

The City Council of the City of Seabrook met in regular session on Tuesday, August 3, 2021 at 6:00 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
ED KLEIN	COUNCIL PLACE NO. 1
ROB HEFNER	COUNCIL PLACE NO. 2
JEFF LARSON – Ex. Abs.	COUNCIL PLACE NO. 3
MICHAEL GIANGROSSO	COUNCIL PLACE NO. 4
BUDDY HAMMANN	MAYOR PRO TEM
	COUNCIL PLACE NO. 5
JOE MACHOL	COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	DEPUTY CITY MANAGER
STEVE WEATHERED	CITY ATTORNEY
ROBIN LENIO	CITY SECRETARY

Mayor Kolupski called the meeting to order at 6:00 p.m. and led the audience in the United States and Texas Pledges of Allegiance.

1. PRESENTATIONS

1.1 Presentation by Mounting Horizons, Inc., a 501(c)3 community based organization, established in 2003, to provide services to individuals with disabilities and seniors in Harris, Galveston and surrounding counties. *Mike Giangrosso, Councilmember Position 4*

Councilmember Giangrosso introduced the item, noting that Mounting Horizons, Inc. mainly serves Galveston County, and that many people are unaware of the services that the organization makes available to people.

Curtistine White, a representative from Mounting Horizons, Inc. and a Seabrook resident, thanked Council for the opportunity to present this evening. She said that Mounting Horizons, Inc. is an organization that serves individuals with disabilities and seniors in Galveston County and the southern tip of Harris County, including Seabrook, Webster, Friendswood, League City, and Dickinson, and is one of 27 statewide centers for independent living. It focuses on person with disabilities of all ages, as well senior citizens, by providing door-to-door transportation services to individuals in areas that do not have a mass transit system, advocacy, and assisting youth transitioning into adulthood.

Ms. White introduced Mounting Horizons, Inc.'s information specialist, Hilda Giangrosso, who is the organization's first point of contact for advocacy, information and referrals. Ms. White then introduced Craig, one of the organization's members. She said that Craig likes to be active in his community, but is unable to drive. Through Mounting Horizons, Inc., he is able to use subsidized transportation to go to the gym, movies, meet friends for lunch, etc. for the cost of only

\$0.40 per mile. Ms. White will leave informational brochures about their services at City Hall, and Mounting Horizons, Inc. will also be at Celebration Seabrook.

1.2 Presentation by the Daughters of the American Revolution on the 100th Anniversary of the Tomb of the Unknown Soldier event to be held on Saturday, November 13, 2021 at the Bay Area Veterans Memorial. *Joe Machol, Councilmember Position 6 and Susan Adams, Daughters of the American Revolution*

Councilmember Machol said that normally the City commemorates Veterans Day on November 11 because that is actually Veterans Day. However, this year is the 100th anniversary of the Tomb of the Unknown Soldier event, so at the request of the Daughters of the American Revolution, Council agreed to change the date to Saturday, November 13. The City is going to arrange for fire trucks, police cars, military vehicles, bagpiper, etc. and the Daughters of the American Revolution will also bring their people and more items. There is normally a good crowd for the event, but this year might bring even greater attendance.

Rita Ash, 1631 Corning Street, League City, first vice regent of the Sam Houston Chapter of the Daughters of the American Revolution, introduced Sarah Cook and Susan Adams, the state registrar for Daughters of the American Revolution. Ms. Ash asked for a proclamation from the City of Seabrook to be presented during the November 2 Council meeting, and she outlined the events planned for November 13.

1.3 Presentation by Freese & Nichols providing an update on the City of Seabrook Livable Centers Study. *Shad Comeaux, Principal / Vice President, Freese & Nichols*

Shad Comeaux, 4020 Moray Drive, Pearland, gave a brief presentation of the process to date, as included as Attachment A to these minutes, discussed where the study currently stands, and addressed questions from Council. He remarked that City-owned property is a key catalyst property for the project. Importantly, there are not standard street sections within the study area; each street will require a specific type of treatment, almost in a block-by-block or per-parcel fashion, in anticipation of more pedestrian or foot traffic and also the need for more parking. The SAC Meeting #4 referenced in the "Next Steps" slide will look to involve Seabrook Economic Development Corporation. Ultimately, the Study will be presented to City Council in October for adoption.

1.4 Presentation by John Fischer providing an update as it relates to the progress of the Seabrook Plaza Preliminary Planned Unit Development approved by City Council August 4, 2020. *John Fischer, Developer*

John Fischer, Developer, provided Council with an update on the progress of the Seabrook Plaza Preliminary Planned Unit Development. He commented that the last 18 months have been very difficult for new development, with things happening at a much slower pace, but are nevertheless still moving. Now, capital markets are starting to come back and there are new opportunities for construction loans for hospitality. Throughout the pandemic projects like this one, destinations for entertainment and mixed use, have outperformed regular hotels. Mr. Fischer

has contracted an investment bank to go out to the capital markets, and has extended all of the groundbreaking sunset clauses in his contracts.

1.5 Presentation of a report on Councilmember Joe Machol's visit with the Coast Guard. *Joe Machol, Councilmember Position 6*

Councilmember Machol said that on May 2, 2021, he flew with Commander Owens and Pilot Hawthorne of the U.S. Coast Guard over Seabrook, down to Galveston, and up the ship channel. During the flight, Councilmember Machol discussed the rumors that he had heard about human trafficking in the area, which the Coast Guard dispelled, noting that if boats were pulling up and dropping a large number of people off, someone would see it. There is no truth to rumors of any human trafficking or drug trafficking from the water. Base Commander Marcus Canady told Councilmember Machol that if the City of Seabrook needs anything from the Coast Guard, the City just has to call.

1.6 Presentation and update on the Eagle Scout flag retirement project approved by the City Council on August 20, 2019. *Joe Machol, Councilmember Position 6*

Councilmember Machol has spoken with the Eagle Scouts, who are still working on finalization of paperwork. The Scouts should be speaking with Building Official Nick Kondejewski or Deputy City Manager Sean Landis soon with their final plan. The plan, as was previously approved by City Council, is for a 16 foot circle with a square fire pit that has fire bricks and a pipe off to the side to supply propane to the pit. The pit will have a locked cover to prevent others from building fires when not retiring flags, and there will be a flag receptacle at the site for retired flags that are awaiting burning. The project will start in early August, probably within the next 2-3 days or early next week.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS

Paul Robinson, 4600 Country Club Drive, Dickinson, the Texas Outlaw Challenge event organizer, explained that this year was the 14th year for the event, and was a COVID comeback year after the pandemic resulted in last year's event being cancelled. Hotel Occupancy Tax is an important source of revenue for the event, which also seeks to increase the number of tourists who spend the night in Seabrook, and the marketing message needs reflect same. Texas Outlaw Challenge affiliates with national magazines, and it set a record for *Speedboat Magazine* for the number of people online – 3.2 million views – who looked into the five-day event and its sponsors. Mr. Robinson thanked the Council and the event's volunteers for their help and support.

Mary Ruth Greenwell, 3322 Arbor Lane, thanked Council for the opportunity to speak, and said that she hoped Council took the time to read email she sent to the members of Council yesterday. Ms. Greenwell has lived in this area for 4 years and visits and uses Pine Gully Park and Carothers Coastal Gardens frequently, sometimes several times a week. She applauded Council for opening Carothers to walkers and bike riders last year. The destinations are just minutes from any place in Seabrook, and are used by photographers for the backdrop to senior photographs, wedding photographs, and family photographs. The park and gardens host Seabrook citizens

136 taking advantage of their beauty and convenience, admiring the views of Galveston Bay,
137 picnicking in the park, and spending time in the natural environments of salt marshes, woodlands,
138 beach, bayous and creeks. Many other cities have trails and parks, but none compare to the natural
139 beauty of Carothers Coastal Gardens. Under capable direction, the facilities can be a service to the
140 city and residents and an educational environment.

141
142 Sally Antrobus, 526 Surf Oaks, said that she is speaking in her personal capacity, and not
143 on behalf of the Open Space and Trails Committee. Ms. Antrobus thanked
144 Councilmember Machol for proposing a review of the insurance process for the Carothers house,
145 and she urged Council to vet this matter fully in the absence of transparency. Many houses in
146 February's cold weather had frozen pipes and were repaired; why, she asked, cannot the Carother
147 structure be repaired too? Texas Municipal League's insurance pool differs from regular
148 insurance, but the differences are not explained to the public. How can a concrete, stucco, and tile
149 building be damaged more than 51% of its value just from frozen pipes? People are now
150 enjoying Carothers every single day, enjoying the whole park. For them, the house is largely
151 incidental, but its Spanish flavor is inviting and it provides 2,000 square feet of indoor air
152 conditioning for activities that the community would not otherwise have. The property is a
153 significant public asset, and the building, the natural gardens, and unique and the sustainable
154 natural destination needs to be preserved.

155
156 Mark Gilliam, 409 Baywood, stated that he is speaking because the people using
157 Carothers Gardens invade private property in the immediate neighborhood, steal things, and catch
158 illegal fish. The police will tell people that they cannot be on the private property, but by the time
159 the police get to the location, the "visitors" have gone. Mr. Gilliam asked for Council's help in
160 resolving the issue.

161
162 Richard Rogers, 414 Baywood, has lived in the area for 18 years. He is not sure that
163 Carothers has to be torn down because it is all concrete. There is an invasion of people coming
164 onto private property, with some going so far as to swim in other people's swimming pools, but
165 Mr. Rogers believes the Carother's house should be saved. Mr. Rogers said that he is not at the
166 meeting to complain, but to ask for the City's help in resolving the issues that he and his neighbors
167 now face.

168 **3. BID AWARD**

169 **3.1** Consider and take all appropriate action to award the Bid and approve a contract, in an amount
170 not to exceed \$36,120.00, between the City of Seabrook and Underground Construction for project
171 2021-08, Red Bluff Waterline Replacement Project. *Brian Craig, City Engineer and Assistant*
172 *Director of Public Works*

173
174
175 Brian Craig, City Engineer and Assistant Director of Public Works presented the item, for
176 a project that will replace approximately 560 feet of dilapidated waterline along
177 Red Bluff with a 6-inch polyvinyl chloride (PVC) pipe. In response to questions from Council,
178 Mr. Craig said that the replacement will not cause any service problems during the transition; the
179 old line will remain active during the work, and it will take one day to swap services.

181 *Motion was made by Councilmember Hammann and seconded by Councilmember Klein to award*
182 *the Bid and approve a contract, in an amount not to exceed \$36,120.00, between the City of*
183 *Seabrook and Underground Construction for project 2021-08, Red Bluff Waterline Replacement*
184 *Project, as presented.*

185
186 *MOTION CARRIED BY UNANIMOUS CONSENT*

187
188 **4. NEW BUSINESS**

189
190 **4.1** Conduct a Public Hearing on a request to Amend the Code of the City of Seabrook, Appendix
191 A, "Comprehensive Zoning", Article 3, "Establishment of Zoning Districts and Associated
192 Regulations", Section 3.15, "Comprehensive Land use Regulation Matrix", by adding "Seasonal
193 Christmas Tree Sales" as an allowable use within a "SH 146 Main Commercial District" (146-M),
194 "C-2 Medium Commercial" (C-2), "WAD Waterfront Activity District" (WAD), and "MMU
195 Marine Oriented Mixed Use District" (MMU); and Amending Appendix A, "Comprehensive
196 Zoning", Article 4, "Special Use Regulations", by creating Special Use Regulations as it relates to
197 Seasonal Christmas Tree Sales. *Sean Landis, Deputy City Manager*

198
199 Sean Landis, Deputy City Manager, presented to City Council the presentation attached to
200 these minutes as Attachment B. He remarked that the Planning & Zoning Commission
201 recommended to add Seasonal Christmas Tree Sales to the land use matrix. As the Commission
202 went through the process and deliberated this topic, its members felt there should be specific
203 regulations to go with the use so as to ensure that such use did not create a nuisance. The Planning
204 and Zoning Commission recommended to use this as a test case to see if creates a nuisance and
205 was willing to revisit adding other types of seasonal sales at a later date.

206 Mayor Kolupski asked if Kroger would be in violation of the proposed ordinance. Mr.
207 Landis said that it would not be; seasonal Christmas tree sales is an accessory use because it is a
208 tent that is used in addition to a brick and mortar use. Seasonal Christmas tree sales will typically
209 be on vacant property. Mayor Kolupski noted that the tree sales will still be within 30 feet of the
210 property line. Mr. Landis said that Kroger is different because it is a developed site, and likened
211 it to having a lumber yard or a hardware store that was displaying stuff in the parking lot. This
212 ordinance would be specific to undeveloped pieces of property for a 2-3 month period.
213 Councilman Machol asked if the same logic would apply to the shopping mall at Miramar, where
214 the parking is never used. Mr. Landis said that in that case, the tree sales would not be considered
215 as an accessory use by an existing business because there are not similar mercantile business there;
216 that shopping center or a vendor at that location would need to apply for a permit.

217
218 Mr. Landis commented that the City has created a lot of unique design standards along the
219 changing 146 corridor, and continuing to balance small town charm and have upgraded appearance
220 within city is a careful balancing act. Christmas tree sales, he said, is something that the
221 community would use and is associated with small town environment. The request to permit such
222 seasonal Christmas tree sales came from a single vendor who has signed an agreement with
223 Springhill Marriott to use its parking lot. Councilmember Hefner said that there is a public
224 perception that City is playing favorites with zoning and the way that zoning is done. He said that

he likes the idea of allowing these sales, but that he is not entirely comfortable with playing favorites.

Mayor Kolupski opened the public hearing at 7:00 p.m.

There were no speakers .

Mayor Kolupski closed the public hearing at 7:01 p.m.

5.1 Approve the minutes of the July 20, 2021 regular City Council meeting. *Robin Lenio, City Secretary*

5.2 Approve the minutes of the July 28, 2021 special City Council budget workshop meeting. *Robin Lenio, City Secretary*

Motion was made by Councilmember Hammann and seconded by Councilmember Klein to approve the Consent Agenda, as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

6. NEW BUSINESS

6.1 Consider and take all appropriate action on first reading of Ordinance 2021-12, "Seasonal Christmas Tree Sales". *Sean Landis, Deputy City Manager*

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 4, "SPECIAL USE REGULATIONS", CREATING A NEW SECTION 4.26 "SEASONAL CHRISTMAS TREE SALES"; AND AMENDING SECTION 3.15, "COMPREHESIVE LAND USE MATRIX", ACORDINGLY BY ADDING "SEASONAL CHRISTMAS TREE SALES" PERMITTED BY RIGHT WITHIN THE "SH 146 MAIN COMMERCIAL DISTRICT" (146-M), "C-2 MEDIUM COMMERCIAL" (C-2), "WAD WATERFRONT ACTIVITY DISTRICT" (WAD), AND "MMU MARINE ORIENTED MIXED USE DISTRICT" (MMU); PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

Motion was made by Councilmember Machol and seconded by Councilmember Klein to approve on first reading Ordinance 2021-12, "Seasonal Christmas Tree Sales", as presented.

