The City Council of the City of Seabrook met in regular session on Tuesday, December 4, 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 and asked the Bay Area Sharks to lead the audience in the Pledge of Allegiance and the Texas Pledge. Mayor Royal changed the order of the agenda without objection.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Rakesh Patel, NASA Parkway, representing Smoke Shop at 2624 NASA Parkway, stated that he had been informed by the Building Department that he could not operate a smoke shop at that location. He stated that when he signed the building lease, the zoning ordinance did not prohibit this use. He asked for Council's assistance to allow him to open his business.

Sal Bhakta, owner of Hampton Inn on NASA Parkway stated that the biggest complaint from customers staying at his hotel was the lack of public transportation to local tourist attractions. As the cruise terminal will open soon at Bayport, he asked Council to consider joining Kemah to provide public transportation, such as a trolley system, to various locations.

1.0 PRESENTATIONS

1.1 Presentation of Certificate(s) of Appreciation to Bay Area Sharks for winning the "Super Bowl". (Giangrosso)

Mayor Royal presented certificates to the players and congratulated the players, coaches and families.

1.2 Presentation of Open Space and Trails Committee quarterly report. (Helen Burton)

Chair Helen Burton gave a quarterly report including progress on the natural playground, work to eradicate Chinese tallow trees at Brummerhop Park, consideration of a mural at the Skateboard Park and the installation of a new sign at Pine Gully advising the public that the shell middens are protected.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

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

Council Members announced several upcoming events.

3.0 SPECIFIC PUBLIC HEARING(S)

3.1 Proposed Ord. No. 2012-23, "Accessory Structure/Use Prohibited without the Presence of a Principal Use/Structure." (P&Z)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX," BY ADDING A FOOTNOTE PROHIBITING THE PRESENCE OF AN ACCESSORY USE/ STRUCTURE WITHOUT THE PRESENCE OF A PRINCIPAL USE/STRUCTURE; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Building Official Sean Landis stated that this change was requested by staff for clarification of the ordinance as the language in the current ordinance makes enforcement difficult.

3.2 Proposed Ord. No. 2012-24, "Deleting the Existing Point Overlay Sign Regulations." (P&Z)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 4, "SPECIAL USE REGULATIONS", SECTION 4.15 "POINT OVERLAY DISTRICT REGULATIONS", BY DELETING THE EXISTING SUBSECTION 4.15.15 "SIGNS" IN ITS ENTIRETY; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Landis stated that the Planning and Zoning Commission unanimously recommended this ordinance change as the current more stringent sign regulations in the overlay zone could negatively hamper economic development. If this ordinance were approved, signs in the overlay zone would still be subject to the sign regulations in other areas of the city.

3.3 Proposed Ord. No. 2012-25, "Updating and Amending Sign Standards and Related Definitions." (P&Z)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 6, "SIGN STANDARDS", SUBSECTION 6.02 "DEFINITIONS", BY ADDING NEW DEFINITION FOR "HUMAN DIRECTIONAL/SIGN SPINNER"; SECTION 6.05 "PROHIBITED SIGNS," SUBSECTION 6.05.04, "SIGNS IN RESIDENTIAL ZONES" TO INCORPORATE NEW EXCEPTION FOR CHURCHES AND SCHOOLS IN SUCH ZONES; ADDING NEW SUBSECTION 6.05.13, "SIGN, HUMAN DIRECTIONAL/SIGN SPINNER" BY PROHIBITING SAID USE; SECTION 6.06 "PERMITTED SIGNS", SUBSECTION 6.06.02 "SUBDIVISION/HOME BUILDER IDENTIFICATION SIGNS", PROVIDING EXCEPTIONS TO SIGNS PERMITTED FOR SALES OFFICE/MODEL HOMES; 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Landis gave a presentation on changes in the proposed ordinance:

1) Language would be improved to clearly prohibit "human directional/spinner signs." Currently the city does not allow human directional/spinner signs as they are considered portable signs. However, this prohibition is hard to enforce in court, as there is no specific reference contained in the current ordinance.

