

The City Council of the City of Seabrook met in regular session on Tuesday, October 3, 2017 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:

THOM KOLUPSKI	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
LAURA DAVIS	COUNCIL PLACE NO. 2
GARY JOHNSON	MAYOR PRO TEM &
	COUNCIL PLACE NO. 3
NATALIE PICH	COUNCIL PLACE NO. 4
GLENNA ADOVASIO	COUNCIL PLACE NO. 5
JOE MACHOL	COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	DEPUTY CITY MANAGER
STEVE WEATHERED	CITY ATTORNEY
ROBIN HICKS	CITY SECRETARY

Mayor Kolupski called the meeting to order at 7:00 p.m. and led the audience in the United States and Texas Pledge of Allegiance.

I. PRESENTATIONS

1.1 Presentation of a proclamation recognizing National Colonial Heritage Month. (Kolupski)

Mayor Kolupski read the proclamation and Carolyn Farmer, founding member and current President, accepted the proclamation.

Ms. Farmer, the organizing chartering president, explained that the local chapter celebrated its 30th anniversary December 7, 2016. The local chapter has been around and has done a lot of charitable work, with VA, with the Galveston Seafarers Center; and anyone who needs assistance. The local chapter is very patriotic, and is always looking for new eligible members, who go back to the colonial times.

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39 **1.2** Presentation of a proclamation for National Domestic Violence Awareness Month in
40 October 2017 by Bay Area Turning Point. (Kolupski)

41 Mayor Kolupski read the proclamation in honor of National Domestic Violence
42 Awareness Month. Police Chief Sean Wright accepted the proclamation.

43 Chief Wright explained that he's been in Seabrook over 25 years and SBPD works
44 closely with Bay Area Turning Point all the time. The PD responds to about eight reports per
45 month on family violence, and that number does not include those that are not reported. There is
46 domestic violence in Seabrook. Chapter 71 of the Family Code gives officers the power to try to
47 help families and victims. Officers get hurt and killed on domestic violence calls. The officers
48 try to help and solve a problem that has been building and going on for a very long time. Human
49 trafficking is now appearing in the situations involving family violence. It is important to be
50 aware and to know that it happens on your street and in your neighborhood.

51 **1.3** Presentation of a proclamation recognizing National Night Out on October 3, 2017.
52 (Kolupski)

53 Mayor Kolupski read a letter from Senator John Cornyn regarding National Night Out,
54 then read the proclamation.

55 Mayor Kolupski read the proclamation and Chief Wright accepted it on behalf of the
56 SBPD.

57 Chief Wright stated that Seabrook Police Department officers are out in neighborhoods
58 tonight. It's one night, but in the City of Seabrook, it should be every night. Chief Wright urged
59 residents to get out and know your neighbors. Don't hide behind technology. Talk to neighbors.
60 The PD will respond and everyone will have an understanding of each other and be able to better
61 communicate.

62 **2. PUBLIC COMMENTS AND ANNOUNCEMENTS - none**

63 *At this time we would like to listen to any member of the audience on any subject matter, whether*
64 *or not that item is on the agenda. All comments are limited to a maximum of four minutes for*
65 *each speaker, shall be limited to city business or city-related business or matters of general*
66 *public interest, and shall not include any personal attacks. In accordance with the Open*
67 *Meetings Act, members may not discuss or take action on any item that has not been posted on*
68 *the agenda. When your name is called, please come to the podium and state your name and*
69 *address clearly into the microphone before making your comments. Thank you.*

70

71

72 **2.1** Mayor, City Council and/or members of the city staff may make announcements about
73 city/community events. (Council)

74 Councilmember Adovasio announced several upcoming events, including: Harvest Moon
75 Regatta; JFest Southwest; Witches of Seabrook; Celebration Seabrook; CCISD Cross Country
76 Meet; Bike Around the Bay; Way Out Women's Shelter Picnic.

77 City Manager, Gayle Cook, announced that the Director of the Office of Emergency
78 Management, Jeff Galyean, was recently recognized by Harris County Judge Ed Emmett for
79 Jeff's work during Hurricane Harvey.

80 The Mayor announced that Sean Landis, the Master Plan Review Commission, and
81 Freese Nichols recently won an award from the American Planning Association for the best
82 Master Plan in the State for this year. The award presentation is November 3 in Frisco at the
83 Planning conference and Sean will attend and to accept the award on behalf of the City.

84 Councilmember Picha announced the HCMCA meeting on October 19 at Transtar where
85 coastal storm barrier will be discussed.

86 **3. *CONSENT AGENDA***

87 **3.1** Approve on second reading proposed Ordinance 2017-40, "Amendment to Update
88 Regulations for Substandard/Unsafe Structures". (Kondejewski)

89 AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE
90 CITY OF SEABROOK, ENTITLED "BUILDINGS AND BUILDING REGULATIONS,"
91 ARTICLE IV, ENTITLED "STANDARDS," DIVISION 12, "SUBSTANDARD, UNSAFE
92 BUILDINGS," BY UPDATING THE SUBJECT DIVISION 9, IN ITS ENTIRETY,
93 SUBSTITUTING, REVISING AND ADDING NEW PROVISIONS UNDER THE SAME
94 TITLE REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT
95 OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING
96 FOR PENALTIES IN AN AMOUNT NOT TO EXCEED \$2,000.00 UNLESS OTHERWISE
97 SPECIFIED HEREIN

98 **3.2** Approve on second reading proposed Ordinance 2017-41, "Establishing a Capital Reserve
99 Fund". (Gibbs)

100 AN ORDINANCE ESTABLISHING A CAPITAL RESERVE FUND TO BE USED TO
101 PROVIDE A FUNDING SOURCE FOR CAPITAL PROJECTS IDENTIFIED BY THE
102 CAPITAL IMPROVEMENTS PLAN (CIP) OR OTHER PROJECTS APPROVED BY CITY
103 COUNCIL; AMENDING FY 2016-17 GENERAL FUND BUDGET, AUTHORIZING A
104 TRANSFER OF FUNDS TO THE CAPITAL RESERVE FUND; PROVIDING FOR A
105 SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE
106

107 **3.3** Approve on second reading proposed Ordinance 2017-42, "Update of Master Fee
108 Schedule". (Gibbs)

109 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, TO UPDATE
110 "APPENDIX B", ENTITLED "MASTER FEE SCHEDULE" BY UPDATING AND
111 AMENDING THE WATER AND WASTEWATER UTILIY RATES TO BE EFFECTIVE
112 WITH THE FIRST BILLING IN OCTOBER; MAKING FINDINGS OF FACT; REPLACING
113 RESOLUTION 2016-17; REPEALING AND REPLACING ALL REFERENCES TO SUCH
114 FEES AND CHARGES IN ALL ORDINANCES OR RESOLUTIONS IN CONFLICT WITH
115 THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE
116 AND EFFECTIVE DATE

117 **3.4** Pulled by the City Secretary

118 **3.5** Approve proposed Resolution 2018-02, "Designation of Representative and Alternate to
119 the Houston-Galveston Area Council 2018 General Assembly." (Council)

120 A RESOLUTION FORMALLY APPOINTING AND DESIGNATING COUNCILMEMBER
121 POSITION 4, NATALIE PICHA, AS REPRESENTATIVE AND MAYOR THOM
122 KOLUPSKI, AS ALTERNATE TO THE H-GAC 2018 GENERAL ASSEMBLY AS
123 APPROVED BY CITY COUNCIL ON JUNE 20, 2017.

124 **3.6** Approve the minutes of the August 8, 2017 special City Council meeting. (Hicks)

125 **3.7** Approve the minutes of the August 15, 2017 regular City Council meeting. (Hicks)

126 Motion was made by Councilmember Picha and seconded by Councilmember Llorente

127 To approve the Consent Agenda, with the exception of item 3.4

128 MOTION CARRIED BY UNANIMIOUS CONSENT

129 **3.4** Approve Resolution 2018-01, "Nomination for Harris County Appraisal District Board of
130 Directors". (Council)

131

132 A RESOLUTION OF THE CITY OCUNCIL OF THE CITY OF SEABROOK, TEXAS,
133 NOMINATING A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY
134 APPRAISAL DISTRICT

135 Motion was made by Councilmember Picha and seconded by Councilmember Davis

136 To nominate Mike Sullivan for the Harris County Appraisal District Board of Directors.

137 MOTION CARRIED BY UNANIMOUS CONSENT

4. NEW BUSINESS

4.1 Approve on second reading proposed Ordinance 2017-38, "The Commons at Seabrook Modified PUD". City Council requested that design standards be created and presented at the 2nd reading of the Ordinance. (Landis)

AN ORDINANCE AMENDING ORDINANCE 2013-23 APPROVING "THE COMMONS AT SEABROOK PUD" LOCATED AT 3300 BAYPORT BOULEVARD GENERALLY NORTH OF SEABROOK CIRCLE AND SOUTH OF BAYVIEW DRIVE, FOR A 5.71 ACRE TRACT OF LAND, MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, BY REVISING THE PLANNED UNIT DEVELOPMENT ("PUD") PLAN, REGULATIONS, RESTRICTIONS AND CONDITIONS ("PLAN") ONLY IN RELATION TO ALLOWING THE CREATION OF RESERVES "A" AND "B"; AND APPROVING MODIFICATION TO "EXHIBIT E" PERMITTED LAND USES, TO ALLOW FUEL AND CONVENIENCE STORE AS AN ADDITIONAL PERMITTED LAND USE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY

Council discussion ensued regarding the following:

- A convenience store should be allowed in the PUD.
- Seabrook just received an award for the Master Plan and this PUD took years of staff's time and energy. The PUD was specifically created without a gas station because of the vision for how Seabrook would look and develop.
- There is no problem with allowing the creation of Reserves "A" and "B" because of the taking of the right of way by TXDOT and the three parcels then become difficult to use. Modification in this way is appropriate. However, the gas station was not part of the original intent. There are other things that can fit in that space.
- This PUD took three years before it was originally approved, and the parcels that were going to be developed with a Walgreen's and another corner store. TXDOT changed the dynamics of the property so that the developer is going to be limited on what can go in that space. It is disturbing that a project might be denied and the City could face lost revenue during the construction of Highway 146. It will have a damaging effect on this city when all of the businesses go away. Yes, it's a convenience store, but it's also revenue for the City. There will potentially be nothing built there for 2-3 years, until 146 is completed.

- 174 • The long term thinking needs to also include the effect of what goes in that space on the
175 ability to rent the luxury apartments. The Master Plan must be kept in mind, which did
176 not allow for gas pumps and a convenience store. The developer has known for a while
177 that the parcel was going to be altered by the TXDOT taking.
- 178 • What has substantially changed to warrant a change in the land use? A gas station and
179 convenience store is a step backwards.
- 180 • There are lots of towns in the U.S. and Texas that have a gas station at the entrance to the
181 city, and there is not discussion that those cities are bad. It depends on how the gas
182 station looks. The rules were changed in the middle of the game by the TXDOT taking.
183 People will understand that the development changed. The developer didn't change it.
184 TXDOT changed it. If the gas station looks really nice, the property values at the luxury
185 apartments will stay up. The gas station shouldn't be a 24 hour store.
- 186 • When the Master Plan was being updated, this land had already been approved as a PUD
187 and no one knew how much land was going to be taken by TXDOT.
- 188 • When TXDOT changed things, everything got changed. The master plan is just a plan.
189 It doesn't mean that's the way the City has to be done. It was known that a lot of tax
190 revenue would be lost with the 146 project. The City hasn't been able to get businesses
191 to come to Seabrook because of the highway project. A gas station would not be an eye
192 sore. It would be an unwise decision to lose the revenues when they are needed.
- 193 • There is a Shell station 5/10ths of a mile from this location. How much more business
194 will this location get than that Shell station? The area around that Shell station is empty.
- 195 • A gas station produces about \$3,000 per month in inside sales.
- 196 • Can the City afford to wait on something better to come along? This gas station and
197 convenience store will get started right away and serve the people of Seabrook because
198 the residents are going to be dealing with the construction for a while.
- 199 • Aesthetically, this is going to harm the city and the way it looks.

200 Mr. Friedrichs, with WMF Investments, explained that at the last meeting Council asked
201 for a detailed architectural guideline for the gas station. The owners of the gas station have been
202 in Seabrook and that's why they are willing to build in Seabrook. Barkatali Momin is the
203 architect. TXDOT gave us the correct survey in late 2016, and about two months ago the final
204 agreement with TXDOT on the land was made. This PUD was developed several years ago with
205 onsite drainage and detention for the pads and retail being together. These guys are prepared to
206 start. We have two commitments for the retail center, but we can't get the retail started because
207 of the location of the drainage on all 3 pads. We would love to have a fast food restaurant, and
208 so far, the majority of fast food stores are leaving Seabrook. We've pushed hard for McDonald's
209 and a few others. WMF Investments has had a business relationship with the gas station owner
210 since 2011. They have built in Tuscan Lakes and this one will look equal to that. Nobody is
211 going to build while TXDOT is expanding 146. These guys are willing to start the gas station.

