

The City Council of the City of Seabrook met in regular session on Tuesday, September 21, 2021 immediately following the Crime Control & Prevention District meeting in Seabrook City Hall, 1700 First Street, Seabrook, Texas, with a teleconference session available to attendees not wishing to attend the meeting in person, 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	COUNCIL PLACE NO. 3
MICHAEL GIANGROSSO	COUNCIL PLACE NO. 4
BUDDY HAMMANN	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 6:07 p.m.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Jamie Chambers, 2530 Acadiana Lane, stated that there is a short term rental situation on Acadiana Lane at 2538. The owner is a real estate investor and brags about the property on social media. The original intent of short terms rentals is no issue, but there have been several large parties at 2538 of 30 or more people with DJs, strobe lights, fog machines. On Saturday nights, the street is jam packed with cars. The property is being advertised as sleeping 25. Large groups are not single family and the zoning in the neighborhood is single family residential. There was a family from Louisiana staying there during the recent storm and neighbors encouraged them to write a review on this property on VRBO. The review stated that there were marijuana wrappers in the house and plates of food left under the couch. The residents on Acadiana see families come and go from that property and it is not problem, but not the intent of the subdivision. I have researched the Seabrook Code of Ordinances to see if this property is creating a zoning violation and to find information on multi-family leases or rentals in this zoning district, but didn't find anything. I'm trying to get copy of HOA deed restrictions to discuss with the Lake Cove HOA. Lake Cove HOA suggested that we talk to City Council. We don't know what our recourse is, and if we have recourse specifically through the City's ordinances or some other mechanism, we would like to know what that is and get it addressed because this situation is a problem.

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45 **5.1** Mayor, City Council, and/or members of the City staff may make announcements about
46 City/Community events. *City Council*
47

48 LeaAnn Petersen, Director of Community & Visitor Relations, informed the City Council
49 that because there were community partners that could not participate in the 60th Birthday
50 Celebration on October 23, both events would be combined to take place on October 9. Ms.
51 Petersen reiterated that the following additions to Celebration Seabrook can be expected to
52 celebrate Seabrook's 60th Birthday: Noon – Special presentations on the stage; Historic Exhibit
53 Tent plus Seabrook Mayors Exhibit; Larger than life Birthday Cake; #PelicanChallenge photo
54 contest; Custom Chalk Art for 60th Birthday; 60th Mural at skate park (still pending), while the 60th
55 Birthday celebrations will continue after Celebration Seabrook with Light pole banners (being
56 installed soon and will be up through December 2022); Oral History Project; Pelican Art Contest
57 – local school needed more time; Art Mural at Mohrhussen Park

58 **6. *BOARDS AND COMMISSIONS***
59

60 **6.1** Interview Candidates for open positions on the Ethics Review Commission and the Planning
61 & Zoning Commission. *City Council*
62

63 City Council interviewed Genevieve Mahan for the position on the Ethics Review
64 Commission. Ms. Mahan stated that she does not have a lot of formal experience in ethics, but is
65 definitely passionate about the topic. She is a mom of two kids, one of whom is an autistic 6 year
66 old that attends Bay Elementary, and works at Damn Fine Coffee. She is able to make the meeting
67 commitment of one meeting per quarter because she only works three days a week and shares
68 custody with children's father. Ms. Mahan is not familiar with Seabrook's Ethics Commission
69 specifically, but generally understands the purpose of an ethics committee.
70

71 City Council interviewed Rhonda Thompson for the position on the Planning & Zoning
72 Commission. Ms. Thompson explained that she is retired and has lived in Seabrook for 16 years.
73 Before retirement she worked at the University of Houston Main and Clear Lake campuses. Ms.
74 Thompson was involved in the Master Planning process for the university as well as planning for
75 many of its buildings. She has general planning experience, but no zoning experience. She
76 believes she has skills that she can easily and quickly transfer to learning and making sound
77 decisions regarding zoning. She stated that she always had pretty demanding jobs, and since
78 retirement she has enjoyed volunteering to do meaningful things. Rhonda enjoyed serving on the
79 Carothers Task Force II, and wasn't planning on volunteering again so quickly, but is looking
80 forward to serving on the Planning & Zoning Commission and feels that she will learn something
81 in the process.
82

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87 **6.2** Consider and take all appropriate action on the appointment of a regular member to the Ethics
88 Review Commission for a term to expire October 31, 2023. *City Council*

