The City Council of the City of Seabrook met in regular session on Tuesday, June 2, 2015 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	COUNCIL PLACE NO. 1
MIKE GIANGROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON	MAYOR PRO TEM & COUNCIL PLACE NO. 3
MELISSA BOTKIN	COUNCIL PLACE NO. 4
GLENNA ADOVASIO	COUNCIL PLACE NO. 5
O. J. MILLER	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. and led the audience in the United States and Texas Pledge of Allegiance.

1.0 PRESENTATIONS

1.1 Administer the Oath of Office to Robert Llorente, Councilmember, Position 1. (Glaser)

Mrs. Glaser administered the oath of office to Councilor Llorente.

1.2 Recognize volunteers Melanie Bentley, David Fosdick, Cristin Rogers, Jess Strickland and Tara Canales for their contributions to the parks, open spaces and trails. (Open Space & Trails Committee)

Ms. Helen Burton, Chair of the Open Space and Trails Committee and Mayor Royal recognized the volunteers for outstanding work in cleaning, weeding, planting, watering, and maintaining various areas of several city park properties.

1.3 Presentation of Quarterly Report by the Open Space and Trails Committee. (Burton)

Mrs. Burton reported on various activities for the previous quarter, including landscaping projects in various parks, relocation of the free library to the swimming pool, completion of a five-year wish list and an update of the "to do" list. Council thanked committee members and volunteers for their hard work.

1.4 Presentation by Charlie Jenkins, Managing Director, with the Port of Houston Authority(POHA) to include but not limited to the Rail, Quiet Zones, Sound Barrier options, and Seabrook Rail Spur Noise Barrier Review. (PHA)

Mr. Jenkins, POHA, gave a presentation as shown in Exhibit A which is attached and made a part of these minutes. He stated that the Port would like to renegotiate and amend the 2007 agreement regarding: 1) the sound wall; 2) berm planting; 3) the addition of two additional rail tracks north of the berm; and 4) changes to the flow ponds to allow water to flow into Pine Gully more quickly to prevent sedimentation.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.

2.1 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 BID AWARDS

3.1 Consider and approve the exchange of property owned by Pacific Ridge Development Company, LLC consisting of 8.071 acres of property out of Ritson Morris Survey, Abstract 52 for city owned property consisting of 3.405 acres out of the Ritson Morris Survey, Abstract 52, Harris County (Public Works Yard) and authorize the City Attorney to draft an Ordinance or Resolution outlining the terms/conditions of the exchange. (Cook)

Ms. Cook stated that this exchange has been rebid due to a discrepancy in the total acres. Only one bidder responded, who also submitted the original bid.

Motion was made by Councilor Llorente and seconded by Councilor Botkin

To approve the exchange of property owned by Pacific Ridge Development Company, LLC and authorize the City Attorney to draft an ordinance or resolution outlining the terms/conditions of the exchange.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.0 CONSENT AGENDA

4.1 Approve an agreement with Denton, Navarro, Rocha, Bernal, Hyde & Zech, P.C. for special counsel legal services relating to police civil service and other labor and employment related matters and authorize the city manager to execute same. (Cook)

4.2 Approve lease-purchase agreement for a new Xerox copier and corresponding maintenance agreement and authorize the city manager to execute the agreements.

This was a cooperative purchase through Harris County Department of Education. (Cook)

4.3 Approve proposed Resolution No. 2015-13, "Creation of a Neighborhood Empowerment Zone #4 'Old Seabrook.'"

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, CREATING A NEW NEIGHBORHOOD EMPOWERMENT ZONE, TO BE DESIGNATED AS THE "NEIGHBORHOOD EMPOWERMENT ZONE 4", ESTABLISHING ITS BOUNDARIES TO COINCIDE WITH THE "OLD SEABROOK DISTRICT" AS REFERENCED IN THE "OFFICIAL ZONING MAP", SECTION 2.05 SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", AS CURRENTLY DEPICTED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED BY REFERENCE, AND OTHER MATTERS RELATING THERETO

4.4 Approve an extension of the term of the Master Plan Review Commission until July 1, 2016 as provided for in the Seabrook City Charter, Chapter XI, Section 11.23. (Landis)

4.5 Approve Investment Report for 2nd quarter 2014-15. (Lab)

4.6 Approve the minutes of the May 4, 2015 special City Council meeting. (Glaser)

4.7 Approve the minutes of the May 19, 2015 special City Council meeting. (Glaser)

4.8 Approve the minutes of the May 19, 2015 regular City Council meeting. (Glaser)

Motion was made by Councilor Giangrosso and seconded by Councilor Johnson

To approve the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

Mayor Royal announced a change in the agenda order.

