The City Council of the City of Seabrook met in regular session on Tuesday, February 19, 2013 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- Ex. Abs.	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 at 7:00 p.m. and led the audience in the United States and Texas Pledge of Allegiance.

1.0 PRESENTATIONS

2.0

Mayor Royal presented a trophy to Mr. Lutz the winner of the boat parade award from the City of Seabrook.

1.1 Presentation concerning starting a community garden on city property. (Cynthia Welburn)

Mrs. Welburn made a presentation about starting a community garden. The site recommended is city property near city hall that has available off-street parking and water. Staff will work with Ms. Welburn to see if the project is feasible.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.

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

Several upcoming events were announced.

3.0 SPECIFIC PUBLIC HEARING(S)

3.1 **Request to change the zoning classification of land described below from the current classification of C-2 (Commercial – Medium District) to LI (Light Industrial.)** (Applicant).

This zoning change request will be considered by Council by Ordinance No. 2013-02 under "New Business."

Applicant: John Nicholson, 1300 West Loop South, Houston, TX 77056 – Gulf Winds.
Owners: Estate of John B. Carter Jr., 5773 Woodway #307, Houston, TX 77057
Legal Description: Tract 6J, Abstract 52 of the Ritson Morris Survey. This property is located between State Highway 146 and Old State Highway 146 and is adjacent to the Seabrook city limits.

Speaking in favor of the zoning change were:
Dee Anne Thompson, La Porte – Gulf Winds employee,
Gabriel Allen, Clear Lake – Gulf Winds employee,
Jeff Martin, La Porte – Chairman of the Bayshore Chamber of Commerce,
Jim McNutt, Seabrook, Banker for Gulf Winds,
Carter Malone, Houston - Property owner's representative,
John Nicholson, Houston - applicant for zoning change and
Steve Stewart, Houston, Chairman of Gulf Winds.

Mr. Malone stated that the property in question had originally been zoned L-I. When the property was rezoned, his grandfather was too ill to protest the change.

Mr. Nicholson stated that he has changed the design of the project so that there is a buffer of approximately 7.2 acres between his property and the Comfort Inn and has rotated the his proposed building so that it will not be visible from the hotel or from SH 146 and will not have access to SH 146 in Seabrook. The building will be a 30-foot tilt wall Class A facility. He will also plant trees to buffer his property from adjacent landowners.

Mr. Stewart stated that his company is family-owned, will provide good paying jobs and will be good citizens of the Seabrook community.

Speaking against the zoning change were:

Bill Frederick, Taylor Lake Village – adjacent property owner,
Nick Nassad, Houston – co-owner of Comfort Suites adjacent to the applicant's property
Don Stringim, Houston – representative for adjacent property owners and
Herman Burton, Seabrook citizen.

Mr. Frederick and Mr. Nassad stated that at the time they developed their property, the adjacent land was zoned C-2. They stated that industrial zoned land would negatively affect their property. Mr. Stringim stated that approximately 30 businesses along SH 146 will be displaced due to the upcoming SH 146 improvements and that this property could be used to relocate these businesses.

4.0 BID AWARDS

4.1 Approve the award of Bid Project 2013-05, Pool Management Services, and Service Agreement with Aquatic Management of Houston in the base amount not to exceed $54,685.00 for summer season of 2013. (Cook)

Mr. Chairez stated that the contract will be paid from monies originally budgeted for pool personnel. There will be no change in the pool schedule. A representative from Aquatic Management stated that the company has a $20,000,000 general and professional liability insurance policies. The company provides training and insures proper certification of lifeguards and also provides background checks on all employees over 18 years of age in accordance with state law. Seabrook residents will receive priority when hiring. Mr. Templin stated that this contract will allow Public Works to concentrate on other areas of the city. He stated that this was not the lowest bid, but was evaluated by staff to be the best value of bids received.

Motion was made by Councilor Davis and seconded by Councilor Llorente

To approve the award of bid and service agreement with Aquatic Management of Houston in the base amount not to exceed $54,685.00 for summer season of 2013 as recommended by staff.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.0 CONSENT AGENDA

5.1 Approve an excused absence for Councilor Mike Giangrosso for the February 5, 2013 Council meeting. (Glaser)

5.2 Approve the investment report for 1st quarter 2012/13. (Lab)

5.3 Approve the January 2013 Building Report. (Landis)

5.4 Approve the January 2013 Public Safety Report. (Holomon)

5.5 Approve second and final reading of Ordinance No. 2013-01, "Prohibited Parking." (Landis)

AN ORDINANCE AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE III, "STOPPING, STANDING, AND PARKING," DIVISION 1, "GENERALLY," BY ADDING A NEW SECTION 90-70 ENTITLED, "PARKING PROHIBITED; STREETS, ALLEYS AND DRIVEWAYS," PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS ($200.00),OR THE MAXIMUM AMOUNT PERMITTED BY LAW FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE.

5.6 Approve a special events permit for the annual Trash Bash including a waiver of fees and permissions for temporary signs, pending receipt of proof of insurance. (Holbrook)

5.7 Removed from the Consent Agenda by Mrs. Glaser.

Motion was made by Councilor Johnson and seconded by Councilor Giangrosso

To approve the Consent Agenda with the exception of Item 5.7.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

5.7 Approve the minutes of the regular City Council meeting of February 5, 2013. (Glaser)

Mrs. Glaser recommended additional language for Item 4.1 to provide a better explanation of anticipated savings in the reissuance of the bonds.

> "In addition to the savings with the lower interest rate, he stated that the city could anticipate saving ~~$50,000~~ **$60,000** in the cost of issuance**, as the bond refinancing will be a private placement,** for a total savings of approximately $293,000."

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To approve the minutes of February 5, 2013 with the recommended changes.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.0 NEW BUSINESS

6.1 Consider first reading of proposed Ord. No. 2013-02, "Amendment to the Official Zoning Map to Rezone Approximately 10 Acres East of Bayport Boulevard and West of Old Highway 146 from C-2 Medium Commercial to LI Light Industrial." (Applicant/P&Z)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 2, SECTION 2.05, "OFFICIAL ZONING MAP" BY REZONING 10 ACRES OF TRACT 6J, A 16.9058 ACRE TRACT SITUATED IN ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS FROM C-2 MEDIUM COMMERCIAL DISTRICT TO LI LIGHT INDUSTRIAL DISTRICT AND REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS CHANGE. THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN $2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES

INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR SEVERABILITY.

EXECUTIVE SESSION

At 8:23 p.m. Mayor Royal announced that the City Council will now hold a closed executive meeting pursuant to the provisions of the open meetings Act, Chapter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in one or more of the following sections: Section 551.071, Consultation with Attorney concerning Agenda Item 6.1.

Mayor Royal reconvened the open meeting at 8:49 p.m. and stated that Item 6.1 had been discussed in Executive Session, but no action had been taken.

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To approve proposed Ordinance No. 2013-03 on first reading with the reading of the caption serving as the reading of the ordinance.

Councilor Kolupski stated that he made the motion to allow the item to be discussed.

Mr. Weathered confirmed with the applicant that the zoning change request was for 10 acres as listed on the public hearing notice.

Councilors Kolupski, Davis and Giangrosso spoke in favor of retaining the C-2 zoning classification on this property. Mayor Royal and Councilor Llorente spoke in favor of the zoning change request for L-I zoning.

Mayor Royal asked Paul Dunphey, EDC Chair who was in the audience for his opinion. Chairman Dunphey stated that the EDC Corporation was in favor of the project. Councilor Davis stated that the project presented to the EDC Board was different from the presentation tonight as the project presented to EDC showed that all land on SH 146 would remain C-2 zoning.

Councilor Davis asked if the proposed zoning change would restrict development to the building and use proposed by the applicant tonight. Mr. Templin stated that if the zoning change were granted, any use allowed in the L-I zone would be permitted.

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

MOTION FAILS.

6.2 Consider approval of emergency repairs to Water Well # 2 for the sum of $89,803.00 as an exemption to competitive bidding as a procurement necessary to preserve or protect public health or safety of the municipality's residents as provided under Texas Local Government Code 252.022. (Chairez)

Mr. Weathered stated that there can be an exception to competitive bidding due to the emergency nature of the repairs. Public Works Director, Arthur Chairez stated that the city's wells are operated on a weekly basis and are used if the city loses water pressure from the City of Pasadena and for major fires. He stated that if the city had a major fire, it could be difficult to maintain adequate water pressure from the remaining two wells. Mr. Chairez stated that the bidding process would take approximately two months. He added that the well had been drilled in 1973 with minor repairs in 1982. Well #1 had been reworked in 2008 and Well #3 was reworked in 2010. The city now does a complete inspection every 10 years in an effort to avoid emergency repairs.

