

The City Council of the City of Seabrook met in regular teleconference session on Tuesday, October 6, 2020 at 5:30 p.m. 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

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 5:30 p.m. and conducted roll call to establish a quorum of City Council members.

1. PRESENTATIONS

1.1 Presentation of a Proclamation to recognize October as National Cybersecurity Awareness Month. *Thom Kolupski, Mayor*

Mayor Kolupski read a proclamation to recognize October as National Cybersecurity Awareness Month.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS - none

3. SPECIFIC PUBLIC HEARINGS

3.1 Conduct a Public Hearing to present the 2020 Tax Year Proposed Property Tax Rate for the City of Seabrook. *Gayle Cook, City Manager and Michael Gibbs, Director of Finance*

Mayor Kolupski opened the Public Hearing.

Having no speakers come forward, Mayor Kolupski closed the Public Hearing.

4. CONSENT AGENDA

4.1 Approve a Memorandum of Understanding between the City of Seabrook and the Seabrook Rotaract for an Edible Forest to be located on a portion of City property near the Evelyn Meador Library, to be planted and maintained by the Seabrook Rotaract. *Kevin Padgett, Director of*

46 *Public Works*

47
48 **4.2** Approve an annual Membership Agreement between the Seabrook Economic Development
49 Corporation and the Clear Lake Area Chamber in an amount not to exceed \$10,000, beginning
50 October 1, 2020 and ending September 30, 2021. This agreement was approved by the Seabrook
51 Economic Development Corporation on September 10, 2020. *Paul Chavez, Director of*
52 *Economic Development*

53
54 *Motion was made by Councilmember Machol and seconded by Councilmember Klein*

55
56 *To approve the Consent Agenda, as presented*

57
58 **MOTION CARRIED BY UNANIMOUS CONSENT**

59
60 **5. NEW BUSINESS**

61
62 **5.1** Consider and take all appropriate action on Hotel Occupancy Tax (HOT) Sponsorship
63 Funding Procedures and on the draft agreement template between the City of Seabrook and HOT
64 funding applicants for HOT Sponsorship Funding. *LeaAnn Petersen, Director of Community &*
65 *Visitor Relations*

66
67 LeaAnn Petersen, Director of Community & Visitor Relations, explained that the draft
68 procedures are to help keep track of event expenditures for HOT Fund sponsorships that outlines
69 how the occupancy tax can be used under state law, and in particular, outlines the nine (9) specific
70 expenditures allowed under the statute. The procedure also outlines the actual process for the
71 application and requires that each event holder sign a sponsorship agreement, which has not been
72 required in the past. In all previous year, the event holder provided an invoice for payment and
73 then received the City Council approved allocation of funds. No agreement was required to be
74 signed regarding how the funds would be used. There is also a fund distribution procedure
75 recommended for distributing funds on a reimbursement basis. Each event holder will submit a
76 vendor invoice and proof that the vendor has been paid in order to get the reimbursement from the
77 City. The funding process will require a special event permit application from all event holders,
78 which is different from current practice to only have special event permits required if they are
79 triggered, like for events on City property. The special event application and permitting is added
80 to the procedures so that the City can ensure COVID restrictions and requirements are adhered to
81 for the health and safety of the community. The special event application must be submitted 45
82 days in advance of the event, and City staff provides Council with an update on those applications
83 as they come in and the status of each. In addition, the agreement outlines all requirements for
84 specific event programming, marketing and promotions, and event advertising must include a list of
85 Seabrook lodging facilities on the event website, the City logo, and the City's tourism website.
86 Event signs must also include the City's logo and the City must be contacted for branding

87 guidelines. Finally, event holders must present both an oral and written report to Council, which
88 includes how Seabrook hotels were impacted.

89 **COUNCIL COMMENTS:**

- 90 • These procedures put structure into the system and control to the City.
- 91 • What if the event is outside the city? Ms. Petersen stated that a waiver can be created for
92 special event application for those events held outside the City; however, right now the
93 only event held outside the City is the Bay Area Houston Ballet and Theatre events.
- 94 • Putting together these procedures has been a lot of work and they are very thorough. Many
95 of the applicants are already doing a version of this process. Do you think this new process
96 is going to be burdensome for the event holders? Ms. Petersen explained that event holders
97 have never been required to deliver invoices and receipts for payment, but instead have
98 submitted a budget document showing how the HOT funds were spent. Some events are
99 very detailed in the budget document, and some are not. These funding procedures would
100 hold event holders a little bit more accountable. Under the proposed procedures the City
101 will require and see that \$5,000 went to bulletin boards or \$15,000 to print advertisements.
102 Of course, the proposed procedures would be more cumbersome on City staff because it is
103 unknown right now if an event holder that has a good reserve will tally up all invoices and
104 receipts and submit them all at once for one reimbursement check or if an event holder will
105 submit receipts for reimbursement each time an invoice is paid to a vendor, resulting in
106 several checks written by the City to the same event holder.
- 107 • Would any events be lost because event holders would choose to forego this new process?
108 Ms. Petersen explained that the proposed funding procedures and draft agreement was sent
109 to event holders prior to this Council meeting and the Gulf Coast Film Festival was not
110 thrilled with the extra paperwork. Larger event holder expressed concerns that
111 expenditures do not happen until later, but they need some funds up front.
- 112 • Mayor Kolupski stated that he has spoken to number of event holders and their biggest
113 concern is if we are asking them to spend their money that is typically given to them by the
114 City for advertising. The advertising occurs way before the event does, but the City still
115 needs to hold events accountable. An idea would be for the City to fund 75% up front,
116 with event holders turning in invoices after that initial 75% percent is spent, in order to
117 receive the remaining 25%. If the first 75% is not spent on the allowed uses, then the 25%
118 is not funded. In addition, next year, the City will only fund up to the amount that was
119 actually spent on allowed uses in the previous year. This 75/25 process will hold all events
120 accountable and it gives the City a better idea of where the money is going.
- 121 • Normally, invoices get paid 30-60 days later, so the event holders will not necessarily have
122 to have money in their pockets in order to abide by the proposed reimbursement
123 procedures. Mayor Kolupski explained that radio ads and program printing typically

require payment up front. Also, any transaction over the internet requires credit card payment immediately.

- It is great to hold event holders accountable, and the agreement on how to spend the money is good so that event holders understand the law and what is required. Some, if not all of the smaller events are run by volunteers, so to ask for those events to spend money up front is prohibitive in nature and it places an undue burden on volunteers that are trying to do something for the community. In addition, most of these events are also funded by other sources, including other cities in the area. It may become difficult to determine which advertising dollars spent were from Seabrook. In addition to the 75/25 process, maybe City staff should create a fill in the blank budget template to be as detailed as Seabrook wants it to be, so that all event holders are providing the same information and the same amount of detail. Mayor Kolupski stated that the budget template is a good idea.
- Accountability is needed, but these proposed procedures add a lot of bureaucracy. We don't want it more difficult. Anything to streamline the process will be good. It's great that the Mayor talked to some of the event holders and received feedback.
- Ms. Petersen has done a good job with these proposed procedures. The type of documentation required should be added to the procedures to confirm the expense has been incurred. It's not too big of a burden to ask event holders to submit some extra paperwork because this is free money.
- Mayor Kolupski stated that he agrees with asking for a little bit extra from the event holders. For years the City has been funding events and not asking for accountability, but because of COVID, events were cancelled, even after being funded. Moving forward, it is reasonable to see where the money went. It still may be a burden, but that's the price of getting free money
- The invoices submitted need to be itemized, and not just a blank document saying \$25,000 was spent on advertising.

Ms. Petersen summarized Council's remarks, saying that the application process has not changed based on this discussion. Council has agreed that all events should sign an agreement saying that funds will be spent according to state law. The fund distribution procedure has been updated to be a 75/25 process, with 75% paid after October 1, after an invoice is submitted to the City, and the remaining 25% will be paid after proof of all qualifying expenses have been paid by the event holder. All event holders must provide itemized original vendor invoicing and proof of payment. Request for payment of the final 25% will be submitted to the Community & Visitor Relations Department, along with required documentation, and will be paid according to the City's purchasing and accounts payable policies. The City pays on a net 30 invoicing system, and the good news is that all applicants are already vendors in the City's payment system, so no one will have to go through the process of being set up as a City vendor, which takes two weeks before payment can be made.

Mayor Kolupski explained that if an event only spends 60% on advertising, then the City will fund only that amount in the next year. This process will give everyone a better idea about what is actually being spent using HOT funds.

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

To approve item 5.1 with the changes that were made by Ms. Petersen to include the 75/25% process, detailed invoices, and required documentation.

MOTION CARRIED BY UNANIMOUS CONSENT

Ms. Petersen stated that she will consult with the City Attorney to correct the draft agreement based on the amended funding procedure.

5.2 Consider and take all appropriate action on first and final reading of proposed Ordinance 2020-25, "Tax Ordinance". *Gayle Cook, City Manager and Michael Gibbs, Director of Finance*

Four separate motions are required: 1) "I move to approve a tax rate of \$39.9851 cents per \$100 valuation of assessed property for operations and maintenance"; 2) "I move to approve a tax rate of \$14.3762 cents per \$100 valuation of assessed property for the interest and sinking fund"; 3) "I move that the property tax rate be increased with the adoption of a tax rate of \$0.543613, which is effectively a 3.44% percent increase in the tax rate; and 4) "I move to approve Proposed Ordinance 2020-25, "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".

AN ORDINANCE FIXING AND LEVYING THE MUNICIPAL AD VALOREM TAXES FOR THE CITY OF SEABROOK, TEXAS, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021 AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF

Four separate motions were required:

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

To approve a tax rate of \$9.9851 cents per \$100 valuation of assessed property for operations and maintenance

MOTION CARRIED BY UNANIMOUS RECORD VOTE:

Klein – aye

Hammann – aye

Picha – aye

Larson – aye

Machol – aye

Davis – aye

202 *Kolupski – aye*

203

204 *Motion made by Councilmember Klein and seconded by Councilmember Machol*

205

206 *To approve a tax rate of \$14.3762 cents per \$100 valuation of assessed property of the interest*
207 *and sinking fund*

208

209 *MOTION CARRIED BY UNANIMOUS RECORD VOTE:*

210

211 *Klein – aye*

212 *Hammann – aye*

213 *Picha – aye*

214 *Larson – aye*

215 *Machol – aye*

216 *Davis – aye*

217 *Kolupski – aye*

218

219 *Motion made by Mayor Pro Tem Picha and seconded by Councilmember Klein*

220

221 *To approve a property tax rate increase with the adoption of a tax rate of \$0.543613, which is*
222 *effectively a 3.44% percent increase in the tax rate*

223

224 *MOTION CARRIED BY UNANIMOUS RECORD VOTE:*

225

226 *Klein – aye*

227 *Hammann – aye*

228 *Picha – aye*

229 *Larson – aye*

230 *Machol – aye*

231 *Davis – aye*

232 *Kolupski – aye*

233

234 *Motion made by Councilmember David and seconded by Councilmember Machol*

235

236 *To approve proposed Ordinance 2020-25, “Tax Ordinance”*

237

238 *MOTION CARRIED BY UNANIMOUS RECORD VOTE:*

239

240 *Klein – aye*

241 *Hammann – aye*

242 *Picha – aye*

243 *Larson – aye*

244 *Machol – aye*

245 *Davis – aye*

246 *Kolupski – aye*

247
248 **6. ROUTINE BUSINESS**
249

250 **6.1** Update and report on various items that require no action, including SH 146 Expansion
251 Project, City of Seabrook CIP Projects, and City of Seabrook Grant Administration. *Gayle*
252 *Cook, City Manager*
253

254 Ms. Cook gave a report to City Council on SH 146 Expansion Project, City of Seabrook
255 CIP Projects, and City of Seabrook Grant Administration, as shown in Attachment A.
256

257 **6.2** Update and discuss report by City Manager on COVID related issues, including information
258 regarding reopening timeline for Seabrook public meetings. *Gayle Cook, City Manager and*
259 *Brad Goudie, Director of Emergency Services*
260

261 Ms. Cook updated the City Council on COVID related issues, as shown in Attachment B.
262

263 **6.3** Update and discuss upcoming Charter Amendment Election on November 3, 2020. *Robin*
264 *Lenio, City Secretary*
265

266 Ms. Lenio gave an update and discussed the upcoming Charter Amendment Election on
267 November 3, 2020, as shown in Attachment C.
268

269 **6.4** Establish future meeting dates and agenda items. *City Council*
270

271 The next regular City Council meeting will be held by teleconference on Tuesday, October
272 20, 2020 at 6:00pm.
273

274
275 Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 6:21 p.m.
276

277 Approved this 20th day of October, 2020.
278
279

280 *Thomas G. Kolupski*

281
282 _____
283 Thomas G. Kolupski
284 Mayor

285 *Robin Lenio*

286 _____
287 Robin Lenio, TRMC
City Secretary



ATTACHMENT A

MEMORANDUM CITY MANAGER'S OFFICE



To: Honorable Mayor and City Council
From: Gayle Cook, City Manager
Date: October 6, 2020
Subject: City Council Update

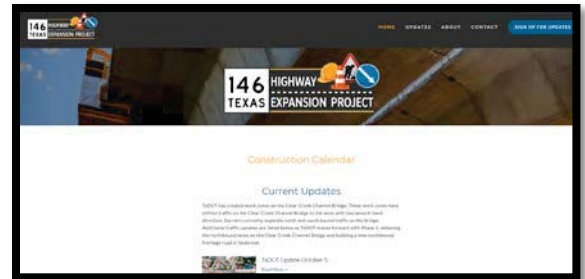
SH 146 Expansion

The current phases that are in progress:

Phase 1 Step 1: Widen northbound side of existing bridge. Add one travel lane and one 14-foot wide bicycle lane.
Anticipated completion: early 2021.

Phase 1 Step 2: Construct northbound frontage road in Seabrook. Anticipated completion: 5 months, pending utility relocations.

Phase 2: Widen southbound side of existing bridge. Build majority of Express Bridge. Build remainder of northbound frontage road in Seabrook. 1. Began April 2020.
Approximate duration: 2 years. In Phase 2, traffic shift underway from El Mar to SH96.



Upcoming closures for Seabrook will include the channel for demo and construction of the bridge widening. South channel will be closed beginning October 19, 2020.

Capital Improvement Projects (CIP)

City staff is currently managing over \$48 million in active CIP projects.

Pine Gully Wastewater Treatment Plan Retrofit \$35,946,438 (C.O.s/HMGP)

The 90% design plans are expected in coming two weeks for review. November 2020, is still the anticipated 100% design date for the city to apply for Phase II of the HMGP Grant process for construction.

SH 146 City Utility Relocates (CIP W7 and WW8) \$3,694,358 (SIB)

The majority of all lateral runs have been installed and small segments including those across side streets remain.

Friendship Elevated Water Tower Project (W11) \$350,000 (Impact Fees)

On September 15, 2020, City Council approved the bid and this project is forecasted for late 2020.

Chloramine Conversion (CIP W13) \$272,875 (Enterprise Fund)

In progress

MEMORANDUM

CITY MANAGER'S OFFICE

SMART Meter (CIP FAC6) \$3,000,000 (C.O.s 2020)

September 3, 2020 Bid Opening. Staff evaluated bids and will be making a recommendation on the October 20, 2020 Meeting.



Seascape and Baybrook Subdivision HCFCD Bond E-07 (D11 and D12) \$2,238,000 (Total Project Cost)

As part of the Certificates of Obligation recently issued for 2020, Seascape and Baybrook Subdivision drainage improvement projects have started. City staff have been notified that a Phase I Environmental Site Assessment (ESA) is in progress.

Red Bluff Road Expansion TxDOT and Harris County Project

Phase I : Complete

Phase II: In Progress

New bridge work underway in forming and pouring support and setting spans

Phase III: In Progress

Step 1: 10/2020- 12/2020

Roadway shift and ROW preparation for westbound lanes

Step 2: 12/2020 – 2/2021

Phase IV: 2/2021 – 4/2021

Phase V: 4/2021

Completion: 4/30/2021

EI Mar Ditch HCFCD Bond E-07 (D2) \$3,905,527 (Total Project Cost)

Project is in environmental phase and public comment is under review.

Rail Spur Project (Port of Houston and FUSED Industries)

Phase III for Track installation and removal of temporary materials with final striping is pending

Lower Clear Creek Study

Next Meeting – November 4, 2020

Final – February 2021

In August 2017, Hurricane Harvey struck the Texas coast, bringing an unprecedented amount of rainfall to the Houston region. As was the case with most of the watersheds in the region, the Clear Creek and Dickinson Bayou watersheds experienced widespread flooding, which resulted in significant damages.

The Lower Clear Creek and Dickinson Bayou Watershed Study, led by the City of League City in cooperation with the Harris County Flood Control District (HCFCD) and the U.S. Army Corps of Engineers (USACE), will develop a comprehensive flood mitigation plan for the Lower Clear Creek and Dickinson Bayou watersheds. This will be accomplished by identifying vulnerabilities and developing concepts to reduce flooding. Once developed, these concepts will be refined, and potentially combined, into actionable alternatives to yield the most beneficial flood damage reduction projects for the Lower Clear Creek and Dickinson Bayou watersheds.

CDBG-MIT

Application is in progress for Cost Sharing of the Pine Gully Wastewater Retrofit HMGP Grant

MEMORANDUM
CITY MANAGER'S OFFICE
Grants Update



Port of Houston Community Grant \$50,000 –

This grant application was not selected

FEMA – Public Assistance – COVID-19 Disaster

City of Seabrook has expended approximately \$60k in costs directly related to COVID-19 and is accounted separately by Finance for federal and CRF reimbursement.

FEMA – Public Assistance – Hurricane Laura Disaster

City of Seabrook expenses force account labor and equipment of approximately \$71k in preparations and stand-by for Hurricane Laura. An initial kick off briefing will begin the opening of this reimbursement process.

FEMA – Public Assistance – TS Beta

Pending total force account labor and equipment totals

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CARES Act – Small City Assistance Program \$786,005

\$244,600 for the Seabrook Economic Incentive Program for business during COVID under the category of Economic Expenses. Staff presented a Spending Plan for remaining funds for review by Harris County consultation and future approval by City Council.

Texas Parks and Wildlife Grant (TPWG)

In Progress. Texas Parks and Wildlife Commission to begin environmental and archeological resource reviews.

Livable Centers Program (HGAC) – Old Seabrook District \$194,000

Paul Chavez, Sean Landis met with selected consultant and HGAC on October 5, 2020, to discuss scope of project. EDC on October 8, 2020 will consider the agreement to initiate services and a timeline and kickoff will be announced in November, 2020.

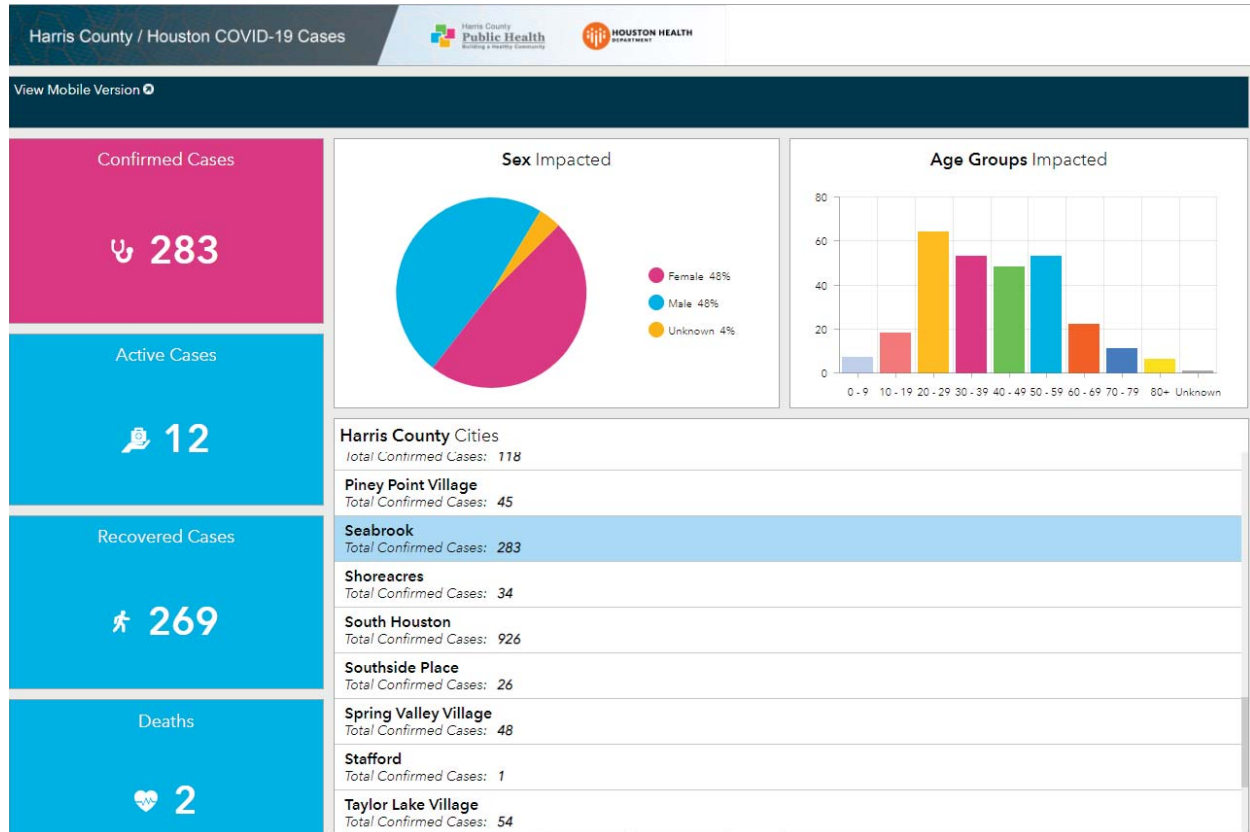
The plan is to recommend projects that would encourage walkability, connection within and between nodes of community activity and build on environment strategies that support local economic development and employment.

ATTACHMENT B

MEMORANDUM CITY MANAGER'S OFFICE



To: Honorable Mayor and City Council
 From: Gayle Cook, City Manager
 Date: October 6, 2020
 Subject: City Council COVID Update



City

Emergency Operations Center

Level III for the local COVID-19 Disaster Declaration.

City Operations

- City facilities opened on Monday, October 5, 2020
- City management met today and operational changes are being updated on the city website for public information
- Rental of city facilities is open to 75% occupancy or current state and/or county order in effect at the time.
- Rental of outside pavilions is open to Governor's occupancy requirements
- Police Department lobby will remain closed with the public able to use the buzzer system for services that require personnel.

