The City Council of the City of Seabrook met in regular session on Tuesday, August 7, 2018 at 6:00 p.m. in Seabrook City Hall, 1700 1st Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

THOM KOLUPSKI	MAYOR
ED KLEIN	COUNCIL PLACE NO. 1
LAURA DAVIS	COUNCIL PLACE NO. 2
JEFF LARSON	COUNCIL PLACE NO. 3
NATALIE PICHA	MAYOR PRO TEM & COUNCIL PLACE NO. 4
BUDDY HAMMANN	COUNCIL PLACE NO. 5
JOE MACHOL	COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	DEPUTY CITY MANAGER
STEVER WEATHERED	CITY ATTORNEY
STEPHANIE MARTINEZ	EXEC. ADMIN. ASSISTANT

Mayor Kolupski called the meeting to order at 6:00 p.m.

1. WORKSHOP

1.1 City Council and City Staff will hear a presentation on, review and discuss, and if necessary, take all appropriate action on the FY 2018-2019 Capital Improvements Program (CIP) projects. (Cook / Matlock)

Brad Matlock, Principal at CobbFendley, went over the FY 2018-2019 Capital Improvement Program.

All of the Capital Improvement Projects will have many funding sources, such as, general fund; certificates of obligation; bonds; enterprise fund; grants; or partnerships with the State/developer/county.

Completed Projects FY 2017-2018:

Water Projects:

- W4 – Humble Drive Water Plant Relocation
- W8 – Water Plant Booster Pumps

Drainage Projects:

- D7 – Hester's Gully Drainage Improvements

Projects for FY19:

Water Projects: Totaling $1.7 million

- W6 – Old Seabrook Water Line Improvements: The asbestos water lines will be upgraded. Design will take place in 2019, and construction will begin in 2020.
- W7 – State Highway 146 Water Line Improvements
- W13 – Chloramine Conversion. This is a TCEQ requirement.
- W15 – NASA RD 1 Interconnect: A connection to Taylor Lake.
- W16 – Old SH 146 Interconnect: A connection to the City of Pasadena.
- W17 – Pine Gully Water Line Improvements. This will provide an increase in water capacity to the water line crossing Pine Gully.
- W18 – Hester's Gully Water Line Improvements. This will provide an increase in water capacity to the water line crossing Hester's Gully.

Wastewater Projects: Totaling $7.2 million

- WW4 – Todville Sewer Line Replacement: Replace a leaking sewer system.
- WW6 – Waste Water Treatment Plant Upgrades Phase 2: Replace a clarifier and piping at the lift station.
- WW7 – Red Bluff Sanitary Sewer Extension: Extend the sewer line to Park Dr.
- WW8 – SH 146 Sanitary Sewer Improvement: Relocate the existing wastewater line.
- WW9 – Pine Gully Wastewater Treatment Plant Phase 1A: First phase in relocating the WWTP to the North side of town.

Drainage Projects: Totaling $4.2 million

- D1 – Todville Road Bridge
- D4 – Wildlife Park Drainage Expansion

Project D3 was pulled off CIP since it is developer driven.

Street Projects: Totaling $250,00

- S10 – Marvin Circle: Replace the existing concrete and water line.

Facility Projects: Totaling $3 million

- FAC1 – SCADA System Upgrades: The brains for the City's lift stations, water plants, and wastewater plant. The City did not receive the grant.
- FAC6 – Smart Water Meter Conversion: Replace the meters throughout the City.
- FAC7 – Public Safety Inspection Area (SH 146): A parking area that will allow officers to inspect vehicles safely.
- FAC10 – Water Wells Fiber Conduit
- FAC11 – Water Tower Fiber Conduit

Park Projects: Totaling $65,000

- P3 – Main Street Pindo Palms
- P4 – Baybrook Tennis & Basketball Courts Resurfacing

2. PUBLIC COMMENTS AND ANNOUNCEMENTS

Helen Burton, 2918 Sea Ledge Dr., is pleased to see funding to update the master plan for the parks and trails. Having a current master plan helps when applying for grants. Expanding the trails will be great to get connectivity between East and West Seabrook. Lighting up the trails for the night runners would be greatly appreciated. The Wildwood Playground equipment is the oldest in the City and is happy to hear it will be replaced. The potential kayak launches would be heavily used.

Sally Antrobus, 526 Surf Oaks Dr., stated that updating the parks and trails master plans will get the Open Space and Trails Committee higher points when applying for grants, as this Committee has been successful in receiving grants for the City. The key right now is to get the trails as close as we can to SH146.

John Coggeshall, 2715 Carmel Woods, stated one of the greatest qualities about Seabrook is the parks and trails system. On any given weekend, one will notice how much the parks or trails are utilized. What makes the parks and trails so popular is the connectivity throughout the City and being close to nature. If the City can connect to the Pasadena trails system, down to the Armand Bayou trails system, and all the way to Pine Gully it will increase visibility to the City and it will also increase the quality of life for the citizens. Many awards have been given to the City because of the trail system established. The City is very fortunate to have sponsors and volunteers sign up to help beautify the City when it comes to the yearly tree planting.

Gayle Cook, City Manager, stated that a number of grants are being worked on to help with funding the trails.

Mayor Kolupski stated the City is working closely with the Port of Houston to extend the trail.

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

Councilmember Davis announced several upcoming events, including:

- August 20, 2018 – CCISD First Day of School
- September 8, 2018 – PolyOne 5K FunRun and Picnic (Pending)
- September 20, 2018 – Toughest 10K
- October 21, 2018 – Bike Around the Bay

Tickets are now on sale for Celebration Seabrook and may be purchased online or at the gate for $5.00.

Mayor Kolupski stated that the City has been challenged by other local cities to participate in a Mayors' Heart Walk on November 10, 2018 at the Kemah Boardwalk, which will benefit the Texas Heart Association.

3. PRESENTATIONS

3.1 Presentation on the post event report for Yachty Gras 2018. (Howard)

Dr. Maurine Howard, Executive Director of the Yachty Gras Foundation, stated that Yachty Gras is a positive, goal-oriented organization formed to bring tourism to the Bay Area communities. The events promote the boating community and area businesses with the purpose of raising funds for local non-profit organizations that impact the Bay Area. During Mardi Gras season, this is the only family friendly event in the area. All the entries are judged on theme, music, lighting, creativity, costumes, and enthusiasm. The lineup of the event is: Keels & Wheels, Save the Date Party, Kick-off Party, Boat Parade, and Awards Breakfast. The awards for the event are as follows: 1st, 2nd, and 3rd place in Power Sail, Marina Award, Admiral Award, Volunteer of the Year, Outstanding Service Award, Lead Boat Award, King & Queen Award, and the Special Service Awards. The event brought around 10,000 people to the Bay Area. The Yachty Gras 2018 charitable support went to the Seabrook Animal Shelter. The Seabrook Hotel Bookings were as follows: Spring Hill Suites: 87% full, Quality Inn: 84% full, LaQuinta Inn: 86% full, Best Western: 83% full, Baymont: 82% full, Hampton Inn: 88% full. The average hotel occupancy is 85% due to extremely bad weather. Next year's Yachty Gras event will be the 20th Annual celebration.

4. CONSENT AGENDA

4.1 Approve on second reading proposed Ordinance 2018-19, "Amending the City of Seabrook Code of Ordinances to Revise 'Appendix B,' 'Master Fee Schedule' to provide for Annual Fee Review and Authorize the City Manager to make interim adjustments of such fees." (Cook)

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF SEABROOK, TEXAS, TO PROVIDE FOR ANNUAL REVIEW BY CITY COUNCIL, OR AS IT OTHERWISE DETERMINES, OF FEES CONTAINED IN THE MASTER FEE SCHEDULE, AUTHORIZING THE CITY MANAGER TO MAKE INTERIM ADJUSTMENTS OF THE SUBJECT FEES AS DETERMINED REASONABLE AS PROVIDED HEREIN; MAKING FINDINGS OF FACTS; REPEALING AND REPLACING ALL ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE AND EFFECTIVE DATE

4.2 Approve on second reading proposed Ordinance 2018-18, "Revise Section 90-5, Multi-Way Stop Signs at Todville Road and East Meyers." (Wright)

AN ORDINANCE AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE 1, "IN GENERAL," SECTION 90-5, "STOP SIGNS DESIGNATED," SUBSECTION (1), "MULTI-WAY STOP SIGNS," AND ADDING A NEW MULTI-WAY STOP AT THE INTERSECTION OF TODVILLE ROAD AND EAST MEYER AVENUE; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS ($200.00) FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF

ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE

Motion was made by Councilmember Davis and seconded by Councilmember Klein

To approve the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

5. NEW BUSINESS

5.1 Consider and take all appropriate action on proposed Resolution 2018-25, "Acceptance of a Special Warranty Deed from Seabrook Assets LLC for a tract approximately 4.1031 acres". (Cook)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, APPROVING THE ACCEPTANCE OF A SPECIAL WARRANTY DEED FROM SEABROOK ASSESTS LLC, PROPERTY OWNERS, FOR A TRACT CONTAINING APPROXIMATELY 4.1031 ACRES OF LAND SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT 52, HARRIS COUNTY, TEXAS, BEING PART OF THAT CERTAIN CALLED 45.925 ACRE TRACT CONVEYED BY CRAIG C. LAZZARI TO TRUST ME INC. RECORDED UNDER CLERK'S FILE NUMBER R732953 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, TEXAS, MORE PARTICULARLY DEPICTED IN THE ATTACHED DEED HEREIN, FOR PURPOSE OF DEDICATING RIGHT OF WAY CONSTRUCTION OF A PROPOSED PUBLIC ROAD EXTENSION

Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Machol

To approve proposed Resolution 2018-25, "Acceptance of a Special Warranty Deed from Seabrook Assets LLC for a tract approximately 4.1031 acres".

MOTION CARRIED BY UNANIMOUS CONSENT

5.2 Consider and take all appropriate action on proposed Resolution 2018-26, "Authorization for Advanced Funding Agreement with Texas Department of Transportation for utility relocations along SH146". (Cook)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, AUTHORIZING AN ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ("TxDOT"), FOR RELOCATIONS OF WATER AND SANITARY SEWER INFRASTRUCTURE ALONG THE SH 146 EXPANSION PROJECT ("Project"); AUTHORIZING THE MAYOR TO EXECUTE THE "ADVANCED FUNDING AGREEMENT" ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO PROCEED WITH THE PROJECT

Mayor Kolupski stated he is not comfortable with signing this agreement. The City of Seabrook seems to be the only city during the SH 146 project that is being damaged, losing property values, losing tax base, and losing businesses. Since TxDOT denied Seabrook any monetary relief for relocating the City's utilities on TXDOT's right-of-way, State level officials in Austin should look into reimbursing the City and recognize the fact that this project has been ruled an evacuation route for Galveston County and not a partnership for expanding a road. If this Resolution is approved, the leverage to receive some compensation goes away. The City is working with a number of organizations to bring the issue of cities affected by designated evacuation routes to the next legislative session in February.

Motion was made by Councilmember Davis and seconded by Councilmember Larson

To approve proposed Resolution 2018-26, "Authorization for Advanced Funding Agreement with Texas Department of Transportation for utility relocations along SH146", with an attached cover letter expressing the City's concerns about the city funding an evacuation route for another jurisdiction.

City Council members mentioned it would be a mistake to delay this item because of all the hard work past/present council and staff has put into the negotiations for design and contract amount over these past years. Council agrees that some kind of reimbursement should be given due to the fact that 146 has been designated as an evacuation route. The City is very fortunate that preparations were made for this project and funds are available to have City utilities moved properly. If State legislatures are not fighting for Seabrook, then there is no other recourse the City can take. If this contract goes back to the State Commission, it will be another three-month process.

Councilmember Davis withdrew the motion for approval with a cover letter.

Motion was made by Councilmember Machol to table this item until the August 21, 2018 City Council meeting. This motion failed for lack for a second.
Motion was made by Councilmember Davis and seconded by Councilmember Klein

To approve proposed Resolution 2018-26, "Authorization for Advanced Funding Agreement with Texas Department of Transportation for utility relocations along SH146".

Ayes – Picha, Larson, Hammann, Davis

Nays – Kolupski, Machol, Klein

MOTION CARRIED BY 4-3 MAJORITY VOTE

5.3 Consider and take all appropriate action on proposed Resolution 2018-27, "Authorization for State Infrastructure Bank Loan #S2018-002-01, in an amount of $3,700,000.00, for a term of 20 years at an interest of 3.15%. The first payment is due and is in the proposed budget for FY 2018/2019. (Cook)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT WITH THE TEXAS

DEPARTMENT OF TRANSPORTATION ("TxDOT"), FOR RELOCATIONS OF WATER AND SANITARY SEWER INFRASTRUCTURE OR RIGHT OF WAY ACQUISITION ALONG THE SH 146 EXPANSION PROJECT ("Project"); AUTHORIZING THE MAYOR TO EXECUTE THE "STATE INFRASTRUCTURE BANK LOAN S2018-002-01" ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO PROCESS THE LOAN

Motion was made by Councilmember Davis and seconded by Councilmember Hammann

To approve proposed Resolution 2018-27, "Authorization for State Infrastructure Bank Loan #S2018-002-01, in an amount of $3,700,000.00 for a term of 20 years at an interest of 3.15%. The first payment due and in proposed budget for FY 2018/2019.

Ayes – Picha, Davis, Hammann, Klein, Larson, Machol

Nays – Kolupski

MOTION CARRIED BY 6-1 MAJORITY VOTE

5.4 Consider and take all appropriate action on design elements of the SH 146 project and an amendment (SBKs801) with SWA Group for the design services of SH 146 in an amount $26,013.00, including reimbursables. This is not a budgeted item and will require a budget amendment.

Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Klein

To approve the design elements of the SH 146 project and an amendment (SBKs801) with SWA Group for the design services of SH 146 in an amount $26,013.00, including reimbursables.

MOTION CARRIED BY UNANIMOUS CONSENT

5.5 Consider and take all appropriate action on an addendum to the contract for the sale of property of approximately 2.0514 acres out of the Ritson Morris Survey, Abstract 52. This property is generally located on Lakeside Drive and adjacent to the City of Seabrook's Water Facility. (Cook)

Motion was made by Councilmember Machol and seconded by Councilmember Hammann

To approve an addendum to the contract for the sale of property of approximately 2.0514 acres out of the Ritson Morris Survey, Abstract 52. This property is generally located on Lakeside Drive and adjacent to the City of Seabrook's Water Facility.

MOTION CARRIED BY UNANIMOUS CONSENT

6. OLD BUSINESS

6.1 Remove from the table and consider and take all appropriate action on membership with the Clear Lake Area Chamber of Commerce. (Kolupski)

Motion was made by Councilmember Hammann and seconded by Mayor Pro Tem Picha

To remove from the table membership with the Clear Lake Area Chamber of Commerce

MOTION CARRIED BY UNANIMOUS CONSENT

Cindy Harreld-DeWease, President and CEO of the Clear Lake Chamber of Commerce, explained that the Chamber of Commerce actually started in 1962 in the City of Seabrook when Johnson Space Center moved into the area. The nearby cities united to bring a stronger voice to the community. Chambers work to bring forth the voice of the business community at the local, state, and federal level. The Chamber regularly communicates and partners with other organizations. The difference between a convention and visitor's bureau and a chamber of commerce is that the CVB puts heads in beds for tourism efforts and the chamber works with the business community for economic growth. BAHEP's mission is to bring new business to the area while the Chamber focuses on helping existing businesses to thrive. The Economic Development Partner Level is only available to cities and brings significant promotion opportunities to the city. Most cities that partner with the Chamber pay through the economic development funds.

Council is concerned about from which account to take the expenditure, general fund or an amended EDC budget, since the FY18/19 EDC Budget has already been approved by the EDC Board prior to tonight's meeting. Seabrook's Economic Development Corporation welcomes this partnership, as with any other organization that promotes the city. With the SH146 project approaching, any help with city promotion is welcomed.

Motion was made by Councilmember Hammann and seconded by Councilmember Machol

To approve the expenditure of $10,000.00 for the City of Seabrook to join the Clear Lake Chamber of Commerce

An amendment to the motion was made by Councilmember Davis and accepted by Council

To add language to the original motion to give the discretion to the City Manager to decide which account to pull the funds from, with an understanding that EDC is the priority.

AMENDED MOTION CARRIED BY UNANIMOUS CONSENT

7. DISCUSSION ITEM

7.1 Discuss and take all appropriate action for consideration of requesting the Planning and Zoning Commission's review/recommendation for amending the Comprehensive Zoning Code to allow tattoo parlors/body art establishments as a conditional use, with any appropriate conditions for such use in zoning district C-2 (Medium Commercial District). (Kolupski)

Sean Landis, Deputy City Manager, explained that there is a two-part process to make this amendment. Right now tattoo parlors are allowed in the C-3 zoning district, but they are not allowed in the C-2 zoning district. The first step would be for this request to go back to PZ to review and recommend to Council to add tattoo parlors/body art establishments to the land use matrix in the C-2 district as a conditional use, but not allowed by right. The second step is for an application to be made for a conditional use permit, which would be reviewed by the Planning & Zoning Commission and recommended to Council to allow or not allow. City Council would then look at the application and recommendation from P&Z and decide what will be permitted with the CUP.

Mayor Kolupski explained that tattoos are largely considered as art in today's society, and the City promotes art. It is a gray area. Tattoo parlors have changed their demeanor. The gentleman who came in put restrictions on himself that are very appealing and admirable.

City Council members had the following concerns:

- The Planning & Zoning Commission and the City Council need to look at differentiating between cosmetic procedures and non-cosmetic procedures – some beauty salons offer permanent eyebrows and eyeliner services.
- The Planning &Zoning Commission should consider the self-prescribed restrictions the owner placed on himself when he spoke at the Council meeting.
- A certificate of occupancy permit was not pulled by the owner; therefore, decision makers need to look at whether this is a questionable business practice. The current C-2 zoning and allowable uses are a result of the laborious thought process 10+ years ago of how the City will look like once the expansion of SH146 is complete. The use under consideration should not be allowed in C-2.
- The Planning &Zoning Commission needs to keep in mind that future businesses offering this same service may not want to be held to the same standards as this one business.
- With Conditional Use for this type of service, there would be oversight.

Motion was made by Councilmember Hammann and Seconded by Councilmember Machol

To request that the Planning and Zoning Commission review and make recommendations to Council for amending the Comprehensive Zoning Code to allow tattoo parlors/body art establishments as a conditional use, with any appropriate conditions for such use, in zoning district C-2 (Medium Commercial District).

MOTION CARRIED BY UNANIMOUS CONSENT

8. ROUTINE BUSINESS

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

- TxDOT – Gayle Cook, City Manager, stated that closures of businesses are happening and demolition of businesses are slowly occurring. The City will start issuing notices to businesses if demolition has not progressed after settlement of purchase price with TXDOT.

The City is waiting for TxDOT to provide documentation needed to issue the notices to the businesses. The businesses that have relocated from the city but left amenities have been notified to remove what is left on the property.

- PROJECTS – Kevin Padgett, Director of Public Works, explained that the Todville sanitary sewer project is close to being completed. A dramatic reduction of infiltration can be seen at the sewer plant. The EDC funded parking lot in Old Seabrook is undergoing mobilization. The wastewater treatment plant clarifier rehab project will be operating in a few weeks. Concrete has been poured on both sides of the street for the Brookwood/Lake Pointe Forest street project. The curbs will be getting pour soon. The Red Bluff waterline project bore under Red Bluff is complete with the casing in the waterline. The SCADA pre-bid meeting took place to monitor and alarm the utilities.
- GRANT ADMIN – Ms. Cook stated that a FEMA deposit was made recently. The City is looking at an application for a grant to help supply a portion the city's funding of the waste water treatment plant relocation project.
- CELEBRATION SEABROOK – LeaAnn Dearman, Director of Communications, informed Council that the Communications Department is working with Public Works to get the park ready for the event.

Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Davis

To approve the Action Items Checklist

MOTION CARRIED BY UNANIMOUS CONSENT

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

The next meeting will be the City Council Budget Workshop which begins at 6:00 pm on August 13, 2018.

City Secretary, Robin Hicks, asked that an agenda item be placed on the next agenda for a quick review of parliamentary procedures.

9. EXECUTIVE SESSION

9.1 551.074
Deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the position of Director of Emergency Services. (Cook)

At 8:54 p.m. Mayor Kolupski announced that the City Council will now hold a closed executive meeting pursuant to the provisions of the Open Meeting Act, Chapter 551 Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.074, Personnel Matters.

10. OPEN SESSION

Council will reconvene in open session to allow for possible action on any of the agenda items listed above under "Executive Session."

At 9:33 p.m. Mayor Kolupski reconvened the meeting in open session and stated that item 9.1 had been discussed, but that no action had been taken in executive session.

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 9:34 p.m.

Approved this 2nd day of October 2018.

Thomas G. Kolupski,
Mayor

~~Stephanie Martinez~~, Robin Hicks
~~Executive Administrative Assistant~~ City Secretary

THE CITY OF SEABROOK TEXAS