

1 The City Council of the City of Seabrook met in regular session on Tuesday, December 18, 2018
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

7 ED KLEIN

8 LAURA DAVIS

9 JEFF LARSON

10 NATALIE PICHA

12 BUDDY HAMMANN

13 JOE MACHOL

14 GAYLE COOK

15 SEAN LANDIS

16 STEVE WEATHERED

17 ROBIN HICKS

MAYOR

COUNCIL PLACE NO. 1

COUNCIL PLACE NO. 2

COUNCIL PLACE NO. 3

MAYOR PRO TEM

COUNCIL PLACE NO. 4

COUNCIL PLACE NO. 5

COUNCIL PLACE NO. 6

CITY MANAGER

DEPUTY CITY MANAGER

CITY ATTORNEY

CITY SECRETARY

19 Mayor Kolupski called the meeting to order at 7:00 p.m. and led the audience in the United States
20 and Texas Pledge of Allegiance.
21

22 **1. PUBLIC COMMENTS AND ANNOUNCEMENTS - none**
23

24 **1.1** Mayor, City Council and/or members of the City staff may make announcements about
25 City/Community events. (Council)
26

27 Councilmember Davis announced that City Hall will be closed December 24 and 25 and
28 January 1, and there will be a joint meeting of City Council and the Planning & Zoning
29 Commission on January 15 at 6:00 p.m.
30

31 **2. BID AWARD**
32

33 **2.1** Consider and take all appropriate action on a Bid Award and execution of contract between
34 the City of Seabrook and the only bidder, Hahn Equipment Company, for Project 2018-309-01,
35 Wired/Wireless Telemetry System (SCADA) replacement and upgrades, in an amount not to
36 exceed \$275,577.00. (Padgett / Craig)
37

38 Brian Craig, City Engineer, stated that the City sent out a Request for Proposal to replace
39 the aging SCADA system for wired/wireless telemetry system and staff recommends the bid be
40 awarded to Hahn for \$275,577.
41

42 Gayle Cook, City Manager, explained that this item is budgeted in CIP, but staff is using
43 funds from another project so a CIP budget amendment will have to come back to Council for
44 approval.
45

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

47
48 To approve a Bid Award and execution of contract between the City of Seabrook and the only
49 bidder, Hahn Equipment Company, for Project 2018-309-01, Wired/Wireless Telemetry System
50 (SCADA) replacement and upgrades, in an amount not to exceed \$275,577.00.

51
52 MOTION CARRIED BY UNANIMOUS CONSENT

53
54 **3. *CONSENT AGENDA***

55
56 **3.1** Pulled by the City Manager

57
58 **4. *NEW BUSINESS***

59
60 **3.1** Approve a letter of consent to encroach on the City's storm sewer easement at 3030 S. Island
61 Drive due to an existing swimming pool built on the easement. (Craig)

62
63 Ms. Cook explained that the 4th whereas statement in the easement notes the edits that were
64 made and Council will need to consider those amendments when taking action.

65
66 Motion was made by Councilmember Davis and seconded by Councilmember Hammann

67
68 To approve the consent to encroach on the City's storm sewer easement at 3030 S. Island Drive
69 due to an existing swimming pool built on the easement with the amendments shown.

70
71 MOTION CARRIED BY UNANIMOUS CONSENT

72
73 **4.1** Consider and take all appropriate action on proposed Resolution 2018-33, "Supporting a
74 Development funded through Low Income Housing Tax Credits." (Landis)

75
76 A RESOLUTION OF THE CITY OF SEABROOK, TEXAS, SUPPORTING A
77 DEVELOPMENT TO BE KNOWN AS SEASIDE LODGE AT CHESAPEAKE BAY, A
78 DEVELOPMENT FOR SENIORS TO BE LOCATED AT THE NORTHEAST QUADRANT OF
79 ELAM STREET AND LARRABEE STREET, SEABROOK, TEXAS, THE APPLICANT
80 BEING SEASIDE LODGE, LP, A TEXAS LIMITED PARTNERSHIP TO BE FORMED; AND
81 AUTHORIZING THE MAYOR TO ACT AS THE EXECUTIVE OFFICER AND
82 AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S
83 SUPPORT OF THIS DEVELOPMENT

84
85 Motion was made by Councilmember Davis and seconded by Mayor Pro Tem Picha

86
87 To approve proposed Resolution 2018-33, "Supporting a Development funded through Low
88 Income Housing Tax Credits."

