

The Electrical Substation Mitigation Improvements (ESMI) Committee of the City of Seabrook met for Meeting No. 3 on Wednesday, February 8, 2023 at 6:00 p.m. at the Public Works Training Facility, 1100 Red Bluff Road, Seabrook, Texas, to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

JACKIE RASCO
BUDDY HAMMANN

JOE MACHOL
ADAM SHANNAHAN
ANGELA BARRON
JOSE BARRON
SANDY HARRISON
ROBERT PASKEY
GAYLE COOK
SEAN LANDIS
ROBIN LENIO

COUNCIL PLACE NO. 1
MAYOR PRO TEM
COUNCIL PLACE NO. 5
COUNCIL PLACE NO. 6
CHAIR
VICE CHAIR
MEMBER
MEMBER
MEMBER
CITY MANAGER
DEPUTY CITY MANAGER
CITY SECRETARY

Adam Shannahan, Committee Chair, called the meeting to order at 6:07 p.m.

1. PUBLIC COMMENTS

Stacy Gauna, 2526 Loganberry Circle, explained that she traveled to Austin to speak to the PUC panel and was told that the PUC does not approve or deny locations for substations. While in Austin, Thomas Brocato, an attorney who handles matters like this, told her that he was in communication with the Seabrook City Manager, and was informing her on Seabrook's rights in this matter. Ms. Gauna was told the City's zoning laws do apply. This lot is and always has been zoned residential. Ms. Gauna emailed the City Manager with information from the PUC and was told the City was in communication with an attorney and they were working on this and would communicate with residents on any updates. Ms. Gauna emailed the City Manager again, offering to send the letter that she received from the PUC and asking when the next committee meeting was scheduled, but did not receive a reply. Ms. Gauna discovered a court document Mr. Brocato filed on behalf the City of Pearland that states that the PUC is not authorized to overrule a City's zoning ordinance. Ms. Gauna hopes to hear more tonight about Mr. Brocato's conversations with the City Manager and this committee. Residents are confused and hoping for answers. This is a mitigation committee. The original proposal, which still included a substation inside the neighborhood, at least was going to be constructed on an open plot of land with no homes closer than 130 feet. Now, after this committee was formed, revisions have been made, and residents are told CenterPoint wants to take down all of the trees, which serve as a buffer between the neighborhood and the GEON plant, railroad tracks, main roadways, major lights, lots of noise and its pollution. CenterPoint wants to construct the substation on a road, right next to a house, and directly across from another house, 134 feet from the front door to be exact. What mitigation is this? Who is going to compensate residents for the huge loss of property

values and assure residents of the safety, health and well being of the neighbors close to the substation? Residents are hear hoping to get answers from CenterPoint and the City.

Marc Phelps, 2526 Loganberry Circle, stated that he and his wife were happily optimistic when this committee was formed that they were going to be heard. CenterPoint left when the news media arrived. What is CenterPoint hiding? What can they not say in front of the entire City and area? As Mr. Phelps dug deeper, he started seeing that less regulation fell on CenterPoint and more fell on the City of Seabrook. Either because of a lack of knowledge or lack of understanding, the City is not doing its due diligence for the Red Oak Acres neighborhood. The City has more control than they have expressed, but they are not using it. Why? All of the misdirection and false answers have led to total distrust. The Seabrook community doesn't want to end up like Kemah with billboards bad mouthing elected officials right next to the busiest store in town. Residents know the Public Utility Regulation Act gives CenterPoint some latitude, but they are still a publically owned and publically traded company, and they have to follow the same rules and procedures as any other company bringing a project to Seabrook, like the Margaritaville Resort on Nasa Parkway. Residents only ask that CenterPoint and the City be honest in this matter. Tell residents the plan. Tell residents why the substation must be constructed 130 feet from Mr. Phelps' front door. Make the plan suitable for all parties.

Steve Franz, 2506 Loganberry Circle, stated that the main concern is the electromagnetic field that comes off the substation. Mr. Franz' house is right down the street. Property values are also a concern. He learned of a substation built next to a house in La Porte, so he drove over to look at it, and all the houses across the street from it were for sale. Residents are concerned that this substation is being built in a residential neighborhood.

Aaron Harvey, 2623 Loganberry Circle, explained that he and his family are new to the neighborhood and new to this issue; however, he wants to make sure his voice is heard. There has been alot of back and forth on this topic, and concerns include: the aesthetics of the neighborhood; negative impacts to residential life like residents ability to enjoy walking around the neighborhood, animals, wildlife, etc; noise; lighting; public safety for families; traffic; flooding and fires over the last few years of other substations; threats to native species; negative vegation impacts, especially with trees taken out; and especially negative property values.

