

The City Council of the City of Seabrook met in regular session on Tuesday, January 7, 2014 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 – Ex. Abs.	COUNCIL PLACE NO. 4
THOM KOLUPSKI	COUNCIL PLACE NO. 5
LAURA DAVIS	MAYOR PRO TEM & COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	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 - None.

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

Councilor Giangrosso announced several upcoming events.

2.0 SPECIFIC PUBLIC HEARING(S)

2.1 Request for approval of a Planned Unit Development (PUD) to create Old Seabrook Village, 101 Lots, 17 Blocks and 9 Reserves.

Applicant/Owner: OSVillage LLC, 2510 De Four Trace, Seabrook, Texas 77586

Legal Description: Lots 1-7, Block 1 and Lots 1-7, Block 2 in the Baybrook Subdivision, Section 1 and Tract 1, 2 and 3. Being 13.81 acres of land, situated in Abstract 52 of Ritson Morris Survey, in Harris County, Texas. This property is located immediately east of Meyer and north of 1st Street. The property is located in the R-2 (Single Family Detached-Small Lot) and OS (Old Seabrook) zoning districts.

Mark Caldwell, OSVillage, LLC, presented the plan. He stated that the height of the property is affected by its location in a Velocity (VE) flood zone, as the lowest livable floor will have to be 17-18 feet in elevation which would require the homes to be on pilings. The architect

for the project recommended raising the streets so houses can be closer to the ground. Parking will be underneath the house and will be accessed by rear alleys, therefore making the garage hidden from the street. A three-story house will be constructed, but will only look like a two story house from the street. There will be additional off street parking immediately east of Meyer Road and in front of the houses fronting Meyer. There will be a pond, a park and a traffic circle within the development. The homes along the waterfront will not be accessed by alleys. There will be a property owners' association to manage the common areas and an architectural review board.

Mr. Caldwell showed a cross view of the development which showed the streets at approximately 12 feet in elevation. The front yard elevation will be 12.5-13.5 feet. Alleys will be approximately 7 feet in elevation. Meyer Road is also 7-7.5 feet in elevation.

He said that an alternate plan had been submitted to the Planning & Zoning Commission which consists of 112 units, instead of 101 units as was advertised in both public hearings.

There were no comments from the audience.

3.0 CONSENT AGENDA

3.1 Removed by Mr. Weathered.

3.2 **Approve proposed Resolution No. 2014-01, "Establishing Water Utility Fees." (Lab)**

A RESOLUTION ESTABLISHING WATER UTILITY FEES WHICH HAD PREVIOUSLY BEEN ESTABLISHED BY ORDINANCE AND ADDING NEW FEES FOR WATER METER TESTING, METER AUDITS AND METER REREADS.

3.3 **Approve minutes of the December 17, 2013 City Council meeting. (Glaser)**

Motion was made by Councilor Giangrosso and seconded by Councilor Llorente

To approve Items 2.2 and 2.3 of the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA.

3.1 **Approve second and final reading of proposed Ordinance No. 2013-26, "Amend Types of Utility Charges and Establish Such Charges by Resolution." (Padgett/Lab)**

AN ORDINANCE AMENDING ORDINANCE NO. 2007-19 AND CHAPTER 95, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS UPDATING AND REVISING PROVISIONS RELATED TO UTILITY METERS, DAMAGE TO CITY EQUIPMENT, DEPOSITS, LIENS, AND ENFORCEMENT, REMOVING CERTAIN CURRENT CHARGES FOR UTILITY USE FROM THE CODE,

PROVIDING THAT ALL SUCH FUTURE UTILITY CHARGES SHALL BE ESTABLISHED BY RESOLUTION; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR ANY VIOLATION 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. Weathered asked that Section 52-60 be corrected as follows:

Section [~~52-60~~] 95.60 Deposits.

~~[(a)—General rule.]~~

Note: The remainder of newly numbered Section 95.60 is correct.

Motion was made by Councilor Giangrosso and seconded by Councilor Kolupski

To approve Ordinance No. 2013-26 on second and final reading with the recommended corrections.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.0 NEW BUSINESS

Mayor Royal took Agenda Item 4.2 out of order.

4.2 Consider preliminary approval of a Planned Unit Development (PUD) to create Old Seabrook Village as detailed in the specific public hearing above. A copy of this proposed PUD is available for review in the offices of the City Secretary and the Building Department. (Landis)

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To grant preliminary approval of the Old Seabrook Village PUD.

Councilor Kolupski asked where the transition from the higher elevation in the front to the lower elevation in the rear of the lot will take place. Mr. Caldwell said there is a 3:1 slope which will transition under the front porch and house. The road in front of the homes will be 11-12 feet in elevation. Elevation issues will be resolved during the engineering phase.