89
90 *Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Klein*

91
92 *To appoint Genevieve Mahan as a regular member to the Ethics Review Commission for a term to*
93 *expire October 31, 2023.*

94
95 *MOTION CARRIED BY UNANIMOUS CONSENT*

96
97 **6.3** Consider and take all appropriate action on the appointment of a member to the Planning &
98 Zoning Commission to fill a vacancy left by Rob Hefner, for a term to expire January 1,
99 2023. *City Council*

100
101 *Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Klein*

102
103 *To appoint Rhonda Thompson as a member of the Planning & Zoning Commission to fill a vacancy*
104 *left by Rob Hefner, for a term to expire January 1, 2023.*

105
106 *MOTION CARRIED BY UNANIMOUS CONSENT*

107
108 **7. SPECIFIC PUBLIC HEARINGS**

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110 **7.1** Conduct a Public Hearing on the proposed FY 2021/2022 Budget for the Crime Control and
111 Prevention District. *Sean Wright, Chief of Police*

112
113 Mayor Kolupski opened the Public Hearing, and having no speakers come forward, the
114 Mayor closed the Public Hearing.

115
116 **7.2** Conduct a Public Hearing on the proposed FY 2021/2022 Budget for the Seabrook Economic
117 Development Corporation. *Paul Chavez, Director of Economic Development*

118
119 Mayor Kolupski opened the Public Hearing, and having no speakers come forward, the
120 Mayor closed the Public Hearing.

121
122 **7.3** Conduct a Public Hearing on the proposed FY 2021/2022 Budgets for the City of Seabrook
123 General, Enterprise, and Special Funds. *Gayle Cook, City Manager, and Michael Gibbs, Director*
124 *of Finance*

125
126 Mayor Kolupski opened the Public Hearing, and having no speakers come forward, the
127 Mayor closed the Public Hearing.

7.4 Conduct a Public Hearing to present the 2021 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, and having no speakers come forward, the Mayor closed the Public Hearing.

8. CONSENT AGENDA

8.1 PULLED BY COUNCILMEMBER GIANGROSSO

8.2 Approve on second reading Ordinance 2021-14, "Revisions to the Alcoholic Beverages Ordinance". *Robin Lenio, City Secretary*

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 6, "ALCOHOLIC BEVERAGES", BY AMENDING SECTION 6-3, "RESTRICTION ON SALE OR USE OF ALCOHOL", SECTION 6-4, "MINIMUM DISTANCE FROM CERTAIN USES", SECTION 6-6, "NOTICE OF APPLICATION FOR WAIVER", SECTION 6-7, "EXCEPTIONS TO REQUIRED MINIMUM DISTANCES", AND SECTION 6-10, "PERMIT FEES AND ISSUANCE", TO CONFORM TO CHANGES TO THE TEXAS ALCOHOLIC BEVERAGE CODE AND TO MEET THE CURRENT NEEDS OF THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

8.3 Approve on second reading Ordinance 2021-15, "Amending the City of Seabrook City Code of Ordinances to Update 'Appendix B' Master Fee Schedule". *Robin Lenio, City Secretary*

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, TO UPDATE "APPENDIX B", ENTITLED "MASTER FEE SCHEDULE" BY UPDATING AND AMENDING WASTEWATER FEES, PERMIT FEES FOR SEASONAL CHRISTMAS TREE SALES, CAROTHERS COASTAL GARDENS RENTAL FEES, POST SEASON SWIMMING POOL FACILITY RENTAL FEES, DAILY POOL FEES, PARK FEES, UTILITY FEES, INCLUDING WATER METER TAMPERING FEES, WATER TAP FEES, WATER SERVICE "MATERIAL COSTS", AND WATER METER AUDIT FEES; MAKING FINDINGS OF FACT; REPEALING AND REPLACING ALL REFERENCES TO SUCH FEES AND CHARGES IN ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE AND EFFECTIVE DATE

8.4 Approve the Quarterly Investment Reports for the second and third quarters of Fiscal Year 2020-2021, as required by the Public Funds Investment Act (PFIA). *Michael Gibbs, Director of Finance*

8.5 Approve Resolution 2021-13, "Adoption of the City's Investment Policy". *Michael Gibbs, Director of Finance*

A RESOLUTION ADOPTING THE NEW INVESTMENT POLICY FOR THE CITY OF SEABROOK IN ACCORDANCE WITH STATE LAW AND THE PUBLIC FUNDS INVESTMENT ACT (PFIA)

