The City Council of the City of Seabrook met in regular session on Tuesday, January 3, 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
KIM MORRELL – Ex. Abs.	COUNCIL PLACE NO. 1
MIKE GIANGROSSO	COUNCIL PLACE NO. 2
PAUL R. DUNPHEY - Ex. Abs.	MAYOR PRO TEM & COUNCIL PLACE NO. 3
DON HOLBROOK – Ex. Abs.	COUNCIL PLACE NO. 4
THOM KOLUPSKI	COUNCIL PLACE NO. 5
LAURA DAVIS	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 7:01 p.m. and led the audience in the Pledge of Allegiance.

1.0 PRESENTATIONS

1.1 Present Certificates of Appreciation to individuals who work/contributed to Seabrook's 50th Anniversary Celebration. (Council)

Mayor Royal and Councilor Davis presented certificates of appreciation to several individuals and companies who contributed to Seabrook's 50th anniversary celebration.

Following the presentation, Council recessed to hold a short reception for the honorees from 7:10 p.m. until 7:25 p.m.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS - None

3.0 SPECIFIC PUBLIC HEARING(S)

3.1 Request to amend the Comprehensive Zoning Ordinance, Article III, Section 3.15 "Comprehensive Use Matrix" by adding "*Banquet Halls*" as a use in the C-2: Medium Commercial District, C-3: Heavy Commercial District, OS: Old Seabrook District, WAD: Waterfront Activity District and MMU: Marine Mixed Use District and to amend Section 5.04, Comprehensive Parking Regulation Matrix to establish parking requirements for *"Banquet Halls."*

Building Official Sean Landis stated that the city has recently received requests from companies and individuals who are interested in building banquet halls, which is currently a non-listed use. He also informed Council that this request had been unanimously recommended by the Planning and Zoning Commission.

There were no comments from the public.

3.2 Request to Amend the Comprehensive Zoning Ordinance, Article VIII, "Nonconformance" by adding a new Section 8.07 as follows:

Sec. 8.07. Properties Made Nonconforming by Right-Of-Way Acquisition

"Any lot, use or structure made nonconforming solely by means of area dedicated, condemned, sold or otherwise conveyed for public right-of-way shall be allowed to continue, rebuild or pursue any permitted use as if such area were a part of the remaining lot, except that all applicable setbacks shall be adhered to for any structure, addition, sign or other edifice which is added to the property after the effective date of the nonconformity."

Mr. Landis explained that this ordinance had been proposed to address the additional right-of-way recently secured by Harris County to widen Repsdorph Road. He also stated that this request had been unanimously approved by the Planning and Zoning Commission. In response to a question from Councilor Davis, Mr. Landis stated that he did not think passage of this ordinance would be detrimental to the city and that it may also be applied to the planned expansion of Waterfront Drive and SH 146. City Manager, Kelly Templin stated that property owners are unable to refinance non-conforming properties which could cause businesses not to maintain these properties. Mr. Templin stated that passage would serve as an incentive for property owners to cooperate when asked to sell/give land for additional rights-of-way .

Councilor Kolupski asked if this ordinance addressed parking which may be lost due to dedication of additional rights-of-way, as the ordinance did not specifically mention parking.

There were no comments from the audience.

4.0 BID AWARDS

4.1 Award Post Disaster Debris Removal and Disposal Services Project 2012-01 to Omni Pinnacle as Primary Contractor, TFR Enterprises as Secondary Contractor and Crowder Gulf as Tertiary Contractor as recommended by staff. There is no expense unless the contract is activated. (Chairez)

Director of Public Works, Arthur Chairez stated that this contract is for debris collection following a hurricane or other disaster. There is no cost to the city unless debris collection is necessary.

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To award the Post Disaster Debris Removal and Disposal Services Project, 2012-01 to Omni Pinnacle as the Primary Contractor, TFR Enterprises as the secondary contractor and Crowder Gulf as the tertiary contractor as recommended by staff.

MOTION CARRIES AS UNANIMOUS CONSENT.

5.0 CONSENT AGENDA

5.1 Approve the Public Safety Report for November, 2011. (Holomon)

5.2 Approve an excused absence for Don Holbrook for the meeting of January 3, 2012. (Glaser)

5.3 Approve Investment Report for the fourth quarter of 2010-2011. (Lab)

5.4 Approve the minutes of the regular City Council meeting held on December 6, 2011. (Glaser)

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To approve the Consent Agenda as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

6.0 NEW BUSINESS

6.1 Consider first reading of proposed Ord. No. 2012-01, "Banquet Halls." The public hearing was held earlier in this meeting. (Landis/P&Z)

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,"; BY ADDING "BANQUET HALL" AS A PERMITTED USE WITHIN THE FOLLOWING LAND USE DISTRICTS, "MEDIUM COMMERCIAL" (C-2), "HEAVY COMMERCIAL" (C-3), "OLD SEABROOK" (OS), "WATERFRONT ACTIVITY DISTRICT" (WAD), AND "MARINE ORIENTED MIXED USE" (MMU); AND ARTICLE 5, "OFFSTREET PARKING, LOADING, INGRESS AND EGRESS,; AND LANDSCAPING AND SAFETY REQUIREMENTS", SECTION 5.04, "COMPREHENSIVE PARKING REGULATION MATRIX"; 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.

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To approve proposed Ordinance No. 2012-01 on first reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIES BY UNANIMOUS CONSENT.

6.2 Consider first reading of proposed Ord. No. 2012-02, "Properties Made Non-Conforming by Right-of-Way Acquisition. The public hearing for this item was held earlier in this meeting. (Landis/P&Z)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING," ARTICLE 8, "NONCONFORMANCE", BY ADDING A NEW SECTION, 8.07 "PROPERTIES MADE NONCONFORMING BY RIGHT-OF-WAY ACQUISITION," PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED $2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

In answer to Councilor Kolupski's earlier question about parking, Mr. Weathered stated that this ordinance addresses all aspects of non-conformity caused by the dedication of rights-of-way, including parking, provided that the use is not expanded.

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To approve proposed Ordinance No. 2012-02 on first reading with an amendment to add language to the ordinance which specifically states that pre-existing parking is covered.

MOTION CARRIES BY UNANIMOUS CONSENT.

6.3 Consider approval to obtain RFQ's from Architecture Consultants for design services for a new Public Works complex. (Chairez)

Motion was made by Councilor Davis and seconded by Councilor Giangrosso

To approve this item as requested.

MOTION CARRIES BY UNANIMOUS CONSENT.

6.4 Consider approval of the Public Safety Fund Policies and Procedures. (Davis/Public Safety Committee)

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To approve the policies and procedures presented by the Public Safety Committee as shown on Attachment A to these minutes.

Councilor Davis stated that Council created the fund which consists of voluntary donations paid through the city's water bill; the Public Safety Committee was tasked with developing policies for this fund and with a prioritization list of expenditures from this fund.

Mrs. Davis explained the fund details. Any entity desiring funds must complete a form documenting need, what entities will be benefited and what public use the request serves. She stated that items will be given additional value in proportion to the number of entities benefiting from the expenditure. She stressed that these funds are for capital expenses only and are not to be used to augment the operating budget. Each January, the Public Safety Committee will present a list to Council of items for the upcoming year. Because the amount collected is voluntary and variable, the expenditures for the proposed items will be based upon the amount collected in the previous fiscal year with 10 percent of prior income going into a reserve for the purchase of unanticipated items and for grants needing matching funds. The amount earned in the 2010/11 fiscal year is $86,000.

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To direct the city attorney to place this language in resolution form for consideration at the next meeting.

THE AMENDMENT CARRIES BY UNANIMOUS CONSENT. .

THE ORIGINAL MOTION AS AMENDED CARRIES BY UNANIMOUS CONSENT.

6.5 Consider approval of purchase requests to be funded from the Public Safety Fund. (Davis/Public Safety Committee)

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To approve the public safety project list as presented tonight. (See Attachment B.)

Councilor Davis gave an explanation of the list which was the result of a lot of hard work by the Public Safety Committee. She stated that only the items listed for FY 2011/12 are to be considered for approval tonight. As the committee is still discussing options for obtaining a command vehicle, a proposal for the command vehicle will be presented to Council for approval at a later date. All proposed expenditures for 2011/12 have been approved by each public safety entity. Mr. Weathered asked if each individual purchase would be presented to Council for final approval. Councilor Davis stated that each purchase will be less than the amount required for bidding, so if the list is approved tonight, the city manager may be authorized to approve the purchases for the named items. Mr. Templin stated that the city will obtain two or three quotes to make the best purchase possible. Mrs. Davis stated that each item on the list had been vetted thoroughly, including obtaining estimates of purchase price.

Councilor Davis and Mr. Templin stated that they are requesting approval of the items for 2011/12 including approval to allow the city manager to purchase the items on the list, provided that the total expenditure for all items does not exceed the total amount listed for 2011/12, less the reserve. Councilor Davis stated that any amount not spent will roll back into the fund.

Based on this discussion, Mayor Royal restated the motion to approve the list for FY 2011/12 and to authorize the city manager to obtain the items on the list without further approval, provided that the total costs for all items does not exceed the total amount less the reserve. ($86,000 total - the reserve of $8,600 = $77,400 which is the maximum amount that may be spent on the listed items.)

MOTION CARRIES BY UNANIMOUS CONSENT.

6.6 Consider appointment of a non-council representative to the Clear Lake Emergency Medical Corps Board to replace Chief Nona Holomon. (Templin)

This item was deferred until the City Manager had time to discuss the replacement with Chief of Police, Nona Holomon.

6.7 Consider appointment of a representative(s) to serve on the Bay Area Houston Convention and Visitors Bureau. Councilors Morrell and Giangrosso serve as the council representatives. The city can appoint an additional non-council representative. (Templin)

This item was deferred so that the Mayor could ask Diana Burney of Spring Hill Suites if she would be interested in the position.

7.0 ROUTINE BUSINESS

7.1 Approve the Action Items Checklist. (Council)

Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

To approve the Action Items Checklist as presented.

MOTION CARRIES BY UNANIMOU8 CONSENT.

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

Items 6.5, 6.6 & 6.7 will be placed on the January 17 agenda as well as consideration of the parks plan.

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

Approved this 17 day of January, 2012.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary

Purchase Plan for the Public Safety Fund
Policy and Procedures

A request for purchase must be made to the Public Safety Committee by the Department Head or a representative of one of the following Departments:

1. Seabrook Police Department
2. Seabrook Volunteer Fire Department
3. Seabrook Office of Emergency Management
4. Clear Lake Emergency Medical Corp.
5. BayCERT

The request must be submitted on an approved form and discussed and voted on in regular open meeting of the Public Safety Committee. The request must meet the following Criteria;

1. Enhance Public Safety
2. Is not used to augment the standard budget
3. Estimated cost of the item be purchased
4. Timeline for purchase

After presentation of the item to be purchased, the committee will vote for the item to be integrated into the Purchase plan.

The Purchase Plan Timeline will be reviewed in January of each year and forwarded to the Seabrook City Council for approval of the Plan. Any Changes to the commitment dates of the Purchase Plan must be approved by a Super Majority of the entities referenced above.

The Public Safety Fund cannot be used for services rendered or operating costs for any department or entity.

The Public Safety Fund will have a established reserve to the account. This reserve will be used to fund purchases including but not limited to: unexpected expenses and matching funds for potential grants. To establish the reserve the Public Safety Committee will come up with a percentage to be held over each year from the donations. The Reserves will not roll to the general fund at the end of the Fiscal Year.

Seabrook Public Safety Fund Project List

Description	Budget Amount	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	FY 2017-2018	FY 2018-2019	FY 2019-2020	FY 2020-2021	Total
AED Covers and Mounts	$ 1,900.00	$ 1,900.00										$ 1,900.00
Command Vehicle	$ 500,000.00											$ -
LUCAS 2 Chest Compression Device	$ 12,480.50	$ 12,480.50										$ 12,480.50
Boom Boat	$ 6,000.00	$ 6,000.00										$ 6,000.00
Light Towers (6)	$ 45,000.00	$ 7,500.00	$ 7,500.00	$ 15,000.00		$ 15,000.00						$ 45,000.00
Barricade Trailer	$ 16,000.00	$ 16,000.00										$ 16,000.00
Mobile Restroom	$ 1,500.00	$ 1,500.00										$ 1,500.00
Mule	$ 15,000.00		$ 15,000.00									$ 15,000.00
Fire Training Field	$ 1,500,000.00											$ -
800mhz Repeaters (2)	$ 30,000.00	$ 15,000.00	$ 15,000.00									$ 30,000.00
Fire Station Comm	$ 150,000.00											$ -
Traffic Premeption (20)												$ -
Cots	$ 3,168.00	$ 3,168.00										$ 3,168.00
Marine Waterfront												$ -
Water Tower Room	$ 10,000.00	$ 10,000.00										$ 10,000.00
Life Pack	$ 31,000.00											$ -
Weather Radios (2)	$ 60.00	$ 60.00										$ 60.00
Speakers in EOC	$ 1,558.80	$ 1,558.80										$ 1,558.80
TOTALS	$ 2,323,667.30	$ 75,167.30	$ 37,500.00	$ 15,000.00	$ -	$ 15,000.00	$ -	$ -	$ -	$ -	$ -	$ 142,667.30
Revenues		$ 86,000.00										$ 86,000.00
Reserve		$ 8,600.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 8,600.00
												$ -
Balance		$ 2,232.70	$ (37,500.00)	$ (15,000.00)	$ -	$ (15,000.00)	$ -	$ -	$ -	$ -	$ -	$ (65,267.30)
												$ -