Mr. Weathered recommended that the indemnification clause in the contract be stricken or as an alternative, that the city notify the contractor that the indemnification clause is unenforceable.

Motion was made by Councilor Davis and seconded by Councilor Johnson

To approve emergency repairs to Well #2 as an exemption to competitive bidding as the repair is a procurement necessary to preserve or protect public health or safety of the municipality's residents as provided under Texas Local Government Code 252.022 with instructions to notify the contractor that the indemnification clause is unenforceable as there is no sinking fund.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.3 Consider approval of first reading of proposed Ord. No. 2013-06, "TMRS Buyback Ordinance." (Cook)

AN ORDINANCE ALLOWING CERTAIN EMPLOYEES OF THE CITY OF SEABROOK, TEXAS, WHO HAVE TERMINATED PREVIOUS MEMBERSHIPS IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM, TO DEPOSIT THE SUMS SO WITHDRAWN, PLUS ANNUAL WITHDRAWAL CHARGES, AND ALLOWING AND UNDERTAKING THE COST OF ALLOWING ANY SUCH EMPLOYEE CREDIT IN SUCH SYSTEM FOR ALL SERVICE TO WHICH SUCH EMPLOYEE HAD BEEN ENTITLED AT DATE OF SUCH WITHDRAWAL, WITH LIKE EFFECT AS IF ALL SUCH SERVICE HAD BEEN PERFORMED AS AN EMPLOYEE OF THIS CITY.

Motion was made by Councilor Johnson and seconded by Councilor Davis

To approve proposed Ordinance No. 2013-07 on first reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.4 Receive and consider a staff report concerning the tourism and economic impacts of the cruise terminal at Port of Houston Authority in Bayport. (Dearman/Templin)

Director of Communications, LeaAnn Dearman presented an oral and written report. Items discussed were: 1) better signage at the Seabrook city limits and throughout the city; 2) offering free hospitality training from the State of Texas to local businesses; 3) increasing advertising for local events, including advertising in the cruise terminal; 5) working with other local governmental entities to market the entire area, including Galveston, as cruise headquarters; and 6) working with local hotel owners to assist them in providing transportation to local tourist attractions and to the airports and cruise terminal.

No action was taken by Council on this item.

6.5 Consider first reading of proposed Ordinance No. 2013-04, "Ethics Review Commission. Change in Membership and Quorum Requirements." (Ethics Review Commission)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 2. "ADMINISTRATION", ARTICLE VI. "CODE OF ETHICS", DIVISION 2. "ETHICS REVIEW COMMISSION" BY CHANGING THE REQUIRED MEMBERSHIP FROM SEVEN TO FIVE REGULAR MEMBERS AND BY CHANGING THE REQUIRED QUORUM. THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN $500.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDES FOR SEVERABILITY.

Motion was made by Councilor Kolupski and seconded by Councilor Johnson

To approve proposed Ordinance No. 2013-04 on first reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

7.0 ROUTINE BUSINESS

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

Concerning Item # 9, Mayor Royal announced that he had voluntarily removed himself as a member of the new ad hoc committee on fire issues. Concerning Item #8, Mr. Templin reported that he had spoken to Waste Management about the feasibility of obtaining a rate reduction for citizens with Monday and Thursday pickup. However, Waste Management officials stated that the number of days missed due to holidays can occur on any day of the week and is too insignificant to offer reductions. It was agreed that Items 8 and 11 should be deleted.

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To approve the Action Items Checklist with the changes enumerated above.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

The next regular meeting will be held on March 5.

8.0 EXECUTIVE SESSION

Section 551.072

8.1 Conduct a closed meeting, as provided by Section 551.072 Texas Government Code to deliberate the purchase of real property as deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. (Templin)

There was no executive session held on this item.

Upon motion, Mayor Royal adjourned the meeting at 9:56 p.m.

Approved on this 5th day of March 2013.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary