

The City Council of the City of Seabrook met in regular session on Tuesday, November 21, 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 – Ex. Abs.	COUNCIL PLACE NO. 2
GARY JOHNSON	MAYOR PRO TEM &
	COUNCIL PLACE NO. 3
NATALIE PICHA	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 Kolupksi called the meeting to order at 7:00 p.m. and led the audience in the United States and Texas Pledge of Allegiance.

1. PRESENTATIONS

1.1 Presentation of the post event report for the 2017 Galveston Bay Songwriters Festival. (Burns)

John Burns, organizer, stated that the first event was held Sept. 29 – Oct. 1. Hurricane Harvey caused plan changes, and required cancellation of about 1/3 of the schedule. The main headliners were cancelled, but everything went really well once the schedule was sorted. Attendees enjoyed 20 hours of music at Cabo and T-Bone Tom's. There were great crowds in Kemah and pretty good crowds in Seabrook. The fans and the artists had a great time. The Festival survived financially, losing only about \$200. Because of the storm, 10 days of promotional time was lost. Ticket sales were as projected before the storm, but only 12 tickets were sold after the storm. FEMA took all of the hotel rooms that had been blocked for the festival. The idea was fashioned after a similar festival in Key West, Florida. A more traditional festival is being looked at for the future with one location, tickets sales, etc. All in all, this year's event was successful, given the circumstances, and the City's support is appreciated.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS – none

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45 **2.1** Mayor, City Council and/or members of the city staff may make announcements about
46 city/community events. (Council)
47

48 Councilmember Johnson announced several upcoming events, including: Share Your
49 Christmas; Breakfast with Santa; Main Street Tree Lighting; and the Santa Run.
50

51 Gayle Cook, City Manager, presented LeaAnn Dearman, Director of Communications,
52 with roses and thanked her for all of her hard work on Celebration Seabrook. She worked
53 diligently to make sure City auditors would be happy with the accounting side of the event. The
54 festival is a lot of work and City Management and staff appreciate all of LeaAnn's.
55

56 Ms. Dearman thanked Council for their support and staff for their dedication and hard
57 work on the festival.
58

59 **3. BID AWARDS**
60

61 **3.1** Consider and take all appropriate action on Bid Award for RFP 2017-06 to the only bidder,
62 Waste Management, for Solid Waste and Recycling Services, and authorize the City Manager to
63 execute an agreement between the City of Seabrook and Waste Management for an initial term
64 of five (5) years with the option of three (3) additional one (1) year terms. Form 1295 has been
65 completed and submitted. (Cook)
66

67 Gayle Cook, City Manager, explained that the City went out to bid for trash and recycling
68 services and Waste Management was only bidder. Staff reviewed the proposed changes to the
69 contract with Waste Management and is very pleased. There will be a slight increase to the cost
70 of residential services and commercial services will remain the same.
71

72 Shanna Lopez, Waste Management, explained some of the major changes to the contract
73 with the City, stating that the cost proposal shows a 4.5 % increase for residential services.
74 Automatic Side Loading trucks (ASL) will load both trash and recycling carts and residents will
75 have be sure that that carts are positioned properly and that there is not a car in front of the carts.
76 So wherever the customer leaves the cart is where the cart is returned. The old garbage cans are
77 equipped to be picked up with the automatic arm. Waste Management is trying to stress to
78 communities the importance of the ASL safety features. The ASL trucks are new, so they will
79 look new going down the truck.
80

81 The pickup days will change, with Wednesday recycling going away, so that the second
82 pickup day will be both recycling and trash. In addition, the first pickup day will be regular trash
83 and bulk/brush pickup. There will be two trucks coming by on each pickup day (one for regular
84 trash and one for either bulk or recycle). The bulk/brush items will not be picked up by ASL
85 trucks. The "Enhanced" once a week recycle means a large cart, like the trash carts, with a
86 yellow lid for recycling, instead of the smaller bins with no lids. Residents are free to keep the
87 smaller bins for personal use. The contract should take effect the first of January, but will
88 instead start on January 8, so Waste Management is not delivering new carts during the
89 Christmas holiday. The goal is to deliver new carts on January 2. The HOA's have asked about

90 placing the smaller bin next to the large cart for hand pickup, if the large cart gets filled, and this
91 is not possible due to safety concerns around the automated process. The driver should not get
92 out of the truck. The extra can be picked up on bulk days, as garbage. We can pick up on bulk
93 days, but they will be picked up as garbage. Also, for an extra \$6.50 per month, residents can get
94 an extra recycle cart, the large cart with the yellow lid.