212 The detention is all together, so without this, everything goes. TXDOT has changed this thing
213 over and over. 60 days after signed a contract with Western Rim, land was taken, I started trying
214 to re-draw to make it work. Not long ago we finally did the plat, and these guys have been under
215 contract for one year. They believe in Seabrook, too. People have to buy gas. The 416 people
216 who live in the apartments (Towers) have to buy gas. If there is construction, and you have to
217 have gas, you will buy it. A lot of money has been spent in order to get an MST report. Chevron
218 has approved the site, even during construction.

219 Motion was made by Councilmember Davis and seconded by Councilmember Machol

220 To take two separate votes:

- 221 1. approve the modification of the PUD to allow the creation of reserves A and B
- 222 2. approve the modification of exhibit E to allow fuel and convenience stores

223 MOTION TO APPROVE *MODIFICATION TO PUD TO ALLOW THE CREATION OF*
224 *RESERVES A AND B* CARRIED BY UNANIMOUS CONSENT

225 MOTION TO APPROVE *MODIFICATION OF EXHIBIT E TO ALLOW FUEL AND*
226 *CONVENIENCE STORES* FAILED BY 4-3 AS FOLLOWS:

227 Adovasio – nay
228 Davis – nay
229 Johnson – yea
230 Mayor – nay
231 Llorente - yea
232 Machol – yea
233 Picha – nay

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235 The Mayor instructed the City Attorney to amend proposed Ordinance 2017-38 to remove
236 section 3, the modification of Exhibit E to allow fuel and convenience stores.

237 **4.2** Consider and take all appropriate action on proposed Resolution 2018-03, "Adoption of the
238 City of Seabrook Volunteer Policy." (Dearman)

239 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,
240 ADOPTING A VOLUNTEER POLICY FOR THE CITY OF SEABROOK

241 LeaAnn Dearman, Director of Communications, explained that staff put together a
242 volunteer policy that is in line with other cities' policies and that requires minors who volunteer
243 to have a release from their parents; requires volunteers under the age of 13 to be accompanied
244 by a parent during the volunteer event; and requires all volunteers to have a background check.
245 The new policy includes a volunteer code of conduct and information on what volunteers can
246 expect from the City. This policy will apply to all volunteers, including Animal Shelter

247 volunteers, for all City events (4th of July parade, Celebration Seabrook, etc.). The idea is to
248 keep everybody safe.

249 The background checks will not ding anybody's credit and because the checks are
250 completely confidential, the paper records will be destroyed as soon as the City receives the
251 results of the background checks.

252 Because Council appoints the volunteers on the Boards and Commission, it will be a
253 decision of Council whether to include the Boards and Commissions in this policy.

254 Motion was made by Councilmember Adovasio and seconded by Councilmember Picha

255 To approve Resolution 2018-03, "Adoption of the City of Seabrook Volunteer Policy."

256 MOTION CARRIED BY UNANIMIOUS CONSENT

257 **4.3** Consider and take all appropriate action on a proposal submitted by Cobb Fendley for
258 engineering services, in an amount not to exceed \$284,660.00, for CIP projects W7 and WW8, to
259 relocate the existing water, sanitary sewer gravity, and sanitary sewer force mains within
260 the State Highway 146 corridor, as a result of the TXDOT 146 Highway Expansion Project. This
261 is an unbudgeted item that will require a budget amendment. (Cook / Padgett / Craig)

262 Kevin Padget, Director of Public Works, explained that due to the 146 expansion project,
263 several underground utilities will have to be relocated. This proposal is for engineering services
264 for relocating the underground utilities. Staff and Cobb Fendley have been working to minimize
265 the impact on the City when some of the underground utilities are moved across 146 to the other
266 side.

267 Brad Matlock, Cobb Fendley, stated that Cobb Fendley has been working with TXDOT
268 for many years. There are quite a few utilities in the corridor from Red Bluff to Nasa 1. The
269 60% design meeting with TXDOT was supposed to take place in August, but because of
270 Hurricane Harvey, the meeting was cancelled. TXDOT ended up meeting with Seabrook to
271 discuss TXDOT's storm sewer design so that Seabrook could figure out which lines are in
272 conflict with TXDOT's plan. Because TXDOT has not changed their let date, Cobb Fendley
273 must have Seabrook's plans completed by December. The overall cost will be much less than
274 anticipated because the City will use TXDOT's plan and let TXDOT bid it out. The City will
275 not be responsible for the full design. It will be a big savings because the City's work will be
276 lumped in with TXDOT's work. If there are no conflicts, then there will be an additional
277 savings. The original cost estimate was \$900,000, and now the estimate is \$284,000. Cobb
278 Fendley will perform a survey to obtain data that TXDOT does not provide. It will be an actual
279 survey on the ground, but again, only if TXDOT does not provide it. The survey will only be
280 completed if it is needed.

