The City Council of the City of Seabrook met in regular session on Tuesday, August 6, 2013 at7:00 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	COUNCIL PLACE NO. 6
KELLY TEMPLIN	CITY MANAGER
STEVE WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

Mayor Pro Tem Laura Davis called the meeting to order at 7:00 p.m. and led the audience in the United States and Texas Pledge of Alliance.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Speaking in favor of proposed Ordinance No. 2013-12 were John and Wendy Largin, Hollybrook Drive; Chris Johnson, Todville Road, who is associated with Second Chance Pets; Andy Roof, D.V.M., Forest Lake Animal Clinic; Catherine and Tom Spicer, Hollybrook; and David Buckweller, Mystic Village Lane.

Several upcoming city events were announced by Councilor Johnson.

2.0 CONSENT AGENDA

2.1 Approve a special events permit request by the Arts Consortium of the Bay Area for an Arts Festival on Saturday, October 26, 2013 from 10 a.m. until 4 p.m. and on Sunday, October 27 from 10 a.m. until 3:00 p.m. pending submission of proof of liability insurance and security deposit for alcohol. Applicant is requesting permission to serve alcohol, temporary signs and a banner over SH 146, waiver of permit fees, and the closing of First Street from 7 a.m. to 4 p.m. on Saturday and from 10 a.m. to 3 p.m. on Sunday.

2.2 Approve a special events permit for Boatoberfest on Clear Lake on Thursday, October 24 through Sunday, October 27 at Endeavor Marina pending approval by Police Department, receipt of proof of insurance and deposit for security for alcohol. Applicant is also requesting temporary off premise signs and directional signs. (Applicant)

2.3 Approve the Investment Report for 3rd quarter 2012-13. (Lab)

2.4 Approve the minutes of the July 9, 2013 special City Council meeting. (Glaser)

2.5 Removed from the Consent Agenda by Mr. Weathered.

2.6 Approve the minutes of the July 23, 2013 special City Council meeting. (Glaser)

Motion was made by Councilor Holbrook and seconded by Councilor Johnson

To approve the Consent Agenda with the exception of Item 2.5.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

2.5 Approve the minutes of the July 16, 2013 regular City Council meeting. (Glaser)

Mr. Weathered requested a correction on Page 4, line 139: *"To consider a long-term lease for Galveston Bay Foundation in **and around** Pine Gully Park."*

Motion was made by Councilor Holbrook and seconded by Councilor Johnson

To approve the minutes of July 16, 2013 with the correction recommended by the city attorney.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.0 NEW BUSINESS

3.1 Receive/consider an update on the Pine Gully Improvement Project, including options for changes to the previously approved plan for trails and related changes at an additional cost of ≥ $260,000. (Templin)

Mr. Templin stated that city staff and Brad Matlock, City Engineer have looked at options to save the large oak tree. Two options were developed as a result of a meeting with the Harris County Flood Control District (HCFCD).

Option 1 - Estimate $260,000

Excavate outside the drip line, create a bulb in the channel and install reinforced box culverts on the south side of the tree to provide the required capacity.
Revise drainage report and submit to HCFCD - $9k
Redesign of construction plans and resubmit to HCFCD – $15k
Construction inspection (estimated additional 45 days) $6k

Construction cost $225k (cost is high, because contractor will have to lay large box culverts to obtain the capacity)
Construction materials testing – $4k

Option 2 – Estimate $280,000

Complete purchase of land to the south of the tree, and excavate south of the tree far enough to obtain capacity, creating an island around the tree.
Revise drainage report and submit to HCFCD - $9k
Redesign of construction plans and resubmit to HCFCD – $20k (Need more survey)
Construction inspection (Estimated additional 30 days) $2k
Construction cost – (Approximately 10,000cy, Armor Slope and other Appurtenances) -$250k
Time delay due to property purchase $?

Mr. Templin said that both options will require the submission of the revised plans to HCFCD and the United States Army Corps of Engineers. He also stated that additional costs would have to be funded by Reserves which would require a budget amendment.