8.6 Approve the termination of the campaign treasurer appointments for Seabrook inactive candidates, pursuant to Seabrook Resolution 2021-04, approved by the City Council on February 2, 2021, and Chapter 252 of the Texas Election Code. *Robin Lenio, City Secretary*

Motion was made by Councilmember Giangrosso and seconded by Mayor Pro Tem Hammann

To approve the Consent Agenda, with the exception of 8.1

MOTION CARRIED BY UNANIMOUS CONSENT

8.1 Approve on second reading Ordinance 2021-13, "Prohibition of Use of Hazardous Materials in Fencing Construction". *Sean Landis, Deputy City Manager*

AN ORDINANCE AMENDING APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE III, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", BY ADDING ADDITIONAL SUPPLEMENTARY PROVISIONS FOR FENCING BY REVISING SECTIONS 3.02.13 ("R-LD"), 3.03.13 ("R-1"), 3.04.11 ("R-2"), 3.05.11 ("R-3"), 3.06.13 ("C-1"), 3.07.13 ("C-2"), 3.08.13 ("C-3"), 3.09.12 ("146-S"), 3.10.13 ("WAD"), 3.11.10 ("MMU"), 3.12.03 (H) ("OS"), 3.13.13 ("MH"), 3.14.14 ("LI"), AND 3.16.12 ("146-M"), ALL UNDER THE SUBTITLE "SUPPLEMENTARY REGULATIONS" TO SUCH SECTIONS, TO CREATE PROHIBITION OF THE USE OF HAZARDOUS MATERIALS FOR FENCING CONSTRUCTION AS PROVIDED HEREIN, TO INCLUDE, BUT NOT LIMITED TO, BARBED WIRE, CONCERTINA WIRE, RAZOR WIRE, ELECTRICALLY CHARGED WIRE, AND/OR ANY OTHER MATERIALS DESIGNED OR CAPABLE OF CAUSING UNREASONABLE HARM TO PERSONS OR ANIMALS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Councilmember Giangrosso explained that he pulled this item from Consent Agenda because he believes Council needs to revisit the discussion to allow hazardous fencing materials in C-2 and the 146 corridor.

Councilmembers discussed the following:

- There is barbed wire fencing near Mr. Renola's home that was once keeping a steer inside the property and both Seascope and the Girl Scout camp have barbed wire fencing. This ordinance is written in a way that sounds like people are setting traps for humans and the City is trying to regulate that activity, but that activity is already against the law. People are not constructing barbed wire fencing in Seabrook, so to adopt an ordinance to prohibit something that is not being done is ridiculous.

- There is an issue with the entirety of the city being included in this ordinance. There are no exceptions written in the ordinance for special needs for fencing material.
- If I'm an elderly person and my property butts up against an area where it would be easy for someone to enter and exit without being detected, I might want to install a barbed wire fence for security. We don't need a global ordinance.
- I'm concerned that Council and City staff have spent months and months discussing and determining the look of the 146 corridor and there are people who would put up hazardous fencing material just to spite their neighbor and bring property values down, so we need to be careful about what we are considering. The C-2 areas are coveted and we are trying to rebuild this town with the 146 project. We are speaking as if we are certain that no one would erect hazardous fencing, but if people have the opportunity, they will.
- Council should consider a special use permit, so that anyone who wants to install the prohibited type of fencing would have to come to Council for approval.
- There needs to be exceptions written into this ordinance.
- Locations that have this type of fencing now would be grandfathered in, but would everyone who wants to put up barbed wire have to come to Council for a special use permit? Why make it complicated by naming the zoning districts? Why not have a simple process for a special use permit for everyone?

Nick Kondejewski, Building Official, explained that the original ordinance was to prohibit the materials in residential zoned districts, to create a requirement for commercial districts to install hazardous fencing materials at 6 ½ feet or greater above ground, and to prohibit the installation of electrical wire 18 inches from the ground or below. When Council last discussed this ordinance, there was some concern that prohibiting the use of hazardous fencing materials above 6 feet did not make sense in some of the commercial zoning districts. As a result of that discussion, it was proposed that C-3 and LI zoning districts, where large storage yards with hazardous fencing materials are normally seen, could be the exceptions to the prohibition. The direction tonight from Council is amend the ordinance after 2nd reading and bring it back to Council for approval to:

1. Prohibit the use of hazardous fencing materials in all residential zones, with no exceptions;
2. Prohibit the use of hazardous fencing materials in C-1, C-2, 146-S, WAD, MMU, OS, MH and 146-M, with a means to come to Council to request an exception, possibly through a conditional use permit; and
3. To allow the use of hazardous fencing materials in C-3 and LI.

