The City Council of the City of Seabrook met in regular session on Tuesday, August 20, 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.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Surf Oaks Drive residents Chip Boteler, Bob Webbon, Jeff Neal, David Rompatt and Kay Schroeder spoke in favor of Agenda Item 4.5.

Andy Thomas, Clopper, offered options for saving the tree blocking the Pine Gully project and also asked Council to redesign the trails to meander to improve visual appeal.

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

Mayor Royal announced several community events.

2.0 SPECIFIC PUBLIC HEARING(S)

2.1 Proposed Ordinance No. 2013-13, "Amendment to the Official Zoning Map to Rezone 12.21 Acres East of Bayport Boulevard and West of Old Highway 146 from C-2 (Commercial – Medium District) to LI Light Industrial." (Applicant)

Applicant: Gulfwinds Investments Inc., 411 Brisbane, Houston 77061

Owners: Estate of John B. Carter Jr., 5773 Woodway #307, Houston, TX 77057

Legal Description: Being 12.21 acres out of 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.

Building Official Sean Landis gave a brief presentation of the project, stating that Gulf Winds intends to build a 180,000 square foot tilt wall distribution center on the LI property with the remainder of the tract remaining as C-2.

Lance Fox, Beaumont, representing Axis Companies spoke against zoning change.

Bill Fredericks, adjacent property owner, said that he has come to an agreement with the applicant for the use of the remaining commercial property.

Steve Stewart, Chairman of Gulf Winds International made the following comments. There is no difference between this request and his previous request which was turned down by Council. He confirmed that he had reached an agreement with Mr. Fredericks concerning the commercial property. The Light Industrial zoned property would be accessed totally from Old Highway 146, not from SH 146 or Red Bluff Road. The building façade will be similar to the warehouse he owns immediately outside the city limits. The new business generated as a result of the zoning change will diversify and improve the tax base in Seabrook

Carter Malone, representative of the property owners, spoke in favor of the proposed change.

Councilor Davis confirmed that the proposed building's parking lot will connect with the parking lot of the building just north of the city limits, thereby allowing vehicles to also exit the Seabrook facility through land located in Pasadena.

2.2 Proposed Ord. No. 2013-14, "Standards for Planned Unit Developments." (P&Z/Landis)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 4 "SPECIAL USE REGULATIONS", SECTION 4.10, "PLANNED UNIT DEVELOPMENTS," BY REVISING SUBSECTION, 4.10.06(B) "PUD DESIGNATION PROCEDURE", 4.10.10 "DEVELOPMENT SCHEDULE", AND 4.10.11"DISSOLUTION OF THE PUD"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED $2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

Mr. Landis gave a brief presentation of the proposed change stating that this request had been approved unanimously by all commission members present at the meeting.

2.3 Proposed Ordinance No. 2013-15, "Updating and Amending Sign Standards for Temporary Grand Opening Signs." (P&Z/Landis)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 6, "SIGN STANDARDS", SECTION 6.04 "EXEMPT SIGNS", BY AMENDING SUBSECTION 6.04.02 (C) "TEMPORARY GRAND OPENING SIGNAGE"; TO ALLOW CERTAIN WIND-DRIVEN SIGNS; 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.

Mr. Landis gave a brief presentation. He stated that the Commission had reviewed the ordinance as requested by Council to consider expanding the kinds of temporary signs permitted for "Grand Openings."

Councilor Davis asked that the spinner signs permitted in the proposed ordinance be differentiated from the spinners prohibited elsewhere in the Sign Regulations chapter.

3.0 CONSENT AGENDA

3.1 Approve the July 2013 Building Report. (Landis)

3.2 Approve the July 2013 Public Safety Report. (Holomon)

3.3 Approve the minutes of the August 6, 2013 City Council meeting. (Glaser)

Motion was made by Councilor Holbrook and seconded by Councilor Johnson

To approve the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

Mayor Royal took several items out of order.

4.0 NEW BUSINESS

4.2 Consider approval of first reading of proposed Ordinance No. 2013-13, Amendment to the Official Zoning Map to Rezone 12.21 Acres of Land East of Bayport Boulevard and West of Old Highway 146 from C-2 (Medium Commercial) to L-I (Light Industrial.) (Applicant/Landis)

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 12.21 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.

Motion was made by Councilor Llorente and seconded by Councilor Johnson

To approve proposed Ordinance No. 2013-13 on first reading, with the reading of the caption serving as the reading of the ordinance.

Councilor Holbrook had a legal question about this ordinance.

EXECUTIVE SESSION

At 8:06 p.m., Mayor Royal announced that the City Council would hold a closed executive meeting concerning Agenda Item 4.2, 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 Royal reconvened the open meeting at 8:11 p.m. and stated that Item 4.2 had been discussed, but that no action had been taken in Executive Session.

Mayor Royal stated that his opinion on this zoning request has changed, as the details of widening SH 146 are now known. Also, he is encouraged by the increase in tax base this business will bring to Seabrook. Councilors Davis, Giangrosso, Holbrook, Johnson and Kolupski agreed. Councilor Davis added that the location of the curb cuts have been finalized, which now makes this property less desirable for commercial development due to access problems. She also noted that there is now additional ingress and egress from the property to the adjacent parking lot in Pasadena. Councilor Llorente stated that he has always been in favor of this zoning change.

MOTION TO APPROVE CARRIED BY UNANIMOUS CONSENT.

4.5 Consider a request from some Surf Oaks Drive residents for the city to accept Surf Oaks Drive following its dedication by all adjoining property owners and improvement by Harris County. (Templin/Applicants)

Motion was made by Councilor Kolupski and seconded by Councilor Davis

To approve moving forward with the request.

In answer to questions from council members, Mr. Templin confirmed that all property owners on Surf Oaks Drive would have to agree to the dedication of land as the property known as Surf Oaks Drive is owned in part by all the adjacent property owners. Mr. Templin recommended against condemnation of the land by the city if some of the owners refused to dedicate the property. Mr. Templin recommended that he meet with the property owners to see if they are in agreement with the new proposal. If so, Council will have to decide whether to accept the street from the property owners, temporarily turn over the street to Harris County to allow the County to repave and then re-accept the street which will make the city responsible for all future upkeep and repairs. Mr. Templin stated that the street would still not conform to current street standards but that this is true in other older subdivisions. Paving the street should have no impact on drainage as the drainage ditches along the sides of the pavement will remain.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.1 Consider first reading of proposed Ordinance No. 2013-12, "Amendment to the Animal Ordinance, Exception to the Maximum Number of Domestic Animals Permitted." This ordinance was tabled by City Council on August 6, 2013. (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 Giangrosso

To remove this item from the table.

MOTION TO REMOVE FROM THE TABLE CARRIED BY UNANIMOUS CONSENT.

Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

To approve proposed Ordinance No. 2013-12 on first reading with the reading of the caption serving as the reading of the ordinance.

Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

To amend the ordinance by removing the prohibition that the animals be kept at least 10 feet from any property line.

After discussion by Council, Councilors Holbrook and Giangrosso removed this amendment from consideration.

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To amend the ordinance by waiving the requirement for micro chipping provided that the applicant submit a written statement from a veterinarian stating that micro chipping should not performed on a specific animal due to medical reasons.

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

MOTION TO APPROVE THE AMENDMENT CARRIED BY MAJORITY VOTE.

After further discussion, Mayor Royal called for a vote to approve first reading of Ordinance No. 2013-12 as amended.

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

MOTION TO APPROVE ORDINANCE NO. 2013-12 FAILED.

4.3 Approve first reading of Ordinance No. 2013-14. "Standards for Planned Unit Developments." (P&Z/Landis)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 4 "SPECIAL USE REGULATIONS", SECTION 4.10, "PLANNED UNIT DEVELOPMENTS," BY REVISING SUBSECTION, 4.10.06(B) "PUD DESIGNATION PROCEDURE", 4.10.10 "DEVELOPMENT SCHEDULE", AND 4.10.11"DISSOLUTION OF THE PUD"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED $2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

Motion was made by Councilor Kolupski and seconded by Councilor Johnson

To approve proposed Ordinance No. 2013-14 on first reading, with the reading of the caption serving as the reading of the Ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.4 Consider first reading of proposed Ordinance No. 2013-15, "Sign Standards for Temporary Grand Opening Signs." (P&Z/Landis)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 6, "SIGN STANDARDS", SECTION 6.04 "EXEMPT SIGNS", BY AMENDING SUBSECTION 6.04.02 (C) "TEMPORARY GRAND OPENING SIGNAGE"; TO ALLOW CERTAIN WIND-DRIVEN SIGNS; 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 Davis

To approve proposed Ordinance No. 2013-15 on first reading with the reading of the caption serving as the reading of the ordinance with the provision that the use of the word "spinner" be clarified.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.6 Approve proposed Resolution No. 2013-16, "Opposing the 2012 Biggert-Waters Flood Insurance Reform Act." (Templin/Council)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, OPPOSING THE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012 RECENTLY PASSED BY U.S. CONGRESS, AND PROVIDING FOR THE DELIVERY OF SUCH RESOLUTION TO STATE AND FEDERAL LEGISLATORS THAT REPRESENT SEABROOK.

Motion was made by Councilor Holbrook and seconded by Councilor Llorente

To approve proposed Resolution No. 2013-16.

MOTION CARRIED BY UNANIMOUS CONSENT.

Staff was directed to send the approved resolution to BAHEP and applicable senators and congress members, including Ms. Waters.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.0 OLD BUSINESS

5.1 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. This item was tabled on August 6, 2013. (Templin)

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To remove this item from the table.

MOTION TO REMOVE THE ITEM FROM THE TABLE CARRIED BY UNANIMOUS CONSENT.

Mr. Templin stated that the city had consulted with licensed arborist David Morris who stated that the tree would succumb under either option proposed for saving the tree. Mr. Templin stated that if an island were to be created to save the large tree, other trees would have to be removed.

Councilor Kolupski recommended that the city replace the tree in question with smaller trees which together would equal the caliper of the tree to be removed. Councilor Davis asked staff to attempt to construct the trail so it meanders to improve its appearance.

Motion was made by Councilor Johnson and seconded by Councilor Llorente

To instruct staff to move forward with the project including tree removal and to replace the removed tree with smaller trees of a similar type which together would equal the caliper of the tree to be removed.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.0 ROUTINE BUSINESS

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

Council discussed and updated several items.

Item 4 – Ongoing, still working on transportation.

Item 5 – Further discussion and action deferred by P&Z until the waterfront development has been completed.

Item 9 - Staff to meet this week with the Seabrook Volunteer Fire Department (SVFD).

Items 11, 15, 17 and 18 can be removed from the list.

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To approve the Action Items Checklist as amended.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

Council members were reminded of the budget meeting to be held on Tuesday, August 27 at 6:00 p.m. which will include discussion of tax roll information from the Harris County Appraisal District and final review of the General, Enterprise and Special Funds. Representation from EDC and the SVFD will attend the meeting.

Mr. Landis will work with the subcommittee to schedule a town meeting on the Biggert-Waters Act if needed.

Upon motion, Mayor Royal adjourned the meeting at 9:31 p.m.

Approved this 3rd day of September 2013.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary

THE CITY OF SEABROOK TEXAS