

1 The City Council of the City of Seabrook met in regular session on Tuesday, April 5, 2016 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 – ex. abs. | MAYOR |
| 7 ROBERT LLORENTE – ex abs | COUNCIL PLACE NO. 1 |
| 8 MIKE GIANGROSSO – arrived at 8:06pm | COUNCIL PLACE NO. 2 |
| 9 GARY JOHNSON | MAYOR PRO TEM & |
| 10 | COUNCIL PLACE NO. 3 |
| 11 MELISSA BOTKIN | COUNCIL PLACE NO. 4 |
| 12 GLENNA ADOVASIO | COUNCIL PLACE NO. 5 |
| 13 O.J. MILLER | COUNCIL PLACE NO. 6 |
| 14 GAYLE COOK | CITY MANAGER |
| 15 SEAN LANDIS | DEPUTY CITY MANAGER |
| 16 STEVE WEATHERED | CITY ATTORNEY |
| 17 ROBIN HICKS | CITY SECRETARY |
| 18 | |

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

22 **1.0 PRESENTATIONS**

23 **1.1 Presentation and reading of proclamation declaring April as Safe Digging Month.**
24 **(Johnson).**

25 Mayor Pro Tem Johnson read the proclamation declaring April as Safe Digging Month,
26 and presented it to the representative from CenterPoint Energy. The representative from
27 CenterPoint Energy encouraged everyone to call before they dig.

28 **2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS**

29 Rex Bettis, of 322 Holly Branch Lane, Kemah, spoke on behalf of the Bay Access and
30 Lakewood Race Series, which sponsors the Harvest Moon Regatta, and presented the
31 City with the poster for the 2015 Harvest Moon Regatta. Mr. Bettis thanked the City for
32 their sponsorship and support of the Regatta.

33 **2.1 Mayor, City Council and/or members of the city staff may make announcements**
34 **about city/community events. (Council)**

35 Councilmember Miller announced several upcoming events, including: the Evelyn
36 Meador Library Community Cleanup; the Keels and Wheels event; the Monroe
37 Splashpad Grand Opening; the Seabrook Volunteer Fire Department Open House. In
38 addition, it was announced that the Trash Bash was a great success.

39 **3.0 SPECIFIC PUBLIC HEARING(S)**

40 **3.1 Public hearing on Ordinance 2016-12, "Ordinance Continuing Taxation on Goods**
41 **In Transit." (Cook)**

42 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEABROOK,**
43 **TEXAS, TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH**
44 **WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, BY**
45 **AMENDING CHAPTER 85, "TAXATION AND FINANCE", ARTICLE IV,**
46 **"SALES TAX", SECTION 85-113 "TAXATION OF SUPER FREEPORT GOODS,**
47 **(GOODS IN TRANSIT)," TO REAFFIRM THE CONTINUATION OF**
48 **TAXATION ON GOODS IN TRANSIT BY RECODIFYING THE UPDATED**
49 **TEXT OF SUCH PROVISION TO A NEW TITLE IN THE SAME CHAPTER**
50 **UNDER ARTICLE I, "IN GENERAL" SECTION 85-1, "TAXATION ON GOODS**
51 **IN TRANSIT"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED**
52 **\$500 OR AS OTHERWISE PROVIDED BY LAW FOR VIOLATION OF ANY**
53 **PROVISION HEREOF BY INCLUSION INTO THE CODE OF ORDINANCES;**
54 **PROVIDING FOR NOTICE; REPEALING ALL ORDINANCES OR PARTS OF**
55 **ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND**
56 **PROVIDING FOR SEVERABILITY.**

57 Mayor Pro Tem Johnson opened the Public Hearing.

58 No one came forward to speak.

59 Mayor Pro Tem Johnson closed the Public Hearing.

60 **4.0 CONSENT AGENDA - Council will discuss, consider and if appropriate, take**
61 **action on the items listed below.**

62 All consent agenda items are considered by the City Council to be routine and will be enacted by
63 one motion. There will be no separate discussion of these items unless a council member, city
64 manager, city attorney or city secretary so requests, in which event the item will be removed
65 from the Consent Agenda and considered immediately following the Consent Agenda.

66 **4.1 Approve on second of two readings proposed Resolution 2016-02, "EDC Project**
67 **Designation Relocation and Improvements for Public Works Facilities" (Cook)**
68

69 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK,**
70 **TEXAS, DESIGNATING THE PAYMENT BY THE SEABROOK ECONOMIC**
71 **DEVELOPMENT CORPORATION OF DEBT SERVICE FOR CERTIFICATES**
72 **OF OBLIGATION, NOT TO EXCEED \$2,500,000.00, TO BE ISSUED BY THE**
73 **CITY OF SEABROOK FOR THE RELOCATION AND IMPROVEMENTS FOR**
74 **PUBLIC WORKS FACILITIES AS AN AUTHORIZED PROJECT OF THE**
75 **SEABROOK ECONOMIC DEVELOPMENT CORPORATION.**

76 **4.2 Approve a special events permit and temporary signs for Keels & Wheels annual**
77 **Classic Automobile and Vintage Boat Show at Lakewood Yacht Club to be held**
78 **April 23-24, 2016. (Applicant)**

79 **4.3 Approve an excused absence for Melissa Botkin and O.J. Miller for the March 15,**
80 **2016 regular City Council meeting. (Hicks)**

81 **END OF CONSENT AGENDA**

82 Motion was made by Councilmember Botkin and seconded by Councilmember Adovasio
83
84 To approve the Consent Agenda as presented.
85

86 MOTION CARRIED BY UNANIMOUS CONSENT

87 **5.0 NEW BUSINESS - Council will discuss, consider and if appropriate, take action on**
88 **the items listed below.**

89 **5.1 Consider, discuss, and authorize approval of or take action on allocation of funds**
90 **for events to be funded with Hotel Occupancy Tax (HOT) for FY 2016/17.**
91 **(Dearman)**

92 LeaAnn Dearman, Director of Communications, presented applications for funding for
93 FY 2016/17:

- 94 Yachty Gras – amount requested: \$5,000
- 95 Lucky Trail Marathon – amount requested: \$25,000
- 96 Texas Outlaw Challenge – amount requested: \$30,000
- 97 Gulf Coast Film Festival – amount requested: \$2,500.
- 98 J/Fest Southwest – amount requested: \$15,000
- 99 Bay Access Sailing Program – amount requested: \$25,000
- 100 Bay Area Houston Ballet and Theater – amount requested: \$25,000
- 101 Celebration Seabrook – amount requested: \$50,000 (\$40,000 for main event and \$10,000
102 for second day event)
- 103 Keels and Wheels – amount requested: \$50,000

104
105 Motion was made by Councilmember Adovasio and seconded by Councilmember Miller
106 to approve allocation of funds for Yachty Gras, Lucky Trail Marathon, Texas Outlaw
107 Challenge, Gulf Coast Film Festival, J/Fest Southwest, Bay Access Sailing Program, Bay
108 Area Houston Ballet and Theater, Celebration Seabrook, and Keels and Wheels events to
109 be funded with Hotel Occupancy Tax (HOT) for FY 2016/17.

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111 MOTION CARRIED BY UNANIMOUS CONSENT
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114 A new event: Galveston Bay Songwriters Festival – amount requested: \$20,000

115 John Burns, applicant, stated that this festival is estimated to bring 10,000 attendees.
116 This festival will bring original songwriters in from Texas and across the country who
117 have songs on the radio. Concerts will take place in Seabrook and Kemah over 3 days
118 (Friday, Saturday, and Sunday) in smaller venues like Tookie's and T-Bone Tom's. The
119 events will be family oriented and most events will be free to the public. The proposed
120 songwriters have fans all over the country, which will bring people to the area. An
121 application has been submitted to Kemah for the same amount - \$20,000. Marketing will
122 be accomplished through an existing email list and social media advertising.

123 Motion was made by Councilmember Miller and seconded by Councilmember Adovasio

124 To approve allocation of \$10,000 for the Galveston Bay Songwriters Festival before the
125 event, and another \$10,000 after a successful event, to be funded with Hotel Occupancy
126 Tax (HOT) for FY 2016/17 MOTION CARRIED BY UNANIMOUS CONSENT

127 Councilmember Botkin recused herself from discussion and voting on the Saltwater
128 Derby application.

129 Because the recusal of Councilmember Botkin eliminated a quorum, this item was tabled
130 until the arrival of Councilmember Giangrosso.

131 Saltwater Derby – amount requested: \$10,000

132 Motion was made by Councilmember Adovasio and seconded by Councilmember Miller

133 To approve allocation of funds for the Saltwater Derby to be funded with
134 Hotel Occupancy Tax (HOT) for FY 2016/17.

135 MOTION CARRIED BY UNANIMOUS CONSENT

136 **5.2 Consider, discuss, and authorize approval of or take action on second reading of**
137 **proposed Ordinance 2016-09, "Parking Prohibited on Streets and Private**
138 **Property." (Landis)**

139 **AN ORDINANCE AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES**
140 **OF THE CITY OF SEABROOK, ENTITLED "TRAFFIC AND VEHICLES,"**
141 **ARTICLE III, "STOPPING, STANDING, AND PARKING," DIVISION 1,**
142 **"GENERALLY," BY REPEALING SECTION 90-65 AND REPLACING IT**
143 **UNDER THE SAME SECTION NUMBER WITH A NEW TITLE, "PARKING**
144 **BUSES, TRUCK TRACTORS, TRAILERS, OR OTHER VEHICLES WITH TWO**
145 **OR MORE AXLES EXCEEDING 26,000 LBS GROSS WEIGHT RATING**
146 **(GVWR) ON STREETS"; REPEALING SECTION 90-66 AND REPLACING IT**
147 **UNDER THE SAME SECTION NUMBER WITH A NEW TITLE, "PARKING**

148 **BUSES, TRUCK TRACTORS, TRAILERS, OR OTHER VEHICLES WITH TWO**
149 **OR MORE AXLES EXCEEDING 26,000 LBS GROSS WEIGHT RATING**
150 **(GVWR) ON PRIVATE PROPERTY"; RENUMBERING SUBSEQUENT**
151 **SECTIONS ACCORDINGLY; PROVIDING A PENALTY IN AN AMOUNT NOT**
152 **TO EXCEED \$200, OR THE MAXIMUM AMOUNT PERMITTED BY LAW FOR**
153 **VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE**
154 **CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES**
155 **INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR**
156 **SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

157 Sean Landis, Deputy City Manager, stated that at the last City Council meeting the
158 proposed change to Section 90 was presented due to recently noticed parking on City
159 streets and on private property. At the last Council meeting, Council expressed concerns
160 with the proposed weight limit and property owners who store their boats and trailers on
161 private property. The new recommendation to include Class 7 vehicles, starting with
162 those that exceed 26,000 lbs., parked on City streets and private property. Ordinance
163 2016-09 deletes Section 90-65, which prohibits parking of commercial vehicles on City
164 streets, but only between 10pm and 6am. The proposed new section 90-65 allows
165 vehicles exceeding 26,000 lbs to park for 1 hour on City streets or private property. The
166 exception is for vehicles doing business with the property owner. A new section 90-66 is
167 also proposed, which allows 1 hour parking of vehicles over 26,000 lbs. gross weight on
168 private property with exceptions for service vehicles or those doing business with the
169 private property owner; boats, trailers, and motor homes; and vehicles that are an
170 accessory to the use on the private property, such as warehouse type use. Trucks and
171 accessory is defined in the proposed ordinance. The ordinance does not address a
172 prohibition of shipping containers, which cannot be stored or stacked on private property.
173 Vans would be permissible because they do not exceed the 26,000 lb limit. However, if a
174 business is run out of someone's home and the truck for the business is a class 7 vehicle,
175 that truck must be parked off-site.

176 Because no formal action was taken at the last Council meeting with regard to approving
177 the ordinance on first reading, with amendments, motion was made by Councilmember
178 Botkin and seconded by Councilmember Adovasio

179 To approve on first reading proposed Ordinance 2016-09, "Parking Prohibited on Streets
180 and Private Property."

181 MOTION CARRIED BY UNANIMOUS CONSENT

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185 **5.3 Consider, discuss, and authorize approval of or take action on first reading of**
186 **Ordinance 2016-12, "Ordinance Continuing Taxation on Goods In Transit." (Cook)**

187 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEABROOK,**
188 **TEXAS, TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH**
189 **WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, BY**
190 **AMENDING CHAPTER 85, "TAXATION AND FINANCE", ARTICLE IV,**
191 **"SALES TAX", SECTION 85-113 "TAXATION OF SUPER FREEPORT GOODS,**
192 **(GOODS IN TRANSIT)," TO REAFFIRM THE CONTINUATION OF**
193 **TAXATION ON GOODS IN TRANSIT BY RECODIFYING THE UPDATED**
194 **TEXT OF SUCH PROVISION TO A NEW TITLE IN THE SAME CHAPTER**
195 **UNDER ARTICLE I, "IN GENERAL" SECTION 85-1, "TAXATION ON GOODS**
196 **IN TRANSIT"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED**
197 **\$500 OR AS OTHERWISE PROVIDED BY LAW FOR VIOLATION OF ANY**
198 **PROVISION HEREOF BY INCLUSION INTO THE CODE OF ORDINANCES;**
199 **PROVIDING FOR NOTICE; REPEALING ALL ORDINANCES OR PARTS OF**
200 **ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND**
201 **PROVIDING FOR SEVERABILITY.**

202 Motion was made by Councilmember Miller and seconded by Councilmember Adovasio

203 To approve on first reading Ordinance 2016-12, "Ordinance Continuing Taxation on
204 Goods In Transit."

205 MOTION CARRIED BY UNANIMOUS CONSENT

206 **5.4 Consider, discuss and authorize of approval of or take action on first reading of**
207 **proposed Ordinance 2016-13, "Ethics Review Commission Change in Frequency of**
208 **Required Meeting." (Hicks)**

209 **AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES**
210 **OF THE CITY OF SEABROOK, ENTITLED "ADMINISTRATION," ARTICLE**
211 **VI, "CODE OF EHTICS," DIVISION 2, "ETHICS REVIEW COMMISSION,"**
212 **SECTION 2-209, "MEETINGS" BY CHANGING THE FREQUENCY OF**
213 **REQUIRED MEETINGS FROM SEMI-ANNUALLY TO AS MAY BE**
214 **NECESSARY TO FULFILL ITS RESPONSIBILITIES; REPEALING ALL**
215 **ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN**
216 **CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY; AND**
217 **PROVIDING FOR AN EFFECTIVE DATE.**

218 Robin Hicks, City Secretary, explained that the current ordinance requires the Ethics
219 Review Commission to meet twice each year, and there have been no claims or
220 complaints for many years for the Commission to review. The Commission has
221 essentially been meeting to approve the minutes from the previous meeting. The City
222 Secretary's office polled the Commission members and all were in agreement with

223 changing the frequency of the meetings to as may be necessary to fulfill its
224 responsibilities, which will include meeting to hear updates on ethics standards and best
225 practices and on ordinance revisions that apply to the work of the Commission.

226 Motion was made by Councilmember Adovasio and seconded by Councilmember Botkin

227 To approve on first reading proposed Ordinance 2016-13, "Ethics Review Commission
228 Change in Frequency of Required Meeting."

229 MOTION CARRIED BY UNANIMOUS CONSENT

230 **5.5 Consider, discuss, and authorize approval of or take action on the first of two**
231 **readings of proposed Resolution 2016-11, "Designation of 'Seabrook Façade**
232 **Improvement Incentive Program' for Authorized Economic Incentives" (Chavez)**

233 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK,**
234 **TEXAS, CONFIRMING THE "SEABROOK FACADE IMPROVEMENT**
235 **INCENTIVE PROGRAM" AS AN AUTHORIZED PROJECT OF THE**
236 **SEABROOK ECONOMIC DEVELOPMENT CORPORATION, INCLUDING**
237 **THE "ECONOMIC DEVELOPMENT AGREEMENT" WITH BURKE'S**
238 **OUTLET STORES, LLC.**

239 Councilmember Miller stated that this item was considered by the Seabrook Economic
240 Development Corporation at their last meeting and approved.

241 Motion was made by Councilmember Miller and seconded by Councilmember Adovasio

242 To approve on the first of two readings proposed Resolution 2016-11, "Designation of
243 'Seabrook Façade Improvement Incentive Program' for Authorized Economic
244 Incentives".

245 MOTION CARRIED BY UNANIMOUS CONSENT

246 **5.6 Consider, discuss, or authorize approval of or take action on a proposed three (3)**
247 **year membership commitment in the Bay Area Houston Convention and Visitors**
248 **Bureau (BAHCVB). (Cook)**

249 Gayle Cook, City Manager, stated that Councilmember Giangrosso serves as liaison on
250 this board, and the board has had a number of meetings to discuss a reorganization of the
251 Bureau. The Seabrook Visitor Center will be closed. The proposed reorganization is to
252 gather the remaining cities, not change the funding, move forward, and have 2 full time
253 people housed at the Clear Lake Chamber. At this time, the Bureau is asking cities for a
254 3 year membership commitment. If all cities agree to a 3 year commitment, an
255 agreement will be brought to Council with a new scope of services. At this time the

256 board would like to hire two personnel and see if that is successful. Another proposal
257 will be brought back to the various cities if hiring two personnel is not successful.

258 Motion was made by Councilmember Miller and seconded by Councilmember Adovasio

259 To approve a three (3) year membership commitment in the Bay Area Houston
260 Convention and Visitors Bureau (BAHCVB).

