

1 The City Council of the City of Seabrook met in regular session on Tuesday, July 1,
2 2014 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss,
3 consider and if appropriate, take action on the items listed below.
4

5 **THOSE PRESENT WERE:**

6 GLENN R. ROYAL

7 ROBERT LLORENTE

8 MIKE GIANGROSSO

9 GARY JOHNSON

10
11 MELISSA BOTKIN

12 THOM KOLUPSKI

13 O.J. MILLER

14 GAYLE COOK

15 SEAN LANDIS

16 STEVEN L. WEATHERED

17 MEREDITH BRANT

MAYOR

COUNCIL PLACE NO. 1

COUNCIL PLACE NO. 2

MAYOR PRO TEM & COUNCIL PLACE
NO. 3

COUNCIL PLACE NO. 4

COUNCIL PLACE NO. 5

COUNCIL PLACE NO. 6

CITY MANAGER

ASSISTANT CITY MANAGER

CITY ATTORNEY

ASSISTANT CITY SECRETARY

18
19 Mayor Royal called the meeting to order at 7:00 p.m. and led the audience in the United
20 States and Texas Pledges of Allegiance.
21

22 **1.0 INTERVIEW CANDIDATES FOR VARIOUS BOARDS & COMMISSIONS**

23
24 **1.1 Interview applicants for the Charter Review Commission and the**
25 **Comprehensive Master Plan Review Commission with appointments to be**
26 **made in July.**
27

28 The Council interviewed Gary Renola, Elaine Renola, Don Holbrook, Tracie
29 Soich and Cody Wilson.
30

31 **2.0 PRESENTATIONS**

32
33 **2.1 Presentation of Budget FY 2014-2015. (Cook)**
34

35 City Manager Gayle Cook distributed copies of the draft budget. City Council will
36 be meeting on July 8 and July 22 for budget workshops in which the budget will
37 be discussed and examined in full.
38

39 **3.0 PUBLIC COMMENTS AND ANNOUNCEMENTS**

40
41 **3.1 Mayor, City Council and/or members of the city staff may make**
42 **announcements about city/community events. (Council)**
43

Councilor Giangrosso announced that council is still accepting applications for commission appointments, the 4th of July Kids' Parade will be Friday and council will have special meetings on the July 8 and 22.

4.0 SPECIFIC PUBLIC HEARING(S)

Mayor Royal established the rules of decorum and with the permission of Council Items 4.1 and 4.2 were addressed together.

Councilor Miller recused himself and left the table.

4.1 Request to change the zoning classification of land described below from the current classification of R-1 (Residential-Single Family Detached) to C-2 (Commercial Medium).

Applicant/Owner: Pacific Ridge Development LLC, 211 E. Carillo St. #204, Santa Barbara, CA 93101

Legal Description: A 12.1341 acre tract of land situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas and being out of and a part of Lots 15A, 16, 17A, 18E, Ruggles West Subdivision. This property is located immediately east of Lakeside Drive, south of Oak Dale Way and north of the Repsdorph Traffic Circle.

4.2 Request to change the zoning classification of land described below from the current classification of C-1 (Commercial Light) to C-2 (Commercial Medium).

Applicant/Owner: Starship Conroe, LP, PO Box 473, Seabrook, TX 77586

Legal Description: A 20.3014 acre tract of land situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas, Savings and Loan Company Subdivision, consisting of 7.5973 acres being out of and a part of Lots 7A and 7B, this property is located immediately west of the Repsdorph Traffic Circle and is adjacent to the Seabrook city limits; 6.6960 acres being out of and a part of Lot 8, this property is located immediately east of the Repsdorph Traffic Circle, and north of Repsdorph Road; and a 6.0081 acres being out of and a part of Lots 7A-1, 7B-1 and 8B, this property is located immediately south of the Repsdorph Traffic Circle, and north of Vermillion Road.

John Boswell, President of Pacific Ridge Properties introduced co-owner Rob Hardy and gave a brief history of the company and added that in twenty plus years of business the company had never failed to meet a scheduled payment to a lender. He added that they are very excited about Seabrook Town Center.

Architect Ray Duerer, president of CDA Architects, stated that the meeting with neighbors was very informative and productive and as a result the site plan has changed to better accommodate residents. He addressed residents' concerns including the landscaping, setbacks, green spaces, light flow and the concrete wall. He added that if approved tonight, they will begin planting in the fifty foot buffer within the next ninety days.

Rob Hardy addressed the issues and concerns of traffic and access. After having met with residents changes were made to the plan which mitigated those concerns.