2) Signs for churches and public schools would be permitted in residential zones.

3) Monument signs advertising model homes/new subdivisions would be permitted in residential zones. Such signs shall be no greater than 40 square feet in area and 10 feet in height.

4.0 CONSENT AGENDA

4.1 Approve Resolution 2012-32 Declaring Authorized Signatories for the CDBG program. (Templin)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS APPOINTING AUTHORIZED SIGNATORIES FOR THE HURRICANE IKE DISASTER RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM UNDER TEXAS GENERAL LAW OFFICE CONTRACT NUMBERS 22-323-000-5294 AND 12-5640-000-6858.

4.2 Removed from the Consent Agenda by Mr. Weathered.

4.3 Approve Resolution No. 2012-34, Acceptance of Easements from PHCG Investments for Waterfront Drive Reconstruction. (Templin)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY of SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT DRIVE RECONSTRUCTION, "PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENTS FROM PHCG INVESTMENTS, A TEXAS GENERAL PARTNERSHIP, PROPERTY OWNER, IN RELATION TO PARCEL 23, A 0.0574 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 1 AND 10, BLOCK 167 OF THE MAP OF SEABROOK; PARCEL 24, A 0.0230 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 2 AND 3, BLOCK 146 OF THE MAP OF SEABROOK; PARCEL 26, A 0.0344 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 1, 2 AND 3, BLOCK 145 OF THE MAP OF SEABROOK; AND PARCEL 27, A 0.0115 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOT 1, BLOCK 168 OF THE MAP OF SEABROOK, ALL BEING RECORDED IN VOLUME 1, PAGE 50, HARRIS COUNTY MAP RECORDS; ALL AS MORE PARTICULARLY DESCRIBED HEREIN.

4.4 Approve the Investment Reports for 4th Quarter, 2012. (Lab)

4.5 Approve the minutes of the November 6, 2012 regular City Council Meeting. (Glaser)

Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

To approve the Consent Agenda as presented with the exception of Item 4.2.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

4.2 Approve Resolution No. 2012-33, Acceptance of Easements from Seabrook Land Company for Waterfront Drive Reconstruction. (Templin) Removed by City Attorney

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT DRIVE RECONSTRUCTION," PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENTS FROM THE SEABROOK LAND COMPANY, INC, PROPERTY OWNER IN RELATION TO PARCEL 1, A 0.0229 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF RESERVE "K" OF THE MAP OF SEABROOK, A SUBDIVISION RECORDED IN THE HARRIS COUNTY MAP RECORDS; AND PARCEL 8, A 0.0774 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 1 AND 10, BLOCK 164 OF THE MAP OF SEABROOK, RECORDED IN VOLUME 1, PAGE 50, HARRIS COUNTY MAP RECORDS; ALL AS MORE PARTICULARLY DESCRIBED HEREIN.

This item was deferred until later in the meeting as Mr. Weathered told Council he had some legal issues to discuss in Executive Session.

Mayor Royal asked Mayor Pro Tem Davis to conduct the meeting for Agenda Items 5.1 and 5.2. which were considered together.

5.0 NEW BUSINESS

5.1 Consider expenditure of a portion of remaining SVFD bond funds for a traffic preemption system at Red Bluff intersection, upgraded VHF pagers, additional Grace Accountability System Watchdogs, repeaters and laptops for a total cost of $73,255.50. This is recommended by the SVFD and the Public Safety Committee. (Davis)

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5.2 Consider expenditure of a portion of the remaining bond funds as recommended by the Public Safety Committee. The recommended expenditures were ranked in order of priority by the Public Safety Committee: (1) radios, (2) squad vehicles, or (3) dispatch infrastructure and equipment and will not exceed $166,000. Item selection will be contingent upon approvals of the SVFD Executive Board on December 3, 2012. (Davis)

Councilor Davis stated that there is an effort to use the remaining bond funds before they go into arbitrage in January 2013. She stated that Fire Chief, Ray Cook has worked diligently with his Executive Board and with the Public Safety Committee to develop a list of proposed expenditures from the bond funds.

