The City Council of the City of Seabrook met in regular session on Tuesday, March 20, 2018 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

THOM KOLUPSKI	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
LAURA DAVIS	COUNCIL PLACE NO. 2
GARY JOHNSON	MAYOR PRO TEM & COUNCIL PLACE NO. 3
NATALIE PICHA – Ex. Abs.	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. CLOSED EXECUTIVE SESSION

1.1 Section 551.072

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)

1.2 Section 551.071

Consult with an Attorney to receive legal advice on legal issues associated with the Memorandum of Understanding and Industrial District Agreement between the City and the Port of Houston. (Cook)

At 6:02 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 authority contained in Sections 551.072, Real Property, and Section 551.071, Consultation with Attorney.

2. 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 6:33 p.m. Mayor Kolupski reconvened in open session and stated that items 1.1 and 1.2 had been discussed, but that no action had been taken in executive session.

3. PUBLIC COMMENTS AND ANNOUNCEMENTS - none

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

Councilmember Adovasio announced several upcoming events.

4. SPECIFIC PUBLIC HEARINGS

4.1 Hold a public hearing on a Request for amendments to El Mar Village Planned Unit Development (PUD). (Landis)

Applicant: Charles Anders, PO Box 1244, Friendswood, Texas 77549

Owner: Sunset Development, Inc., PO Box 798, Friendswood, Texas 77546

Legal Description: Res 1, 2 and 3, Block 5 in the Miramar Subdivision, Section 3, Abstract 52, Ritson Morris Survey, in Harris County, Texas. This property is located immediately south of El Mar Lane and west of North Meyer. The property is located in the R-1 (Single Family Detached) zoning district

Sean Landis, Deputy City Manager, explained that the developer would like to relocate property lines from east back to west. The biggest issue is with normal construction because if the pilings are pulled there will be problems with the soil, which will mess up construction of the structures. The second request is to add the corner property to the PUD. When the PUD was initially approved, the developer did not own the corner property. Staff has reviewed, and there are no issues with the two additional lots. The Planning & Zoning Commission recommended approval of both requests.

Mayor Kolupski opened public hearing, and having no speakers come forward, he closed the public hearing.

4.2 Hold a public hearing on a Request for amendments to the Chesapeake Bay II Senior Living Community Planned Unit Development (PUD). (Landis)

Applicant/Owner: William M. Friedrichs Jr., 16865 Diana Lane, Houston, Texas 77058

Legal Description: Approximately 16.1433 acres consisting of three tracts of land. Tract 1 – Being a 4.5156 acre tract of land out of Farm Lot 1 of the Ritson Morris League Survey, Abstract 52, Harris County, Texas. Tract 2 – Being a 3.7817 acre tract of land out of Farm Lot 1 of the Ritson Morris League Survey, Abstract 52, Harris County, Texas. Tract 3 – Being a 7.846 acre tract of land out of the Ritson Morris League Survey, Abstract 52, Harris County, Texas

Location: This property is located immediately east of Repsdorph and south of Brummerhop Park

Sean Landis, Deputy City Manager, explained that recently Council approved a resolution of support for the Low Income Housing Tax Credit development, and next in the process is to modify the PUD document to allow the LIHTC. The applicant is asking to make modifications to the retail space to split the building into two independent buildings with a reduction of 14,000 square feet overall. while still maintaining the same square footage of retail, and to make modifications to residential by dividing Phase 3 into two phases to create Phase 4, which will encompass the LIHTC. The design standards for the LIHTC reference back to the original PUD document, so that there are no changes from the original plan, except that the applicant is requesting that the LIHTC buildings be a tan color instead of the blue color that is designed for the other structures in the PUD. If the LIHTC does not ultimately get approved, the developer is planning to make these modifications anyway, but hopes to then not use Elam as an in and out. Once these modifications are approved, the entrance and exit will come off of Elam Drive, which will require modification to the roadway to bring into compliance with the subdivision ordinance, and the modification to the roadway is the responsibility of the developer. The Planning & Zoning Commission recommended approval of the requested modifications. All costs to modify will be borne by the developer and all modifications will be up to City standards, per the subdivision ordinance and the PUD document itself. The applicant has already begun the process of design work. Initial reviews of ingress for emergency vehicles shows to be ok, but further research with the Fire Marshal might be needed.

Mayor Kolupski stated that originally Council wanted the project to look like a single project with original PUD color, etc. incorporated into LIHTC. Mr. Landis explained that with a different ingress and egress, different location, and different name, the LIHTC applicant requested a different color; however, Council can approve these modification with the stipulation that the color be the same throughout the PUD.

Mayor opened the public hearing, and with no speakers coming forward, then closed the public hearing.

5. CONSENT AGENDA

5.1 Approve on second of two readings proposed Resolution 2018-14, "EDC Project Designation for Mario's Pizza, Inc (DBA Mario's Pizza & Pasta) and Approval of SEDC Expenditures for Retention, Relocation, Construction of New Restaurant pursuant to Performance Agreement. (Chavez)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, APPROVING A PROJECT OF THE SEABROOK ECONOMIC DEVELOPMENT CORPORATION TO PROVIDE BUSINESS INCENTIVES TO MARIO'S PIZZA, INC IN AN AMOUNT NOT TO EXCEED $109,767.48 FOR RETENTION, RELOCATION, CONSTRUCTION AND IMPROVEMENT OF A NEW RESTAURANT, PURSUANT TO THE TERMS AND CONDITIONS OF THE "ECONOMIC DEVELOPMENT AGREEMENT", ATTACHED HERETO

5.2 Approve the Clear Lake Emergency Medical Corps (CLEMC) monthly report for February 2018. (Hunter)

5.3 Approve the Seabrook Volunteer Fire Department (SVFD) monthly report for February 2018. (Gutaker)

5.4 Approve the Seabrook Building Department monthly report for February 2018. (Landis)

Motion was made by Councilmember Johnson and seconded by Councilmember Adovasio

To approve the Action Items Checklist as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

6. NEW BUSINESS

6.1 Consider and take all appropriate action on first reading of proposed Ordinance 2018-08, "Amendments to the El Mar Village PUD. (Landis)

AN ORDINANCE AMENDING ORDINANCE 2015-10 APPROVING "EL MAR VILLAGE TOWNHOMES PUD" LOCATED IMMEDIATELY SOUTH OF EL MAR LANE AND WEST OF NORTH MEYER ROAD, MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A", BY REVISING THE PLANNED UNIT DEVELOPMENT ("PUD") PLAN, REGULATIONS, RESTRICTIONS AND CONDITIONS ("PLAN") ONLY IN RELATION TO THE MASTER PLAN LOT LINE LOCATION FOR LOTS 5, 6, 7, AND 8; AND THE ADDITION OF PHASE TWO, LOTS 1 AND 2, AS MORE PARTICULARLY DESCRIBED IN EXHIBITS "B" AND "B-1", ATTACHED HERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY AND NOTICE

Motion was made by Councilmember Adovasio and seconded by Councilmember Davis

To approve on first reading proposed Ordinance 2018-08, "Amendments to the El Mar Village PUD".

MOTION CARRIED BY UNANIMOUS CONSENT

THIS SPACE INTENTIONALLY LEFT BLANK

6.2 Consider and take all appropriate action on first reading of proposed Ordinance 2018-09, "Amendments to the Chesapeake Bay II PUD". (Landis)

AN ORDINANCE AMENDING ORDINANCE 2017-14 APPROVING "CHESAPEAKE BAY II PLANNED UNIT DEVELOPMENT (PUD)" LOCATED IMMEDIATELY EAST OF REPSDORPH ROAD AND SOUTH OF BRUMMERHOP PARK, CONSISTING OF APPROXIMATELY 16.2707 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A", BY RECONFIGURING THE PLANNED UNIT DEVELOPMENT ("PUD") PLAN, REGULATIONS, RESTRICTIONS AND CONDITIONS ("PLAN") TO REFLECT DESIGNATION OF PHASES 1–4 (IN PLACE OF THE PRIOR REFERENCED TRACTS 1-3), AS REFLECTED IN THE "PLAN" ATTACHED HERETO AS EXHIBIT "B", TO DESIGNATE PHASE 1 AS SENIOR LIVING FACILITIES, PHASE 2 AS, RETAIL/STORAGE, WITH TWO INDEPENDENT STORAGE BUILDINGS, PHASE 3 AS SENIOR LIVING FACILITIES, AND A NEW PHASE 4 FOR ADDITIONAL SENIOR LIVING FACILITIES FOR PROPOSED LOW INCOME HOUSING TAX CREDITS, AS MORE SPECIFICALLY REFERENCED IN THE PLAN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY

Motion was made by Councilmember Davis and seconded by Councilmember Adovasio

To approve on first reading proposed Ordinance 2018-09, "Amendments to the Chesapeake Bay II PUD", with the exception of the color change to the Low Income Housing Tax Credit portion.

MOTION CARRIED BY 4-2 VOTE, with Councilmembers Llorente and Machol voting nay

6.3 Consider and take all appropriate action on first reading of proposed Ordinance 2018-10, "Adding Minimum Standards Required for Qualified Responsible Contractors used by Private Developers Proposing to Work on City Infrastructure/Property". (Padgett / Craig)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE BY CREATING A NEW CHAPTER 94, ENTITLED "MINIMUM STANDARDS FOR RESPONSIBLE PROSPECTIVE CONTRACTORS", IN ORDER TO ADMINISTER, OVERSEE AND REGULATE THE USE OF CONTRACTORS BY PRIVATE DEVELOPERS THAT MAY BE ACCEPTED FOR WORK ON PUBLIC INFRASTRUCTURE AND/OR CITY PROPERTY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY AND NOTICE

Kevin Padgett, Director of Public Works, explained that the City has no oversight ability to monitor selection of private developer contractors on City infrastructure works. This is for work on property that will ultimately be property of the City, such as connections to City sewer and water lines and street projects that are initially intended to be private, but are then handed over to the City. This ordinance will give City more control over the choice of contractor by requiring information on the history of the contractor, and the financials, for example. The idea is to first find out if the contractor is qualified to do the work.

Motion was made by Councilmember Llorente and seconded by Councilmember Adovasio

To approve on first reading proposed Ordinance 2018-10, "Adding Minimum Standards Required for Qualified Responsible Contractors used by Private Developers Proposing to Work on City Infrastructure/Property".

MOTION APPROVED BY UNANIMOUS CONSENT

6.4 Consider and take all appropriate action on proposed Resolution 2018-14, "Submission of Grant Application to the Hazard Mitigation Grant Program of the Federal Emergency Management Agency". (Cook / Craig / Padgett / Galyean)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS AUTHORIZING THE CITY ENGINEER TO SUBMIT A GRANT APPLICATION TO THE HAZARD MITIGATION GRANT PROGRAM (HMGP) OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY THROUGH THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR AN ESTIMATED AMOUNT OF $35,308,265.00 IN GRANT FUNDS FOR RELOCATION OF WASTE WATER TREATMENT PLANT PROJECT; SUPPORTING THE CITY'S APPLICATION TO THE HMGP; AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY, WITH AN ESTIMATED COMMITMENT FROM THE CITY OF $8,827,066.25

Mayor Kolupski stated that there is a typo in the agenda, with resolution number 2018-14 being used twice; therefore, this resolution for the HMGP will be numbered by the City Secretary at a later date.

Kevin Padgett, Director of Public Works, explained that staff put in a notice of intent for applying for the grant, and the City received a letter in response, which has been emailed to Council. The City met with FEMA and the Texas Department of Emergency Management today to discuss benefit cost ration.

Jeff Galyean, Director of the Office of Emergency Management, stated that the benefit cost ration must be 1.0 in order for the grant of money to be viable. Going by the history of the water treatment plant with only two events in 20 years, the City's benefit cost ration will not be close enough to 1.0. Staff also looked at a future damages estimate of the cost of relocating the plant, should a catastrophic event occur, but that estimate still did not reach the 1.0 ratio required. Staff has to come up with a recurrence interval rate, and the number calculated right now is an estimated $47,000,000. Texas DPS grant administrators understand the dilemma, but the 1.0 BCR is still required. In the BCR calculation, the affected population is considered; however, Seabrook's population is not big enough, even with also including El Lago and Pasadena, and mitigation funds cannot be used for future growth. In addition, the damages to homes near the plant cannot be used. In any case, the proposed resolution is required in order to move forward with the application process.

