The City Council of the City of Seabrook met in regular session on Tuesday, April 2, 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 - Ex. Abs.	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 Pro Tem Davis called the meeting to order at 7:00 p.m. and led the audience in the United States and Texas Pledges of Allegiance.

1.0 PRESENTATIONS

1.1 Presentation of a Proclamation for Fair Housing Month. (Royal)

Mayor Pro Tem Davis presented the proclamation to Building Official Sean Landis.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS- None

1.2 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 Conduct a public hearing on proposed Ord. No. 2013-07, "Updating and Amending Sign Standards & Related Definitions to Prohibit Directional Sign Spinners." (Landis/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," ADDING NEW SUBSECTION 6.05.13, "SIGN, HUMAN DIRECTIONAL/SIGN SPINNER" BY PROHIBITING SAID USE; 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 said that Planning and Zoning Commission (P&Z) reviewed the sign ordinance in June-August, 2012 as requested by City Council. After reconsideration the Commission stood by its original recommendation that sign spinners should be prohibited.

There were no comments from the public.

4.0 BID AWARDS

4.1 Consider staff's recommendation to reject the current bids for the Waterfront Drive Reconstruction Project No. 2013-02 and be re-advertised as a more conservative project. The two bids received exceeded the funds available for the project. (Chairez)

Arthur Chairez, Director of Public Works stated that staff and the city engineer recommended reconfiguring the bid so that it can be within budget.

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To take staff's recommendation to reject the bids and to re-advertise.

Councilor Johnson asked for a report on the progress of the new bid and potential bidders at the April 16 Council meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.0 CONSENT AGENDA

5.1 Approve the engagement of Ross, Banks, May, Cron & Cavin, P.C. as Economic Development Corporation attorney. (Chavez)

5.2 Approve an excused absence for Mayor Glenn Royal for the April 2, 2013 council meeting. (Glaser)

5.3 Approve the minutes of the regular City Council meeting on March 19, 2013, (Glaser)

5.4 Removed by Councilor Johnson.

5.5 Approve a special events permit and temporary signs for the annual Texas Outlaw Challenge, a boating event, on June 21 and 22 at the Endeavour Marina complex. Approval will be contingent upon receipt of acceptable proof of insurance prior to the event. (Applicant)

Motion was made by Councilor Holbrook and seconded by Councilor Llorente

To approve the Consent Agenda with the exception of Item 5.4.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

5.4 Approve the purchase of new 21' Guardian Boat with 250 Yamaha motor at a cost of $86,452.00. Funds are available in the Seizure Fund and can only be used by the Police Department. (Holomon)

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To approve the purchase request as submitted.

Councilor Johnson asked why the city should purchase a new boat instead of patrol cars. Chief of Police, Nona Holomon stated that cars cannot be purchased from seizure funds. She also stated that the current boat is a 1978 model and needs to be replaced. She reported that approximately $204,000 is in the seizure fund and there is no deadline in which to use the funds. Mr. Templin added that the police department would like to have a presence on the water as Seabrook is surrounded by water.

Councilor Johnson asked that Council be provided with a list of items that can be purchased with seizure funds. Chief Holomon stated that she would send the list electronically.

MOTION CARRIES BY UNANIMOUS CONSENT.

6.0 NEW BUSINESS

6.1 Consider funding of the University of Houston Clear Lake "Liberty Bell Project" for the encouragement, promotion, and improvement of the exhibition of art and historical preservation project for the promotion of tourism and the hotel industry in the city and vicinity. (Johnson/Davis)

Mayor Pro Tem Davis stated that the criteria for the expenditure of hotel tax funds depends upon a two pronged approach: 1) the expenditure must have a reasonable expectation of increasing overnight hotel stays ("heads in beds"); and 2) must pay for one or more of several items including advertising, convention facilities, promotion of the arts or historical preservation.

Motion was made by Councilor Johnson and seconded by Councilor Kolupski

To place an item on the April 16 agenda to allow Council to donate $5,000 from the General Fund for this project.

MOTION CARRIES BY UNANIMOUS CONSENT.

6.2 Consider traffic safety on SH 146 particularly as it pertains to drivers traveling south who attempt to make left turns where there is no light or turning lane. (Johnson)

Mr. Templin stated that the city has received a number of complaints on the issue and has had numerous traffic accidents, including one fatality. He showed slides of the problem area and read from a report by Chief Holomon stating that of the 95 traffic accidents in the city from October 2012 to the present, 23 occurred in the 1000 – 1400 block of SH 146.

Mr. Templin stated that any blocking of left hand turns of vehicles traveling south on SH 146 would also affect drivers traveling north on SH 146. The two primary property owners to be affected by any prohibition would be Dodie Miller, Miller's Machine Shop and Barry Terrell; Tookie's who were invited to give their comments at tonight's meeting. Mr. Templin read a letter from Mr. Miller who stated that he had a minimum number of customers who may be affected and had no objection to the prohibition of such turns. Mr. Terrell, who was at the meeting, stated that the problem may be compounded with the planned addition of Tookie's Seafood Restaurant. He stated that he did not want to impede the traffic flow into Tookie's and would also like to find a solution that would not reduce the number of visitors to Tookie's. It was discussed that many visitors to Tookies are from out of town and are unfamiliar with the option of turning left at the traffic signal on Second Street.

Mr. Templin stated that he had spoken to representatives of TxDOT who indicated that drivers crossing the solid double line to turn do not commit a traffic violation. Options suggested by TxDOT in dealing with this problem include constructing a raised curb or traffic candlesticks to prevent left hand turns or the addition of signs and/ and flashing lights prohibiting such turns, with all expenses to be paid by the city. Council members also discussed an option of installing signage notifying Tookie's customers to access the restaurant by turning on Second or Fourth Street instead of on Third Street. Mr. Templin stated that the TxDOT official had also cautioned about prohibiting left turns for an intermittent problem.

Mr. Templin suggested that he speak with the city engineers on possible solutions and that he report on the suggestions at the April 16 meeting.

6.3 Consider first reading of Ordinance No. 2013-07, "Updating and Amending Sign Standards & Related Definitions to Prohibit Human Directional Sign Spinners." (Landis/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," ADDING NEW SUBSECTION 6.05.13, "SIGN, HUMAN DIRECTIONAL/SIGN SPINNER" BY PROHIBITING SAID USE; 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.

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

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

Mr. Llorente read a statement that he would vote against the ordinance as written, as he did not want to place additional restrictions on businesses. He asked that businesses be permitted to use various marketing techniques during special events. Councilor Giangrosso suggested that these marketing techniques also be allowed for 60-90 days after a new business opens. Councilor Holbrook suggested issuing permits to businesses under these special conditions.

Mr. Landis stated that he will take back these recommendations to the Planning and Zoning Commission for consideration. He also stated businesses may be unaware that the current zoning ordinance does allow for some special advertising for a limited time for grand openings and special events. He suggested working with Economic Development Director, Paul Chavez to relay information to the businesses about special temporary advertising currently allowed. He agreed with requiring permits for special advertising.

As there was no further discussion, Mayor Pro Tem Davis stated that Ordinance No. 2013-07 prohibited sign spinners only and called for a vote.

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

MOTION CARRIES BY MAJORITY VOTE.

7.0 ROUTINE BUSINESS

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

The following changes were suggested.

Item #	Description	Status
3	Negotiation of new SVFD contract	Draft on 4/16/13 agenda
11 (new)	Special Advertising Techniques	Ask P&Z to consider rules to allow some types of temporary advertising during special events and grand openings.

Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

To approve the Action Items Checklist as amended.

MOTION CARRIES BY UNANIMOUS CONSENT.

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

Items for the next agenda are: 1) Consider contract with the SVFD for fire services; 2) Tookies access; and 3) Provide an update on the status of the Waterfront Improvement Project and potential bidders. A planning session will be held on April 30 at 6 p.m. at Carothers.

8.0 EXECUTIVE SESSION

At 8:07 p.m. Mayor Pro Tem Davis announced that the City Council would now 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 in one or more of the following sections: Section 551.071, Consultation with Attorney; Section 551.072, Real Property; Section 551.073, Deliberation Regarding a Prospective Gift; Section 551.074, Personnel Matters; Section 551.076. Security Devices; and Section 551.087, Economic Development.

Section 551.072

8.1 Conduct a closed meeting as provide 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)

9.0 OPEN MEETING

At 8:29 p.m. Mayor Pro Tem Davis reconvened the meeting in open session and stated that Item 8.1 had been discussed in Executive Session, but no action had been taken.

Upon motion, Mayor Pro tem Davis adjourned the meeting at 8:29 p.m.

Approved on the 16th day of April 2013.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary

THE CITY OF SEABROOK TEXAS