

1 The City Council of the City of Seabrook met in regular session on Tuesday, December 5, 2017
2 at 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 THOM KOLUPSKI	MAYOR
7 ROBERT LLORENTE	COUNCIL PLACE NO. 1
8 LAURA DAVIS	COUNCIL PLACE NO. 2
9 GARY JOHNSON	MAYOR PRO TEM &
10	COUNCIL PLACE NO. 3
11 NATALIE PICH	COUNCIL PLACE NO. 4
12 GLENNA ADOVASIO	COUNCIL PLACE NO. 5
13 JOE MACHOL	COUNCIL PLACE NO. 6
14 GAYLE COOK	CITY MANAGER
15 STEVE WEATHERED	CITY ATTORNEY
16 ROBIN HICKS	CITY SECRETARY

17
18 Mayor Kolupski called the meeting to order at 7:00 p.m. and led the audience in the United
19 States and Texas Pledge of Allegiance.
20

21 **1. PRESENTATIONS**
22

23 **1.1 Presentation of the Matching Mini Mural Grant check to the City of Seabrook from the San**
24 **Jacinto Texas Historic District and the Economic Alliance Houston Port Region Quality of**
25 **Life Task Force. (Dearman)**
26

27 LeaAnn Dearman, Director of Communications, introduced the Chair of the San Jacinto
28 History District, Chad Burke, and the Chair of the Economic Alliance Houston Port Region
29 Quality of Life Task Force, Kristin Edwards.
30

31 Mr. Burke spoke about the grant, and explained it was created last year to promote
32 communities, cities, history, beautification, awareness, tourism and the quality of life task force
33 committee. The History District and the Task Force researched and found that other cities offer
34 similar grants. It's a way to highlight the local history and beauty of an area at the same time.
35 The original proposal was to create a matching grant. The District and Task Force raise money
36 for the sole intention of putting it back into beautifying the region. Seabrook was first city to
37 apply for the grant. The creating bodies knew it would result in fascinating public art, and it
38 worked out really well at Celebration Seabrook. There were people sitting there watching the
39 painting at Celebration Seabrook. The Historic District and Task Force want to thank the City
40 Council and staff for their support.
41
42
43
44

45
46 **1.2 Presentation of the post event report for the 2017 Saltwater Derby. (Botkin-Everett)**
47

48 Melissa Botkin-Everett, Chairperson for the Saltwater Derby, explained that there were
49 nearly 150 fisherman and more sponsors this year, with a chance for fisherman to get free entry.
50 This year's Calcutta resulted in double the money, which is a way to get folks involved who
51 don't fish. The Derby has grown to double in size. The Texas Team Slam brought in \$1200.
52 The Flounder Pot brought in \$640. There was about \$15,000 in cash paid out between the
53 \$8,000 regular pay out and the \$4,576 raffle. The Saltwater Derby has now teamed up with
54 Shriners, who have had several successful tournaments. This year the bar was raised on the
55 raffle, selling tickets for \$10-\$20 for bigger items. Some improvements that were made were:
56 free hats were given to the first 100 fishermen (really nice hats sponsored by Blue Marlin
57 Marina); food donation was increased; free advertisement with 610 sports radio was acquired; a
58 billboard was added this year; and newspapers across Texas were approached for advertising. A
59 check will be presented to Shriners Hospital for \$5,000 and those in Seabrook and Seabrook
60 employees affected by Harvey will have a drawing to give away \$5,000. Seed money has been
61 secured for next year. The plan is to visit other successful tournaments and make improvements
62 to the website. People loved the new banner and were taking pics in front of it during the
63 tournament. Local hotels helped by providing blocks for rooms. If people come out next year
64 they will be feed, given some free drinks, and sold raffle tickets. This tournament draws a big
65 crowd. The goal is to give people a big bang for their buck. It takes a lot of people, a lot of
66 planning, and a lot of volunteers, and despite Hurricane Harvey, Saltwater Derby did alright this
67 year.

68 Councilmember Adovasio stated that the Seabrook Association has really enjoyed being
69 a part of the Derby this year. It just keeps growing and growing. This is a great event. Melissa
70 and Liz have done an unbelievable job.
71

72 **1.3 Presentation of the post event report for the 2017 Celebration Seabrook Festival.**
73 **(Dearman)**
74

75 LeaAnn Dearman, Director of Communications, stated that staff is still working with the
76 vendor on final financials, which may take several months to complete. The highlights of the
77 Festival include:

- 78 • 1360 adult attendees; 500 children; 55 staff; 35 volunteers; 75 entertainment (bands and
79 art performers, pirate show, magician); 285 exhibitors (sponsors, merchants, artists); and
80 50 dogs. 305 tickets were redeemed with the \$5 resident code. In order to get the code,
81 residents had to email and staff verified the address in some form or fashion. El Lago
82 and Pasadena residents were not able to use the resident code. Veterans and First
83 Responders were also given tickets at \$5 each.
- 84 • Attendance did not increase much this year. There might have been a little bit of
85 downturn. When the final financials are in, staff can show paid attendees versus gift
86 ticketed attendees.
87
88

- Seabrook Association sponsored the Kids Zone. Port Houston sponsored the Veterans Area. TASC has been the live music stage sponsor for the past three years. San Jacinto Historic District gave the City a grant of \$4800 for the murals. HEB gave in-kind donation of \$1500 worth of product. CenterPoint Energy sponsored the golf cart transportation to and from parking lots. Bay Area Observer gave a ton of in-kind media services. Arlan's gave \$700 in product (waters, sodas). CLEMC has donated their trailer for the past two years.
- Bay Area Veterans Memorial was a merchant for the first time. Keels and Wheels was a merchant. The Tea Mistress is a Seabrook resident and she's been out every year. All merchants gave a percentage of their proceeds from the day and night back to the City.
- The anchor bar was busy all day. There were wine tasting seminars in the VIP tent.
- Shelby Nicole did a great job on the mural and there is now a super thick coat of clear paint, so if there is graffiti, it can easily be washed off the mural. Artists was a huge draw for this event. Debi Starr did the Pelican Painting again, which is a super popular station. The sea themed pelican Debi painted will be at the splash pad. There were also chalk paintings under the pavilion.
- In the Kid Zone, the shark was a popular attraction. There were bounce houses, face painting. There has not been a negative comment in all three years about the Kid Zone. The adults actually enjoy everything going on in the Kid Zone, too.
- Port Houston sponsored the Salute to Vets. 10 people nominated a family and a random drawing was held. Colonel Joe McPhail was present to assist with honoring the four families. "Portrait of a warrior" art was on site for viewing.
- There was a fur chic fashion show. Not a lot of participants this year, but still fun.
- Comments on the venue were positive. It was a lot easier to set up at the park.
- The Festival brought in about \$96,000, which is below the forecasted amount. Drink sales estimate was \$10,000 and total sales was only \$6,000. Maybe Harvey is a factor or maybe more kids than adults is a factor.

The 2018 events and details are to still be determined.

For media the City has worked with Deborah Ford every year, and she goes above and beyond what Food and Vine time does. Deborah is great about getting additional ad buys and stories written. It was harder this to get a lot of free placements because of Harvey. KODA's Rick Lovett was the emcee throughout the day.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS

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

Paul Robinson, Dickinson Texas, producer of the Texas Outlaw Challenge, announced that the Outlaw Challenge had a very good event this year, the biggest of its 10 year history. Next year will be number 11. It was bigger this year because Seabrook and other cities passed resolutions to have the biggest spectator event on the lake with a no wake zone. The resolutions improved the safety program. The Outlaw Challenge was scouted unknowingly by a group out of Key West because of the venue and the safety program on the water during the weekend. The Challenge would like to bring Offshore Power Boat Racing to the 2018 event. The Key West group races throughout the country and wants to come to Clear Lake. After looking around the Clear Lake area and the venues, the Key West team was very pleased that Clear Lake could host them. If this racing were added, it would extend the days of the Challenge from Friday to Sunday. It will be called Houston Recovery Grand Prix. It would bring between 25,000-30,000 spectators. The Grand Prix would offer a Mayor's cup exhibition race between the 7 cities around the lake. That would be very entertaining and fun. Affiliates advertising would be available in Mississippi, Louisiana, and Texas. The Grand Prix would also bring NBC sports to the area. This is growth and recognition for the community. There would still be times on the lake open for recreational traffic of course. The first step is to get approval of resolutions from the lake cities for a no wake zone for safety, and community support by the cities and city councils to move forward with this plan for next June.

Dee Jimenez, 2120 Menard, Seabrook, stated that there is a strip of road on Hammer from Todville to East Meyer where there is a lot of drag racing and speeding. The subdivision is new, with lots of families. People are flying around the corners. The road is very narrow. There's no shoulder to it. Recently there were people being chased down there. The Wednesday before Thanksgiving, a 17 year old cat was hit and killed. You can hear the speeding and racing all hours of the night, the spinning of the tires. Has there been any kind of study done in that area for a need for speed bumps? A lot of people take the short cut and go through there. It would be beneficial to Do something to keep people from speeding down that street.

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

Councilmember Adovasio announced several upcoming events, including Share Your Christmas gift and food bank donation program; Main Street Tree Lighting; the Santa Run; and the Open Space and Trails Committee tree planting.

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179 **3. BID AWARDS**

180
181 **3.1** Consider and take all appropriate action on Bid Award for RFP 2018-04 to staff
182 recommended H2O Partners, Austin, Texas for Disaster Recovery Services and Financial and
183 Grant Management Support. (Cook / Gibbs / Galyean)
184

185 Gayle Cook, City Manager, stated that bids went out for consultation for assistance on
186 Hurricane Harvey claims. The City received seven (7) responses. A staff committee looked at
187 the responses, and has made a recommendation to hire H2O partners. This consultant will look
188 at the costs to be recovered by FEMA, and assist with helping the City to be reimbursed for
189 projects like the Pine Gully Pier and the lift stations. Wastewater mitigation will be the second
190 portion of the assistance from the consultant.
191

192 Motion was made by Councilmember Llorente and seconded by Councilmember Machol To
193 approve a Bid Award for RFP 2018-04 to staff recommended H2O Partners, Austin, Texas
194 for Disaster Recovery Services and Financial and Grant Management Support.
195

196 MOTION CARRIED BY UNANIMOUS CONSENT
197

198 **4. CONSENT AGENDA**

199
200 **4.1** Approve on second reading proposed Ordinance 2017-45, "The Commons at Seabrook
201 Modified PUD". (Landis)
202

203 AN ORDINANCE AMENDING ORDINANCE 2013-23 APPROVING "THE COMMONS AT
204 SEABROOK PUD" LOCATED AT 3300 BAYPORT BOULEVARD GENERALLY NORTH
205 OF SEABROOK CIRCLE AND SOUTH OF BAYVIEW DRIVE, BEING SITUATED IN THE
206 RITSON MORRIS SURVEY, ABSTRACT NUMBER 52, HARRIS COUNTY, TEXAS
207 CONSISTING OF APPROXIMATELY 22.609 ACRES OUT OF THE RUGGLES
208 SUBDIVISION, HARRIS COUNTY, TEXAS ACCORDING TO THE MAP/PLAT
209 RECORDED IN VOLUME 5, PAGE 30 OF THE MAP RECORDS OF HARRIS COUNTY,
210 TEXAS BY REVISING THE PLANNED UNIT DEVELOPMENT ("PUD") PLAN,
211 REGULATIONS, RESTRICTIONS AND CONDITIONS ("PLAN") ONLY IN RELATION TO
212 THE MODIFICATION TO "EXHIBIT E" PERMITTED LAND USES, TO ALLOW FUEL
213 AND CONVENIENCE STORE AS AN ADDITIONAL PERMITTED LAND USE TO BE
214 PERMITTED ONLY ON RESERVE "B", SUBJECT TO DETAILED DESIGN STANDARDS
215 AND REGULATIONS FOR SUCH USE AS PROVIDED HEREIN; AND APPROVING
216 MODIFICATION OF THE PREVIOUSLY APPROVED 30,000 SQ. FT RETAIL BUILDING
217 LOCATED ON RESERVE "D" TO ALLOW DIVISION OF THE FOOTPRINT OF THE
218 BUILDING INTO TWO INDIVIDUAL STRUCTURES, AS DEPICTED IN THE REVISED
219 PLAN ATTACHED HERETO AS EXHIBIT "F"; REPEALING ALL ORDINANCES OR
220 PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING
221 FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF
222 VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND
223 PROVIDING FOR SEVERABILITY

224 4.2 Approve on second reading proposed Ordinance 2017-46, "Issuance of Conditional Use
225 Permit to Allow a Bar at 5735 Bayport Boulevard in the C-2 Medium Commercial District".
226 (Landis)
227

228 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A,
229 COMPREHENSIVE ZONING, ARTICLE 12, "TEMPORARY AND NONTEXT CHANGES,"
230 SECTION 12.03, BY ADDING A NEW PARAGRAPH TWENTY THREE (23), GRANTING
231 A CONDITIONAL USE PERMIT ALLOWING FOR A BAR AT 5735 BAYPORT
232 BOULEVARD WITHIN A C-2 (MEDIUM COMMERCIAL) DISTRICT OF THE CITY;
233 PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION
234 OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL
235 ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT
236 HERewith; AND PROVIDING FOR SEVERABILITY
237

238 4.3 Approve on second reading proposed Ordinance 2017-47, "Amendment to the Official
239 Zoning Map to Rezone 7.0899 Acres of Lots 12, 13, 14, and 15 of Ruggles Subdivision, Abstract
240 52, Ritson Morris Survey, Harris County, Texas, located West of Lakeside Drive, immediately
241 East of Seabrook City Limits and North of Seabrook Circle from R-1 to C-2". (Landis)
242

243 AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
244 SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES,
245 APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION",
246 SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING THE PROPERTY LOCATED
247 ON TRACT 31, BEING AN 7.0899 ACRES TRACT OF LAND SITUATED IN THE RITSON
248 MORRIS SURVEY, ABSTRACT 52, HARRIS COUNTY, TEXAS, AND BEING OUT OF
249 AND A PART OF LOTS 12, 13, 14, AND 15 OF RUGGLES SUBDIVISION AS RECORDED
250 IN VOLUME 5 AT PAGE 30 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AS
251 MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND
252 INCORPORATED BY REFERENCE, FROM R-1 ("SINGLE-FAMILY DETACHED
253 RESIDENTIAL DISTRICT") TO C-2 ("MEDIUM COMMERCIAL DISTRICT");
254 REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS REZONING;
255 MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT;
256 PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR
257 VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE;
258 REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN
259 CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY
260

261 4.4 Approve City inquiry to Harris County Appraisal District, and its response, in relation to
262 HCAD's errors on the 2017 Certified Tax Roll, resulting in erroneous property assessments.
263

264 4.5 Approve the minutes of November 21, 2017 regular City Council meeting. (Hicks)
265

266 Motion was made by Councilmember Johnson and seconded by Councilmember Adovasio to
267 approve the Consent Agenda as presented.
268

MOTION CARRIED BY UNANIMOUS CONSENT

269 **5. NEW BUSINESS**

270
271 **5.1** Consider and take all appropriate action on a request from the Gulf Coast Film &
272 Video Festival for an additional \$2500 from Hotel Occupancy Tax funds allocated in the 2017-
273 2018 Budget. The subsequent expenditure will directly enhance and promote tourism and the
274 convention and hotel industry and promote the arts, as required by Texas Tax Code, Section
275 351.101. (Dearman / Wixon)

276
277 LeaAnn Dearman, Director of Communications, stated that \$2500 was requested in June
278 for this event. This request is for an additional \$2500, and it is not budgeted, so the funds would
279 have to come out of HOT reserves.

280
281 Domino Taylor, Festival coordinator, stated that last year the Festival was awarded “the
282 best film festival” by Texas and Houston press. This is a small festival with big outreach. 2018
283 will be the 20th anniversary and the organizers want to pull out all the stops. Right now all
284 Festival activities, including film presentations, will be at Lakewood Yacht Club, with hopefully
285 A-list movie stars. Several hotels have been contacted for a block of rooms, and an extra day
286 meet and greet event is being considered. In addition, more advertising is planned for 2018, and
287 the additional monies being requested would help secure some banner signs that people can see
288 when they come into Seabrook. With many volunteers, the budget was \$15,000 last year, and
289 trying to plan bigger for the 20th on that amount is difficult. Most of the money comes from
290 selling tickets and ads in the program. There are some donations of money. The organizers rely
291 on HOT funds and the Houston and Texas Film Commissions, but those organizations are not
292 giving out as much money as they have in the past. There is still participation from other
293 surrounding cities, except for Kemah. It is unknown now what Nassau Bay will contribute, even
294 if the A-list stars stay at the Hilton in Nassau Bay. There will not be any festival events in
295 Nassau Bay. The hope is that Seabrook’s HOT funds will pay for the banner. There have
296 typically been 10 rooms book each year at a Seabrook hotel, and it is hoped that all of the hotel
297 rooms will be in Seabrook for the 20th Anniversary.

298
299 Mayor Kolupski stated that he attend the event in 2017, and it was a pretty nice event.
300 The films are short, 3-minute films. This event is ground level for people to advance in the film
301 industry. This is a great group of people, and if Seabrook has a chance to help the arts, then we
302 should.

303
304 Motion was made by Councilmember Davis and seconded by Councilmember Llorente

305
306 To approve a request from the Gulf Coast Film & Video Festival for an additional \$2500 from
307 Hotel Occupancy Tax reserve funds allocated in the 2017-2018 Budget, with Council finding
308 that the expenditure will directly enhance and promote tourism and the convention and hotel
309 industry and promote the arts, as required by Texas Tax Code, Section 351.101.

