

The City Council of the City of Seabrook met in regular session on Tuesday, March 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	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
SEAN LANDIS	DEPUTY CITY MANAGER
DAVID OLSON	INTERIM CITY ATTORNEY
ROBIN LENIO	CITY SECRETARY

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

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

The following Baywood Drive residents stated that are opposed to having a no parking zone on Baywood Drive and explained that they use the street for extra parking when having family and friends visit. All expressed that there has not been a need for a no parking zone:

Ann Minder	727 Baywood Drive
Edye Leppard	705 Baywood Drive
Michael Murphy	606 Baywood Drive
Tim Leppard	701 Baywood Drive
Bill Parenti	534 Baywood Drive

Terri Sones, 529 Baywood Drive, stated that the current street parking is a safety concern because a small lane is created whereby two cars cannot pass each other going opposite directions. A no parking zone is needed. Children and pets may not be seen by drivers trying to pass between the cars parked on each side of the road. The street wasn't well thought out from the beginning and is too narrow. The no parking zone should stand.

Dianna Young, 2301 Lord Nelson Drive, stated that the pool lounge chairs at the City pool have been gone since COVID and she would like to know if it would be possible for the City to purchase new pool furniture.

1.1 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:

29th Annual Trash Bash — March 25th at Bay Elementary.

Easter Egg Excursion — April 1st — 10:00am — 12:00pm — Meador Park

City Offices Closed for Good Friday — Friday, April 7, 2023

Keels & Wheels — May 5-6 — Lakewood Yacht Club

2. ***SPECIFIC PUBLIC HEARING***

2.1 Conduct a public hearing on a request for a Conditional Use Permit to establish a "Music Venue" at 2623 Nasa Rd. 1, as per the Seabrook City Code, Appendix A, Comprehensive Zoning, Article 4, "Special Use Regulations," Section 4.11, "Conditional use permit criteria and procedures." *Sean Landis, Deputy City Manager*

Mayor Kolupski opened the Public Hearing at 6:18pm.

The following persons spoke in favor of issuance of a CUP to establish at Music Venue at 2623 Nasa Rd. 1:

Chris Swanson, League City

Rick King, Nassau Bay

James Gordon, Seabrook

Jamie Applebe, Nassau Bay

Todd Stanszewski, El Lago

Rick Galyean, League City

Tammy Kaser, Houston

Matt Catherwood, Seabrook

Shawn Haug, Seabrook

Matthew Seinbenlist, Seabrook

Jacquelyn Pane, Seabrook

Andrea Wilson, Houston

Denise Patterson, Kemah

Barbara Marks, Webster

Josh Perrella, Seabrook

Amy Perrella, Seabrook

Jordan, Seabrook

Those speaking in favor of the CUP for a music venue stated that the venue was following the noise ordinance and stopping music at 10:00pm; that there was no other venue of its kind with the top performers in the area; that the owners of the business have given back to the community in various and substantial ways; that people in the area do not want to drive to the Woodlands for live music entertainment; that the venue is family friends and children are welcome; that the City

of Seabrook has always been a huge supporter of live music; that government usually supports small business; that a music venue will have positive financial impacts on the city and the community; that the future of Seabrook and what the Council and residents want it to be is part of this decision; that a lot has been lost due to the SH146 Expansion Project and it is time to re-build Seabrook; that owners have cleaned up the property and made improvements to it; that this music venue will benefit everyone; that a smart and effective compromise on this issue will be beneficial to the community; that the venue is safe and there are solutions to the sound/noise issue; that when the venue was asked previously to turn the noise down, the volume was reduced; that living on a lake is not the same as living near a library and the people who want to have the music venue have rights as well; that the performers control their language when children are present; that the City should not shut down a business that wants to invest in the community – this will scare new businesses coming to Seabrook; that everyone pays taxes in the community, and Seabrook is a live music destination; and that the City should work with the neighbors and the business to make this music venue happen.

