The City Council of the City of Seabrook met in regular session on Tuesday, August 7, 2012 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
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 Pledge of Allegiance.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

David Evans, Loganberry, complained about noise from Poly 1 and the Union Pacific Railroad. He stated that he has contacted Poly 1, a Union Pacific and the Seabrook Police Chief but has not received any relief and asked Council to assist with the problem.

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

There were no comments.

2.0 CONSENT AGENDA

2.1 Approve excused absences for Don Holbrook and Mike Giangrosso on August 21, 2012. (Council)

2.2 Approve allocation of HOT funds from the 2011-12 budget and 2012-13 budget not to exceed $45,000 for the construction and installation of Attraction/Park/Directional signs with the finding that this expenditure will promote overnight hotel stays through advertising. (Dearman)

2.3 Approve minutes of the August 7, 2012 regular City Council meeting. (Glaser)

2.4 Approve the August 21, 2012 minutes of the regular City Council meeting. (Glaser)

2.5 Approve second and final reading of Ordinance No. 2012-14, "Add Tobacco Related Uses to the Comprehensive Land Use Matrix and Parking Matrix." (Landis)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX," AND ARTICLE 5, "OFF-STREET PARKING, LOADING, INGRESS AND EGRESS; AND "LANDSCAPING AND SAFETY REQUIREMENTS", SECTION 5.04 "COMPREHENSIVE PARKING REGULATION MATRIX" BY ADDING "CIGAR AND TOBACCO SHOP" AND "CIGAR LOUNGE" AS SEPARATE PERMITTED USES WITHIN THE FOLLOWING LAND USE DISTRICTS: "MEDIUM COMMERCIAL" (C-2), "HEAVY COMMERCIAL" (C-3), "COMMERCIAL SPECIAL" (C-S), "WATERFRONT ACTIVITY DISTRICT" (WAD), "MARINE ORIENTED MIXED USE" (MMU), AND "LIGHT INDUSTRIAL" (LI); BY ADDING "SMOKE AND HEAD SHOP" AS A SEPARATE PERMITTED USE WITHIN THE FOLLOWING LAND USE DISTRICTS: "HEAVY COMMERCIAL" (C-3) AND "LIGHT INDUSTRIAL" (LI); ESTABLISHING PARKING REQUIREMENTS FOR SUCH USES; 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.

2.6 Approve second and final reading of Ordinance No. 2012-15, "Add the Use of 'Tattoo Parlor' to the Comprehensive Land Use Matrix and Parking Matrix." (Landis)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX," AND ARTICLE 5, "OFFSTREET PARKING, LOADING, INGRESS AND EGRESS; AND LANDSCAPING AND SAFETY REQUIREMENTS", SECTION 5.04 "COMPREHENSIVE PARKING REGULATION MATRIX" BY ADDING "TATTOO PARLOR" AS A PERMITTED USE WITHIN THE FOLLOWING LAND USE DISTRICTS: "HEAVY COMMERCIAL" (C-3), AND "LIGHT INDUSTRIAL" (LI); AND ESTABLISHING PARKING REQUIREMENTS FOR SUCH USE; 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.

2.7 Approve second and final reading of proposed Ord. No. 2012-16, "Revisions to Update Noise Regulations" (Council)

AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "NUISANCES AND MISCELLANEOUS PROVISIONS," ARTICLE II, ENTITLED "NOISE," BY REVISION OF SECTIONS 55-21, "UNREASONABLE NOISE PROHIBITED," 55-22, "DEFINITIONS," 55-24, "DISTURBANCE OF REASONABLE PERSON OF ORDINARY SENSIBILITIES PROHIBITED," AND 55-26, "ENFORCEMENT," 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.

2.8 Approve proposed Res. No. 2012-21, "Deposits, Fees & Regulations for Various Parks Facilities." (Council)

A RESOLUTION OF THE CITY OF SEABROOK AMENDING AND UPDATING DEPOSITS, FEES AND REGULATIONS GOVERNING THE USE OF VARIOUS CITY FACILITIES, INCLUDING THE COMMUNITY HOUSE, PINE GULLY PARK, CITY PAVILIONS AND THE CITY SWIMMING POOL COMPLEX. THIS RESOLUTION REPLACES RESOLUTION NO. 2012-03, APPROVED ON MARCH 21, 2012.

2.9 Approve proposed Resolution No. 2012-22, "Deposits, Fees and Rules for Carothers Coastal Gardens (Council)

A RESOLUTION OF THE CITY OF SEABROOK AMENDING AND UPDATING DEPOSITS, FEES AND REGULATIONS GOVERNING THE USE OF DRUSILLA CAROTHERS COASTAL GARDENS AT PINE GULLY PARK AND ESTABLISHING AN EFFECTIVE DATE. THIS RESOLUTION REPLACES RESOLUTION NO. 2011-19 APPROVED ON OCTOBER 4, 2011

2.10 Approve agreement between Harris County and the City of Seabrook for administration and implementation of a regional watershed protection education program. (Royal)

Motion was made by Councilor Llorente and seconded by Councilor Johnson

To approve the Consent Agenda as submitted.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

3.0 NEW BUSINESS

3.1 Discuss/consider the 2012 effective tax rate and FY 2012/13 budget and take action if needed. (Lab/Templin)

Mr. Templin gave a presentation regarding the effective tax rate calculation. The 2012 effective tax rate is marginally higher than the 2011 tax rate. The city has lost approximately $6,000,000 in property values and total valuation has decreased every year since 2009 due to Hurricane Ike and the recession. The tax rate consists of two parts: Operating and Maintenance (O&M) and debt service rate. The O&M portion of the 2012 effective tax rate is adequate to cover the proposed expenses in the FY 2012/13 budget, but the debt service portion is deficient in the amount of $125,300 to cover the bond payments due in 2012/13. (The public approved a total bond debt of $14, 700, 00 between 2002 and 2008.)

Council discussed various options to make up for this shortage including raising the tax rate, taking the money from reserves and reducing the FY 2012/13 operating budget, including removing the two new employee positions and the increased operating hours for the swimming pool. These changes will reduce the proposed FY 2012/13 budget by approximately $112,000. Council also discussed the possibility of future decreased property values if SH 146 is widened.

Finance Officer Pam Lab told Council that any decision to raise the tax rate must be made no later than September 9 to allow the scheduling and publication of the two required public hearings.

Council informally agreed to postpone a decision concerning raising the tax rate until September 9 and asked staff to prepare various options to meet the debt obligation.

4.0 ROUTINE BUSINESS

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

Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso

To approve the checklist and remove all current items as they are now complete.

MOTION CARRIES BY UNANIMOUS CONSENT.

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

Council will meet on September 11 in special session, September 18 in regular session and September 25 in special session.

5.0 EXECUTIVE SESSION

At 8:20 p.m. Mayor Royal announced that the City Council would now hold a closed executive meeting pursuant to the provisions of the open meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, Consultation with Attorney.

Section 551.071

5.1 Consult with attorney to receive legal advice only concerning recent statutory amendments for changes in uniform municipal elections dates and related legal issues, as provided for under Section 551.071 Texas Government Code.

6.0 OPEN MEETING

Mayor Royal reconvened the meeting in open session at 8:39 p.m. and announced that Item 5.1 had been discussed in Executive Session, but no action had been taken.

Upon motion, Mayor Royal adjourned the meeting at 8:39 p.m.

Approved this 18th day of September 2012.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary