

The City Council of the City of Seabrook met in regular session on Tuesday, April 15, 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 – Ex. Abs.	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 – Arrived at 7:30 p.m.	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. Cub Scout Troop # 95 led the audience in the United States and Texas Pledges of Allegiance.

1.0 PRESENTATIONS

1.1 Proclamation for Motorcycle Awareness Month. (Mayor)

Mayor Royal presented the proclamation to the Motorcycle Riders Club.

1.2 Open Space & Trails Committee quarterly report. (Helen Burton)

Mrs. Burton reported on recent activities and upcoming events.

1.3 Introduction of two new police officers, Jason Young and Justin Allen. (Holomon)

Chief Holomon introduced new officers Jason Young and Justin Allen and new Animal Control Officer Dwayne Vanselous.

1.4 Presentation to outgoing city councilmember Don Holbrook. (Council)

Mayor Royal presented a plaque and gift to outgoing Councilor Don Holbrook and he and the other council members thanked Don for his service.

1.5 Presentation to Chief of Police Nona Holomon upon her retirement. (Council)

Mayor Royal presented a proclamation and gift to Chief Holomon and thanked her for her many years of service.

1.6 Announce the promotion of Captain Sean Wright to Chief of Police effective May 3, 2014. (Cook)

Mrs. Cook announced the promotion of Captain Wright to Chief of Police effective May 3, 2014.

At 7:30 p.m. Mayor Royal announced that the Council would recess for a short reception for tonight's honorees. He reconvened the meeting at 7:57 p.m.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Pete Braccio, Dolphin Drive, stated that he and another citizen have filed a formal complaint questioning the residency of Melissa Botkin who filed for office in Position 4. Mr. Braccio made the following statements: 1) the Seabrook Charter states that anyone filing for office must be a resident within the Seabrook city limits for 12 months prior to the election and swear to this fact in the application for place on the ballot; 2) the residency address used on the candidate's application is an empty lot; 3) the Charter states that the City Council is responsible for judging the qualifications of its members and therefore must conduct an investigation of the residency issue unless this person withdraws; and 4) the investigation should take place in open session as in the past when Council investigated the residency of former Mayor Larry King.

Richard Rogan, Sandpiper, also spoke about questions of residency of the candidate in Position 4, stating that the address listed on the candidate's application of 1208 4th Street is a vacant lot. He recommended that Council carefully consider this issue.

John Chisler, Duhon Place, said that he hoped the situation discussed was a mistake that can be corrected. If not, he stated that he agreed with Mr. Braccio and Mr. Rogan.

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

Councilor Giangrosso announced several upcoming events.

3.0 CONSENT AGENDA

3.1 Approve the procedures established by the Open Space & Trails Committee to award the eco-star award and add the names to the Eco-Star plaque on display in city hall. (OSC)

3.2 Approval of the minutes of the April 1, 2014 City Council meeting. (Glaser)

3.3 Approve March 2014 Community Development Report. (Landis)

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

91 **3.5 Removed from the Consent Agenda by Councilor Kolupski.**
92

93 **3.6 Consider approval of a parade permit and waiver of permit fee for the Wounded**
94 **Warrior Project on Friday, May 16, 2014 from approximately 9:30 a.m. until 11:30 a.m.**
95 **(Applicant)**
96

97 Motion was made by Councilor Holbrook and seconded by Councilor Giangrosso
98

99 To approve the Consent Agenda with the exception of Item 3.5
100

101 MOTION CARRIED BY UNANIMOUS CONSENT.
102

103 **END OF CONSENT AGENDA**
104

105 **3.5 Approve Resolution No. 2014-03, "Pledge to Post All Bond and Debt Information on the**
106 **City Website." (Lab) Removed by Councilor Kolupski**
107

108 A RESOLUTION STATING THAT THE CITY OF SEABROOK PLEDGES TO POST ALL
109 BOND AND DEBT INFORMATION ON THE CITY WEBSITE NO LATER THAN ONE
110 BUSINESS DAY AFTER THE PUBLIC NOTICE OF A BOND ELECTION IN
111 CONFORMANCE WITH THE TEXAS STATE COMPTROLLER'S REQUIREMENTS
112 FOR FINANCIAL TRANSPARENCY.
113

114 Councilor Kolupski stated that he thought the city had already posted this information. Mrs.
115 Cook stated that the information would now be posted in more detail. Mrs. Glaser stated that
116 the State Comptroller's Office requires written affirmation of the city's agreement to post the
117 information, even if the city is currently doing so.
118

119 Motion was made by Councilor Kolupski and seconded by Councilor Davis
120

121 To approve Resolution No. 2014-03 as written.
122

123 MOTION CARRIED BY UNANIMOUS CONSENT.
124

125 **4.0 NEW BUSINESS**
126

127 **4.1 Consider approval of: 1) a special event permit for a Memorial Day event at the**
128 **Veteran's Memorial on Second Street on Monday, May 26, 2014 from 10:00 a.m. to**
129 **noon; 2) temporary closing of that portion of Second Street from Meyer Ave. to Todville**
130 **Road; 3) waiver of fee as this event honors veterans. All approvals are contingent upon**
131 **submission of the correct proof of liability insurance. This is a proposed annual event**
132 **honoring all veterans past and present with a flag ceremony, speeches, food and**
133 **displays. (Applicant)**
134

135 Joe Machol, Repsdorph Road, organizer of the event gave details of the event.

Mayor Royal proposed closing the street from Meyer to Staples. Mr. Machol stated did not think that would be a problem.

Motion was made by Councilor Holbrook and seconded by Councilor Johnson

To approve the Special Events Permit contingent upon submission of the correct proof of liability insurance and changing the portion of Second Street to be closed to between Meyer and Staples.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.2 Consider approval of a special events permit for the Midnite Slice Music Festival on Friday, August 15, 2014 from 6 p.m. until 10 p.m. and Saturday, August 16, 2014 from 10:00 a.m. until 10:00 p.m. at Meador Park with alcohol and live music. Approval is contingent upon correct proof of liability insurance. (Applicant)

Applicant Sibbian Roe estimated attendance to be 2,000 during the two-day event. She stated that ticket sales would track attendance this year. Mayor Royal stated that it may be advisable to move the location if the event becomes larger.

Motion was made by Councilor Kolupski and seconded by Councilor Johnson

To approve the event contingent upon submission of the correct proof of liability insurance.

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)

Mrs. Cook gave an update on a recent meeting with TxDOT who plans to negotiate with Union Pacific Railroad for the purchase of property on the west side of SH 146 before owners of the east side of SH 146 are approached. She had been informed that Seabrook will incur substantial costs for the SH 146 improvements, as SH 146 is a state road rather than a federal highway. She announced that the city will begin disseminating information on the project on the city web page and newsletter and may hold a town meeting on the subject with a representative of TxDOT present.

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

Mrs. Glaser reminded Council that the second council meeting in May will be held on May 13 instead of on May 20.

6.0 EXECUTIVE SESSION

At 8:27 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 Consultation with Attorney.

Section 551.071

6.1 Pursuant to Section 551.071, Texas Government Code, conduct executive session to seek or receive advice from attorney on legal issues only related to complaint received of purported lack of required qualifications of Melissa Botkin for City Council Position 4.

7.0 OPEN MEETING

At 8:49 p.m. Mayor Royal reconvened the meeting in open session and stated that Item 6.1 had been discussed in Executive Session but no action had been taken.

Mayor Royal stated that a review of City/public documents demonstrates the following:

City Secretary Documents

- (2/5/14) Application for Place on Election Ballot sworn to by Melissa Botkin. Permanent residence address provided was 1208 4th Street, Seabrook, TX 77586, with mailing address at P.O. Box 1. Application contains verification by City Secretary's office that voter registration was confirmed on that date.
- (2/5/14) Sworn City Part 2 Disclosure Information Form references permanent residence address at 1208 4th Street, Seabrook, TX 77586, *but also reflects property address at 1208 4th Street to include Lots 4&5 Block 42.*
- (2014) Harris County voter records reference permanent residence address as 1206 4th Street, Seabrook, TX 77586 and is valid from 1/1/2014 to 12/31/15.

Building Department Documents

- (2006) HCAD references owner of Seabrook property, listing property as Lots 4 & 5 Block 42, as Melissa A. Botkin with mailing address of 1208 4th Street.
- (6/18/07) Survey - Building Department has on file referencing property address as 1206 4th Street, containing survey and legal description *for both Lots 4 & 5 Block 42. Note, yet*

another survey, (appearing to be almost identical but an incomplete copy and could not locate date) depicting the same tract and structure, but references the address as 1208 4th Street.

- (8/3/11) Elevation Certificate references building address as 1208 4th Street.
- (9/4/12) City approved Certificate of Occupancy for a new single-family residence, references project address of 1206 4th Street.
- (2/22/12) Application for Building Permit, with owner referenced as Melissa Botkin, shows a mailing address of 1208 4th Street.
- (3/6/12) Flood Plain Development Permit references project address at 1208 4th Street.

Mayor Royal stated that the findings are that between the county and the city and everywhere else, there is a cross-reference of the location of this house between 1206 and 1208 4th Street. He stated that going through this process, there is no evidence to determine that Melissa Botkin lacks the qualifications for the position of Councilor, Place 4 on the ballot.

Upon motion, Mayor Royal adjourned the meeting at 8:52 p.m.

Approved this 6th day of May 2014.




Glenn R. Royal, Mayor


Michele L. Glaser, TRMC
City Secretary