Evie Leavitt (Marissa), 2710 Carmel Woods. Marissa, Evie's elementary age daughter, stated that Seabrook is becoming a concrete jungle, and where the trees are in the neighborhood is where the American bald eagles perch. Marissa further stated that it would be wrong to take away animals' homes.

Chris Breiner, 2513 Loganberry Circle, express that everyone is still discussion the concerns and opposition to the substation in this residentially zoned neighborhood. The discussion keeps going on and on. The attitude so far by CenterPoint is that the land is theirs and they can do what they want with it. CenterPoint expresses that they are giving the residents a courtesy by even considering mitigation. After wasting hours of time researching case law, a

useful article written by a law professor was found that summarizes Texas eminent domain cases over the last 60 to 80 years. One of the most interesting cases, as it applies to this situation, is a case involving Texas MidStream Gas Services and the City of Grand Prairie. The city mandated certain requirements, much like the residents have been doing through this committee process, which include particular noise, fencing, and lighting requirements. The case summary states, "While entities with eminent domain power have the authority to select the location for their intended public use, even if such use is not permitted in the zoning district, it may still be subjected to other applicable regulations." In the end, the Court sided with the city and MidStream was required to provide mitigation measurements on their air compressor station, despite the use for public necessity. CenterPoint cannot go around unchecked completely. That's the great thing about Texas. Mr. Breiner hopes everyone is on the same page that these mitigation requirements are enforceable. There are checks and balances already in place which have already been enforced at the State level. Residents demand mitigation which minimizes auditory and visual impact of the substation to the neighborhood. There is an actual process, and what everyone been doing here in these committee meetings is a joke. Residents demand some respect and the State allows that.

Valerie Nordan, 2610 Loganberry Circle, state that she read her comments at the last meeting when CenterPoint walked out. Ms. Nordan been in the neighborhood for about 5 years. She admits she is not very substation savvy, so she googled, "how many substations have blown up?", and the first item listed under "other things that people ask" was "is there a problem living next to a substation?". The answer stated that substations emit electric and magnetic fields, which is the EMF that everyone is discussing. EMF doesn't sound good. Ms. Nordan realizes that substations are necessary, but just because they are necessary doesn't mean that anyone wants one in their front yard. That's where this substation would be. Ms. Nordan understands it might be more difficult and time consuming to find and negotiate for a better location, but why not do that? If CenterPoint employees and City Council Members were asked if they would like a substation built next to their homes, the answer would be a unanimous no. Some of the residents of the neighborhood really don't think any of the resident comments are going to make a difference. Ms. Nordan asked that CenterPoint look for some other location.

2. NEW BUSINESS

2.1 Consider and take all appropriate action on the minutes of the January 11, 2023 ESMI Committee Meeting No. 2. *Robin Lenio, City Secretary*

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Machol to approve the minutes of the January 11, 2023 ESMI Committee Meeting No. 2.

MOTION CARRIED BY UNANIMOUS CONSENT

2.2 Discuss, consider, and take all appropriate action on attached mitigation efforts by CenterPoint Energy for report to Seabrook City Council. *ESMI Committee*

Carlton Porter, CenterPoint Service Area Manager for Seabrook and surrounding areas, stated that CenterPoint appreciates being here tonight. Unfortunately, at the last meeting there was some misunderstanding about the format of the meeting, but CenterPoint is here tonight to answer questions provided by the Ad Hoc Committee about the construction of the Seabrook substation, and CenterPoint remains committed to answering questions from the committee in the agreed upon format.

Chair Shannahan asked the following questions, with answers by Centerpoint:

In the interest of mitigation, what were the overwhelming factors or considerations that led to the substation being placed inside a fully developed residential neighborhood?

CenterPoint Energy has determined that the Seabrook substation is needed to provide safe, resilient, and reliable electricity to customers in the City of Seabrook and surrounding areas. Among the benefits the Seabrook substation would provide to customers, are additional connection with other substations in the region, thus improving resiliency; additional capabilities, to facilitate faster service restoration; and shorter circuit links that will reduce the number of customers that will be at risk for service interruptions caused by weather events, vegetation contact, wildlife, and vehicle collisions. Factors that were considered as part of the selection include the site being selected adjacent to existing power lines required; size and layout of alternative tracks; wetlands and environmental issues and concerns; subservice obstructions at alternative sites; and overall impact to rate payers.