Mr. Boswell stated that timing is crucial for such a development and currently there are three potential anchor stores being considered with a construction start date of 2016. He stated that the plan for Seabrook Town Center represents a well-planned commercial alternative for existing businesses which will be displaced due to the improvements to SH 146 as well as new businesses.

Public comments:

Elizabeth Rimmer, Vermillion, stated that she had heard no comments regarding the little triangle of land backing up to Vermillion. She added that it is a nightmare to think about a fast food place being built there.

Mary Johnson, Vermillion, stated that she is opposed to development of adjacent property.

James Avis, Lakeway Drive, attended the public meeting with the developer about issues of concern. He stated that they have done a good job of taking residents' concerns into account. If the developer agreement is effective in addressing concerns of the residents, fast food is not allowed in the development and there is strict adherence to the rules, the development could be an asset to the community.

Josef Molnar, Oak Dale Way, read a recent news story concerning the foul odor outside a Kroger in Houston, resulting in citations for violations. He stated that he would hope for better solutions for Seabrook residents.

Kay Terrell, Vermillion, stated that she loves Seabrook and would like to see nice development, but the area being considered is not the place for development.

Natalie Picha, Seaview Court, stated that Seabrook has been her family's home since 1997. She has served the city in several capacities and now serves as a member of the Civil Service Commission. She has seen lots of changes in Seabrook, including opportunities that have been pushed away. This development may prove to be a good new neighbor and provide an opportunity

134 for revitalization of Seabrook. She stated that she approves this development
135 and encouraged everyone to be a part of the solution.
136

137 Heather Millar, El Lago resident for twenty-four years, stated that she is
138 concerned about habitat loss, the continued livability of the community and
139 flooding.
140

141 Stephen Cumbie, Driftwood Lane, stated that a lot of thought has been put into
142 the plans for this development, but there is still a concern for the added traffic
143 that will be created as a result of the development.
144

145 Sue Harral, Willow Wisp, stated that over the years she has seen lots of change
146 and change brings uncertainty. She added that finally there is a group with a
147 master plan to implement and it would be a real disservice to the city if this
148 project is not considered in a very positive way. Ms. Harral stated that she is in
149 favor of this project.
150

151 David Johnson, Wild Oak Wild Lane, stated that opposition to the project is by
152 those most directly affected. He believes the developers are good people who
153 want to work with citizens. He would like to see rezoning with the most oversight
154 going forward with the ability to mitigate.
155

156 Jeanie Mason, Ocean Ridge Circle, questioned why we are here tonight. This
157 item has been considered and rejected before. Residents don't want it and she is
158 against it. She added that the city can't control trucks on Lakeside.
159

160 Elizabeth Navarez, Vermillion, does not want a wall next to her property and is
161 opposed to the project.
162

163 Tom Diegelman, Acadiana, stated that in his service to the city he has seen a lot
164 of changes to ordinances and good development. If ordinances are enforced ,
165 this could be a world class development.
166

167 Ashley Harral, Gruenwald, stated that Seabrook has always lacked commercial
168 development and here is an opportunity for a good project with good developers.
169

170 Kelly Soich, Seabrook, stated that this development is an opportunity to revitalize
171 and expand some areas of Seabrook.
172

173 Jeff Tave, El Lago resident, stated that there is concern about increased traffic at
174 the exit onto Repsdorph Road near Ed White Elementary.
175

176 Robert Kidd, Seabrook resident since 1964, stated this is the best opportunity for
177 Seabrook and he would like to see the city move forward with it.
178

Mr. Boswell stated that this project will not use right-of-way and developers have no legal right to place a wall on Vermillion. In regards to some of the concerns such as odor and trucks on Lakeside, what has to happen is the municipality has to vigorously enforce the law. He added that the property is currently zoned R-1 which allows for the close proximity of other houses or change to C-2 and be assured of buffers and setbacks.

Mr. Hardy stated that detention/retention is not an issue as the new storm sewer system will accommodate drainage.

Councilor Miller returned to the table.

5.0 CONSENT AGENDA

5.1 Approval of parade permit for Bay Area Running Club's Annual 5-K Fun Run on Saturday, August 2 from 6:00 until 11:00 a.m. The event begins at Outrigger's and continues along Todville Road to Hammer St. and back. Proceeds benefit Crossroads.

