.3 Approve a special events permit by the Assisteens of the Alliance League of the Bay Area (pending submission of updated proof of insurance) for a 5K Run in Meador Park on January 5, 2012 and approve a request for waiver of all fees as this is a non-profit event. (Applicant)

3.4 This item was removed from the Consent Agenda by Councilor Davis.

3.5 Approve amended interlocal cooperation contract with the Texas Department of Public Safety Failure to Appear Program as required by recent legislation. (Court)

3.6 Approve the renewal of a contract with Houston Community Newspapers for advertising rates for 2012/13. (Glaser)

3.7 Approve the Community Development Report for September 2012. (Landis)

3.8 Approve the Public Safety Report for September 2012. (Holomon)

3.9 Approve the minutes of the special City Council meeting of September 25, 2012. (Glaser)

3.10 Approve the minutes of the regular City Council meeting of October 2, 2012. (Glaser)

3.11 Approve the minutes of the special City Council meeting of October 9, 2012. (Glaser)

Motion was made by Councilor Holbrook and seconded by Councilor Johnson

To approve the Consent Agenda with the exception of Items 3.1 and 3.4.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

3.1 Approve proposed Resolution No. 2012-30; Open Space, Beautification and Preservation Committee Name Change. (OSC)

A RESOLUTION AMENDING RESOLUTION NOS. 2009-05 AND 2009-17, BY CHANGING THE NAME OF THE OPEN SPACE, BEAUTIFICATION AND PRESERVATION COMMITTEE TO THE OPEN SPACE AND TRAILS COMMITTEE AND CONFIRMING THAT ALL OTHER ITEMS PERTAINING TO THIS COMMITTEE CONTAINED IN RESOLUTION NOS. 2009-05 AND 2009-17 SHALL REMAIN IN FULL EFFECT

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To approve Resolution No. 2012-30.

Ayes: Royal, Giangrosso, Johnson, Llorente.
Nays: Davis, Holbrook.

MOTION CARRIED BY MAJORITY VOTE.

3.4 Approve request by Crown Castle for modification of existing T-mobile equipment to the wireless communication facility located near City Hall in Seabrook and identified as Site 815855. (Applicant)

Motion was made by Councilor Davis and seconded by Councilor Holbrook

To approve the request.

Councilor Davis asked what would happen to the tower when the contract ends in December 2014. Mr. Weathered stated that at the end of the contract the tower reverts to the city unless the city decided it did not want the tower. Mr. Weathered confirmed that the contract could be renegotiated at the end of its term.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.0 NEW BUSINESS

4.1 Consider approval of tax rate for 2012. These separate motions are required: 1) To approve a tax rate of $0.483154 per $100.00 valuation of assessed property for operations and maintenance; 2) To approve a tax rate of $0.182078 per $100.00 valuation of assessed property for the interest and sinking fund; 3) To approve an increased tax rate of $0.665232 which is effectively 2.4 percent increase in the tax rate; and 4) To approve proposed Ordinance No. 2012-20, "Tax Ordinance" on first and final reading with the reading of the caption serving as the reading of the ordinance. (Templin)

"AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF SEABROOK, TEXAS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013 AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF."

Motion 1

Motion was made by Councilor Llorente and seconded by Councilor Holbrook

To approve a tax rate of $0.483154 per $100.00 valuation of assessed property for operations and maintenance.

MOTION CARRIED BY UNANIMOUS CONSENT.

Motion 2

Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

To approve a tax rate of $0.182078 per $100.00 valuation of assessed property for the interest and sinking fund.

MOTION CARRIED BY UNANIMOUS CONSENT

Motion 3

Motion was made by Councilor Llorente and seconded by Councilor Johnson

To approve an increased tax rate of $0.665232 which is effectively 2.4 percent increase in the tax rate

MOTION CARRIED BY UNANIMOUS CONSENT.