Chief Cook presented a list of the recommended expenditures for the remaining $702,400.00 in bond funds. (See Attachment A.) Itemized proposed expenditures totaled $637,392 for an end balance of $65,008.00. Chief Cook asked that the Council allow the city manager and fire chief to continue the purchasing process within the confines of the law and use the remaining funds if needed to purchase the items. Chief Cook stated that to date, expenditures have been under budget. Councilor Davis stated that representatives of the Public Safety Committee agreed that the fire department could best assess its needs and also asked Council to approve expenditure of the remaining funds ($65,008.00) if needed. Mr. Templin stated that he and Chief Cook could report any deviations from the itemized list.

Motion was made by Mayor Royal and seconded by Councilor Kolupski

To commit to the expenditures as presented tonight with the inclusion of the de minimis amount at the discretion of the fire chief and city manager.

MOTION CARRIES BY UNANIMOUS CONSENT.

At this time, Mayor Royal resumed conducting the meeting.

5.3 Consider first reading of proposed Ord. No. 2012-23, "Accessory Structure/Use Prohibited without the Presence of a Principal Use/Structure" per the caption read at the public hearing held earlier this meeting. (P&Z)

Motion was made by Councilor Davis and seconded by Councilor Johnson

To approve first reading of proposed Ordinance No. 2012-23 with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.4 Consider first reading of proposed Ord. No. 2012-24, "Deleting the Existing Point Overlay Sign Regulations" per the caption read at the public hearing held earlier this meeting. (P&Z)

Council deferred consideration of this item, as there were legal issues to be discussed in Executive Session.

5.5 Consider first reading of proposed Ord. No. 2012-25, "Updating and Amending Sign Standards and Related Definitions" per the caption read at the public hearing held earlier this meeting. (P&Z)

Motion was made by Councilor Kolupski and seconded by Councilor Holbrook

To approve the first reading of proposed Ordinance No. 2012-25, with the reading of the caption serving as the reading of the ordinance.

Councilor Llorente stated that he has used human directional/spinner signs to successfully promote his business and it was his opinion that prohibiting these signs would hinder growth of small businesses and would not be in conformance with the city's philosophy of being pro business. Councilor Llorente recommended deleting prohibitions against human directional/spinner signs from the ordinance, or allow the signs for 12 -18 months after a business opens. He also stated that he could not find evidence that these signs were a traffic hazard.

Mr. Landis restated that use of these signs is currently prohibited; however, as the language is not clear, this change was recommended by staff to make enforcement easier. He reported that he has received a few requests to use human directional/spinner signs.

Councilor Davis stated that she is pro business, but is also pro safety and allowing these signs, especially on NASA Parkway and SH 146, would cause distractions and negatively impact safety. She stated that if exceptions were going to be permitted, it would be preferable to issue temporary permits for a specific number of days rather than allow new businesses to use these signs for 12-18 months after opening.

Mr. Landis stated that if Council decides to allow human directional/spinner signs for a specific period of time, it would be preferable for the building department to issue temporary permits which would be monitored by the building department and which would be available to both new and existing businesses. In answer to a question from Councilor Johnson, Mr. Landis stated that he did not know how other neighboring cities handled this issue, but could find out. Mr. Landis stated that an amendment to the proposed regulations would go back to the Planning and Zoning Commission for a recommendation.

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To amend the ordinance by removing language about human directional/spinner signs and ask the Planning and Zoning Commission to reconsider these regulations based on Council's discussion.

Councilor Davis asked why Council wished to send these regulations back to the Planning and Zoning Commission for further study as the Commission had unanimously voted to approve the proposed regulations. Mayor Royal stated that the Commission could reconsider based on Council's comments tonight. In addition, Mr. Templin stated that staff would provide information about regulations in neighboring cities to the Commission.

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

MOTION CARRIES BY MAJORITY VOTE.

Mayor Royal then called for a vote on approval of Ordinance No. 2012-24 at first reading with the above amendment.

MOTION CARRIES BY UNANIMOUS CONSENT.

