

The City Council of the City of Seabrook met in regular session on Tuesday, February 21, 2023 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

JACKIE RASCO

ROB HEFNER

TOM TOLLETT

MICHAEL GIANGROSSO

BUDDY HAMMANN

JOE MACHOL

GAYLE COOK

SEAN LANDIS

OLSON & OLSON

ROBIN LENIO

MAYOR

COUNCIL PLACE NO. 1

COUNCIL PLACE NO. 2

COUNCIL PLACE NO. 3

COUNCIL PLACE NO. 4

MAYOR PRO TEM

COUNCIL PLACE NO. 5

COUNCIL PLACE NO. 6

CITY MANAGER

DEPUTY CITY MANAGER

INTERIM CITY ATTORNEY

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 of Lifesaving Awards to recognize the following emergency responders for taking actions which resulted in the saving of a life: Dispatcher Deborah Dauster; SVFD Members Gio Lucario, Dom Del Rosso, and Nick Wilson; and Seabrook Paramedics Robert Turner and Austin Wood. *Kevin Rodgers, Fire Marshal*

Kevin Rodgers, Fire Marshall, presented the Lifesaving Awards to Emergency Responders for their actions taken during a call out on a possible heart attack. In addition to presenting the awards to personnel, Mr. Rodgers presented an award to the patient's wife, who started CPR on her husband and played a critical role in saving his life.

6. CLOSED EXECUTIVE SESSION – BY CONSENSUS CITY COUNCIL AGREED TO MOVE THE EXECUTIVE SESSION ITEMS UP IN THE AGENDA

6.1 Section 551.071

Conduct a closed executive session to consult with attorney on legal issues associated with CenterPoint Substation. *Gayle Cook, City Manager*

6.2 Section 551.074

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

At 6:22 p.m. Mayor Kolupski announced that the City Council will now hold closed executive meetings 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, Consultation with Attorney and 551.074, Personnel Matters.

7. OPEN SESSION

Council will reconvene in Open Session to allow for possible action on any of the agenda items listed above under "Closed Executive Session".

At 8:03 p.m. Mayor Kolupski reconvened the meeting in open session and stated that items 6.1 and 6.2 had been discussed, but that no action had been taken in executive sessions.

1.2 Presentation of the Open Space and Trails Committee Quarterly Report. Monica Comeaux, Open Space Chair

This item was not presented and will be moved to a future agenda.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS

Angela Cervantes, 2534 Loganberry Circle, stated that she is as tired of speaking on this topic as Council probably is of listening to her speak, but Red Oak Acres residents have too much to lose to just go away. Residents understand what they are up against, but truly feel they are we are up against two enemies: the obvious (CenterPoint) and the City of Seabrook. Residents understand that Councilmembers are volunteers, and each member has a reason for being on City Council and a life outside of the duties of the Council. Some Councilmembers have spent countless hours working with Red Oak Acres residents and working behind the scenes to help the residents in the neighborhood get leverage. The collective frustration is with the City of Seabrook itself. Residents learned of the original plans submitted to the City in July of 2021. Residents met with the City. Residents were told that the construction of the electrical substation was not a sure thing, so residents trusted that the City was looking out for its constituents. Then residents learned of new, more devastating plans quietly submitted to the City in March of 2022. You, the City Council, learned of this from us, the residents. Despite our previous and warranted concerns, why were these decisions being made behind closed doors? Residents pleaded with Seabrook to reach out to legal counsel for months. I've sat in enough of the City Council meetings to know that Seabrook is not shy in reaching out to outside specialists. Finally, after enough pleadings, residents received feedback regarding two questions. Neither of which painted the full picture regarding the gravity of this location. Imagine residents recent shock and frustration when learning that the consultant attorney was unaware that the proposed parcel is zoned residential. Imagine the further shock and frustration when PUC replied to residents that this parcel is not zoned residential. For the record, this parcel is zoned residential. It has always been zoned residential, and according to the record, an easement was granted in the 1980's for access to the pipeline that is 20 feet from the proposed substation. Residents learned last night that Seabrook still has not reached out to the Public Utility Commission, and further repeated the mantra that they do not want to make CenterPoint angry and walk away without mitigation, saying, "Residents have been told by the City that this could happen". This has not been proven as fact. The question was never asked,

90 and based on the franchise agreement and legal case studies on record, this cannot happen. I guess
91 residents will finally get clarity this evening and learn if City Council was given accurate
92 information. The Red Oak Acres residents did not choose this drama. Red Oak residents are not
93 troublemakers, but clearly this is a battle we are fighting, not just for Loganberry Circle, but for
94 the future of Seabrook.