Gayle Cook, City Manager, stated that there are still options available to the City to continue to work with the software for calculating the benefit cost ratio. DPS has stated that this project is eligible for the grant funding. There is minimal engineering work to be done on this application, and the current firm, can do the work for between $8,000 and $15,000.

Brad Matlock, Principal at Cobb Fendley, explained that the calculations are not based on engineering, but on weather patterns and justifying the mitigation cost. The system has fixed numbers, so staff will need to back into the 1.0 benefit cost ration. Katrina was a 35 year event, whose numbers will not get to the 1.0 BCR, and the system does not have capabilities for a 50 year event. The justification needs to either be on the history of the damage or on proposed damage, which both right now have not worked. The monies might be granted on a political justification; however, the City needs to keep trying to get to the 1.0 in the system. It will be harder, if the attempts stop. Letters of support from State Senators and the Governor could help, and the Mayor has letters from Weber, Morman, Dennis, Bonnin and Bush. On the history, the most recently reported damage was from IKE, and the City has received financial support from IKE. Harvey did not do much monetary damage to the plant, so that counts against the City for getting to the 1.0 BCR. There is no documentation for damage prior to IKE.

Mayor Kolupski agreed that staff should continue with the application, and looking at the political justification is an option. There is available funding through other avenues, so the City has a variety of pots to draw from for this project.

Motion was made by Councilmember Adovasio and seconded by Councilmember Machol

To approve a resolution, to be assigned a number at a later date, for "Submission of Grant Application to the Hazard Mitigation Grant Program of the Federal Emergency Management Agency".

MOTION CARRIED BY UNANIMOUS CONSENT

6.5 Consider and take all appropriate action on proposed Resolution 2018-15, "Authorizing Application for Financial Assistance from the State Infrastructure Bank". (Cook / Gibbs)

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE STATE INFRASTRUCTURE BANK; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF SEABROOK IN ALL MATTERS RELATING TO THE APPLICATION

Gayle Cook, City Manager, stated that funding provided by this resolution will allow the kickoff for relocation of the water and sewer lines along Highway 146. The cost estimate for the relocation is $4.4 million. The plans have been submitted to TXDOT and a funding mechanism was sought after staff realized the City's funding obligation on the utility relocation portion of the expansion project. The State Infrastructure Bank allows for flexible payment terms and a lower rate for borrowing. The City can also take disbursements rather than a lump sum. As part of the application process, a Council approved resolution is required. Once the State receives the resolution, there will be a 90 day processing period. Staff will continue to work with TXDOT on a funding agreement. Because this project qualifies for infrastructure bank funding, there are no issues with applying and receiving any granted monies. The aesthetics portion of the expansion project is not eligible for infrastructure bank funds.

Motion was made by Councilmember Llorente and seconded by Councilmember Machol

To approve Resolution 2018-15, "Authorizing Application for Financial Assistance from the State Infrastructure Bank".

MOTION CARRIED BY UNANIMOUS CONSENT

6.6 Consider and take all appropriate action on an update to the Seabrook EDC incentive policy and application. (Chavez)

Paul Chavez, Director of Eco Dev, revised/updated EDC policy and application for business incentives. Main differenece: 1. Reduced the sales tax abatements to 5 yars instead of 10. Many constituents have indicated they have started reducing the incentive – business should be u and running. EDC can still choose 10 year. 2. Clarified a lot of language for authorization of submittal. 3. Added a notary requirement on application. EDC approved this unanimously.
Laura – for all future application? Yes

Councilmember Llorente momentarily stepped away from the dias and out of the room.

Motion was made by Councilmember Davis and seconded by Councilmember Adovasio

To approve an update to the Seabrook EDC incentive policy and application.

MOTION CARRIED BY UNANIMOUS 5-0 VOTE; Councilmember Llorente abstained.

6.7 Consider and take all appropriation action on the financial report from Clear Lake Emergency Medical Corps (CLEMC) Board Meeting of March 7, 2018, and any other issues related to the CLEMC Contract and Emergency Medical Services. (Cook)

Councilmember Llorente returned to the room and the dias.

Gayle Cook, City Manager, stated that she attended the CLEMC Board meeting on March 7, and in open session the financials for September, 2017 were formally presented, and were showing a shortfall. By discussing the financials in open session, CLEMC was letting entities know that they could be looking at pretty significant increases. Because Seabrook is the highest call volume on the list, there will be a high increase in the payment to CLEMC for services, but that amount has yet to be determined. This item is on the agenda so that the City Manager can get direction from Council on whether to publish notice for request for proposals (RFP). It's been at least 10 years since the City made a request for proposals for emergency medical services. The current contract with CLEMS was signed in 2008.

Councilmembers Machol and Adovasio expressed agreement with going out for bids.

Mayor Kolupski expressed that the City has options for moving forward, instead of paying a substantial increase in fees under the current contract, including: partnering with another city for EMS services; buying an ambulance (at approximately $250,000) and having another city's service manage it; contracting directly with an ambulance service; and looking at the City providing its own EMS service.

Ms. Cook stated that the timing is good for looking at all of the options because it is time to prepare the 2018-2019 City Budget. Staff can do its homework and report back to Council within the next 30 days.

Councilmember Davis asked if the CLEMC would be able to submit a proposal if Council decides to go out for requests for proposals. Mayor Kolupski expressed concern with looking at CLEMC again for EMS services, given that, even though CLEMC has provided fine services over the years, they are currently have huge financial issues. Councilmember Llorente agreed that CLEMC would not be prohibited from submitting a bid; however, the Council would have to consider the financial risk of awarding the contract to CLEMC.

Ms. Cook reminded Council that they would be given grading criteria when considering all proposals submitted, which would look at all aspects of the proposers' qualifications, including financial stability.

Motion was made by Councilmember Adovasio nad seconded by Councilmember Machol

That in considering the financial report from Clear Lake Emergency Medical Corps (CLEMC) Board Meeting of March 7, 2018, and any other issues related to the CLEMC Contract and Emergency Medical Services, to direct staff to go out for proposal and look at other avenues that Council could consider before the budget approval.

MOTION CARRIED BY UNANIMOUS CONSENT

7. ROUTINE BUSINESS

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

TXDOT – Gayle Cook, City Manager, stated that staff is working with the designer and making sure the design includes all items that Seabrook has requested. Cobb Fendley has the 90% on the utilities relocation. The City is in possession of plan set, which is contained in six (6) huge books. It is still priority to get the project pushed through. Staff has exchanged emails with TXDOT to notify them that the City will be using State infrastructure funding and that staff will have the agreements to TXDOT before the City does any letting on the utilities relocation.

Projects – Ms. Cook explained that the Pine Gully Pier repair will be starting soon. The gate at the Public Works Complex is corrected, so that portion of the project is completed. There is still an issue with the air conditioning in the Animal Control side, so staff is continuing to hold onto the last portion of the project funds.

Grants – Ms. Cook stated that the Director of the Office of Emergency Management, Jeff Galyean, has done a really good job with the HMGP grant approved in the earlier agenda item. Jeff has learned the grant administration's electronic portal. Now the two largest projects from Harvey, emergency personnel work and debris removal, are now in the system and they are progressing.

Motion was made by Councilmember Johnson and seconded by Councilmember Davis

To approve the Action Items Checklist.

MOTION CARRIED BY UNANIMOUS CONSENT

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

The next City Council meeting will be April 3, 2018.

Councilmember Davis requested that an item be added to the April 3 agenda for Council to consider extending Council member Gary Johnson's tenure on the Board of Directors of the Clear Lake Emergency Medical Corps, even though Mr. Johnson will not be a Councilmember after the May 5, 2018 General Election.

8. CLOSED EXECUTIVE SESSION

8.1 Section 551.071
Consult with the City Attorney on legal issues associated with the contract and emergency medical services between Clear Lake Emergency Medical Corps (CLEMC) and the City of Seabrook. (Cook)

At 7:23 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 authority contained in Section 551.071, Consultation with Attorney.

9. 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 7:50 p.m. Mayor Kolupski reconvened in open session and stated that item 8.1 had been discussed, but that no action had been taken in executive session.

9.1 Consider and take all appropriate action on the Clear Lake Emergency Medical Corps (CLEMC) contract for Emergency Medical Services. (Cook)

No consideration, discussion, or action was taken on item 9.1.

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:08 p.m.

Approved this 3rd day of April, 2018.

Thomas G. Kolupski
Mayor

Robin Hicks, TRMC
City Secretary

THE CITY OF SEABROOK TEXAS