

The City Council of the City of Seabrook met in regular session on Tuesday, November 5, 2019 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

ED KLEIN Ex. Abs.

LAURA DAVIS

JEFF LARSON Ex. Abs.

NATALIE PICHA

BUDDY HAMMANN Ex. Abs.

JOE MACHOL

GAYLE COOK

SEAN LANDIS

STEVE WEATHERED

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

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

1. PRESENTATIONS

1.1 Introduction of and administer the Oath of Office to new City of Seabrook EMS Paramedics Constance Robinson and Austin Wood. *Brad Goudie, Director of Emergency Services and Thom Kolupski, Mayor*

Mayor Kolupski administered the Oaths of Office to Constance Robinson and Austin Wood, and family members pinned EMS pins on Ms. Robinson and Mr. Wood.

1.2 Presentation of a New Life Award for assisting in the delivery of a new born child to Chris Hebert, Marcus McCarroll, Nathan Douglas, Robert Turner and Mistie Young. *Brad Goudie, Director of Emergency Services*

Mr. Goudie announced and explained that emergency responders, which includes dispatchers, ems, firefighters and police officers, take actions on a daily basis that effects how individuals recovery from an emergency call, and often those emergency situations are life and death. An award normally given in those situations is the Life Saving Award. Tonight's award is different in that it is a New Life award to celebrate the new life of the new baby girl, Iliana. The call for a female in active labor came in and the actions of the emergency responders played a huge role in the birth and care of this precious baby girl.

Ms. Goudie gave New Life Awards to Chris Hebert, Marcus McCarroll, Nathan Douglas, Robert Turner and Mistie Young.

45 **1.3** Presentation of a Proclamation recognizing National Friends of the Library Week, which took
46 place October 20-26, 2019. *Thom Kolupski, Mayor*

47
48 Mayor Kolupski presented a proclamation honoring October 20-26, 2019 as National
49 Friends of the Library Week, and thanked the Friends of the Evelyn Meador Library and Librarian,
50 Milagros Andrada-Tanega, for their hard work and dedication to the library and the Seabrook
51 Community.

52 **1.4** Presentation of a Proclamation recognizing November 4-8, 2019 as Municipal Courts Week.
53 *Thom Kolupski, Mayor*

54
55 Mayor Kolupski presented a proclamation honoring November 4-8, 2019 as Municipal
56 Court Weeks and recognized Municipal Court Judge, Dick Gregg, III, and the Court staff and for
57 their excellent work.

58 **1.5** Presentation of the Quarterly Report from the Open Space and Trails Committee.
59 *Sally Antrobus, Vice Chair of the Open Space and Trails Committee*

60
61 Sally Antrobus, Vice Chair of the Open Space and Trails Committee, gave a brief update
62 on the activities of the committee over the past quarter, highlighting the special work of all
63 committee members, Helen Burton (Chair), Debra Harper, Monica Comeaux, Heather Cable, John
64 Coggeshall, and David Popken.

65 **1.6** Presentation of the Post Event Report of the Bay Access Race Series. *Andrea Todaro*

66
67 Ms. Andrea Todaro presented a post event report to Council that highlighted the addition
68 of a fleet of 21 foot keelboats that attracts college age and older adults and racing teams year round;
69 the Harvest Moon Regatta in October; the Bay Cup I in March; Ko Sailing Helly Hansen Shoe
70 Regatta in May; Heald Bank Regatta & Buccaneer Bash in June; the Bay Cup II in August; and
71 the HMR Safety Roundtable and the Texas Radio Yacht Championship in September. This year
72 the Bay Access Race Series block hotel rooms for competitors as far off as California and a
73 Principle Race Officer was brought in, also from California. In 2020 the Optimist Team Trials,
74 which was held in Marina Del Rey, CA in 2019, will be in Seabrook.

75 **2. PUBLIC COMMENTS AND ANNOUNCEMENTS - None**

76
77 **2.1** Mayor, City Council, and/or members of City staff may make announcements about
78 City/Community events. *City Council*

79
80 Councilmember Davis announced the following upcoming events: Mayor's Heart Walk;
81 Veterans' Day event; City Office closed for Thanksgiving on Thursday and Friday; Breakfast with
82 Santa; Santa Run; and Seabrook Christmas Tree Lighting. Mayor Kolupski also announced the
83 passing of long time Seabrook employee, Martin Baker, who was the gatekeeper at Pine Gully
84 Park.

85 **3. *BID AWARD***

86
87 **3.1** Consider and take all appropriate action on a Bid Award for Project CIP FAC 13, Seabrook
88 Volunteer Fire Department and EMS Station A/C Replacement to TDI Industries as the best valued
89 bid, in an amount not to exceed \$160,000.00. *Brian Craig, City Engineer and Assistant Director*
90 *of Public Works*

91
92 Mr. Craig explained that two (2) bids were received and TDI submitted the best valued bid.

93
94 *Motion was made by Councilmember Davis and seconded by Councilmember Machol*

95
96 *To approve a Bid Award for Project CIP FAC 13, Seabrook Volunteer Fire Department and EMS*
97 *Station A/C Replacement to TDI Industries as the best valued bid, in an amount not to exceed*
98 *\$160,000.00.*

99
100 ***MOTION CARRIED BY UNANIMOUS CONSENT***

101
102 **4. *CONSENT AGENDA***

103
104 **4.1** City Manager, Gayle Cook, pulled this item from the Consent Agenda.

105
106 **4.2** Approve and accept the new public infrastructure (water, sanitary sewer, storm sewer, and
107 streets) in Old Seabrook Village, Section A. *Brian Craig, City Engineer and Assistant Director*
108 *of Public Works*

109
110 **4.3** Approve the City auction items list for the Annual Surplus Property Auction.
111 *Brian Craig, City Engineer and Assistant Director of Public Works*

112
113 **4.4** Approve the reappointment of Sue Langgard Thomey to the Seabrook Board of Adjustment
114 and Building Standards Commission for a term to expire January 2021. *Sean Landis, Deputy City*
115 *Manager.*

116
117 **4.5** Approve the reappointment of Carl Kuehnel to the Seabrook Ethics Review Commission for
118 a term to expire October 31, 2021. *Robin Lenio, City Secretary*

119
120 **4.6** Approve the reappointment of Gene Scott to the Seabrook Ethics Review Commission for a
121 term to expire October 31, 2020. *Robin Lenio, City Secretary*

122
123 **4.7** Approve the reappointment of David Wilkerson to the Seabrook Ethics Review Commission
124 for a term to expire October 31, 2020. *Robin Lenio, City Secretary*

125
126 **4.8** Approve the minutes of the October 15, 2019 regular City Council meeting.
127 *Robin Lenio, City Secretary*

128
129

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

131
132 *To approve the Consent Agenda with item 4.1 removed from said agenda.*

133
134 *MOTION CARRIED BY UNANIMOUS CONSENT*

135
136 **5. NEW BUSINESS**

137
138 **4.1** Approve on second reading proposed Ordinance 2019-29, "Golf Cart Ordinance". *Bryan*
139 *Brand, Lieutenant*

140
141 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 90,
142 "TRAFFIC AND VEHICLES", BY REVISING AND UPDATING ARTICLE VII,
143 "REGULATION OF GOLF CARTS", REGULATING THE USE OF GOLF CARTS ON
144 PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY LIMITS; PROVIDING FOR A
145 PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00)
146 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE;
147 REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN
148 CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR
149 NOTICE

150
151 Gayle Cook, City Manager, explained that Ordinance 2019-29 was approved on first
152 reading, City Council requested a couple of amendments to allow children 5 and over, instead of
153 6 and over, to ride on golf carts and to allow children under the age of 5 to ride on golf carts during
154 school zone hours with a helmet.

155
156 Staff had several discussions on the amendment regarding helmets to find language to
157 include guidelines for the type of helmet to be added to the ordinance.

158
159 Mayor Kolupski stated that after further investigation, it was found that there is no federal
160 or state standard for approved helmets for golf cart use. With no standards, the City could be
161 liable in the case of an accident or injury if the City requires the use of helmets by children under
162 the age of 5 while riding on a golf cart. Mayor Kolupski recommended that Council vote to
163 remove the helmet requirement.

164
165 Councilmembers had several comments, including:

- 166
167
 - If the City at least requires something for protecting the children under the age of 5, the a
168 reasonable person would say that the City did something regarding safety measures.
 - The concern, in voting for helmets, was that children under the age of 5 are small children.
171 If we strike helmets, but keep the age limits as written, Lakeside is a very busy street. It
172 doesn't seem safe for infants to ride in golf carts.

173

- 174 • The State requires car seats in motorized vehicles, and the car seats are regulated for age
175 and weight. Is there any way to strap a car seat into a golf cart? Police Chief, Sean Wright,
176 explained that police officers are trained specifically for car seats in motor vehicles and
177 there is specific engineering on the car seats for vehicle safety. There is no engineering or
178 training for car seats on a golf cart.
179
- 180 • Golf cart manufacturers do not recommend seatbelts. The State ordinance is built around
181 communities with golf courses or beaches. The definition of golf cart includes the words,
182 “course” or “beach”.
183
- 184 • What is staff’s recommendation with regard to helmets? Ms. Cook stated that staff
185 recommends striking the reference to helmets and the definition of helmets.
186
- 187 • Is there a way to have language in the ordinance that encourages safety without requiring
188 enforcement, so that safety does not get lost? Chief Wright stated that the Police
189 Department can train and education citizens and encourage safety when people are
190 registering the carts, going through the permitting process.
191
- 192 • At some level City Council and City staff have to trust that parents will have common
193 sense, and that the City is doing everything it can to protect or provide safety information
194 to golf cart owners and operators.
195
- 196 • There have been 21 deaths on golf cars with head injuries of children under the age of 6 in
197 Florida. Texas has no such report. Chief Wright pointed out that if someone has a golf
198 cart accident, it doesn’t necessarily get reported to dispatch or PD or EMS.
199

200 Chief Wright explained that it would be extremely difficult to enforce a specific type of
201 helmet. The goal is to make sure that every officer can clearly identify a violation and can prove
202 up that violation in court. The simpler, the better.
203

204 *Motion was made by Councilmember Davis and seconded by Mayor Pro Tem Picha*
205

206 *To approve on second reading Ordinance 2019-29, with an amendment to strike the language for*
207 *helmets in Section L that begins with “child under 5” and to require the Police Department to*
208 *create a standard operating procedure to educate on safety during the permitting process.*
209

210 *MOTION CARRIED BY UNANIMOUS CONSENT*
211

212 **5.1** Consider and take all appropriate action on a contract between the City of Seabrook and TDI
213 Industries for A/C Replacement at the Seabrook Volunteer Fire Department and EMS Station
214 under CIP FAC 13, in an amount not to exceed \$160,000.00. *Brian Craig, City Engineer and*
215 *Assistant Director of Public Works*
216

217 Ms. Cook stated that the City has not yet received the contract back from the vendor;
218 therefore, this item will be moved to the next City Council meeting.

219 **5.2** Consider and take all appropriate action on Resolution 2019-22, "Approval of Exemption of
220 Seabrook Election Precincts 090,333, and 692 from the Bilingual Requirements to post Election
221 Notices and Materials in Chinese and Vietnamese". *Robin Lenio, City Secretary*
222

223 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, APPROVING
224 AN EXEMPTION FOR SEABROOK ELECTION PRECINCTS 090, 333, AND 692 FROM THE
225 BILINGUAL REQUIREMENTS UNDER TEXAS ELECTION CODE SECTION 272.003 TO
226 POST ELECTION NOTICES AND MATERAILS IN CHINESE AND VIETNAMESE
227 ACCORDING TO THE MOST RECENT U.S. CENSUS BUREAU DATE THAT INDICATES
228 THERE IS LESS THAN FIVE (5) PERCENT OF THE SEABROOK POPULATION OF ASIAN
229 DESCENT
230

231 Robin Lenio, City Secretary, explained that Chapter 272 of the Texas Election Code
232 requires that election ballots and materials be published in both English and Spanish, as well as
233 other languages, in which five percent or more of the inhabitants are persons of Spanish origin or
234 descent according to the most recent federal decennial census that may be officially recognized or
235 acted upon by the state or political subdivisions. For Harris County and cities within Harris
236 County, the bilingual language requirement, according to the most recent census, is Spanish,
237 Chinese, and Vietnamese. However, Section 272.03 allows for an exemption of the bilingual
238 language requirements if official census information or other information indicates that persons of
239 origin or descent comprise less than five percent of the precinct's inhabitants. Because the City of
240 Seabrook has only 4.4% of registered voters of Asian descent, staff is recommending to Council
241 to approve a resolution waiving the Chinese and Vietnamese language requirements, in order to
242 cut down on the cost of publication and supplies for elections. The approval of the resolution will
243 be in effect until the percentage of registered voters of Asian descent changes to 5% or more.

244 *Motion was made by Councilmember Machol and seconded by Councilmember Davis*

245 *To approve Resolution 2019-22, "Approval of Exemption of Seabrook Election Precincts 090,333,*
246 *and 692 from the Bilingual Requirements to post Election Notices and Materials in Chinese and*
247 *Vietnamese".*

248 *MOTION CARRIED BY 3-1, WITH MAYOR KOLUPSKI VOTING IN OPPOSITION*

249 **5.3** Consider and take all appropriate action on an Amendment to the Interlocal Agreement
250 between the City of Seabrook and Harris County, approved by Seabrook City Council on July 2,
251 2019, in order to relocate utilities in conflict with the upcoming Red Bluff road improvements
252 within the City of Seabrook. *Brian Craig, City Engineer and Assistant Director of Public Works*
253

254 Mr. Craig explained that this amendment would more clearly define the party responsible
255 for various project costs associated with the relocation of the utilities. The original Interlocal
256 Agreement was based on a cost estimate, and the bids came in higher than anticipated for about

257 \$14,000 in additional costs. Because it is the City's utilities being relocated, this amendment
258 establishes that the City will either pay the difference in cost or receive funds back.

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

260 *To approve an Amendment to the Interlocal Agreement between the City of Seabrook and Harris*
261 *County, approved by Seabrook City Council on July 2, 2019, in order to relocate utilities in conflict*
262 *with the upcoming Red Bluff road improvements within the City of Seabrook.*

263 *MOTION CARRIED BY UNANIMOUS CONSENT*

264 **5.4** Consider and take all appropriate action on a Gift Deed without Warranty from Seabrook
265 Land Company for twelve (12) underwater lots in the Old Seabrook District. *Gayle Cook, City*
266 *Manager*

267 Ms. Cook stated that the owner of the lots wants to deed them over to the City and they are
268 all in the Seabrook Slough area. There are lots missing on the deed because those missing lots are
269 owned by multiple owners. The person deeding the lots over with this gift deed is 100% owner of
270 the lots listed on the deed. In addition, this owner challenged the requirement that the GLO take
271 over the lots and the GLO lost the challenge, so the GLO will have no ownership interest at any
272 point. The owner will maintain the mineral rights. Because this is a Gift Deed, the City Attorney
273 confirmed that the owner could not ask for anything from the City in the future in exchange for
274 deeding these lots to the City.

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

276 *To approve a Gift Deed without Warranty from Seabrook Land Company for twelve (12)*
277 *underwater lots in the Old Seabrook District.*

278 *MOTION CARRIED BY A 3-1 VOTE, WITH COUNCILMEMBER DAVIS VOTING IN*
279 *OPPOSITION*

280 **5.5** Consider and take all appropriate action on the nomination of Sean Landis, Deputy City
281 Manager and City Planner, to a Primary At-Large Position on the HGAC 2020 Technical Advisory
282 Committee (TAC), representing Small Cities. *Gayle Cook, City Manager*

283 Ms. Cook explained that Mayor Pro Tem Picha is nominating Mr. Landis for this
284 committee because his expertise and experience in City Planning would be valuable to the
285 committee. Mayor Pro Tem Picha stated that there are two (2) projects in the near future that could
286 affect Seabrook and it is a good idea to have a Seabrook voice on the committee.

287

288 ***THIS SPACE INTENTIONALLY LEFT BLANK***

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

290 *To approve the nomination of Sean Landis, Deputy City Manager and City Planner, to a Primary*
291 *At-Large Position on the HGAC 2020 Technical Advisory Committee (TAC), representing Small*
292 *Cities.*

293 *MOTION CARRIED BY UNANIMOUS CONSENT*

294 **5.6** Consider and take all appropriate action on proposed Resolution 2019-23, "Dissolution of
295 the Bay Area Veterans' Memorial Task Force" *Gayle Cook, City Manager*

296 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK REPEALING
297 RESOLUTION 2017-19 IN ORDER TO FORMALLY DISSOLVE THE BAY AREA
298 VETERANS' MEMORIAL TASK FORCE
299

300 Ms. Cook explained that the task force was formed when the City took over the
301 responsibilities of operating and maintaining the Bay Area Veterans' Memorial in 2017. The task
302 force has done a great job and has assisted the City with understanding the requirements needed
303 to maintain this type of monument and has been instrumental in overseeing special projects at the
304 Memorial. At this time, the work of the task force has been completed, and if there are any
305 additional projects needed, the City is equipped to manage those projects.

306 Mayor Kolupski thanked Councilmembers Machol and Davis, Glenn and Diane Royal, and
307 the Public Works Department for their great job.

308 *Motion was made by Councilmember Machol and seconded by Councilmember Davis*

309 *To approve Resolution 2019-23, "Dissolution of the Bay Area Veterans' Memorial Task Force".*

310 *MOTION CARRIED BY UNANIMOUS CONSENT*

311 **5.7** Consider and take all appropriate action on appointing a Council Member to be a judge for
312 the Christmas Boat Lane Parade on Saturday, December 14, 2019. *City Council*
313

314 *Motion was made by Councilmember Davis and seconded by Councilmember Machol*
315

316 *To appoint Ed Klein to be a judge for the Christmas Boat Lane Parade on Saturday, December 14,*
317 *2019.*

318
319 *MOTION CARRIED BY UNANIMOUS CONSENT*
320
321

322 ***THIS SPACE INTENTIONALLY LEFT BLANK***

323

324 **6. ROUTINE BUSINESS**

325
326 **6.1** Update and report on various items that require no action, including SH 146 Expansion
327 Project, City of Seabrook CIP Projects, and City of Seabrook Grant Administration. *Gayle Cook,*
328 *City Manager*

329 Ms. Cook gave the presentation and information as seen on Attachment A.
330

331
332 **6.2** Establish future meeting dates and agenda items, including Regular City Council meeting on
333 December 17, 2019. *City Council*

334
335 The next regular City Council meeting will be held on Tuesday, November 19, 2019, at
336 7:00pm at Seabrook City Hall City Council Chambers.

337
338 The City Council will discuss the December 17 meeting on November 19.
339

340 Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:36 p.m.

341
342 Approved this 19th day of November 2019.
343

344
345
346
347
348 DocuSigned by:
349 *Robin Lenio*
350 0B230E8A4B274CD...

351 Robin Lenio, TRMC
352 City Secretary

DocuSigned by:
Thomas G. Kolupski
94F424767CFF419...

Thomas G. Kolupski
Mayor

DocuSigned by:

0B230E8A4B274CD...

ATTACHMENT A

CITY MANAGER
CITY COUNCIL UPDATE REPORT
November 5, 2019

SH 146 Expansion

Traffic Control - Seabrook's Communications team is posting updates as soon as they are released.

Today, the latest updates reflect:

- *Main Street will begin alternating lane closures through 11/8 9a-3p (Police Officers will be assisting)
- Right NB lane on the bridge will be closed 11/6 9a -3p and 11/9 7a-3p
- Right NB lane between 3rd and Main Street will be closed 11/6 9a-3p
- 4th Street will have alternating lane closures at SH146 9a-3p
- Miramar Green 11/7-11/8 9a-3p

Phase I –

Bridge Deck- The right NB lane closures on the bridge will be for a new section of the bridge deck.

Southbound Bridge Widening – This phase of the construction is anticipated to begin late November at this time. February, 2020 is the goal for the completion of both sides of the existing bridge.

Expressway – Preparation and pouring of new piles for the expressway have begun near the First Street/SH 146 area.

Phase II –

Frontage Road - The initiation of the frontage road on the east side is still set to begin immediately after utility relocations are complete. The areas of anticipated start will be just south of NASA Parkway and far north near the Red Bluff exit. *Lane shifts will be made when this portion of the phase begin in the southern section from Hardesty to NASA Parkway.

Channel Closures – Intermittent channel closures from north to south will continue and have been posted to the website SH146.com. Direction switching has been changed to every 5 minutes upon the direction of the red and green traffic signals. Weekends will continue to have flaggers in the water.

Repsdorph/Meyer Intersection – New second eastbound left turn lane onto SH146 was approved with plans and this week new pavement markings and light signalization has been communicated to be in progress.

Capital Improvement Projects (CIP)

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

TDEM is reporting that the project has been sent for consideration of approval and funding to the federal level.

SH 146 City Utility Relocates (CIP W7 and WW8)

Public Works with new GIS technology is mapping the relocation of city utilities and reports that the lines that have completed include segments on the east from Red Bluff back to Meyer. Utility relocation at Meyer is experiencing a conflict with a communication line and further progress to the south is expected when this is resolved.

Marvin Circle Paving and Waterline Improvements (CIP S10)

Curb and gutter work complete at Marvin Circle and panels marked for correction have been replaced. Punch list items are in progress and this project expected to close out soon.

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

Hester Gully Waterline is complete and clean up underway.

Pine Gully Waterline is in final phase for testing and anticipated to close out.

2019 Waterline Improvements - NASA Rd 1 and Old Seabrook Waterline Improvements (CIP W6 and W14)

NASA Waterline project completed open cut and boring to Lakewood Yacht Club/Blue Dolphin section. This week the remaining portion up to SH 146 is being installed and intermittent right EB lane will be expected.

First Street Waterline will continue and tomorrow 11/6, the phase from Meyer to Moskowitz is expected to be installed. Cook, Anders, and Lidstone will have small sections in this project and construction areas can be expected on those streets.

Fiber Infrastructure Project (CIP FAC10 and FAC11)

Fiber Infrastructure Project is underway and many of the orange construction fencing sites you see along Repsdorph are leads to the water facilities. This project did incur a conflict which affected a water line in front of the ground tank. This was a large repair for city staff but expected to be completed tomorrow.

Red Bluff Roadway Expansion Project

Friday, November 8, 2019, city staff will be attending the kick off meeting for this project and additional information will be reported back for publication.

North Area Projects

Port Road Expansion – January 2020

Pipeline on Old SH146 – January 2020

Rail Spur- Old SH 146 partial closure expected in December 2019

Baystar Plant Expansion – In progress

INEOS Plant Expansion – In progress

SH 146 Widening from Red Bluff to Spencer – January 2022