

The City Council of the City of Seabrook met in special session on Tuesday, May 15, 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 – Excused Absence	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
MICHELE L. GLASER	CITY SECRETARY

1.0 PRESENTATIONS

1.1 Present awards to outgoing Mayor Pro Tem, Paul Dunphey and Councilmember, Kim Morrell. (Council)

Mayor Royal presented plaques of appreciation to Mayor Pro Tem Dunphey. Councilor Morrell was unable to attend the meeting.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS - None

3.0 NEW BUSINESS

3.1 Approve Res. No. 2012-09, Canvass of the May 12, 2012 Election. (Glaser)

A RESOLUTION AND ORDER CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OFFICERS' REGULAR ELECTION HELD ON MAY 12, 2012.

Motion was made by Councilor Holbrook and seconded by Councilor Davis

To approve Resolution No. 2012-09, Canvassing the May 12, 2012 Election returns.

Mrs. Glaser read the results as shown on Attachment A of these minutes.

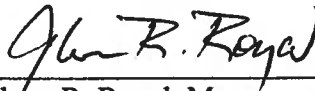
MOTION CARRIES BY UNANIMOUS CONSENT.

3.2 Administer the Oath of Office and Certificates of Election to newly elected Council members. Immediately after the Oath, Council will adjourn the meeting and a reception will be held to honor the outgoing Council Members and to welcome the incoming Council Members. (Council)

46 Mrs. Glaser administered the Oath of Office to newly elected council members, Gary
47 Johnson, Position 3 and Thom Kolupski, Position 5.
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49 Upon motion, Mayor Royal then adjourned the meeting at 7:10 p.m. to allow the Council and
50 the public to attend a short reception in city hall honoring the outgoing council members and
51 welcoming the incoming council members.
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53 Approved this the 12th day of June, 2012.
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Glenn R. Royal, Mayor

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62 Michele L. Glaser, TRMC
63 City Secretary
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UNOFFICIAL CANVASS FOR CITY OF SEABROOK REGULAR ELECTION ON MAY 12, 2012

	MAIL BALLOTS & EARLY VOTING BALLOTS	ELECTION DAY BALLOTS	TOTAL BALLOTS CAST
POSITION 1			
<i>Automatic Recount Required For Pos 1</i>			
ROBERT DUNCAN	31	66	97
ROBERT J. LLORENTE	17	74	91
GARY PASSI	5	38	43
J. GAIL POSTON	33	58	91
UNDER VOTES	3	8	11
POSITION 3			
GARY JOHNSON	47	168	215 Winner
BOB POSTON	38	64	102
UNDER VOTES	4	12	16
POSITION 5			
THOM KOLUPSKI	73	198	271 Winner
UNDER VOTES	16	46	62

TOTAL MAIL BALLOTS CAST: 4

TOTAL EARLY BALLOTS CAST: 85

TOTAL BALLOTS CAST ON ELECTION DAY: 244

TOTAL BALLOTS CAST & COUNTED ON MAY 12, 2012 333

This tabulation was made at Seabrook City Hall, 1700 First Street, Seabrook, Texas on May 12, 2012

Mary Goeckler
Mary Goeckler, Election Judge

Michele Glaser
Michele Glaser, City Secretary

The City Council of the City of Seabrook met in **regular session** on Tuesday, May 15, 2012 at 7:28 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 – Excused Absence	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	COUNCIL PLACE NO. 6
KELLY TEMPLIN	CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

David Whey, Nassau Drive, complained about a visit to his house from the police department and animal control officer concerning a violation issued for the number of dogs in the house. Dori Nelson, Bay Club, spoke in opposition to the natural playground in Pine Gully Park. J. C. Stormer, NASA Parkway, stated that he is concerned about any development in the parks that does not benefit wildlife. Terry Sones, Baywood, stated that Carothers Gardens continues to have noise issues. James Stewart, NASA Parkway, complained about noise from the Cabo Club.

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

Council members announced several upcoming events.

2.0 CONSENT AGENDA

2.1 Approve an advertising contract between the Seabrook Economic Development Corporation (SEDC) and KO sailing for a period of time not to extend beyond 2014 in an amount not to exceed \$20,000. Funds are available from FY 2011-2012 EDC Budget line item 707-5010, Advertising. (EDC)

2.2 Approve second and final reading of Ord. No. 2012-13, "Amending the Water Conservation and Drought Contingency Plan." (Padgett)

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

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

2.3 Approve the retention of Paul Dunphey as a member of the Fire Contract Negotiating Committee after his term on Council is complete. (Davis)

2.4 Approve the Community Development Report for April, 2012. (Landis)

2.5 Approve the Public Safety Report for April, 2012. (Holomon)

2.6 Approve the attendance of the city secretary and assistant city secretary at a recertification seminar in Nassau Bay on June 14 and 15, 2012 provided a runoff election is not necessary on June 16, 2012. (Glaser) No longer to be considered as runoff is scheduled. This item was withdrawn from the agenda as it is no longer applicable.

2.7 Approve the City Council Minutes of the April 17, 2012 Regular Meeting. (Glaser)

2.8 Approve the Action Items Checklist which is attached and made a part of this agenda. (Council)

Motion was made by Councilor Johnson and seconded by Councilor Davis

To approve the Consent Agenda as presented, with the exception of Item 2.6 which was withdrawn from consideration.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

3.0 OLD BUSINESS

3.1 Discussion and consideration of recommended changes to the existing noise ordinance. This item was tabled on May 1, 2012. (Templin)

Motion was made by Councilor Holbrook and seconded by Councilor Kolupski

To remove this item from the table.

MOTION CARRIES BY UNANIMOUS CONSENT.

Motion was made by Councilor Davis and seconded by Councilor Johnson

To discuss this item and consider changes.

Mr. Templin recommended that Section 55-24 "*Disturbance of reasonable person of ordinary sensibilities prohibited*" be deleted and that noise disturbances should be judged by the measurement of decibel levels only. He also recommended that Council review the current decibel levels in Seabrook's ordinance as compared to those in neighboring cities for possible adjustment.

Council discussed allowing different maximum noise levels for commercial zones as opposed to residential zones. Mr. Templin stated that it is difficult to set decibels by zoning, as it requires officers to know zoning maps. In addition, Seabrook has mixed use zones. In answer to a question from Councilor Kolupski, Mr. Templin stated that existing properties would not be grandfathered under the existing noise ordinance as this is not a pre-existing, non-conforming issue. Mr. Templin stated that the usage contract for Carothers has been altered to allow music inside the building only. However, he stated that there are some contracts without this provision already in place for future dates through November, 2012 and would be honored.

Councilor Davis noted that Seabrook's nighttime limit of 63 decibels is in line or lower than other cities, but the daytime limit of 83 decibels is higher than some surrounding cities. Council discussed changing the daytime decibel level and also changing the time when the nighttime levels begin.

Police Captain Sean Wright stated that the majority of noise complaints received by the Police Department concern Carothers Gardens, Cabo Club or the mulch yard on NASA Parkway.

Mr. Templin was asked to furnish decibel levels of everyday activities such as grass mowing and to find out when the decibel levels switch from daytime to nighttime in surrounding cities. The Police Department was asked to furnish information about the decibel levels of recent complaints.

Councilor Kolupski stated that every 10 decibels doubles the sound; i.e. 60 decibels is twice as loud as 50 decibels.

Mr. Weathered did not have any recommendations as this is a policy issue. It was agreed by members to discuss this item at the next meeting when additional information was provided.

4.0 ROUTINE BUSINESS

4.1 Establish future meeting dates and agenda items, including the possible rescheduling of June and July, 2012 Council meetings. (Council)

Mayor Royal recommended changing the June and July regular meeting dates to June 12 and 26 and to July 10 and 24, due to expected absences and the holiday. The June 12 meeting will begin at 7:30 p.m. due to early voting. The first budget work session is tentatively scheduled to be held on June 19. The runoff canvas will be held on either June 19 or June 26.

There were no objections by Council to the amended schedule.

5.0 EXECUTIVE SESSION

At 8:26 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, Chapter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in one or more of the following sections: Section 551.071, Consultation with Attorney; Section 551.072, Real Property.

Sections 551.071 and 551.072

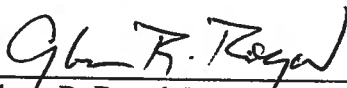
5.1 Pursuant to Sections 551.071 and 551.072 of the Texas Government Code, deliberate the purchase, exchange, lease or value of real property to avoid detrimental effect on position of City in negotiations with third parties if the matter was to be discussed in open meeting. (Templin)

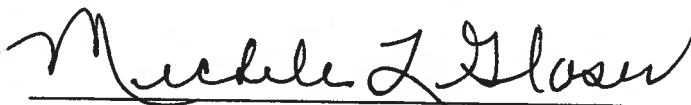
6.0 OPEN MEETING

Mayor Royal reconvened the meeting in open session at 9:18 p.m. and stated that Item 5.1 had been discussed in Executive Session, but no action had been taken.

Upon motion, Mayor Royal adjourned the meeting at 9:18 p.m.

Approved this 12 day of June, 2012.


Glen R. Royal, Mayor


Michele L. Glaser, TRMC
City Secretary



RESOLUTION NO. 2012-09
CANVASS OF THE SEABROOK REGULAR ELECTION
HELD ON MAY 12, 2012

A RESOLUTION AND ORDER CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OFFICERS REGULAR ELECTION HELD ON MAY 12, 2012

In regular order came to be considered the returns of the Seabrook General Election held on the 12th day of May, 2012 for the purpose of electing the hereinafter named officials and it appearing from said returns, duly and legally made, that there were cast at said election valid and legal votes as shown on Attachment "A" to this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

THAT the May 12, 2012 Regular Election was duly called and was held in accordance the Texas Election Code and Seabrook City Charter.

THAT, the City Council has examined such returns and opened and canvassed the votes of such election.

THAT, Gary Johnson was duly elected as Councilmember, Position 3; and

THAT, Thom Kolupski was duly elected as Councilmember, Position 5.

THAT, said above named parties is hereby declared duly elected to said respective offices, subject to the taking of the oaths of office as provided by the laws of the State of Texas and the Charter of the City of Seabrook, Texas.

THAT, no candidate running for Councilmember, Position 1 received a majority of votes cast as Robert Duncan received 97 votes, Robert J. Llorente received 91 votes, J. Gail Poston received 91 votes and Gary Passi received 43 votes thus resulting in a tie between Robert J. Llorente and J. Gail Poston for the second highest number of votes cast for Position 1.

THAT, the Texas Election Code, Section 2.023(c) states that "if two or more candidates tie for the second highest number of votes in the main election, an automatic recount shall be conducted in accordance with Chapter 216. If the recount does not resolve the tie, the tied candidates shall cast lots to determine which candidate is to be the second candidate in the runoff election."

THAT, pursuant to the Texas Election Code, there shall be an automatic recount in accordance with Section 216.003 and related provisions.

47 THAT, the runoff election as ordered by Ordinance No. 2012-06 adopted on
48 February 7, 2012 shall be held on June 16, 2012 for Councilmember,
49 Position 1.
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51 THAT, it is further found and determined that, in accordance with the order of this
52 governing body, the City Secretary posted written notice of the date, place
53 and subject of this meeting on the bulletin board located at the City Hall, a
54 place convenient to the public, and said notice had been posted and
55 remained posted continuously for at least 72 hours preceding the date of
56 this meeting.
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58 PASSED AND ADOPTED THIS 15TH DAY OF MAY, 2012.
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64 Michele L. Glaser, TRMC, City Secretary


GLENN R. ROYAL, MAYOR



UNOFFICIAL CANVASS FOR CITY OF SEABROOK RI ON MAY 12, 2012

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Mary Goetzler
Mary Goetzler, Election Judge

Michele Glaser
Michele Glaser, City Secretary