Motion 4

Motion was made by Councilor Johnson and seconded by Councilor Llorente

To approve proposed Ordinance No. 2012-20, "Tax Ordinance" on first and final reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT

4.2 Consider approval of first reading of Ordinance No. 2012-21, "Updating Hotel Occupancy Tax Code and Increasing the Hotel Tax Rate." (Council)

AN ORDINANCE AMENDING CHAPTER 85 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "TAXATION AND FINANCE," ARTICLE II, ENTITLED "HOTEL OCCUPANCY TAX," SECTIONS 85-28 THROUGH 85-32, AND 85-35, BY AMENDING SUCH SECTIONS TO UPDATE ITS PROVISIONS AND INCREASE THE HOTEL OCCUPANCY TAX FROM 6 1/2% TO 7%; ADDING A NEW SECTION 85- 37, "APPEAL OF TAX"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $500 FOR VIOLATION OF ANY PROVISION HEREOF, TOGETHER WITH RELATED PENALTIES AND REMEDIES AS SPECIFIED HEREIN, BY INCLUSION INTO THE CODE OF ORDINANCES; PROVIDING FOR NOTICE, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

Motion was made by Councilor Holbrook and seconded by Councilor Llorente

To approve first reading of Ordinance No. 2012-21 with the reading of the caption serving as the reading of the Ordinance with the following amendments: 1) to replace the title of "City Secretary" with "City Manager or Designee"; 2) to strike Section 85.29 (b); and 3) to make the ordinance effective as of January 1, 2013.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.3 Consider approval of first reading of Ordinance No. 2012-22, "Removing Muscovy Ducks from Protected Status." (Council)

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "ANIMIALS," ARTICLE I, ENTITLED "IN GENERAL," SECTION 10-5 ENTITLED "BIRD SANCTUARY," SUBSECTION (d) BY AMENDING SUCH SECTION TO REMOVE DOMESTIC, FERAL AND RELATED INVASIVE BIRD SPECIES, SPECIFICALLY INCLUDING "MUSCOVY DUCKS" FROM THE PROTECTIONS AFFORDED FOR "WILD BIRDS"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

Motion was made by Councilor Davis and seconded by Councilor Giangrosso

To approve Ordinance No. 2012-22 on first reading with the reading of the caption serving as the reading of the Ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.4 Consider a request to place the US Army Corps of Engineers' permit for the anticipated restoration work within Pine Gully in the name of the City of Seabrook as opposed to the Galveston Bay Foundation. (Templin)

Mr. Templin stated that the Corps had requested that the permit for Pine Gully be placed in the city's name rather than in the name of the Galveston Bay Foundation. Mr. Templin stated that it will be the city's responsibility to maintain the work.

Councilor Davis asked if this action will increase liability for the city in any way. Mr. Weathered stated that he had not examined the permit conditions in enough detail to answer at this time.

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To approve the request as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.0 ROUTINE BUSINESS

5.1 Consider approval of the Action Items Checklist which is attached and made a part of this agenda. (Council)

MOTION WAS MADE BY Councilor Giangrosso and seconded by Councilor Holbrook

To approve the Action Items Checklist with the following changes:

Item 1 to be complete on November 6, 2012.

Item 3 is waiting for a committee report as to how to allocate the additional hotel tax.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.2 Establish future meeting dates and agenda items, including scheduling meetings during the upcoming holiday season. (Council)

Motion was made by Councilor Giangrosso and seconded by Councilor Holbrook

To change the council meeting schedule for the holidays as recommended by the city secretary and outlined below.

The November 20, 2012 and December 18, 2012 meetings will not be held unless the Mayor or City Manger determines it is necessary.

As the first Tuesday in January is on New Year's Day, the regular City Council meetings in January 2013 will be rescheduled to be held on January 8 and January 22.

MOTION CARRIED BY UNANIMOUS CONSENT.

Upon motion, Mayor Royal adjourned the meeting at 7: 49 p.m.

Approved this the 6th day of November, 2012.

Glenn R. Royal

Glenn R. Royal, Mayor

Michele L Glaser

Michele L. Glaser, TRMC
City Secretary