6.0 EXECUTIVE SESSION

At 8:47 p.m. Mayor Royal announced that the City Council would hold a closed executive meeting pursuant to the provisions of the Open Meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained Section 551.071, Consultation with Attorney, to discuss Agenda Items 4.2 and 5.4.

6.0 OPEN MEETING

Mayor Royal reconvened the meeting in open session at 9:12 p.m. and stated that Items 4.2 and 5.4 had been discussed in Executive Session, but no action had been taken.

4.2 Approve Resolution No. 2012-33, Acceptance of Easements from Seabrook Land Company for Waterfront Drive Reconstruction. (Templin)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT DRIVE RECONSTRUCTION," PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENTS FROM THE SEABROOK LAND COMPANY, INC, PROPERTY OWNER IN RELATION TO PARCEL 1, A 0.0229 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF RESERVE "K" OF THE MAP OF SEABROOK, A SUBDIVISION RECORDED IN THE HARRIS COUNTY MAP RECORDS; AND PARCEL 8, A 0.0774 ACRE TRACT SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOTS 1 AND 10, BLOCK 164 OF THE MAP OF SEABROOK, RECORDED IN VOLUME 1, PAGE 50, HARRIS COUNTY MAP RECORDS; ALL AS MORE PARTICULARLY DESCRIBED HEREIN.

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To approve Resolution No. 2012-33 as written.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.4 Consider first reading of proposed Ord. No. 2012-24, "Deleting the Existing Point Overlay Sign Regulations" per the caption read at the public hearing held earlier this meeting. (P&Z)

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To send this ordinance back to the Planning and Zoning Commission to look at sign regulations on "the Point", specifically addressing criteria for monument (freestanding) signs and size of signs.

Councilors Holbrook and Kolupski stated that the city is trying to beautify and improve the area at "the Point" and did not want to return to allowing the same criteria for signs as before Hurricane Ike.

Mayor Royal stated that he does not want regulations in this area to be more stringent than the remainder of Seabrook as the city has worked hard to attract businesses to rebuild after the Hurricane Ike.

Council discussed the possible effect of the proposed regulations for Pappadeux Restaurant when it rebuilds, as the current ground sign is non-conforming. Mr. Templin recommended that he meet with the Pappas representatives to find out the type and number of signs they planned to erect when rebuilding the restaurant. Mr. Templin also stated that it was confusing to have sign regulations (such as the overlay regulations) not included in the actual sign ordinance.

Councilor Davis asked if the ordinance could be written to require that freestanding signs located in the overlay zone obtain a conditional use permit. Mr. Templin stated conditional use permits would be cumbersome as public hearings and notice would be required before both the Commission and the Council.

Mr. Landis stated that as the proposed ordinance was staff initiated, proposed changes do not have to be reviewed immediately by the Commission. He and Mr. Templin can work on a rationale to give guidance to the Commission.

Motion was made by Councilor Davis and seconded by Councilor Johnson

To table this item and instruct staff to work on the issues.

MOTION TO TABLE CARRIES BY UNANIMOUS CONSENT.

6.0 ROUTINE BUSINESS

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

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To approve the Action Items Checklist.

Councilor Giangrosso requested that an item be added to the list to consider transportation alternatives from hotels to the new cruise terminal. There were no objections to the addition.

Ayes: Royal, Giangrosso, Holbrook, Johnson, Kolupski, Llorente.
Absent from the room and not voting: Davis.

MOTION CARRIES.

Councilor Davis returned to the council table.

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

Councilor Johnson asked that staff give a report on the city booth at the recent TML Conference at the January 8, 2013 meeting.

Council members were reminded that the joint special meeting with the SVFD and the City of El Lago will be held on Tuesday, December 11 at 7:00 p.m. at the Meyer Road fire station.

Mayor Royal asked for the participation of Council at the December HCM&CA meeting at Lakewood Yacht Club, as Seabrook will serve as the host city. Councilor Giangrosso also suggested that department heads be invited.

Upon motion, Mayor Royal adjourned the meeting at 9:46 p.m.

Approved this 8th day of January 2013.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary

THE CITY OF SEABROOK TEXAS