

The City Council of the City of Seabrook met in regular session on Tuesday, October 1, 2019 at 6:45 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

ED KLEIN

LAURA DAVIS

JEFF LARSON

NATALIE PICHA

BUDDY HAMMANN Ex. Abs.

JOE MACHOL

GAYLE COOK

SEAN LANDIS

STEVE WEATHERED

ROBIN LENIO

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

Mayor Kolupski called the meeting to order at 6:46 p.m. and led the audience in the United States and Texas Pledge of Allegiance.

1. PRESENTATION

1.1 Presentation of a proclamation recognizing October as National Colonial Heritage Month. (Kolupski)

Mayor Kolupski presented a Proclamation to Seabrook resident, Sue Harral, a member of the Tejas Bluebonnet Trails Chapter of the National Society of Colonial Dames XVII Century, to honor and recognize the month of October as National Colonial Heritage Month. The National Society of Colonial Dames XVII Century works to preserve the priceless legacy left by our colonial ancestors, and to convey the true meaning of this inheritance by reminding us that our privilege to live in a free country has stemmed from "Loving our Country, obeying its laws, respecting its flag, and defending it against enemies".

2. PUBLIC COMMENTS AND ANNOUNCEMENTS

Terry Moore, 2709 N. Meyer, stated that the last 3 years the property taxes have been approximately \$55, \$56, \$57 per \$100 valuation, and for him that's \$2500 per year, including the County taxes. In item 4.2 it looks like a tax increase of 14 cents per \$100 and that will be an increase of nearly \$900 for the year. Mr. Moore further explained that when a property owner pays taxes, HOA dues and homeowner's insurance, the total is about \$10,000 per year and it really cuts into people's retirement plans. Mr. Moore stated that he would be happy to speak to City staff to better understand, if his calculations are off the mark.

43 **2.1** Mayor, City Council, and/or members of City staff may make announcements about
44 City/Community events. (Council)

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46 Councilmember Davis announced several upcoming events, including National Night
47 Out, the monthly Bird Count, a Birding Seminar, and Celebration Seabrook.

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49 *City Council agreed to rearrange the order of the agenda items to accommodate continuing*
50 *the meeting until the public hearing could be opened at 7:00 p.m.*

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52 **4. NEW BUSINESS**

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54 **4.3** Consider and take all appropriate action on the appointment of an Alternate Municipal
55 Court Judge for a term to expire June 7, 2021. Municipal Court Judge Dick Gregg, III has
56 nominated Kathleen McCumber for this appointment. (Council)

57
58 Judge Dick Gregg, III, thanked the City Council for considering this appointment, and
59 explained that the Seabrook Municipal Court has two alternate judges at this time, and considering
60 that the jail must be covered 365 days per year, it helps to have another alternate judge that is
61 professionally qualified, currently serves as Justice of the Peace in Precinct #4 in Galveston
62 County, and also serves in other cities' municipal courts including Dickinson, Clear Lake Shores,
63 and League City. This appointment will expire on June 7, 2021 to remain consistent with the
64 appointments of the other Seabrook judges, so that new appointments or reappointments can occur
65 at the same time.

66
67 Kathleen McCumber, nominee, stated that she and Judge Gregg work really well together
68 in other cities. She stated that she's the Presiding Judge in League City and Judge Gregg is her
69 backup there. Judge Gregg is the Presiding Judge in Dickinson and Ms. McCumber is his backup.
70 League City has appointed two additional alternate judges, but they haven't been needed yet.
71 Judge Gregg was the prosecutor in League City for several years before he became an alternate
72 judge, and Ms. McCumber stated that she was very picky with the City Council on the appointment
73 because the alternate judges reflect on the Council and the Presiding Judge. Ms. McCumber stated
74 that she and Judge Gregg work well together and that she would be honored to serve Seabrook.

75
76 In answer to a question about whether she will have time to serve Seabrook between her
77 municipal court duties in other cities, her JP duties in Galveston County, and her own law practice,
78 Ms. McCumber stated that Kemah might call her once per year to serve and Friendswood might
79 call twice per year. She also stated that her JP work involves blood draw warrants every other
80 month. In cities where she is not the Presiding Judge, Ms. McCumber explained that she gets

called four to five times per year for about one hour each time. She further explained that since the jail is open 24 hours a day / 7 days per week, she can do her jail work anytime.

Judge Gregg explained that it is nice to have someone that you know that you can count on and that is reliable. Judge McCumber won't be used very heavily and that's the agreement with her. She would only be called when needed, which is common for alternate judges.

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

To approve the appointment of an Alternate Municipal Court Judge for a term to expire June 7, 2021.

