The City Council of the City of Seabrook met in regular session on Tuesday, September 15, 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 –arrived 7:05pm	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 - Ex. Abs.	COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	ASSISTANT CITY MANAGER
STEVE WEATHERED	CITY ATTORNEY
ROBIN HICKS	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 Presentation recognizing Boeing's 100th Anniversary. (Royal)

Mayor Royal presented Boeing's State and Government Operations Representative, Brian Freedman, with a proclamation honoring Boeing's 100th Anniversary and many years of partnership with the local community. Mr. Freedman recognized that 60 Seabrook residents currently work for Boeing, stated that Seabrook has been tremendously supportive of the Space industry over the years, and thanked the City for its specific support of Boeing.

1.2 Presentation by Port of Houston Authority Staff to include but not limited to the Rail, Quiet Zones, Sound Barrier options, and Seabrook Rail Spur Noise Barrier Review. (PHA)

Mr. Charlie Jenkins, Vice President, Strategic Planning for the Port, recognized the Port's Chief Operating Officer, Tom Heidt, as present in the audience. Mr. Jenkins recapped that the City and the Port met first in October to begin discussions regarding the amendment to the Memorandum of Understanding (MOU), and the parties met again last June to discuss lessons learned regarding the quiet zone. The Port has worked closely with the City Manager and her team to bring a win-win proposal to Council for amendments to the MOU.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Mr. Greg Steen, with Boy Scouts Pack 95, 4326 Plover Drive, introduced members of the troup, who made a donation to the Police Department and thanked all department personnel for their hard work and dedication to the community. Chief Wright stated that the Seabrook Police Department and the City Council are strong supporters of Boy Scouts, and after taking photos with the scouts, thanked the boys for their donation and for their strong commitment to becoming future leaders in the community.

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

Councilor Giangrosso announced the Kids' Fish event on September 19 and the Seabrook Saltwater Derby on September 25.

Mayor Royal asked for a change in the order of the agenda to move to Item 7.1 Executive Session.

7.0 EXECUTIVE SESSION

At 7:10 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 Section 551.071, Consultation with Attorney.

7.1 Section 551.071

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

8.0 OPEN MEETING

At 8:07 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 action on amendments to the Memorandum of Understanding (MOU) with the Port of Houston Authority (PHA). (Cook)

Mayor Royal asked Mr. Charlie Jenkins, Vice President, Strategic Planning for the Port of Houston Authority, to come up to the podium to speak about the indemnification issue in the MOU amendment regarding the quiet zone. Mr. Jenkins stated the City would not be indemnifying the railroad with regard to the quiet zone. He explained the City staff appreciated the Port's efforts on the quiet zones, but did not want any liability as a result of the amended provisions in the MOU. Mr. Jenkins reminded Council that the Port is building and constructing the quiet zones, and they will be an asset of the Port, requiring the Port to maintain. Mr. Jenkins explained that the City of Houston has nine quiet zones, with no indemnification agreements. The crossings covered by Houston's quiet zones are owned by the railroad, and Union Pacific's standard contract has no indemnification requirements. However, the UP standard contract does not apply to the City of Seabrook because the crossings in this case are on the Port's property. The indemnification would be between the Port and the railroad for the railroad to operate on the Port's tracks. There is no need for an agreement between the City and the railroad. Mayor Royal asked if the Port would have an issue with adding a language to the MOU amendments stating that there is no requirement of the City to indemnify any party with regard to the quiet zones. Mr. Jenkins stated he would make the recommendation to the Port's board to add such language to the MOU amendments.

Motion was made by Councilor Johnson and seconded by Councilor Adovasio

To approve Amendment No. 1 to the Memorandum of Understanding between the City and the Port of Houston Authority (PHA) with a condition precedent that any agreement to be executed by the City contains no requirement of the City to indemnify any party, specifically including Union Pacific, with regard to the quiet zone, and that the City will draft the additional language to be added to the amendments.

Mr. Steve Weathered, City Attorney, asked Mr. Jenkins a second time if this added language is ok. Mr. Jenkins stated, "Yes".

MOTION CARRIED BY UNANIMOUS CONSENT

3.0 SPECIFIC PUBLIC HEARING(S)

3.1 Present the FY 2015/16 Crime Control & Prevention District Budget. (Wright) – presented earlier.

Mayor Royal opened the public hearing, and stated that the FY 2015/16 Crime Control & Prevention Budget had been presented to Council in an earlier City Council meeting.

Having no person come forward to speak, Mayor Royal closed the public hearing.

3.2 Present the FY 2015/16 Seabrook Economic Development Corporation Budget. (Chavez)

Mayor Royal opened the public hearing, and stated that the FY 2015/16 Seabrook Economic Development Corporation Budget had been presented to Council in an earlier City Council meeting.

Having no person come forward to speak, Mayor Royal closed the public hearing.

3.3 Present the General, Enterprise, and Special Funds Budget for FY 2015/16. (Cook)

Mayor Royal opened the public hearing, and stated that the FY 2015/16 General, Enterprise, and Special Funds Budget had been presented to Council in an earlier City Council meeting.

Having no person come forward to speak, Mayor Royal closed the public hearing.

4.0 CONSENT AGENDA

4.1 Consider approval, on second and final reading, of Ordinance 2015-16, "Natural Gas Franchise with CenterPoint Energy Texas Gas Operations." (Cook)

AN ORDINANCE GRANTING TO CENTERPOINT ENERGY RESOURCES CORP., DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS, THE RIGHT, PRIVILEGE, AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN ITS FACILIITIES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF SEABROOK, TEXAS FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF NATURAL GAS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

4.2 Approve Resolution 2015-24, "Establishing a public hearing date of December 01, 2015 to discuss and review the update of Land Use Assumptions and Capital Improvement Plan." (Landis)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, ESTABLISHING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE AMENDMENT OF IMPACT FEES FOR SEABROOK AND ITS EXTRATERRITORIAL JURISDICTION; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

4.3 Approve the transfer of funds from General Fund to Park Improvement Fund in the amount of $45,675. This amount was a deposit for Dow Pipeline ROW. (Cook)

4.4 Consider approval of Resolution 2015-25, "Submission of Grant Application for Video Vehicle Camera Project", and acceptance of grant from the Edward Byrne Justice Assistance Formula Grant (JAG) Program in the amount of $96,820.00 for the purchase of Police dashboard cameras and body cameras and approve expenditures for reimbursement. (Wright)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, APPROVING SUBMITTAL OF APPLICATION FOR THE VIDEO VEHICLE CAMERA PROJECT GRANT TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION AND APPOINTING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL FOR ADMINISTRATION OF THE GRANT.

4.5 Approve an event permit for the Clear Lake High School Cross Country Meet on Friday, October 09, 2015 from 7:00 a.m. until 2:00 p.m. at Miramar Park. (Hicks)

4.6 Approve Monthly Public Safety Report for August 2015. (Wright)

4.7 Approve Monthly Building Department Report for August 2015. (Landis)

4.8 Approve the minutes of the August 18, 2015 regular City Council meeting. (Hicks)

4.9 Approve an excused absence for Melissa Botkin for the August 18, 2015 regular City Council meeting. (Hicks)

4.10 Approve an excused absence for Robert Llorente for the September 01, 2015 regular City Council meeting. (Hicks)

Motion made by Councilor Llorente and seconded by Councilor Botkin

To approve the Consent Agenda, as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

5.0 NEW BUSINESS

5.1 Consider approval of request by Dow Hydrocarbons and Resources, LLC, for a variance from Seabrook Ordinance No. 2014-13, Art. 1, 6-17-2014, Sec. 62-5.8, Emergency Pipeline Shutoff Valves. (Landis)

Sean Landis, Assistant. City Manager and Community Development Director, explained that the applicant requested to rescind the request for a variance and asked that the item be removed from tonight's agenda. The applicant did not ask to be rescheduled. The applicant is going to go back and discuss the issue and possibly comply with the ordinance.

5.2 Consider approval of an addendum to an Incentive Agreement with Asparagus Group to allow completion of construction of improvements on or before March 31, 2016, as recommended by the SEDC. (Chavez)

Mr. Paul Chavez, Director of Economic Development, stated that Mr. Barry Terrell, owner, made a presentation to the SEDC Board on September 10, and asked for an extension to complete construction on or before March 31, 2016. SEDC voted by majority vote in favor of the requested extension. Mr. Terrell has indicated he has found a new contractor, who has built all of the Landry restaurants and much of Pleasure Pier. Mr. Terrell stated to the SEDC Board that he anticipates completion of construction in two months, and the SEDC Board decided to give him the cushion of time to March 31, to cover any additional, unanticipated delays.

Motion was made by Councilor Llorente and seconded by Councilor Bokin

To approve an addendum to the Incentive Agreement with Asparagus Group to allow completion of construction of improvements on or before March 31, 2016, as recommended by the SEDC.

MOTION WAS APPROVED BY UNANIMOUS CONSENT.

5.3 Consider approval of first and final reading of proposed Ordinance 2015-17 "Crime Control and Prevention District Budget Ordinance for FY 2015/16 as approved by the District's Board of Directors." (Wright)

AN ORDINANCE APPROVING AND ADOPTING THE SEABROOK CRIME CONTROL AND PREVENTION DISTRICT BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2015 AND ENDING ON SEPTEMBER 30, 2016 FOR THE CITY OF SEABROOK; APPROPRIATING FUNDS; AND NOTING A PUBLIC HEARING WAS HELD BY THE SEABROOK CITY COUNCIL ON SEPTEMBER 15, 2015.

Motion was made by Councilor Johnson and seconded by Councilor Llorente

To approve on first and final reading proposed Ordinance 2015-17 "Crime Control and Prevention District Budget Ordinance for FY 2015/16 as approved by the District's Board of Directors."

MOTION WAS APPROVED BY UNANIMOUS CONSENT.

5.4 Consider approval of first and final reading of proposed Ordinance No. 2015-18, "Seabrook Economic Development Corporation (EDC) Budget for FY 2015/16. (Chavez)

AN ORDINANCE APPROVING AND ADOPTING THE SEABROOK ECONOMIC DEVELOPMENT CORPORATION BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2015 AND ENDING ON SEPTEMBER 30, 2016 FOR THE CITY OF SEABROOK; APPROPRIATING FUNDS; AND NOTING A PUBLIC HEARING WAS HELD BY THE SEABROOK CITY COUNCIL ON SEPTEMBER 15, 2015.

Motion was made by Councilor Johnson and seconded by Councilor Giangrosso

To approve on first and final reading proposed Ordinance No. 2015-18, "Seabrook Economic Development Corporation (EDC) Budget for FY 2015/16."

MOTION WAS APPROVED BY UNANIMOUS CONSENT.

5.5 Consider approval, by required record vote, of first and final reading of proposed Ordinance No. 2015-19, "Budget Ordinance for FY 2015/16." (Cook/Lab)

AN ORDINANCE APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2015 AND ENDING ON SEPTEMBER 30, 2016 FOR THE CITY OF SEABROOK; APPROPRIATING FUNDS; AND NOTING A PUBLIC HEARING WAS HELD ON SEPTEMBER 15, 2015 IN ACCORDANCE WITH THE CITY'S CHARTER AND WITH STATE LAW.

Motion was made by Councilor Johnson and seconded by Councilor Giangrosso

To approve by required record vote, on first and final reading proposed Ordinance No. 2015-19, "Budget Ordinance for FY 2015/16."

MOTION WAS APPROVED BY UNANIMOUS CONSENT as follows.

Councilor Robert Llorente - aye
Councilor Mike Giangrosso - aye
Councilor Gary Johnson - aye
Councilor Melissa Botkin - aye
Councilor Glenna Adovasio – aye
Mayor Glenn Royal - aye
Councilor O.J. Miller was absent and did not vote

6.0 ROUTINE BUSINESS

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

Hwy 146 – Gayle Cook, City Manager, stated there is nothing new to report at this time. Staff has the standing appointment with TXDOT on September 21.

Strategic plan – Ms. Cook stated she is working on an update, and will present it to Council at a future meeting.

Project updates – Ms. Cook explained there are no further meetings on the Public Works facility at this time. All changes have been submitted to the architect, and the project is still on schedule to bid construction in October, with a construction start sometime in the first quarter of 2016. Ms. Cook has been in communication with the clock vendor and the company is working on getting a representative back out to Seabrook to make repairs to get all four sides of the clock working properly.

Motion was made by Councilor Botkin and seconded by Councilor Giangrosso

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT.

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

The next City Council meeting will be a special meeting on September 22 at 6:30.

Upon motion duly made and seconded, Mayor Royal adjourned the meeting at 8:28 p.m.

Approved this 22nd day of September 2015.

Glenn R. Royal
Mayor

Robin Hicks
City Secretary