The City Council of the City of Seabrook met in regular session on Tuesday, August 21, 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 – Ex. Abs.	COUNCIL PLACE NO. 2
GARY JOHNSON	COUNCIL PLACE NO. 3
DON HOLBROOK Ex. Abs.	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

Mayor Royal called the meeting to order and led the audience in the Pledge of Allegiance.

1.0 PRESENTATIONS

1.1 Presentation of Open Space Committee quarterly report. (Helen Burton)

Chairman Helen Burton reported on donations received for the natural playground. Activities of the board include hosting the Happy Hikers in November, planning a fund raising event and a request to Council to change the name of the committee to the Open Space and Trails Committee. Mrs. Burton thanked Council for recognizing the need for additional parks staff.

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)

Mayor Royal announced several upcoming events.

3.0 CONSENT AGENDA

3.1 Proposed Ordinance No. 2012-14, "Add Tobacco Related Uses to the Comprehensive Land Use Matrix and Parking Matrix." (P&Z)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX," AND ARTICLE 5, "OFF-STREET PARKING, LOADING, INGRESS AND EGRESS; AND "LANDSCAPING AND SAFETY REQUIREMENTS", SECTION 5.04 "COMPREHENSIVE PARKING REGULATION

MATRIX" BY ADDING "CIGAR AND TOBACCO SHOP" AND "CIGAR LOUNGE" AS SEPARATE PERMITTED USES WITHIN THE FOLLOWING LAND USE DISTRICTS: "MEDIUM COMMERCIAL" (C-2), "HEAVY COMMERCIAL" (C-3), "COMMERCIAL SPECIAL" (C-S), "WATERFRONT ACTIVITY DISTRICT" (WAD), "MARINE ORIENTED MIXED USE" (MMU), AND "LIGHT INDUSTRIAL" (LI); BY ADDING "SMOKE AND HEAD SHOP" AS A SEPARATE PERMITTED USE WITHIN THE FOLLOWING LAND USE DISTRICTS: "HEAVY COMMERCIAL" (C-3) AND "LIGHT INDUSTRIAL" (LI); 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.

There were no comments from the public. Building Official, Sean Landis made presentation, stating that the Planning and Zoning Commission had recommended this ordinance with one member recommending that "Smoke and Head Shop" be listed as a conditional use. Mr. Landis stated that the conditional use process is long and that staff recommends allowing "Head Shops" as a use by right in the C-3 and L-I zoning districts. Smoke and head shops currently in existence in other zones will be considered to be pre-existing, non-conforming uses and will be allowed to remain, but may not expand or rebuild. He stated that the zoning ordinance will not have a definition of "Head Shop." Staff will look at the primary use of a business when classifying it.

3.2 Proposed Ordinance No. 2012-15, "Add the Use of 'Tattoo Parlor' to the Comprehensive Land Use Matrix and Parking Matrix."

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX," AND ARTICLE 5, "OFFSTREET PARKING, LOADING, INGRESS AND EGRESS; AND LANDSCAPING AND SAFETY REQUIREMENTS", SECTION 5.04 "COMPREHENSIVE PARKING REGULATION MATRIX" BY ADDING "TATTOO PARLOR" AS A PERMITTED USE WITHIN THE FOLLOWING LAND USE DISTRICTS: "HEAVY COMMERCIAL" (C-3), AND "LIGHT INDUSTRIAL" (LI); AND ESTABLISHING PARKING REQUIREMENTS FOR SUCH USE; 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.

There were no comments from the public

Mr. Landis stated that currently, this use is allowed in C-2, CS, MMU and WAD in addition to C-3 and L-I. This change was unanimously recommended by the Planning and Zoning Commission.

4.0 CONSENT AGENDA

4.1 This item was removed by Councilor Davis.

4.2 Approve the city auction items list for the annual surplus auction. (Chairez)

4.3 Approve submission of an amended form and letter to the Texas State Comptroller in order to satisfy the requirements of Senate Bill 18, maintaining the authority to exercise the power of eminent domain. (Templin)

4.4 Removed from the Consent Agenda by Mayor Royal.

4.5 Approve the FY 2012/13 Staffing Services Agreement between the Seabrook Economic Development Corporation and the City of Seabrook. (Templin)

4.6 Approve renewal of agreement with the Economic Alliance Houston Port Region. Terms of the agreement remain the same as last year. (Chavez)

4.7 Approve minutes of the July 31, 2012 City Council special meeting. (Glaser)

4.8 Approve Building Department report for July, 2012. (Landis)

4.9 Approve Public Safety Report for July, 2012. (Holomon)

Motion was made by Councilor Davis and seconded by Councilor Johnson

To approve the Consent Agenda with the exception of Items 4.1 and 4.4.