89
90 MOTION CARRIED BY UNANIMOUS CONSENT

91 **4.2** Consider and take all appropriate action on proposed Resolution 2018-34, "Providing for an
92 In-Kind Contribution for a Development known as Seaside Lodge at Chesapeake Bay." (Landis)

93
94 A RESOLUTION OF THE CITY OF SEABROOK, TEXAS, PROVIDING FOR AN IN-KIND
95 CONTRIBUTION FOR A DEVELOPMENT TO BE KNOWN AS SEASIDE LODGE AT
96 CHESAPEAKE BAY, A DEVELOPMENT FOR SENIORS TO BE LOCATED IN THE
97 NORTHEAST QUADRANT OF ELAM STREET AND LARRABEE STREET, SEABROOK,
98 TEXAS, THE APPLICANT BEING SEASIDE LODGE, LP, A TEXAS LIMITED
99 PARTNERSHIP TO BE FORMED; AND AUTHORIZING THE MAYOR TO ACT AS THE
100 EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS
101 PERTAINING TO THE CITY'S SUPPORT OF THIS DEVELOPMENT
102

103 Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Klein
104

105 To approve proposed Resolution 2018-34, "Providing for an In-Kind Contribution for a
106 Development known as Seaside Lodge at Chesapeake Bay", not to exceed \$500.00.
107

108 MOTION CARRIED BY UNANIMOUS CONSENT
109

110 **4.3** Consider and take all appropriate action on proposed Resolution 2018-35, "2019 State
111 Legislative Agenda." (Cook)
112

113 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,
114 ADOPTING THE CITY'S 2019 LEGISLATIVE AGENDA; DIRECTING THE CITY
115 MANAGER OR HER DESIGNEE TO ACT WITH REGARD TO THE CITY'S LEGISLATIVE
116 PRIORITIES; AND PROVIDING AN EFFECTIVE DATE
117

118 Motion was made by Councilmember Davis and seconded by Mayor Pro Tem Picha
119

120 To approve proposed Resolution 2018-35, "2019 State Legislative Agenda."
121

122 MOTION CARRIED BY UNANIMOUS CONSENT
123

124 **4.4** Consider and take all appropriate action on an agreement between the City of Seabrook and
125 Cobb Fendley for Construction Management and Inspection Services for the City Utility
126 Relocations required by the State Highway 146 Expansion Project, in the amount of
127 \$116,311.00. (Cook)
128

129 Ms. Cook stated that this item was denoted on the CIP plan and discussed at budget
130 approval before construction and engineering costs were broken out; therefore, a budget
131 amendment will be needed at a future meeting. This is budgeted.
132

133 Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Davis
134

To approve an agreement between the City of Seabrook and Cobb Fendley for Construction Management and Inspection Services for the City Utility Relocations required by the State Highway 146 Expansion Project, in the amount of \$116,311.00.

MOTION CARRIED BY UNANIMOUS CONSENT

4.5 Consider and take all appropriate action on funding an amount not to exceed \$55,000.00 from FY2019/20 Hotel Occupancy Tax Budget for the 2019 Celebration Seabrook Event.

LeaAnn Petersen, Director of Communications, explained that Celebration Seabrook falls in October, which is after the first of the fiscal year, so this request is for sponsorship to help fund the 2019 event. A Pre-pay account is created, and after October 1, the journal entries are changed so that the expense comes out of the next fiscal year.

Proposed budget is very conservative, based on 2018 revenues, and while there is a slight increase for expenses, it is a lot less than the 2018 forecast for expenses. The 2019 budget is aligned with what actually occurred for revenue, which shows an attempt to zero out. If there is more revenue collected in 2019 than anticipated, it will go to charity.

