

The City Council of the City of Seabrook met in regular session on Tuesday, June 18, 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 GIANROSSO	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 at 7:00 p.m. and led the audience in the United States and Texas Pledges of Allegiance.

1.0 PRESENTATIONS

1.1 Present Certificates of Appreciation to Public Safety Members. (Council)

Mayor Royal presented the proclamations.

1.2 Present a proclamation to John Coggeshall. (Council)

Mr. Coggeshall was unable to attend the meeting.

1.3 Present the quarterly report of the Open Space & Trails Committee's Activities. (Burton)

Open Space and Trails Committee Chair Helen Burton gave an update on recent committee activities, including John Coggeshall's successful grant application for the extension of trails, the progress of the natural playground, planning a formal dedication of the playground and tree planting in the parks. The committee is also considering an adopt-a-park program as well as recycling in the parks. To date, the committee has raised over \$13,000 for the natural playground.

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)

Council members announced upcoming events.

3.0 SPECIFIC PUBLIC HEARING(S)

3.1 Request to change the zoning classification of land described below from the current classification of C-3 (Commercial - Heavy) to R-3 (Residential – Medium Density.) Proposed Ordinance No. 2013-09.

Applicant/Owner WMF Investments, Inc. 16865 Diana Lane, Suite 200, Houston, Texas 77058

Legal Description: 3300 Bayport Blvd. TR 21 E 1803.08 ft of Lots 19 & 20 & Adj. 93.13 ft of Lot 21, Ruggle's Subdivision. This property is located immediately east of Bayport Boulevard and immediately north of Seabrook Circle.

Mayor Royal announced that the applicant requested that his application be withdrawn and that such request must be approved by Council. Mayor Royal stated that the city would still hold the public hearing if any member of the public wished to make a comment or speak for or against the request.

Dr. Aquino and Gary Douglas, both owners of property on Seabrook Circle spoke against the zoning change stating that apartments would devalue their property.

3.2 Request to change the zoning classification of land described below from the current classification of R-2 (Single-family detached residential district-small lots) to OS (Old Seabrook.) Proposed Ordinance No. 2013-10.

Applicant/Owner: OSVillage, LLC, 2510 De Four Trace, Seabrook, TX 77586

Legal Description: Lots 1-7, Block 1, and Lots 1-7, Block 2, Baybrook Section 1. This property is located along the unimproved right-of-way, Auden Drive, which is located east of North Meyer, north of First Street, and south of Brook wood Court.

Sean Landis, the Director of Community Development, explained the request to rezone 14 acres of land along Meyer Road, of which nine acres is zoned as OS: Old Seabrook. The applicant is requesting a zoning change to develop the property for a mixed-use residential and commercial development. Mr. Landis showed conceptual drawings of the proposed development which is designed to be pedestrian friendly. The developer plans to elevate the streets approximately four feet higher than the current elevation. Mr. Landis stated that all development will comply with FEMA regulations. He reported that the Planning & Zoning Commission had unanimously recommended this request.

Mark Caldwell, applicant, stated that he has requested the zoning change as commercial uses are not permitted in the current R-2 zone and to move the houses closer to the street. (R-2 zoning requires 20-foot front setbacks; OS zoning has no front setback.) The development will include a walkway along Meyer Road, increase in the height of the streets from

approximately 8 feet to 12 feet, with buildings at approximately 17-1/2 feet in height. Garages will be on the back of the properties and will be accessed by alleys that are placed behind the buildings. Improvements on the lots will be close to the street. Mr. Caldwell stated that he plans to do a Planned Unit Development (PUD) after obtaining the zoning change to allow for smaller lot sizes than is allowed in the OS zone.

Councilor Kolupski stated that he liked the concept but was concerned about the lack of a buffer requirement between OS and the adjoining R-1 zone. Councilor Davis asked Mr. Landis if Council could require a buffer if the property was developed as a PUD. Mr. Landis stated "yes" for a PUD, "no" for the zoning change. Councilor Davis asked if Council could approve a rezoning request contingent upon a PUD. Mr. Landis stated "no." Councilor Davis asked what kinds of businesses were permitted in the OS zone. Mr. Landis stated that the businesses are mainly "neighborhood friendly" with the most intensive use being a restaurant. Mr. Landis stated if a PUD is requested, the city could impose stipulations on the property. Mr. Landis confirmed that a PUD application would require the same procedures and public notices as a zoning change. He also stated that a zoning change only was requested at this time.

From the audience, Vera Bollock, Brookwood Court, asked if the developer had performed any traffic studies to determine what impact the proposed development would have. She asked if the development's walking paths would connect to the existing trails at Meador Park. Josh Derrick, Brookwood Court, asked about an increase in flooding if the development's property is higher than his adjacent property. Mr. Landis stated that the road will be 4-5 feet higher than the existing ground and that a drainage engineering study would be required at the time of platting. Rosa Ludd, Brookwood Court, had concerns about the displacement of wildlife when the property was developed. She also expressed concerns about flooding. Mark Westum, Meyer asked if Meyer Road would be elevated in addition to the internal streets.