310
311 MOTION PASSED BY A 5-1 VOTE, with Councilmember Adovasio opposed

312

313 **5.2** Consider and take all appropriate action on a Professional Services Agreement between the
314 City of Seabrook and H2O Partners, Austin, Texas, with a term to extend until formally
315 terminated, in an amount not to exceed \$50,000. Form 1295 has been completed and
316 submitted. (Cook)
317

318 Gayle Cook, City Manager, explained that this is the agreement that was mentioned with
319 the Bid Award. The cost of this agreement would be project related expenditures and the City
320 should get back 90-100% of these funds. H2O Partners will also assist with FEMA auditing
321 process and the experience with IKE taught that the auditing process can take up to 10 years, so
322 this agreement will stay open and active until the auditing is completed. This is a good firm
323 whose expertise is putting together the information that auditors need, so that money is
324 reimbursed. This agreement is structured so that the City is given monthly updates, so that there
325 is an understanding of the City's liability at each step of the process, so that if there are any
326 issues with H2O Partners, or with the City's satisfaction under the contract, those items can be
327 addressed sooner rather than later. As H2O Partners assists with documenting and auditing
328 project funding, every hour spent by H2O Partners is documented and recorded per project, and
329 added to the project sheet, so that if FEMA approves a project, then the H2O Partners costs are
330 reimbursed back to the City.
331

332 Motion was made by Councilmember Adovasio and seconded by Councilmember Machol
333

334 To approve a Professional Services Agreement between the City of Seabrook and H2O Partners,
335 Austin, Texas, with a term to extend until formally terminated, in an amount not to exceed
336 \$50,000.
337

338 MOTION CARRIED BY UNANIMOUS CONSENT
339

340 **6. ROUTINE BUSINESS**

341
342 **6.1** Approve the Action Items Checklist which is attached and made a part of this Agenda.
343 (Council)
344

345 TXDOT – Gayle Cook, City Manager, stated that there is good progress being made on
346 demolition of buildings on Highway 146. City staff is working with SWA and EDC on the
347 design elements, and the deadline is Friday for Cobb Fendley to submit them to TXDOT.
348 TXDOT is working on the final cost liability back to the City on the design elements, and the
349 City does not have a timeline or deadline for when TXDOT will get back with staff on those
350 final costs. At the 60% meeting on the pipelines, staff learned that CenterPoint has all of the
351 applications and no one knows when the lines are being installed.
352

353 PROJECTS – Ms. Cook explained that staff is still working on closeout on the
354 accounting side for the new Public Works and Animal Control Complex. The City is still
355 holding retainage on that project. The tank removal on the old Public Works site is still in
356 progress with demolition and cleanup.
357

GRANTS – Ms. Cook stated there is not a lot of new information on Harvey, and the City did not receive the applied for DOW grant for trees.

Motion was made by Councilmember Johnson and seconded by Councilmember Davis
To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT

6.2 Update on Hurricane Harvey expenses and claims, and all other associated items. (Gibbs / Garza)

Gayle Cook, City Manager, announced that Michael Gibbs, Director of Finance, and Yesenia Garza, Director of Human Resources, will start reporting on Harvey items on a monthly basis. Staff is working to get a consultant on board and come back and give Council numbers. There is no additional information at this time.

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

The next City Council meeting will be January 2, 2018.

7. EXECUTIVE SESSION

7.1 Section 551.072

Conduct a closed executive session to discuss the purchase, lease, exchange, and/or value 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 8:14 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.

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403
404 **8. OPEN SESSION**
405

406 **8.1** Consider and take all appropriate action on the purchase, lease, exchange, and/or value of
407 real property as discussed in closed executive session. (Cook)
408

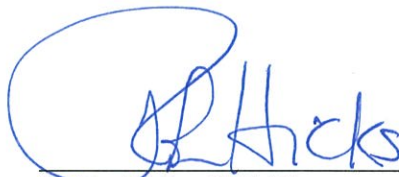
409 At 8:54 p.m. Mayor Kolupski reconvened the meeting in open session and stated that
410 item 7.1 has been discussed, but that no action had been taken in executive session.
411

412 No action was taken on item 7.1 in open session.
413

414 Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:55 p.m.
415

416 Approved this 2nd day of January, 2018.
417
418
419

420
421 
422 Thomas G. Kolupski
423 Mayor
424

425
426 
427

428 Robin Hicks, TRMC
429 City Secretary