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

To approve funding in an amount not to exceed \$55,000.00 from FY2019/20 Hotel Occupancy Tax Budget for the 2019 Celebration Seabrook Event.

MOTION CARRIED BY UNANIMOUS CONSENT

4.6 Ratify Mayor Pro Tem, Natalie Picha's, nomination of Chief Sean Wright to the HGAC Transportation Policy Council's Regional Safety Committee for a two year term beginning January 1, 2019 and ending December 31, 2020. (Cook / Picha)

Ms. Cook stated that Chief Wright has served been serving in this position, so this is a reappointment, which will help Seabrook stay in the loop for the region.

Chief Wright explained that the Committee is a panel of multiple partners: State, TXDOT, the railroad, and other law enforcement agencies, which is a lot of good contacts and definite benefit to the City. Entities awarding grants are also more likely to support an organization who has memberships and affiliations with HGAC.

Motion was made by Councilmember Davis and seconded by Councilmember Hamman

To Ratify Mayor Pro Tem, Natalie Picha's, nomination of Chief Sean Wright to the HGAC Transportation Policy Council's Regional Safety Committee for a two year term beginning January 1, 2019 and ending December 31, 2020.

MOTION CARRIED BY UNANIMOUS CONSENT

180 **5. DISCUSSION ITEM**

181
182 **5.1 Discussion on financial and operations overview and potential options on use of Carothers**
183 **Coastal Gardens. (Cook)**

184
185 Gayle Cook, City Manager, explained that she has previously spoken during budget
186 workshops about this City owned property that is used as a special event venue, and wanted to
187 discuss prior to budget discussions for 2019 to take a closer look at items that have been
188 highlighted.

189
190 Ms. Cook gave Council a history of the property coming into the City's ownership by
191 stating that in 2007 a bond election was held and one proposition on that election ballot was for
192 purchase of a little over 8 acres from a Seabrook resident and the proposition passed for \$2.5
193 million, so the property was purchased and closed. Shortly thereafter a master plan was developed
194 and then ADA building modifications were completed. Once modifications were made, the current
195 event coordinator at the time put together an event pricing list and began marketing the property.

196
197 Ms. Cook further explained that some of the original goals for the property was to hold
198 special events and weddings there, and that has been successful. There were also goals to have
199 controlled access to the property, be self-supported, be used for photos, business retreats and
200 meetings, and Chamber of Commerce meetings, and look to having concessions, a bait shop, and
201 a walking track in the future. The overall Master Plan for the property was for ADA compliance,
202 have the granite pillars repurposed, keep the tennis court, and have 55 people capacity. Once the
203 Master plan items were completed, an event planner was hired through the Communications
204 Department that manages the property. A majority of the event planner's time is spent at the
205 property and the work is extensive, including bridal shows attendance. Maintenance of the
206 property is handled 100% by the Public Works Department for both annual and one time, special
207 needs such as when the air conditioner was in need of repair. In addition, staff must collaborate
208 with the Open Space and Trails Committee on grounds upkeep, as the Committee volunteers many
209 hours to help the property to look attractive.

210
211 Ms. Cook continued by discussing the Master Plan future visions for the property, which
212 includes improvement of the Todville entrance; installation of continuous lighting; construction of
213 a bird watching deck; an entry monument; new parking areas; restoration of the shoreline and
214 addition of a bird watching tower. None of the future vision items have been pursued to date.

215
216 Ms. Cook explained that Carothers has been incorporated into Pine Gully as a park property
217 through references as such in all ordinances after bond election, and it is delineated on the City's
218 mapping system. Staff continued to market for special events, and the City has tried different
219 classes at the location when revenues were failing a bit on forecast, which were labor intensive
220 and hard to get instructors, so the classes were discontinued. The fee structure for weddings and
221 other special events has been amended several times and changed quite a bit as staff has become
222 more knowledgeable and experienced at calculating actual costs.

223

224 There have been 12 public safety calls to property from June 2016 to present, including
225 noise complaints. Council considered a sound wall and natural barrier in 2013-2014 and the rules
226 and regulations for use of the property have changed to conform to surrounding residential
227 complaints. The current rules and regulations are restrictive as to event size and configuration
228 because of problems with parties. The event participants must remain inside, with doors and
229 windows closed to contain noise, resulting in a decrease in noise complaints.

230
231 With regard to the financials for the property, the City saw revenue of \$34,000 in FY 2017-
232 2018, and to date this year there has been a little over \$9500 in revenue. The budget for the
233 property does not include personnel costs; however, labor and equipment costs are \$174,000 and
234 supplies and services costs are \$32,270 for a total of \$206,470. These numbers are calculated at an
235 average for parks department personnel and communications department personnel. Because City
236 staff was attempting to keep up with landscaping, rather than hiring an outside company to take
237 on the job, brides were not satisfied, so now landscaping is built into the fee structure. However,
238 in general there is a lot of upkeep on landscaping and mowing. Communications Department
239 spends is very intensive to respond to applicants/renters. Also, if there is a noise complaint, Public
240 Safety personnel must drive to the property and take the noise reading.

241
242 Moving forward, the venue is not self-sustaining. Without further improvements, this
243 property is not good waterfront access for the public. The current residential zoning will not allow
244 rentals to large parties. The kitchen cannot be used because it is not up to commercial grade and
245 it is very costly to make the upgrade. There are still noise complaints, and the maintenance,
246 marketing and personnel costs are more than the revenue.

247
248 Staff has consulted with bond counsel, and is looking at the sale of a portion of the property
249 through the requirements of the Texas Local Government Code and the Parks and Wildlife
250 Department. The bond is still active until 2027, but there are no restrictions on the sale as far as
251 bond counsel is concerned. Any proceeds from a sale would need to be for a public purpose, so
252 staff would like to use proceeds to improve the waterfront park area and keep that portion as a City
253 park. If Council wants to consider a sale of the entire or a majority of the property, a proposition
254 would have to go to the voters under the requirements of the Texas Local Government Code
255 because it is park land. There is also an exception to going to an election under Chapter 253 of
256 the Local Government Code, if the sale is for less than an acre of the property. If Council wants
257 to consider selling less than an acre, the City would want to retain the waterfront land adjacent to
258 Pine Gully Park, then incorporate it into the Master Plan.

259
260 Council members had several questions, including:

- 261
262 • **What is cost annually?** Ms. Cook did not have that number, but will bring it back to
263 Council.
264 • **What about keeping the property and expanding Pine Gully Park?** Ms. Cook
265 explained that is the idea, but the costs of improvements, upkeep, and staff time are more
266 than the revenue. The City would like to keep the waterfront and incorporate into pine
267 gully.

- 268 • **If the improvements were taken out, would maintenance cost would go down**
269 **considerably?** Ms. Cook explained that mowing would be just like at Pine Gully Park.
270 The higher landscaping cost is due to needing to have the area near the house be manicured.
- 271 • **Is the tennis court an improvement?** Ms. Cook explained that staff would like to reserve
272 the tennis court as park property.
- 273 • **Do the citizens of Seabrook visit Carothers?** Ms. Cook stated that when the over brush
274 is not grown and people know how to get through the rip rap at the shore, citizens are using
275 the waterfront.
- 276 • **Is the house off limits to citizens?** Ms. Cook stated that citizens can park and walk around
277 the grounds. Mayor Kolupski stated that has been one of the biggest complaints. Many
278 residents have not seen the inside of the house, and they are paying for it. There has been
279 discussion about keeping the house as a nature, information center or something like that.
280 It's on the trail and could be extended as part of the park. Don't air condition it. Lock it at
281 night. Display things in it. It would be a very expensive park with no revenue.
- 282 • **There are dollars in / dollars out with no access for citizens. The house itself has a**
283 **lifespan. That's not a new house. Let's explore the sale of the structure.**
- 284 • **What was the appraisal on it the first time?** Ms. Cook explained she would have to pull
285 the numbers.
- 286 • **The sale price was a negotiated price?** Ms. Cook stated it was right at the appraisal
287 amount.
- 288 • **Are we completely upside down?** Ms. Cook stated that she believes that is correct. It
289 was hoped that revenues would generate enough to be self-sustaining. It begs the question
290 that at some point the true cost and deficit needs to be shown. Right now staff is only
291 estimating.
- 292 • **Let's move forward with appraisal and look at all of the options.**
- 293 • **The insurance is part of the expense. We need to look at hidden costs. If we go to the**
294 **voters, we need to give them all the information.**
- 295 • **Personnel costs do not include public safety costs to answer calls?** Ms. Cook explained
296 there is a special budget for Carothers, and insurance and hidden costs are segregated;
297 however, personnel costs are not in the Carothers budget.
- 298 • **Are costs for purchase and upkeep of tables and chairs included in Carothers budget?**
299 Ms. Cook stated, "No."
300

301 By unanimous consensus Council agreed to have the City Manager look at numbers and options
302 and bring this item back to Council.
303

304 305 **6. ROUTINE BUSINESS** 306

307 **6.1** Report on and review of the Seabrook Volunteer Fire Department (SVFD) monthly report
308 for November 2018. (White)
309

310 Andrew Gutacker, Fire Chief, stated that the department had 57 calls in November with 38
311 being first responder calls and the rest fire related calls (2 dryer fires and a mutual aid fire in La
312 Porte). The overall response time for all calls was 3 minutes 51 seconds.

Nathan Douglas, SVFD member since 1987, stated that SVFD received the Life Saving Recognition Gold Plus Achievement Award as a partner with CLEMC. This means when you call 911 and the fire department responds, there is the ability to send an EKG to the hospital and within 9 minutes the patient is at the Cath lab.

Robby White, SVFD President, stated that the last two months have been amazing for training for SVFD, especially with mutual aid given at the Delta Heights Apartments in LaPorte. As SVFD left the fire department, members could see the smoke at Building 2 and 3. LaPorte tower truck got there and started handling those buildings. Due to the wind direction, Seabrook tower truck 10 was able to prevent the fire being pushed into Building 4. If not for SVFD, building 4 would have caught on fire. Burn house training was completed two or three times this year. 402 Cedar in El Lago is a training facility through a FEMA grant. El Lago is allowing use for training for search and rescue and interior breaching practice. SVFD is training tremendously and has a lot going on and the hope is to get Fatty's and Outriggers in the future as training facilities.

6.2 Review of the Clear Lake Emergency Medical Corps (CLEMC) monthly report for November 2018. (Hunter)

No discussion and no action taken.

6.3 Review of the Seabrook Police Department monthly report for November 2018. (Wright)

No discussion and no action taken.

6.4 Review of the Seabrook Building Department monthly report for November 2018. (Landis)

Mayor Kolupski stated that there is a typo in the report and there was only \$768,000 collected. No further discussion and no action taken.

6.5 Review of the Seabrook Communications Department monthly reports for October and November 2018. (Petersen)

No discussion and no action taken.

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

TXDOT – Gayle Cook, City Manager, stated that staff had a good meeting with TXDOT and the school district with a snapshot of the construction phasing communicated to the school district. Phase I is south end bridge work and detention ponds with jersey barriers up and down the bridge in the center lane and 12-18 months of construction. The Port rail project has officially kicked off. More demolitions moved along this week – Enterprise is down; Neptunes is coming; McDonald's is down. Phase 2 will have jersey barriers down to Kenneth Royal. The main topic of discussion with the school district was access issues after 1 year. School district will try to look

at transportation routes and staff has discussed opening up Bahama and looking at Kenneth Royal opened up back to Meyer. Right now the school district is looking at their options. Kenneth Royal is a private street owned by the school district. There won't be a dedicated turn lane to turn left onto Kenneth royal. The school district's design will assist with public safety. The south bound entrance at bridge to Todville will not be affected. The entrance will stay in place while the bridge work is done.