MOTION CARRIED BY A 5-1 VOTE WITH MAYOR KOLUPSKI OPPOSED

268 **6.2** Consider and take all appropriate action on a request by the developer to extend the approval
269 of the Preliminary Planned Unit Development (Preliminary PUD) titled, "Seabrook Plaza" to
270 expire February 8, 2022. *Sean Landis, Deputy City Manager*

271
272 *Motion was made by Councilmember Giangrosso and seconded by Councilmember Klein to*
273 *approve extend the approval of the Preliminary Planned Unit Development (Preliminary PUD)*
274 *titled, "Seabrook Plaza" to expire February 8, 2022, as presented.*

275
276 Councilmember Hammann said that, should another developer come along with a new idea
277 or new money, the City is not bound to this PUD.

278
279 *MOTION CARRIED BY UNANIMOUS CONSENT*

280
281 **7. OLD BUSINESS**

282
283 **7.1** Consider and take all appropriate action on first reading of Ordinance 2021-11, "Update to
284 Noise Ordinance". *Gayle Cook, City Manager*

285
286 AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES OF THE
287 CITY OF SEABROOK, ENTITLED "NUISANCES AND MISCELLANEOUS PROVISIONS,"
288 ARTICLE II, "NOISE," BY REVISION OF SECTIONS 55-22, "DEFINITIONS," 55-23,
289 "RESTRICTIONS ON DECIBEL LEVELS," 55-24, "VIOLATIONS," AND DELETION OF
290 SECTION 55.27 "PENALTIES"; PROVIDING A PENALTY IN AN AMOUNT NOT TO
291 EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO
292 THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
293 INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND
294 PROVIDING FOR AN EFFECTIVE DATE

295
296 *Gayle Cook, City Manager, explained that this has been an ongoing discussion, and that*
297 *the version of the ordinance presented this evening includes recommendations from the sound*
298 *study and City Council. Revisions to the ordinance include clean-up of the definition of a vehicle,*
299 *definition of an emergency, the specific inclusion of watercraft, and the lowering of permissible*
300 *decimal levels. Staff conducted a noise ordinance survey and found that Seabrook's existing noise*
301 *ordinance allowed for the loudest noise. The method of noise measurement has been ambiguous*
302 *in the past, so this proposed revision gives clearer instructions to officers.*

303
304 Councilmember Machol was concerned that by lowering the permissible noise level to such
305 a low level, the ordinance could be weaponized; for example, someone mowing their lawn at 8:00
306 p.m. would be in violation of the ordinance, and could be turned in by a neighbor that otherwise
307 did not like them. Even specifying a decibel limit could be problematic. Douglas Strebel told
308 Councilmember Machol that he said he attends concerts along the New England coastline near
309 houses, and at 10:00 p.m., the loud concert music is shut off, and is replaced by softer ambient
310 music that cannot be heard by the neighbors.

Mayor Kolupski was concerned, and Councilmember Klein agreed, that Sunday was considered a weekend day for noise levels in the evening, but that it is a night prior to a work and school day, so should have its nighttime hours begin one hour earlier.

Mayor Kolupski asked Police Chief Sean Wright if the proposed ordinance would be enforceable, and Chief Wright said that it would be because it provides a clear time, a clear decibel level, where the property is, time, decibel, whether vehicle or not. If any source of noise, such as a lawnmower, is over the decibel limit, the police department will address it and bring it to court. The court can then determine if it was a violation of the ordinance, or if outside of the ordinance, if it was a breach of the peace. In response to a question from Council, Chief Wright explained the process by which the police department would respond to complaints of loud noise noting that the Council can be as detailed as it wants in the ordinance (such as differentiating between commercial and residential properties), but that if the proposed ordinance is adopted, the police department would have something to enforce. Councilmember Hammann commented that Council can always come back and revisit the noise ordinance if future revisions are deemed necessary.

Motion was made by Councilmember Hammann and seconded by Councilmember Klein to approve on first reading Ordinance 2021-11, "Update to Noise Ordinance", to include the adjustment of the nighttime hours on Sunday evening as presented by the Mayor.

MOTION CARRIED BY A 5-1 VOTE WITH COUNCILMEMBER MACHOL OPPOSED

8. DISCUSSION

8.1 Discuss, and if necessary, consider and take all appropriate action on term limits for Seabrook Boards and Commissions. *Jeff Larson, Councilmember Position 3*

Motion was made by Councilmember Giangrosso to table this Item and seconded by Councilmember Hammann.

MOTION CARRIED BY UNANIMOUS CONSENT

8.2 Discussion on the decision making process for the Carothers Coastal Gardens house insurance claim, from discovery of the damage to the presentation of three options to City Council. *Joe Machol, Councilmember Position 6*

Councilmember Machol explained that he added this item to the agenda because he had questions about the insurance claim and the process and mechanics behind how the decision was made so quickly. He had raised the possibility to Mayor and City Manager about getting a public adjuster, but was told that because it was a Texas Municipal League (TML) pool insurance, a public adjuster could not be used. Council voted in favor of option 1 because members were told that the only option was the approximately \$247,000 cost to demolish without rebuilding. But then there was also a \$400,000+ option, which required that the City build something back and to grade. Next, he said, there was something in the insurance policy, which he has never seen, about

150%, which would be about \$640,000, so that would be \$400,000 more than what Council actually voted on. So, he wanted to know the mechanics of how that came to be.

City Manager Gayle Cook said that three options were given by TML, and that the larger option, with \$300,000 to raise structure was because of the 51% damage rule and the need to elevate the structure. The TML adjuster got a quote for what it would cost to elevate the structure (the build back would pay for the elevation if the structure is built back), but if the structure is not built back, the actual cash value is a lower amount. Councilmember Machol said that the day after Council voted he called a public adjuster and that adjuster said, "if it has a policy, I can tell you what your best option is", no matter what the policy is. The adjuster further explained that what adjusters do is act as a third party who represents the insured and negotiate claim settlements with insurance companies. The adjuster speaking with Councilmember Machol is certified and bonded, and after reviewing the City's insurance policy and other Carothers house claim documents, and after consulting with his attorney, he told Councilmember Machol that the City could have elected to receive the \$640,000 and rebuilt the structure, but accepting less money would be a decision for the City Council. Councilmember Machol knows that this public adjuster has spoken with Ms. Cook and that there has been a second public adjuster looking into this matter who said the exact same thing. Councilmember Machol said that Council is hearing that there are three options for the property but that in Council meetings, Council heard that there is only one option. The public adjuster said that there are choices. In response to a question from Mayor Kolupski, Councilmember Machol questioned why Council was told that the only viable option was to receive \$247,000, and not rebuilding.

Council continued discussing the three options, with Councilmember Hammann noting that the options were presented to Council during a meeting, and that before that, the options were presented to the Carothers Task Force for review and recommendation. The Task Force told Council which two options it preferred, and Council selected one of those, option one. In response to a question from Council, Ms. Cook said that the maximum cash payout was never going to be the \$500,000+ option because TML had quoted that for elevation and repairs. Furthermore, had the City accepted the \$500,000+, it would have had to bring the house up to meet current codes, which would have required the elevation.

Councilmember Hammann said that even if the City did raze the structure and build a new one to code, it would no longer be the Carothers house and would not have the same design. Part of the issue is that the City has not had a lot of people wanting to use the facility. If the City rebuilds the house, there would be associated operation and maintenance costs, such as keeping the air conditioning running to prevent mold, which is expensive. The facility would have to have a caretaker. Therefore, Council had decided to take the smaller payout and only tear the building down; the rest could be escrowed for a later build.

Council continued to discuss this issue at length, with Councilmember Machol believing that the decision was rushed and that the City needed a public adjuster to be involved early in the process. Mayor Kolupski disagreed with the assertion that the process was rushed. The three options were also discussed in detail, along with whether the City could have had a third party represent it in the claim. Ms. Cook said that TML had informed the City that it will not interact

with third parties because TML already represents the City. Councilmember Machol urged Council to consider hiring a public adjuster if it suffers any future property damage, and suggested that he make a motion to hire one for this matter. City Attorney Steven Weathered recommended that if Council wishes to make such a motion, that an item be placed on a future agenda so as to provide sufficient notification to the public that such a motion will be made.

9. ROUTINE BUSINESS

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

Ms. Cook gave the update as shown in Attachment C. Council briefly discussed a sinkhole that recently appeared on Todville Road.

9.2 Establish future meeting dates and agenda items. *City Council*

The next regular City Council meeting will be held on Tuesday, August 17, 2021 at 6:00pm, and at this time there are no special meetings scheduled.

10. CLOSED EXECUTIVE SESSION

10.1 Section 551.074

Conduct a closed executive session to deliberate the evaluation and duties of the City Manager. *Joe Machol, Councilmember Position 6*

This item was not considered.

11. OPEN SESSION

No action was taken in Open Session.

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 7:56 p.m.

Approved this 17th day of August, 2021.

Robin Lenio

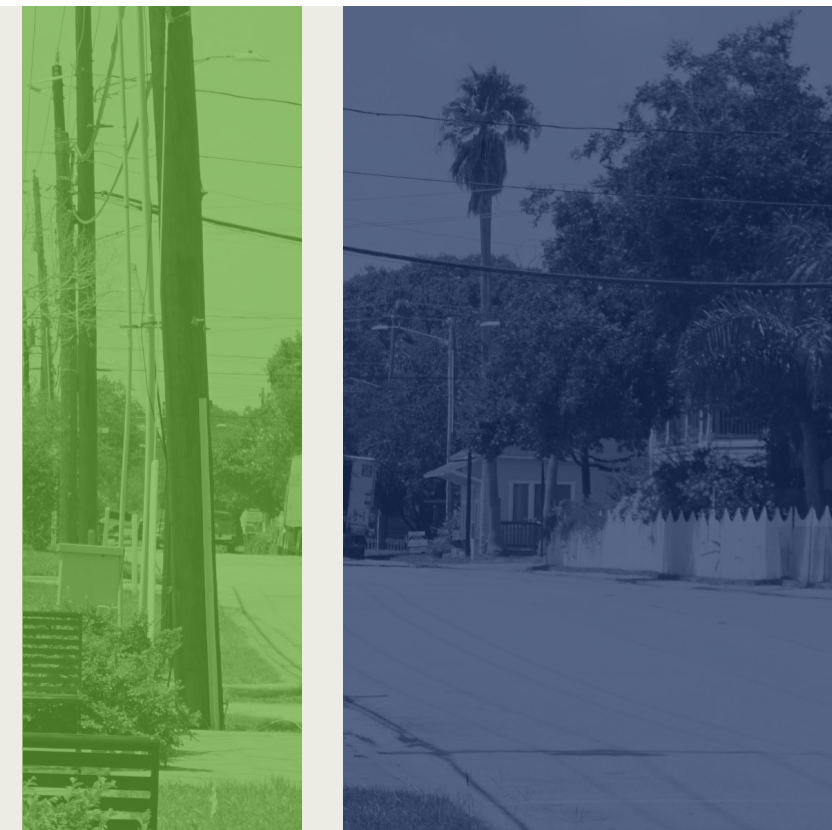
Robin Lenio, TRMC
City Secretary

Thomas G. Kolupski

Thomas G. Kolupski
Mayor



CITY COUNCIL UPDATE #2



Livable Center Study

📍 *Seabrook, Texas*

August 3, 2021

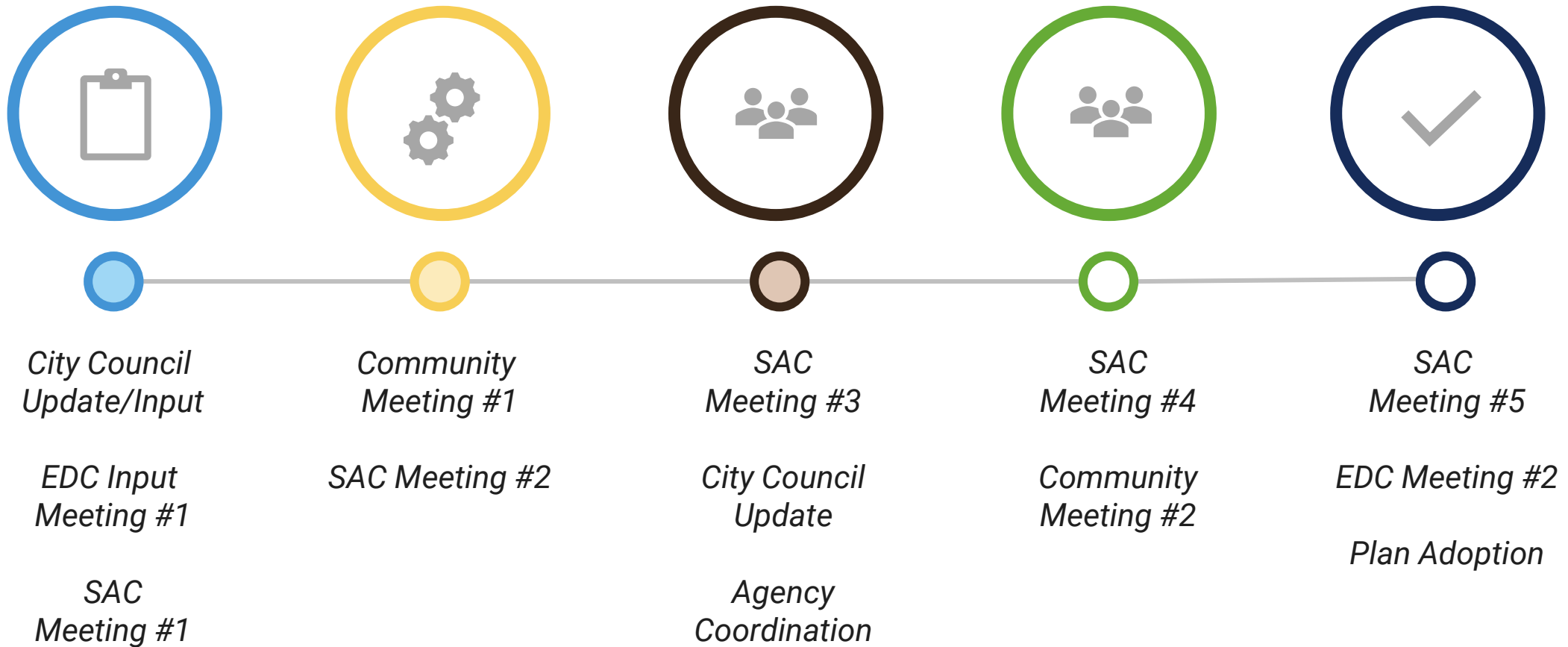


Project Update

Livable Center Plan Process



Public Outreach Activities



Public and Stakeholder Input and Market Analysis

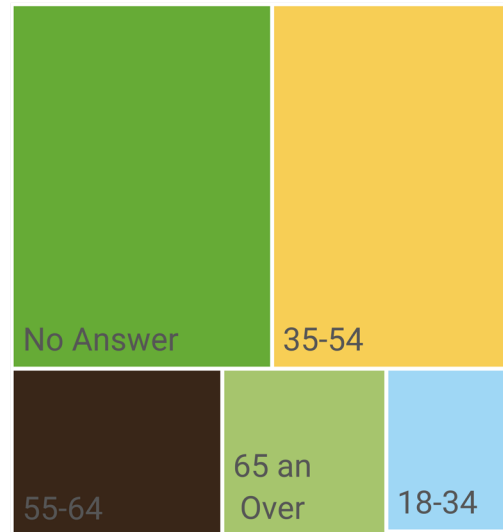
What We Have Heard...

Public Online Survey

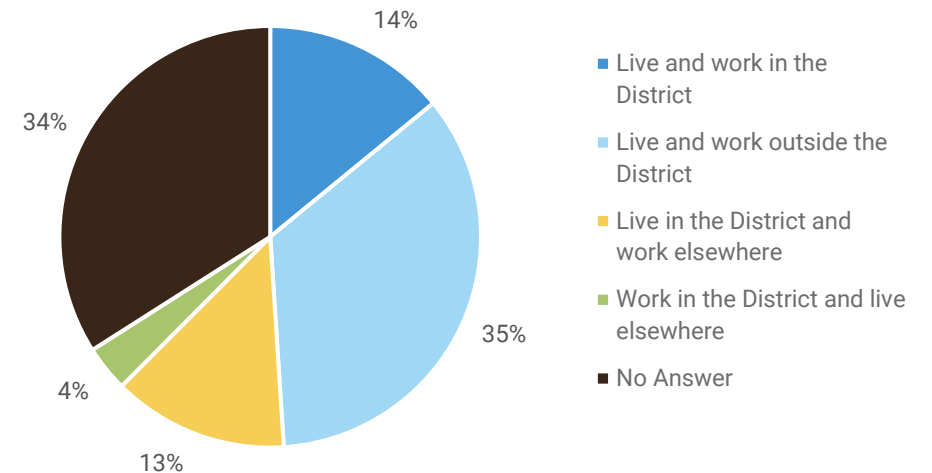


341
participants

Age



Where do you live and work?



- Live and work in the District
- Live and work outside the District
- Live in the District and work elsewhere
- Work in the District and live elsewhere
- No Answer

Key Considerations

Public and Stakeholder Input

- **Authentic and eclectic**, small-town feel
- Maintain unique **character**, enhance appearance
- Desire for better pedestrian/bicycle **connectivity**
- Desire for more **entertainment/commercial destinations** within the District
- **Family-oriented** activities and destinations
- Capitalize on and enhance **waterfront**
- Interest in **mixed use-type** developments

Key Considerations

Market Analysis

- **Single family** housing is only limited by land availability in the foreseeable future (thru 2030).
 - Potential future demand for **single-family**: 25 units
- Apartments above retail, small gated community, or townhomes are options for future **multifamily** (conventional or Active Adult/Senior).
 - Potential future demand for **multifamily**: 30-45 units
- Leakage opportunities exist for future retail/commercial uses.
- **Local businesses** should be the focus for future.
 - Potential future demand for **retail/commercial**: 18,900 ft²
- **Office** is not recommended at the present or in the near future.

Study Area Analysis and Preliminary Concept

Existing Land Use & Building Framework



- Study Area Boundary
- Buildings
- Residential
- Commercial
- Public/Semi-Public
- Parks/Open Spaces
- Industrial
- Undevelopable
- Vacant Developable (includes Farming)

Pedestrian Network & Walkability



- Destinations
- Sidewalks
- 3-minute walk (1/8-mile)
- Parking Areas
- ⊕ Study Area Boundary
- Buildings

Key Takeaways

Opportunities and Challenges

Opportunities

-  Commercial/Retail Destination
-  Civic & Recreation Destination
-  Primary Access Points
-  Vacant Land
-  Existing Parking
-  Water's Edge
-  Existing Sidewalks

Challenges

-  Wastewater Treatment Plant
-  Vehicular/Pedestrian Conflicts
-  Drainage Ditches



Target Character Areas

Residential Character:

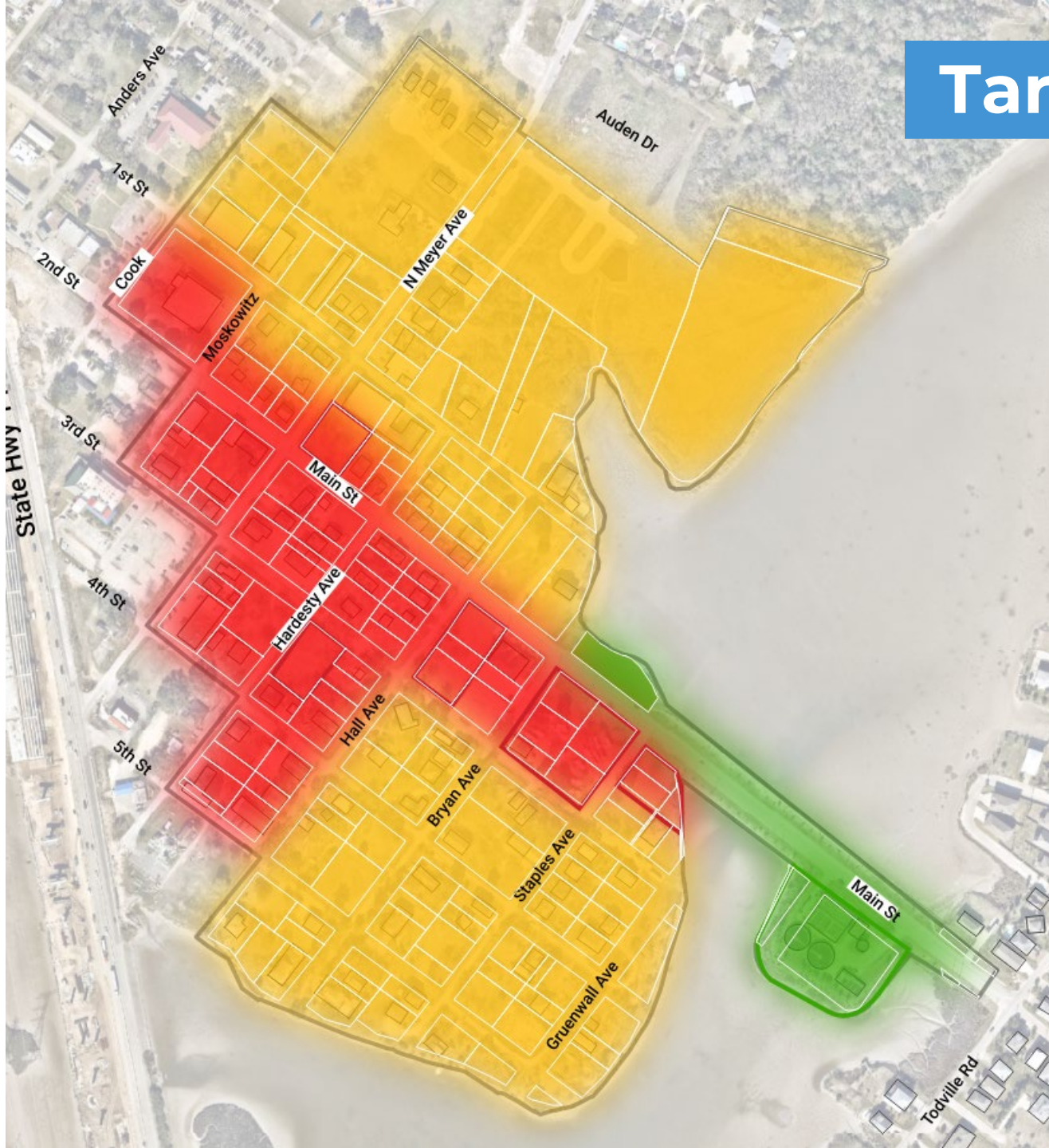
In the Old Seabrook District, residential character areas should be generally low-density and consist of one- or two-story attached or detached dwellings facing public streets. Architecture should remain authentic and eclectic.

Neighborhood Commercial Character:

In the Old Seabrook District, commercial uses should support a variety of activities, including retail, dining, and services. General character should be mixed-use where possible, and *compatible* with residential or neighborhood structures. This may include structures similar to a single-family home, one- or two-story.

Parks/Recreation Character:

Parks and recreation character areas should encompass any public and open spaces, uses, and structures that are recreation-oriented. They are generally outdoors, and appearances should be compatible with nearby character.



