

The City Council of the City of Seabrook met in regular session on Tuesday, November 15, 2022 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
JACKIE RASCO	COUNCIL PLACE NO. 1
ROB HEFNER	COUNCIL PLACE NO. 2
TOM TOLLETT	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
STEVE WEATHERED	CITY ATTORNEY
ROBIN LENIO	CITY SECRETARY

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

1. PRESENTATIONS

1.1 Presentation to recognize and honor Ernie Davis for his dedication during 17 years of service to the City of Seabrook as a Director of the Seabrook Economic Development Corporation. *Thom Kolupski, Mayor*

Mayor Kolupski and EDC Director, Paul Chavez, recognized Ernie Davis with a Proclamation declaring November 15, 2022 as Ernie Davis Day in the City of Seabrook. Mr. Davis has dedicated 17 years of service to the City through his volunteer position on the EDC Board of Directors.

1.2 Presentation to recognize KIWO, Inc. as the Seabrook Economic Development Corporation's Business of the Year Award for 2022. *Paul Chavez, Director of Economic Development*

Paul Chavez, Director of EDC, and Cindy DeWease, President & CEO, Clear Lake Chamber of Commerce, recognized KIWO, Inc. as the Seabrook Economic Development Corporation's Business of the Year for 2022.

1.3 Presentation by the Bay Area Community Emergency Response Team (BayCERT) in appreciation to the Seabrook City Council for its support and demonstration of the CERT deployment backpack, equipped with items purchased with Public Safety Funds. *Linda Bromley, BayCERT Coordinator*

Linda Bromley, BayCERT Coordinator, thanked the City Council for their continuing support of BayCERT and one of the team members completed a demonstration of the CERT deployment backpack, equipped with items purchased with Public Safety Funds.

1.4 Presentation of a Post Event Report for the 2022 Gulf Coast Film & Video Festival. *Hal Wixon, GCFVF Director*

Hal Wixon, GCFVF Director presented the Post Event Report for the 2022 Gulf Coast Film & Video Festival Event, which was sponsored by the City through HOT Funds allocation.

1.5 Presentation to review the 2022 Activities and Program and the 2023 Budget for the Bay Area Houston Convention and Visitors Bureau. *LeaAnn Petersen, Director of Public Affairs and BAHCVB Board Member*

LeaAnn Petersen, Director of Public Affairs and BAHCVB Board Member, updated the City Council on CVB activities and program for 2022 and presented the 2023 Budget. The report can be viewed in Attachment A.

1.6 Presentation of a Proclamation to recognize November 26, 2022 as National Small Business Saturday. *Thom Kolupski, Mayor*

Mayor Kolupski read a Proclamation to recognize November 26, 2022 as National Small Business Saturday in the City of Seabrook. The Proclamation can be viewed in Attachment B.

1.7 Presentation of a Proclamation to recognize November 30, 2022 as National Computer Security Day. *Thom Kolupski, Mayor*

Mayor Kolupski read a Proclamation to recognize November 30, 2022 as National Computer Security Day in the City of Seabrook. The Proclamation can be viewed in Attachment C.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS – NONE

2.1 Mayor, City Council and/or members of the City staff may make announcements about City/Community events. City Council

Councilmember Hefner announced several upcoming events, including:

- Seabrook Tree Lighting – December 1 – 6:00pm-8:00pm – Community House
- Breakfast with Santa – December 10 – 10:00am-12:00pm -- Community House
- Christmas Boat Lane Parade – December 10 – 6:00pm – Clear Creek Chanel
- Santa Run – December 17 – 8:00am-12:00pm – TBD
- Community Shred Day – January 18 – 5:00pm-7:00pm – City Hall Grounds
- The Market on Main Shopping Event – November 26 – 10:00am to 4:00pm – Oleander Market

- Running Alliance Sport Million Dollar Celebration – December 10 – 9:00am-12:00pm -- Meador Park

3. ***SPECIFIC PUBLIC HEARING***

3.1 Conduct a Public Hearing on a request for approval of a Preliminary Planned Unit Development (Preliminary PUD) to create "Highland Center Mixed Use Development"; a mixed used development consisting of a 13 story, 238 unit, Class A Multifamily Apartment Building; and a single story 5200 square foot Retail/Restaurant Building; and 556 parking spaces. *Sean Landis, Deputy City Manager*

Mayor Kolupski opened the Public Hearing.

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

4. ***BID AWARDS***

4.1 Consider and take all appropriate action on a Bid Award to AAA Asphalt Paving Inc., for CIP S13 for the Todville Side Street Asphalt Overlay and on a contract between the City of Seabrook and AAA Asphalt Paving, Inc., in an amount not to exceed \$612,866.00. *Kevin Padgett, Director of Public Works*

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Hefner to approve a Bid Award to AAA Asphalt Paving Inc., for CIP S13 for the Todville Side Street Asphalt Overlay and on a contract between the City of Seabrook and AAA Asphalt Paving, Inc., in an amount not to exceed \$612,866.00.

MOTION CARRIED BY UNANIMOUS CONSENT

4.2 Consider and take all appropriate action on awarding Clifford Power for the quarterly maintenance and additional services on as as-needed basis for equipment replacement and optional services in an amount not to exceed \$55,000.00. This is a budgeted item and the bid is procured through Buyboard Contract # 657-21. *Kevin Padgett, Director of Public Works*

Motion was made by Councilmember Tollett and seconded by Councilmember Giangrosso to approve awarding Clifford Power for the quarterly maintenance and additional services on as as-needed basis for equipment replacement and optional services in an amount not to exceed \$55,000.00.

MOTION CARRIED BY UNANIMOUS CONSENT

5. ***CONSENT AGENDA***

5.1 PULLED FROM CONSENT BY MAYOR PRO TEM HAMMANN

5.2 Approve on second reading proposed Ordinance 2022-22 "Amendments to the Short Term Rental Ordinance in the City of Seabrook Code of Ordinances". *Sean Landis, Deputy City Manager*

AN ORDINANCE AMENDING THE SEABROOK CITY CODE OF ORDINANCES, CHAPTER 18, "BUILDINGS AND BUILDING REGULATIONS", BY AMENDING ARTICLE VIII, "REQUIREMENTS FOR OWNERS OF RESIDENTIAL PROPERTIES USED AS SHORT-TERM RENTALS", SECTION 18-603, "SHORT-TERM RENTAL PERMIT APPLICATION", SUBSECTION (C) "ANY EXISTING SHORT-TERM RENTAL SHALL HAVE NINETY (90) DAYS FROM ADOPTION OF THIS ORDINANCE TO COMPLETE THE REQUIRED REGISTRATION AND OBTAIN THEIR SHORT-TERM RENTAL PERMIT"; REDEFINING THE DEADLINE TO OBTAIN THE REQUIRED PERMIT FROM NINETY (90) DAYS TO JANUARY 1, 2023; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00 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.

5.3 Approve on second reading proposed Ordinance 2022-23 "Update of Pressure Sewer System Requirements". *Brian Craig, City Engineer and Assistant Director of Public Works*

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 95 "UTILITIES", ARTICLE IV "SEWERS AND SEWAGE DISPOSAL", DIVISION 2 "PRESSURE SEWER SYSTEM", SECTION 95-131 "PRESSURE SEWER LINES AND GRINDER PUMPS REQUIRED FOR NEW CONSTRUCTION", BY COMPLETELY REPLACING THE CURRENT TITLE AND TEXT, TO ADDRESS NEW REQUIREMENTS DUE TO CHANGED CONDITIONS; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION THEREIN BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY, NOTICE AND EFFECTIVE DATE.

5.4 Approve all individual signed agreements between the City of Seabrook and Applicants/Event Holders for Hotel Occupancy Tax (HOT) Funding Sponsorships for FY22-23. Funding allocations were approved by City Council on July 27, 2022, during the Budget Workshop. *LeaAnn Petersen, Director of Public Affairs*

5.5 Approve on the agreement between the City of Seabrook and the Bay Area Convention and Visitors Bureau for Destination Marketing Services and Partner Tourism. This agreement was approved by City Council on July 27, 2022, during the Budget Workshop. *LeaAnn Petersen, Director of Public Affairs*

Motion was made by Councilmember Machol and seconded by Mayor Pro Tem Hammann to approve the Consent Agenda, except for Item 5.1 that was pulled from Consent by Mayor Pro Tem Hammann.

MOTION CARRIED BY UNANIMOUS CONSENT

5.1 Approve on second reading proposed Ordinance 2022-21 “Issuance of Conditional Use Permit to Allow a “Bar Use” at 1805 First Street in the 146-M (SH 146 Main Commercial Zoning District). *Sean Landis, Deputy City Manager*

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 13, “TEMPORARY AND NONTEXT CHANGES,” SECTION 13.03, BY ADDING A NEW PARAGRAPH (29) GRANTING A CONDITIONAL USE PERMIT FOR A “BAR” TO BE LOCATED AT 1805 FIRST STREET, WITHIN THE 146-M (SH 146 MAIN COMMERCIAL ZONING DISTRICT) AND ESTABLISHING ANY APPLICABLE CONDITIONS FOR THE OPERATION OF THE BUSINESS IN ACCORDANCE WITH LAW; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Councilmember Rasco and seconded by Councilmember Hefner to approve Ordinance 2022-21 on second reading, “Issuance of Conditional Use Permit to Allow a “Bar Use” at 1805 First Street in the 146-M (SH 146 Main Commercial Zoning District), as written. Mayor Pro Tem Hammann amended the motion by adding conditions of no live music after 10:00pm and when live music is played, the large bay doors will be closed. Councilmember Hefner seconded the amendment.

THE MOTION TO AMEND FAILED BY A 5-2 VOTE WITH MAYOR PRO TEM HAMMANN AND COUNCILMEMBER HEFNER VOTING IN FAVOR OF THE AMENDMENT AND ALL OTHER MEMBERS OF COUNCIL VOTING AGAINST THE AMENDMENT.

THE MOTION TO APPROVE AS WRITTEN FAILED BY A 5-2 VOTE WITH COUNCILMEMBERS RASCO AND MACHO VOTING IN FAVOR OF THE ORDINANCE AS WRITTEN AND ALL OTHER MEMBERS OF COUNCIL VOTING AGAINST THE ORDINANCE AS WRITTEN.

6. NEW BUSINESS

6.1 Consider and take all appropriate action on first reading of proposed Ordinance 2022-24, "Amendment to correct typographical errors on Master Fee Schedule". *Robin Lenio, City Secretary*

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, TO UPDATE AND CORRECT TYPOGRAPHICAL ERRORS IN "APPENDIX B", ENTITLED "MASTER FEE SCHEDULE" BY AMENDING INFORMATION FOR STORAGE SHED FEES UNDER THE COMMUNITY DEVELOPMENT/BUILDING DEPARTMENT SECTION OF THE MASTER FEE SCHEDULE; MAKING FINDINGS OF FACT; REPEALING AND REPLACING ALL REFERENCES TO SUCH FEES AND CHARGES IN ALL ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE AND EFFECTIVE DATE.

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Rasco to approve on first reading Ordinance 2022-24, "Amendment to correct typographical errors on Master Fee Schedule".

MOTION CARRIED BY UNANIMOUS CONSENT

6.2 Consider and take all appropriate action on first and final reading of proposed Ordinance 2022-25, "Budget Amendment No. 1 for FY22-23". *Michael Gibbs, Director of Finance*

AN ORDINANCE AMENDING THE AMOUNT OF APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 AUTHORIZING CERTAIN ADDITIONS IN THE AMOUNT OF \$901,169 FOR GENERAL, ENTERPRISE, PUBLIC SAFETY, GEN CIP FUND 28, DRAINAGE, CRIME DISTRICT, PUBLIC SAFETY VEHICLE REPLACEMENT, GENERAL AND ENTERPRISE VEHICLE REPLACEMENT FUNDS; 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 Mayor Pro Tem Hammann and seconded by Councilmember Giangrosso to approve on first and final reading Ordinance 2022-25, "Budget Amendment No. 1 for FY22-23".

MOTION CARRIED BY UNANIMOUS CONSENT

6.3 Consider and take all appropriate action on the purchase of Case CX80C Mid Size Excavator for \$123,726.00, and a Cab Tractor for \$141,612.00 for a total amount not to exceed \$265,338.00. Bids are secured through Buyboard Purchasing Cooperative. *Gayle Cook, City Manager*

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Giangrosso to approve the purchase of Case CX80C Mid-Size Excavator for \$123,726.00, and a Cab Tractor for \$141,612.00 for a total amount not to exceed \$265,338.00.