4.0 CONSENT AGENDA

4.1 Approve an excused absence for Thom Kolupski for the May 7, 2013 Council meeting. (Glaser)

4.2 Removed from the Consent Agenda by Mr. Weathered.

4.3 Approve the April and May 2013 Community Development Reports. (Landis)

4.4 Approve the Public Safety Report for May 2013. (Holomon)

4.5 Removed from the Consent Agenda by Mr. Weathered.

4.6 Approve second and final reading of proposed Ord. No. 2013-08, "Standards for Planned Unit Developments." (P&Z/Landis)

134 AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A,
135 "COMPREHENSIVE ZONING," ARTICLE 4 "SPECIAL USE REGULATIONS",
136 SECTION 4.10, "PLANNED UNIT DEVELOPMENTS," BY REVISING
137 SUBSECTION, 4.10.02 "PUD LOCATIONS", PROVIDING FOR A PENALTY IN
138 AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF
139 ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING
140 ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN
141 CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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143 Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

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145 To approve the Consent Agenda with the exception of Items 4.2 and 4.5.

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147 MOTION CARRIED BY UNANIMOUS CONSENT.

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149 **4.2 Approve the June 4, 2013 City Council Minutes.**

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151 Mr. Weathered asked for a correction on Lines 199-20 as follows: "Mr. Weathered
152 stated that this resolution gives the city manager complete discretion as to the
153 membership of the committee, [~~as any committee with council appointed members~~
154 ~~must adhere to the charter~~] while conversely any committee created by council with
155 council appointed members must adhere to the charter which requires all members to
156 be citizens of Seabrook."

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158 Motion was made by Councilor Holbrook and seconded by Councilor Johnson

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160 To approve the minutes with the noted corrections.

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162 MOTION CARRIED BY UNANIMOUS CONSENT.

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164 **4.5 Approve second and final reading of proposed Resolution No. 2013-13, "Economic**
165 **Incentives Agreement for the Asparagus Group, L.L.C." State law requires two**
166 **readings of this Resolution. (EDC)**

167 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,
168 MAKING FINDINGS AND APPROVING AGREEMENT BETWEEN CITY OF
169 SEABROOK, SEABROOK ECONOMIC DEVELOPMENT CORPORATION, AND
170 ASPARAGUS GROUP, L.L.C. PROVIDING FOR ECONOMIC INCENTIVES IN THE
171 NEIGHBORHOOD EMPOWERMENT ZONE DESIGNATED AS "THE
172 NEIGHBORHOOD EMPOWERMENT ZONE #1" AS ESTABLISHED BY RESOLUTION
173 2013-09.

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175 Mr. Weathered stated that there is a typographical error in Paragraph 2 D as the word
176 "percent" is written twice.

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178 Motion was made by Councilor Giangrosso and seconded by Councilor Llorente

To approve Resolution No. 2013-13, with the noted correction, on second and final reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

5.0 NEW BUSINESS

5.1 Consider first reading of proposed Ordinance No. 2013-09, "Amendment to the Official Zoning Map to Rezone 16.27 acres of land from a portion of Ruggle's Subdivision from C-3 to R-3." (Applicant/P&Z)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 16.27 ACRES, FROM A TRACT OF LAND BEING A 22.6755 ACRE TRACT OUT OF THE RITSON MORRIS SURVEY, ABSTRACT 52, BEING PART OF LOTS NINETEEN (19), TWENTY (20), AND TWENTY-ONE (21) OF THE RUGGLE'S SUBDIVISION, HARRIS COUNTY, TEXAS FROM C-3 MEDIUM COMMERCIAL DISTRICT TO R-3 RESIDENTIAL-MEDIUM DENSITY 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.

Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

To approve the applicant's request to withdraw this item from consideration.

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

Nays: Davis.

MOTION CARRIES BY MAJORITY VOTE.

5.2 Consider first reading of proposed Ordinance No. 2013-10, Amendment to the Official Zoning Map to Rezone Blocks 1 and 2 of Baybrook Subdivision, Section 1 from R-2 to OS. (Applicant/ P&Z)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION",

SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 4.39 ACRES CONSISTING OF LOTS ONE (1) – SEVEN (7), INCLUSIVE, BLOCK ONE (1) AND LOTS ONE (1) – SEVEN (7), INCLUSIVE, BLOCK TWO (2) OF THE BAYBROOK SUBDIVISION, SECTION ONE (1), A SUBDIVISION IN HARRIS COUNTY, TEXAS FROM R-2 SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT-SMALL LOTS TO OS OLD SEABROOK 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.

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To approve the first reading of Ordinance No. 2013-10 with the reading of the caption serving as the reading of the ordinance.