95
96 Jose Cervantes, 2534 Loganberry Circle, I'm here because of the CenterPoint substation.
97 Recently Seabrook has had several negative stories about it on TV and on Facebook. People have
98 noticed. Residents don't want to bring negative attention to Seabrook. WE are just trying to save
99 our neighborhood. Clearly we are not stopping until the neighborhood, but I just want to bring
100 attention that people are noticing on Facebook and Fox 26 news had a story. Residents didn't want
101 to bring the news into it and make everything so negative about what's going on. We are trying to
102 stop the substation and have it move somewhere else.

103
104 Brian Ward, 618 Baywood Drive, stated that he would like to add voice his vote in favor
105 of the additional amendment to the Seabrook parking ordinances that would make a no parking
106 zone out of the north side of Baywood drive, from Todville down to the creek. Baywood has a
107 new development, Baywood Place, and there have been repeated instances of visitors and
108 contractors parking on the entrance lot on the north side of Baywood. The entrance lot has been
109 there for over 50 years, it has been maintained it at the HOA's expense. Unfortunately, the edges
110 of that entrance lot are deteriorating because people park way off the road on occasion, on that lot,
111 and it's not known if the soil will be able to handle that kind of load. Residents asked the City if
112 there was anything that could be done about people parking on that entrance lot, and the City
113 Engineer suggested making it a no parking zone. I want to thank Council for taking action to
114 consider the no parking on Baywood.

115
116 Victor Butler, 1413 Brookwood Court, explained that he has been a Seabrook resident for
117 15 years and he enjoys living in a coastal community and the lifestyle, which includes coastal
118 fishing. He explained that he's been fishing at the Seabrook flats for 10 years now, and has parked
119 on the end of E. Meyer several years. This ordinance will allow my car to be towed and allow a
120 fine of \$200 to be assessed against me for an activity that is the reason I live in Seabrook. I have
121 a great relationship with the homeowners on E. Meyer, and they admit that they enjoy seeing me
122 fish and seeing folks enjoying the water. As a tax payer and a naturalist, I would be disappointed
123 to come back from fishing and see my car towed. I can't help but think that this ordinance has
124 been presented by some wealthy land owners who do not want people parking there. With the
125 closure of Pine Gully Pier, it is difficult for working class people to access the water, and then to
126 have my car towed on top of that is disappointing. I have never blocked a driveway, never drank
127 beer, never littered. I'm a huge advocate of Seabrook and it's splendors. It's a dead end street.
128 One of the landowners has used his own money to spread gravel so that people that fish can park
129 there. I would like to trust that my car is safe. I regularly pick up garbage and tell people that they
130 can't park on the private property and that they can't picnic there. It was disappointing to read this
131 ordinance and I understand that there needs to be parking laws. If the ordinance passes, so be it,
132 I'm not bitter. I will grab my thermos and my lunch box and have my wife drop me off to fish;
133 however, I may not be as responsive to land owners who request that I not fish in front of their
134 property. I've tried to have good communications with the property owners.

Bryan Sawyer, 502 E. Meyer, where the street dead ends at the Bay. The ordinance for the no parking zone on E. Meyer is on the agenda for the 2nd reading tonight. I have previously communicated to Council by email. Don't make the street end a no parking zone. The preamble of this ordinance relates to hazardous and nuisances which negatively impact the health safety and well-being of residents. I've lived in Seabrook on E. Meyer for more than 10 years, with no issue related to health, safety, or nuisances with people parking. The only driveway on the street is the one I share with my neighbor to the north, and it has never been blocked. My access to my property has never been limited. There has never been a time when emergency vehicles could not get through. The people parking to fish are our friends, and many are Seabrook residents and visitors that come to our community and take pictures. They park and then they leave. I recently requested copies of any police reports on all parking and trespassing at my residence. There are no documented nuisances. The only report was when I turned in a lost driver's license. There is almost no trash and over the years very few people have walked out onto our property. My neighbors to the west have not had any issues with people parking on the street. What is the ordinance about and why is council passing it. We don't understand and we don't support it. Please explain to me why this is on the agenda. Why didn't you talk to the people who live on E. Meyer? Let's be welcoming and inclusive, not exclusive.

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

Councilmember Rob Hefner announced several upcoming events, including:
Brown Academy of Sports Fitness Day – March 4 - 9am-12pm - Friendship Park
State of the City Address – March 8 - 11:30am-1:30pm – Lakewood Yacht Club
Seabrook Lucky Trails—March 17-19 -- All Day - Meador Park
29th Annual Trash Bash —March 25-- All Day—TBD
Jamie Bergeron Concert - March 25 – 12pm – 10pm – Barge 295 Special Event

3. CONSENT AGENDA

3.1 PULLED

3.2 Approve the Quarterly Investment Reports for 3rd and 4th quarters FY2021-2022, as required by the Public Funds Investment Act (PFIA). *Michael Gibbs, Director of Finance*

3.3 Approve the Quarterly Investment Report for 1st quarter FY2022-2023, as required by the Public Funds Investment Act (PFIA). *Michael Gibbs, Director of Finance*

3.4 Approve the minutes of the January 31, 2023 Regular City Council Meeting. *Robin Lenio, City Secretary*

3.5 Approve the minutes of the February 10, 2023 Special City Council Workshop Meeting. *Robin Lenio, City Secretary*

Motion was made by Councilmember Machol and seconded by Mayor Pro Tem Hammann to approve the Consent Agenda, excluding item 3.1.

MOTION CARRIED BY UNANIMOUS CONSENT

3.1 Approve on second reading Ordinance 2023-02, "Amending Section 90-80 of the Code of Ordinances of the City of Seabrook to add additional streets (E. Meyer and Baywood) as no parking zones. *Brian Craig, City Engineer & Assistant Public Works Director*

AN ORDINANCE AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS, ENTITLED "TRAFFIC AND VEHICLES," ARTICLE III, "STOPPING, STANDING, AND PARKING," DIVISION 1, "GENERALLY," SECTION 90-80, "SCHEDULE I: NO PARKING ZONES" PROVIDING UPDATE OF ADDITIONAL STREETS TO THE LIST FOR RESTRICTED PARKING; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE

Motion was made by Councilmember Tollett and seconded by Councilmember Hefner to approve on second reading Ordinance 2023-02, "Amending Section 90-80 of the Code of Ordinances of the City of Seabrook to add additional streets (E. Meyer and Baywood) as no parking zones, with the amendment as shown in the exhibit to modify no parking on E. Meyer from 1000 Block to 400 Block between State Highway 146 and the Bay.

MOTION CARRIED BY UNANIMOUS CONSENT

4. NEW BUSINESS

4.1 Consider and take all appropriate action on Resolution 2023-03, "Submission of Grant Application to the Harris County Precinct 2 Partnership Project". *Gayle Cook, City Manager*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, AUTHORIZING THE SUBMISSION OF A PARTNERSHIP GRANT APPLICATION TO HARRIS COUNTY PRECINCT 2; COMMITMENT OF FUNDING; AND AUTHORIZING THE MAYOR OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Rasco to approve Resolution 2023-03, "Submission of Grant Application to the Harris County Precinct 2 Partnership Project".

MOTION CARRIED BY UNANIMOUS CONSENT

224 **4.2** Consider and take all appropriate action on an Interlocal Agreement between the City of
225 Seabrook and City of League City for Implementation and Operation of the Gulf Region
226 Information and Dispatch (GRID) System and authorize the City Manager to sign and execute the
227 agreement. *Bryan Brand, Acting Chief of Police*
228

229 *Motion was made by Councilmember Hefner and seconded by Councilmember Kolupski to*
230 *approve an Interlocal Agreement between the City of Seabrook and City of League City for*
231 *Implementation and Operation of the Gulf Region Information and Dispatch (GRID) System and*
232 *authorize the City Manager to sign and execute the agreement.*
233

234 *MOTION CARRIED BY UNANIMOUS CONSENT*
235

236 **4.3** Consider and take all appropriate action on recommendation for 2023 expenditures from the
237 Public Safety Fund in the amount of \$95,820.00. *Kevin Rodgers, Fire Marshal*
238

239 *Motion was made by Councilmember Rasco and seconded by Councilmember Machol to approve*
240 *2023 expenditures from the Public Safety Fund in the amount of \$95,820.00.*
241

242 *MOTION CARRIED BY UNANIMOUS CONSENT*
243

244 **4.4** Consider and take all appropriate action on an Extension Agreement to the 2007 Industrial
245 District Agreement between the City of Seabrook and the Port of Houston Authority for a period
246 of ninety (90) days, extending the expiration date to May 22, 2023. *Gayle Cook, City Manager*
247

248 *Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Giangrosso to*
249 *approve an Extension Agreement to the 2007 Industrial District Agreement between the City of*
250 *Seabrook and the Port of Houston Authority for a period of ninety (90) days, extending the*
251 *expiration date to May 22, 2023.*
252

253 *MOTION CARRIED BY UNANIMOUS CONSENT*
254

255 **4.5** Consider and take all appropriate action on distribution of Celebration Seabrook
256 proceeds. *LeaAnn Petersen, Director of Public Affairs*
257

258 *Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Machol to*
259 *distribute the Celebration Seabrook equally amongst the HOT fund, the Seabrook Animal Shelter,*
260 *the Seabrook Share Your Christmas organization, and the Bay Area Veterans Memorial.*
261

262 *MOTION CARRIED BY UNANIMOUS CONSENT*
263

264 **5. ROUTINE BUSINESS** 265

266 **5.1** City Manager update and report to City Council on various items that require no action,
267 including Recap for Seabrook Boards and Commissions, SH 146 Expansion Projects, Red Bluff
268 Expansion Project, Port of Houston Rail Spur, Gulf Coast Protection District, Public Meeting

Livestreaming Project, City of Seabrook CIP Projects, and any City of Seabrook Grant Administration. *Gayle Cook, City Manager*

Gayle Cook, City Manager, stated that there are two lanes now opening, going both directions, on the Red Bluff Expansion project. The Planning & Zoning Commission met on March 16 to consider a replat in front of Miramar shopping center and it passed. The PZ Commission is also continuing to discuss recommendations in line with the newly updated Comprehensive Master Plan. There are two public hearings upcoming: one for the boutique hotel at the end of Nasa and one for consideration of CBD sales in the C-2 medium commercial zoning district. The Open Space and Trails Committee met on February 2 and held discussions on work around the casita and ongoing improvements to Carothers Coastal Gardens. The Open Space Committee also discussed adding alternate positions to the board, per Council's request, and the vote was favorable for adding alternate positions. Finally, the Open Space Committee has been looking for grant opportunities for the committee. Good strides are being made with the SH146 Expansion Project. TxDOT trying to get the main lanes up and going to get some congestion off of the feeder roads for a first quarter opening. TxDOT has also confirmed that there is a consultant continuing to work on a boat ramp for Seabrook and neighboring community. TxDOT is planning a meeting to discuss the boat ramp in sometime in first quarter of 2023. The sidewalk project for E. Meyer is close to start and there will be disruptions to traffic and movement in that area once it starts, so we will keep it on this update list. Public Works Director and City Engineer have done a really good job of getting integrated into a system that allows them to see day-to-day activities on that project. Staff received the bid specifications for Pine Gully Pier and are reviewing and prepping to publish to bidders. The City has \$500,000 committed from Harris County for the project and staff has estimates of total cost ranging from \$1.8 million to \$2.5 million with different alternates. The plan is to go out for bid to see if the estimates hold true. The construction of the Waste Water Treatment Plant is one time and on budget, with about 65% completed.

5.2 Update on 2023 State Legislative Session. *Gayle Cook, City Manager*

Ms. Cook stated that Texas Municipal League's Friday updates are a great resource for keeping up with the 2023 Legislative Session. Staff is watching HB 2127 and SB 814 closely because those bills, if passed, will further preempt local municipal authority on items such as overgrown lots, raising of animals, injuries at special events, door to door sales, uncontrolled burns, and heavy trucks. Bills have been filed that will change the statutory purchasing requirements for sole source vendors and for raising the trigger to \$100,000 for bids or cooperative purchasing. There is a bill filed to raise the homestead exemption to \$70,000. The local mayors' group is watching a few bills to ensure that a city employee cannot make more than the Governor of Texas and one that will preempt a city's authority to regulate livestock, mostly chickens. There is one local state representative who has filed over 240 bills. State Rep Dennis Paul has filed a number of favorable bills that staff will watch.

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

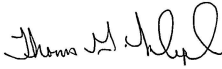
City Council will be conducting a Joint Public Hearing with the Planning & Zoning Commission on Tuesday, March 7, at 5:00pm in City Council Chamber.

The next regular City Council meeting will occur on Tuesday, March 7, at 6:00pm in City Council Chamber.

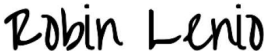
A special meeting will be held on Tuesday, March 21, at 5:30pm at the Marcy Fryday Pelican Path to review the completed Eagle Scout Pelican Restoration Project, followed by a regular City Council meeting at 6:00pm in Council Chamber.

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:31pm.

Approved this 21st day of March 2023.



Thomas G. Kolupski
Mayor



Robin Lenio, TRMC
City Secretary