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Motion was made by Councilmember Giangrosso and seconded by Councilmember Machol

To direct staff to amend the ordinance and bring back to Council for approval to 1. Prohibit the use of hazardous fencing materials in all residential zones, with no exceptions; 2. Prohibit the use of hazardous fencing materials in C-1, C-2, 146-S, WAD, MMU, OS, MH and 146-M, with a means to come to Council to request an exception, possibly through a conditional use permit; and 3. To allow the use of hazardous fencing materials in C-3 and LI.

MOTION CARRIED BY UNANIMOUS CONSENT

9. NEW BUSINESS

9.1 Consider and take all appropriate action on first and final reading of Ordinance 2021-21, "Amendment No. 2 amending the budget for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021 for City department encumbrances". *Michael Gibbs, Director of Finance*

AN ORDINANCE AMENDING THE AMOUNT OF APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 BY AUTHORIZING CERTAIN ADDITIONS IN THE AMOUNT OF \$1,752,692 FOR GENERAL AND CAPITAL RESERVE CIP FUND 28 FUND; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO FACILITATE THE CHANGES IDENTIFIED; AND FINDING AVAILABLE UNENCUMBERED FUNDS FOR THE SUPPLEMENTAL APPROPRIATION AND/OR RESERVE REDUCTION

Motion was made by Councilmember Klein and seconded by Councilmember Machol

To approve Ordinance 2021-21, on first and final reading, "Amendment No. 2 amending the budget for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021 for City department encumbrances".

MOTION CARRIED BY UNANIMOUS CONSENT

9.2 Consider and take all appropriate action on first and final reading of proposed Ordinance 2021-17, "Seabrook Crime Control and Prevention District Budget for FY 2021/2022". *Sean Wright, Chief of Police*

AN ORDINANCE APPROVING AND ADOPTING THE SEABROOK CRIME CONTROL AND PREVENTION DISTRICT BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022 FOR THE CITY OF SEABROOK; APPROPRIATING FUNDS; AND NOTING A PUBLIC HEARING WAS HELD BY THE SEABROOK CITY COUNCIL ON SEPTEMBER 21, 2021

Motion was made by Councilmember Machol and seconded by Councilmember Klein

To approve Ordinance 2021-17, on first and final reading , "Seabrook Crime Control and Prevention District Budget for FY 2021/2022".

MOTION CARRIED BY UNANIMOUS CONSENT

9.3 Consider and take all appropriate action on first and final reading of proposed Ordinance 2021-18, "Seabrook Economic Development Corporation Budget for FY 2021/2022". *Paul Chavez, Director of Economic Development*

AN ORDINANCE APPROVING AND ADOPTING THE SEABROOK ECONOMIC DEVELOPMENT CORPORATION BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022 FOR THE CITY OF SEABROOK; APPROPRIATING FUNDS; AND NOTING A PUBLIC HEARING WAS HELD BY THE SEABROOK CITY COUNCIL ON SEPTEMBER 21, 2021.

Motion was made by Councilmember Giangrosso and seconded by Councilmember Machol

To approve Ordinance 2021-18, on first and final reading , "Seabrook Economic Development Corporation Budget for FY 2021/2022".

MOTION CARRIED BY UNANIMOUS CONSENT

9.4 Consider and take all appropriate action on first and final reading of Ordinance 2021-19, "City of Seabrook General, Enterprise, and Special Funds Budgets for FY 2021/2022". *Gayle Cook, City Manager, and Michael Gibbs, Director of Finance*

AN ORDINANCE APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022 FOR THE CITY OF SEABROOK; APPROPRIATING FUNDS; AND NOTING A PUBLIC HEARING WAS HELD ON SEPTEMBER 21, 2021 IN ACCORDANCE WITH THE CITY'S CHARTER AND WITH STATE LAW.

Motion was made by Councilmember Klein and seconded by Councilmember Machol

To approve Ordinance 2021-19, on first and final reading, "City of Seabrook General, Enterprise, and Special Funds Budgets for FY 2021/2022".

