The City Council of the City of Seabrook met in regular session on Tuesday, October 15, 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
MEREDITH BRANT	ASSISTANT 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 INTERVIEW CANDIDATES FOR VARIOUS BOARDS & COMMISSIONS

1.1 Interview candidates for vacancies on various boards and commissions. (Council)

Council members interviewed Richard Tomlinson and Bob Poston. Mayor Royal announced that applicant Robert Duncan asked to have his name withdrawn for consideration.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

There were no comments.

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

Announcements of several upcoming events were made.

3.0 SPECIFIC PUBLIC HEARING(S)

3.1 Proposed Ordinance No. 2013-22, "Request to change the zoning classification of land described below from the current classification of WAD (Waterfront Activity District) to C-2 (Commercial – Medium District)."

Applicant: Winward Investments, 6025 Genoa Red Bluff, Pasadena, Texas 77507

Owner: Elbar Investments, Inc., 2206 Hazard #15, Houston, Texas 77019

Legal Description: Tract I, a 1.5109-acre tract of land and Tract II, a 0.3256-acre tract of land, situated in Abstract 52, of Ritson Morris Survey, in Harris County, Texas. This property is located immediately south of NASA Parkway, east of Elam Road, and north of Pirate Landing Apartments.

Building Official Sean Landis gave a presentation, stating the applicant has requested the rezoning to allow a retail chain tire store, *Tires by Design* which will consist of a show room, waiting area, children's play area, a counter and five bays with three bay doors and indoor tire racks. All work would be performed inside the building. The store will not perform any mechanical or fluid work on vehicles. He also told Council that the Planning and Zoning Commission had unanimously recommended the change by a 5-0 vote. In answer to questions from Council, Mr. Landis stated that the facility would be similar to a "big box" tire store. Storage will be totally contained indoors.

Martin Walsh, Seabrook and Andy Guptill, Houston, representatives of *Tires by Design*, stated that the store will specialize in wheels and name brand tires with a strong focus on customer service. *Tires by Design* stores are Class A-1, state of the art facilities. Used tires will be removed from the facility and will not be resold. There will not be battery sales or service. Mr. Walsh and Mr. Guptill stated that approximately one acre of the two-acre tract would be used for the store. No decision has yet been made as to what to do with the remaining acre of land. The property owner will have equity in the business. The store dimensions will be 65 feet x 110 feet. The setbacks will comply with C-2 requirements. *Tires by Design* opened its first store in January 2013.

In answer to a question from Councilor Llorente, Mr. Landis stated that future uses would have to comply with C-2 zoning.

There were no comments from the public.

4.0 CONSENT AGENDA

4.1 Consider and approve a letter penned by Greater New Orleans, Inc. to President Obama requesting an administrative delay in the implementation of the Biggert-Waters Act and authorizing the mayor to sign it. (Davis)

4.2 Approve the minutes of the October 1, 2013 regular City Council meeting. (Glaser)

4.3 Approve an excused absence for Gary Johnson on October 1, 2013. (Glaser)

4.4 Approve the September 2013 Building Report. (Landis)

4.5 Removed from the Consent Agenda by Councilor Holbrook.

4.6 Approve the September 2013 Public Safety Report. (Holomon)

4.7 Approve the Master Agreement and the Warranty, Support and License Agreement between the City of Seabrook and Hart Intercivic for election equipment. (Glaser)

4.8 Approve proposed Resolution No. 2013-19,"Accepting the Resignation of City Manager and Appointing Interim City Manager." (Council)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS ACCEPTING RESIGNATION OF KELLY TEMPLIN AS CITY MANAGER, EFFECTIVE DECEMBER 1, 2013, PROVIDING FOR THE APPOINTMENT OF AN INTERIM CITY MANAGER, GAYLE COOK ON EFFECTIVE DATE, AND REPEALING ALL RESOLUTIONS, ORDERS, AND ORDINANCES IN CONFLICT THEREWITH.