95
96 A new service is "at your door" pickup of hazardous waste. Residents will call Waste
97 Management and schedule a pickup for hazardous waste. Waste Management will mail the
98 appropriate bag to the resident, based on the type of waste the resident wants picked up, then the
99 waste will be loaded in the bag and picked up at the door by Waste Management. Staff is
100 making rounds to HOA's about this new service, and has received very positive responses.

101
102 An added service, for an additional charge to residents, is the Bagster program to help
103 residents manage all of the waste at their homes during construction. Residents call to schedule
104 the delivery of bags for placing the construction waste in and then being picked up by Waste
105 Management.

106
107 Waste Management is the nation's largest recycler, with sites in Houston that perform the
108 recycling processing before shipping out the items collected to be turned into different material.

109
110 The side of Seabrook the drivers are on will determine which landfill the trash goes to.
111 Waste Management is 19 miles from the Coastal Plains landfill; 21 miles from the Baytown
112 Landfill; 12 miles from the Pasadena hauling site; 37 miles from the Gasmer MRF; and 46 miles
113 from Waste Management Westside MRF.

114
115 The City and Waste Management will prepare educational/training materials so that
116 residents will be aware of the requirements for the ASL trucks and the new pickup days and
117 requirements. Implementation and education/training will be accomplished through brochures,
118 the City website, the Waste Management call center, utility billing inserts/mailers, and social
119 media. There will be continued recycling education by Waste Management to the community.

120
121 Waste Management has invested in the Seabrook community by providing waste
122 containers for Celebration Seabrook, the Easter Egg Hunt, the July 4th parade, and Main Street
123 Tree Lighting. Waste Management can also provide tours of the recycling facilities, the Landfill
124 and can provided "touch a truck". The kids love to see the trucks.

125
126 All Waste Management drivers and helpers are trained to look out for the neighborhoods
127 and work with the Police Dept. They call in anything that doesn't look right in the
128 neighborhoods.

129
130 Ms. Cook explained that the pricing will be adjusted each year as the CPI and fuel
131 charges change. This contract will be the third contract with Waste Management and each
132 contract contained provisions for an annual adjustment based on changes to the CPI and the fuel
133 charge. Those provisions are not new. Commercial rates have increased about 15% in the last 2
134 years because those rates were on a tier system. The residential cost actually went down this

year by 10 cents on garbage collection, and when the new "at your door" service is added, then there is an increase. A pilot program was initiated at Lake Pointe Forest for the "at your door" service, which was successful. This added service is an enhancement for a good price. A lot of retailers won't take hazardous materials anymore and the nearest locations that will take them are in Baytown or Texas City. It's a win-win.

For multi-family recycle, the small bins pickup is not efficient, so some of the apartment complexes will no longer have recycle unless the apartment management chooses to buy the larger recycle bins. However, the City has added a recycle drop off location at the new Public Works complex into the contract.

Finally, 40 yard bins are not included in the contract, as temporary roll offs are not provided by Waste Management only.

Motion was made by Councilmember Llorente and seconded by Councilmember Machol

To approve the Bid Award for RFP 2017-06 to the only bidder, Waste Management, for Solid Waste and Recycling Services, and authorize the City Manager to execute an agreement between the City of Seabrook and Waste Management for an initial term of five (5) years with the option of three (3) additional one (1) year terms.

MOTION CARRIED BY UNANIMOUS CONSENT

4. *CONSENT AGENDA*

4.1 Approve the Clear Lake Emergency Medical Corps (CLEMC) monthly report for October 2017. (Hunter)

4.2 Approve the Seabrook Police Department monthly report for October 2017. (Wright)

4.3 Approve the minutes of November 7, 2017 regular City Council meeting. (Hicks)

Motion was made by Councilmember Adovasio and seconded by Councilmember Johnson

To approve the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

5. *NEW BUSINESS*

5.1 Consider and take all appropriate action on first reading of proposed Ordinance 2017-45, "The Commons at Seabrook Modified PUD". (Landis)