Gayle Cook, City Manager, stated that the funding for this proposal will be taking from the enterprise fund. That fund is running a surplus now, and the City has additional monies in reserves.

Mr. Matlock explained that this proposal is to start the utilities relocation project. It might next year before actual construction is started. This project will require expenditures over the next 3-4 fiscal years. The crossings will be a significant cost of \$800,000 for water and \$900,000 for sanitary sewer. TXDOT has given municipalities first option to use their right of way (ROW) on both sides of the highway, which will save money. In addition, the relocated utility lines correlates with how water is sent throughout the city in the future; therefore, there is savings because the TXDOT project incorporates some of the work of the other City projects involving utilities.

Motion was made by Councilmember Adovasio and seconded by Councilmember Machol

To approve the proposal submitted by Cobb Fendley for engineering services, in an amount not to exceed \$284,660.00, for CIP projects W7 and WW8, to relocate the existing water, sanitary sewer gravity, and sanitary sewer force mains within the State Highway 146 corridor, as a result of the TXDOT 146 Highway Expansion Project.

MOTION CARRIED BY UNANIMOUS CONSENT

5. ROUTINE BUSINESS

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

TXDOT – Gayle Cook, City Manager, explained that the Communications Department and the Economic Development Department have been working on a new website for the expansion project, www.146.com. Union Pacific closed on August 29 and the City received an official statement from Union Pacific on the closing. The anticipated bid awards for the project is summer of 2018. The Economic Development department is getting numerous calls on the status of the project. The City will start feeding information through the new website, which will be online soon. The hearings continue, and there were a couple held at City Hall last week. TXDOT is reaching about the 40% mark on closures. Finally, the City received another email regarding demolitions of buildings, but none have been started at this point.

Projects – Ms. Cook stated that the completion of the Public Works facility is soon. All items on the list have been completed. Animal Control officially moved all of their items into the building and their side is getting set up to open. The demolition of the old building started this week.

Grant Administration – Ms. Cook explained that Council approved the addition of this item to the Action Items Checklist at the last Council meeting. Seabrook received the applied for grant for the Celebration Seabrook Festival in the amount of \$4700 with the City providing a match of \$4700 for two huge murals to be displayed during the event. The DOW grant for \$10,000 for the Main Street tree planting has been submitted. The most cost effective trees for Main Street are pindo palms, which will be purchased with the \$10,000. The City is still in the running on the Texas Restore Act grants that were submitted last year for the Waste Water Treatment Plant, Pine Gully, and the Todville Bridge. Public Safety will submit for two grants for surveillance equipment in the courtroom and for rifle resistant body armor. oom and resistant body armor (ask Sean W); decide on main street trees?

Motion was made by Councilmember Picha and seconded by Councilmember Adovasio

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT

5.2 Update on Hurricane Harvey expenses and claims, and all other associated items. (Cook)

Gayle Cook, City Manager, stated that the City received an official callback from FEMA, and FEMA has received the City's application for assistance. So far the biggest expense has been emergency protective services (overtime pay, etc.) at our \$200,000, and indications are that the City will be 100% reimbursed for that expense. Debris removal will be between \$50,000 and \$75,000 after all invoicing is received. At this point, all debris has been removed, including household waste. The Public Works staff did an outstanding job of staying in contact with the vendor each day and making sure the plan was on track. The other projects in process with FEMA include: the Pine Gully Pier repair (engineering reports have been completed) and lift stations and control valves (the City will apply with FEMA after TML determines its coverage of the repairs). Over the next two weeks the City should have one more call with FEMA, then FEMA will make face to face site visits to help the City determine any other projects to be submitted for FEMA funding. The process for reimbursement will take about three to four months.

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

The Council Group Photo will be taken on October 17 at 6:30pm.

There is a joint meeting on October 26 at 6:00pm with the Planning & Zoning Commission.

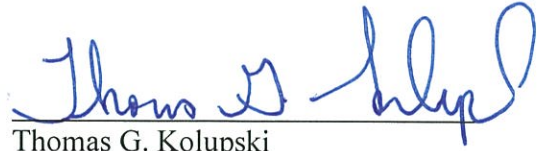
350 Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:18 p.m.

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352 Approved this 17th day of October, 2017.

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361 Robin Hicks, TRMC
362 City Secretary





Thomas G. Kolupski
Mayor