4.9 Removed from the Consent Agenda by Mr. Weathered.

Motion was made by Councilor Giangrosso and seconded by Councilor Holbrook

To approve the Consent Agenda with the exception of Items 4.5 and 4.9.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

4.5 Approve the September 2013 Municipal Court Report. (Court)

Motion was made by Councilor Holbrook and seconded by Councilor Llorente

To approve the report as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.9 Approve proposed Resolution No. 2013-20, "Authorization for Acquisition of Additional Property for Public Works and Related Site Project." (Templin)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, AUTHORIZING PROCEEDING FOR THE ACQUISITION OF CERTAIN REAL PROPERTY FOR THE PUBLIC WORKS AND RELATED SITE PROJECT; SUCH PROPERTY CONSISTING OF A TRACT OF LAND CONTAINING APPROXIMATELY 29.76 ACRES (1,296,500 SQUARE FEET) SITUATED IN THE RITSON MORRIS SURVEY, A-52, HARRIS COUNTY, TEXAS, BEING OUT OF AND PART OF LOT 2, SEABROOK FIRE TRAINING FACILITY, A SUBDIVISION RECORDED IN VOLUME 585, PAGE 54, HARRIS COUNTY MAP RECORDS, BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED 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 MAYOR TO EXECUTE THE REAL ESTATE SALES CONTRACT ("CONTRACT') ATTACHED HERETO AS EXHIBIT "B"; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE PROPERTY, INCLUDING IDENTIFYING FUNDS FOR PAYMENT AND PURCHASE, INCLUDING ALL ASSOCIATED DUE DILIGENCE AND CLOSING COSTS IN ACCORDANCE WITH THE CONTRACT AND IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS AND CHARTER; AND FINDING AND

DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Mr. Weathered stated that the brackets had been removed in paragraph K. In addition, Seabrook will be required to pay $5,000 in earnest money to be deposited by October 18, 2013 which will be credited to the closing costs. Closing is scheduled to take place on November 21, 2013. Either the mayor or city manager will be able to execute the required documents.

Motion was made by Councilor Llorente and seconded by Councilor Johnson

To approve Resolution No. 2013-20 as amended.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.0 NEW BUSINESS

As there was no objection from Council members, Mayor Royal took Item 5.3 out of order.

5.3 Approve first reading of proposed Ordinance No. 2013-22, "Amendment to the Official Zoning Map to Rezone 1.8365 acres south of NASA Parkway, east of Elam Road and north of Pirates' Landing Apartments from WAD to C-2. (P&Z/Applicant)

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 1.5109 ACRES OF TRACT I, AND 0.3256 ACRES OF TRACT II OF LAND, SITUATED IN ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS FROM WAD WATERFRONT ACTIVITY DISTRICT TO C-2 MEDIUM COMMERCIAL DISTRICT AND REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS CHANGE.

Motion was made by Councilor Davis and seconded by Councilor Llorente

To approve the first reading of Ordinance No. 2013-22, with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.1 Consider an appointment to the Economic Development Corporation Board for an unexpired term ending May 2014. (EDC)

Mayor Royal called for nominations from the floor.
Councilor Davis nominated Melissa Botkin; Councilor Kolupski nominated Gary Bell; Councilor Johnson nominated Richard Tomlinson; and Councilor Giangrosso nominated Bob Poston.

Mayor Royal then called for a vote on the nominated candidates.

For Melissa Botkin: Councilor Davis.

For Gary Bell: Councilors Holbrook and Kolupski.

For Richard Tomlinson: Councilors Johnson and Llorente.

For Bob Poston: Mayor Royal and Councilor Giangrosso.

Mayor Royal then called for a vote on Gary Bell, Richard Tomlinson and Bob Poston as each had received two votes.

For Gary Bell: Councilors Davis, Holbrook and Kolupski.
For Richard Tomlinson: No one.
For Bob Poston: Mayor Royal and Councilors Giangrosso, Johnson and Llorente.

As Bob Poston received a majority of the votes cast, Mayor Royal announced that he had been appointed to the EDC Board with a term ending May 2014.

5.2 Consider approval of tax rate for 2013. Required public hearings on the tax rate were held on September 24 and October 1, 2013.