PROJECTS – Kevin Padgett, Director of Public Works, stated that the Todville sewer line project is the main focus now, and the contractor is having some success. The contractor switched project managers, who started last week and he has enlisted another dewatering company that is familiar to the City. The City is very happy with the progress. Two manholes were set last week. January 27 is substantial completion and February 26 is contract end. The City optimistic that the contractor will hit the goal of substantial completion. American Acryl, PolyOne, TXDOT, and the consultants are meeting for the rail line – 10 month project with fused industries as contractor to lay the rail. This project will start inside Port property first and in March, April, May will start work outside Port property. A lot of coordination will be worked out as the project progresses. Traffic control coordination was a big discussion.

GRANTS – Jeff Galyean, Director of the Office of Emergency Manager sent word over to Mr. Jackson to continue to follow the Wastewater Treatment Plant and everyone is still waiting on FEMA.

MEETINGS AND EVENTS ATTENDED BY COUNCIL MEMBERS –

Machol : Tree Lighting Event and Wine Down Wednesday

Hammann : Seabrook Library Volunteers Dinner; Seascape HOA meeting

Larson : BAHEP Annual Holiday Party; Christmas Tree Lighting; Reading to 1st graders at Bay Elementary; Mayor's Christmas party; Lake Cove Progressive Christmas Party; Employee Awards Ceremony; Wine Down Wednesday; Linebarger Holiday Party

Picha : BAYTRAN legislative agenda meeting; Transportation Policy Committee nominating Committee – TPC meeting this Friday morning at 9am at HGAC offices; Storm Surge Barrier meeting – about 1 hour – very large turnout; Economic Alliance Port Region Christmas party; 3rd grade reading at Bay Elementary; Christmas Boat Parade judging

Davis : League City Holiday in the Park Parade – all Seabrook students go to high school in League City; Public Safety Task Force meeting where discussed the upcoming budget which will be presented to Council in January and Jeff is putting together a proposal on changing the way the Public Safety budget works; Christmas Tree Lighting

Klein : Lake Cove Annual HOA meeting - Thank you Gayle, Jeff, Thom, and Sean for attending and speaking; Chamber of Commerce Legislative meeting; Economic Alliance meeting at San Jacinto College legislative kickoff; Christmas Tree Lighting; Christmas Boat Parade judging and

awards breakfast; Chamber meeting at Lakewood; 3rd grade reading at Bay Elementary; Chamber Holiday open house

Mayor : Employee Awards; Economic Alliance open house; JSC holiday event; Christmas Boat Parade; Mayors around the lake met with new County Judge and Commissioner; Elected Officials Coastal Barrier meeting; Christmas party with Ayrshire – developer; State hearing on the tax cap; East End Mayors meeting

LEGISLATIVE SESSION – Ms. Cook announced that there was no report tonight, and that as the session opens at the first of the year, the checklist report will include an introduction bills that have been filed, the potential impacts to the City, and the status of those bills.

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

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMIOUS CONSENT

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

The next City Council meeting will be on January 15, 2019 at 7:00 p.m.

7. CLOSED EXECUTIVE SESSION

7.1 Section 551.071

Conduct a closed executive session to consult with the City Attorney on legal issues regarding the review of the City Charter and roles and responsibilities of the City Council and the Charter Review Commission. (Weathered)

7.2 Section 551.071

Conduct a closed executive session to consult with the City Attorney on legal issues regarding a request for consent to encroachment. (Cook)

At 7:04 p.m. Mayor Kolupski announced that the City Council will now hold closed executive meetings 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 551.071, Consultation with an Attorney.

8. OPEN SESSION

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

At 9:12 p.m. Mayor Kolupski reconvened the meeting in open session and stated that items 7.1 and 7.2 had been discussed, but that no action had been taken in executive session.

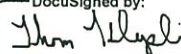
Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 9:14 p.m.

Approved this 5th day of February 2019.

DocuSigned by:

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Robin Hicks, TRMC
City Secretary

DocuSigned by:

94F424767CFF419...

Thomas G. Kolupski
Mayor