In answer to Councilor Johnson's question about phasing, Mr. Caldwell stated a phasing plan is included in the PUD document. A master plan will be presented for approval, after which individual sections can be built and recorded independently as lots are purchased. As a practical matter, the left side would not be built without also building the entry road and the roundabout.

Councilor Johnson asked if the developer will construct all the streets and utilities in the development. Mr. Caldwell stated construction is dependent upon the homebuilders, i.e. if a builder purchases five lots, the entire infrastructure would not be constructed to support only five lots. As a practical matter, Mr. Caldwell said the development will probably be constructed in three phases – left, right and waterfront.

Councilor Johnson asked if the alleys would be accessible to fire trucks. Mr. Caldwell stated that alleys will be a secondary access. Mr. Landis stated that the alleys must be a minimum of 20 feet wide to meet the requirements of the Fire Code.

No plan for streetlights has been submitted

Councilor Davis asked if the Commission could choose number of units in the development – either 101 or 112. Mr. Caldwell stated at the request of a builder, the lots have been reduced from approximately 40 feet wide to 32 feet wide which then creates 112 lots.

Answering a question from Councilor Llorente, Mr. Caldwell stated that similar developments exist in Galveston, Houston Heights and the Woodlands. However, this project is unique as it raises the streets and will be in an “Old Town” setting.

Councilor Kolupski asked about commercial development. Mr. Caldwell stated that the OS zone allows mixed use. There will be an opportunity, especially on Meyer, to build a live-work product. If the PUD would fail, all the OS uses would be allowed in that zone. Restaurants will be allowed by conditional use only. Mr. Caldwell stated that the PUD has eliminated some uses allowed in OS, but which would not be compatible with this development.

Councilor Johnson asked if the lot sizes will be affected when the alleys are increased to 20 feet to meet Code. (The plan currently shows 15-foot alleys.) Mr. Landis stated that this is currently a preliminary plan. The final plan will go before both the Commission and the Council for approval.

Mayor Royal asked if the elevated road would be an impediment to flood zone requirements of breakaway walls below B.F.E. Mr. Landis stated that there are no flood plain issues with elevating the road.

Answering a question from Mrs. Glaser, Mr. Weathered stated that there was no problem approving 112 lots, when only 101 lots were advertised in the public hearing.

Mr. Landis stated that the Commission had unanimously recommended approval at its last meeting. Mr. Landis added that the applicant may request a joint public hearing for the final plan.

In answer to a question from Mrs. Davis, Mr. Weathered stated that tonight is simple vote on the preliminary plan. Conditions can be added when the final plan is approved.

MOTION CARRIED BY UNANIMOUS CONSENT TO GRANT PRELIMINARY
APPROVAL.

4.1 Consider approval of Hotel Occupancy Tax funding for the Battleship Texas Foundation for the Battleship Texas Centennial Celebration Festival on March 15, 2014. The applicant has requested \$5,000. (Royal)

Motion was made by Councilor Kolupski and seconded by Councilor Llorente.

To consider approval.

LeaAnn Dearman, Director of Marketing, summarized the request by stating that the applicants agreed that Seabrook will receive web advertising with a \$2,500 contribution. She asked that if Council decided to fund this event, that Council indicate whether the funding would come from a line item number or from Hotel Tax Fund Reserves. She stated that it was her opinion that it will be a good event for Seabrook.

Tony Gregory, Event Chairman, said that the event will be take place even if Seabrook does not contribute. He stated that 20,000 participants are anticipated and that the event will honor living members of the battleship. General admission tickets will be \$14.00.

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To approve funding in the amount of \$5,000 from the Hotel Tax Fund Reserves with a finding that this event meets the requirements of both advertising and historical preservation and will promote overnight stays in Seabrook.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.3 Consider developing an ordinance to prohibit/regulate hunting in the city. (Johnson)

Motion was made by Councilor Johnson and seconded by Councilor Llorente

To consider developing an ordinance to regulate hunting in the city.

Councilor Johnson stated that he placed this item on the agenda as he witnessed a hunter using a crossbow in the Repsdorph area, which he feels is as deadly as hunting with a rifle. Mrs. Cook stated that the city's current ordinance does not define archery nor prohibit the use of cross bows. She asked if Council wished to prohibit all hunting.

Councilor Llorente stated that he was unaware that hunting was permitted in Seabrook. As this is no longer a rural area, he recommended that the entire issue of hunting be addressed. Mayor Royal recommended that traditional archery (not crossbows) be permitted on those private properties of 10 or more continuous acres that are no intersected by a street.

Police Chief Nona Holomon stated that questions about hunting come up frequently in many areas of town. Chief Holomon recommended prohibiting hunting. Councilor Davis agreed with the hunting ban, but also would like crossbows outlawed in Seabrook for any reason.

Motion was made by Councilor Johnson and seconded by Councilor Llorente

To amend the original motion by instructing staff to develop an ordinance prohibiting cross bows and also to prohibit hunting in Seabrook.