5.2 Approve minutes of June 17, 2014 regular City Council meeting. (Brant)

5.3 Approval of second and final reading of proposed Ordinance No. 2014-14, "Update to Water Conservation and Drought Contingency Plan." (Padgett/Chairez)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, CHAPTER 95 "UTILITIES," ARTICLE III, "WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN, SECTION 95-80, "WATER CONSERVATION PLAN CONTENT," BY PROVIDING STATISTICAL UPDATES AS REQUIRED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.

THIS ORDINANCE PROVIDES FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDES FOR SEVERABILITY AND PROVIDES FOR AN EFFECTIVE DATE.

5.4 Approval of second and final reading of proposed Ordinance No. 2014-15, "Amending Disclosure Requirements."

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, CHAPTER 2, "ADMINISTRATION", ARTICLE VI. "CODE OF ETHICS", DIVISION 3. "CONFLICTS OF INTEREST", SECTION 2-239

222 "DISCLOSURE" BY REQUIRING THAT ELECTED OFFICIALS AND CERTAIN
223 APPOINTED OFFICIALS REVIEW THEIR DISCLOSURE STATEMENTS AT
224 LEAST ONCE A YEAR AND SUBMIT A NEW DISCLOSURE STATEMENT
225 WITH CHANGES OR A WRITTEN STATEMENT ATTESTING THAT NO
226 CHANGES HAVE OCCURRED; PROVIDING A PENALTY IN AN AMOUNT OF
227 \$500.00 OR THE MAXIMUM AMOUNT PROVIDED BY LAW FOR VIOLATION
228 OF ANY PROVISION HEREOF BY INCLUSION IN THE CODE; REPEALING
229 ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN
230 CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING
231 FOR NOTICE.
232

233 **5.5 Approval of reappointment of Joe Winter to the Civil Service Commission**
234 **for a three-year term expiring in June 2017. (Council)**
235

236 Motion was made by Councilor Johnson and seconded by Councilor Botkin
237

238 To approve the consent agenda as written.
239

240 MOTION CARRIED BY UNANIMOUS CONSENT
241

242 **6.0 NEW BUSINESS**
243

244 Mayor Royal requested that Item 6.1 and 6.2 be considered together.
245

246 **6.1 Consider appointments to the Comprehensive Master Plan Review**
247 **Commission. (Council)**
248

249 **6.2 Consider appointments to the Charter Review Commission. (Council)**
250

251 Motion was made by Councilor Llorente and seconded by Councilor Johnson
252

253 To appoint Don Holbrook, Elaine Renola, John Chisler, Laura Davis and Delaina
254 Hanssen to the Charter Review Commission
255

256 AND
257

258 To appoint Kim Morrell, Gary Renola, Guy Rodgers, Tracie Soich and Cody
259 Wilson to the Master Plan Review Commission.
260

261 MOTION CARRIED BY UNANIMOUS CONSENT.
262

263 **6.3 Approve Resolution No. 2014-05, Surf Oaks Easement Grants. (Cook)**
264

265 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK,
266 TEXAS, DETERMINING THAT PERMANENT EASEMENT GRANTS ARE

NECESSARY FOR MAINTENANCE IMPROVEMENTS FOR SURF OAKS DRIVE/ROAD; APPROVING THE ACCEPTANCE OF EASEMENTS FROM THE NECESSARY PROPERTY OWNERS FOR SUCH ROAD, CONTAINING APPROXIMATELY 2.064 ACRES OF LAND, BEING THE SURF OAKS DRIVE PORTION OF WARD OAKS AS RECORDED IN H.C.M.R. FILM CODE NO. 636152, THE SURF OAKS PORTION OF THE SONES SUBDIVISION AS RECORDED IN H.C.M.R. FILM CODE NO. 570290, ALONG WITH SURF OAKS DRIVE AS SHOWN ON THE UNRECORDED PLAT OF SURF OAKS SUBDIVISION, ALL BEING IN THE RITSON MORRIS SURVEY, ABSTRACT NO.52, SEABROOK, HARRIS COUNTY, TEXAS, MORE PARTICULARLY DEPICTED HEREIN; AND PROVIDING TERMS OF CITY MAINTENANCE

City Attorney Steve Weathered requested this item be postponed until the end of the meeting to address an issue in executive session.

Councilor Miller recused himself and left the table.

- 6.4 Consider approval of first reading of proposed Ordinance No. 2014-17, "Amendment to the Official Zoning Map to Rezone a 12.1341 Acre Tract From a Portion of Ruggles Subdivision, Located in the Repsdorph Road/Lakeside Drive Area from R-1 (Residential-Single Family Detached) to C-2 (Commercial Medium)"**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK, WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING A 12.1341 ACRE TRACT OF LAND SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT 52, HARRIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF LOTS 15A, 16, 17A, 18E, RUGGLES WEST SUBDIVISION, MORE SPECIFICALLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO, FROM R-1 (RESIDENTIAL-SINGLE FAMILY DETACHED) TO A C-2 (COMMERCIAL MEDIUM) DISTRICT; REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS AMENDMENT; MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 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.

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To approve first reading of ordinance No. 2014-17 as written with the reading of the caption serving as reading of the ordinance.

311 Mayor Royal stated that because merchants have known for over twenty years
312 that the widening of SH 146 is "coming" it has been a hindrance to business
313 development. Three years ago there was a concerted effort to get the project
314 underway and now funding is available. Once the railroad right-of-way is
315 acquired the project will begin. Fifty businesses will go away. We can get in front
316 of progress or get run over by it. If we lose more than five percent of our general
317 funds, options are limited. Seabrook's average income per household is
318 \$90,000, *Houstonia* magazine named Seabrook one of the six most desirable
319 places to live in the Houston area, but with no amenities the city will decline in
320 prosperity and economically.
321

322
323 Councilor Kolupski stated that his history with this site goes back to 2006 and this
324 project has been coming since that time. Ordinances have been put in place
325 addressing lighting, noise and other development and construction issues. These
326 developers have met every requirement and it would be economic suicide to turn
327 them down. The city needs this development.
328

329 Councilor Llorente stated that while he understands the concerns of the
330 residents, Seabrook is fortunate to have a great developer for an aesthetically
331 pleasing project. He asked for everyone's support of this ordinance.
332

333 Councilor Johnson stated that he has worked with CDA Architects and they are a
334 respected company and good to work with. An opportunity for a development
335 which will improve economic growth in the city doesn't happen often. Without
336 continued revenue there are only two options: lay off city staff or raise taxes. For
337 the long term, this development is best for the city.
338

339 Councilor Giangrosso stated that for the future of the city this should be
340 approved. These are great developers making an effort to accommodate the
341 citizens. He expressed his appreciation to the citizens and encouraged them to
342 stay involved and continue to provide input on this matter as well as other plans
343 and projects.
344

345 Councilor Botkin stated that she is a fourth generation citizen of Seabrook and
346 truly believes that approval of this project is the best thing council could do for the
347 city.
348

349 MOTION CARRIED BY UNANIMOUS CONSENT OF THOSE PRESENT AND
350 VOTING.
351

352 **6.5 Consider approval of first reading of proposed Ordinance No. 2014-16,**
353 **Rezone a 20.2014 Acre Tract Near Repsdorph Traffic Circle From C-1 to C-**
354 **2. (Landis)**

355 AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
356 SEABROOK, WHICH IS PART OF THE SEABROOK CITY CODE OF
357 ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2,
358 "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY
359 REZONING A 20.3014 ACRE TRACT SITUATED IN THE RITSON MORRIS
360 SURVEY, ABSTRACT 52, HARRIS COUNTY, TEXAS, SAVINGS AND LOAN
361 COMPANY SUBDIVISION, CONSISTING OF 7.5973 ACRES BEING OUT OF
362 AND A PART OF LOTS 7A AND 7B, THIS PROPERTY IS LOCATED
363 IMMEDIATELY WEST OF THE REPSDORPH TRAFFIC CIRCLE AND
364 ISADJACENT TO THE SEABROOK CITY LIMITS, 6.6960 ACRES BEING
365 OUT OF AND A PART OF LOT 8, THIS PROPERTY IS LOCATED
366 IMMEDIATELY EAST OF THE REPSDORPH TRAFFIC CIRCLE, AND NORTH
367 OF REPSDORPH ROAD, AND A 6.0081 ACRES BEING OUT OF AND A
368 PART OF LOTS 7A-1, 7B-1 AND 8B, THIS PROPERTY IS LOCATED
369 IMMEDIATELY SOUTH OF THE REPSDORPH TRAFFIC CIRCLE, AND
370 NORTH OF VERMILLION ROAD, FROM C-1 (COMMERCIAL LIGHT) TO C-2
371 (COMMERCIAL MEDIUM) DISTRICT; REQUIRING THAT THE ZONING MAP
372 BE AMENDED TO REFLECT THIS AMENDMENT; MAKING SPECIFIC
373 FINDINGS RELATING TO REZONING OF SUCH TRACT; PROVIDING A
374 PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION
375 OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE;
376 REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
377 INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR
378 SEVERABILITY.

379 Motion was made by Councilor Kolupski and seconded by Councilor Llorente
380

381 To approve Ordinance No. 2014-16 on first reading as written with the reading of
382 the caption serving as the reading of the ordinance.
383

384 MOTION CARRIED BY UNANIMOUS CONSENT OF THOSE PRESENT AND
385 VOTING.
386

387 **6.6 Consider/discuss Developer Agreement between Pacific Ridge**
388 **Development Company, L.L.C. and the City of Seabrook for certain**
389 **performance standards and an incentive to waive all fees for the building**
390 **permit(s) for the initial development of the project in an amount not to**
391 **exceed \$20,000. (Cook)**
392

393 Motion was made by Councilor Kolupski and seconded by Councilor Johnson
394

395 To discuss this item.
396

397 Ms. Cook explained that the agreement will determine what can and cannot be
398 built on the site. It also establishes the obligations of both parties.

399 Mayor Royal read from the list of C-2 business types that would not be allowed.
400
401

402 In response to Councilor Johnson's question, Mr. Boswell confirmed that the
403 installation of trees will begin within ninety days. They will get the preliminary
404 grade and plan for the buffer space.
405

406 Mr. Weathered stated that the agreement can be approved upon second reading
407 of the ordinance.
408

409 **6.7 Consider/discuss Developer Agreement between Starship Dixie Farm, LP**
410 **and the City of Seabrook for certain performance standards and an**
411 **incentive to waive all fees for the building permit(s) for the initial**
412 **development of the project in an amount not to exceed \$20,000.**
413

414 Motion was made by Councilor Kolupski and seconded by Councilor Botkin
415

416 To discuss this item.
417

418 No action will be taken on this item until second reading of the zoning ordinance.
419

420
421 **7.0 ROUTINE BUSINESS**
422

423 *Councilor Miller returned to the table.*
424

425 **7.1 Consider approval of the Action Items Checklist which is attached and**
426 **made a part of this agenda. (Council)**
427

428 Motion was made by Councilor Llorente and seconded by Councilor Botkin
429

430 To approve the action items checklist.
431

432 MOTION CARRIED BY UNANIMOUS CONSENT.
433

434 **7.2 Establish future meeting dates and agenda items. (Council)**
435

436 The next regularly scheduled meeting date will be July 15. There will be budget
437 workshops on July 8 and 22.
438

439 **EXECUTIVE SESSION**
440

441 Mayor Royal announced that the City Council would now hold a closed executive
442 meeting pursuant to the provisions of the Open Meetings Act, Chapter 551,

Government Code and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, Consultation with Attorney.

6.3 Approve Resolution No. 2014-05, Surf Oaks Easement Grants. (Cook)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT PERMANENT EASEMENT GRANTS ARE NECESSARY FOR MAINTENANCE IMPROVEMENTS FOR SURF OAKS DRIVE/ROAD; APPROVING THE ACCEPTANCE OF EASEMENTS FROM THE NECESSARY PROPERTY OWNERS FOR SUCH ROAD, CONTAINING APPROXIMATELY 2.064 ACRES OF LAND, BEING THE SURF OAKS DRIVE PORTION OF WARD OAKS AS RECORDED IN H.C.M.R. FILM CODE NO. 636152, THE SURF OAKS PORTION OF THE SONES SUBDIVISION AS RECORDED IN H.C.M.R. FILM CODE NO. 570290, ALONG WITH SURF OAKS DRIVE AS SHOWN ON THE UNRECORDED PLAT OF SURF OAKS SUBDIVISION, ALL BEING IN THE RITSON MORRIS SURVEY, ABSTRACT NO.52, SEABROOK, HARRIS COUNTY, TEXAS, MORE PARTICULARLY DEPICTED HEREIN; AND PROVIDING TERMS OF CITY MAINTENANCE

OPEN MEETING

Mayor Royal reconvened the open meeting at 9:27 p.m.

Motion was made by Councilor Llorente and seconded by Councilor Botkin

To approve Resolution 2014-05 and noting that there are 19 exhibits (not 20) and changes should be made to the resolution to reflect the correct number.

MOTION CARRIED BY UNANIMOUS CONSENT.

Upon an approved motion , Mayor Royal adjourned the meeting at 9:30 p.m.

Approved this 15th day of July 2014.


Glenn R. Royal, Mayor


Meredith Brant, TRMC
Assistant City Secretary

