

The City Council of the City of Seabrook met in regular session on Tuesday, May 1, 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 - Ex. Abs.	MAYOR
KIM MORRELL – Absent	COUNCIL PLACE NO. 1
MIKE GIANGROSSO – Ex. Absence	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
MICHELE L. GLASER	CITY SECRETARY

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

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

Ted McCollom, S. Flamingo, thanked Council members for their service, especially Paul Dunphey and Kim Morrell whose terms are ending.

Bill Griffin, Hampton Springs Drive thanked Council for placing Item 3.2 on the agenda. He asked that the traffic study consider possible additional walkers and bicyclists to Ed White Elementary.

Kim Gallia, Lakepointe Forest Drive submitted an informal petition asking Council to conduct a traffic study on Lakepointe Forest Drive.

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

Members announced several upcoming events.

2.0 CONSENT AGENDA

2.1 Approve Resolution No. 2012-07, Authorization for Construction of Improvements to the Point - Waterfront Drive ("Waterfront Drive Reconstruction Project") (Weathered)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, SEABROOK, TEXAS, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS FOR "THE POINT" - WATERFRONT DRIVE, ("WATERFRONT DRIVE RECONSTRUCTION

PROJECT”); GENERALLY DESCRIBED AS BEGINNING ON TODVILLE ROAD AT A POINT 330 FEET NORTHEAST OF THE CENTERLINE OF 10TH STREET, ALSO BEING THE SOUTHWESTERN END OF A BRIDGE, SOUTHWESTERLY 630 FEET TO THE END OF TODVILLE AND THE BEGINNING OF WATERFRONT, THEN 1800 FEET TO THE SOUTHEASTERN END OF WATERFRONT DRIVE; DETERMINING THE PUBLIC NECESSITY; AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR SUCH PROJECT; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER OF THE CITY OF SEABROOK, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS AND IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, SPECIFICALLY INCLUDING CHAPTER 21 OF THE TEXAS PROPERTY CODE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBIC AS REQUIRED BY LAW.

2.2 Approve Res. No. 2012-06, Acceptance of Easements for Waterfront Drive from Alfredo and Teresita Bartolome (Weathered)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE “WATERFRONT DRIVE RECONSTRUCTION,” PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF SAID EASEMENTS FROM ALFREDO M. BARTOLOME AND WIFE, TERESITA T. BARTOLOME, PROPERTY OWNERS IN RELATION TO PARCELS 2, 20, 22 AND 30 SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS

2.3 Approve Resolution No. 2012-08, Acceptance of Easements for Waterfront Drive from Golden Seafood, Inc. (Weathered)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE “WATERFRONT DRIVE RECONSTRUCTION,” PUBLIC IMPROVEMENTS PROJECT; APPROVING THE ACCEPTANCE OF EASEMENTS FROM GOLDEN SEAFOOD, INC., PROPERTY OWNER FOR A PARCEL OF LAND CONTAINING 0.0201 ACRES SITUATED IN THE RITSON MORRIS SURVEY OUT OF AND PART OF LOT 1, BLOCK 1, SEAFOOD FISH MARKET, SECTION 1, HARRIS COUNTY, TEXAS

2.4 Consider second and final reading of Ordinance No. 2012-11, Amendment to the Ethics Code. (Council)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 2, “ADMINISTRATION, ARTICLE VI, “CODE OF ETHICS, DIVISION 2, “ETHICS REVIEW COMMISSION” BY DELETING MANDATORY TERM LIMITS FOR

COMMISSION MEMBERS; ALLOWING A QUORUM OF FOUR (4) MEMBERS TO MEET ON ROUTINE MATTERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY

2.5 Consider second and final reading of proposed Ord. No. 2012-12, "Updating General Penal Provisions." (Weathered)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS, CHAPTER 1, "GENERAL PROVISIONS; SECTION 1-15, ENTITLED "GENERAL PENALTY; CONTINUING VIOLATIONS;" UPDATING PENALTIES FOR VIOLATIONS OF CODE; PROVIDING FOR CULPABLE MENTAL STATE, PURSUANT TO SECTION 6.02 OF THE TEXAS PENAL CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND NOTICE; AND PROVIDING PENALTIES IN ACCORDANCE WITH LAW.

2.6 Approve minutes of the regular City Council meeting of April 17, 2012. (Glaser)

2.7 Approve an excused absence for Councilor Paul Dunphey for the meeting of April 17, 2012. (Glaser)

2.8 Approve an excused absence for Councilor Mike Giangrosso for the meeting of May 1, 2012. (Glaser)

2.9 Approve the reappointment of Carl Kuehnle to the Ethics Review Commission for the remainder of his two-year term expiring October 31, 2013. (Glaser)

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To approve the Consent Agenda as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

3.0 NEW BUSINESS

3.1 Review and comment on the draft plans for the Seabrook/Bay Area Veteran's Memorial as submitted by Bruce Arunyan. (Rosal)

Motion was made by Laura Davis and seconded by Thom Kolupski

To review the plans as submitted.

Bruce Arunyon stated that Phase 1 of the memorial is fully funded. He also stated that the he will incorporate a portion of existing memorial into the new Memorial.

Building Official Sean Landis said that the city will issue a building permit at no charge, require full engineered drawings before the permit is issued, including soil borings and will perform all required inspections. Mr. Templin said as the Memorial will be dedicated to the city, it will be the city's responsibility to maintain it. He anticipated that maintenance costs will be minor.

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To approve the draft plans contingent upon city permits being obtained.

MOTION CARRIES BY UNANIMOUS CONSENT.

3.2 Update on the traffic situation on Hampton Springs Drive. (Holomon)

Chief Holomon gave an update. There were 12 citations on Hampton Springs in 2011 and 5 citations in 2012 to date. There has been one traffic accident on Hampton Springs since 2008. The police department currently has a speed trailer at this location to make drivers aware of their speed. There were 149 citations issued in the Lakeside Drive area in 2010.

Mr. Templin stated that he has spoken with the traffic engineer who will incorporate or add a second traffic study for Hampton Springs. The traffic engineer is also aware that there may be fewer school buses next year and more walkers and bicyclists to and from Ed White Elementary.

Mr. Templin also stated that most traffic engineers advise against the use of speed bumps because of liability to the city. He stated that there were numerous ways to slow traffic; however, each had other impacts. He gave the example of additional street noise caused by changes in the pavement.

No action was taken on this item.

3.3 Consider revision of the noise ordinance. (Council)

Motion was made by Councilor Kolupski and seconded by Councilor Holbrook

To approve this item.

Mr. Templin recommended bringing back a proposed ordinance for consideration along with a comparison of noise levels permitted in neighboring cities. He also recommended that Council remove the clause determining noise infractions based upon the *"judgment of any*

174 *ordinary reasonable person*" and determining noise infractions only by decibel levels that
175 are acceptable to Council.

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

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179 To table this item and place it on the Action Items Checklist.

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181 MOTION CARRIES BY UNANIMOUS CONSENT.

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183 **3.4 Consider first reading of Ord. No. 2012-13, "Amending the Water Conservation and**
184 **Drought Contingency Plan." (Padgett)**

185 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS
186 AMENDING CHAPTER 95, ARTICLE III, "WATER CONSERVATION" OF THE CODE
187 OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS BY ADDING A NEW
188 SECTION TITLED "DROUGHT CONTINGENCY PLAN FOR A WHOLESALE PUBLIC
189 WATER SUPPLIER." AND BY INCORPORATING THE ENTIRE PLAN INTO THE
190 CODE INSTEAD OF BY REFERENCE ONLY.

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192 THIS ORDINANCE PROVIDES A PENALTY OF A FINE NOT TO EXCEED THE SUM
193 OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE RELATING TO
194 FIRE SAFETY AND FIVE HUNDRED DOLLARS (\$500.00) FOR ALL OTHER
195 OFFENSES; REPEALS ALL ORDINANCES OR PARTS OF ORDINANCES
196 INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDES FOR SEVERABILITY
197 AND PROVIDES FOR AN EFFECTIVE DATE.

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199 Motion was made by Councilor Kolupski and seconded by Councilor Davis

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201 To approve Ordinance 2012-13 on first reading with the reading of the caption serving as the
202 reading of the ordinance.

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204 Assistant Director of Public Works Kevin Padgett explained that this is a revision to the
205 current ordinance as the Texas Commission on Environmental Quality (TCEQ) has
206 mandated that the city add a section addressing public wholesalers. The entire plan will
207 appear in the Seabrook Municipal Code instead of by reference only.

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209 Mr. Weathered asked Council to examine lines 1153-1166 and determine if the City Manager
210 or City Council should hear and decide on variance requests to the ordinance.

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212 Motion was made by Councilor Kolupski and seconded by Councilor Davis

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214 To amend the ordinance to provide that the city manager shall hear variances to this plan.

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216 THE ORIGINAL MOTION AS AMENDED CARRIES BY UNANIMOUS CONSENT.

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4.0 ROUTINE BUSINESS

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

The noise ordinance will be on the May 15 agenda. Council will also canvass the election on May 15 if provisional ballots can be reviewed and decided by that time. If not, the canvass will take place at a special meeting on May 22.

5.0 EXECUTIVE SESSION

At 7:42 p.m. Mayor Pro Tem Dunphey announced that the City Council would hold a closed executive 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; Section 551.072, Real Property; and Section 551.087, Economic Development.

Section 551.087

5.1 Discuss/deliberate commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in the City, with which it is conducting economic development negotiations, and/or deliberate the offer of a financial or other incentive as provided for under Section 551.087 Texas Government Code. (Templin)

Section 551.072

5.2 Pursuant to Section 551.072 of the Texas Government Code, deliberate the purchase, exchange, lease or value of real property to avoid detrimental effect on position of City in negotiations with 3rd parties if matter were discussed in open meeting. (Templin)

Section 551.071

5.3 Consult with attorney to receive legal advice on legal matters only associated with above real property agenda item pursuant to Section 551.071 Texas Government Code. (Templin)

6.0 OPEN MEETING

Mayor Pro Tem Dunphey reconvened the open meeting at 8:51 p.m. and stated that the above listed items had been discussed in Executive Session, but no action had been taken.

Upon motion, Mayor Pro Tem Dunphey adjourned the meeting at 8:51 p.m.

Approved this 15th day of May, 2012.

Michele L. Glaser, TRMC
City Secretary



Glenn R. Royal, Mayor