261 MOTION CARRIED BY UNANIMOUS CONSENT

262 **6.0 OLD BUSINESS - Council will discuss, consider and if appropriate, take action**
263 **on the items listed below.**

264 **6.1 Consider and authorize approval of or take action on proposed Ordinance No. 2015-**
265 **20 "Amendment to the Official Zoning Map to Rezone 6.322 Acres of Land east of**
266 **Old Highway 146 and immediately north of Red Bluff Road from C-2 to R-2."**
267 **(Giangrosso, pursuant to request on March 15, 2016). [This item was previously**
268 **tabled (postponed/deferred) by City Council for an indefinite time (receipt/review of**
269 **report).**

270 **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY**
271 **OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF**
272 **ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2,**
273 **"ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY**
274 **REZONING THE PROPERTY LOCATED ON TRACT 31, BEING AN 6.322**
275 **ACRE TRACT OF LAND SITUATED IN ABSTRACT 52 IN THE RITSON**
276 **MORRIS SURVEY, HARRIS COUNTY, TEXAS, FROM C-2 COMMERCIAL-**
277 **MEDIUM DISTRICT TO R-2 RESIDENTIAL-SINGLE FAMILY DETACHED**
278 **SMALL LOT DISTRICT; REQUIRING THAT THE ZONING MAP BE**
279 **AMENDED TO REFLECT THIS AMENDMENT; MAKING SPECIFIC**
280 **FINDINGS RELATED TO REZONING OF SUCH TRACT; PROVIDING A**
281 **PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION**
282 **OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE;**
283 **REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES**
284 **INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR**
285 **SEVERABILITY.**

286 Councilmember Botkin recused herself from discussion and voting.

287 Steve Weathered, City Attorney, stated that Councilmember Giangrosso asked that this
288 item be placed on Council's agenda. In order to take action, the item must first be moved
289 from the table.

290 Councilmember Miller stated that Council had agreed to table this item because Council
291 is waiting for recommendations from the Comprehensive Master Plan Review

292 Committee. Gayle Cook, City Manager, stated that staff is anticipating the Review
293 Committee report around the end of June. Sean Landis, Deputy City Manager, stated that
294 the Comprehensive Master Plan Review Committee met on April 8 to present the initial
295 plan draft to staff. A stakeholders meeting will be set with the Review Committee, City
296 Council, Planning & Zoning and EDC so that the plan can be presented to the bodies for
297 initial consideration. Staff is estimating that approval by Council will be at the first
298 meeting in June.

299 Councilmember Miller stated that he would not make a vote before he is completely
300 informed on the Master Plan; therefore, he doesn't see a reason to take it off the table
301 unless Council wants to take action on this item tonight.

302 Motion was made by Councilmember Giangrosso to remove this item from the table.

303 MOTION DIED FOR LACK OF A SECOND

304 **7.0 ROUTINE BUSINESS - Council will discuss, consider and if appropriate, take**
305 **action on the items listed below.**

306 **7.1 Approve the Action Items Checklist which is attached and made a part of this**
307 **agenda. (Council)**

308 Highway 146 Project – Gayle Cook, City Manager, stated that the last face to face
309 meeting with TXDOT was positive. Right of way acquisition continues and is right on
310 target. Community Development, Economic Development and Police Department are
311 receiving calls with questions each week. The offer letters will continue to go out. Staff
312 has received no updates on the Union Pacific negotiations. On another item in regards to
313 146, the City of Kemah has requested a modification on their segment of the expansion,
314 and staff is in the process of reviewing Kemah's request for a statement for Council
315 consideration. The request is for an additional ramp to the expressway.

316 Strategic Plan – Staff is preparing for the April 29 meeting, and has met with the
317 moderator, Ron Cox. This year the strategic planning meeting will be at Carothers. Staff
318 is working on a number of recommendations to give to Council. Staff is looking to
319 change up the format, present a number of new areas of emphasis, and looking at new
320 goals.

321 Projects – Everything is moving along quite well. Staff opened bids on the Public Works
322 facility last Thursday. A good showing was anticipated, but there were only two viable
323 bids. A 3rd bidder submitted late. The two viable bids were both slightly above what was
324 anticipated on budget. The bid award and contract will be on Council's next agenda.

325 Councilmember Johnson requested that the master plan be added to the checklist to
326 continue updates on the timeline.

327 Motion was made by Councilmember Botkin and seconded by Councilmember Adovasio
328 To approve the Action Items Checklist.

329 MOTION CARRIED BY UNANIMOUS CONSENT

330 **7.2 Establish future meeting dates and agenda items. (Council)**

331 Council is on its regular schedule, with a strategic planning meeting to take place on
332 April 29.

333 Upon motion duly made and seconded, Mayor Pro Tem Johnson adjourned the meeting at
334 8:22 p.m.

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336 Approved this 17th day of May 2016.

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Gary Johnson
Mayor Pro Tem

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Robin Hicks, TRMC
City Secretary