In answer to questions from various council members, Mr. Matlock said that the project was designed for a 100-year flow which is a valid capacity and should be maintained. The cost estimates are approximate and may change. It will take 45-60 days to redesign the plans and an additional 3-4 weeks for HCFCD to review the revised plans, thus making the delay between 90-120 days. There may be some contractor delays due to the change of plans; for example, the contractor has about 30 more days of dirt work before any additional costs would be incurred in waiting for the new plan approval. It is not anticipated that there will be any changes to the Corps permit as long as the amount of mitigation is not reduced. Mr. Matlock had not consulted a tree expert and could not comment on the viability of the tree if the additional work were to be undertaken. Councilor Holbrook mentioned that League City had paid approximately $300,000 to move a large oak tree which is now in shock and dying.

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To table this item to allow staff to develop a better timeline and estimates.

Councilor Llorente suggested that the City consult a tree expert. Mr. Templin stated that he would look into getting an opinion from a tree expert.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.2 Consider first reading of proposed Ordinance No. 2013-12, "Amendment to the Animal Ordinance, Exception to the Maximum Number of Domestic Animals Permitted." (Council)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 10, "ANIMALS" , ARTICLE I, "IN GENERAL", SECTION 10.1 "DEFINITIONS" TO

FURTHER CLARIFY THE DEFINITIONS OF "LICENSING AUTHORITY" AND "HUMANE OFFICER', AMENDING SECTION 10.7 "NUMBER OF ANIMALS LIMITED" TO LIST THE TYPES OF EXCEPTIONS ALLOWED; AMENDING SECTION 10-8, "SCHOOL PROJECT EXCEPTION" TO DESIGNATE THE ANIMAL CONTROL OFFICER OR DESIGNEE AS THE OFFICIAL TO PERFORM INSPECTIONS AND TO ESTABLISH THAT THE SCHOOL PROJECT EXCEPTION FEE SHALL BE ESTABLISHED BY SEPARATE RESOLUTION; ADDING A NEW SECTION 10-9, "MULTI-PET PERMIT EXCEPTION" ESTABLISHING THE CONDITIONS AND PERMIT REQUIREMENTS FOR SUCH EXCEPTION, INCLUDING INFORMATION ABOUT PERMIT RENEWALS AND REVOCATIONS; AND RENUMBERING SUBSEQUENT SECTIONS AS NECESSARY.

THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDES FOR SEVERABILITY; AND PROVIDES FOR NOTICE.

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To approve proposed Ordinance No. 2013-12 on first reading with the following amendments:

Lines 153-154: The total number of adult animals allowed per household (including the six allowed without a permit) shall be two **(2) animals per 500 sq. feet.**

Lines 227-228: The applicant shall be notified in writing if a permit has not been issued or renewed and shall have [~~ten (10)~~] **30** days after the notice to remove the animals.

Lines 248 -249: The permit holder shall be notified in writing if a permit has been revoked by the City ~~Council~~ and shall have [~~ten (10)~~] **30** days after the notice to remove all excess animals from the premises.

Councilor Kolupski asked if the new ordinance would conflict with the zoning ordinance, as outside kennels are not permitted in an R-1 zone. Mr. Templin stated that he and Mr. Weathered did not see a conflict as a kennel is permitted in a commercial use, operating for profit. Councilor Giangrosso asked if the Council should consider allowing animals over 15 pounds in the multi-pet exception. Mrs. Glaser stated that Council had requested the 15-pound weight restriction for extra animals. The first six animals allowed without a permit could be any size; only the additional animals were to be restricted to 15 pounds each. Animal Control Officer Danny Marshall agreed that the weight limit was appropriate.

Councilor Johnson asked if the ordinance and proposed permit fee considered the additional work to be done by the animal control officer. Mr. Marshall stated that the only enforcement problem would be if the permit holder refused inspection. Mr. Templin stated that a property owner could refuse entry which would invalidate the permit. Council discussed who would

have the authority to revoke the permit. Mr. Templin recommended that the animal control officer or designee be the person to revoke the permit.

Also discussed were methods to notify the neighbors of an application for permit.

Mr. Weathered stated that he had some comments of a legal nature to discuss with Council.

EXECUTIVE SESSION

At 7:57 p.m., Mayor Pro Tem Davis announced that the City Council would hold a closed executive meeting concerning Agenda Item 3.2, 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 Section 551.071, "Consultation with Attorney."

OPEN SESSION

Mayor Pro Tem Davis reconvened the open meeting at 8:15 p.m. and stated that Item 3.2 had been discussed but that no action had been taken in executive session.

Council members discussed several additional amendments to the ordinance including:

1) Permit holder must be the owner of the property and reside on the property. (This would delete Section 10-9.2, Item 9.)

2) Inspections are to take place during regular business hours.

3) If inspection is denied, it is a separate violation of the ordinance and would cause revocation of the permit.

4) Council will approve or disapprove the permits and renewals.

5) The animal control officer shall have the power to revoke the permit, with the option of appeal of the revocation to the city manager. Appeals would not come before City Council.

6) The public hearing and notification process shall be the same as the requirements for zoning changes, except that only property owners within 200 feet shall be notified.

Mr. Weathered stated that he would like to review the proposed ordinance again and would work with staff to incorporate recommended changes.

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To table the ordinance to allow for review and amendment and to bring back the revised ordinance for first reading on August 20.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.3 Consider approval of proposed Res. No. 2013-14, "Animal Control Fees." (Templin)

A RESOLUTION REPLACING RESOLUTION NO. 2000-14 BY PROVIDING FOR LICENSE AND REGISTRATION FEES, POUND FEES, QUARANTINE FEES, FEES FOR EXCEPTIONS TO THE ORDINANCE AND ANIMAL ESTABLISHMENT PERMIT FEES; AND PROVIDING THAT LICENSING FEES MAY BE PERIODICALLY WAIVED FOR SPECIAL PROGRAMS CONDUCTED TO INDUCE CITIZENS TO HAVE THEIR PETS VACCINATED AND REGISTERED WITH THE CITY.

Motion was made by Councilor Johnson and seconded by Councilor Llorente

To table this item until Item 3.2 has been reconsidered.

Mr. Templin stated that he would place this item on the same agenda as the second reading of proposed Ordinance No. 2013-12.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.4 Approve Resolution No. 2013-15, "Authorization for Acquisition of Initial Property for Public Works Site Project." (Templin)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, AUTHORIZING FUNDING FOR THE ACQUISITION OF CERTAIN REAL PROPERTY FOR THE PUBLIC WORKS SITE PROJECT; SUCH PROPERTY CONSISTING OF A TRACT OF LAND CONTAINING APPROXIMATELY 25.23 ACRES (1,099,124 SQUARE FEET) SITUATED IN THE RITSON MORRIS SURVEY, A-52, HARRIS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED SPECIAL WARRANTY DEED EXHIBIT "A", WHICH IS INCORPORATED BY REFERENCE FOR ALL PURPOSES, (THE "PROPERTY"); DETERMINING THE PUBLIC NECESSITY AND JUST COMPENSATION FOR THE PROPERTY FOR SUCH PROJECT; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE PROPERTY, INCLUDING PAYMENT OF ASSOCIATED DUE DILIGENCE AND CLOSING COSTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; AUTHORIZING THE MAYOR TO ACCEPT THE CONVEYANCE OF THE PROPERTY IN BEHALF OF THE CITY; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To approve Resolution No. 2013-15.

Mr. Templin thanked Mr. Weathered and American Acryl. Council also thanked Mr. Templin and Mr. Weathered for facilitating this resolution.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.0 ROUTINE BUSINESS

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

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

Council agreed to hold its next budget work session on August 27 at 6:00 p.m.

Council also agreed to hold a special meeting concerning proposed rate changes to flood insurance on August 20 at 6:00 p.m. before the regular meeting.

Agenda items for the regular meeting on August 20 included consideration of a resolution opposing the proposed flood insurance rates and an item relating to Surf Oaks.

5.0 EXECUTIVE SESSION

At 8:44 p.m., Mayor Pro Tem Davis announced that the City Council would 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 Section 551.074, Personnel Matters.

Section 551.074

5.1 Conduct an executive session under Section 551.074, Texas Government Code, allowing the Seabrook City Council to deliberate the evaluation or duties or hear a complaint in relation to the City Manager and Police Chief. (Holbrook)

Section 551.074

5.2 Conduct an executive session under Section 551.074, Texas Government Code, allowing the Seabrook City Council to deliberate the evaluation or duties or hear a complaint in relation to the Municipal Court Judge.

6.0 OPEN MEETING

At 9:32 p.m. Mayor Pro Tem Davis reconvened the meeting in open session and stated that Items 5.1 and 5.2 had been discussed, but no action had been taken.

Upon motion, Mayor Pro Tem Davis adjourned the meeting at 9:32 p.m.

Approved this 20th day of August 2013.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary