

2 The City Council of the City of Seabrook met in regular session on Tuesday, June 12,, 2012 at 7:30
3 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate,
4 take action on the items listed below.
5

6 **THOSE PRESENT WERE:**

7 **GLENN R. ROYAL**

MAYOR

8 **KIM MORRELL**

COUNCIL PLACE NO. 1

9 **MIKE GIANGROSSO**

COUNCIL PLACE NO. 2

10 **GARY JOHNSON**

COUNCIL PLACE NO. 3

11 **DON HOLBROOK.**

COUNCIL PLACE NO. 4

12 **THOM KOLUPSKI**

COUNCIL PLACE NO. 5

13 **LAURA DAVIS**

COUNCIL PLACE NO. 6

14 **KELLY TEMPLIN**

CITY MANAGER

15 **STEVEN L. WEATHERED**

CITY ATTORNEY

16 **MICHELE L. GLASER**

CITY SECRETARY
17

18 **1.0 PRESENTATIONS**

19 **1.1 Present awards to outgoing Councilmember, Kim Morrell. (Council)**
20

21 Mayor Royal presented awards to outgoing Council Member, Kim Morrell.
22

23 **1.2 Presentation about the J-Fest Southwest Regatta. (Applicant - Lakewood Yacht Club)**
24

25 The Chair of J-Fest Regatta gave information about the event. There are now more out of
26 town boats participating in the event than local boats. Seabrook has supported the event each
27 year in the amount of 10,000. The applicant requested an increased contribution of \$12,000
28 for 2012/13. The organization will offer discount coupons to any hotel in Seabrook that
29 participates.
30

31 **2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS**

32 James Stewey, NASA Parkway stated that he lives on a boat in the marina. He complained
33 about enforcement of noise ordinance. Sue Rothstrum, Second Street also complained about
34 enforcement of the noise ordinance.
35

36 **2.1 Mayor, City Council and/or members of the city staff may make announcements about
37 city/community events. (Council)**
38

39 Various city events were announced, including the July 4 kids parade at 10 a.m. in Meador
40 Park.
41

3.0 **BID AWARDS**

43 **3.1 Consider/Award Bid Project No. 2012-03, Utility Relocations for Waterfront Drive to**
44 **low bidder TJ&T Enterprises, Inc. for the total bid price of \$678,064.60 as**
45 **recommended. (Chairez)**
46

47 Motion was made by Councilor Morrell and seconded by Councilor Davis
48

49 To approve Bid Project No. 2012-03 to TJ&T Enterprises, Inc. in the amount of \$678,064.60
50 as recommended by staff.
51

52 The city engineer stated that references had been checked for this company.
53

54 MOTION TO APPROVE CARRIES BY UNANIMOUS CONSENT.
55

56 **4.0 CONSENT AGENDA**

57 **4.1 Approve Resolution No. 2012-11, "Acceptance of Temporary and Permanent Easements**
58 **from Kong Hong Le and Ha My Giang , Parcel 25 for the Waterfront Drive**
59 **Reconstruction Improvements Project." (Templin)**
60

61 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,
62 DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT
63 DRIVE RECONSTRUCTION PUBLIC IMPROVMENT PROJECT"; APPROVING THE
64 ACCEPTANCE OF SAID EASEMENTS FROM KONG HONG LE AND WIFE, HA MY
65 GIANG, PROPERTY OWNERS IN RELATION TO PARCEL 25, A 0.0230 ACRE TRACT
66 SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, AS
67 MORE PARTICULARLY DESCRIBED HEREIN

68 **4.2 Approve Resolution No. 2012-12, "Acceptance of Temporary and Permanent Easements**
69 **from Ty V. Truong and Sang T. Huynh for the Waterfront Drive Improvement Project.**
70 **(Templin)**

71 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,
72 DETERMINING THAT EASEMENTS ARE NECESSARY FOR THE "WATERFRONT
73 DRIVE RECONSTRUCTION PUBLIC IMPROVEMENTS PROJECT"; APPROVING THE
74 ACCEPTANCE OF SAID EASEMENTS FROM TY V. TRUONG AND WIFE, SANG T.
75 HUYNH, PROPERTY OWNERS IN RELATION TO PARCEL 15, A 0.0115 ACRE TRACT
76 SITUATED IN THE RITSON MORRIS SURVEY, A-52 HARRIS COUNTY, TEXAS, AS
77 MORE PARTICULARLY DESCRIBED HEREIN
78

79 **4.3 Approve the return of bonds to Devon Energy Corporation as the gas/oil wells were sold**
80 **to Legend Natural Gas II, LP. Legend assumed responsibility for these well sites.**
81 **(Applicant)**
82

83 **4.4 Approve the minutes of the special City Council meeting of May 15, 2012. (Glaser)**

86 **4.5 Approve the minutes of the regular City Council meeting of May 15, 2012. (Glaser)**

87 Motion was made by Councilor Morrell and seconded by Councilor Holbrook

88
89 To approve the Consent Agenda as presented.

90
91 MOTION CARRIES BY UNANIMOUS CONSENT.

92
93 **END OF CONSENT AGENDA**

94
95 **5.0 NEW BUSINESS -**

96 **5.1 Consideration of the use of eminent domain to condemn property rights and request**
97 **approval of Resolution No. 2012-10, Authorizing acquisition of real property interests to**
98 **confirm the existence of a public necessity for the City to acquire certain property**
99 **interests generally identified in Attachment "A" to the Resolution. The first vote of this**
100 **Resolution applies to all units of property to be condemned. A roll call vote will be**
101 **required. (Weathered)**

102 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK,
103 SEABROOK, TEXAS, AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS BY
104 PURCHASE, DONATION, OR EXERCISE OF THE POWER OF EMINENT DOMAIN
105 FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS FOR
106 "THE POINT" – WATERFRONT DRIVE ("WATERFRONT DRIVE RECONSTRUCTION
107 PROJECT" OR "PROJECT"); GENERALLY DESCRIBED AS BEGINNING ON
108 TODVILLE ROAD AT A POINT 330 FEET NORTHEAST OF THE CENTERLINE OF
109 10TH STREET, ALSO BEING THE SOUTHWESTERN END OF A BRIDGE,
110 SOUTHWESTERLY 630 FEET TO THE END OF TODVILLE AND THE BEGINNING
111 OF WATERFRONT, THEN 1800 FEET TO THE SOUTHEASTERN END OF
112 WATERFRONT DRIVE; DETERMINING THE PUBLIC NECESSITY; APPOINTING AN
113 APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY
114 MANAGER OF THE CITY OF SEABROOK, TEXAS, TO ESTABLISH JUST
115 COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING
116 THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE
117 NEEDED PROPERTY RIGHTS AND IN COMPLIANCE WITH ALL APPLICABLE
118 LAWS AND REGULATIONS, SPECIFICALLY INCLUDING CHAPTER 21 OF THE
119 TEXAS PROPERTY CODE; FINDING AND DETERMINING THAT THE MEETING AT
120 WHICH THIS RESOLUTION IS PASSED BY A RECORD VOTE IS OPEN TO THE
121 PUBLIC AS REQUIRED BY LAW.

122
123 Motion was made by Councilor Davis and seconded by Councilor Kolupski

124
125 That the City Council of the City of Seabrook, Seabrook Texas, in a record vote applying to
126 all units of property to be condemned, adopt Resolution 2012-10, authorizing acquisition of
127 real property interests which authorizes the use of the power of eminent domain to acquire
property interests for the construction of street and drainage improvements for the Waterfront

130 Drive Reconstruction Project in those certain lots, tracts, or parcels of land generally
131 identified in Attachment "A" to the Resolution, and authorize to the City Manager, or City
132 Attorney, or any special counsel to supervise such acquisitions and, as necessary, to initiate
133 condemnation proceedings to acquire such properties and property interests.

134 Mayor Royal conducted a roll call vote.

135
136 Councilor Morrell : Nay.
137 Councilor Giangrosso: Aye.
138 Councilor Johnson: Aye.
139 Councilor Holbrook: Aye.
140 Councilor Kolupski: Aye.
141 Councilor Davis: Aye.
142 Mayor Royal: Aye.
143

144 MOTION CARRIES BY MAJORITY VOTE.
145

146 **5.2 Consider and discuss a proposal relating to a traffic study of Hampton Springs Drive.**
147 **(Templin)**
148

149 Motion was made by Councilor Kolupski and seconded by Councilor Davis
150

151 To consider and discuss the study.
152

153 Mr. Templin stated that the city engineer and traffic engineer had recommended delaying the
154 study until the Red Bluff overpass was completed. Mr. Templin estimated that the cost to
155 perform both studies will be approximately \$17,000 and monies are available in the current
156 budget and in the 2012/13 budget.
157

