The City Council of the City of Seabrook met in regular session on Tuesday, January 17, 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	COUNCIL PLACE NO. 1
MIKE GIANGROSSO	COUNCIL PLACE NO. 2
PAUL R. DUNPHEY	MAYOR PRO TEM & COUNCIL PLACE NO. 3
DON HOLBROOK	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
MEREDITH BRANT	ASSISTANT 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 PRESENTATIONS

1.1 Presentation of proposal for the development of natural playgrounds at Pine Gully Park presented by Heather Cable of the Open Space Committee. (Templin)

Ms. Cable gave the presentation and asked permission from Council to solicit for funding from corporations in order to finance the project.

1.2 Presentation of Quarterly Report by the Open Space, Beautification and Preservation Committee. (Committee)

Chairperson Helen Burton gave a report on the committee's projects and activities during the last quarter.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

David Chapek, a MUD 373 board member, encouraged the Council to agree to a joint election. He stated that the MUD was unable to procure the required voting equipment in order to hold an election.

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

Upcoming events include:

- Pelican Ball – February 4,

- Yachty Gras – February 18,
- Men Who Cook – February 28,
- Trash Bash – March 31.

Councilor Giangrosso also mentioned that the Pelican Grill had gone through a makeover and was open for business.

3.0 CONSENT AGENDA

3.1 Removed by Councilor Davis.

3.2 Approve second and final reading of proposed Ord. No. 2012-01, "Banquet Halls." (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.

3.3 Removed by Councilor Kolupski.

3.4 Approve the November, 2011 Community Development Report. (Landis)

3.5 Approve the December, 2011 Community Development Report. (Landis)

3.6 Approve the December, 2011 Public Safety Report. (Holomon)

3.7 Approve excused absences for Paul Dunphey and Kim Morrell for the meeting of January 3, 2012. (Glaser)

3.8 Approve the minutes of the regular city council meeting of January 3, 2012. (Glaser)

Motion was made by Councilor Holbrook and seconded by Councilor Dunphey

To approve the Consent Agenda with the exceptions of Items 3.1 and 3.3.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

3.1 Approve Res. No. 2012-01, Policies and Procedures for Administration of the Public Safety Fund. (Council)

A RESOLUTION PROVIDING POLICIES AND PROCEDURES FOR ADMINISTRATION OF THE PUBLIC SAFETY FUND.

Motion was made by Councilor Davis and seconded by Councilor Holbrook

To approve the resolution with an amendment that the reserve also be allowed at the discretion of the City Manager for operational maintenance items within the first year of purchase.

Councilor Davis explained that this will allow for unexpected maintenance expenditures, but only in the first year of ownership.

Councilor Dunphey stated that such items should be part of the annual budgeting process, not the Public Safety Fund, and should include maintenance. He added that the original goal for the fund was to purchase items for public safety, not maintenance.

Mayor Royal clarified that this would only be within the first year of purchase.

To clarify, Mr. Weathered stated that a sentence will be added to the resolution at the end of line 62 and should read as follows:

"Funds from reserve may be expended by the City Manager within his discretion for maintenance of equipment within the first year of acquisition by the city."

MOTION CARRIED BY UNANIMOUS CONSENT.

3.3 Approve second and final reading of proposed Ord. No. 2012-02, "Properties Made Non-Conforming by Right-of-Way Acquisition. (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.

Councilor Kolupski asked for clarification that parking, landscaping and all other zoning requirements would be followed.

Community Development Director Sean Landis stated that all zoning regulations would be followed.

Motion was made by Councilor Kolupski and seconded by Councilor Holbrook

To approve the second and final reading of Ordinance No. 2012-02 as written with the reading of the caption serving as reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.0 NEW BUSINESS

4.1 Consider approval of first reading of proposed Ord. No. 2012-03, "Junked Vehicles, including watercraft and Watercraft" (Landis)

AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "NUISANCES AND MISCELLANEOUS PROVISIONS", ARTICLE IV, DIVISION 2, "JUNKED VEHICLES" TO UPDATE PROVISIONS AND TO INCLUDE NEW STATUTORY REVISIONS TO ADDRESS AIRCRAFT AND WATERCRAFT; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED $200 OR AS OTHERWISE PROVIDED BY LAW; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH AND PROVIDING FOR SEVERABILITY.

Motion was made by Councilor Morrell and seconded by Councilor Giangrosso

To approve first reading with the reading of the caption serving as reading of the ordinance.

Mr. Landis stated that this ordinance was written due to changes in state statutes regarding junk. He added that statutes now include aircraft and watercraft and allows for city code enforcement.

Mr. Weathered stated that there is a typo on Line 178 where "and" should be changed to "an."

MOTION CARRIED BY UNANIMOUS CONSENT.