Four separate motions are required: 1) To approve a tax rate of 48.3154 cents per $100.00 valuation of assessed property for operations and maintenance; 2) To approve a tax rate of 16.8075 cents per $100.00 valuation of assessed property for the interest and sinking fund; 3) To approve that the property tax rate be increased by the adoption of $0.651229 which is effectively a 3.21 percent increase in the tax rate; and 4) To approve proposed Ordinance No. 2013-20, "Tax Ordinance" on first and final reading with the reading of the caption serving as the reading of the ordinance and requiring a record vote. (Templin)

"AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF SEABROOK, TEXAS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014 AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF."

Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

To approve a tax rate of 48.3154 cents per $100.00 valuation of assessed property for operations and maintenance.

MOTION CARRIED BY UNANIMOUS CONSENT.
Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To approve a tax rate of 16.8075 cents per $100.00 valuation of assessed property for the interest and sinking fund.

MOTION CARRIED BY UNANIMOUS CONSENT.

Motion was made by Councilor Johnson and seconded by Councilor Davis

To approve that the property tax rate be increased by the adoption of $0.651229 this is effectively a 3.21 percent increase in the tax rate

MOTION CARRIED BY UNANIMOUS CONSENT.

Motion was made by Councilor Llorente and seconded by Councilor Holbrook

To approve proposed Ordinance No. 2013-20, "Tax Ordinance" on first and final reading with the reading of the caption serving as the reading of the ordinance.

Mayor Royal conducted a record vote on this item.

Ayes: Royal, Davis, Giangrosso, Holbrook, Johnson, Kolupski, Llorente.
Nays: No one.
Abstain: No one.

MOTION CARRIED BY UNANIMOUS CONSENT

6.0 ROUTINE BUSINESS

6.1 Consider an update from the City Manager concerning progress of the Surf Oaks Drive project. (Council)

Mr. Templin reported that all but two Surf Oaks property owners had attended a recent meeting and that there was a unanimous consensus of those present to cooperate with the city and county to determine the metes and bounds and relay the property to the city. He stated that once the property is dedicated to the city, with those expenses being borne by the property owners, Harris County will improve the road.

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

Concerning Item #9, Councilor Holbrook reported that the City of El Lago is contracting with the Seabrook Volunteer Fire Department for services on a month-to-month basis.

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT

6.3 Establish future meeting dates and agenda items, including a reminder of the special joint meeting to be held with the Planning and Zoning Commission on November 5, 2013 at 6:00 p.m. (Council)

Mr. Weathered stated that an executive session agenda item would be added to the November 5, 2013 joint special meeting agenda. Councilor Giangrosso asked Mr. Templin to review the Lakeside Drive traffic study so that consideration of placing a stop sign at the intersection of Seaward and Lakeside Drive can be placed on the November 5 regular meeting agenda. Mayor Royal asked that an executive session item concerning the appointment of a full time city manager be placed on the next agenda.

7.0 EXECUTIVE SESSION

At 8:06 p.m. Mayor Royal 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 one or more of the following sections: Section 551.071, Consultation with Attorney and Section 551.087, Economic Development.

Section 551.071
7.1 Consult with attorney to receive legal advice related to pending litigation, *City of Seabrook v. Exquisite Designs by Castlerock & Co., Inc.* debtor pending in U.S. Bankruptcy Court, Houston Division under Cause No. 12-38337-H4-11 (Brad Jones) as provided by Section 551.071 Texas Government Code.

Section 551.071
7.2 Consult with attorney to receive legal advice relating to Hotel Occupancy Tax, economic incentives and economic development as provided by Section 551.071 Texas Government Code. (Templin)

Section 551.087
7.3 Discuss or deliberate commercial/financial information and offer of financial or other business incentive relating to a business prospect that the City seeks to have locate, stay or expand in the City and with which it is conducting economic development negotiations as provided by Section 551.087 Texas Government Code. (Templin)

8.0 OPEN MEETING

Mayor Royal reconvened the meeting in open session at 9:31 p.m. and stated that Items 7.1, 7.2 and 7.3 had been discussed in executive session but no action had been taken.

Upon motion, Mayor Royal adjourned the meeting at 9:32 p.m.

Approved this 5th day of November 2013.

Glenn R. Royal, Mayor

Meredith Brant, TRMC
Assistant City Secretary