MOTION CARRIED BY UNANIMOUS CONSENT

9.5 Consider and take all appropriate action on first and final reading of proposed Ordinance 2021-20, "Tax Ordinance", levying the ad valorem property tax of the City of Seabrook on all taxable property within the corporate limits of the city on January 1, 2021, and adopting a tax rate of \$0.52444 per \$100 of valuation for 2021; providing revenues for payment of current municipal maintenance and operation expenses and for payment of interest and principal on outstanding debt. *Gayle Cook, City Manager, and Michael Gibbs, Director of Finance*

Four separate motions are required:

- 1) "I move to approve a tax rate of \$39.0106 cents per \$100 valuation of assessed property for operations and maintenance";
- 2) "I move to approve a tax rate of \$13.4338 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 \$0.52444, which is effectively a 1.45% increase in the tax rate. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.00 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-9.74";
- 4) "I move to approve Proposed Ordinance 2021-20, "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, **2022** AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF

1) Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Machol to approve a tax rate of \$39.0106 cents per \$100 valuation of assessed property for operations and maintenance.

*Thom Kolupski - aye
Buddy Hammann - aye
Ed Klein - aye
Rob Hefner - aye
Jeff Larson - aye
Mike Giangrosso - aye
Joe Machol - aye*

MOTION CARRIED BY UNANIMOUS CONSENT

2) Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Klein to approve a tax rate of \$13.4338 cents per \$100 valuation of assessed property for the interest and sinking fund.

*Thom Kolupski - aye
Buddy Hammann - aye
Ed Klein - aye
Rob Hefner - aye
Jeff Larson - aye
Mike Giangrosso - aye
Joe Machol - aye*

MOTION CARRIED BY UNANIMOUS CONSENT

3) *Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Giangrosso to approve that the property tax rate be increased with the adoption of a tax rate of \$0.52444, which is effectively a 1.45% increase in the tax rate. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.00 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-9.74.*

*Thom Kolupski - aye
Buddy Hammann - aye
Ed Klein - aye
Rob Hefner - aye
Jeff Larson - aye
Mike Giangrosso - aye
Joe Machol – aye*

MOTION CARRIED BY UNANIMOUS CONSENT

4) *Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Klein to approve proposed Ordinance 2021-20, "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.*

*Thom Kolupski - aye
Buddy Hammann - aye
Ed Klein - aye
Rob Hefner - aye
Jeff Larson - aye
Mike Giangrosso - aye
Joe Machol – aye*

MOTION CARRIED BY UNANIMOUS CONSENT

9.6 Consider and take all appropriate action on first reading of Ordinance 2021-16, "Revising Arson Reward". *Kevin Rodgers, Fire Marshal*

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK CHAPTER 34, "FIRE PREVENTION AND PROTECTION", BY REVISING SECTION 34-1, "ARSON REWARD"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

*Motion was made by Councilmember Klein and seconded by Councilmember Hefner
To approve on first reading of Ordinance 2021-16, "Revising Arson Reward".*

MOTION CARRIED BY UNANIMOUS CONSENT

9.7 Consider and take all appropriate action on a proposal and addendum to proposal constituting the agreement between the City of Seabrook and Kennedy Demolition Contractors for demolition of the structures in the proposal attached at Carothers Coastal Gardens, located at 502 Pine Gully, in an amount not to exceed \$31,320.00. The demolition was approved on September 7, 2021 by City Council with the acceptance of the Carothers Coastal Gardens Task Force II Final Report. *Kevin Padgett, Director of Public Works*

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

To approve a proposal and addendum to proposal constituting the agreement between the City of Seabrook and Kennedy Demolition Contractors for demolition of the structures in the proposal attached at Carothers Coastal Gardens, located at 502 Pine Gully, in an amount not to exceed \$31,320.00. The demolition was approved on September 7, 2021 by City Council with the acceptance of the Carothers Coastal Gardens Task Force II Final Report.

MOTION CARRIED BY UNANIMOUS CONSENT

9.8 Consider and take all appropriate action on sponsorship, in the amount of \$2,000.00, for the Salute to Heroes event taking place at South Short Harbor Resort on October 15, 2021. *LeaAnn Petersen, Director of Community & Visitor Relations*

Ms. Petersen explained that Council had approved this sponsorship in 2020, but the event was cancelled due to COVID. The sponsorship is for a table of 8, and the approval in 2020 was to take the funds out of the Council stipend line item. Individual tickets are also available for purchase instead of a sponsorship.

Because none of the Councilmembers were available to attend this year, the consensus was to forego sponsoring the event in 2021.