Target Character Areas

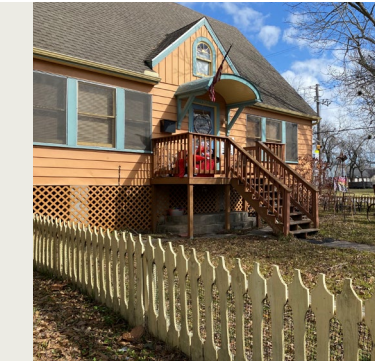
Residential Character:

In the Old Seabrook District, residential character areas should be generally low-density and consist of one- or two-story attached or detached dwellings facing public streets. Architecture should remain authentic and eclectic.



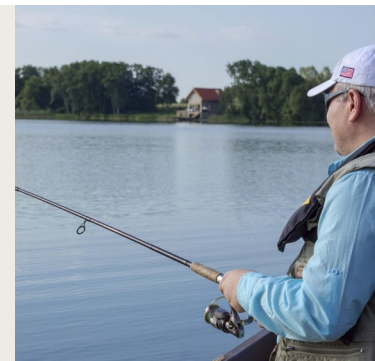
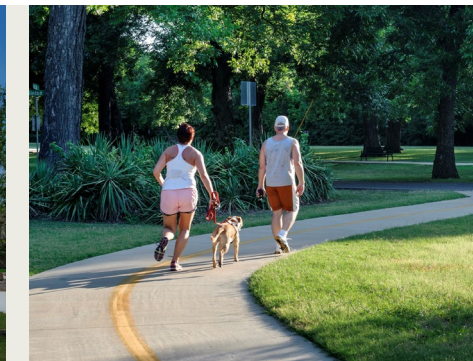
Neighborhood Commercial Character:

In the Old Seabrook District, commercial uses should support a variety of activities, including retail, dining, and services. General character should be mixed-use where possible, and *compatible* with residential or neighborhood structures. This may include structures similar to a single-family home, one- or two-story.



Parks/Recreation Character:

Parks and recreation character areas should encompass any public and open spaces, uses, and structures that are recreation-oriented. They are generally outdoors, and appearances should be compatible with nearby character.



Concept Elements

Overview

- ① Commercial / mixed-use development
- ② Infill mixed-use with residential character
- ③ Commercial (mirroring Merlion), public parking / park-n-ride along 3rd St.
- ④ Redevelop block as mixed-use, pedestrian promenade along Main St., connection with Bayside Park
- ⑤ Residential infill development
- ⑥ Kayak launch, food trucks and mobile vendors
- ⑦ Festival park, flexible space, small parking area
- ⑧ Bayside Park enhancements, boardwalk with fishing piers/overlooks
- ⑨ Primary gateway
- ⑩ Secondary gateway
- ⑪ Potential trail access
- * Crosswalk

-- Priority streetscapes:

- Main St: 10-10.5' travel lanes, sidewalks, street parking in select areas, bicycle accommodation
- Hardesty Ave: sidewalk/boardwalk one side
- Meyer (south of Main): sidewalk/boardwalk one side
- Meyer (north of Main): widen/improve existing sidewalk, sharrows
- Cook Ave & End of Cul-de-sac: sidewalk connection to school (Safe Routes to School)

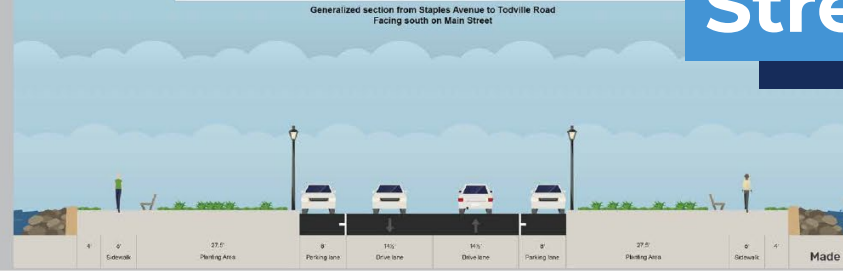


Street Sections

Main Street (North) - Existing



Main Street (South) - Existing



Main Street - Section A

SH 146 to Meyer Avenue
Facing south on Main Street



Main Street - Section A2

SH 146 to Meyer Avenue
Facing south on Main Street



Main Street - Section B

Meyer Avenue to Hall Avenue
Facing south on Main Street



Main Street - Section B2

Meyer Avenue to Hall Avenue
Facing south on Main Street



Main Street - Section C

Hall Avenue to Staples Avenue
Facing south on Main Street



Main Street - Section C2

Hall Avenue to Staples Avenue
Facing south on Main Street



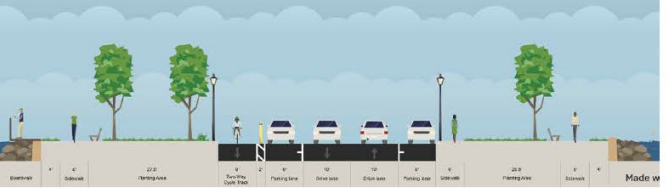
Main Street - Section D2

Staples Avenue to Todville Road
Facing south on Main Street



Main Street - Section D

Staples Avenue to Todville Road
Facing south on Main Street



Street Sections

Meyer Avenue (North of Main)

Facing north on Meyer Avenue



Meyer Avenue (South of Main)

Facing north on Meyer Avenue



Hardesty Avenue (South of Main)

Facing north on Hardesty Avenue

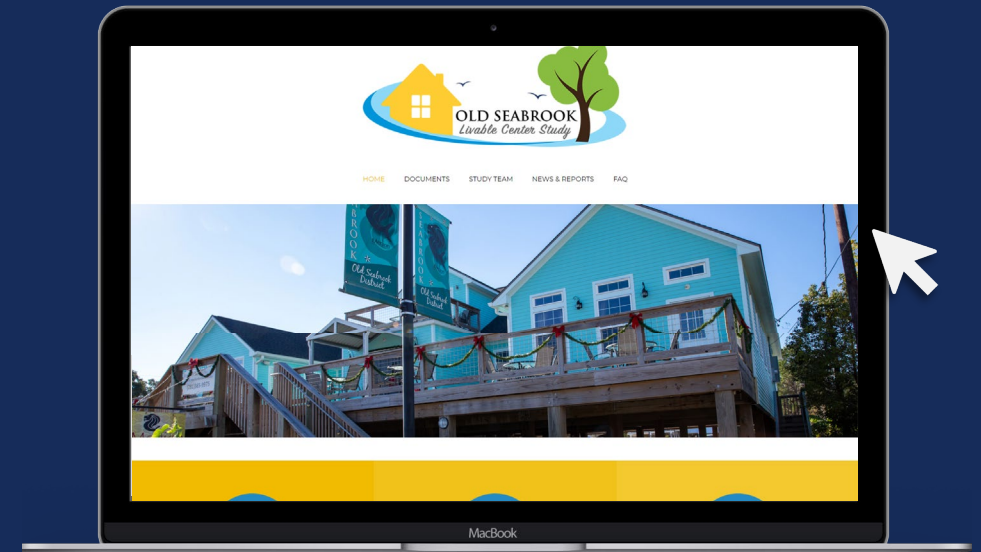


Next Steps

Next Steps

- Develop a **Draft Illustrative Plan**
- Meet with Agencies in **August**
- SAC Meeting #4 in **September**
- Meeting with Community in **September**

Continue to monitor project website for project updates!



oldseabrookdistrict.com

Thank You!

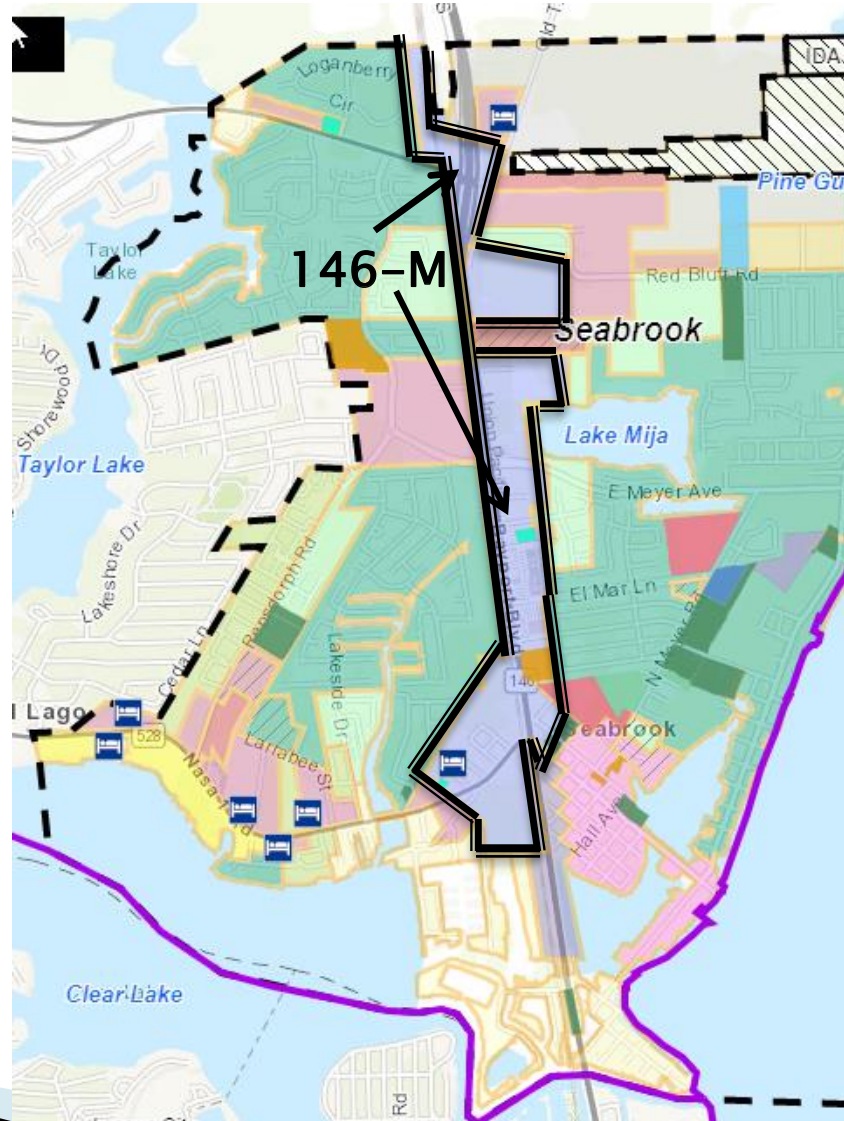
oldseabrookdistrict.com

ATTACHMENT B

City Council Meeting

August 3, 2021

Map of 146-M Zoning District



Recommended Text

Add “Seasonal Christmas Tree Sales” to Table 3.15 Land Use Matrix as an allowable use.

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	WAD	MMU	POD ²	STCO _D ³	OS	MH	LI	146-S	146-M
Seasonal Christmas Tree Sales						X		X	X							X

Recommended Text

Section 4.26 SEASONAL CHRISTMAS TREE SALES

Sec. 4.26.01 **Definition.**

As used in this section, "Christmas tree lot" shall mean any outdoor place where resin-bearing and/or artificial manmade trees and related Christmas holiday items, such as Christmas holiday yard decorations, are sold to the public within prescribed limits set forth in this section.

Sec. 4.26.02 **Enforcement.**

The community development department of the city shall issue all permits required under this section and shall be vested with the authority to inspect lots at all reasonable times and as often as is necessary to carry out the intent of this section.

Sec. 4.26.03 **Permit Required.**

All persons or entities seeking to operate a seasonal Christmas tree lot within the city shall first obtain a permit for such lot from the community development department of the city. Each lot shall require a separate permit and fee.

Recommended Text

Sec. 4.26.04 **Permit fees.**

A fee which is set out in Appendix B-Master Fee Schedule shall be collected by the city for each permit issued under this section.

Sec. 4.26.05 **Permit Requirements.**

(a) No permit shall issue for a seasonal Christmas tree lot until a site plan of the proposed lot is submitted to the community development department of the city, including therein the location and size of the following:

- (1) All tents and/or air-supported structures.
- (2) All portable buildings.
- (3) All electrical services.
- (4) All signage.
- (5) All traffic ingress, egress and parking.
- (6) All site lighting.
- (7) All security fencing.
- (8) All Christmas tree display areas.
- (9) All restroom facilities.

Recommended Text

(b) Additional information provided by the applicant:

1. An application fee of \$1000.00;
2. Name, legal name of business or entity, business address, phone number, and email address of the applicant;
3. Signed and notarized permission from the property owner of the land whereas the seasonal Christmas tree lot is to be located.
4. A valid copy of the applicant's sales tax and use permit.

(c) Failure to obtain a permit prior to any erection or construction of structures upon a lot or sales of any type from the lot, shall constitute a violation of this section.

(d) Failure to restore the lot to its pre-permit condition after lapse of all Christmas-related business or January 10 of the new year, whichever is sooner, shall constitute a violation of this article.

Recommended Text

Sec. 4.26.06 **Conditions for permit.**

(a) The following conditions and restrictions shall apply to all season Christmas tree sales:

1. Tents and/or air-supported structures:
 - a. Shall be setback from all property lines a minimum of 30’.
 - b. Shall be limited to one tent and or/air supported structure per site.
 - c. Shall be installed in compliance with all adopted fire and building codes.
2. Portable buildings, storage structures or trailers:
 - a. A temporary building, storage structure or trailer, with a maximum size of 100 square feet, may be placed on the lot during sales operation. Such building, storage structure or trailer must be removed prior to January 10th.
 - b. Shall be setback from all property lines a minimum of 30”.
 - c. No temporary structures, may be used for on-site dwelling purposes.
3. Electrical services:
 - a. An electrical permit will be required for any electrical power to such building, trailer or site.

Recommended Text

4. Temporary Signage:

- a. All signage shall be in compliance with Article 6. Sign Standards.

5. Traffic Ingress, Egress and Parking:

a. Access to sales lot shall be provided so as not to cause traffic problems on adjacent streets. One customer parking space shall be provided for every 300 square feet of lot sales area. No customer parking will be allowed within the city right-of-way or within a public space.

b. On-site parking shall be provided on a dust-free, impervious surface area.

c. Parking on a grass surface is prohibited.

6. Site Lighting:

a. All lighting shall be designed and operated so as not to reflect or shine on adjacent properties.

b. No lighting shall be installed that moves, flashes or have moving, flashing components.

Recommended Text

7. Security Fencing:

a. A security chain link fence with a minimum height of 6' shall be installed around the perimeter of the sales area to prevent access from unauthorized entry.

8. Christmas Tree Display Area:

a. All Christmas trees shall be setback from all property lines a minimum of 30'

b. No Christmas tree shall be displayed within required parking.

9. Restroom Facilities:

a. A minimum of one woman's and one male restroom shall be provided.

b. The restroom shall be setback a minimum of 30' from all property lines.

c. No restroom shall be located within required parking.

d. The use of temporary restroom facilities are permissible during the duration of the permit.

10. Site Cleanup:

a. All discharge, waste and trash shall be properly disposed of in accordance with the applicable regulations by the close of each day.

b. Sales lots shall be returned to their original condition prior to January 10th.

Recommended Text

Sec. 4.26.07 **Revocation of permit.**

Any permit issued under this section may be suspended or revoked when it is determined by any law enforcement officer or city ordinance enforcement official that:

- (1) It is used for a location other than that for which it was issued; or
- (2) Any conditions or limitations set forth in this section or pertinent codes have been violated; or
- (3) The possessor of the permit fails, refuses, or neglects to comply with any order or notice served upon him under the provisions of this section within the time period provided therein; or
- (4) There has been any false statement or misrepresentation as to a material fact in the plans, specifications or documentation upon which the permit was based; or
- (5) Any deviation from any element or item contained within the approved site plan.

