

1 The City Council of the City of Seabrook met in regular session on Tuesday, December 7,
2 2021 at 6:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas, to discuss,
3 consider and if appropriate, take action on the items listed below.

4
5 THOSE PRESENT WERE:

6 THOM KOLUPSKI

MAYOR

7 ED KLEIN

COUNCIL PLACE NO. 1

8 ROB HEFNER

COUNCIL PLACE NO. 2

9 JEFF LARSON

COUNCIL PLACE NO. 3

10 MICHAEL GIANROSSO

COUNCIL PLACE NO. 4

11 BUDDY HAMMANN

MAYOR PRO TEM

12

COUNCIL PLACE NO. 5

13 JOE MACHOL

COUNCIL PLACE NO. 6

14 GAYLE COOK

CITY MANAGER

15 STEVE WEATHERED

CITY ATTORNEY

16 ROBIN LENIO

CITY SECRETARY

17
18 Mayor Kolupski called the meeting to order at 6:00 p.m. and led the audience in the United
19 States and Texas Pledges of Allegiance.

20
21 ***1. PUBLIC COMMENTS AND ANNOUNCEMENTS***

22
23 Katherine Cucco, 4510 Tharp Drive, spoke in opposition to the proposed warehouse
24 planned unit development project. Red Bluff Road is a critical access point for the city's
25 northern communities, and it is narrow. During the construction of State Highway 146, Red
26 Bluff Road is even more critical due to rotating street closures. If the warehouses are built, we
27 can expect a significant increase in traffic, leading to congestion and safety concerns. There do
28 not appear to be any positive impacts from the proposal, but there are many negatives,
29 including forcing residents to drive through a warehouse district in order to get to their homes.

30
31 Al Austin, 1301 Lake Mija Court, expressed his concerns about the proposed
32 warehouse planned unit development project. We do not know what will be in the warehouses.
33 Will the fire department be able to handle any potential fire in such a facility? The city has
34 been a wonderful place to live, and we need more retail, not industrial, uses for our city's land.
35 Our neighborhoods do not need warehouses, and the City Council needs to consider the needs
36 of the city and needs to listen to the people.

37
38 Scott VanWieren, 1481 Lake Mija Court, is a chemical process operator with many
39 years of experience. As Mr. Austin just mentioned, it is unclear what chemicals might be stored
40 in the warehouses, and that means that the risks are unclear. The only possible positive outcome
41 for the city would be the increased tax revenue, but it will also devalue homes in the area.
42 Residents do not want to look at warehouses, and do not want the additional truck traffic.

45 Tom Taylor, 20 Lakewood Lane, opposed the creation of a “music venue” category of
46 zoning. Barge 295 is a prime example of allowing a music venue to operate in the middle of
47 residential areas. The noises are a nuisance, are invasive, and have the effect of devaluing
48 properties. The noise from Barge 295 was very loud. The City cannot control the type of music
49 being played, and cannot control the use of vulgar lyrics. Such venues bring additional traffic,
50 and can overserve customers with alcohol, resulting in risks to the public. Please do not create
51 a “music venue” category for planning and zoning.

52
53 Derrick Martin, 1417 Lake Mija Court, said that he opposes the proposed warehouse
54 planned unit development project. The prior three people who spoke in opposition to the
55 project made some good points. About three or four years ago, an independent company was
56 brought in to poll residents about their vision for Seabrook’s future, and it is doubtful that
57 anyone asked for more warehouses. We do not need to be the next La Porte, Channelview, or
58 Pasadena. Let’s keep our families here, and stick with Seabrook being for residences and
59 families.

60
61 Karen Boatright, 1341 Lake Mija Court, agreed with the opposition to the proposed
62 warehouse planned unit development project. Five years ago, she built her “forever home”
63 because Seabrook is such a wonderful residential coastal community. We do not know what
64 will be in the warehouses, and we want to remain a residential area. Who would want to live
65 with the traffic and noise from such a development? Residents would prefer to remain in the
66 city, not be forced to leave.

67
68 **1.1** Mayor, City Council and/or members of the City staff may make announcements about
69 City/Community events. *City Council*

70
71 Mayor, City Council, nor members of the City staff made any announcements.

72
73 **2. SPECIFIC PUBLIC HEARING**

74
75 **2.1** Conduct a Public Hearing on a request to amend Appendix A, Article 1, Section 1.10 to
76 create a definition for Music Venue; to amend Appendix A, Article 3, Section 3.15 to add
77 Music Venue to Table 3-A and determine permitted use by condition or right; and to consider
78 amending Appendix A, Article 5, Section 5.04, Table 5-C to add Music Venue and create new
79 associated parking regulations. *Sean Landis, Deputy City Manager*

80
81 Mayor Kolupski opened the Public Hearing.

82
83 Sean Landis, Deputy City Manager, presented the item, as shown in Attachment A to
84 these minutes. The Planning and Zoning Commission was tasked with examining the
85 feasibility of and need for the addition of a “Music Venue” definition to the City’s land use
86 matrix. The Planning & Zoning Commission recommends adding the definition to the matrix,
87 with the requirement that such a use would require a Conditional Use Permit (CUP), with one
88 parking space for every 2.5 occupants. Mr. Landis explained the definition of “Music Venue”
89 and noted that the Planning and Zoning Commission, during its October 21, 2021 meeting,

90 unanimously recommended approval with the phrase “normal business” removed from the
91 proposed definition.

92
93 Council discussed the parking requirements, asking how many locations in Seabrook
94 could currently accommodate such a provision. Mr. Landis said that it would vary; not many
95 locations in the city could currently accommodate a large music venue, but perhaps smaller
96 venues would be possible. In response to a question from Council, Mr. Landis said that the
97 driving force behind the proposal was a use of land that was not specifically addressed in the
98 City’s code. The CUP process, he explained, is a complex procedure that allows the Council
99 to add conditions to approved uses, and approval of a request for a CUP is not guaranteed.

100
101 A “Music Venue” differs from a bar, but all bars have also been through a CUP process.
102 If this item is not approved, Mr. Landis said that staff would interpret that music venues are
103 not permissible within the city limits. In response to a request for clarification of the phrase
104 “major component” from Council, Mr. Landis said that staff understands the intent of the
105 phrase, and has enough understanding of it to enforce it, noting that all staff actions are subject
106 to appeal.

107
108 Tom Taylor, 20 Lakewood Lane, said that Council has raised a lot of interesting points.
109 He thinks that if the City does decide to create a music venue category, it also needs to look at
110 noise levels. The current regulations allow for noise up to 85 decibels, which is unreasonably
111 loud; the noise level needs to be limited to something more reasonable and needs to be
112 measured from appropriate locations. Mayor Kolupski said that the issue of noise limits can be
113 addressed through the CUP process.

114
115 Mayor Kolupski closed the Public Hearing.

116
117 **3. CONSENT AGENDA**

118
119 **3.1** Approve the minutes of the November 16, 2021 regular City Council meeting. *Robin*
120 *Lenio, City Secretary*

121
122 *Motion was made by Councilmember Klein and seconded by Councilmember Machol to*
123 *approve the Consent Agenda, as presented.*

124
125 **MOTION CARRIED BY UNANIMOUS CONSENT**

126
127 **4. NEW BUSINESS**

128
129 **4.1** Consider and take all appropriate action on first reading of Ordinance 2022-01,
130 "Establishing Definition of 'Music Venue', Permitted Districts of Use, and Parking
131 Requirements." *Sean Landis, Deputy City Manager*

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX "A", "COMPREHENSIVE ZONING", ARTICLE 1, "IN GENERAL" SECTION 1.10 "DEFINITIONS", BY CREATING A DEFINITION FOR "MUSIC VENUE"; AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX "A", "COMPREHENSIVE ZONING", ARTICLE 3, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", SECTION 3.15 "COMPREHENSIVE LAND USE REGULATION MATRIX", BY ADDING "MUSIC VENUE" TO TABLE 3-A "USES PERMITTED BY RIGHT AND CONDITIONAL USES", AS A CONDITIONAL USE WITHIN THE (C-2), (C-3), (WAD), (MMU) (POD), (STCOD), (OS), (LI), (146-S), AND (146-M) ZONING DISTRICTS; AND AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX "A", "COMPREHENSIVE ZONING", ARTICLE 5, "OFF-STREET PARKING, LOADING, INGRESS, AND EGRESS", SECTION 5.04 "COMPREHENSIVE PARKING REGULATION MATRIX", TABLE 5-C "REQUIRED PARKING SPACES BY LAND USE CATEGORY" BY ADDING "MUSIC VENUE", AND CREATING NEW ASSOCIATED PARKING REGULATIONS.

Motion was made by Councilmember Larson and seconded Mayor Pro Tem Hammann to approve the first reading of Ordinance 2022-01, "Establishing Definition of 'Music Venue', Permitted Districts of Use, and Parking Requirements."

Following a brief discussion concerning the appropriateness of the inclusion of the word "major" in the definition:

Motion was made by Councilmember Klein and seconded Councilmember Larson to amend the original motion and remove the word "major" from the definition of 'Music Venue'.

AMENDED MOTION CARRIED BY UNANIMOUS CONSENT

4.2 Consider and take all appropriate action on a base rate adjustment for garbage and recycling collection pursuant to Sections 9.01 and 9.02 of the Municipal Solid Waste Agreement between the City of Seabrook and Waste Management of Texas, Inc. to become effective January 1, 2022, and updated on the Master Fee Schedule at the annual update in September 2022. *Gayle Cook, City Manager*

Motion was made by Councilmember Klein and seconded by Mayor Pro Tem Hammann to approve Item 4.2, as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

4.3 Consider and take all appropriate action on first reading of Ordinance 2022-02, "Revision to Personnel Policies Holidays; Attendance; Harassment and Sexual Harassment." *Yesenia Garza, Director of Human Resources*

AN ORDINANCE OF THE CITY OF SEABROOK, TEXAS, AMENDING THE CITY OF SEABROOK "PERSONNEL POLICIES", CHAPTER 5 "COMPENSATION AND BENEFITS", SECTION 10, "HOLIDAYS"; CHAPTER 6, "EMPLOYEE PERFORMANCE", SECTION 1, "ATTENDANCE"; AND CHAPTER 7 "BEHAVIOR AND CONDUCT", SECTION 10, "HARASSMENT AND SEXUAL HARASSMENT"; BY AMENDING SAID CHAPTERS AND SECTIONS TO UPDATE POLICIES, AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED THERETO.

In response to a question from Mayor Kolupski, Yesenia Garza, Director of Human Resources, said that the new policy was necessary to reflect recent changes in legislation.

Motion was made by Councilmember Giangrosso and seconded by Mayor Pro Tem Hammann to approve the first reading of Ordinance 2022-02, "Revision to Personnel Policies Holidays; Attendance; Harassment and Sexual Harassment."

MOTION CARRIED BY UNANIMOUS CONSENT

4.4 Approval of a Contract between CSA and City of Seabrook for RFP 2021-10-301, Wastewater System Infrastructure Retrofit Pine Gully Wastewater Treatment Plant (PGWWTP) to CSA Construction Inc., in an amount not to exceed \$23,060,000.00, which includes A-2 Alternate.

Kevin Padgett, Director of Public Works, explained that the bid was awarded to CSA Construction, Inc. for this project at the November 16, 2021 City Council meeting, and tonight's item is for approval of the contract. If approved, work should begin on the project in the new year. Council thanked Mr. Padgett for his work.

Motion was made by Councilmember Giangrosso and seconded by Councilmember Machol to approve the contract between CSA and City of Seabrook for RFP 2021-10-301, Wastewater System Infrastructure Retrofit Pine Gully Wastewater Treatment Plant (PGWWTP) to CSA Construction Inc., in an amount not to exceed \$23,060,000.00, which includes A-2 Alternate.

MOTION CARRIED BY UNANIMOUS CONSENT

5. DISCUSSION

5.1 Discuss, consider, and take all appropriate action on providing for regulations and the registration for the operation and use of short-term rentals. *Sean Landis, Deputy City Manager*

Sean Landis, Deputy City Manager, presented to Council, as shown in Attachment B to these minutes. He said that the purpose of this agenda item is to address the growth in short-term residential rentals, and to control possible permitting of such rentals. The definition of short-term rentals does not include bed-and-breakfast or hotel/motel facilities. Currently, there are 39 identified short-term rentals in Seabrook, and only 20 of them are paying their Hotel Occupancy Tax (HOT) as required. The rentals are scattered across the city.

The City's finance department has a process in place to reach the 19 properties that have not paid their HOT taxes, and has reached out to each violator. As with hotels, the City has no way of determining when these properties are occupied, and so cannot determine how much HOT tax is owed. One of the major complaints about these properties is the frequent occurrence of too many guests in a single building, and the concern of neighbors that there are so many different people there each month. Mr. Landis explained that the City is not able to define short-term rentals as a commercial use, but the City can still use the permitting process, with a reasonable fee that offsets the City's actual costs for the permit process, to ensure that the industry is regulated. Short-term rentals need not be compliant with the Americans with Disabilities Act (ADA), but the buildings must provide for sufficient ingress and egress. A Class C Misdemeanor carrying a penalty of \$500 per day, as set by statute, can be imposed for non-compliance with an ordinance regulating short-term rentals.

Mr. Landis concluded that staff recommends the establishment of a permitting process that requires an inspection of the property, limits the number of renters to no more than two people per bedroom, requires at least one bathroom for every five occupants, and provides for a permit revocation process. Code enforcement is complaint based, so enforcement will be through the issuance of citations to the person(s) or business(es) listed on the property title.

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Machol to instruct City staff to continue the full development of an ordinance to regulate short-term rentals.

MOTION CARRIED BY UNANIMOUS CONSENT

6. ROUTINE BUSINESS

6.1 Update on the 2022 Seabrook General Election. Robin Lenio, City Secretary

Robin Lenio, City Secretary, said that the notice of the filing period for candidates for office will be posted soon. The filing period begins on January 19, 2022, and ends on February 18, 2022.

6.2 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

Gayle Cook, City Manager, provided Council with an update on the State Highway 146 Expansion Project, CIP projects, and City of Seabrook grant administration, as shown in Attachment C to these minutes.

6.3 Establish future meeting dates and agenda items. City Council

City Council will meet in a special joint meeting with the Planning and Zoning Commission on Thursday, December 16, 2021 at 6:00 p.m.

The next regular City Council meeting will be held on Tuesday, January 4, 2022 at 6:00 p.m.

7. CLOSED EXECUTIVE SESSION

7.1 Section 551.071

Conduct a Closed Executive Session to consult with the City's attorneys regarding the lawsuit entitled City of Seabrook v. Barge 295 and the Yard at Barge 295. *Gayle Cook, City Manager*

At 7:21 p.m., Mayor Kolupski announced that the City Council will now hold a closed executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551 Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071.

At 7:38 p.m., Mayor Kolupski reconvened the meeting in open session and stated that Item 7.1 had been discussed, but that no action had been taken in Executive Session.

8. OPEN SESSION

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 7:39 p.m.

Approved this 4th day of January, 2022.

Thomas G. Kolupski

Thomas G. Kolupski
Mayor

Robin Lenio

Robin Lenio, TRMC
City Secretary



Planning and Zoning Commission Meeting

October 21, 2021

Code Sections to be Modified

- 1.) A request to amend the Code of Ordinance of the City of Seabrook, Appendix A, “Comprehensive Zoning”, Article 1, “In General”, Section 1.10 “Definitions”, by creating a definition for a “Music Venue”.
- 2.) A request to amend the Code of Ordinance of the City of Seabrook, Appendix A, “Comprehensive Zoning”, Article 3 “Establishment of Zoning Districts and Associated Regulations”, Section 3.15 “Comprehensive Land Use Regulation Matrix”, by adding “Music Venue” to Table 3-A “Uses Permitted by Right and Condition Uses”, determining permitted use by conditional use or by right within the “Land Use Activity”.
- 3.) A request to amend the Code of Ordinance of the City of Seabrook, Appendix A, “Comprehensive Zoning”, Article 3 “Establishment of Zoning Districts and Associated Regulations”, Article 5, “Off-Street Parking, Loading, Ingress, and Egress”, Section 5.04 “Comprehensive Parking Regulation Matrix, Table 5-C “Required Parking Spaces by Land Use Category” by adding “Music Venue”, and creating new associated parking regulations.

Recommendations

1.) Proposed Definitions:

Music Venue:

Means a commercial establishment with a building, building complex, and/or an indoor or outdoor area where a major component of the business is used to accommodate amplified musical performances, including live amplified music, the presentation of music played on amplified sound equipment operated by the owner or by an employee, and agent or a contractor of the venue commonly known as a “disc jockey” or “DJ”, and karaoke. A music venue is a stand-alone use, which as part of their normal business practices sells tickets or imposes an admission charge or cover charge to observe that entertainment.

Recommendations

2.) Proposed Parking Regulations:

Music Venue:

One parking space per every 2.5 occupants + one parking space per every 2 employees on the largest shift; occupant limits are to be established by the City's Building Official and Fire Marshal and shall be posted onsite as required by the City's adopted Building and Fire Codes.

Recommendations

3.) Proposed Land Use Matrix Modifications:

Sec. 3.15. - Comprehensive land use regulation matrix.

TABLE 3-A

Uses Permitted by Right and Conditional Uses ¹

X = Use by right. C = Conditional use permit required. PUD = Planned unit development. * = Active sales office required.

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
Music Venue						C	C	C	C	C	C	C		C	C	C

What is an Entertainment Venue?

“public entertainment venue” means any of the following: (a) a cinema, (b) a theatre, (c) premises in respect of which the primary business or activity is the provision of entertainment to members of the public by a person who is physically present on the premises and is actually providing the entertainment.

Definitions

- ▶ **Amphitheaters** are round- or oval-shaped and usually unroofed. Permanent seating at amphitheaters is generally tiered.
- ▶ **Bandshell** is a large, outdoor performing structure typically used by concert bands and orchestras. The roof and the back half of the shell protect musicians from the elements and reflect sound through the open side and out towards the audience.
- Bandstand** is a small outdoor structure.

Definitions

- ▶ Concert hall is a performance venue constructed specifically for instrumental classical music. A concert hall may exist as part of a larger performing arts center.
- ▶ Opera house is a theatre venue constructed specifically for opera. It consists of a stage, an orchestra pit, audience seating, and backstage facilities for costumes and set building. While some venues are constructed specifically for operas, other opera houses are part of larger performing arts centers. Indeed the term *opera house* itself is often used as a term of prestige for any large performing-arts center.

Definitions

- ▶ **Stadium** is a place or venue for (mostly) outdoor sports, concerts, or other events and consists of a field or stage either partly or completely surrounded by a tiered structure designed to allow spectators to stand or sit and view the event.
- ▶ **Theater or playhouse** is a structure where theatrical works or plays are performed, or other performances such as musical concerts may be produced.

ATTACHMENT B

ARTICLE XXX. REQUIREMENTS FOR OWNERS OF RESIDENTIAL PROPERTIES USED AS SHORT-TERM RENTALS

Sec. XX-XXX Purpose

This Article is adopted to promote the public health, safety and general welfare within the City by providing neighborhood sustainability and preserving property values. Having current and reliable information about the owners of Short-Term Rentals will allow the City to provide those owners with timely information on the condition of their properties and emergency contact information, to ensure collection of hotel occupancy taxes, to protect the health and safety of guests of Short-Term Rentals and to aid in enforcement of applicable ordinances and laws. By requiring the registration of Short-Term Rental properties, the City Council seeks to protect property values and to prevent property damage within the City limits.

Sec. XX-XXX Definitions

As used in this Article, the following terms, phrases, words and their derivation shall have the following meaning:

Adult – means an individual 21 years of age or older.

Agent – means a person designated by the short-term rental operation in lieu of themselves as the 24-hour emergency contact for a lawfully operating short-term rental.

Bedroom – means a room designated and used primarily for sleeping and rest on a bed, air mattress, cot, or couch.

City — The City of Seabrook, Texas, and all areas within its corporate limits.

City Council — The City Council of the City of Seabrook, Texas.

Director or Designee — The department(s) or division(s) of the City designated by the City Manager to administer and/or enforce the provisions of this Ordinance and any person or persons designated by such a department or division to represent the department or division for said purpose.

Guest — A person contracting with a Short-Term Rental for use of a residential dwelling or premises as a Short-Term Rental and the person's invitees at the Short-Term Rental.

Hotel — A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard or lobby. Financial consideration for Hotel room units is generally calculated on a nightly basis.

Owner — Any person having a legal or equitable interest in real property or identified in the official records of the county as holding title to real property or otherwise having control of real property, including the guardian of the estate of such person and the executor of the estate of such person. The term "owner" does not include the holder of a non-possessory security interest in real property.

Person — One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, fiduciaries and any other organization or entity of whatever character.

Premises —The property, a lot, plot or parcel of land, including any structures or portions of structures thereon.

Short-Term Rental (STR) — A dwelling that is: (a) used or designed to be used as the home of a person, family or household, including a single-family dwelling, garage apartment, guest house or a unit in a multi-unit building, including an apartment, condominium, cooperative or timeshare; and (b) rented wholly or partly for a fee and for a period of less than thirty (30) consecutive days. The term "Short-Term Renter does not include a premises that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space or event center purpose or another similar use; a bed-and-breakfast as defined in the City's Zoning Ordinance; or a hotel.

Short-Term Rental Listing Service — A person that participates in the Short-Term Rental business by facilitating booking services through which an owner may offer Short-Term Rentals to potential guests. Short-Term Rental Listing Services usually, though not necessarily, provide booking services through an online platform that allows an owner to advertise the premises through a website provided by the Short-Term Rental Listing Service and the Short-Term Rental Listing Service conducts a transaction by which potential guests arrange their use and their payment, whether the potential guest pays rent directly to the owner or to the Short-Term Rental Listing Service.

Short-Term Rental Permit — A permit issued by the City that identifies the subject property as a lawful Short-Term Rental.

Sleeping Area – means a habitable space within a dwelling designed or used for sleeping, including a bedroom. Tents, hammocks and recreational vehicles shall not be considered a sleeping area. Every sleeping area must have at least one operable emergency escape and rescue opening as per all applicable city-adopted codes, regulations, and ordinances.

Sec. XX-XXX Short-Term Rental Permit Required

No Short-Term Rental shall operate within the City without a current, valid Short-Term Rental Permit. All individual units having cooking, sleeping and bathing facilities within common buildings, regardless of ownership, shall require a separate, individual permit for each unit intended to be used as a Short-Term Rental. A person commits an offense under this Article if that person owns or operates a Short-Term Rental in the City without a valid permit.

Sec. XX-XXX Short-Term Rental Permit Application

- (a) Application for a Short-Term Rental Permit shall be made through the **City's Online Permit Portal**. Each application for a Short-Term Rental Permit shall be accompanied by a non-refundable application fee in the amount of three hundred dollars (\$300) and shall include the following information:
 - (1) A list of all owners, operators and agents (if applicable) of the Short-Term Rental, including names, addresses and current email addresses and telephone numbers of each such person;
 - (2) The name, address and 24-hour telephone number of a contact person who is the owner, operator or designated agent and who shall be responsible and authorized to respond to complaints concerning the Short-Term Rental within one hour or less;

- (3) An acknowledgement that any permit granted under this Article does not supersede any property-specific restrictions against Short-Term Rentals that may exist under law, agreement, lease, covenant or deed restriction;
 - (4) A depiction of the floor plan that identifies sleeping areas, proposed maximum number of guests, evacuation routes and location of all fire extinguishers and smoke detectors;
 - (5) The guest safety information required by Section **XX-XXX**;
 - (6) A sworn statement that the owner has met and will continue to comply with all requirements of this Article including, but not limited to, obtaining annual independent inspections of required fire extinguishers in compliance with the City's current Fire Code; and
- (b) Applications shall be considered complete when all documentation required under this Article has been submitted and all permit fees have been paid. Incomplete applications will not be accepted.
 - (c) Unless revoked by the Director earlier pursuant to this Article, a Short-Term Rental Permit expires one (1) year after the date of issuance. A permit holder shall apply for renewal prior to the expiration of the permit on a form provided by the Director or designee. The permit holder shall update the information contained in the original permit application required under this section or any subsequent renewals under this section, if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete. Complete applications for renewal received after the expiration of a current permit shall be treated as applications for a new permit. The amount of the nonrefundable fee for renewal of a Short-Term Rental Permit is three hundred dollars (\$300.00).
 - (d) Upon receipt of a complete application for renewal of a Short-Term Rental Permit, the Director or designee may deny the renewal of a Short-Term Rental Permit if it is determined that the permit was issued in error or on the basis of incorrect information supplied by the applicant or if:
 - (1) The permit holder has pleaded no contest to or been convicted of a violation of any ordinance of the City, or any state or federal law, related to operation of a Short-Term Rental on the premises or has permitted such a violation on the premises by any other person. Such violation may include, but is not limited to, parking, noise, littering, destruction of property, disorderly conduct or failure to pay hotel occupancy taxes; or
 - (2) There are grounds for suspension, revocation or other registration sanctions as provided for in this Article.
 - (e) A permit to operate a Short-Term Rental is not transferable to another owner, operator or location.

Sec. **XX-XXX Right to Inspect Short-Term Rental Premises**

To ensure compliance with the requirements of this Article, a Short-Term Rental may be inspected in the following methods:

- (a) *Initial inspection.* As part of the issuance of a new Short-Term Rental Permit and any renewals thereof, the City may conduct an inspection to verify compliance with this Article.
- (b) *Fire extinguishers.* The owner is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the City's current Fire Code.
- (c) *Inspections upon report or suspicion of a violation.* The City may perform inspections when a violation of this Article or other law is reported or suspected.

Sec. ~~XX-XXX~~ **General Standards**

All Short-Term Rentals permitted pursuant to this Article are subject to the following standard requirements:

- (a) *Parking.* Parking shall comply with the Zoning Ordinance. No required parking shall be permitted within public right-of-way or access easements as defined by City Code or state regulations regarding parking. Yards shall not be used to provide the necessary parking.
- (b) *Updated information.* The owner shall provide timely updates to the City of any changes to the name, address and 24-hour telephone number of the contact person who is the owner, operator or designated agent responsible and authorized to respond to complaints concerning the Short-Term Rental within one hour or less. Should a law enforcement officer respond to the Short-Term Rental and issue a citation for any violation of City ordinances or other law, such responsible person may be contacted by the officer or designee. The responsible person shall attempt to contact the occupants within one (1) hour of any contact from the City to address the occupants about the complaints. Should a second complaint be filed and citation issued to the occupants or guests, the owner and responsible party must take appropriate steps to assure future complaints do not occur. Failure to provide updated information to the City regarding the 24-hour contact person shall be a violation of this section.
- (c) *Advertising.* The short-term rental permit number, maximum occupancy as permitted, and health & life-safety inspection expiration date must be listed in all advertising for the short-term rental.
- (d) *Bathrooms.* Not less than one full bathroom shall be provided for each five occupants for the short-term rental, according to the chart provided below. This full bathroom must meet the minimum International Residential Code standards and include a washbasin, toilet and tub or shower. Half bathrooms must contain, at a minimum, a washbasin and toilet for the purposes of this section; a full bathroom may be used in lieu of a half bath.

5 occupants	1 full bath (hereafter referred to as 1)
6 – 9 occupants	1 full bath & 1 half bath (half baths hereafter referred to as .5)
10 occupants	2 baths
11 – 14 occupants	2.5 baths
15 occupants	3 baths
And so on...	

- (e) *Occupancy.* The maximum number of occupants allowed to sleep in a short-term rental is two occupants per sleeping room, plus an additional two occupants.
- (f) *Permit Display.* The City issued short-term rental permit shall be posted at all times in a prominent location inside the property for which it is issued.

(g) *Other standards.* It is unlawful:

- (1) To advertise on a Short-Term Rental Listing Service or offer a Short-Term Rental without first obtaining a Short-Term Rental Permit in accordance with this Article;
- (2) To operate a Short-Term Rental in a manner that does not comply with all applicable City and state laws and codes;
- (3) To operate a Short-Term Rental without paying the required hotel occupancy taxes;
- (4) To rent to a guest who is under the age of twenty-one (21);
- (5) To post or allow external signage on or off the premises of the Short-Term Rental that indicates the property is a Short-Term Rental;
- (6) To fail to include the City permit number for the Short-Term Rental in all advertisements, including online, for the Short-Term Rental within the description or body for public reference;
- (7) To permit the use of a Short-Term Rental to promote activities that are illegal or for the purpose of temporary or transition housing for registered sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Texas Alcoholic Beverage Code; operating as a sexually oriented business, or for rental periods of less than 24 hours; and
- (8) To permit the use of tents, hammocks, recreational/camper vehicles or other vehicles and outdoor areas that are not residential dwellings as Short-Term Rentals.

Sec. **XX-XXX** **Guest safety notification and minimum requirements**

- (a) Each owner of a Short-Term Rental shall provide to guests a brochure and post in a conspicuous location of the Short-Term Rental the following minimum information:
- (1) The owner, operator or designated agent's name and twenty-four (24) hour contact telephone number.
 - (2) Pertinent neighborhood information including, but not limited to, parking restrictions, trash collection schedules and location of required off-street parking, other available parking and prohibition of parking on landscaped areas;
 - (3) Noise restrictions as specified under the Code of Ordinance, Chapter 55 Nuisances and Miscellaneous Provisions, Article II. Noise;
 - (4) Information to assist guests in the case of an emergency posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services; and

- (5) Depiction of floor plan identifying evacuation routes, including the dwelling's exits, primary evacuation routes and secondary evacuation routes near the front door of the dwelling.
- (b) Each Short-Term Rental owner shall provide in the Short-Term Rental working smoke detectors in accordance with adopted codes, and at least one working Type A fire extinguisher. The premises shall otherwise comply with applicable Code of Ordinance requirements, including but not limited to all building and fire codes.

Sec. XX-XXX Authority of the Director

The Director shall implement and enforce this Article and may by written order establish such procedures, not inconsistent with this Article or other City ordinances, rules, or regulations, or any county, state, or federal laws or regulations, as the Director determines are necessary to discharge any duty under this Article.

Sec. XX-XXX Notification of Complaints

Complaints related to the operation of a Short Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office.

Sec. XX-XXX Compliance with Other Laws

The Owner, Operator, Local Contact Person, and Guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a Short Term Rental. The Owner shall not be relieved from any civil or criminal liability for a violation of this Article, regardless of whether such violation is committed by the Owner, Operator, Local Contact Person, or Guest of the Owner's Short Term Rental.

Nothing in this Article shall be construed to relieve any person or Owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this Article shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the Owner's property that may prohibit the use of such Owner's property as a Short Term Rental as defined in this Article.

Sec. XX-XXX Permit Suspension or Revocation; Appeal

- (a) Upon conviction for a violation of this Article, the City Manager may suspend or revoke any Short Term Rental Permit issued for the same Short Term Rental where the violation occurred. The City Manager shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.
- (b) An Owner may appeal a notice of suspension or revocation under this Section by filing a written appeal with the City Manager within ten business days following the date said

notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Manager related to the suspension or revocation under this Section. Following the City Manager's final decision on appeal, the Owner may appeal an adverse decision of the City Manager by filing a written appeal with the City Council within five business days following the date of the City Manager's final decision.

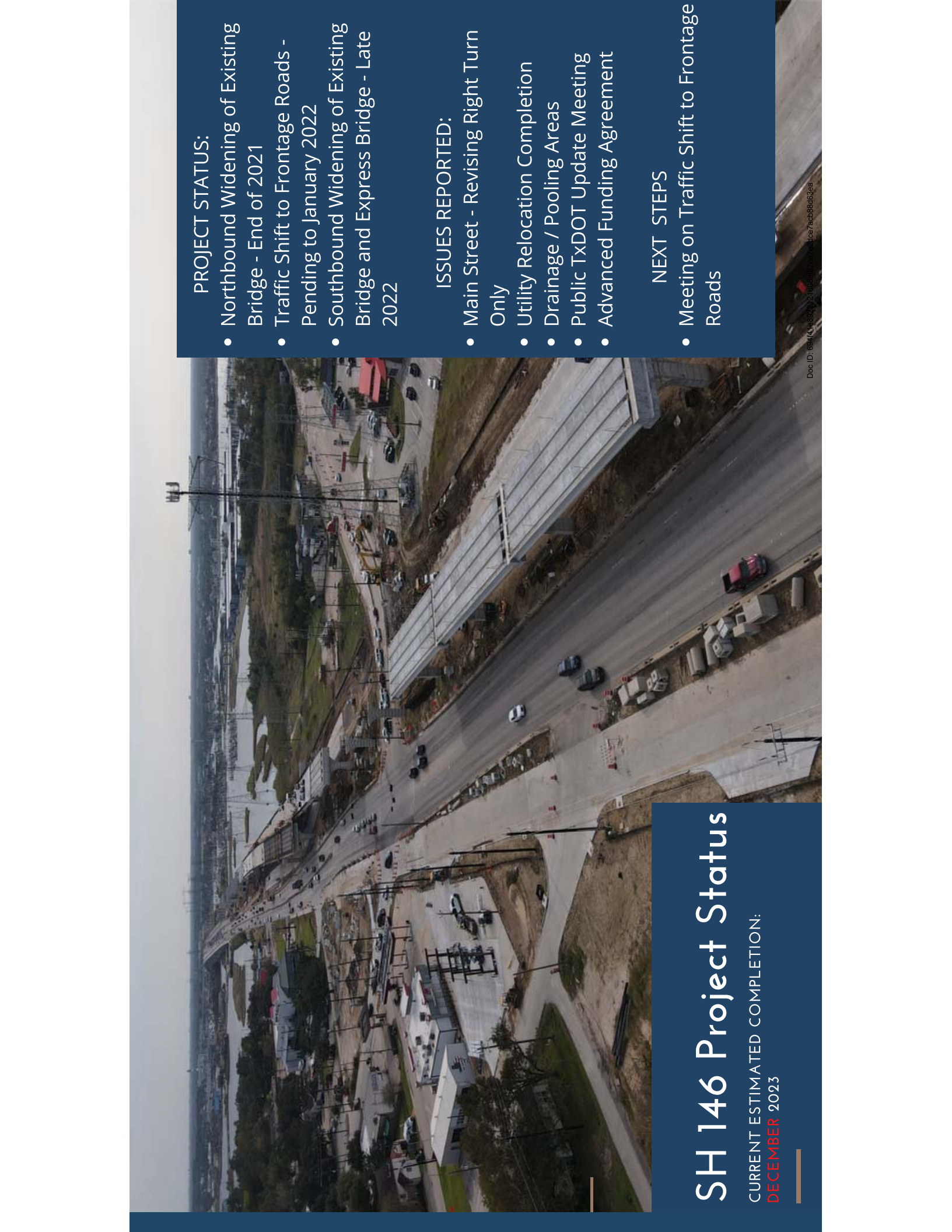
ATTACHMENT C

Time to Update

CITY COUNCIL UPDATE

December 7, 2021





SH 146 Project Status

CURRENT ESTIMATED COMPLETION:

DECEMBER 2023

PROJECT STATUS:

- Northbound Widening of Existing Bridge - End of 2021
- Traffic Shift to Frontage Roads - Pending to January 2022
- Southbound Widening of Existing Bridge and Express Bridge - Late 2022

ISSUES REPORTED:

- Main Street - Revising Right Turn Only
- Utility Relocation Completion
- Drainage / Pooling Areas
- Public TxDOT Update Meeting
- Advanced Funding Agreement