MOTION CARRIES BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

4.1 Approve the abandonment of the walking trail and temporary construction easement from Lakeside Drive to Ed White Elementary School. (Templin)

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To approve this item.

Councilor Davis stated that she wanted the record to reflect that this easement is to be abandoned at the request of the property owners.

Mr. Templin stated that although Council granted the easement some time ago, it was never signed and filed by the owners. In addition, the easement document states that the easement is to be abandoned within 30 days of the property owners' request. The property owners have now requested that Council take official action to abandon the easement. Mr. Templin stated that the property owners intend to barricade the property before school starts.

MOTION CARRIES BY UNANIMOUS CONSENT.

4.4 Approve submission of Economic Development Corporation eminent domain authority application to State Comptroller's office. (Templin)

Motion was made by Councilor Davis and seconded by Councilor Johnson

To approve this item.

Mayor Royal asked if approval of the item would remove one of the city's tools to develop property. Mr. Weathered stated that this filing is a new requirement of the state and must be filed by December 31, 2012. Although the EDC attorney said it was not necessary, the EDC president requested that this item be placed on the Council agenda to apprise Council of the action taken.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.0 NEW BUSINESS

5.1 Consider first reading of Ordinance No. 2012-14, "Add Tobacco Related Uses to the Comprehensive Land Use Matrix and Parking Matrix" as captioned above. The public hearing for this item was held earlier in this meeting. (Landis)

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To approve Ordinance No. 2012-14 on first reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.2 Consider first reading of Ordinance No. 2012-15, "Add the Use of 'Tattoo Parlor' to the Comprehensive Land Use Matrix and Parking Matrix" as captioned above. The public hearing for this item was held earlier in this meeting. (Landis)

Motion was made by Councilor Johnson and seconded by Councilor Llorente

To approve Ordinance No. 2012-15 on first reading with the reading of the caption serving as the reading of the ordinance.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.3 Consider Lakeside Drive traffic study and Lakeside Drive school zone. (Templin)

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To consider the study.

Mr. Templin briefly summarized the traffic study's findings. He stated that the traffic engineer looked at traffic in the Lakeside Drive area and the potential for two and four way stops. The traffic engineer noted inadequate site clearance at the intersections with stop signs, caused by vegetation and fences for those drivers looking north and south. The traffic engineer cited three solutions to this problem: 1) narrow traffic lanes to one lane each way; 2) purchase additional right-of-way and move the vegetation and fences; or 3) maintain the four way stop signs as they currently exist. Mr. Templin stated that staff recommends Option 3.

The traffic engineer also recommended retaining the current school zone at least through the 2012/13 school year due to transitional conditions. Staff concurred with this recommendation.

Council members discussed increasing the length of the school zone and also changing the location of the crossing guard from the Humble Drive intersection to the Wild Oak Meadows intersection near the Methodist Church. Councilor Davis stated that CCISD's input is important.

Motion was made by Councilor Davis and seconded by Councilor Kolupski

To accept the traffic engineer's third option and retain the stop signs as they currently exist.

MOTION CARRIES BY UNANIMOUS CONSENT.

Motion was made by Councilor Davis and seconded by Councilor Johnson

To direct the traffic engineer to do a traffic study concerning the feasibility of extending the school zone to the northern most point of the traffic circle and to direct staff to amend the traffic ordinance upon the traffic engineer's recommendation.

MOTION CARRIES 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)

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To approve the list as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

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

The next regular meeting will be held on September 4. This agenda will include resolutions concerning fees and regulations for city parks and Carothers Coastal Gardens. A budget work session is tentatively scheduled for September 11. The SVFD contract subcommittee will meet next week. Recommendations from the Public Safety Committee will be placed on the September 18 agenda.

Upon motion, Mayor Royal adjourned the meeting at 8:24 p.m.

Approved this 4th day of September, 2012.

Glenn R. Royal, Mayor

Michele L. Glaser, TRMC
City Secretary