The City Council of the City of Seabrook met in regular session on Tuesday, February 18, 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 - Ex. Abs.	COUNCIL PLACE NO. 2
GARY JOHNSON – Ex. Abs.	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
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 asked the Girl Scouts in the audience to lead the United States and Texas Pledges of Allegiance.

1.0 PRESENTATIONS

1.1 Present a proclamation honoring Corky Clevenger. (Royal)

Mayor Royal presented the proclamation honoring Corky to her family.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Mary Lee, Darden Lane, Girl Scout Leader told Council that the new peddler's ordinance requiring scouts to obtain a permit was detrimental to fund raising. She asked Council to consider an exception for boy and girl scouts. Also speaking against the ordinance were Seabrook Girl Scouts, Katrina Byres, Aspen DeLucia, Carolyn Buck and Sigourney and Savannah Lee. Cheryl Radney, representing Seabrook Boy Scouts also asked for an exemption.

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

Mayor Royal announced several upcoming events.

3.0 CONSENT AGENDA

3.1 Removed from the Consent Agenda by Mayor Royal.

3.2 Approve excused absences for Mayor Royal and Councilor Llorente for the February 4, 2014 council meeting. (Glaser)

3.3 Approve the January 2014 Building Report. (Landis)

3.4 Approve the January 2014 Public Safety Report. (Holomon)

3.5 Approve the minutes of the February 4, 2014 regular City Council meeting. (Glaser)

3.6 Consider approval of second and final reading of proposed Ordinance No. 2014-02, "Multi-Stop Sign at Lakeside Drive and Wild Oak Forest Lane." (Council)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, CHAPTER 90 “TRAFFIC AND VEHICLES” ARTICLE I, “IN GENERAL”, SECTION 90-5 “STOP SIGNS DESIGNATED”; BY REVISING NAME OF SUBSECTION (1), “FOUR WAY STOPS” TO “MULTI-WAY STOPS,” AND ADDING A NEW MULTI-WAY STOP AT THE INTERSECTION OF LAKESIDE DRIVE AND WILD OAK FOREST LANE; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS ($200.00), OR THE MAXIMUM AMOUNT PERMITTED BY LAW, FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND NOTICE.

3.7 Consider approval of second and final reading of proposed Ordinance No. 2014-03, "Speed Limit and School Zone Designation on El Mar Lane." (Council)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 90 “TRAFFIC AND VEHICLES” ARTICLE II, “SPEED RESTRICTIONS”, TO PROVIDE FOR NEW SPEED LIMITS ON EL MAR LANE, BY AMENDING SECTION 90-31, “ENUMERATION OF LIMITS,” SUBSECTION (2) “EXCEPTIONS” ESTABLISHING A SPEED LIMIT OF 25 MILES PER HOUR FOR EL MAR LANE BETWEEN BAHAMA DRIVE AND NORTH MEYER AVE; SECTION 90-32 “SCHOOL ZONES” SUBSECTION “A,”“TWENTY MILES PER HOUR DURING DESIGNATED TIMES,” ESTABLISHING A SCHOOL ZONE AND SPEED OF 20 MILES PER HOUR ON THE PORTION OF EL MAR LANE FROM 200 FEET WEST OF THE CROSSWALK ADJACENT TO SCHOOL TO NORTH MEYER AVE, A DISTANCE OF APPROXIMATELY 750 FEET, FOR VEHICLES AS ESTABLISHED AND POSTED BY THE CITY OF SEABROOK; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS ($200.00) FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

3.8 Consider approval of second and final reading of Ordinance No. 2014-05, "Amendment to the Firearms Ordinance." (Johnson)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 44, “LAW ENFORCEMENT AND OFFENSES”, ARTICLE III, “OFFENSES”, DIVISION

1 "GENERALLY" BY AMENDING SECTION 44-78 "FIREARMS" TO EXPAND THE DEFINITIONS OF WEAPONS TO INCLUDE BOW AND ARROWS AND RELATED EQUIPMENT AS WEAPONS PROHIBITED FROM DISCHARGE IN THE CITY LIMITS.

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 Llorente

To approve the Consent Agenda with the exception of Item 3.1.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

3.1 Consider approval of an amendment to the Memorandum of Understanding (MOU) for Pine Gully Project III Service Agreement that was effective on July 3, 3013.

Bob Stokes, Galveston Bay Foundation, stated that the extension will not require any additional city expenditures. Mr. Stokes added that the project is anticipated to be completed within 90 days of approval.

Motion was made by Councilor Llorente and seconded by Councilor Davis

To approve the contract amendment as presented and authorize the mayor to sign.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

With the consent of Council, Mayor Royal took some items in "New Business" out of order.

4.0 NEW BUSINESS

4.4 Consider amending Ordinance No. 2013-25, "Regulation of Peddlers, Itinerant Vendors, Hawkers, Solicitors and Canvassers." (Council)

Motion was made by Councilor Kolupski and seconded by Councilor Davis

To amend the ordinance.
Mayor Royal explained that the reason for passage of the recent ordinance was that there had been many citizen complaints about peddler and solicitors. Mayor Royal stated that there had been no intent to create a hardship for Scouts. However, if Council gives favor to one group

over another, the city can receive challenges to the ordinance. He added that one change that can be made is to exclude certain groups from the itinerant vendor portion of the ordinance only. Although the change would not exclude any group under the peddler portion of the ordinance, the city may issue a peddler permit to the San Jacinto Council of Girls Scouts and/or the Sam Houston Council of Boy Scouts that would cover all scouts. He stated that no group may solicit or peddle at any property that has been posted with a sign that no solicitors or peddlers are allowed.

Councilor Davis stated that she brought the new ordinance to Council because of many citizen complaints. She stated that Council was sensitive to scouts by waiving all fees and that it had not been the intent of Council to hinder Girl Scouts and Boy Scouts from fund raising activities.

Motion was made by Councilor Davis and seconded by Councilor Llorente

To amend Ordinance No. 2013-25 to make an exception to Section 22-82., "Itinerant Vendors on Private Property" which shall state: **"No provision of this section shall apply to children 17 years of age or younger engaged in fundraising activities for any nonprofit organization or extracurricular activities sanctioned by a public school district."**; and further, to allow Girl Scouts and Boy Scouts to obtain peddler permits at the San Jacinto or Sam Houston Council level, as applicable, so that scouts will not be required to obtain individual peddler permits.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.5 Consider first reading of proposed Ordinance No. 2014-06, "Old Seabrook Village PUD." (Applicant/P&Z Commission)

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 13.81 ACRES, LOTS 1-7, BLOCK 1 AND LOTS 1-7, BLOCK 2 IN THE BAYBROOK SUBDIVISION, SECTION 1 AND 2, TRACTS 1, 2, AND 3, SITUATED IN ABSTRACT 52, OF THE RITSON MORRIS SURVEY, IN SEABROOK, HARRIS COUNTY, TEXAS, LOCATED IMMEDIATELY EAST OF MEYER ROAD AND NORTH OF 1ST STREET, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A," FROM "OS," OLD SEABROOK DISTRICT AND "R-2," SINGLE FAMILY DETACHED RESIDENTIAL DISTRICT (SMALL LOT), TO PLANNED UNIT DEVELOPMENT, "PUD," FOR A MIXED USE SUBDIVISION CONSISTING OF 112 LOTS, 17 BLOCKS, AND 9 RESERVES; 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.

Following the Planning and Zoning Commission's meeting at 7:00 p.m., Chairman Potts presented the Commission's final report which contained a unanimous recommendation for approval without any conditions or amendments. He stated that Commission members reviewed the issues raised by Council. The Commission did not see the need to change any uses by right to conditional uses as it has confidence in the current city ordinances and in staff's ability to administer the ordinances. Concerning the visibility triangle, the front of the house will parallel the street and will be controlled which will insure that the back corner of the house will be as equally controlled. Concerning the documentation of architectural details, the Commission did not want to tie down the developer by describing every possibility that may be built on the 112 lots. Commission members decided that the general description in the document contains sufficient detail.

Councilor Davis recommended written text to describe the appearance of the development, including minimum standards instead of relying only on conceptual photos in order to project the city in cases of change in owner and/or developer.

Councilor Kolupski recommended that in addition to bars and restaurants, other food uses that can cause   odors should be designated as conditional uses instead of uses by right. Councilor Kolupski stated that such uses require grease traps which could cause odors to adjourning properties, especially in the case of zero lot line structures.

Mr. Landis stated that he could work with the applicant to develop written language to describe the type of architecture for the development. Mr. Landis also stated that the applicant can come back to the city and ask for changes as needed. Councilor Llorente asked if the builder could build a one-story building. Mr. Landis stated that there is no requirement to build two-story structures and a one-story building could still meet the conceptual plan. He added that although there is no minimum square footage requirement for any structure, the size of the lots would probably result in a majority of two story structures.

The applicant, Mr. Mark Caldwell stated that he had no objection to changing retail bakers, dinner theatres and coffee shops from uses by right to conditional uses. (Restaurants, bars and health clubs are already listed as conditional uses in the PUD document.)

Mr. Caldwell stated that he believed Councilor Davis's concerns are addressed in the PUD document on page 5, Item III. "Conceptual Plan Objectives", second paragraph, which states:

> *"All the homes will feature front porches along streets with no driveways and most will also offer roof-top terraces with views of Galveston Bay and Clear Lake... Most houses will have alleyways behind with tuck-under garages and all will have ground-level yards, gardens, courtyards or spa pools. The waterfront homes will have extensive terraces and decks to take full advantage of the sea breezes and the natural beauty of the surroundings."*

Mr. Caldwell stated that, as a developer, he will sell the lots to custom builders who will receive the concept information and understand the architectural scheme. The main concept is that there will be no garage visible from the front façade which will result in a more attractive product. He added that there will be architectural guidelines, a homeowners' association and an architectural review board.

Motion was made by Councilor Llorente and seconded by Councilor Holbrook

To approve the first reading of proposed Ordinance No. 2014-06, with the reading of the caption serving as the reading of the ordinance, with an amendment to change the uses of bakers, coffee shops and dinner theatres from uses by right to conditional uses.

Steve reviewed the details already in the ordinance which lists 112 lots with a "development plan providing for raised public streets to an elevation of between 10' and 12' MSL, rear alleys behind most homes at an elevation of 6' to 8' MSL to allow for a rear sloping lot to the back alley for residents to utilize covered garage parking access underneath their homes as further depicted in site PUD plan ('Plan')" and a metes and bounds description attached as Exhibit A.

Mr. Caldwell agreed that this description was accurate.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.1 Consider appointment/reappointment of three regular members and one alternate member of the Board of Adjustment, all with terms ending January 2016. (Glaser)

Motion was made by Councilor Davis and seconded by Councilor Llorente

To table this item.

MOTION TO TABLE CARRIED BY UNANIMOUS CONSENT.

4.2 Consider appointment/reappointment of three Planning and Zoning Commission Members with terms ending January 2017. (Glaser)

Motion was made by Councilor Davis and seconded by Councilor Llorente

To reappoint Rosebud Caradec, Buddy Hammann and Michael Sharpe to the Planning and Zoning Commission for three year terms to expire January 2017.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.3 Discuss/consider recommendation from the Open Space and Trails Committee for a sound barrier at Carothers Coastal Gardens. (Cook)

Mrs. Cook stated that the Open Space and Trails Committee had recommended that the city use a natural barrier, such as oleanders, to reduce noise and delineate the area. They also recommended planting vines to cover existing walls.

Motion was made by Councilor Davis and seconded by Councilor Holbrook.

To authorize the expenditure of $3,000 to create a natural barrier of oleanders and vines.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.0 ROUTINE BUSINESS

5.1 Consider approval of 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 Davis

To approve the Action Items Checklist after removing Items 22 and 26.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

Mrs. Cook asked Council to confirm April 4 as an all day planning session for Council and management staff. It was decided to meet between 8:00 a.m. and 3:00 p.m. Council candidates will be invited to attend also.

Items on the next agenda include approval of the Trash Bash special events permit, appointments/reappointments to the Board of Adjustment and an extension agreement with Tookies that has already been approved by the Economic Development Corporation.

Upon motion, Mayor Royal adjourned the meeting at 8:25 p.m.

Approved this 4th day of March 2014.

Laura Davis, Mayor Pro Tem

Michele L. Glaser, TRMC
City Secretary

THE CITY OF SEABROOK TEXAS