MOTION CARRIED BY UNANIMOUS CONSENT

6.4 Consider and take all appropriate action on first and final reading of proposed Ordinance 2022-27, "Budget Amendment No. 2 for FY22-23". *Gayle Cook, City Manager and Michael Gibbs, Director of Finance*

AN ORDINANCE AMENDING THE AMOUNT OF APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY AUTHORIZING CERTAIN ADDITIONS IN THE AMOUNT OF \$265,338.00 FOR GENERAL AND ENTERPRISE FUNDS; 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 Tollett and seconded by Mayor Pro Tem Hammann to approve on first and final reading Ordinance 2022-27, "Budget Amendment No. 2 for FY22-23" with the corrected dollar amount for the purchase of the excavator and cab tractor.

MOTION CARRIED BY UNANIMOUS CONSENT

6.5 Consider and take all appropriate action on a Preliminary Planned Unit Development (Preliminary PUD) to create, "Highland Center Mixed Use Development"; a mixed-use development consisting of a 13 story, 238-unit, Class A multifamily apartment building; and a single story 5200 square foot retail/restaurant building; and 556 parking spaces. *Sean Landis, Deputy City Manager*

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Hefner to approve a Preliminary Planned Unit Development (Preliminary PUD) to create, "Highland Center Mixed Use Development"; a mixed-use development consisting of a 13 story, 238-unit, Class A multi-family apartment building; and a single story 5200 square foot retail/restaurant building; and 556 parking spaces.

MOTION CARRIED BY A 5-2 VOTE, WITH COUNCILMEMBERS RASCO AND MACHOL VOTING IN OPPOSITION

6.6 Consider and take all appropriate action on Resolution 2022-32, "Establishment of Ad Hoc Committee for Electrical Substation Mitigation Improvements". *Gayle Cook, City Manager*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, ESTABLISHING AN AD HOC COMMITTEE FOR THE PURPOSE OF REVIEWING ELECTRICAL SUBSTATION MITIGATION IMPROVEMENTS IN RED OAK ACRES SUBDIVISION FROM CENTERPOINT ENERGY; APPOINTMENT MEMBERS; DEFINING ROLES AND TERMS; AND RELATED MATTERS

Motion was made by Councilmember Giangrosso and seconded by Mayor Pro Tem Hammann to approve Resolution 2022-32, "Establishment of Ad Hoc Committee for Electrical Substation

Mitigation Improvements", and let the committee residents choose the Councilmembers who will serve on the committee with them.

MOTION CARRIED BY UNANIMOUS CONSENT

6.7 Consider and take all appropriate action on an agreement between the City of Seabrook and Cobb Fendley for design services for CIP FAC7 (Public Safety Inspection Area) and CIP P18 (Old 146 Trailhead) in an amount not to exceed \$124,057.00 *Brian Craig, City Engineer and Assistant Director of Public Works*

Motion was made by Councilmember Tollett and seconded by Councilmember Hefner to approve an agreement between the City of Seabrook and Cobb Fendley for design services for CIP FAC7 (Public Safety Inspection Area) and CIP P18 (Old 146 Trailhead) in an amount not to exceed \$124,057.00.

MOTION CARRIED BY UNANIMOUS CONSENT

6.8 Consider and take all appropriate action on an Incentive Agreement between the City of Seabrook and Seabrook Marina. This agreement was approved by Seabrook EDC on October 13, 2022. *Paul Chavez, Director of Economic Development*

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Tollett to refer this agreement back to the Seabrook EDC for discussion to enter into the agreement after a signed lease is submitted with the application for the incentive(s).

MOTION CARRIED BY A 5-2 VOTE WITH COUNCILMEMBERS RASCO AND MACHOL VOTING IN OPPOSITION

7. ROUTINE BUSINESS

7.1 City Manager update and report to City Council on various items that require no action, including Recap for Seabrook Boards and Commissions, SH 146 Expansion Projects, Red Bluff Expansion Project, Port of Houston Rail Spur, Gulf Coast Protection District, CenterPoint Substation, Public Meeting Livestreaming Project, City of Seabrook CIP Projects, and any City of Seabrook Grant Administration. *Gayle Cook, City Manager*

Gayle Cook, City Manager, gave a report to City Council as shown in Attachment D.

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

The next regular City Council meeting will be held on Tuesday, December 6, at 6:00pm.

There will be a special meeting on Tuesday, December 13, at 6:00pm at the Evelyn Meador Library.

There will be no City Council meeting on Tuesday, December 20.

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:17pm.

Approved this 3rd day of January, 2023.

Thomas G. Kolupski

Thomas G. Kolupski
Mayor

Robin Lenio

Robin Lenio, TRMC
City Secretary