AMENDMENT CARRIED BY UNANIMOUS CONSENT.

THE ORIGINAL MOTION, AS AMENDED, CARRIED BY UNANIMOUS CONSENT.

5.0 OLD BUSINESS

Mayor Royal took Agenda Item 5.2 out of order.

5.2 Approve second and final reading of proposed Ordinance No. 2013-23, "The Commons at Seabrook Planned Unit Development." The required public hearing for this item was held during the special joint Council/P&Z Commission meeting at 6:00 p.m. on December 17, 2013. (Applicant/P&Z)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING APPROXIMATELY 22.61 ACRES FROM A TRACT OF LAND OUT OF THE RUGGLES SUBDIVISION, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 5, PAGE 30 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AND BEING SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT NUMBER 52, HARRIS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A," FROM "C-3" HEAVY COMMERCIAL DISTRICT TO PLANNED UNIT DEVELOPMENT "PUD," TO BE IDENTIFIED AS "THE COMMONS AT SEABROOK" (CONSISTING OF 14.734 ACRES FOR A 416 UNIT APARTMENT COMPLEX, 6.58 ACRES FOR RETAIL DEVELOPMENT, AND 1.295 ACRES FOR A STREET); PROVIDING FOR AN AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY.

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso
To approve proposed Ordinance No. 2013-23 on second and final reading, with the reading of the caption serving as the reading of the ordinance.

Mr. Landis confirmed that the modifications requested by the Planning and Zoning Commission and the City Council had been added to the PUD document.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.1 Consider second and final reading of Ordinance No. 2013-25, "Regulation of Peddlers, Itinerant Vendors, Hawkers, Solicitors and Canvassers." (Council)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, CHAPTER 22, "BUSINESSES," ARTICLE III. "PEDDLERS AND SOLICITORS" BY DELETING THE EXISTING ARTICLE IN ITS ENTIRETY AND REPLACING WITH NEW PROVISIONS UNDER THE SAME CHAPTER, REVISING THE TITLE OF ARTICLE III. TO "PEDDLERS, ITINERANT VENDORS, HAWKERS, SOLICITORS, AND CANVASSERS" TO UPDATE SUCH PROVISIONS RELATING TO SUCH PERSONS; ESTABLISHING PROTECTIONS FOR HOMEOWNERS DESIRING TO AVOID PEDDLERS, SOLICITORS AND CANVASSERS, REGULATING HANDBILLS AND ITINERANT VENDORS; 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 Johnson

To approve proposed Ordinance No. 2013-25 on second and final reading, with the reading of the caption serving as the reading of the ordinance.

EXECUTIVE SESSION

At 8:07 p.m. Mayor Royal announced that City Council would hold a closed executive meeting concerning Agenda Item 5.1 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 MEETING

Mayor Royal reconvened the open meeting at 8:41 p.m. and stated that Agenda Item 5.1 had been discussed in executive session, but no action had yet been taken.

Motion was made by Councilor Davis and seconded by Councilor Johnson

To amend the Ordinance No. 2013-23 as follows:

Section 22-69. Fee.

D. Applicants representing 5.01(c) (3) charitable organizations may have the fee waived.

Section 22-78 General Prohibitions.

C-(1) will be replaced by D. C-(2) will be replaced by E. Original E will be replaced by F.

Section 22-80. Solicitation in the public right of way.

The reference to Section 22-80 will be corrected to Section 22-81.

Section 22-81. Solicitation in selected public rights-of-way prohibited.

No person who is within a public roadway may solicit, sell or distribute any material to the occupant of any motor vehicle stopped on a public roadway in obedience to a traffic control signal light unless otherwise permitted by law.

Motion was made by Councilor Davis and seconded by Councilor Johnson

To make the corrections as recommended by the city attorney.

MOTION CARRIED BY UNANIMOUS CONSENT.

Mayor Royal then called for a vote on the original motion to approved Ordinance No. 2013-26 as amended on second and final reading.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.0 ROUTINE BUSINESS

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

Motion was made by Councilor Kolupski and seconded by Councilor Johnson

To approve the Action Items Checklist as presented.

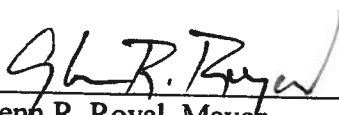
MOTION CARRIED BY UNANIMOUS CONSENT.

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

Items for the January 21 meeting include: 1) recommendation from the Public Task Force on 2014 expenditures from the Public Safety Fund; and 2) Consider traffic studies for El Mar Lane, Lakeside Drive and SH 146 left hand turns without a traffic signal.

Upon motion, made and seconded, Mayor Royal adjourned the meeting at 8:47 p.m.

Approved on this 21st day of January 2014.



Glenn R. Royal, Mayor

Michele L. Glaser

Michele L. Glaser, TRMC
City Secretary