180 AN ORDINANCE AMENDING ORDINANCE 2013-23 APPROVING "THE COMMONS AT
181 SEABROOK PUD" LOCATED AT 3300 BAYPORT BOULEVARD GENERALLY NORTH
182 OF SEABROOK CIRCLE AND SOUTH OF BAYVIEW DRIVE, BEING SITUATED IN THE
183 RITSON MORRIS SURVEY, ABSTRACT NUMBER 52, HARRIS COUNTY, TEXAS
184 CONSISTING OF APPROXIMATELY 22.609 ACRES OUT OF THE RUGGLES
185 SUBDIVISION, HARRIS COUNTY, TEXAS ACCORDING TO THE MAP/PLAT
186 RECORDED IN VOLUME 5, PAGE 30 OF THE MAP RECORDS OF HARRIS COUNTY,
187 TEXAS BY REVISING THE PLANNED UNIT DEVELOPMENT ("PUD") PLAN,
188 REGULATIONS, RESTRICTIONS AND CONDITIONS ("PLAN") ONLY IN RELATION TO
189 THE MODIFICATION TO "EXHIBIT E" PERMITTED LAND USES, TO ALLOW FUEL
190 AND CONVENIENCE STORE AS AN ADDITIONAL PERMITTED LAND USE TO BE
191 PERMITTED ONLY ON RESERVE "B", SUBJECT TO DETAILED DESIGN STANDARDS
192 AND REGULATIONS FOR SUCH USE AS PROVIDED HEREIN; AND APPROVING
193 MODIFICATION OF THE PREVIOUSLY APPROVED 30,000 SQ. FT RETAIL BUILDING
194 LOCATED ON RESERVE "D" TO ALLOW DIVISION OF THE FOOTPRINT OF THE
195 BUILDING INTO TWO INDIVIDIAL STRUCTURES, AS DEPICTED IN THE REVISED
196 PLAN ATTACHED HERETO AS EXHIBIT "F"; REPEALING ALL ORDINANCES OR
197 PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING
198 FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF
199 VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND
200 PROVIDING FOR SEVERABILITY

201
202 Sean Landis, Deputy City Manager, stated that the Planning & Zoning Commission
203 recommended approval of all three amendments by unanimous vote.

204
205 Motion was made by Councilmember Llorente and seconded by Councilmember Machol

206
207 To approve on first reading proposed Ordinance 2017-45, "The Commons at Seabrook Modified
208 PUD".

209
210 MOTION CARRIED BY UNANIMOUS CONSENT

211
212 **5.2** Consider and take all appropriate action on first reading of proposed Ordinance 2017-46,
213 "Issuance of Conditional Use Permit to Allow a Bar at 5735 Bayport Boulevard in the C-2
214 Medium Commercial District". (Landis)

215
216 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A,
217 COMPREHENSIVE ZONING, ARTICLE 12, "TEMPORARY AND NONTEXT CHANGES,"
218 SECTION 12.03, BY ADDING A NEW PARAGRAPH TWENTY THREE (23), GRANTING
219 A CONDITIONAL USE PERMIT ALLOWING FOR A BAR AT 5735 BAYPORT
220 BOULEVARD WITHIN A C-2 (MEDIUM COMMERCIAL) DISTRICT OF THE CITY;
221 PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION
222 OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL
223 ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT
224 HERewith; AND PROVIDING FOR SEVERABILITY

225 Sean Landis, Deputy City Manager, stated that the Planning & Zoning Commission
226 recommended approval by unanimous vote.

227
228 Motion was made by Councilmember Llorente and seconded by Councilmember Machol
229

230 To approve on first reading proposed Ordinance 2017-46, "Issuance of Conditional Use Permit
231 to Allow a Bar at 5735 Bayport Boulevard in the C-2 Medium Commercial District" with the
232 addition of "Ordinance 2017-46" added to line 79 of the ordinance.
233

234 MOTION CARRIED BY UNANIMOUS CONSENT
235

236 **5.3** Consider and take all appropriate action on first reading of proposed Ordinance 2017-47,
237 "Amendment to the Official Zoning Map to Rezone 7.0899 Acres of Lots 12, 13, 14, and 15 of
238 Ruggles Subdivision, Abstract 52, Ritson Morris Survey, Harris County, Texas, located West of
239 Lakeside Drive, immediately East of Seabrook City Limits and North of Seabrook Circle from
240 R-1 to C-2". (Landis)
241

242 AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
243 SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES,
244 APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION",
245 SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING THE PROPERTY LOCATED
246 ON TRACT 31, BEING AN 7.0899 ACRES TRACT OF LAND SITUATED IN THE RITSON
247 MORRIS SURVEY, ABSTRACT 52, HARRIS COUNTY, TEXAS, AND BEING OUT OF
248 AND A PART OF LOTS 12, 13, 14, AND 15 OF RUGGLES SUBDIVISION AS RECORDED
249 IN VOLUME 5 AT PAGE 30 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AS
250 MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND
251 INCORPORATED BY REFERENCE, FROM R-1 ("SINGLE-FAMILYDETACHED
252 RESIDENTIAL DISTRICT") TO C-2 ("MEDIUM COMMERCIAL DISTRICT");
253 REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS REZONING;
254 MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT;
255 PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR
256 VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE;
257 REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN
258 CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY
259

260 Sean Landis, Deputy City Manager, stated that the Planning & Zoning Commission
261 recommended approval by unanimous vote. When asked by Council, Mr. Landis explained that
262 the water tower is exempt from zoning because it is a government facility.
263

264 Motion was made by Councilmember Adovasio and seconded by Councilmember Johnson
265

266 To approve on first reading proposed Ordinance 2017-47, "Amendment to the Official Zoning
267 Map to Rezone 7.0899 Acres of Lots 12, 13, 14, and 15 of Ruggles Subdivision, Abstract 52,
268 Ritson Morris Survey, Harris County, Texas, located West of Lakeside Drive, immediately East
269 of Seabrook City Limits and North of Seabrook Circle from R-1 to C-2".