4.2 Consider MUD 373's request to hold a joint election on May 12, 2012 for its election of officers. Staff is seeking direction from the City Council for proceeding on request and whether to task the City Secretary and City Attorney to follow up with a proposed

Agreement and related items for review by Council. There is an executive session item to discuss legal issues associated with this request.

Motion was made by Councilor Morrell and seconded by Councilor Davis

To consider proceeding on the request as written.

Mr. Templin explained that MUD 373 has been unable to procure the equipment the law requires for handicapped voters and they have approached the city about a possible joint election in the event a MUD election is necessary. The MUD board believes there may be no need for an election, but they have to prepare for an election just like the city does. Mr. Templin stated that there is concern that in the event city candidates are unopposed, the city would not be able to cancel the election. There is also the question of shared costs.

Councilor Morrell stated that the MUD has funds available for participation in the election with the city.

Councilor Giangrosso stated that his concern is the cost to the city.

Councilor Kolupski asked whether the city would still be responsible for the election if city candidates were unopposed.

Mr. Weathered stated that the city may engage in a joint election, in which case the parties must enter into an agreement. The city would handle all aspects of the election. In the event the city doesn't have an election, then the MUD would be prepared to handle the election.

Bob Poston of the MUD explained that by having a joint election with the city there would be significant savings to the MUD. This would be a one-time event, as all other elections after this year will be held in November. He stated that the MUD has an election every two years and is advertised as required by law.

Mayor Royal called for a vote.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.3 Consider reappointment to the Board of Adjustment for a two year term ending January, 2014. Incumbent members whose terms expire January, 2012 are: Joseph Farella, Edelmiro Muniz and Gail Poston all regular members and Robert Duncan, Jr. who is an alternate member.

Motion was made by Councilor Holbrook and seconded by Councilor Dunphey

To approve reappointment of board members.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

Motion was made by Councilor Dunphey and seconded by Councilor Morrell

To consider the appointment. *(No vote was taken on this motion.)*

Councilor Dunphey stated that Chief Holomon brought a lot of experience and knowledge to the board and any appointee needs a core understanding of public safety issues.

Motion was made by Councilor Morrell and seconded by Councilor Davis

To table this item until Chief Holomon can make a recommendation for a suitable representative.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.5 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)

Motion was made by Councilor Davis and seconded by Councilor Giangrosso

To appoint Diana Burney, hotelier for Springhill Suites.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.6 Review/Consider the Parks Master Plan presented by the Open Space, Beautification and Preservation Committee. (Holbrook)

Motion was made by Councilor Morrell and seconded by Counselor Kolupski

To approve the Parks Master Plan as presented. *(No vote was taken on this motion.)*

Councilor Dunphey and Councilor Holbrook suggested a joint workshop to go over the plan.

Motion was made by Councilor Morrell

To table this item and schedule a workshop.

MOTION FAILED DUE TO LACK OF A SECOND.

Mayor Royal stated that there are big picture items that impact the plan as well as ongoing issues which require frank discussions.

Councilor Dunphey suggested a joint workshop in February for thorough consideration of the plan.

Mayor Royal suggested that the February 7 agenda be kept light and follow with a joint workshop.

Motion was made by Councilor Dunphey and seconded by Councilor Holbrook

To further discuss the Open Space Master Plan in a joint workshop on February 7.

AYES: Royal, Davis, Dunphey, Giangrosso, Holbrook.
NAYS: Kolupski, Morrell.

MOTION CARRIED BY MAJORITY VOTE.

4.7 Consider approval of natural playgrounds for Pine Gully Park including approval by insurance carrier and approval to solicit funding for the development of the playgrounds. (Templin)

Motion was made by Councilor Dunphey and seconded by Councilor Davis

To approve the natural playground project as presented.

In response to questions, Public Works Director Arthur Chairez assured council that his department can do the work provided it is done in phases.

Councilor Davis recommended that there be signage for age ranges in the park.

Mayor Royal commended the Open Space Committee on a great plan and a job well done.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.8 Consider approval of Open Space Wish List for parks projects. (Templin)

Motion was made by Councilor Giangrosso and seconded by Councilor Morrell

To consider this item at the February workshop.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.9 Approve a request for the Texas General Land Office to transfer the lease for the Pine Gully project to the City of Seabrook as the GLO would prefer that the applicant be the city who will be responsible for longer term maintenance of the project. (Templin)

Motion was made by Councilor Holbrook and seconded by Councilor Morrell

To approve as written.

Councilor Morrell left the room.

MOTION CARRIED BY UNANIMOUS CONSENT OF THOSE PRESENT AND VOTING.

5.0 ROUTINE BUSINESS

5.1 Approve the Action Items Checklist. (Council)

Motion was made by Councilor Davis and seconded by Councilor Dunphey

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

The next meeting will be February 7.

Upon motion the meeting was adjourned at 8:53 p.m.

APPROVED THIS 7TH DAY OF FEBRUARY, 2012.

Glenn R, Royal, Mayor

Meredith Brant, TRMC
Assistant City Secretary