NEXT STEPS

- Meeting on Traffic Shift to Frontage Roads



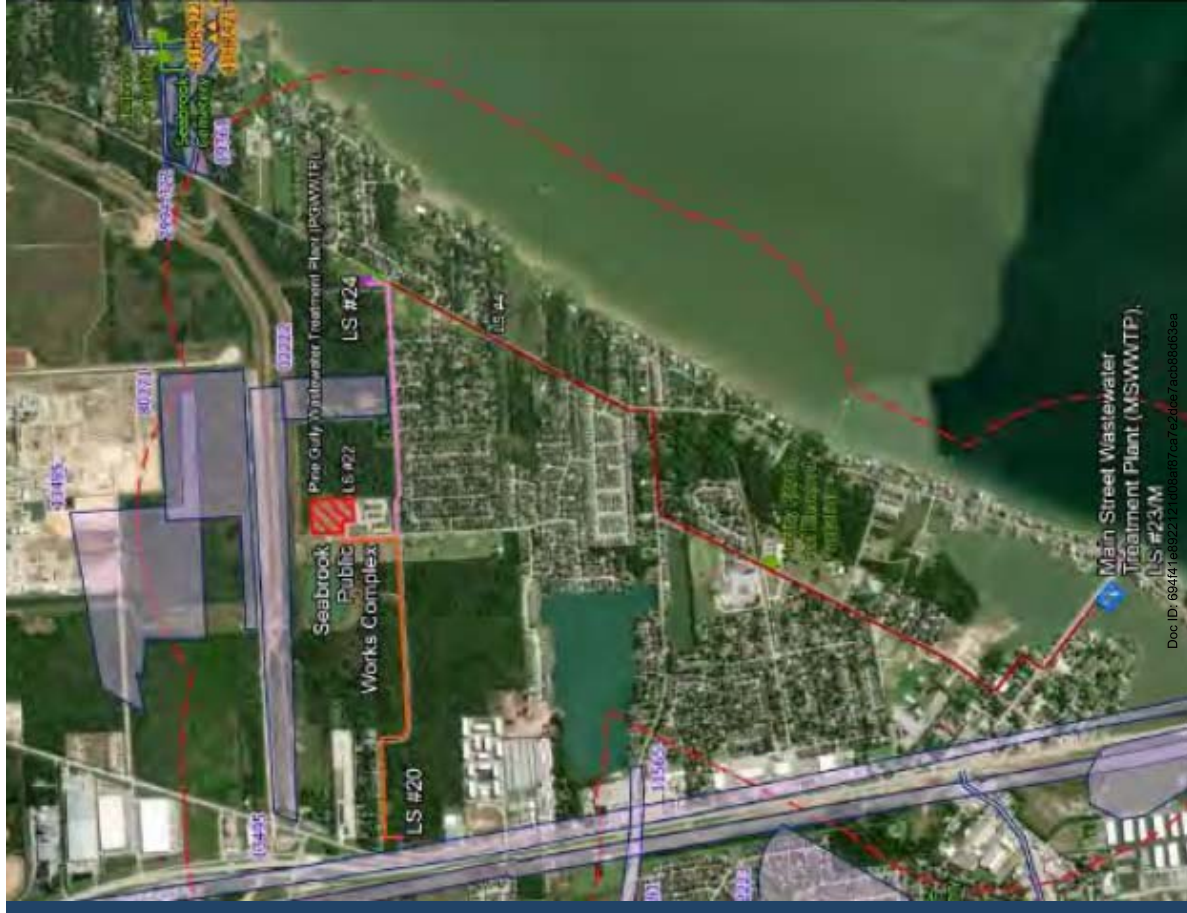
CAPITAL PROJECTS UPDATE

PINE GULLY WASTEWATER TREATMENT PLANT 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.

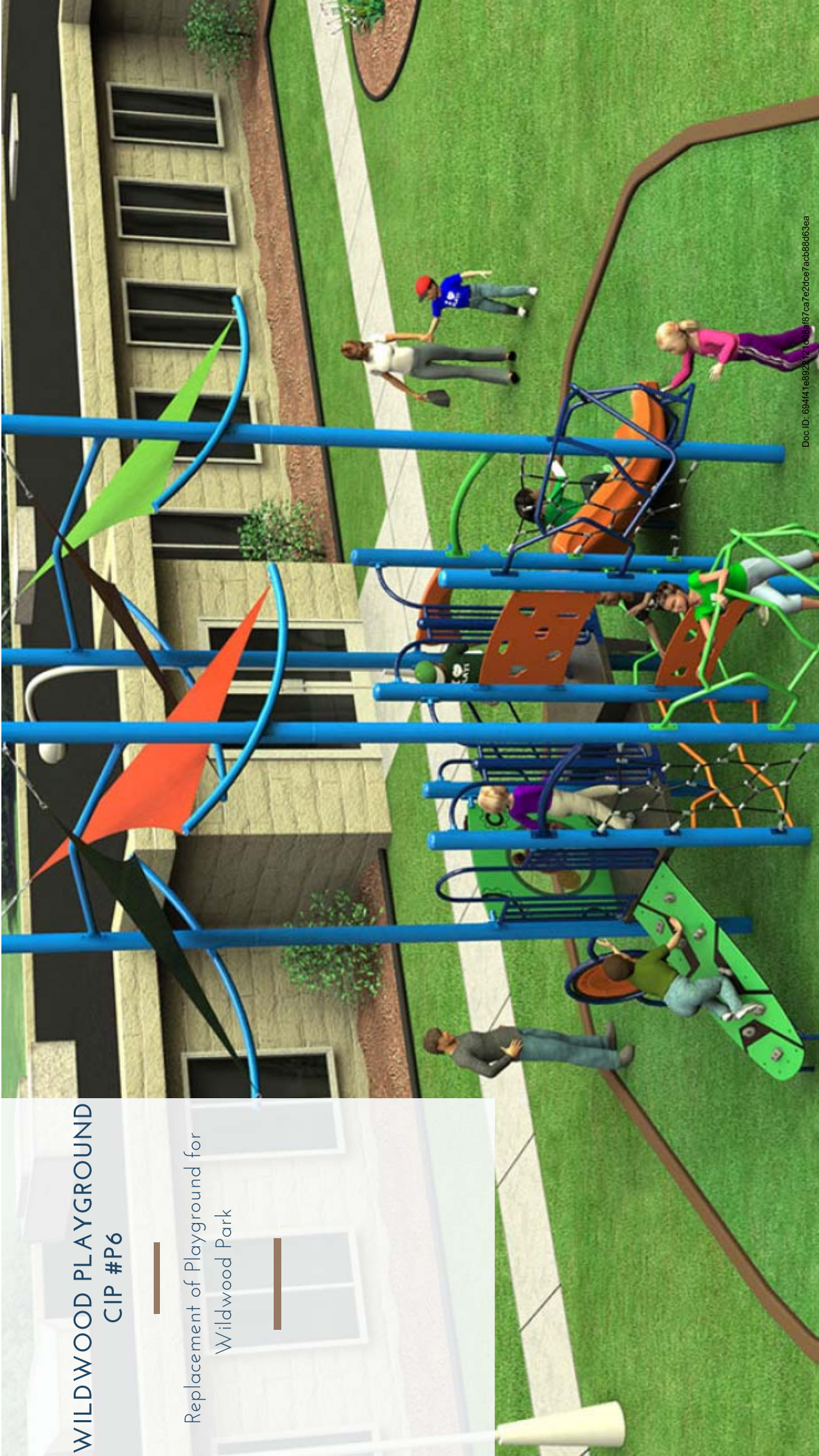
Status:

Council Bid Award: November 16, 2021
Council Contract Approval: December 7, 2021



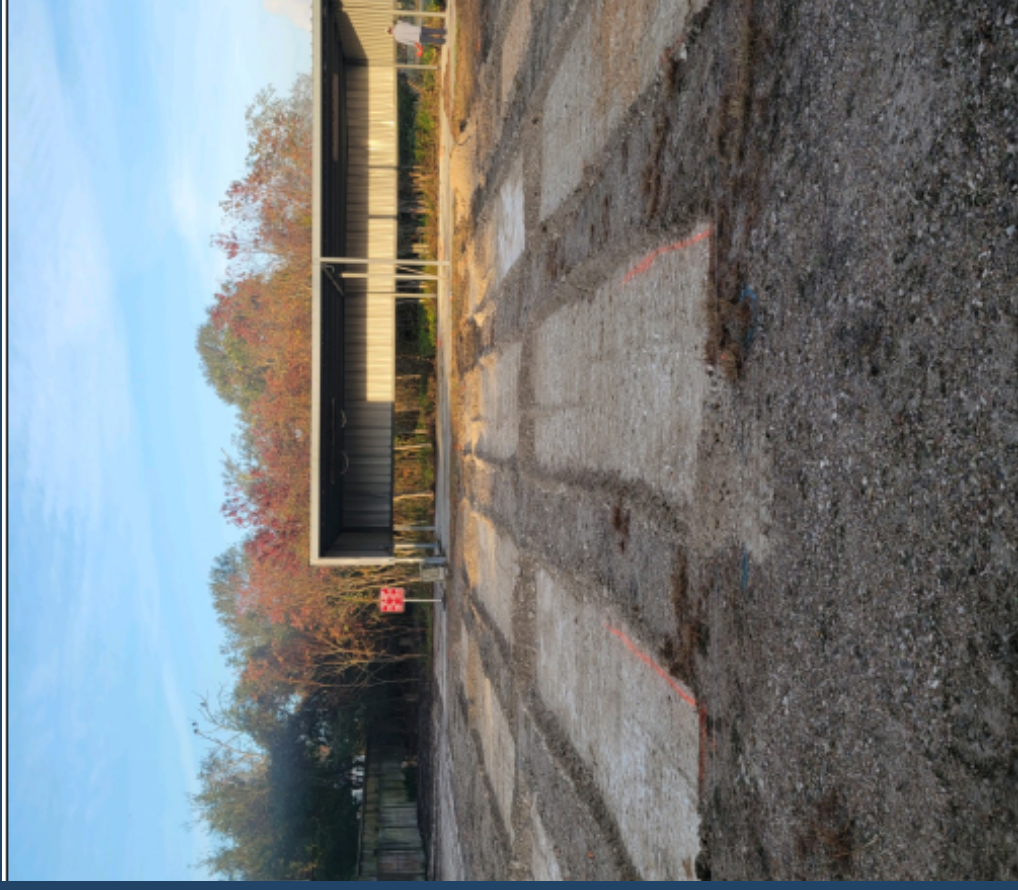
WILDWOOD PLAYGROUND CIP #P6

Replacement of Playground for
Wildwood Park



CAROTHERS CIP PHASE - COMMUNITY GARDEN

Phase I of the Community Garden project at Carothers is underway with bed preparations and irrigation. Volunteer Group has worked with city staff on scope of project as per the resolution and completed paperwork for coordination of application and City Release.



BAYBROOK AND SEASCAPE DRAINAGE

CIP # D11 AND D12

\$2,139,398

Status:

Virtual Public Meeting
December 9, 2021
6:30pm - 7:30pm

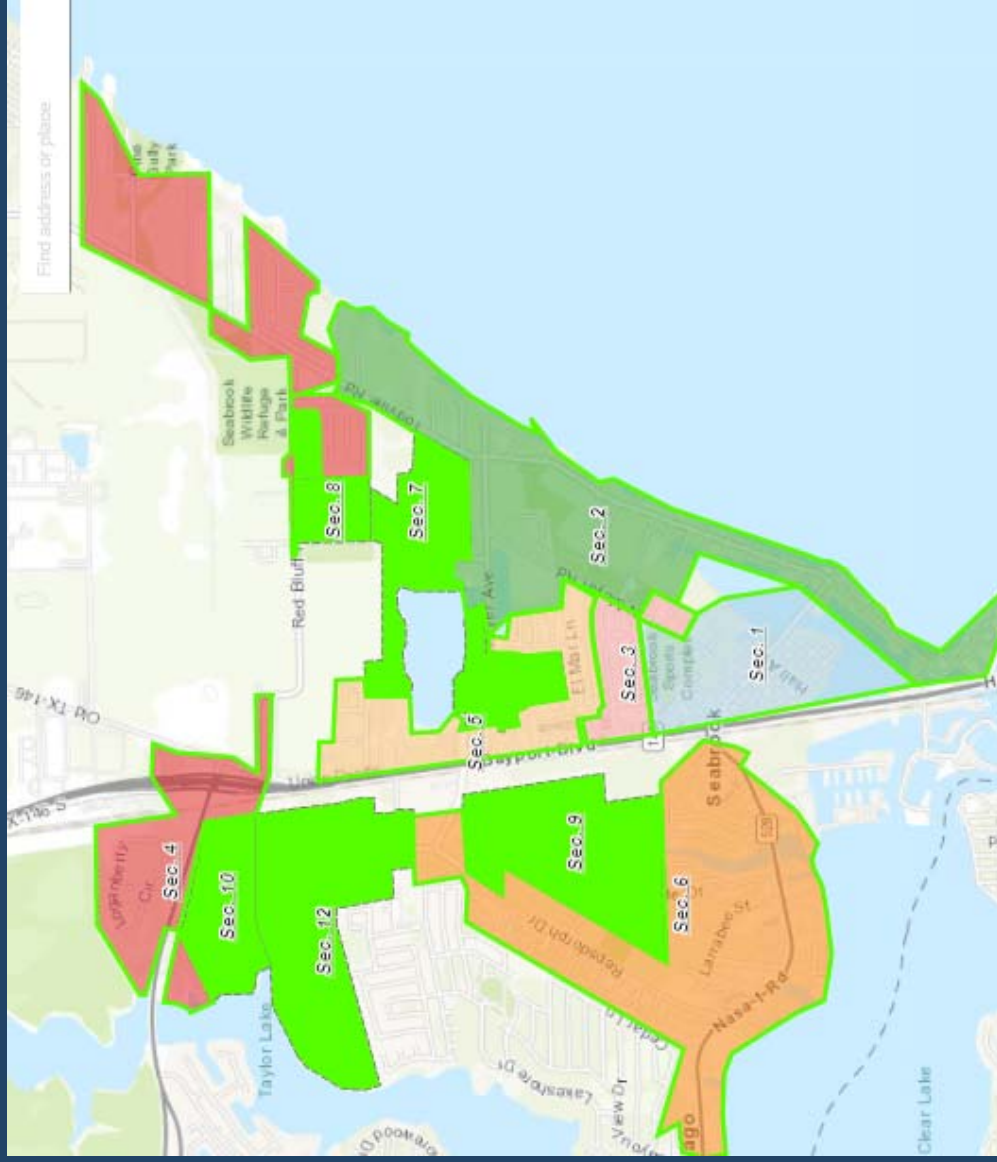
Est. Construction (8
Months)

Jan 2022-August 2022

Baybrook & Seascape Subdivisions Drainage Improvements



Doc ID: 69444, 1e892212100a167ca7e2d0c70a0381b3e4f



SMART METERS

CIP# FAC6
\$3,000,000

Watersmart Portal – Communications
on customer portal will commence

98% Complete



Red Bluff Expansion

Estimated Completion: End of 2021

- Traffic Shift Phase III
-

Thank You

QUESTIONS

