The City Council of the City of Seabrook met in regular session on Tuesday, November 19, 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 |
| GAYLE COOK | 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**

Bill Ferguson, Mija Lane asked Council to amend the Golf Cart Ordinance to allow carts to travel on streets with speed limits of 35 miles per hour or less, which is in conformance with state law. Currently the city only allows travel on streets with a maximum of 25 miles per hour which prohibits riders from traveling outside their subdivisions. He also recommended that no golf cart traffic be permitted on NASA Parkway or SH 146 even where the speed limit was 35 miles per hour. Ron Marsh, Clearwater Estates agreed with Mr. Ferguson.

Terry Sones, Baywood Drive, spoke about problems of noise at Carothers. She stated that citizens had voted for a parks expansion, not a party venue. She stated that the problem of noise was largely resolved with the new rental contract stipulation that renters could not allow open doors or windows. However, she stated some renters have disregarded this rule and the police told her they could not enforce this rule, as it is not an ordinance.

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

Several announcements were made.

**2.0 CONSENT AGENDA**

**2.1 Approve the Investment Report for 4th quarter 2012/13. (Lab)**

**2.2 Approve the October 2013 Municipal Court Report. (Ancira)**

**2.3 Approve the October 2013 Community Development Report. (Landis)**

**2.4 Approve the October 2013 Public Safety Report. (Holomon)**

**2.5 Approve the minutes of the November 5, 2013 special joint meeting of the City Council and the Planning & Zoning Commission. (Glaser)**

**2.6 Approve the minutes of the November 5, 2013 regular Council meeting. (Glaser)**

**2.7 Approve proposed Resolution No. 2013-22,"In Support of the 'Ike Dike'." (Council)**

A RESOLUTION SUPPORTING THE "IKE DIKE PROJECT" FOR A COASTAL BARRIER TO PROTECT THE HOUSTON-GALVESTON REGION, INCLUDING GALVESTON BAY, FROM HURRICANE STORM SURGES; DIRECTING THE CITY SECRETARY TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO REAR ADMIRAL ROBERT SMITH III, USN, PRESIDENT AND CHIEF EXECUTIVE OFFICER OF TEXAS A&M UNIVERSITY AT GALVESTON; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION

**2.8 Approve proposed Resolution No. 2013-23, "Opposing the Centennial Gate Concept in Its Current Form." (Royal)**

A RESOLUTION OF THE CITY OF SEABROOK, TEXAS OPPOSING THE CENTENNIAL GATE CONCEPT IN ITS CURRENT FORM BEING PROPOSED BY THE RICE UNIVERSITY SSPEED CENTER (SEVERE STROM PREDICTION, EDUCATION AND EVACUATION FROM DISASTERS) AND PROVIDING FOR THE DELIVERY OF SUCH RESOLUTION TO THE SSPEED CENTER AS WELL AS TO REGIONAL ECONOMIC DEVELOPMENT AGENCIES AND STATE LEGISLATORS THAT REPRESENT SEABROOK

**2.9 Approve second and final reading of proposed Ordinance No. 2013-24, "Ethics Review Commission, Change in Frequency of Required Meetings." (ERC)**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 2. "ADMINISTRATION", ARTICLE VI. "CODE OF ETHICS", DIVISION 2. "ETHICS REVIEW COMMISSION", SEC. 2-209 "MEETINGS" BY CHANGING THE FREQUENCY OF REQUIRED MEETINGS FROM QUARTERLY TO SEMI-ANNUALLY. THIS ORDINANCE 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 the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

**END OF CONSENT AGENDA**

**3.0 NEW BUSINESS**

**3.1 Consider the feasibility of constructing a wall on the Carothers Coastal Gardens property for additional sound barrier. (Cook/Chairez)**

Mrs. Cook and Mr. Chairez gave a presentation stating that the city had a quote of $48,000 to raise the existing six-foot high wall to 10 feet and to extend the length of the wall from 150 feet to 350 feet. The wall will be composed of cinder blocks with stucco façade to so it will blend in with the current building. It is estimated that the finished wall will decrease the sound by 3 or 4 decibels. In addition, the wall would help alleviate the problem of visitors wandering on to adjacent private property. Suggestions from Council members included: 1) create a curved wall which will further decrease the noise; 2) plant hedges to indicate the property line; 3) ask the Open Space and Trails Committee for input.

Police Captain Sean Wright stated that generally the door of the Carothers building closest to adjacent properties is not open. He stated that the police will respond to a noise complaint by taking a reading, but they cannot enforce contract provisions requiring that windows and doors of the building be shut, as the requirement is not in ordinance form.

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To direct staff to come back to Council with alternatives, including cost estimates and estimate of how effective the alternative will be in reducing noise.

MOTION CARRIED BY UNANIMOUS CONSENT.

**3.2 Consider approval of the appointment of Gayle Cook as city manager and approval of an employment contract between the City and Ms. Cook. (Council)**

Motion was made by Councilor Davis and seconded by Councilor Holbrook

To appoint Gayle Cook as city manager effective December 1, 2013 and to approve the employment contract between Mrs. Cook and the city,

All members expressed their support of Mrs. Cook.

MOTION CARRIED BY UNANIMOUS CONSENT.