Mayor Pro Tem Hammann stated that there have been a number of comments regarding the authority of CenterPoint to build the substation at this location. Tonight it was mentioned an attorney in Austin contacted the City Manager. Before the committee, City, and CenterPoint goes forward with mitigation, that issue needs to be resolved. If this location is where the substation will be built, the question of alternative location(s) needs to put to rest and the issue regarding zoning regulation needs to be addressed before the committee proceeds. Mr. Shannahan explained that there is confusion about whether the PUC has any authority, what the City can regulate, and whether CenterPoint can self regulate. Mr. Porter asked Mr. Shannahan to write down the question about the confusion, and submit it to the City Manager, so that Mr. Porter can take it back to subject matter experts at CenterPoint.

Mr. Porter was asked about alternative location availability, and he answered that CenterPoint looked at alternate locations and determined that there were none that were feasible for this project.

Mr. Porter was told that committee members spoke with Harris County about the property that CenterPoint had looked at that is owned by Harris County and members were told that CenterPoint narrowed down the land size requirements to such a small track that Harris County had nothing to offer for building the substation. Mr. Porter asked that this question be submitted for subject matter experts. Mr. Shannahan stated that Harris County did express optimism that they could enter into some sort of agreement with CenterPoint for a land swap or purchase for location for this substation. In addition, another question to subject matter experts is why land

on the east side of SH146, that is in large part industrial and undeveloped, was never considered for this project.

What is the statutory process for constructing a substation and will a Certificate of Convenience and necessity (CCN) be issued?

A CCN is not required for the construction of a substation. The substations on the CenterPoint website are associated with transmission line extensions that will travel long distances to get to those substations, and involve people who have property rights impacted in regards to construction of transmission lines, not substations. CCN's are to communicate the potential of a transmission line, not a substation. For any type of permissions that CenterPoint has to acquire before building the substation, Mr. Porter asked that the question be submitted to subject matter experts. Mr. Porter answered a question about how this particular location was chosen, stating that the property has been owned by CenterPoint since 1960 for the sole purpose of building a substation, and asked Mr. Shannahan to submit this question to subject matter experts as well.

Residents would like to see a landing page on the CenterPoint website for public communications on this Seabrook project, including, but not limited to the mitigation efforts.

CenterPoint is willing to continue to communicate with the chair of this committee and City administration in this format, and at this time the website page is under consideration.

What will the height of the communications tower be? The communications tower will be 60 feet tall, and there will not be any kind of lighting attached to the tower, including for aviation warning purposes. The communication system will not have impact on radio, television, or satellite systems.

Can the decorative wall be stained or painted, possibly by a third party?

What are the style options for the decorative wall (wave design, etc.)?

What are the engineering specifications (wind loads) for the decorative wall?

The City Manager has copies of a masonry style wall, an imprinted wall, to be installed. It will be a 14foot wall, in order to minimize the amount of equipment seen by the neighborhood and to mitigate noise. The wall will not be stained or painted for perpetual maintainability. It is a decorative concrete wall. This wall will be installed the length of Loganberry Circle and along the northern curve of the property and back to where Mr. Shannahan and CenterPoint share a common property line. To install along the south there would need to be additional trees removed and at one of the committee meetings there was concern expressed about removing trees, so the wall will not be constructed along the south. The experts have been asked to overlay the tree survey over the property site plan. Subject matter experts will have to answer questions regarding mold and working with the property owner on the south regarding the decorative wall. CenterPoint energy is committed to maintaining all of its facilities. The Ashlar panels are six (6) inches thick. The engineering specifications regarding the wall will be constructed to the requirements under the National Electric Safety Code. It is being designed for wind loading of 150 miles per hour.

Will CenterPoint be planting trees to replace those that were removed during construction of the swell? CenterPoint Energy will make a good faith effort to re-vegetate where reasonably practical. Quantity and location of trees and/or shrubs will be determined pending final design and construction. Vegetation irrigation will not be installed and CenterPoint is not responsible for vegetation outside of CenterPoint's property. Waiting until the design and construction are completed, will enable CenterPoint to work with the community to determine where best to replace some of what was removed. Trees and shrubs will be planted, but size, type, location will need to be determined. CenterPoint is committed to re-vegetating some of the area, where practical. Factors that will go into the decision on location, size, and species will be final design, the elements on the site, and the ability to maintain the site. Mr. Porter asked that a question regarding recessing the wall in order to replant along the property line, as needed, be placed on the list for subject matter experts.

Will CenterPoint provide mosquito mitigation for the detention pond?

What will the depth of the detention pond be?

Will CenterPoint mow around the detention pond?

Centerpoint will comply with the City's design standards manual for storm water detention wet ponds, including an aeration system and stocking of fish, to control mosquito larvae. The fish and aeration unit will be maintained by CenterPoint or a contractor. The actual depth is yet to be determined pending final design approval. Based upon quarterly inspection findings, work orders will be issued for mowing of overall site, including detention systems. In the original design, the detention pond was moved to the north because there were concerns about the number of trees removed at the northern end of the property. CenterPoint was able to reduce the pond's footprint, and in order to reduce, a fish pond will be installed to accommodate not having to remove as many trees at the north end of the property. This is the first time CenterPoint has installed a fish pond. The intent is to maintain a wet bottom pond and follow the requirements set forth by the City of Seabrook. Mr. Shannahan looked at the drainage plans, and about 90% of the trees were cut out, which does not leave a lot of trees. Mr. Porter asked that this be added to the list for the subject matter experts.

Committee Member, Jose Cervantes, left the table at 7:00pm to sit in the audience with other Red Oak Acres Subdivision residents.

What mitigation will be put into place for the detention outfall and contaminants, for any kind of spill? CenterPoint will comply with any stormwater permitting required by the City. Sean Landis, Deputy City Manager, said that the City will look at CenterPoint's design and verify compliance. Mr. Porter asked that the question of CenterPoint's liability and risk acceptance if the substation causes flooding be submitted to subject matter experts. Mr. Porter asked that the request by residents for a copy of the drainage plans be submitted to subject matter experts.

What are the flood mitigation and construction requirements related to FEMA and City Code? Will a flood elevation certificate be required? CenterPoint builds new and upgraded substation facilities using: 100 year and 500 year FEMA, County, and City floodplain maps;

National Oceanic and Atmospheric Administration category 5 storm surge maps; historically experienced flood conditions; and contracted flood and storm surge studies.

For fire and safety concerns, will there be training and/or oversight by CenterPoint related to incident command, response, control, and clean up? CenterPoint maintains a company-wide oil spill response program and implements site specific spill prevention and counter measure plans. In regards to how Seabrook's fire department responds to a specific incident, CenterPoint cannot answer that question. To a question regarding terroristic threat preventive and response measures for substations, Mr. Porter asked that the question be submitted to subject matter experts. No fire suppression systems included with the substation construction, but the substation transformers are sophisticated equipment with sophisticated sensors that are monitored 24 hours per day for oil temperature and oil level. There are people that are positioned around the service area to respond to the site, if there is an issue. The monitoring system will notify people immediately.

Will less flammable transformer material be used (i.e. mineral oil)? CenterPoint's transformers are equipped with mineral oil.

Will CenterPoint provide a copy of the Environmental Assessment for the site, including any clearances from U.S. Fish and Wildlife Services or State Historic Preservation Office? CenterPoint commissioned a consultant to conduct an environmental study of the site, addressing ecological and cultural concerns. Consultant indicated that no coordination with Texas Historical Commission or the U.S. Fish and Wildlife Services is needed. Question about CenterPoint's statement that the site must be usable and that the soil must be sufficient to support the structure and contain no environmental contaminants or wetlands will be submitted to subject matter experts.

What light mitigation efforts are being discussed with neighboring industry partners?

What types of lighting will be installed on the site (LED and dimmable)?

What angles will lighting be installed with for projections out of yards and/or shields?

What will the intensity of the lighting be?

In regards to Geon, CenterPoint has toured the plant with the Geon leadership to evaluate possible alternatives or adjustments to lighting and that discussion is ongoing with Geon. CenterPoint will evaluate any potential lighting impacts and is still committed to doing so. CenterPoint will work with Geon to the extent that CenterPoint can work with them. CenterPoint continues open discussions with Geon and has evaluated the various types of lighting at their facility and identified what types of lighting to be the major contributors to light trespass, light pollution, and intrusive light. CenterPoint is trying to make a plan with a lighting consultant along with Geon to evaluate what those alternatives might be. The substation will have low pressure sodium, which is very similar to orange street lights that provide soft yellow light. Lights will be 10 feet above the ground, with illuminaries pointed away from Loganberry Circle and the community. The intensity will be 250 watt. Subject matter experts will have to answer if the lights installed at 10 feet above ground will actually be four (4) feet below the decorative 14 foot wall. CenterPoint will also want to install lighting that will identify people if

they are not supposed to be on the substation facility. The plan is to do a lighting measurement prior to any construction on the site, and then after the construction is completed, with the minimum number of trees necessary to be removed, perform another lighting measure and compare the two. Mr. Shannahan commented that the trees are now assisting with mitigation of light from Geon, and there's a bit of a disconnect by CenterPoint's planning personnel and they are underestimating how much light is coming from Geon and how much is being filtered by the trees. It is a big concern for the neighborhood that the removal of the trees will result in a substantial amount of light pollution to the neighborhood.

What mitigation will CenterPoint provide for loss of property values? There are many variables that account for property value increases and decreases over time. Influences on property values include overall economy, interest rates, local development impacts, and specific improvements or decline of individual properties. In similar situations where substations have been constructed adjacent to residential property, a decrease in residential values has not been noted. Committee members would like to see the studies that CenterPoint is relying on for stating that decrease in property values has not been noted. Subject matter experts will need to address the concern regarding mitigation for loss of property values. Committee members noted that this question was asked at a previous committee meeting and at a much earlier community meeting, and yet, there is still no answer. Committee members are not confident that questions will be answered. Committee members gave several examples of how property values declined in neighborhoods near substations and other devices like radio towers.

What options are available for construction of a low profile substation (Low Profile v Standard)?

What equipment will be seen above the decorative wall?

Will the equipment constructed be designed for urban areas?

CenterPoint's standard design are low profile substations. To minimize visual impact to residential customers, CenterPoint will build a 14 foot decorative concrete wall so that only portions of the equipment will be seen above the wall. The current design is for equipment built as low as possible. Subject matter experts will need to look at whether a copy of plans can be submitted to residents. The Critical Infrastructure Act determines what can be provided as a visual representation. The communication tower will be the tallest thing on the property, other than the transmission lines that are there today.

Will Electrical Magnetic Field (EMF) deflecting components be used in the construction?

CenterPoint designs substation facilities based on industry standards required by the National Electric Safety Code and the Institute of Electrical and Electronic Engineers for inland and coastal areas. Further information about EMF can be found at the website: centerpointenergy.com/emf. There is not any insulation to deflect the transmission of EMF to the neighborhood. Committee Vice Chair, Angela Cervantes, stated that she would like CenterPoint Energy to acknowledge and accept the negligence and risk associated with EMF's, in the case that a child in the neighborhood gets cancer. Many people choose to accept the risk when they move into an area with a substation, but this risk is being imposed upon the residents of Red Oak Acres subdivision, and not chosen.

Will the secondary gate be moved from Loganberry Circle to the north wall? Loganberry Circle access gate has been removed from the overall design.

Will construction site access be such that there is limited or restricted use of neighborhood roadways? During construction of the project and perpetual maintenance, access will be through the transmission corridor, CenterPoint's easement, and not through the neighborhood.

Will additional mitigation be installed for noise, including planting vegetation? CenterPoint energy substation transformers are designed at sound levels that are six decibels below the National Electric Manufacturer's Association TR-1 industry standard. The site is oriented such that the transformers are located as far east as possible. The distance from the property line and the 14 ft will also mitigate substation noise. Subject matter experts will need to answer the question about whether CenterPoint has any remediation measures in case the noise is still polluting the neighborhood at the industry standard decibel level. CenterPoint has not had conversations with Geon regarding noise. Subject matter experts will need to be included for question starting conversation with Geon regarding noise.

What is the substation construction timeline, including the removal of trees, dredging of detention pond, light installations, component acquisition(s), and other misc project items? Tentative construction schedule will start as early as summer 2023 with estimated completion date fall 2024. Timeline can vary depending on availability of material, weather, and other conditions that impact similar constructions. Mr. Porter could not answer the question regarding whether materials have already been purchased for the project, if the materials are in stock. Mr. Porter asked Mr. Shannahan to add the request for a timeline to be provided to residents to the list for subject matter experts. There are sensitivities within the company to that impact of construction on the neighborhood; therefore, the timing of the construction of the wall is being discussed.

What is the plan or vision for the future use of the property? CenterPoint's plan for this particular parcel of land is for constructing a substation, only one (1) substation will fit on the property. This is the long term plan. CenterPoint will continue to own the property, so long as it is used and useful for the long term plan.

3.4 Discuss and take all appropriate action to establish an agenda for the next meeting and all future meetings. *Robin Lenio, City Secretary*

Committee Members agreed that the next meeting will be held on Monday, February 20, at 6:00pm at the Public Works Training Facility, 1100 Red Bluff Road, Seabrook. Committee Members will discuss additional questions, comments, concerns regarding mitigation efforts, to be sent to CenterPoint for full response. CenterPoint will not be present at the meeting on February 20, to give Committee members an opportunity to discuss and determine a complete list of questions and concerns for response.

Upon motion duly made and seconded, Chair Shannahan adjourned the meeting at 8:22pm.

Approved this 20th day of February, 2023.

Adam Shannahan

Adam Shannahan
Chair

Robin Lenio

Robin Lenio, TRMC
City Secretary

