

The City Council of the City of Seabrook met in regular session on Tuesday, July 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	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 at 7:00 p.m. and led the audience in the United States and Texas Pledges of Allegiance. He explained to the audience having additional police attend the meeting was a result of shotgun blasts to the signs on the Pine Gully widening project.

Several items were taken out of order with the consent of Council.

1.0 PRESENTATIONS

1.1 Present a proclamation to John Coggeshall. (Council)

Mayor Royal presented the proclamation and along with Council, thanked Mr. Coggeshall for his work on securing a grant to extend trails.

1.3 Presentation to Pam Lab from the Texas Comptroller. (Royal)

Mayor Royal made the presentation to Mrs. Lab.

1.2 Pine Gully Project update and public comments. (Templin)

Mr. Templin gave a presentation stating that Seabrook had been awarded \$12,000,000 for Hurricane Ike Recovery which includes this project. The project is divided into two phases -- Upper Pine Gully (west of Todville Road) and lower Pine Gully (east of Todville Road) and affects approximately one mile along Pine Gully to drain approximately 1,600 acres west of Todville Road. The widening of Pine Gully will alleviate flooding in Seascape II and Baybrook II and I. Approximately 85 percent of all houses in these subdivisions were flooded during Hurricane Ike. The width of Pine Gully will increase from 100 feet to 175 feet, all on the south side of the Gully.

46 Mitigation is required as part of the project which includes providing fill for the Waterfront
47 Drive project and will provide a location for the required wetlands mitigation in a 15 to 1
48 ratio and will be placed at the southern bank of the entire length of the gully.

49 The existing trail will be relocated and will continue westward. The displaced bridge across
50 Pine Gully will be relocated and connected to the trails.

51
52 The lower Pine Gully work will include construction of jetties to keep silt from entering the
53 gully. Silt will then be removed and the wetlands marsh will be restored. Increased flow on
54 upper Pine Gully will also help keep silt from backing up.
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56 Mayor Royal told the audience that the city is attempting to better communicate with the
57 public about this project, including posting updated information on the city's website and
58 holding tonight's hearing.
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60 In answer to questions from Councilor Davis, Mr. Templin stated that the current trail
61 meanders slightly and leaves greenery along the bank. The Harris County Flood Control
62 District has required a shallow swale to keep silt from entering and filling up the channel. If
63 the new trail is designed to meander along the tree line, a drain will be required to carry the
64 flows. The reason for the width was to carry water away from the subdivisions and also to try
65 to prevent additional widening 10-15 years from now.
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67 Mayor Royal asked for public comments on this item.

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69 Sally Antrobus, Surf Oaks Drive, made the following recommendations concerning the
70 project:
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- 72 1. That the city obtain knowledgeable advice about saving the large oak tree located
73 within the project, including help in determining the size of the island needed around the tree.
74 She stated that she had submitted a list of possible contacts about saving the tree.
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- 76 2. That the city determine if there are any other trees needing special attention due to this
77 project before any more clearing takes place.
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- 79 3. That the new section of the trail contain curves and shaded sections, as those factors
80 were part of the key appeal of the original trail.
81
- 82 4. That Council explore acquiring the three-acre lot adjacent to the Wildlife Park
83 entrance which includes giant oak trees to help compensate for the six acres of
84 wooded parkland which will be lost due to the widening project.
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- 86 5. That the city perform a study to determine if the planned improvements will prevent
87 flooding.
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89 Andrew Thomas, Clopper Street, stated that there was discontent among the residents, as the
public had not been engaged in the planning process. He agreed with Ms. Antrobus's

recommendations and encouraged Council to design the new trail instead of allowing the contractor to determine the trail path. He also volunteered his help on the project.

Dori Nelson, Bay Club Drive, also agreed with Ms. Antrobus's recommendations and stressed the importance of public involvement and the distribution of accurate information about the project. She stated she was stunned at the scope of the clear-cutting and the destruction of the natural habitat. She also asked to see proof of the need for the project, including how the project will help alleviate flooding.

Mr. Templin stated that staff has discussed how to meander the trail. The large tree impacted has been roped off and the city is researching alternatives to save the tree. Additional clearing of land south of the Gully will be required in order to maintain an island around the tree. Mr. Templin stated that the U.S. Army Corps of Engineers, Texas General Land Office and Harris County Flood Control District will have to approve any changes.