**3.3 Consider first reading of proposed Ordinance No. 2013-25,"Regulation of Peddlers Itinerant Vendors, Hawkers, Solicitors and Canvassers." (Davis)**

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, CHAPTER 22, "BUSINESSES," ARTICLE III. "PEDDLERS AND SOLICITORS"BY DELETING THE EXISITING PROVISIONS IN ITS ENTIRETY AND REPLACING WITH NEW PROVISIONS UNDER THE SAME CHAPTER WITH REVISION TO TITLE OF ARTICLE III. TO BE ENTITLED "PEDDLERS, ITINERANT VENDORS, HAWKERS, SOLICITORS, AND CANVASSERS," TO UPDATE SUCH PROVISIONS REGULATING PEDDLERS, ITINERANT VENDORS, HAWKERS, SOLICITORS, AND CANVASSERS, HAWKERS, AND SOLICITORS, ESTABLISHING PROTECTIONS FOR HOMEOWNERS DESIRING TO AVOID PEDDLERS, SOLICITORS AND CANVASSERS, REGULATING HANDBILLS; PROVIDING A PENALTY IN AN AMOUNT OF $500, OR THE MAXIMUM AMOUNT PROVIDED BY LAW FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION IN 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 Giangrosso

To approve proposed Ordinance No. 2013-25 on first reading with the reading of the caption serving as the reading of the ordinance.

Mr. Weathered stated that the proposed ordinance had originated from the Texas Municipal League with some modifications. He asked that any questions of a legal nature be addressed in executive session.

## 7.0 EXECUTIVE SESSION

At 7:40 p.m. Mayor Royal announced that City Council would hold a closed executive meeting concerning Agenda Item 3.3, 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.

## 8.0 OPEN MEETING

Mayor Royal reconvened the open meeting at 8:07 p.m. and stated that Agenda Item 3.3 been discussed in executive session, but no action had yet been taken.

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To amend the original motion to allow the city attorney's comments on street vendors to be added to the ordinance for review at second reading.

MOTION CARRIED BY UNANIMOUS CONSENT.

Mayor Royal then called for a vote on the original motion to approve Ord. No. 2013-23 on first reading, as amended.
MOTION CARRIED BY UNANIMOUS CONSENT.

The following items were taken out of order.

**4.0 ROUTINE BUSINESS**

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

Councilor Holbrook asked that Item #4 " Consider Transportation alternatives from hotels to the new cruise terminal" and Item #14 "Meet with city engineers for recommendations concerning safety of left turns on SH 146" be added on the December 3 agenda for an update and possible resolution.

Concerning Item #14, Mrs. Cook that that the owner of Tookies asked that Council explore all options before placing dividers to prohibit left turns on SH 146 where there are no signal lights.

Council members discussed the removal of Item #9, "Ad Hoc committee to deal with fire department issues."

Motion was made by Councilor Holbrook and seconded by Councilor Llorente

To approve the Action Items Checklist with the removal of Item #9.

MOTION CARRIED BY UNANIMOUS CONSENT.

**4.2 Establish future meeting dates and agenda items, including a determining a quorum for a special joint public hearing to be held with the Planning & Zoning Commission on December 17, 2013 at 6:00 p.m. (Council)**

All council members except Councilor Davis stated that they were available to attend the special joint public hearing on December 17, 2013 at 6:00 p.m.

Councilor Llorente asked that a discussion of the golf cart regulations be placed on the December 3 agenda.

Mayor Royal called a recess at 8:20 p.m. He reconvened the meeting at 8:34 p.m.

**3.0 NEW BUSINESS** (continued)

**3.4 Consider a request for preliminary approval of a Planned Unit Development (PUD) to create "The Commons at Seabrook", a 14.734-acre, 416 unit, luxury apartment complex, 6.58 acres of retail development and 1.295 acres for the construction of a public street. The required public hearing for this request was held on November 19 at 6:00 p.m. in joint session with the Planning & Zoning Commission. (Applicant)**

Planning & Zoning Commission Chair, Michael Potts issued a written report from the Commission concerning the request for preliminary PUD approval for the Commons at Seabrook. (See Attachment A which has been made a part of these minutes.)

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To approve the preliminary PUD, including the Planning & Zoning Commission's recommendations listed in the report.

MOTION CARRIED BY UNANIMOUS CONSENT.

Upon motion, Mayor Royal adjourned the meeting at 8:44 p.m.

Approved this 3rd day of December 2013.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary

THE CITY OF SEABROOK TEXAS

# Planning & Zoning Commission
# OFFICIAL REPORT

The Planning and Zoning Commission of the City of Seabrook met on November 19, 2013 to hold a meeting to consider:

**Request for approval of a Planned Unit Development (PUD) to create "The Commons at Seabrook", a 14.734 Acre, 416 Unit, Luxury Apartment Complex, 6.58 Acres of Retail Development, and 1.295 Acres for a Street.**

**THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:**

**APPROVAL** ☐ **APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW)** ☒ **DENIAL** ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on November 19, 2013, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

Recommend Approval of the Preliminary Planned Unit Development with the following recommended conditions:

1. C-2 uses in the commercial development.
2. Open Space calculations, including assumptions.
3. Detention Pond design details – dimension, landscape, and aeration.
4. Active marketing and signage for commercial property.
5. Defined scope and text – finish.
6. Construction detail for dumpster enclosures.
7. Tab 10: Phasing and Development Schedule – Remove 10% modification clause.
8. Detailed schedule per ordinance.

| VOTE: | AYE | NAY | ABSTAINED | ABSENT | INITIAL |
|---|---|---|---|---|---|
| Rosebud Caradec | | X | | | |
| Mike DeHart | X | | | | |
| Buddy Hammann | ✓ | | | | |
| Bolivar Lewis | | | | X | |
| Dodie Miller | X | | | | |
| Michael Potts | X | | | | |
| Michael Sharpe | X | | | | |

Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:

Alesia L. Hammock
Secretary