9.9 Consider and take all appropriate action on the designation of Mayor Thom Kolupski and Councilmember Mike Giangrosso as the City of Seabrook representatives to the HGAC 2021 General Assembly, per the Council liaison appointments approved on June 15, 2021. *City Council*

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

To approve the designation of Mayor Thom Kolupski and Councilmember Mike Giangrosso as the City of Seabrook representatives to the HGAC 2021 General Assembly, per the Council liaison appointments approved on June 15, 2021.

MOTION CARRIED BY UNANIMOUS CONSENT

489 **10. DISCUSSION**

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491 **10.1** Discuss, consider and, if necessary, take all appropriate action on provisions and direction
492 for short term rentals in the City of Seabrook. *Ed Klein, Councilmember, Position 1*
493

494 Councilmember Klein stated that he asked for this item to be placed on the agenda because
495 there is a property in Lake Cove that is a concern. The owner of the property is a limited liability
496 corporation and is advertised to sleep 25 with queen size bunk beds at a rate of over \$900 per night.
497 Neighbors have reported issues with noise, trash, and numerous vehicles around and the police
498 have been called. When the complaints are reported to Airbnb and the owner is asked to stop the
499 parties to eliminate the complaints, the owner switches to VRBO. When VRBO hears the
500 complaints and addresses them with the owner, the owner changes to a new LLC and goes back to
501 Airbnb. I've asked the City Manager and Deputy City Manager what can be done about this
502 situation and know that Nassau Bay has a similar issue.
503

504 Ms. Cook stated that the prior Council had a discussion regarding short term rentals and
505 there is nothing in the City's current zoning ordinance to regulate them because the State does not
506 allow cities to restrict these types of businesses in their zoning regulations. There is also a court
507 case in process now to prohibit HOA's from restricting this use. However, cities are allowed to
508 have some enforcement power over code requirements and occupancy limits through a permitting
509 process. There are multiple short term rentals in Seabrook now and the City is able to collect hotel
510 occupancy tax from them, if the City knows about them. The Finance Department tracks the
511 advertising sites, like VRBO and Airbnb, to make sure all of the short term rentals in Seabrook are
512 known. If Council wants to look at a permitting process, there is a company that will do most of
513 the front end work to find the short term rentals in Seabrook, so that Finance does not have to
514 spend as much time on it. Staff would have to look into the cost of this service. Sean Landis,
515 Deputy City Manager, has sat in on the last two legislative sessions, so he has a lot of material
516 with which to write an ordinance for the permit process.
517

518 *By consensus the City Council agreed to direct staff to work on a permitting ordinance and bring*
519 *it back for Council discussion and action.*
520

521 **11. ROUTINE BUSINESS**

522
523 **11.1** Update and report on various items that require no action, including Tropical Storm Nicholas,
524 SH 146 Expansion Project, City of Seabrook CIP Projects, City of Seabrook Grant Administration,
525 and COVID-19 related issues. *Gayle Cook, City Manager*
526

527 City Manager, Gayle Cook, gave a report to City Council on Tropical Storm Nicholas, SH
528 146 Expansion Project, City of Seabrook CIP Projects, and City of Seabrook Grant Administration,
529 as shown in Attachment A.
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531
532
533

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

A special City Council meeting will be held on Thursday, September 23, at 6:00pm at City Hall.

The next regular City Council meeting will be on Tuesday, October 5, at City Hall, with an early start at 5:00pm to allow Councilmembers to participate in National Night Out.

Upon motion duly made and seconded, Vice President Klein adjourned the meeting at 7:36 p.m.

Approved this 5th day of October, 2021.

Thomas G. Kolupski

Thomas G. Kolupski
Mayor

Robin Lenio

Robin Lenio, TRMC
City Secretary

ATTACHMENT A

Time to Update

CITY COUNCIL UPDATE

September 21, 2021



Doc ID: ef9783395f32cae9a1669b7585fd84aa946b354f



HURRICANE NICHOLAS SEPTEMBER 13-14, 2021

Overview

- Power Outages -Significant power outages were experienced due to winds and debris on lines. At the peak over 47% of Seabrook was out of power. Post storm restorations were all completed within 4 days. The Wastewater Plant and multiple lift stations were managed by generator power on the east side of the city until all power was restored.
- Water and Wastewater Services maintained through Power Outages
- Storm Surge inundated the low lying roads
- Debris - Clean up efforts continue with Waste Management; County has started county roads on their log; County agreement pending for further clean up efforts not successful by Waste Management; Pine Gully Pier removal
- Damage Assessment Private - Combined rough estimate of citizen self reporting and staff assessment \$5.4 million
- Damage Assessment City Infrastructure - Liftstation, WW Forcemain, Pine Gully Pier, and McHale Park Platform \$1.1 million
- Force Account Labor - Tracking will continue as with other storms for documentation