City Engineer, Brad Mattock answered several questions. The city has planned to place the tree within a peninsula. This project is in preparation of future development to the north and to remove the silt at the lower end of Pine Gully. The width design was based on a 100-year flood flow and was not for detention of water. There is no way to design the project to prevent the elevation of Galveston Bay becoming the same or higher than the elevation of Pine Gully during a storm surge. However, the new design will enable the water to leave the area faster in the event of a surge during a hurricane. The design will also prevent the silt from backing up. Mr. Matlock stated that a Corps permit is very difficult to obtain and it took 18-24 months to obtain this permit. There was a public posting of this project in March and September 2011. No citizen or individual comments were received by the Corps during the permitting process. The Harris County Flood Control District did not want a trail in its right-of-way, but the city fought for the trail and agreed to maintain the trail and mitigate the wetlands. The project is scheduled to be completed within nine (9) months, but the city is attempting to rebuild and connect the trails in less time.

3.0 BID AWARDS

3.1 Consider and Approve the Memorandum of Understanding (MOU) and bid contract for Pine Gully Jetties Project in an amount not to exceed \$250,000. The low bidder for the project was Crawley Shoreline Construction. (Templin)

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To approve the memorandum of understanding as written, accept the low bidder and approve the contract.

MOTION CARRIED BY UNANIMOUS CONSENT.

1.4 Presentation of the 2013 - 2014 Budget. (Templin)

Mr. Templin distributed draft budgets to all members of council and gave a brief explanation of the revenues and expenses contained in the proposed budget.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

John and Wendy Largin asked council to consider allowing additional domestic animals in a household under special conditions and with a special permit renewable annually, including requiring an application fee and an annual home inspection. Currently, the city allows up to 6 cats/dogs per household. Dr. Larsen stated that there is a current exemption to allow up to 15 animals for a school project. He proposed allowing 5 animals per each 500 feet of living space as an additional exemption subject to specific conditions.

Sibbian Roe, owner of Midnite Slice Pizza said she had an application for a special events permit which is also on tonight's agenda.

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

Various council members announced upcoming events.

4.0 CONSENT AGENDA

4.1 Approve minutes of the June 18, 2013 City Council meeting. (Glaser)

4.2 Approve second and final 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 Kolupski and seconded by Councilor Llorente

To approve the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

5.0 NEW BUSINESS

5.1 Consider amending Chapter 10, "Animals" of the city code of ordinances. (Holbrook)

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To discuss and consider amending Chapter 10 of the Seabrook City Code.

Mr. Templin stated that there are no state regulations for domestic animals. Neighboring cities were contacted, and with the exception of Morgan's Point and Texas City, all are more restrictive than Seabrook. Mr. Templin also contacted a local veterinarian who was not in favor of allowing a large number of cats in a household, as cats tend to be territorial and many of their diseases can be transferred to humans. Mr. Templin stated that he had concerns about the extra burden on staff to monitor a special exception or permit. Mr. Templin reported that the animal control officer had visited the Largin home and found it exceptionally clean. However, the city only became aware that the Largin family owned 19 animals due to a complaint. In answer to questions from Council, Mr. Templin stated that the city is unable to enforce deed restrictions. He estimated that approximately 50 percent of the homes in Seabrook are not regulated by deed restrictions, as in the case of the Largin's subdivision.

In answer to questions from various council members, Mr. and Mrs. Largin stated that they rescue cats, most of whom are unadoptable due to age or medical conditions. Currently they have 18 cats and one dog, including four cats that they acquired due to the death of Mrs. Largin's mother. Some are outdoor cats. They estimated that four of the cats were adoptable. The animals have been vaccinated, but not registered with the city.

Council members discussed several possible restrictions for a permit to allow more dogs/cats than currently permitted. Many of these conditions are patterned after the school project exemption contained in the Seabrook City Code, Chapter 10, "Animals", Section 10.8.

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To direct staff to work on a proposal to develop a permitting procedure to allow no more than five animals per 500 square feet of space in single family homes with a maximum of 12-15 cats/dogs, under specific conditions such as: 1) Animals may not weigh more than 15 pounds each; 2) All animals must be spayed/neutered, micro chipped and licensed by the city; 3) An annual permit with a fee sufficient to cover administration costs shall be required; 4) An annual inspection by the city shall be required; 5) All animals shall be contained on the property; 6) Adjoining neighbors shall be notified to allow for objections; and 7) All applications for such permits shall be approved or disapproved by Council.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.2 Consider approval of special event permit for the Midnite Slice Seabrook Music Festival to be held on August 17-18, 2013 at Meador Park. (Applicant)

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To discuss this request.