MOTION CARRIED BY UNANIMOUS CONSENT

5.4 Consider and take all appropriate action on proposed Resolution 2017-25, "Casting a Ballot for Board of Directors of the Harris County Appraisal District (HCAD)". (Council)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT (HCAD)

Motion was made by Councilmember Picha and seconded by Councilmember Adovasio

To approve Resolution 2015-25 to cast a ballot for Mike Sullivan for the Board of Directors of the Harris County Appraisal District.

MOTION CARRIED BY UNANIMOUS CONSENT

6. ROUTINE BUSINESS

6.1 Update on the Chesapeake Bay Master Plan. (Friedrichs)

Bill Friedrichs, WMF Investments, stated that construction (moving dirt) started a couple of weeks, and the utility pipe should be installed in three to four weeks. The sales trailer will on site in about two weeks, and there are 105 people on the waiting list. The tentative open is late July or August for the villas. Deposits will be taken once the sales trailer is open. Amenities are in the big building, which will be 5 months behind the villas. There has been no advertising on social media yet, but people at Lakewood Yacht Club have been asking about applications.

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

TXDOT – Gayle Cook, City Manager, stated that there is demolition of structures occurring today. KFC is down, and Popeye's, then Sonic, then Walgreen's is next. TXDOT did confirm that Walgreens is still going through environmental and TXDOT has the key to the building. The City received a letter today that TXDOT is acknowledging all of the design changes staff has been working, and confirming all of the costs. Staff still needs to have further discussion with TXDOT on cost sharing, and tomorrow's meeting will include the SWA design team in order to meet the TXDOT design team to double check what is going into the design set and that the City will have everything it has requested.

Projects – Ms. Cook explained that the Grand Opening for the Public Works and Animal Control Complex was on Saturday, November 18, and there were around 200 people who attended over the course of the event (from 11:00am – 2:00pm). All responses from attendees were positive and 1 cat was adopted. There is still a fence issue and staff is working with the architects on it, so the accounting has not been closed on the project yet. Staff is looking at the possibility of liquidated damages at this time.

Grants – Ms. Cook stated that the City received a number of emails from the State, asking for additional information on everything submitted for the Texas Rebuild grant (water treatment plant; relocation of PD/EDC; Baywood Bridge rebuild). Staff has a meeting on Wednesday regarding this grant.

Motion was made by Councilmember Johnson and seconded by Councilmember Picha

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT

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

Gayle Cook, City Manager, explained that the City went out to bid for a firm that does grant administration and financial assistance for disaster recovery. The City is still working with FEMA on a daily basis through the process for reimbursement. All of the projects for reimbursement fall under the Public Works or the Parks Department; therefore, the Director and Assistant Director of Public Works are the staff leads. Staff found out that they City can apply expert and administrative costs to the damage estimates and get reimbursed for those items. Three interviews were completed this week to find a firm from the RFP, and a bid award will come before Council on December 5 with staff's recommendation. Consultants have warned the City to take its time with assessing damages; therefore, costs will not be finalized under the first quarter of next year.

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

Per Council consensus, there will be only one City Council meeting in December on December 5.

7. EXECUTIVE SESSION

7.1 Section 551.072 – 8:13pm

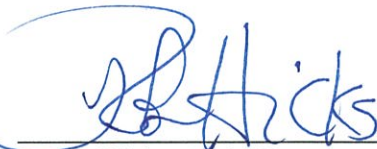
Conduct a closed executive session to discuss the purchase, lease, or exchange of real property in closed session due to potential detrimental effect on City in negotiations with third party if conducted in open session, as provided by Section 551.072 of the Texas Government Code. (Cook)

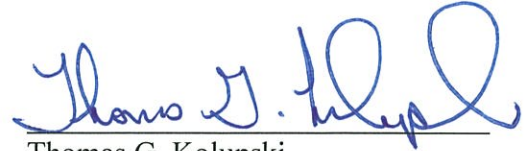
At 8:13 p.m. Mayor Kolupski announced that the City Council will now hold a closed executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551 Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.072, Deliberation Regarding Real Property.

At 8:33 p.m. Mayor Kolupski reconvened the meeting in open session and stated that item 7.1 had been discussed, but that no action had been taken in executive session.

360 Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:34 p.m.

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362 Approved this 5th day of December, 2017.

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Robin Hicks, TRMC
City Secretary



Thomas G. Kolupski
Mayor