The following persons spoke against the issuance of a CUP to establish at Music Venue at 2623 Nasa Rd. 1:

Eileen Daniels, Seabrook

Tom Taylor, Seabrook (Mr. Taylor also tendered a petition signed by 40 members of the community who are also in opposition of the issuance of the CUP)

Tom Langston, Seabrook

Andy Billipp, Seabrook

Minor Peeples, Seabrook

Robert Laney, Seabrook

Teresa Hogrefe, Seabrook

Elysa McNally, Seabrook

Ken Hogrefe, Seabrook

Dawn Davis, Seabrook

Ann Selcer, El Lago

Chris Smith, Seabrook

Tim Williams, Seabrook

John McCollum, Seabrook

Sue Harral, Seabrook

Those speaking against the CUP stated that windows in their homes rattle when there is a performance at the location; that the live music invades their personal space; that the music is so loud that the TV has to be turned up to hear the TV; that the loud music is unwelcome; that people have a right to enjoy their own property; that the history doesn't favor the applicants, since the City had to take them to court to get the noise level down; that there have been over 100 noise complaints against this venue; that the noise is intolerable; that the venue is not respecting the neighbors; that there is a concern with the single point of entry and egress at the venue; there is not enough parking at the venue, so participants will start parking in the surrounding neighborhoods and walking across the street; that the venue is disregarding the law, the noise ordinance; that there has to be some noise mitigation for those that have also invested in the

community; that that the performers use indecent language; that people who park in the neighborhoods to attend concerts at this venue have urinated in people's front yards; that pedestrians are running across the street in the dark; if the venue owners had worked with the neighbors in the first place, there would not be a need for the CUP; that right now the noise is tolerable, but if the CUP is granted, than the venue will go back to its old ways with intolerable noise and offensive language; that the owners of the venue are already setting the pace by not providing solutions; that people can't have a conversation in their yards because of the loud music; that people are getting migraine headaches as a result of the noise; the owners have proven in the past that they will not comply with regulations; that the loud music is nerve wracking; that the people who pay taxes have a right to peace and quiet; that residents don't want to hear and feel the music/noise in their bedrooms at night; that this CUP requires a pretty complex plan for noise mitigation, parking, pedestrians, which hasn't been provided; that concerts 7 days per week will not work; that a certain quality of life in your own home is expected; that some residents have a different opinion about what Seabrook should look like in the future and the vulgar language is against our value system; that residents pay a lot of taxes and need assurances that a CUP for music venue will not be a problem.

Mayor Kolupski closed the Public Hearing at 7:54pm.

3. CONSENT AGENDA

3.1 Approve on second reading proposed Ordinance 2023-04, "Seabrook Plaza (PUD) "Planned Unit Development." *Sean Landis, Deputy City Manager*

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING THREE TRACTS OF LAND, APPROXIMATELY 11.096 ACRES SITUATED IN ABSTRACT 52, OF THE RITSON MORRIS SURVEY, IN SEABROOK, HARRIS COUNTY, TEXAS, GENERALLY LOCATED NORTH OF CLEAR LAKE, SOUTH OF NASA ROAD ONE AND WEST OF ELAM STREET, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A", FROM (WAD) "WATERFRONT ACTIVITY DISTRICT", TO (PUD) "PLANNED UNIT DEVELOPMENT", FOR A MIXED USE DEVELOPMENT CONSISTING OF A BOUTIQUE HOTEL, EXTENDED STAY HOTEL, CONFERENCE CENTER AND BALLROOM, APPROXIMATELY 52,000 SQUARE FEET OF LEASEABLE COMMERCIAL/RETAIL SPACE, APPROXIMATELY 300 UNIT LUXURY MULTI-FAMILY APARTMENT COMPLEX, AND PARKING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY

3.2 Approve the minutes of the January 24, 2023 Regular City Council Meeting. *Robin Lenio, City Secretary*

181 **3.3** Approve the minutes of the February 21, 2023 Regular City Council Meeting. *Robin Lenio,*
182 *City Secretary*

183
184 **3.4** Approve the minutes of the March 7, 2023 Regular City Council Meeting. *Robin Lenio,*
185 *City Secretary*

186
187 *Motion was made by Councilmember Machol and seconded by Mayor Pro Tem Hammann to*
188 *approve the Consent Agenda, as presented.*

189
190 *MOTION CARRIED BY UNANIMOUS CONSENT*

191
192 **4. NEW BUSINESS**

193
194 **4.1** Consider and take all appropriate action on first reading of Ordinance 2023-08, "Issuance of
195 a Conditional Use Permit to Allow for a "Music Venue" at 2623 Nasa Road 1 in the MMU Zoning
196 District. *Sean Landis, Deputy City Manager*

