

1 The City Council of the City of Seabrook met in regular session on Tuesday, April 7, 2015 at  
2 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if  
3 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 - Ex. Abs.

10 MELISSA BOTKIN

11 THOM KOLUPSKI

12 O. J. MILLER

13 GAYLE COOK

14 SEAN LANDIS

15 STEVEN L. WEATHERED

16 MICHELE L. GLASER

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

CITY SECRETARY

17  
18  
19 Mayor Royal called the meeting to order at 7:00 p.m. and led the audience in the United States and  
20 Texas Pledge of Allegiance.  
21

22 **1.0 PRESENTATIONS**

23  
24 **1.1 Present Audit for FY 2013/14. (Auditors)**

25  
26 Debbie Harris, Belt, Harris presented the annual audit report, stating that the City of  
27 Seabrook had been issued a clean, unmodified opinion, which is the highest opinion that  
28 can be issued. She also stated that there were no deficiencies found in grant operations.  
29 She told Council that beginning next fiscal year, there will be a new requirement to report  
30 on retirement system liabilities. The City of Seabrook has funded 86.3 percent of its  
31 pension program which is above the minimum requirement of 80 percent.  
32

33 **2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS**

34  
35 Mike Giangrosso announced the upcoming Keels and Wheels event on May 2 and 3.  
36 Mrs. Glaser announced that early voting by personal appearance would begin on  
37 Monday, April 27 and Election Day would be May 9, 2015 from 7:00 a.m. until 7:00  
38 p.m.  
39

40 **2.1 Mayor, City Council and/or members of the city staff may make announcements**  
41 **about city/community events. (Council)**  
42

43 **3.0 SPECIFIC PUBLIC HEARING(S)**  
44

**3.1 Request to change the zoning classification of land described below from the current classification of C-2 (Commercial Medium) to R-2 (Residential - Medium Density). This change is contained in proposed Ordinance No. 2015-09. (Applicant)**

Owner: Aaron and Shelley Nichols, Blue Canoe Court, Seabrook, Texas 77586

Legal Description: Tract 13, being an 8.52-acre tract of land situated in Abstract 52 in the Ritson Morris Survey, Harris County Texas.

Location: This property is located east of Elam, south of Larrabee, and immediately north of NASA Parkway.

Property owners, Aaron and Shelly Nichols, Seabrook stated that they were unaware that these apartments were zoned in a commercial zone thus making them a pre-existing, non-conforming use. Mr. and Mrs. Nichols stated that they would be unable to rebuild if the apartments were 50 percent or more destroyed by natural disaster, such as fire or floods. In addition, the bank will not fully fund their refinance request, as the property is non-conforming.

**4.0 CONSENT AGENDA**

**4.1 Approve proposed Resolution No. 2015-11, "Denial of Rate Increase Request from CenterPoint Energy." (Cook)**

A RESOLUTION OF THE CITY OF SEABROOK, TEXAS FINDING THAT CENTERPOINT ENERGY ENTEX'S ("CENTERPOINT" or "COMPANY") STATEMENT OF INTENT TO INCREASE RATES FILING WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

**4.2 Accept Audit and Comprehensive Annual Financial Report (CAFR) for FY 2013-14. (Lab)**

**4.3 Approve Resolution No. 2015-09, "Post Issuance Compliance Policy and Procedure Manual." (Lab)**

A RESOLUTION ADOPTING A "POST ISSUANCE COMPLIANCE POLICY AND PROCEDURE MANUAL" FOR THE PURPOSE OF COMPLYING WITH APPLICABLE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND TREASURY REGULATIONS.

**4.4 Request by Crown Castle for its tenant Verizon to modify equipment on property it leases from the City of Seabrook.**

90 Scope of Work: (1) existing line to be replaced with (1) new hybrid line. (1) new  
91 Raycap, (3) RRHS, and (3) TMAs to be installed at 116'. All other existing RF  
92 configurations and ground equipment will remain the same. Final configuration: (9)  
93 panels, (2) MWs, (3) TMAs, 3 RRHs, 1 Raycap, 1 hybrid line, and (21) lines. (Applicant)  
94

95 4.5 Removed from the Consent Agenda by Councilor Kolupski.  
96

97 4.6 Approve the minutes of the March 17, 2015 Special Joint Meeting. (Glaser)  
98

99 4.7 Approve the minutes of the March 17, 2015 regular City Council meeting. (Glaser)  
100

101 Motion was made by Councilor Giangrosso and seconded by Councilor Botkin  
102

103 To approve the Consent Agenda with the exception of Item 4.5.  
104

105 MOTION CARRIED BY UNANIMOUS CONSENT.  
106

#### 107 END OF CONSENT AGENDA 108

109 4.5 Approve a permit for a parade and rededication of the Veterans' Memorial on May  
110 25, 2015 from 9:00 a.m. to 11:00 a.m., including a waiver of permit fees and the  
111 partial closing of Second Street to be contingent upon submission of an acceptable  
112 form of liability insurance and approval by the city manager concerning details of  
113 the event. (Applicant/Cook)  
114

115 Councilor Kolupski asked why the monument is to be rededicated. Mayor Royal  
116 explained that the monument has new management.  
117

118 Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso  
119

120 To approve the permit contingent upon submission of an acceptable form of liability  
121 insurance and approval by the city manager concerning details of the event.  
122

123 MOTION CARRIED BY UNANIMOUS CONSENT.  
124

#### 125 5.0 NEW BUSINESS 126

127 5.1 Consider first reading of proposed Ordinance No. 2015-09, "Amendment to the  
128 Official Zoning Map to Rezone 8.52 Acres of Land at 2800 NASA Parkway from C-  
129 2 to R-3." (Applicant)  
130

131 AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF  
132 SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF  
133 ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2,  
134 "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING  
135 THE PROPERTY LOCATED ON 2800 NASA PARKWAY, TRACT 13, BEING AN

8.52 ACRES TRACT OF LAND SITUATED IN ABSTRACT 52 IN THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS, FROM C-2 COMMERCIAL-MEDIUM DISTRICT TO R-3 RESIDENTIAL-MEDIUM DENSITY 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 Botkin

To approve proposed Ordinance No. 2015-09 on first reading with the reading of the caption serving as the reading of the ordinance.

Mr. Landis explained that when the apartments were originally built, they were conforming as apartments were allowed in commercial zones. This is only one of two apartments in the city that have non-conforming zoning.

MOTION CARRIED BY UNANIMOUS CONSENT.

**5.2 Consider first reading of proposed Ordinance No. 2015-10, Final Approval of the El Mar Village Townhomes Planned Unit Development (PUD). (Applicant)**

AN ORDINANCE AMENDING THE SEABROOK CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION," SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING APPROXIMATELY 2.1640 ACRES OF LAND IN THE RITSON MORRIS SURVEY, ABSTRACT 52 SEABROOK, HARRIS COUNTY, TEXAS, DESCRIBED AS TRACT 1, RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. N004071, BEING A PORTION OF THE UNRESTRICTED RESERVE IN BLOCK 5 OF MIRAMAR SECTION 3, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 148, PAGE 93 OF THE HARRIS COUNTY MAP RECORDS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A," FROM "R-1" ("SINGLE FAMILY DETACHED, TO ("PUD)," PLANNED UNIT DEVELOPMENT FOR A SINGLE FAMILY USE OF TOWNHOMES CONSISTING OF 18 UNITS; PROVIDING FOR AN AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY AND NOTICE.

Planning and Zoning Commission Chairman, Michael Potts gave the report from the Commission, stating that approval was recommended by the Commission. Mr. Potts

182 stated that the Home Owners' Association (HOA) restrictions were discussed and the  
183 developer stated that he would file the HOA restrictions with the plat.

184  
185 Motion was made by Councilor Kolupski and seconded by Councilor Giangrosso

186  
187 To approve proposed Ordinance No. 2015-10 on first reading with the reading of the  
188 caption serving as the reading of the ordinance.

189  
190 MOTION CARRIED BY UNANIMOUS CONSENT.

191  
192 **Councilor Kolupski recused himself and left the council table for Item 5.3.**

193  
194 **5.3 Consider first reading of proposed Ordinance No. 2015-11, "Final Approval of the**  
195 **Chesapeake Bay Senior Apartments Planned Unit Development (PUD)".**  
196 **(Applicant)**

197  
198 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF  
199 SEABROOK, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2,  
200 "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING  
201 APPROXIMATELY 11.7127 ACRES OF LAND, COMPRISING TRACT 1 - 0.2327  
202 ACRES, H.C.C.F. NO. 20070629538, REMAINDER OF 0.2248 ACRES; TRACT 2A -  
203 1.2 ACRES, H.C.C.F. NO. T539938, REMAINDER OF 1.16 ACRE; TRACT 2B - 1.2  
204 ACRES, H.C.C.F. NO. T539938, REMAINDER OF 1.16 ACRES; TRACT 3 - 3.360  
205 ACRES H.C.C.F. NO. U067284, REMAINDER 3.244 ACRES; AND TRACT 4 - 5.72  
206 ACRES OUT OF 10.501 ACRES, H.C.C.F. NO. P969328, REPSDORPH PARTITION,  
207 ABSTRACT 52 IN THE RITSON MORRIS SURVEY, HARRIS COUNTY TEXAS,  
208 LOCATED BETWEEN WEST REPSDORPH ROAD TO THE WEST,  
209 HUCKLEBERRY FINN COVE TO THE EAST, LOT 1 REPSDORPH PARTITION TO  
210 THE SOUTH AND PEBBLE BROOK DRIVE TO THE NORTH, BEING MORE  
211 PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A,"  
212 FROM "C-2," MEDIUM COMMERCIAL DISTRICT TO PLANNED UNIT  
213 DEVELOPMENT, "PUD;" FOR A USE OF A SENIORS ONLY COMPLEX  
214 CONSISTING OF 259 MULTI-FAMILY LIVING UNITS; PROVIDING FOR AN  
215 AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; REPEALING ALL  
216 ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT  
217 HERewith; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED  
218 \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY  
219 INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY AND  
220 NOTICE.

221  
222 Chairman Potts presented the final report and stated that the Commission recommended  
223 approval.

224  
225 Motion was made by Councilor Miller and seconded by Councilor Giangrosso  
226

To approve first reading of proposed Ordinance No. 2015-11, with the reading of the caption serving as the reading of the ordinance.

Ayes: Royal, Botkin, Giangrosso, Llorente, Miller.  
Recused and not voting: Kolupski.

MOTION CARRIED BY MAJORITY VOTE.

**Councilor Kolupski resumed his seat at the council table.**

**5.5 Consider first reading of proposed Ordinance No. 2015-08, "Procedure for Consideration of Preliminary PUD Plans." (Landis)**

AN ORDINANCE AMENDING THE SEABROOK CODE OF ORDINANCES, APPENDIX A "COMPREHENSIVE Zoning", ARTICLE 4, "SPECIAL USE REGULATIONS", Section 4.10 "Planned Unit Developments" ("PUD"), BY UPDATING AND CLARIFYING PROCEDURES FOR CONSIDERATION OF PRELIMINARY PUD PLANS PURSUANT TO SUBSECTION 4.10.06 "PUD DESIGNATION PROCEDURE"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000.00 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, EFFECTIVE DATE AND NOTICE.

Chairman Potts presented the final report and stated that the Commission recommended approval.

Motion was made by Councilor Giangrosso and seconded by Councilor Llorente

To approve first reading of proposed Ordinance No. 2015-08, with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIED BY UNANIMOUS CONSENT.

**5.4 Consider the purchase of a Pierce Velocity Pumper with the HGAC approved contractor, Siddons-Martin in the amount of \$699,504. Funds are available through the bond proceeds that were issued in January 2015. (Cook/SVFD)**

Mrs. Cook stated that this equipment has been prebid through H-GAC. Fire Chief, Ray Cook stated that it takes approximately 8-10 months to build the equipment. The new equipment will replace an older piece of apparatus, which will be used on a reserve basis.

Motion was made by Councilor Kolupski and seconded by Councilor Miller

To approve the purchase of a Pierce Velocity Pumper with the H-GAC approved contractor, Siddons-Martin in the amount of \$699,504.00 as recommended by staff.

MOTION CARRIED BY UNANIMOUS CONSENT.

- 5.6 Consider proposed Resolution No. 2015-10, "Authorization for Acquisition of Real Property Interests for the Hester's Gully Drainage Improvement Project." A record vote will be taken. (Chairez/Cook)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, SEABROOK, TEXAS, AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS BY PURCHASE, DONATION, OR EXERCISE OF THE POWER OF EMINENT DOMAIN FOR THE CONSTRUCTION OF DRAINAGE IMPROVEMENTS FOR "THE HESTER'S GULLY DRAINAGE IMPROVEMENT PROJECT", ("PROJECT") GENERALLY DESCRIBED AS THE DRAINAGE CONVEYANCE WHERE HESTER'S GULLY DRAINS TO GALVESTON BAY TO PROVIDE POSSIBLE RELIEF UPSTREAM IN THE EL MAR, MIRAMAR, OAKS OF SEABROOK AND HARBOR COVE SUBDIVISIONS; DETERMINING THE PUBLIC NECESSITY 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, BY A RECORD VOTE, IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

That the City Council of the City of Seabrook, Seabrook, Texas, in a record vote applying to all units of property to be condemned, adopt Resolution 2015-10 authorizing the use of the power of eminent domain to acquire property interests for the construction of drainage improvements for the Hester's Gully Drainage Improvement Project in those certain lots, tracts, or parcels of land generally identified in Attachment "A" to the Resolution, and authorize to the City Manager, City Attorney, or any special counsel, to supervise such acquisitions and, as necessary, to initiate condemnation proceedings to acquire such property interests.

Ayes: Royal, Botkin, Giangrosso, Kolupski, Llorente, Miller.

Nays: No one.

Abstain: No one.

MOTION CARRIED BY UNANIMOUS CONSENT.

- 5.7 Consider the expansion and a venue change for the City Christmas Tree Lighting event in December. (Cook)**

Mrs. Cook stated that staff will start the process for this event with the funds currently available in the budget for purchasing new decorations and expanding the budget next year for additional decorations. She added that local businesses will be informed of the plan for this event and encouraged to participate. Councilor Kolupski stated that he would not be opposed to expanding the budget for this event. Mrs. Cook stated that she would come back to Council with a more specific plan and a proposed budget at a future meeting.

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To approve the recommendation by staff in concept, pending review of details when they become known.

MOTION CARRIED BY UNANIMOUS CONSENT.

**6.0 ROUTINE BUSINESS**

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

Mrs. Cook gave an update on several items. She stated that she anticipates reporting on the Mystic Village traffic issues at the next meeting. The splash pad at the pool should be complete by opening day. The clock for the traffic circle is due by mid-May. There will be additional outlets to allow lighting of the clock.

Motion was made by Councilor Giangrosso and seconded by Councilor Llorente

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT.

**6.2 Establish future meeting dates and agenda items. (Council)**

Council will hold a planning session on Friday, April 10. The May 5 Council meeting will begin at 7:30 p.m. due to early voting.

**7.0 EXECUTIVE SESSION**

At 7.57 p.m. Mayor Royal announced that the City Council will 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 one or more of the following sections: Section 551.071, Consultation with Attorney; Section 551.072, Real Property; Section 551.073, Deliberation Regarding a Prospective Gift; Section 551.074, Personnel Matters; Section 551.076. Security Devices; and Section 551.087, Economic Development.

365 **Section 551.071**

366 **7.1 Consult with attorney to receive legal advice on legal issues associated with a**  
367 **Memorandum of Understanding with the Port of Houston Authority. (Cook)**  
368

369 **8.0 OPEN MEETING**

370 At 8:38 p.m. Mayor Royal reconvened the meeting in open session and stated that Item  
371 7.1 had been discussed, but no action had been taken.  
372

373 Upon motion, Mayor Royal adjourned the meeting at 8:39 p.m.  
374

375 Approved this 21st day of April 2015.  
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377

378  
379   
380 \_\_\_\_\_  
381 Glenn R. Royal, Mayor

382   
383 \_\_\_\_\_  
384 Michele Glaser, TRMC  
385 City Secretary  
386