Mr. Templin stated that a new committee of staff members had been formed to review all special event permit applications and submit its recommendations to Council. He stated that Sean Wright, Kevin Padgett and Meredith Brant met with the applicant concerning the committee's concerns including fencing of the perimeter; parking issues, porta cans and trash receptacles; the addition of three more officers; and a temporary alcoholic beverage permit which the applicant states will be under Cabo's permit.

Mayor Royal stated that he had spoken to Ms. Roe and had recommended another site, as Meador Park has insufficient parking and is in a residential neighborhood. Ms. Roe stated the community house grounds were not large enough for the planned event which includes two stages for bands. Mr. Roe stated that the event will end at 10:00 p.m. in Meador Park and that live entertainment will continue at Midnite Slice Pizza. Mayor Royal had concerns about the applicant's previous violations to the noise ordinance, including profanity from the bands. Ms. Roe stated that she plans to hire more experienced bands in order to alleviate such problems.

Councilor Kolupski stated that he also was also concerned about adherence to the noise ordinance and told Ms. Roe that a violation would cause the event to be shut down. Mayor Royal stated that he could not support any stage not facing the water. Councilor Davis stated that she was offended that this event had been advertised and promoted before the application was submitted to Council for approval. She also was concerned about fencing off a public park.

Councilor Davis and Councilor Holbrook voiced concerns about alcohol in the park and asked if the serving of alcohol was allowed in Meador Park. Mr. Weathered stated that Council has the authority to grant permission to serve alcohol in a city park by resolution or minute order.

Councilor Giangrosso expressed concern about the proximity of the two band stages. Ms. Roe stated that one stage will be for acoustic entertainment and the bands will face in opposite directions. Ms. Roe stated that both stages will have speakers.

Mayor Royal suggested that Ms. Roe consider holding the event at the Fire Training Grounds. Ms. Roe stated that the Fire Training Grounds did not have any improvements such as electrical outlets and a pavilion which she planned to use at Meador Park.

In answer to questions by council members, Ms. Roe stated that expected attendance will be approximately 300 people. She has not contacted any Seabrook hotels about special rates for

275 this event. She prefers to hold the event in August on the weekend before school starts and to
276 avoid potentially bad weather in September and October.

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278 Several members stated that they cannot make a decision without evidence that the criteria
279 have been fulfilled.

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281 Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

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283 To table this item until all the criteria have been met and then bring the request back to
284 council for consideration.

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286 MOTION CARRIED BY UNANIMOUS CONSENT.

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288 **6.0 ROUTINE BUSINESS**

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290 **6.1 Consider approval of Action Items Checklist which is attached and made a part of this**
291 **agenda. (Council)**

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293 Motion was made by Councilor Davis and seconded by Councilor Johnson

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295 To approve the Action Items Checklist as presented.

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297 MOTION CARRIED BY UNANIMOUS CONSENT.

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299 **6.2 Establish future meeting dates and agenda items. (Council)**

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301 Council agreed to hold a budget work session on Tuesday, July 9 at at 6 p.m.

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303 **7.0 EXECUTIVE SESSION**

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305 At 9:08 p.m. Mayor Royal announced that the City Council would hold a closed executive
306 meeting pursuant to the provisions of the Open meetings Act, Charter 551, Government Code,
307 and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section
308 551.071, Consultation with Attorney.

309
310 **Section 551.071**

311 **7.1 Consult with attorney to receive legal advice regarding requirements for sale/use of**
312 **municipal property pursuant to Section 551.071 Texas Government Code. (Royal)**

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314 **8.0 OPEN MEETING**

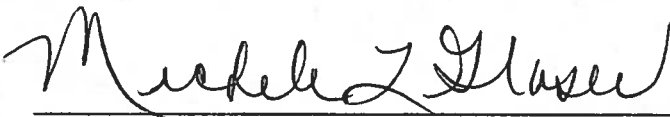
315 Mayor Royal reconvened the open meeting at 9:26 p.m. and stated that Agenda Item 7.1 had
316 been discussed in Executive Session, but no action had been taken.
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321 Upon motion, Mayor Royal adjourned the meeting at 9:27 p.m.
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323 Approved this 16th day of July 2013.
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Glenn R. Royal, Mayor

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336 Michele L. Glaser, TRMC
337 City Secretary
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