MEMORANDUM

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- Animal Control remains on an appointment basis other than drop offs
- Court remains with evening court and jury trials in person are not allowed

Public Meetings

Staff has prepared with equipment purchases to allow for hybrid format of public meetings with the following safety measures proposed. Council input and direction is requested for discussion.

County

The current level with Harris County remains at a Level 1 – Severe. Harris County Judge Lina Hidalgo on August 26, 2020, extended the Health and Safety Policy and Face Coverings. The order in effect until the 14th day following the expiration of Governor Gregg Abbott's final declaration.



Harris County COVID-19 Risk Level Indicator Summary	
Indicator	Status
Hospital Population Trends Negative 14-day trends for COVID-19 hospital population	Indicator Met COVID-19 ICU and general population 14-day trends are negative
Hospital Usage 14-day average of COVID-19 hospital population below 15%	Indicator Met COVID-19 ICU 14-day average population is 10.1% of capacity
New Cases: Trend 14-day trend for new COVID-19 cases is negative	Indicator Not Met 14-day trend of new cases is increasing by 5 cases per day
New Cases: Total 14-day average of new cases in Harris County below 400	Indicator Met 14-day average of new cases is 257 cases per day
Positivity Rate 14-day average of COVID-19 test positivity rate below 5%	Indicator Not Met 14-day average of COVID-19 test positivity is 6.2%

Harris County COVID-19 Data Landscape / October 5, 2020

State

Governor Greg Abbott renewed COVID-19 Disaster Declaration on September 8, 2020.

November 3, 2020 Charter Amendment Election

ATTACHMENT C



JOINT ELECTION AGREEMENT

COUNTY RESPONSIBILITIES

Hiring judges and clerks
Finding polling locations
Handling ballots by mail
Security
Equipment
COVID protocols
Counting votes

CITY RESPONSIBILITIES

Calling election
Posting and publishing notices
Publication of propositions in newspaper
Canvassing election





ELECTION COSTS

Not finalized yet by County

Last Seabrook estimate was \$36,007.22

Entities were told that there may be additional coding costs if our ballot wording was over 500 characters.

There are 7 locations for early voting that will be open and staffed for 24 hours on Oct. 29

Mail ballot costs are more than likely not finalized

Entire cost of election is estimated as of August 17 at \$18,951,166.42

Seabrook's percentage of the cost share is 0.19% based on registered voters that will actually have the opportunity to vote. Seabrook's election is city-wide and not limited to specific districts

GETTING THE WORD OUT

Election page on City website is updated

Social Media posts will go out on Mon & Thurs, beginning Oct. 1

Election brochure has been emailed to Council & Board members

Brochures with Propositions and Election information:

- placed at City Hall, Utility Billing window, Public Works facility, Seabrook restaurants, Lakewood Yacht Club

- Handed out at Rotary meeting this week

- HOA's who responded have either electronic or hard copies

- A press release went out today, Oct 6

- Propositions will be published in the Bay Area Observer on

Oct 21



ELECTION DAY INFORMATION

Election Day Hours:
7:00a – 7:00p

Election Day Polling Locations:
Precinct 90
El Lago City Hall

Precinct 333
Seabrook Intermediate School

Precinct 692
Captain Inn & Suites

**NO VOTING AT CITY HALL, EVELYN
MEADOR LIBRARY, OR FREEMAN
LIBRARY ON DIANA LANE**

EARLY VOTING INFORMATION

Propositions and Charter Review Commission Final Report are on the City's Election Page: www.seabrooktx.gov/elections

Begins Oct. 13 and ends Oct. 30

NO VOTING AT CITY HALL, EVELYN MEADOR LIBRARY, OR FREEMAN LIBRARY ON DIANA LANE

Closest voting locations are listed on the City's website on the Election Page

The County has set up Drive Thru Voting and info is on the City's Election Page

People who are eligible to vote by mail must mail an application to the County and it must be RECEIVED, not postmarked, by Oct. 23. Info on the City's Election Page

There is a non-partisan Voter's Guide on the City's Election Page from the League of Women Voters