197
198 AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A,
199 COMPREHENSIVE ZONING, ARTICLE 13, "TEMPORARY AND NONTEXT CHANGES,"
200 SECTION 13.03, BY ADDING A NEW PARAGRAPH (29) GRANTING A CONDITIONAL
201 USE PERMIT FOR A "MUSIC VENUE" TO BE LOCATED AT 2623 NASA ROAD 1, WITHIN
202 THE MMU (MARINE ORIENTED MIXED USE) ZONING DISTRICT AND ESTABLISHING
203 ANY APPLICABLE CONDITIONS FOR THE OPERATION OF THE BUSINESS IN
204 ACCORDANCE WITH LAW; PROVIDING A PENALTY IN AN AMOUNT OF NOT TO
205 EXCEED \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION
206 INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
207 INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY
208 AND PROVIDING FOR AN EFFECTIVE DATE.

209
210 The applicant presented request specifics, Council then posed several questions to
211 applicant and had an extensive discussion on the matter.

212
213 *Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Giangrosso to*
214 *deny the Issuance of a Conditional Use Permit to Allow for a "Music Venue" at 2623 Nasa Road*
215 *1 in the MMU Zoning District.*

216
217 *MOTION CARRIED TO DENY BY A 4-3 VOTE WITH MAYOR KOLUPSKI, MAYOR PRO TEM*
218 *HAMMANN, COUNCILMEMBER TOLLETT, AND COUNCILMEMBER GIANGROSSO*
219 *VOTING TO DENY AND COUNCILMEMBERS RASCO, HEFNER, AND MACHOL VOTING*
220 *AGAINST THE DENIAL.*

221
222 **4.2** Consider and take all appropriate action on a six month extension request from WMF
223 Investments "Retail at the Commons" extending the project completion date from May 18, 2023
224 to November 18, 2023, approved by EDC on March 13, 2023. *Paul Chavez, Economic*
225 *Development Director*

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Tollett to approve a six month extension request from WMF Investments "Retail at the Commons" to extend the project completion date from May 18, 2023 to November 18, 2023.

MOTION CARRIED BY UNANIMOUS CONSENT OF FIVE COUNCILMEMBERS PRESENT.
COUNCILMEMBER MACHOL WAS TEMPORARILY ABSENT FROM THE MEETING DURING
THE DISCUSSION AND VOTE ON THIS ITEM

5. OLD BUSINESS

5.1 Discuss, consider, and if necessary take all appropriate action on rescinding the City Council action of February 21, 2023, for the allocation of the proceeds from the Celebration Seabrook 2022 Event of \$12,785.00 in equal portion of \$3,196.00 to Seabrook Animal Shelter, Bay Area Veterans Memorial, Seabrook Share Your Christmas and Hotel Occupancy Reserve. *Buddy Hammann, Mayor Pro Tem*

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Giangrosso to rescind the February 21, 2023 allocation to the Seabrook Animal Shelter, the Bay Area Veterans Memorial, Seabrook Share Your Christmas and Hotel Occupancy Reserve of \$12,785.00 from Celebration Seabrook proceeds. Council will further discuss proceeds and charitable allocations during upcoming preparation of the FY23-24 budget.

MOTION CARRIED BY UNANIMOUS CONSENT

5.2 Discuss, consider, and if necessary take all appropriate action on reconsideration of Baywood Drive as a no parking zone per 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." *Rob Hefner, Council at Large Position 2*

Motion was made by Councilmember Machol and seconded by Councilmember Rasco to direct staff to draft an ordinance for future Council consideration to remove the no parking zone on Baywood Drive.

MOTION CARRIED BY UNANIMOUS CONSENT

5.3 Discuss, consider, and take all appropriate action on Council Chamber Audio/Visual Project and any applicable phases and authorize City Manager to prepare any required agreements for approval, if needed. *LeaAnn Peretsen, Director of Public Affairs*

By unanimous consent, the City Council approved moving forward with installation of infrastructure in Council Chamber by Ford AV to update the audio/visual equipment, in an amount not to exceed \$142,000.00.

6. ROUTINE BUSINESS

6.1 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, Port of

Houston Rail Spur, Gulf Coast Protection District, City of Seabrook CIP Projects, and any City of Seabrook Grant Administration. *Gayle Cook, City Manager*

Gayle Cook, City Manager, gave an update on items that require no action, as shown in Attachment A.

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

Due to the meeting running closer to the 10:00pm hour, Council agreed to move the legislative update to the next City Council meeting.

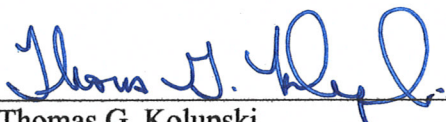
6.3 Establish future meeting dates and agenda items. *City Council*

Council will hold a special City Council meeting on Tuesday, March 28, 2023, at 6:00pm in Council Chamber.

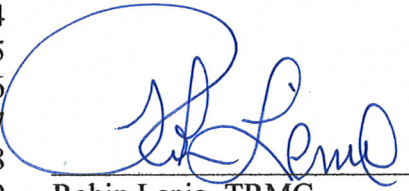
On April 4, 2023, City Council will meet in special meeting at 5:30pm at the Community House to view the completed Eagle Scout Pelican Restoration Project, followed by the regular City Council meeting in Council Chamber at 6:00pm.

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 9:52pm.

Approved this 4th day of April, 2023.



Thomas G. Kolupski
Mayor



Robin Lenio, TRMC
City Secretary



CITY COUNCIL UPDATE

March 21, 2023

Update

RECAP BOARDS AND COMMISSIONS

PLANNING & ZONING

3-16-2023

- Zoning Classification on Sams Drive in Red Oak Acres did not pass
- "CBD Sales" recommended to add to Zoning Matrix C-2, C-3 and LI Districts

PUBLIC NOTICES

- April 13 Hearing EDC for new Incentive Policy
- April 3 Hearing for Variance to 2102 Todville
-

SH 146 Updates

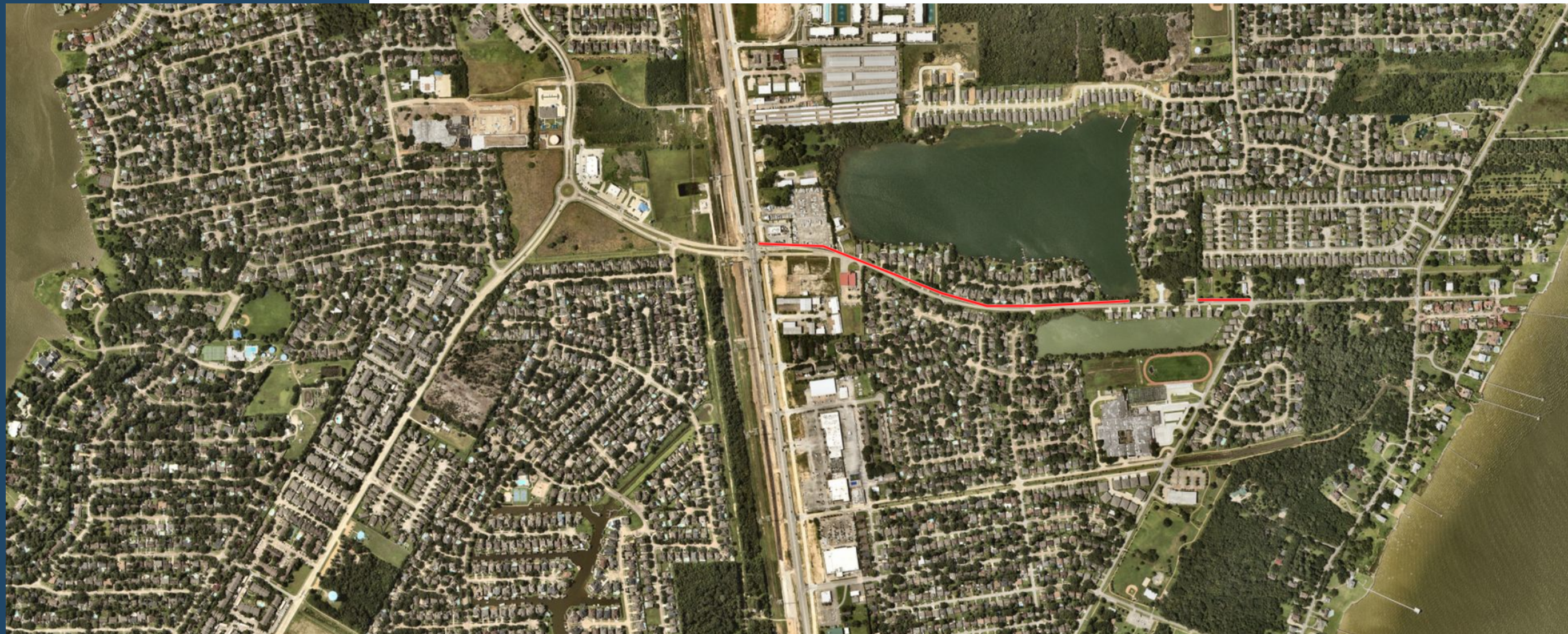
- NASA 1 to Red Bluff constructing main lanes, northbound and southbound entrance/exit ramps currently in progress
- New Traffic Control Mass Arms (white) are going in at Repsdorph and pour of center median under the overpass scheduled for an anticipated reopening of all lanes mid April 2023
- Landscaping Plans for riprap install, trees, native plantings and bollards in review



SIDEWALK - E. MEYER

SEABROOK CIP# P2A

- 50/50 Grant with Harris County partnership program to proceed with the goal of connectivity within the City of Seabrook. This project will build a concrete sidewalk along the north side of Meyer
- April 2023 anticipated Notice to Proceed



PINE GULLY WASTEWATER TREATMENT PLAN RETROFIT - WW9

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





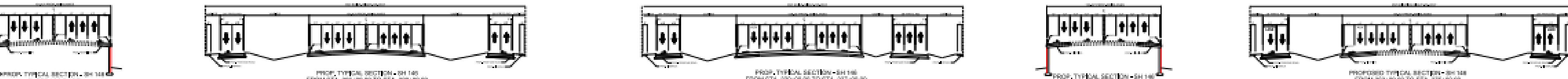
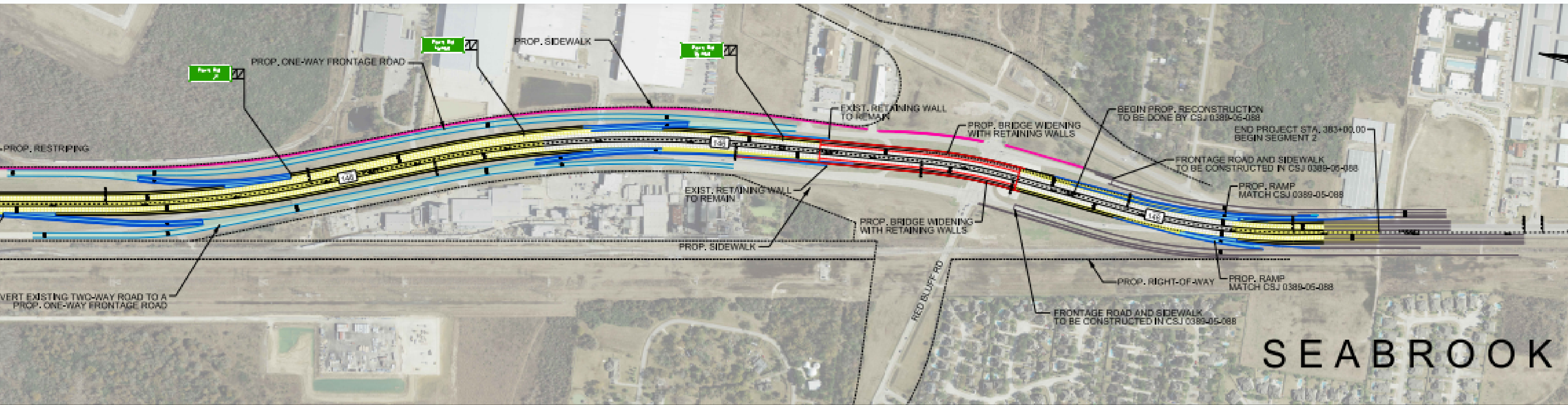
Other Capital Projects in Progress

- IT 5 & 6 - WIRELESS ACCESS GATES TO WATER INFRASTRUCTURE
- W5 - WATERLINE UNDER TAYLOR LAKE - IN DESIGN
- W21 - WATERLINE SH146 - MOBILIZING
- WATERLINE - CITY OF PASADENA - PENDING
- WW16 - MOBILE GENERATORS - MOVING TO APPROVAL FROM FEMA
- FAC22,24,33 BUILDING GENERATORS - STAGE 2
- S25 LAKEWOOD YACHT CLUB DRIVE - MOVING TO BID

SH 146

Red Bluff to Fairmont

Project Let Date 8/5/2021



Thank You

QUESTIONS