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SH 146 Project Status

CURRENT ESTIMATED COMPLETION:
OCTOBER 2023



Traffic Shift to Frontage Roads
October 2021

Main Street - Intersection work and
further closures expected

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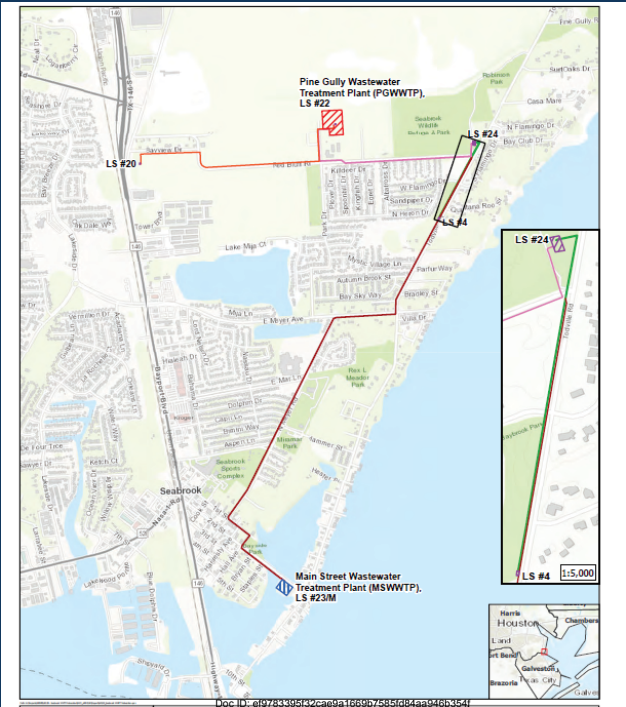