Recommended Text

Sec. 4.26.08 **Additional requirements.**

The requirements of this section shall be in addition to, and not in lieu of, any other permit requirements, code requirements, and ordinances currently in force and effect or hereafter adopted by the city council.

Sec. 4.26.09 **Effective date of permit.**

The effective date of each permit shall be from November 1 of one year until January 10 of the following year. It shall be a violation of this section to operate or conduct business at a time other than permitted by this section.

Sec. 4.26.10 **Hours of Operation.**

No seasonal Christmas tree lot shall operate outside the hours of 8:00 AM to 10:00 PM.

Sec. 4.26.11 **Insurance Requirement.**

(1) The applicant shall maintain commercial general liability and accident insurance in the minimum amounts of \$500,000.00 per occurrence.

(2) Proof of insurance shall be presented to the community development department prior to the issuance of any permit and shall be maintained for the duration of the permit. Copies of the certificates of insurance shall be maintained by the department.

Recommended Text

Sec. 4.26.12 **Permit Posting.**

Permits required by this section shall be publicly posted in the area where the activity is conducted or produced, and shall be exhibited upon demand to any law enforcement officer or City ordinance enforcement official. The posted permit shall have emergency contact information for the person(s) responsible for the operation of the seasonal Christmas tree lot.

ATTACHMENT C

Time to Update

CITY COUNCIL UPDATE

August 3, 2021



FEMA Public Assistance

Storm Uri – FEMA PA CAT B 75% Federal/25% Local \$218,449.21

(Data Validation In Progress)

On February 13, 2021, a local disaster declaration was issued for a Winter Weather Storm that spanned the State of Texas. Locally, the City of Seabrook suffered minor facility and infrastructure costs, but did close facilities and utilized round the clock staffing in several areas of essential services.

COVID-19 – FEMA PA 2021 Expenses 100% Federal \$3,859.47

On March 13, 2020, a local disaster declaration was issued for the pandemic. Locally, the City of Seabrook began tracking all applicable reimbursable costs such as sanitation services, supplies, essential personnel with COVID.

Hurricane Laura – FEMA PA FEMA PA CAT B 75% Federal/25% Local \$118,817.81

SH 146 Project Status

CURRENT ESTIMATED COMPLETION:
OCTOBER 2023

TRAFFIC SHIFT TO NB FRONTAGE ROAD -
DELAYED TO LATE SEPTEMBER OR OCTOBER
2021





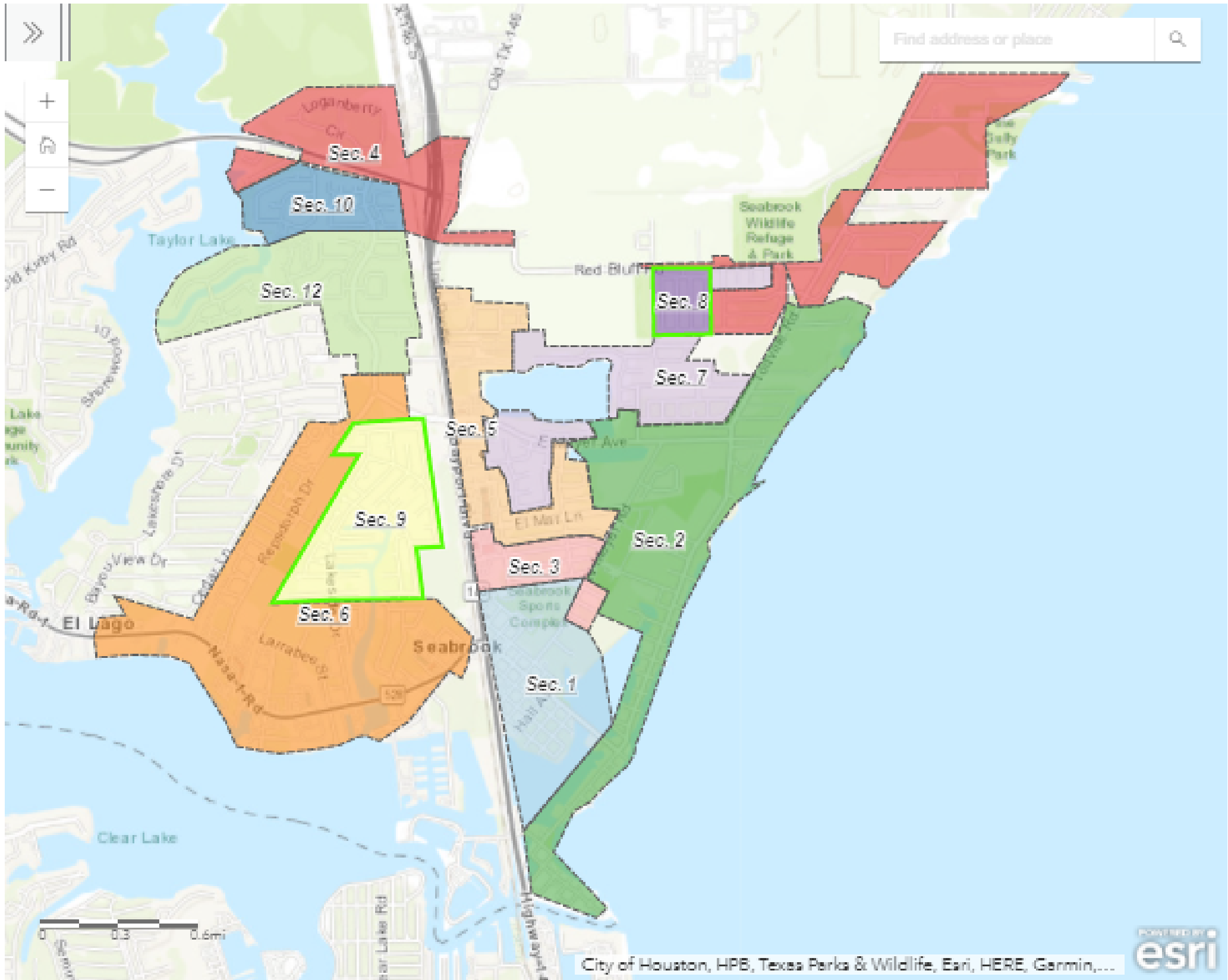
PINE GULLY WASTEWATER TREATMENT PLAN RETROFIT \$35,946,438

This project is the complete infrastructure retrofit of the City's Waste Water System to include the relocation of the treatment plant from Main Street to a site located adjacent to the new Public Works facility. This project contains both phases (phase 1 - design; phase 2 - construction) of the waste water system retrofit. The City's existing WWTP suffered significant damage during Hurricane Ike due to its location to Galveston Bay.

**Status:
Construction Phase
APPROVED !
Kick Off Meeting
Aug 9**

INSTALLATION SCHEDULE

Below is a map of our utility service areas. Highlighted in a GREEN BOX is the current service areas receiving water meter replacements. As a reminder, the replacement process typically takes around 30 minutes. If you receive a door hanger indicating your water meter was not replaced please call (281) 291-5600 to speak with Seabrook Customer Service and reschedule the replacement.



SMART METERS - FAC6
\$3,000,000

This project includes replacing all of the City's water meters with smart meters and implement customer portal for easy access of daily usage



Red Bluff Expansion

Estimated Completion: Late 2021



- Fast-track paving at Boardwalk in progress
- Concrete barrier removed on existing bridge and will restripe for lane shifts
- Pending update on traffic shift



Thank You

QUESTIONS

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IP: 165.254.153.10



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08 / 24 / 2021

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