7.0 EXECUTIVE SESSION

At 7:45 p.m. Mayor Royal 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 551.071

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

8.0 OPEN MEETING

At 8:04 p.m. Mayor Royal reconvened the meeting in open session and stated that Item 7.1 had been discussed, but that no action had been taken in executive session.

8.1 Consider and authorize approval or further action on a Railroad Quiet Zone with the Port of Houston (PHA) for three proposed at grade crossings around the Red Bluff and SH 146 intersection. (Cook)

(Editorial Note: Discussion on the funds set aside for the sound barrier is included in Section 8.2 below.)

Motion was made by Councilor Miller and seconded by Councilor Llorente

To proceed with the notice of intent for the railroad quiet zone at SH 146 and Red Bluff contingent upon due diligence and structuring an appropriate agreement that will be returned to the city and authorize the city manager to sign the notice of intent.

MOTION CARRIED BY UNANIMOUS CONSENT

8.2 Consider and authorize options and further action concerning the Rail-Sound Barrier project as per the Memorandum of Understanding (MOU) with the Port of Houston Authority (POHA).

Mayor Royal asked if the city would be able to use the previously allotted $1,600,000 if sound walls were not built and requested that the city be allowed to hold these funds in escrow. Mr. Jenkins stated that on a staff level, the escrow would be appropriate, subject to releasing the POHA from liability for noise associated with the rail.

Motion was made by Councilor Johnson and seconded by Councilor Giangrosso

To authorize the City of Seabrook and POHA to proceed with an amendment to the MOU to not build the sound barrier, provide for due diligence for formal acceptance and escrow $1,600,000 to the City of Seabrook that had been set aside by the POHA for construction of the sound barrier.

Ms. Cook asked if her assumption was correct that the sound barrier project could not be reinstated in the future if Council agreed not to use the funds to build a sound barrier at this time. Mr. Jenkins stated that it would be a completely new and separate negotiation at that point, but he assumed that the POHA would have already secured a release from liability from rail noise if the funds were to be escrowed in a city account.

In discussing the motion, Ms. Cook stated that it was her understanding that the POHA is seeking direction in the scope of the project tonight, not final approval of new contract documents. Mr. Jenkins agreed and stated that it is his understanding from tonight's motion that the POHA could have the confidence that the sound wall will be dealt with as a separate issue and that the city and the POHA attorneys and staff would develop an agreement to be considered by both governing bodies at a future date. He also stated that it was his understanding that the city has expressed interest in partnering with the POHA on development of quiet zones which will also be included in a document for formal acceptance. Ms. Cook and Mr. Jenkins agreed that nothing would be finalized until the new documents are prepared, approved and signed by both parties.

Motion was made by Councilor Johnson and seconded by Councilor Giangrosso

To amend the motion to authorize the POHA and the city to proceed with due diligence for formal acceptance.

AMENDED MOTION CARRIED BY UNANIMOUS CONSENT.

5.0 NEW BUSINESS

5.1 Consider presentation of Residential Traffic Management Plan for approval and implementation. (Cook)

Mark Ingram, Cobb Fendley & Associates, gave a presentation regarding items to be addressed in the Residential Traffic Management Plan, which include, but are not limited to, no parking zones, cut through traffic issues, pedestrian crossing requests, school zone safety, speed control and intersection control (all way stops, traffic signals and roundabouts) on residential streets. Mr. Ingram stated that the goal was to provide compliance with the Texas Manual on Uniform Traffic Devices and the Texas Administrative Code. Ms. Cook stated that implementation of the plan will allow the city to administer a uniform, logical and consolidated process for handling requests and complaints. She added that the plan would allow staff to authorize some changes without Council consent; however, changes to speed limits and stop signs would go back to Council in ordinance form. Mayor Royal recommended the use of media to educate citizens about the plan and resulting procedures and to remind the public to drive courteously.

Motion was made by Councilor Botkin and seconded by Councilor Llorente

To approve implementation of the proposed Residential Traffic Management Plan as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.2 Consider approval of a proposal from Cobb Fendley, City Engineers, for a Thoroughfare Plan in amount not to exceed $55,633.00. (Cook)

Ms. Cook stated that most cities have a thoroughfare or mobility plan as a part of a comprehensive master plan . Mr. Ingram explained that a thoroughfare plan would establish alignments for roadway corridors, establish functional classifications for all roads, set standards for current and future conditions and help identify available funding opportunities. Mr. Ingram recommended that the city ask H-GAC to be on the steering committee to aid in funding requests. Mr. Ingram stated that Cobb Fendley will work with Freese Nichols to coordinate the thoroughfare plan with the master plan.

In answer to questions from Council, Mr. Ingram stated that the proposed expansion of SH 146 will be taken into account when drafting the plan which typically is updated every 10 years. Traffic data from TxDOT and HGAC will be used to develop the plan. Scenarios will also be developed to address mobility if SH 146 is not expanded. The scope of the project is inclusive of all scenarios. A complete thoroughfare plan could allow TxDOT to support funding for roadways. The plan will take 5-8 months to prepare.

Ms. Cook stated that t a surplus in the FY 2014/15 budget could be used to fund the plan.

Motion was made by Councilor Llorente and seconded by Councilor Botkin

To approve a proposal from Cobb Fendley, City Engineers, for the creation and drafting of a thoroughfare plan in amount not to exceed $55,633.00.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.3 Consider renaming Second Street in Seabrook to Main Street and steps to be taken to rename. (Royal)

Assistant City Manager, Sean Landis, gave a presentation defining the area to be renamed. An inventory of businesses and residences in the corridor showed that 17 businesses and 3 residences would be affected by the name change. Vacant properties were not included in the inventory.

Mr. Landis stated that, if approved tonight, staff would provide public notice in the official newspaper of the proposed change, mail individual notices to property owners within 200 feet of the proposed change (which would be approximately 73 property owners), hold a public hearing and prepare an ordinance approving the name change. Mr. Landis reported that the post office has no issues with the change.

Mayor Royal suggested that the Seabrook Economic Development Corporation (SEDC) consider granting a $250 reimbursement to each affected property owner to reimburse costs incurred by the street name change.

Motion was made by Councilor Giangrosso and seconded by Councilor Llorente.

To authorize staff to initiate procedures to allow Council to consider renaming Second Street in Seabrook to Main Street.

MOTION CARRIED BY UNANIMOUS CONSENT.

5.4 Consider appointment of a Mayor Pro Tem for 2015/16. (Council)

Mayor Royal stated that he traditionally does not vote on the appointment of mayor pro tem. He opened the floor for nominations. Councilor Llorente nominated Council Johnson for reappointment. No other nominations were submitted.

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To approve the reappointment of Councilor Gary Johnson to the position of Mayor Pro Tem for a one-year term, beginning June 2015 and ending June 2016.

Ayes: Adovasio, Botkin, Giangrosso, Johnson, Llorente and Miller.
Abstain: Royal.

MOTION CARRIED.

5.5 Consider selection/appointment of council members as representatives and/or member of various organizations. (Council)

Motion was made by Councilor Llorente and seconded by Councilor Giangrosso

To approve appointment of councilmembers as representatives and/or members of various organizations as follows:

EDC MEMBER (in addition to Mayor)	O.J. Miller
BAY AREA-HOUSTON CONVENTION & VISITORS BUREAU	Mike Giangrosso Glenna Adovasio
BAY AREA HOUSTON ECONOMIC PARTNERSHIP	Robert Llorente, Rep. Gary Johnson, Alt.
BAY AREA TRANSPORTATION PARTNERSHIP	Robert Llorente, Rep.
CLEAR LAKE EMERGENCY MEDICAL CORPS	Mike Giangrosso Gary Johnson O.J. Miller
ECONOMIC ALLIANCE, PORT REGION	Melissa Botkin, Rep. Robert Llorente, Alt.

GALVESTON BAY FOUNDATION	O.J. Miller
HOUSTON-GALVESTON AREA COUNCIL	Glenn Royal., Rep. Gary Johnson, Alt.
HOTEL TAX LIAISON COMMITTEE	Glenna Adovasio Mike Giangrosso

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)

Mayor Royal reported that TxDOT has begun negotiations with Union Pacific Railroad for land acquisition of right-of-way for the SH 146 expansion.

Ms. Cook stated that completion of the splash pad has been delayed due to heavy rains.

Motion was made by Councilor Giangrosso and seconded by Councilor Johnson

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT.

6.2 Consider and discuss approval of Budget Meeting dates for the FY 2015-16. (Lab)

Budget work sessions have been tentatively scheduled to be held on July 14 and 28 and on August 11 at 7:00 p.m.

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

The council group photo will be taken on June 16 at 6:45 p.m., provided that all members can attend.

Upon a motion duly made and seconded, Mayor Royal adjourned the meeting at 9:09 p.m.

Approved this 23rd day of June 2015.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary

Bayport/Seabrook Rail Served Industrial Development Update

June 2, 2015

Charlie Jenkins
Managing Director, Channel Development & Environmental Affairs

PORT *of* HOUSTON AUTHORITY

Bayport/Seabrook Rail Served Industrial Development Overview

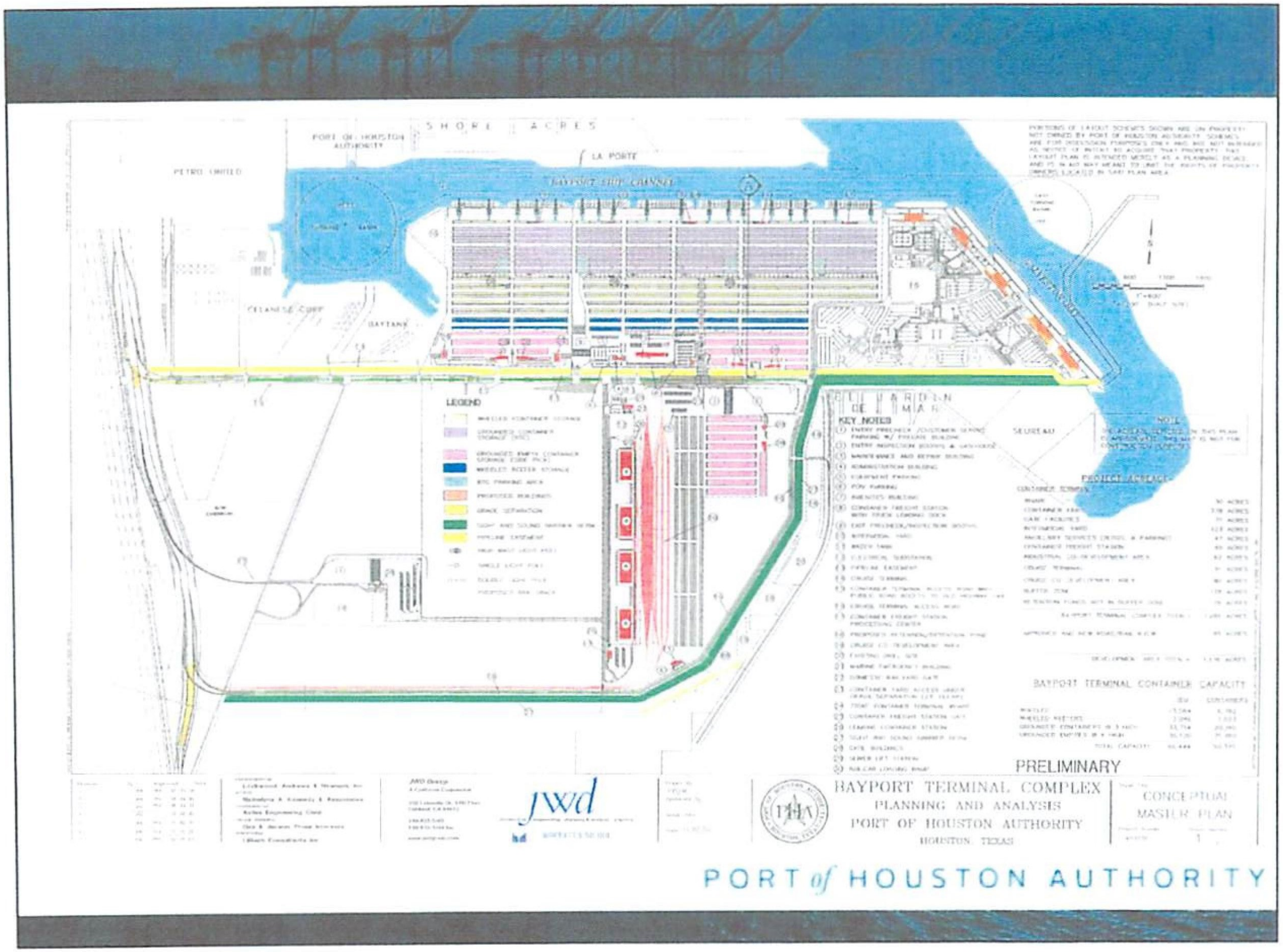
- Development of the area is subject to the 2007 Settlement Agreement (Seabrook and PHA)
- Goal of the project to provide increased economic opportunity for the region
- Phase I - building the berm and providing Union Pacific rail access to service future warehouse and intermodal terminal operations associated with the Bayport Terminal
- Phase II will be the development of the Bayport Intermodal Yard (+/-5 years)

PORT of HOUSTON AUTHORITY

Bayport Industrial Lead Development

- This project will:
  - change existing PolyOne rail operations,
    - moves switching of the facility from the north instead of the south
    - eliminates trains crossing Red Bluff and train horns due to that activity
    - $2.34M at PHA expense, will discuss sound impacts later
  - establish a rail quiet zone, at PHA expense, at the crossing of SH 146 and Old SH 146
    - A quiet zone is a section of a rail line at least one-half mile in length that contains one or more consecutive public highway-rail grade crossings at which locomotive horns are not routinely sounded when trains are approaching the crossings. $ TBD
  - include installation of rail track oilers in the track curve as the rail crosses from the current rail corridor across SH 146, $25,000 fixed and annual expense

Exhibit A - June 2, 2015 Minutes



Sound Wall

- Per the terms of the Settlement Agreement the PHA agreed to spend up to $1.6M for a mutually agreed upon sound wall
- PHA, at their expense, contracted an independent 3rd party to review existing noise levels and anticipated changes as a result of Phase I and Phase II activities

Exhibit A - June 2, 2015 Minutes

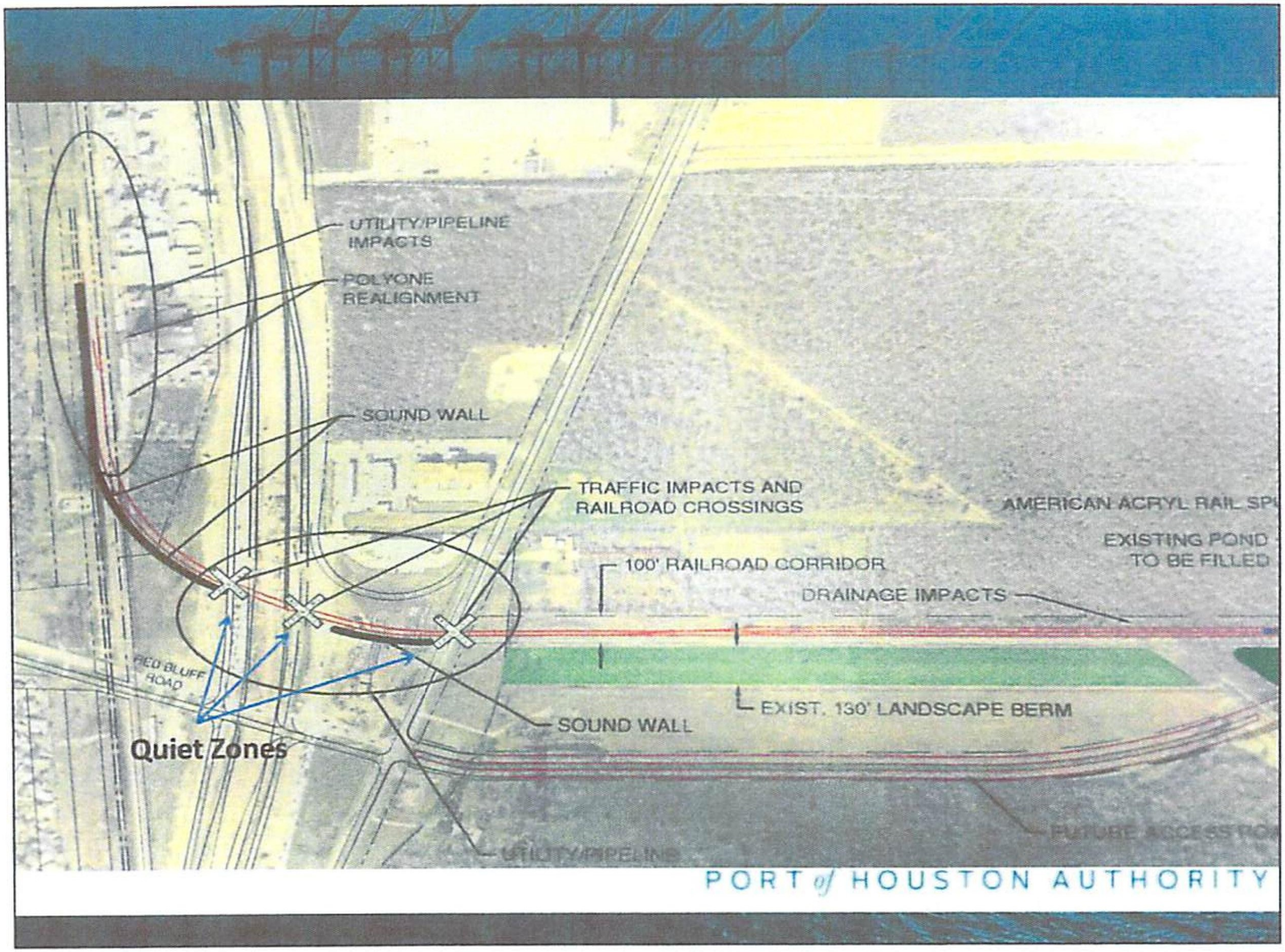
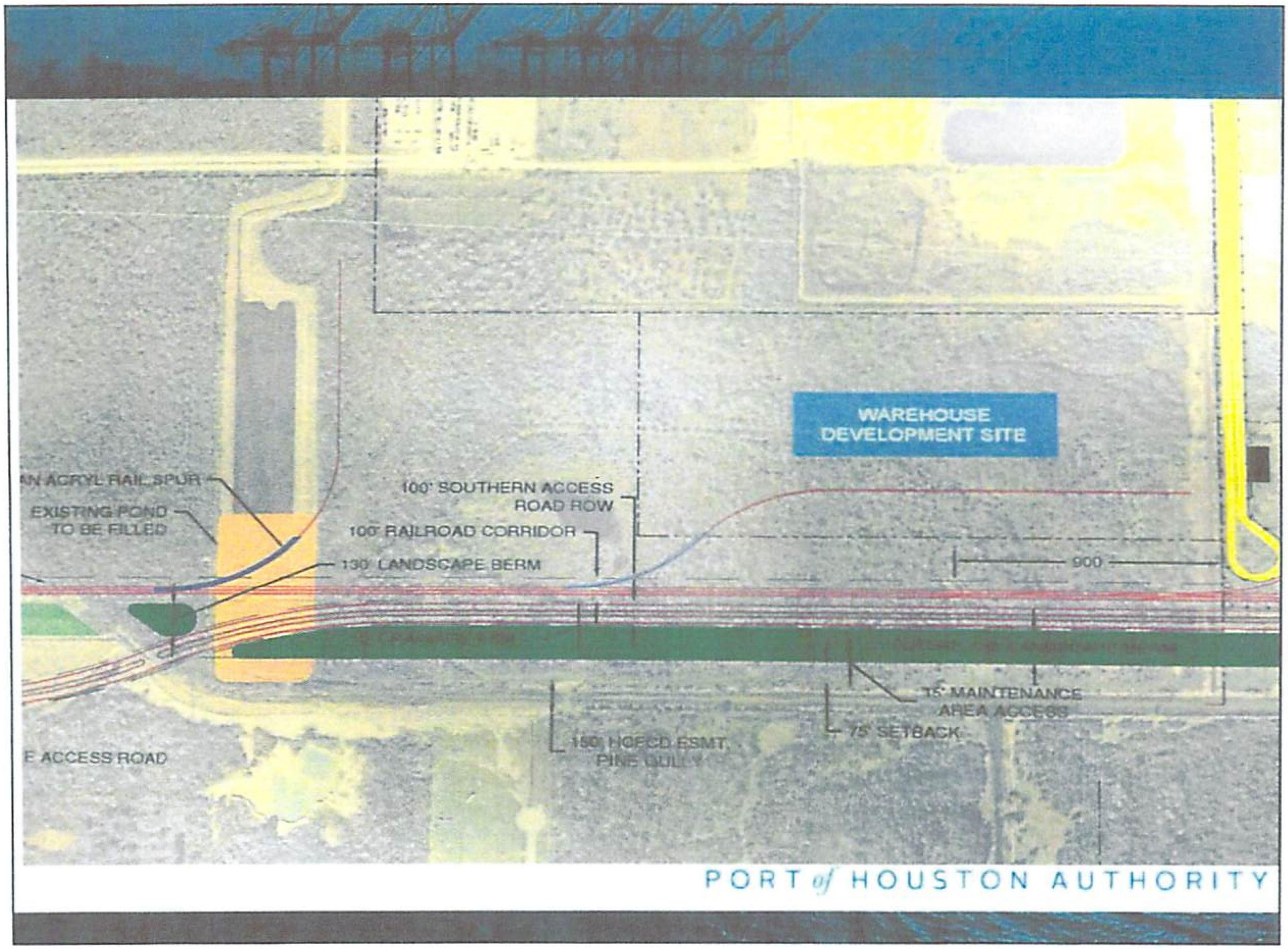
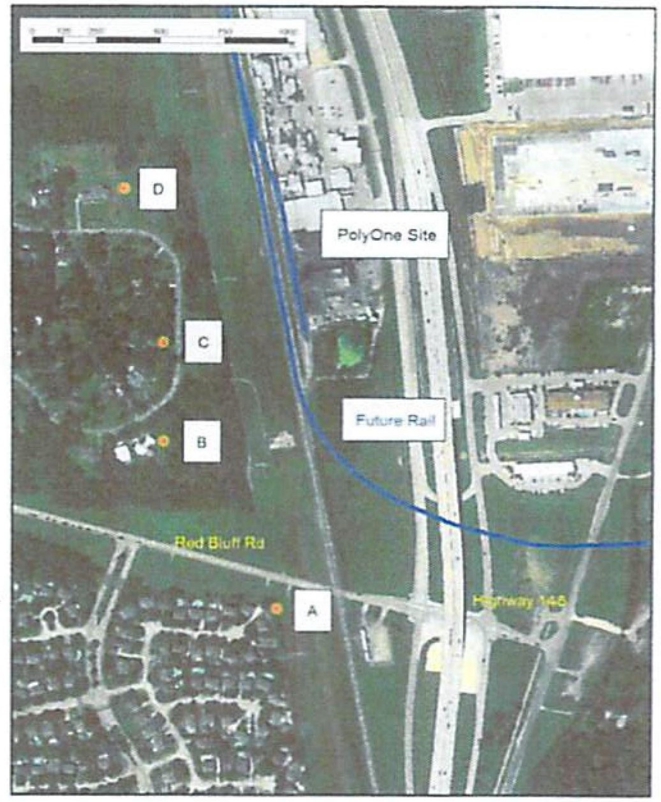


Exhibit A - June 2, 2015 Minutes



Noise Barrier Review

- Computer modeling results for four representative residential receiver points results indicate that a noticeable reduction in rail noise levels will occur as a result of the proposed improvements, without the construction of a noise barrier. This is due to:
  - At grade crossings at TX-146 and Old Highway 146 will be Quiet Zones that will not require horn soundings.
  - Trains entering PolyOne will do so from the north, meaning shunting of trains in the vicinity of Red Bluff Rd will no longer be required, no horn required
  - Future freight trains will travel through the area at slow speeds without stopping



PORT of HOUSTON AUTHORITY

Seabrook Rail Spur Noise Barrier Review

- The results show that a majority of the receivers will experience a noticeable reduction in noise as a result of the proposed rail improvements and the barrier configurations would only achieve a marginal benefit in terms of overall maximum noise levels for some of the residential receivers.

Location	Existing L_{Amax} (dBA) No Barrier	Future L_{Amax} (dBA) No Barrier	Barrier 1	Barrier 2A	Barrier 2B	Barrier 3	Barrier 4
Receiver A	99	71	71	71	71	71	71
Receiver B	81	75	76	75	71	72	72
Receiver C	82	77	78	75	74	75	77
Receiver D	81	79	78	78	79	78	78

Note 1: Barriers have been conservatively modelled as reflective – this means that for some receivers, a marginal increase (<1dBA) in noise is predicted with the introduction of a barrier.

Sound Wall Study Interpretation

- A standard goal for installing a barrier for noise abatement is that there will be at least a 5 dBA benefit to the residential receivers.
- Operational modifications and quiet zone installation will provide for a 2 dBA to 18 dBA improvement with no sound wall
- In some scenarios a sound wall serves to increase the noise level
- In no instance is there a sound wall design that lowers noise across the entire study area, there is no design that has a 5 dBA or greater benefit

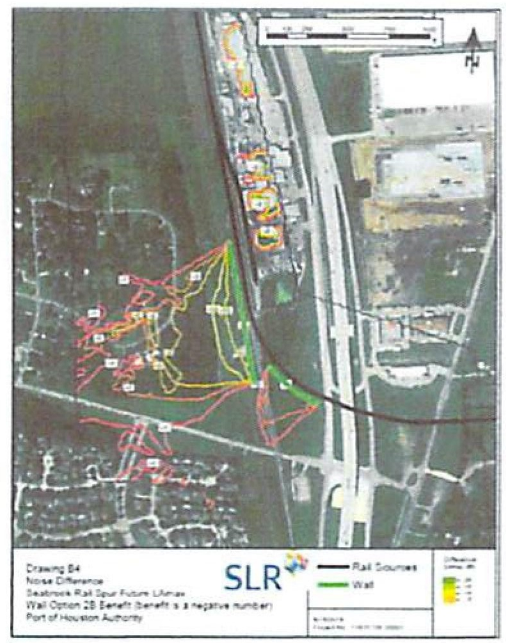
Seabrook Rail Spur Noise Barrier Review

Five Different noise barrier designs were modeled.

Barrier 1 – 23' x 825'

Barrier 2A – 18' x 1068'

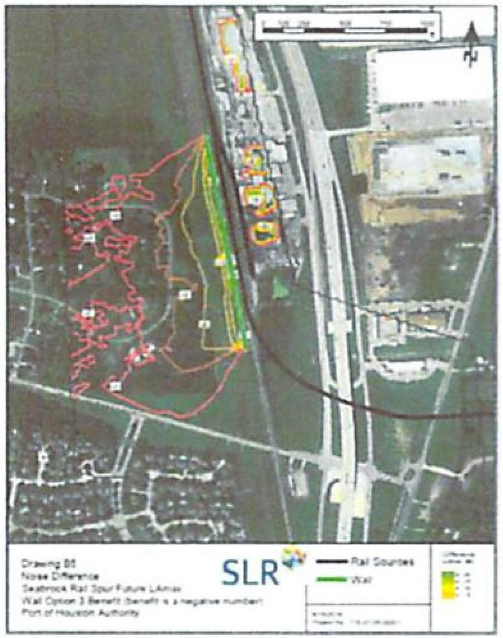
Barrier 2B – 18' x 900' + 400'



PORT *of* HOUSTON AUTHORITY

Seabrook Rail Spur Noise Barrier Review

Barrier 3 – 14' x 1362'



Barrier 4 – 10' x 1630'

PORT of HOUSTON AUTHORITY

Quiet Zone Roles & Responsibilities

The following table describes the responsibilities of each of the organizations involved in establishing Quiet Zones at the planned railroad crossings on the SH 146 entrance and exit ramps and on Old SH 146.

Responsible Organization	Activity
CTC Contract	Prepare initial Federal Grade Crossing Inventory forms for the three new crossings (SH 146 entrance and exit ramps and Old SH 146); this includes getting Grade Crossing Inventory numbers assigned by the Federal Railroad Administration (FRA). Inventory forms require roadway and railroad traffic counts. **Note: This step has been completed. Inventory Numbers have been assigned and initial Inventory Forms have been completed by CTC.**
Port of Houston Authority	Construct all Quiet Zone requirements (flashing lights and gates on SH 146 entrance and exit ramps and flashing lights and gates with median separators on Old SH 146) as part of the spur track construction.
CTC Contract	After construction, prepare updated Federal Grade Crossing Inventory forms for the crossings, identifying the presence of the improvements required to establish a Quiet Zone.
CTC Contract	During construction, prepare a Notice of Intent to Establish a Quiet Zone to be sent to the following entities for comment: • City of Seabrook Police Department, as the law enforcement agency having jurisdiction over roadway traffic at the crossings • Texas Department of Transportation (TxDOT) • Union Pacific Railroad, as the railroad operating over the crossings The notice must include : • Identification of the crossings involved • Statement that Quiet Zone will be in effect 24 hours per day • Description of the safety improvements to be installed at each crossing • A contact person with contact information • Identification of those receiving the Notice of Intent

Quiet Zone Roles & Responsibilities

City of Seabrook	Sign and issue the Notice of Intent
CTC Contract	After construction, Prepare a Notice of Quiet Zone Establishment to be sent to the following entities at least 21 days prior to the date the Quiet Zone will become effective. • The Notice of Establishment must be sent to the entities listed above PLUS the FRA Associate Administrator for Safety. The Notice of Quiet Zone Establishment must include the information listed above PLUS the following information: • The effective date of the Quiet Zone • The regulatory provision that is the basis for establishing the Quiet Zone – in this case 49 CFR 222.39(a)(1) • The Federal Grade Crossing Inventory forms described above for the crossings, providing the information before the safety improvements were implemented and the information after the safety improvements were implemented. • Statement the Notice of Intent was provided as required by the regulations and the date it was issued • The person responsible for monitoring compliance and that person's contact information
City of Seabrook	• Statement by the Chief Executive Officer of the City of Seabrook that the information submitted is accurate and complete to the best of his/her knowledge.
City of Seabrook	Sign and issue the Notice of Quiet Zone Establishment
City of Seabrook	Every 4 ½ to 5 years after establishment, provide to the FRA Associate Administrator for Safety: • Affirmation that the safety improvements implemented at the crossings continue to conform to the regulations, with copies sent to each of the parties that received the Notice of Quiet Zone Establishment • An updated Federal Grade Crossing Inventory form for each crossing in the Quiet Zone.

Go Forward

- Decision on sound wall
  - Build
    - Which barrier
  - Don't build
    - Amend 2007 agreement?
      - Berm Planting
      - Rail cross-section
      - Ponds