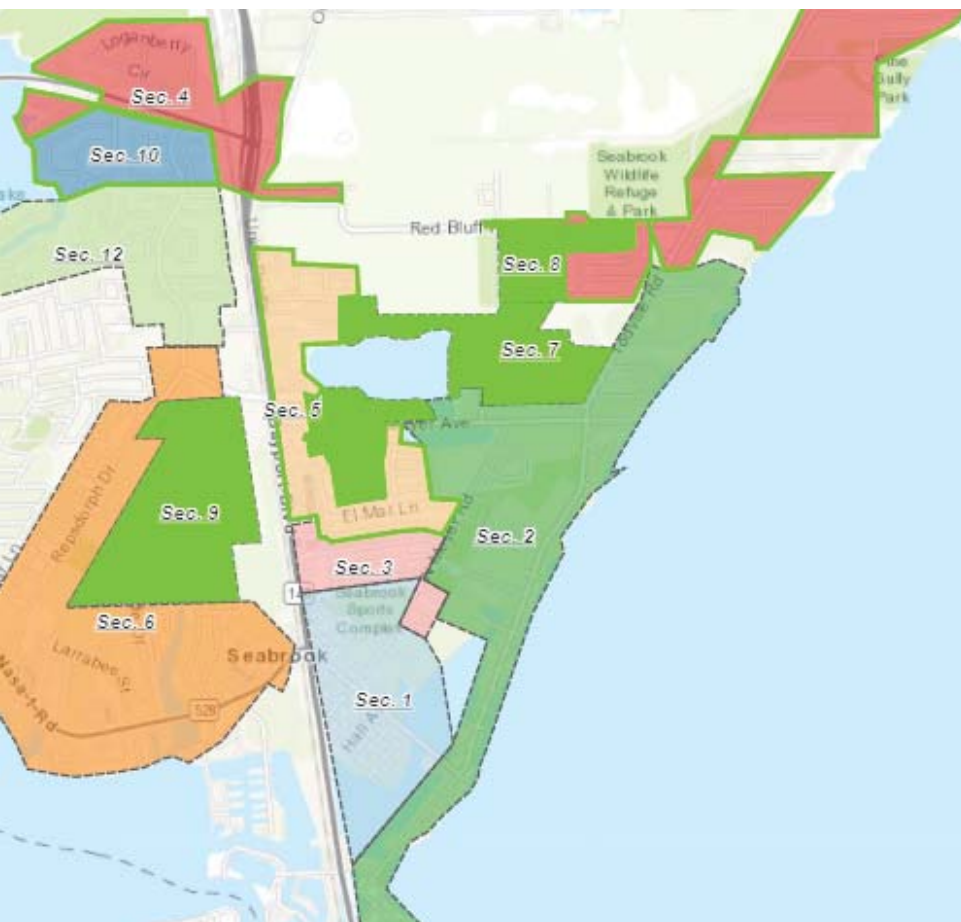
PINE GULLY WASTEWATER TREATMENT PLAN RETROFIT - WW9 \$35,946,438

This project was awarded 7/2021 by FEMA to the City of Seabrook for a complete infrastructure retrofit of the City's Wastewater System to include the relocation of the treatment plant from Main Street to a site located adjacent to the new Public Works facility.

Status:
Construction Management Contracts - **In Progress**

Bidding Process - **2021**
Construction Start - **TBD**





SMART METERS

CIP# 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.

1949 meters installed to date

Watersmart Portal - Once installs are complete, information will be posted on the software for customers



[HTTP://SEABROOKTX.GOV/674/INSTALLATION-SCHEDULE](http://seabrooktx.gov/674/INSTALLATION-SCHEDULE)

Doc ID: ef9783395f32cae9a1669b75859d84aa946b354f

Red Bluff Expansion

Estimated Completion: November 30, 2021

Phase 1 of 2 Traffic Shifts completed near Lakeside

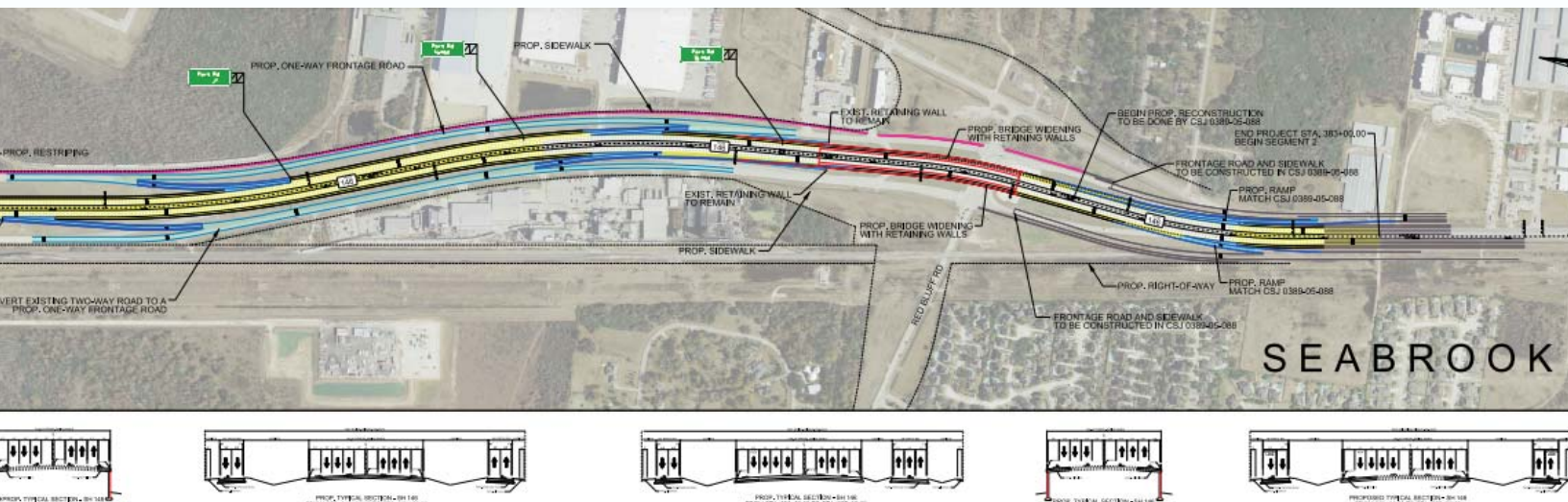
- Two new eastbound traffic lanes
- Convert the existing roadway to a one-way westbound operation
- Addition of a new bridge parallel to the existing bridge
- Existing bridge will be re-striped to two lanes of westbound traffic
- 10-foot-wide pedestrian walkway on new bridge



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SH 146 EXPANSION - SPENCER TO RED BLUFF

Project Let Date 8/5/2021



<https://www.dot.state.tx.us/insdtdot/orgchart/cmd/cserve/bidtab/08053201.htm#038905087>

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Thank You

QUESTIONS