158 Motion was made by Councilor Davis and seconded by Councilor Kolupski
159

160 To delay the study until after completion of the Red Bluff overpass.
161

162 AMENDMENT CARRIES BY UNANIMOUS CONSENT.
163

164 THE ORIGINAL MOTION AS AMENDED CARRIES BY UNANIMOUS CONSENT.
165

166 **6.0 OLD BUSINESS**

167 **6.1 Discussion and consideration of recommended changes to the existing noise ordinance.**
168 **(Templin)**
169

170 Motion was made by Councilor Davis and seconded by Councilor Morrell
171

172 To discuss and consider recommended changes.

174 Councilor Davis stated that she was not in favor of retaining the clause contained in Section
175 55-24, "Disturbance of reasonable person of ordinary sensibilities prohibited" as it requires
176 individual judgment calls. She stated that the city's decibel levels seem to be in line with
177 those of other cities. She spoke in favor of changing the time when the lower night time level
178 would take effect. Councilor Kolupski stated that there are fewer complaints during the day.
179 He also recommended changing the time requiring a lower maximum decibel level from
180 10:00 p.m. until 9:00 p.m. Mayor Royal suggested that the decibel level be lowered at 8:00
181 p.m. or 9:00 p.m. for all areas of the city except NASA Parkway and SH 146.

182 Councilor Davis asked if the city is culpable if the "reasonable person" clause is left in the
183 ordinance. Mr. Weathered stated that statutes allow the reasonable person argument.
184

185 Council discussed the impact of live bands. Mr. Weathered stated that the city could
186 determine that live music is a use and then legislate that use.
187

188 Councilor Morrell recommended holding a special work session on the subject. Mr. Templin
189 agreed.
190

191 Motion was made by Councilor Holbrook and seconded by Councilor Morrell
192

193 To table this item and schedule a special workshop to further discusses this item.
194

195 MOTION CARRIES BY UNANIMOUS CONSENT.
196

197 **7.0 ROUTINE BUSINESS**

198 **7.1 Approve the Action Items Checklist which is attached and made a part of this agenda.**
199 **(Council)**
200

201 Motion was made by Councilor Giangrosso and seconded by Councilor Morrell
202

203 To approve the checklist with an amendment stating that a workshop will be held on changes
204 to the noise ordinance.
205

206 MOTION CARRIES BY UNANIMOUS CONSENT.
207

208 **7.2 Establish future meeting dates and agenda items, including the special City Council**
209 **meeting on June 19 to discuss the budget process and canvass the June 16, 2012 election,**
210 **if possible. (Council)**
211

212 There were no additions.
213

214 **8.0 EXECUTIVE SESSION**

215 **At 8:59 p.m. Mayor Royal announced that the City Council would hold a closed executive**
216 **meeting pursuant to the provisions of the Open Meetings Act, Charter 551, Government**

218 Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in
219 Sections: Section 551.071, Consultation with Attorney and Section 551.072, Real Property.

220 **Section 551.071**

221 **8.1 Consult with attorney to receive legal advice on pending legal matters as provided for**
222 **under Texas Government Code, Section 551.071. (Royal)**
223

224 **Section 551.072**

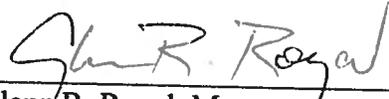
225 **8.2 Deliberate the purchase, exchange, lease, or value of real property, including**
226 **nonmonetary attributes of property to be purchased, as deliberation in open meeting**
227 **would have detrimental effect on position of City in negotiations with third parties, all as**
228 **provided for under Texas Government Code Section 551.072. (Royal)**
229

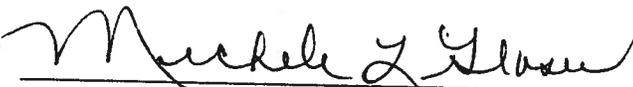
230 **9.0 OPEN MEETING**

231 At 9:32 p.m. Mayor Royal reconvened the meeting in open session and stated that Items 8.1
232 and 8.2 had been discussed in Executive Session, but no action had been taken.
233

234 Upon motion, Mayor Royal adjourned the meeting at 9:32 p.m.
235

236 Approved this 26th day of June, 2012.
237

238
239
240 
241 _____
242 Glenn R. Royal, Mayor

242
243 
244 _____
245 Michele L. Glaser, TRMC
246 City Secretary
247
248

