The City Council of the City of Seabrook met in regular session on Tuesday, November 6, 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	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. Members of Girl Scout Troop 7035 led the audience in the Pledge of Allegiance.

1.0 PRESENTATIONS

1.1 Presentation of Certificate of Appreciation to Girl Scout Troop 7035. (Royal)

Mayor Royal and Mayor Pro Tem Davis made the presentations to members of Troop 7035 and thanked them for beautifying and improving Robinson Park.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS - None

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

Upcoming events include the annual Tree Lighting on December 6, Breakfast with Santa on December 8, Share Your Christmas beginning November 26 and Trash Bash in March 2013.

3.0 CONSENT AGENDA

3.1 Agreement consenting to the transfer and assignment of an existing right-of-way agreement currently between the City of Seabrook and Amoco Pipeline Company (BP Entity) which has been sold to Marathon Petroleum Company. (Templin)

3.2 Approve Amendment 4 to General Land Office Contract No. 11-323-000-5294, "Community Development Block Grant Disaster Recovery Contract" which was

effective on September 1, 2010. City Manager will execute amendment per Res. No. 2011-25. (Templin)

3.3 **Approve an excused absence for Thom Kolupski for the October 23, 2012 council meeting. (Glaser)**

3.4 **Approve the minutes of the regular City Council meeting of October 23, 2012. (Glaser)**

3.5 This item was removed from the Consent Agenda by Mr. Weathered.

3.6 **Approve second and final 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 "ANIMALS," 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.

3.7 This item was removed from the Consent Agenda by Councilor Kolupski.

Motion was made by Councilor Holbrook and seconded by Councilor Llorente

To approve the Consent Agenda with the exception of Items 3.5 and 3.7.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

3.5 **Approve second and final 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Weathered stated that Council had requested that the city manager/designee administer the ordinance which conflicts with Section 85.37 which designates the city manager to hear appeals to the ordinance. Mr. Weathered recommended that day-to-day administration be placed with the Finance Officer. He also reported that the effective date had been changed to April 1, 2013 at the request of hotel owners.

Motion was made by Councilor Giangrosso and seconded by Councilor Johnson

To approve second and final reading of Ord. No. 2012-21, including the changes discussed by Mr. Weathered, with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIES BY UNANIMOUS CONSENT.

3.7 Approve a Memorandum of Understanding between the City of Seabrook and the Harris County Flood Control District (HCFCD) for maintenance of a portion of Pine Gully. (Templin)

In response to questions from Council, Mr. Templin explained that HCFCD will attempt not to damage the mitigation to Pine Gully Park, but if damaged, the city will be responsible for the mitigation. All damage will be replaced on a one-to-one basis. Mr. Templin stated that Seabrook must agree to these conditions in order to allow mitigation inside the project area.

Motion was made by Councilor Kolupski and seconded by Councilor Holbrook

To approve the Memorandum of Understanding as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.0 NEW BUSINESS

4.1 Consider recommendations of the Carothers Coastal Gardens ad hoc committee. (Holbrook)

Councilor Holbrook reported on the Committee's recommendations regarding opening the Carothers' Garden Park to the public more often. He said that the Committee has requested that Council approve two items tonight: 1) to modify an existing fence panel in the parking lot of Carothers' Gardens, adjacent to Park Road, to include a gate that will allow pedestrians to enter and tour the property when events are not taking place, and 2) to open the facility on Thursdays from 8 a.m. until 12:00 noon for two months starting in January, 2013 and to reassess this event at the end of the two months.

Councilor Davis asked how the gate would be monitored. Mr. Templin stated that the gate would be locked and a sign would be placed on the gate during events. He also stated that the Pine Gully guard will check the grounds before closing the gate at night.

Motion was made by Councilor Holbrook and seconded by Councilor Llorente

To approve a gate for trail access and to advertise and hold an open house on Thursdays as stated above.