MOTION CARRIED BY UNANIMOUS CONSENT

5. ROUTINE BUSINESS

5.1 Update and report on SH 146 Expansion Project and **5.2** Update and report on City of Seabrook CIP Projects. (Cook)

City Manager, Gayle Cook, gave the Council updates on the following items, pursuant to Attachment A:

- SH 146 Expansion
- Capital Improvement Projects
- Red Bluff Roadway Expansion Project
- City Parks

5.3 Update on the Contract between the City of Seabrook and the Clear Lake Emergency Medical Corps. (Goudie / Cook)

Councilmember Laura Davis explained that at the last CLEMC Board meeting, information was given regarding CLEMC's financial status and their ability to continue to provide EMS services with all entities having now terminated their contracts with CLEMC and with most employees having given their resignations. CLEMC will attempt to continue to operate until November with current equipment and three staff members.

The CLEMC board passed a Resolution of Dissolution that included a plan for action to be taken on proceeding with correcting all the 401K issues and paying appropriate accruals to employees. The Board President has agreed to remain active, even though her entity has terminated its contract so that she can be involved in the financial investigation.

121 **3. SPECIFIC PUBLIC HEARING - 7:00 P.M.**

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123 **3.1** Conduct the second of two Public Hearings to present the 2019 Tax Year Proposed Property
124 Tax Rate for the City of Seabrook. (Cook / Gibbs)
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126 Mayor Kolupski opened the public hearing.

127 No speakers having come forward, Mayor Kolupski closed the public hearing.

128 **4. NEW BUSINESS continued**

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130 **4.1** Consider and take all appropriate action on first reading of proposed Ordinance 2019-27,
131 "Amendments to the Chesapeake Bay II PUD". (Landis)
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133 AN ORDINANCE AMENDING ORDINANCE 2018-09, APPROVING AMENDMENTS TO
134 CHESAPEAKE BY II PLANNED UNIT DEVELOPMENT ("PUD"), LOCATED
135 IMMEDIATELY EAST OF REPSDORPH ROAD, SOUTH OF BRUMMERHOP PARK AND
136 NORTH OF LARRABEE STREET, BY REVISING THE PLANNED UNIT DEVELOPMENT
137 ("PUD") PLAN, REGULATIONS, RESTRICTIONS AND CONDITIONS, EXHIBIT B
138 ("PLAN") ONLY IN RELATION TO THE "DEVELOPMENT REGULATIONS, MAXIMUM
139 HEIGHT OF STRUCTURES", LIMITING STRUCTURES LOCATED WITHIN PHASE 4 OF
140 THE ("PLAN") TO 3 STORIES, BUT ADDING A NEW SUBSECTION "(C)" TO ALLOW AN
141 EXCEPTION INCREASING ELEVATION TO NOT MORE THAN 55 FEET ABOVE
142 GROUND LEVEL, MEASURED FROM FINISHED GROUND ELEVATION TO MEAN
143 ROOF HEIGHT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
144 INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR A PENALTY IN AN
145 AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY
146 PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR
147 SEVERABILITY AND NOTICE
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149 Gary Renola, Chair of the Planning & Zoning Commission, stated that the Planning &
150 Zoning Commission members took a vote on the requested amendments, and motion carried
151 unanimously with all seven (7) members voting yes.
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153 Sean Landis, Deputy City Manager, answered the following question from Council that
154 there is not more of a buffer required as there is a 30 foot buffer currently in the PUD document,
155 and as the elevation is increased, the separation or setback increases. The additional 15 feet of
156 elevation will not be noticeable from the ground.
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158 *Motion was made by Councilmember Klein and seconded by Councilmember Machol*

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To approve first reading of proposed Ordinance 2019-27, "Amendments to the Chesapeake Bay II PUD".

MOTION CARRIED BY UNANIMOUS CONSENT

4.2 Consider and take all appropriate action on first and final reading of proposed Ordinance 2019-26, "Tax Ordinance." (Cook)

AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF SEABROOK, TEXAS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2020 AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF

Four separate motions were required:

1. Motion was made by Councilmember Davis and seconded by Councilmember Klein to approve a tax rate of \$40.3139 cents per \$100 valuation of assessed property for operations and maintenance. MOTION CARRIED BY UNANIMOUS RECORD VOTE:

Klein - aye
Davis - aye
Picha - aye
Larson - aye
Machol - aye
Kolupski - aye

2. Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Davis to approve a tax rate of \$14.8844 cents per \$100 valuation of assessed property for the interest and sinking fund. MOTION CARRIED BY UNANIMOUS RECORD VOTE:

Klein - aye
Davis - aye
Picha - aye
Larson - aye
Machol - aye
Kolupski - aye

3. Councilmember Davis stated, “**I move** to approve property tax rate increase by the adoption of a tax rate of \$55.1983 cents per \$100 valuation, which is effectively a 6.49 percent increase in the tax rate” and was seconded by Councilmember Klein. MOTION CARRIED BY UNANIMOUS RECORD VOTE:

Klein - aye

Davis - aye

Picha - aye

Larson - aye

Machol - aye

Kolupski - aye

Motion was made by Councilmember Larson and seconded by Councilmember Machol to approve Proposed Ordinance 2019-26, "Tax Ordinance" on first and final reading with the reading of the caption serving as the reading of the ordinance and requiring a record vote. MOTION CARRIED BY UNANIMOUS RECORD VOTE:

Klein - aye

Davis - aye

Picha - aye

Larson - aye

Machol - aye

Kolupski - aye

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

The City Council will hold a regular meeting on Tuesday, October 15, 2019, at 7:00 p.m. at City Hall City Council Chambers.

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 7:22 p.m.

Approved this 15th day of October, 2019.

DocuSigned by:
Robin Lenio
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Robin Lenio, TRMC
City Secretary

DocuSigned by:
Thomas G. Kolupski
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Thomas G. Kolupski
Mayor

DocuSigned by:

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CITY MANAGER
CITY COUNCIL UPDATE REPORT
October 1, 2019

SH 146 Expansion

Phase II – Estimated to begin in November 2019. TXDot reported that they are striving with contractor to get new sections poured on expansion portion of existing bridge and be able to utilize some of the new lanes in late November or December.

Out of Phase work – Still estimating that northbound frontage road in Seabrook could begin before the end of 2019.

Repsdorph and SH 146 – Change order is pending for making #2 lane eastbound a through AND left turn lane. A number of illegal left turns have been reported as well as tremendous backups for traffic to go northbound on SH 146.

Delineators – Request for delineator installation from Hardesty to NASA Parkway to prevent turning. Without center protected lane, traffic congestion and safety is an issue to turn southbound off side streets and to turn into Old Seabrook without a protected turn lane. At this time, the protected turn lane for 4th Street will remain.

No Left Turn Signs – All signage has been installed with newly adopted ordinance for no left turns out of Old Seabrook

Kenneth Royal and SH 146 – Drill shafts have started for the overpasses in this section.

Center Turn Lane Barriers – The City has placed barrier cones from Towers to Repsdorph in 3 locations in order to eliminate through traffic using center lane.

Capital Improvement Projects (CIP)

Pine Gully WWTP Ph. 1A (CIP Number WW9)

Staff met via a phone conference with Texas Department of Emergency Management (TDEM) and FEMA to respond to additional information on September 25, 2019. Due to new representatives being assigned to this grant for Seabrook, the call was not productive. New representatives did not have access to all previous data Seabrook had submitted. Jeff Galyean, Director of Emergency Management, has been in contact with David Jackson, Section Administrator at TDEM, and the city staff will follow back up on the week of October 7, 2019.

SH 146 City Utility Relocates (CIP W7 and WW8)

No Change - Sanitary sewer and manholes continue south of Towers Blvd. Due to some underground conflicts with other utilities, the city's bore for the water and sewer line at Repsdorph has been delayed. Once other utility conflicts resolved this project will continue for city utilities.

SCADA System Project for Water Utilities (phase of CIP FAC1 – water system)

One site for the ground water tank is live allowing staff to monitor, and if needed, to remotely operate pumps.

NASA Rd 1 and Old Seabrook Waterline Improvements (CIP W6 and W14)

Notice to proceed issued September 30, 2019

Marvin Circle Paving and Waterline Improvements (CIP S10)

Engineering consultant and staff continue to work on outstanding quality control issues. Curb and finish out work pending.

2019 Waterline Improvements – Pine Gully and Hester Gully crossings (CIP W17 and W18)

Hester bore successful and is in finishing stages. The Pine Gully water line bore at first attempt was not successful and a second bore had to be made. Both projects are moving along and while there is some trail and roadway detours, they are expected to be complete in the next 30 days.

Red Bluff Roadway Expansion Project

TxDot reports that this project will kick off around Mid November. Centerpoint Gas relocated began September 9th and continue.

Parks

Bay Area Veteran's Memorial

Bay Area Veteran's Memorial had the front two pillars resurfaced and the damaged recognition plates were removed in one piece. Public Works will be working on a replacement stand for the plate and a new location on site.

Parks Master Plan

Staff is working with consultant on survey questions that will go out in the next month. Next presentation is still planned for December.