Members stated that they liked the concept of the project, but some members expressed concern that the zoning change would prevent the city from requiring a buffer between the new OS zone and the adjacent R-1 zone. Councilor Kolupski and Davis asked the applicant to consider applying for a PUD instead of a zoning change. Mr. Caldwell stated that he may apply for a PUD at a later date but he is not certain he will do so. Mr. Caldwell stated that due to the small size of his lots, it is unlikely that a restaurant will be located in the development. Councilor Giangrosso stated that he liked the concept, but was concerned about the adjacent R-1 zone. He stated that the city has some problems with restaurants abutting homes in Old Seabrook. Council members also discussed the possible effect that the increase in ground elevation could have on the adjoining R-1 zoned lots.

Mr. Caldwell stated that he has been a developer for 30 years, but that this is his first development in Seabrook. He stated that he is aware of the FEMA regulations. He stated that the development will look like a village development. He reported that the interior lots would be in the \$45,000 to \$65,000 range. A typical 2,000 square foot lot, not on the water, would cost \$250,000 to \$450,000 but that the builders will determine those prices. Mr. Caldwell stated that as the proposed lots will typically be 40 feet wide and 80-85 feet deep and thereby smaller than allowed lots in either R-2 or OS, a PUD would be required to divide the land into smaller lots.

Councilor Davis stated that the current R-2 zone currently acts as a buffer between OS zone and the R-1 zone. She stated that rezoning would remove that buffer.

Mayor Royal called for a vote on the motion to approve first reading of Ordinance No. 2013-11 to rezone the existing R-2 property to OS.

Ayes: No one.

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

MOTION FAILS.

- 5.3 Approve a request from the Seabrook Association for a special events permit for a sidewalk/street sale with live music on Friday, July 19, 2013 from 1:30 p.m. to 9:00p.m. including a request to temporarily close 2nd Street from Hall to Todville during this time, request for temporary signs, request to waive the special events permit fee, all pending receipt of required proof of insurance. (Applicant)**

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To approve the request as submitted.

Concerns addressed by Council included the effect the street closing would have on rush hour traffic on a Friday afternoon and the various businesses, made worse by the current construction of Waterfront Drive. Also discussed was the lack of parking for the event. Mayor Royal suggested that the applicant hold the event on a Saturday, pick another location or hold the event without closing the street.

Councilor Holbrook asked Police Captain Sean Wright to give an opinion on closing the street. Captain Wright stated that the police department carries out the wishes of the council. When asked again, Captain Wright stated that Friday during rush hour was not the best day or time to close the street.

Ayes: Giangrosso, Johnson, Llorente.

Nays: Royal, Davis, Holbrook, Kolupski.

MOTION FAILS.

- 5.4 Consider first reading of proposed Ordinance No. 2013-11, "Parking Provisions for Boat Launch." (Templin/Municipal Court)**

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," TO UPDATE AND FURTHER CLARIFY SECTION 90-69 CURRENTLY ENTITLED, "DESIGNATION OF NO PARKING ZONES- BOAT LAUNCHING AND/OR PARKING;" BY ADDING NEW PROVISIONS AND REVISING TITLE TO "DESIGNATION OF PROHIBITED PARKING – BOAT LAUNCHING, OBSTRUCTION AND DESIGNATED PARKING FOR VEHICLES WITH BOAT TRAILERS;" PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) 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.

Motion was made by Councilor Davis and seconded by Councilor Holbrook

To approve Ordinance No. 2013-11 on first reading with the reading of the caption serving as the reading of the ordinance.

Mr. Templin stated that the purpose of this ordinance was to clarify the required wording on the signs at the boat ramp.

MOTION CARRIED BY UNANIMOUS CONSENT.

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 Davis and seconded by Councilor Johnson

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

Budget workshops were tentatively scheduled on July 9 and July 23.

7.0 EXECUTIVE SESSION

At 8:32 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 in Section 551.072, Real Property and Section 551.074, Personnel Matters.

Section 551.074

7.1 Conduct executive session under Section 551.074 Texas Government Code, allowing the Seabrook City Council to deliberate the appointment, employment, evaluation, reassignment and/or duties in relation to the Municipal Court Judge. (Webbon)

Section 551.072

7.2 Conduct a closed meeting as provide by Section 551.072 Texas Government Code to deliberate the sale, purchase or exchange 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)

355 **8.0 OPEN MEETING**

356 Council reconvened in open session at 9:31 p.m. Mayor Royal stated that Council had met in
357 Executive Session to discuss Items 7.1 and 7.2, but no action would be taken.
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359 Upon motion, Mayor Royal adjourned the meeting at 9:32 p.m.
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361 Approved this 2nd day of July, 2013.
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365 Glenn R. Royal, Mayor
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369 Michele L. Glaser, TRMC
370 City Secretary
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