MOTION CARRIES BY UNANIMOUS CONSENT.

4.2 Consider allocating HOT Event Contingency Funds to the 2012 Annual Christmas Boat Lane Parade being held on Clear Lake on December 8, 2012 for advertising to promote tourism. Previously the City contributed $2,000 annually for fiscal years 2007/2008, 2008/2009 and 2009/2010. (Royal)

Motion was made by Councilor Giangrosso and seconded by Councilor Johnson

To approve this item with a finding that this event promotes tourism and overnight stays in hotels.

Mayor Royal stated that, in a recent meeting, Seabrook Hoteliers did not have an objection to this item. Representatives from the Clear Lake Area Chamber of Commerce stated that they would promote Seabrook hotels with the event, including listing the tourism website when advertising the event. Representatives stated that approximately 20 percent of the parade participants were from outside the Clear Lake area as well as many of the visitors. Chamber representatives plan to promote other events on the same weekend to encourage overnight stays.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.3 Consider and take all appropriate action with regard to payment and associated costs pertaining to Decision and Award of Special Commissioners, City of Seabrook vs. Matthew D. Wiggins, et.al. , Cause No. 1016603, pending in Harris County Civil Court of Law No. 3, for acquisition of Parcel 5, a .0115 acre tract situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas being out of and part of Lot 10, Block 150 of the Map of Seabrook, a subdivision recorded in Volume 1, Page 50, Harris County Map Records, and Parcel 6, a .0115 acre tract situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas being out of and part of Lot 9 (all more specifically described in attached Exhibits A and B respectively) assessing damages for both parcels of $27,500 for such property.

Motion was made by Councilor Davis and seconded by Councilor Holbrook

To approve this item as presented.

Mr. Weathered stated that this item, as well as Items 4.4 and 4.5, did not require approval by resolution as payment was awarded by the court.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.4 Consider and take all appropriate action with regard to payment and associated costs pertaining to Decision and Award of Special Commissioners, City of Seabrook vs. Matthew D. Wiggins, et.al. , Cause No. 1016606, pending in Harris County Civil Court of Law No. 1 for Parcel 3, a .0161 acre tract situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas being out of and part of Lots 6 and 7, Block 141 of the Map of Seabrook, a subdivision recorded in Volume 1, Page 50, Harris County Map Records, (more specifically described in attached Ex.) assessing damages of $15,000 for such property. (Templin)

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To approve this item as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.5 Consider and take all appropriate action with regard to payment and associated costs pertaining to Decision and Award of Special Commissioners, City of Seabrook vs. Matthew D. Wiggins, et.al. , Cause No. 1016606, pending in Harris County Civil Court of Law No. 1 for Parcel 4, a .0976 acre tract situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas being out of and part of Lots 1,2,3,4 and 5, Block 141 of the Map of Seabrook, a subdivision recorded in Volume 1, Page 50, Harris County Map Records, (more specifically described in attached Ex.) assessing damages of $120,000 for such property. (Templin)

Motion was made by Councilor Kolupski and seconded by Councilor Holbrook

To approve this item as presented.

Mr. Templin stated that the amounts to be awarded are slightly less than the appraised amounts originally offered to Mr. Wiggins.

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)

Councilor Holbrook suggested leaving Item 2 on the list so it can be reassessed in March 2013. Councilor Davis asked that the fire department contract be placed on the checklist also.

Motion was made by Councilor Davis and seconded by Councilor Holbrook

To approve the checklist with the changes discussed.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.2 Establish future meeting dates and agenda items. (Council)

Council discussed the possibility of holding the annual joint meeting with the City of El Lago and the Seabrook Volunteer Fire Department on Tuesday, December 11 at 7:00 p.m. at the Seabrook Fire Station. The next regular council meeting will be held on December 4.

Upon motion, Mayor Royal adjourned the meeting at 7:58 p.m.

Approved this 4th day of December 2012.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary