The City Council of the City of Seabrook met in regular session on Tuesday, August 7, 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
ROBERT LLORENTE	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	MAYOR PRO TEM & COUNCIL PLACE NO. 6
KELLY TEMPLIN	CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS - None

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

No events were announced.

2.0 CONSENT AGENDA

2.1 Approve the minutes of the special Council meeting held on July 17, 2012. (Glaser)

2.2 Approve the minutes of the regular City Council meeting held on July 24, 2012. (Glaser)

2.3 Approve a Parade Permit for a 10K Run and waiver of permit fee to the Running Alliance Sport, on Saturday, September 15, 2012 beginning at approximately 7:00 a.m. (Applicant)

2.4 Approve a Special Events Permit for an Arts Consortium, including waiver of permit fee, request for directional signs and a banner to be installed over NASA Parkway for an event to be held in the Community House and surrounding grounds, including Pelican Path Park, Mohrhusen Park, city hall grounds and First Street between Anders & Cook on Saturday October 27, 2012 from 10:00 a.m. until 6:00 p.m. contingent upon receipt of accepted proof of insurance. (Applicant)

2.5 Approve the temporary closing of First Street, between Anders & Cook Streets on Saturday, October 27, 2012 between 7 a.m. and 7 p.m. for an Arts Consortium (Applicant)

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To approve the Consent Agenda.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

3.0 NEW BUSINESS

3.1 Consider first reading of proposed Ord. No. 2012-16, "Revisions to Update Noise Regulations" (Council)

AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "NUISANCES AND MISCELLANEOUS PROVISIONS," ARTICLE II, ENTITLED "NOISE," BY REVISION OF SECTIONS 55-21, "UNREASONABLE NOISE PROHIBITED," 55-22, "DEFINITIONS," 55-24, "DISTURBANCE OF REASONABLE PERSON OF ORDINARY SENSIBILITIES PROHIBITED," AND 55-26, "ENFORCEMENT," PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Councilor Holbrook and seconded by Councilor Llorente

To approve Ordinance No. 2012-16 on first reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIES BY UNANIMOUS CONSENT.

3.2 Discussion and possible action regarding the need for changes to the current Public Safety Committee Resolution. (Davis)

Motion was made by Councilor Davis and seconded by Councilor Holbrook

To discuss this item.

Councilor Davis stated that the resolution establishing the Public Safety Committee and updates are currently attachments to the contract for services with the Seabrook Volunteer Fire Department. She told Council that many items related to the Public Safety Committee have changed since its beginning and submitted a list of items to be discussed. (See Attachment A.)

Councilor Davis recommended changes to the membership by removing the position of fire marshal as the city does not have a full time fire marshal on staff, designating the SVFD Chief and SVFD President as the representatives from the SVFD, allowing the police chief to send a designee to the meetings and making the El Lago representative an ex officio member instead of a voting member. She also recommended that the position of CERT coordinator be added as a member. Councilor Davis stated that if the voting membership equaled an even number, the chair possibly could vote only to break a tie. Councilor Davis stated that she would like confirmation that the Public Safety Committee serve as the Advisory Board in the spending of public safety funds. Councilor Davis reported that she had heard conflicting opinions concerning citizen members. Concerning citizen membership, Councilor Davis stated that she had heard that citizen participation is beneficial and she has also heard that the committee should be comprised of professionals who understand public safety. She stated that whether to retain citizen representation would be a policy decision. Mayor Royal stated that citizens were represented by City Council. Councilor Davis agreed. If there were eight voting members (two Seabrook council members, police chief or designee, emergency management coordinator, CERT coordinator, SVFD president, SVFD Chief and the CLEMC representative, Councilor Davis stated that the chair could vote only to break a tie. It was determined that if there were eight voting members, a quorum would be five members.

Councilor Kolupski recommended that there be only one voting member of the SVFD as the police department only had one voting member, so that the committee would consist of seven members. Councilor Giangrosso agreed. Mayor Royal stated that he felt the SVFD would not be in favor of only having one representative as the Chief represents operations and the president represents administration. Mrs. Glaser asked if the CERT coordinator served as another member (as Councilor Holbrook is a council representative and is also the CERT coordinator, would another representative of CERT be appointed. Councilor Holbrook recommended that there be another representative as he acts as the Council representative. He added that the CERT representative may be from another city, just as the CLEMC representative is. Mrs. Glaser stated that the term of the citizen members is three years. The other positions are ongoing as they are designated by position, not by individual.

Councilor Davis asked to clarify if it was council's intent that the Public Safety Committee act as the advisory committee for the expenditure of Public Safety Funds. If so, Councilor Davis stated that she would like this included in the resolution.

Councilor Davis stated that she would relay tonight's discussion to the Public Safety Committee and would return to Council at a later meeting with the Committee's recommendations.

4.0 OLD BUSINESS

4.1 Consider need for bonds, types and amounts of the bonds, issuance and timing of bond election. (Royal)

Mayor said he had recused himself from selection of the bond counsel and financial advisor, but not from discussion of bonds, so he would participate tonight.

Motion was made by Councilor Holbrook and seconded by Councilor Johnson.

To consider this item.

Marcus Dietz, Bond Attorney and Ryan O'Hara, Bond Consultant were present. Mr. O'Hara recommended that one of the bond issues be sold in 2012 and the other in 2013. He said either the General Obligation (GO) bonds or the water and sewer bonds could be sold first, depending upon the city's needs. He also added that the city has an "A" financial rating for both types of bonds. He stated that there is only one bond insurer who has an AA+ rating. He said his firm would evaluate whether it would be advantageous from a cost standpoint to obtain the insurance.

Mayor Royal stated that he thought that, due to the uncertainty of the status of SH 146 and the potential loss of tax revenue, it may be advisable to delay the GO bond election until May 2013 or May 2014.

Mr. Dietz said that if the bonds were approved in this election cycle, the city would not be required to sell the bonds immediately; it could be done within 5-6 years after the election. He stated that setting the date of the election was a decision to be made by Council. He also stated that even if the bonds were approved by the voters, Council must authorize issuance of the bonds at a separate meeting. Councilor Davis asked if the bond language could clearly explain the bonds may not be issued immediately. Mr. Dietz gave the following information. The ballot language is established statutorily, so it cannot be changed significantly. The the proper way to announce separate sales in different years would be to place it in separate literature issued by Council which he would help them prepare if requested. The city is allowed to give separate factual information about the bonds, but is not allowed to advocate for the bonds. Council discussed whether there was adequate time to distribute information about the bonds, before November 2012. Mayor Royal stated that he thought there was adequate time.

Mrs. Glaser stated that Council would have to call a special election to hold the bond election in either November 2012 or May 2013 and the cost of either election would be approximately the same. She stated that if Council called the election for November 2012, it would be part of the national election and therefore, would probably have a higher turnout.

Mr. Templin stated that the city is currently discussing acquisition of property for a new public works complex with American Acryl to be located adjacent to the fire training grounds with access to Red Bluff Road and frontage on Pine Gully. He said that because pipelines are located on the current public works site, approximately 50 percent of the city property is not usable to allow for expansion. He stated that revenue sewer bond projects include moving ground storage tank at the public works complex and moving the ground storage tank in Lakepointe Forest. These bonds would also be used to replace the Todville sewer lines which are currently below the water table and increasing the capacity to 12 inches. The East Meyer pipe burst project would extend from SH 146 to North Meyer, replacing the 18-inch pipe with 24-inch pipe.

Councilor Kolupski asked if the city could sell the property in Lakepointe Forest if the storage tank were moved. Mr. Templin stated that there is an active gas well on the property.

Councilor Davis asked if the property currently containing the storage tank could be designated as a public park if the tank were to be removed. Mr. Templin stated that probably could be done.

At this time, Mr. Weathered recommended that Council recess into Executive Session on this item to receive legal advice only.

5.0 EXECUTIVE SESSION

At 8:06 p.m. Mayor Royal announced that the City Council would 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 Section 551.071, Consultation with Attorney to discuss agenda item 4.1.

6.0 OPEN MEETING

Mayor Royal reconvened the meeting in open session at 8:16 p.m. and stated that Item 4.1 had been discussed in Executive Session, but no action had been taken.

4.1 Consider need for bonds, types and amounts of the bonds, issuance and timing of bond election. This discussion was continued in open session.

At this time, Mayor Royal asked for each council member's opinion on holding the bond election in November 2012. Councilors Davis, Giangrosso, Johnson and Llorente spoke in favor of holding the bond election in November 2012. Mayor Royal and Councilors Holbrook and Kolupski spoke in favor of delaying the bond election until 2013.

Motion was made by Councilor Davis and seconded by Councilor

To submit both bond issues to Seabrook voters in November 2012 with the understanding that the General Obligation (GO) bonds would be delayed in issuance.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.0 ROUTINE BUSINESS

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

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To approve the Action Items Checklist as submitted.

Concerning Items 2 and 3, Mayor Royal recommended that the fees resolution for parks facilities give the city manager discretion in administration of the resolution. There was no objection to this request.

MOTION CARRIES BY UNANIMOUS CONSENT.

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

There will be a special meeting on August 14 to order the November 2012 bond election and to continue review of the FY 2012-13 budget. Mr. Templin stated that the city had not yet received the SVFD budget.

Upon motion, Mayor Royal adjourned the meeting at 8:37 p.m.

Approved this 4th day of September 2012.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary