

The City Council of the City of Seabrook met in regular session on Tuesday, May 16, 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 GIANROSSO	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 6:07 p.m. and led the audience in the Pledges of Allegiance.

1. PRESENTATIONS

1.1 Presentation to Nadine Khan for the 2023 Silent Hero Award from the National Emergency Number Association (NENA). This Certificate of Recognition is a noncompetitive award presented to an individual telecommunicator in recognition of his/her exceptional professionalism in the field of public safety. It also acknowledges the special contributions of telecommunicators whose daily performance is an inspiration and example to others. *Thom Kolupski, Mayor and Michael Miner, Communications Supervisor*

Michael Miner, Communications Supervisor, read the certificate of award and the application letter, congratulating Ms. Khan on a job well done. Mr. Miner also commented that Ms. Khan is CMCP Certified, which is a very elite certification for Emergency Communicators.

1.2 Proclaim the week of May 14-20, 2023, as National Police Week in the City of Seabrook, Texas. *Thom Kolupski, Mayor*

Mayor Kolupski proclaimed May 14-20, 2023 as National Police Week and thanked all members of the Seabrook Police Department for their dedication and hard work to keep the Seabrook community safe.

45 **1.3** Proclaim the week of May 14-20, 2023, as National Public Works Appreciation Week in the
46 City of Seabrook, Texas. *Thom Kolupski, Mayor*
47

48 Mayor Kolupski proclaimed May 14-20, 2023 as National Public Works Appreciation
49 Week and thanked the members of the Public Works staff for going above and beyond to provide
50 much needed service to Seabrook residents.
51

52 **1.4** Proclaim the week of May 21-27, 2023, as National Medical Services Week in the City of
53 Seabrook, Texas. *Thom Kolupski, Mayor*
54

55 Mayor Kolupski proclaimed May 21-27, 2023 as National Emergency Medical Services
56 Week and thanked the paramedics and EMT's that work tirelessly in Seabrook to respond to
57 emergencies and medical calls with professionalism and dedication.
58

59 **2. PUBLIC COMMENTS AND ANNOUNCEMENTS**
60

61 Kylie Wilson, 2602 Loganberry Circle, stated that on March 1, several residents of Red
62 oak Acres Subdivision met with City representatives and Thomas Brocato, attorney, regarding an
63 electrical substation. Information was shared at this meeting regarding restrictive use language
64 specifically stated on the original 1950 and 1951 maps created by the original owners and
65 developers of Red Oak Acres. The language also stated that restrictions shall run with the title of
66 the property, meaning that regardless of who owns the property, the subdivision property shall
67 always remain as intended, forever. In 1960 and 1961, HL&P, now CenterPoint, acquired pieces
68 of property inside the subdivision from its original landowners due to unpaid taxes, which is now
69 the site of the future substation. The City of Seabrook wasn't incorporated until around that time,
70 and the zoning regulations did not go into effect until the 1970's. None of these lots have ever
71 been rezoned from residential, which is why the Red Oak Acres residents asked the City to look
72 into this matter, since the restricted use language and maps were in existence and in effect 10 years
73 before HL&P ever acquired the property. Following the meeting on March 1, City leadership was
74 going to have Mr. Brocato review this language to meet with additional legal professionals that
75 had an extensive background in zoning, which Mr. Brocato did not. Mr. Brocato also indicated in
76 that meeting that this was a first for him, in dealing with this kind of matter involving restrictive
77 use language from original development plan, so Red Oak Acres residents knew it would take
78 some time. Red Oak Acres residents received a single sentence response from the City that stated
79 that the City had two legal firms review the documentation and determined that the restrictive
80 language does not supersede anything in relation to the City's zoning or power of the utility.
81 Residents asked for a copy of the written documentation on how the attorneys came to this
82 conclusion, but were told that this information was not going to be released due to attorney-client
83 privilege because it may touch on some other related matters which the City may have exposure.
84 What is frustrating, is that by stating attorney-client privilege, the City knows it prevents residents
85 from obtaining this information through an open records request. What related matters or exposure
86 is the City referring to? Why doesn't the City want residents to have a copy of this documentation
87 on a matter that residents brought to light for them? Red Oak Acres residents had actually received
88 similar documentation in November 2022, that was also drafted by Mr. Brocato, in a four page
89 memorandum regarding the City of Seabrook's authority to contest the location of a proposed

electrical substation. What changed? When further pressing this matter, the City indicated on March 24 that they had not met with City Council yet in consultation, as all submitted documents were being researched and discussed, and nothing submitted is showing a change in the legal interpretation. Has Council actually received a copy of this documentation, and consulted on this matter? Is there something in the findings on the restricted use language that might actually provide the Red Oak Acres homeowners and the City with solid footing to possibly prevent this substation from being constructed? If so, why will the City spend thousands of dollars towards legal fees fighting an issue regarding an outdoor music venue, but building a substation inside an enclosed subdivision and 50 feet from a home is not worth fighting for? The restricted use language also has major implications for the Red Oak Acres neighborhood because it sets a precedent for future use of this property. There is an item on the agenda from someone that owns property off of Red Bluff, as well as inside the Red Oak Acres Subdivision, located at 2817 Sams Drive. He is requesting a change in the zoning classification single family residential to light commercial industrial. Agreeing to this zoning change will allow this property owner, who doesn't live in Seabrook, to sell this property at a higher value, once it is zoned commercial, so someone can come in and build a business right next to the neighbor's property. Please vote no to this rezoning agenda item, and please direct the City to release this restricted use documentation to residents of the Red Oak Acres Subdivision.

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

Councilmember Hefner announced upcoming events, including:

- **3rd Annual Seabrook Police Dept. Blood Drive** – May 24 – 11:00am-4:00pm – Miramar Shopping Center Parking Lot
- **Remembering Our Fallen** – May 29 – 9:00am-10:00am – Bay Area Veterans Memorial
- **R.A.D (Rape Aggression Defense) Training for Women** – June 6-8 - 5:30pm-8:30pm – Public Works Training Room
- **Cookies with a Cop** – June 8 – 11:00am-12:30pm – Evelyn Meador Library (for children only)

3. SPECIFIC PUBLIC HEARING

3.1 Conduct a public hearing on a request to change the zoning classification of 2817 Sams Drive, Seabrook, TX from the current classification of R-1 "Single-Family Detached Residential District" to C-1 "Light Commercial District" situated on lot three (3), of Red Oak Replat a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Instrument No. 20110381323 of the map of records in the office of the County Clerk of Harris County, Texas. *Sean Landis, Deputy City Manager*

Sean Landis, Deputy City Manager, explained that this is a request to rezone from single family detached (R-1) zoning to light commercial (C-1) zoning. The property to the west is zoned marina oriented mixed use (MMU) zoning. Property to the south is all zoned light commercial. The rezone will make the entire area, including the area already zoned MMU, one large

commercial tract. All of the property in question is owned by the same owner. Within the current Seabrook zoning ordinance, if a C-1 abuts an R-1, there is a requirement for a 50 foot buffer, with the first 20 feet landscaped and the remaining 30 feet can be driveway or path; however parking cannot be located in the 50 foot buffer. The C-1 light commercial district is designed to facilitate centers which accommodate trade and personal services meeting the basic needs of families residing in areas adjacent to such centers. Requirements for sunlight, natural air circulation, open space, and off-street parking are more restrictive in the C-1 district because the retail trade and services located within it are intended to become an integral part of the neighborhood and must operate in harmony with other residential, educational, religious and recreational land use activities. Uses allowed in the district are intended to produce a relatively low traffic volume and are not intended to create any noise, lighting, glare, or odors abnormal to a residential environment. No outside storage or display of goods or materials is allowed. C-1 zoning cannot have full service or fast food restaurants without a conditional use permit. The Planning & Zoning Commission voted 5-2 on April 20, 2023 to recommended approval. At this time, the property owner is not proposing a specific use.

Mayor Kolupski opened the Public Hearing at 6:22 p.m.

Gerald Adel, 2614 Sams Drive, owns the property just to the northeast of the proposed rezone, on the Sams Drive Cul-de-Sac. Mr. Adel explained that rezone would land lock the property to his home's south, blocking anyone from caring for the property. Mr. Adel just purchased his home in the residential zone, without a wall next to the property, and he does not want an 8 foot wall blocking the view from his back porch, into the woods. The other concern is the MMU, which could have a music venue. If the C-1 area is expanded, there may be enough commercial property to construct parking for a music venue, backed up against his property.

Kylie Wilson, 2602 Loganberry, stated that this request was initially denied by the Planning & Zoning Commission, and the owner brought it back reconfigured from corner to corner, as suggested by PZ. The owner wants to sell the property. He doesn't care what gets built there. The new homeowners don't know that a large wall must be built. The owner doesn't live in Seabrook. He's very unfamiliar with the neighborhood, and he did not talk to any of the residents in Red Oak Acres. The owner cannot submit an option of what he will build. He will be gone, and he does not care.

Tom Binig, owner of all the property, stated that regardless of everyone's opinion, he's been a resident of Seabrook for 17 years, and has recently moved. This place had bungalows and apartments that were rat-infested. Mr. Binig updated, invested, and cleaned up the property by taking down structures and other actions. He built a boat ramp. It's a wonderful piece of property. The City's commercial corridor was decimated with the SH 146 expansion project, and this is a huge lot. It looks like it belongs with the other two lots, mowed and manicured. The entire commercial acreage could be a benefit to the City. Seabrook has lost so much and the ability to have entertainment or just business in general. This side of the city has nothing. Everyone bought homes knowing they backed up to commercial. The Planning & Zoning Commission agrees, and Mr. Binig respectfully asks Council to vote with PZ for the benefit of the City.

Mayor Kolupski closed the Public Hearing at 6:29 p.m.

4. CONSENT AGENDA

4.1 Approve on second reading Ordinance 2023-12, "Amending the regulation of Golf Carts to include Utility Vehicles (UTV) and Recreational Off-Highway Vehicles (ROV)". *Gayle Cook, City Manager*

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 90 "TRAFFIC AND VEHICLES" ARTICLE VII, "REGULATION OF GOLF CARTS," BY ADDING UTILITY VEHICLES AND RECREATIONAL OFF-HIGHWAY VEHICLES, AS DEFINED BY TEXAS TRANSPORTATION CODE SECTION 551A-001(1-D) AND REGULATING THE USE OF SUCH VEHICLES ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY LIMITS; 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

4.2 Approve on second reading Resolution 2023-01, "EDC Incentives Policy and Incentive Application". This resolution was approved by the Seabrook EDC on April 13, 2023. *Paul Chavez, Director of Economic Development*

4.3 Approve Resolution 2023-07, "No Wake Zone Seabrook Clear Lake Area". *Gayle Cook, City Manager*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, SUPPORTING A NO WAKE ZONE IN AND AROUND THE SEABROOK CLEAR LAKE AREA ON JUNE 23, 2023 DURING THE TEXAS OUTLAW CHALLENGE

4.4 Approve the minutes of the May 2, 2023 Regular City Council Meeting. *Robin Lenio, City Secretary*

Motion was made by Councilmember Machol and seconded by Councilmember Rasco to approve the Consent Agenda, as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

5. NEW BUSINESS

5.1 Hear presentation and consider and take all appropriate action on City of Seabrook Electrical Substation Mitigation Improvement Ad Hoc Committee Final Report, pursuant to Resolution 2022-32. *Adam Shannahan, ESMI Committee Chair*

Adam Shannahan, Chair of the Electrical Substation Mitigation Improvement Ad Hoc Committee, presented the final committee report to the City Council, pointing out that residents would like to have the CenterPoint Substation moved to a different location, further from the neighborhood, that will still provide the needed power to the grid. After exhausting all legal resources, the residents would like the City to negotiate with CenterPoint Energy to make all efforts necessary to mitigate noise and light pollution, flooding, and other hazards that accompany construction of substation facilities.

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Giangrosso to direct City staff to negotiate with CenterPoint Energy on a contract for installing and constructing all necessary mitigation structures, as outlined in the ESMI Committee Final Report.

MOTION CARRIED BY UNANIMOUS CONSENT

5.2 Consider and take all appropriate action on Resolution 2023-10, "Dissolution of the Electrical Substation Mitigation Improvement Ad Hoc Committee". *Gayle Cook, City Manager*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK REPEALING RESOLUTION 2022-32 IN ORDER TO FORMALLY DISSOLVE THE ELECTRICAL SUBSTATION MITIGATION IMPROVEMENT AD HOC COMMITTEE

Motion was made by Councilmember Machol and seconded by Councilmember Rasco to approve Resolution 2023-10, "Dissolution of the Electrical Substation Mitigation Improvement Ad Hoc Committee".

MOTION CARRIED BY UNANIMOUS CONSENT

5.3 Consider and take all appropriate action on first reading of Ordinance 2023- 11, "Amendment to the Official Zoning Map Rezone of 2817 Sams Drive from R-1 to C-1 ". *Sean Landis, City Deputy Manager*

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING, 1.54 ACRES OF LAND FROM A 2.48 ACRES TRACT SITUATED ON LOT THREE (3), OF RED OAK REPLAT A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN INSTRUMENT NO. 20110381323 OF THE MAP OF RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HARRIS COUNTY, TEXAS, FROM THE CURRENT CLASSIFICATION OF R-1 "SINGLE-FAMILY DETACHED RESIDENTIAL" TO C-1 "LIGHT COMMERCIAL DISTRICT"; REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS REZONING; MAKING SPECIFIC FINDINGS RELATING TO REZONING OF SUCH TRACT; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION

268 INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
269 INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY

270
271 *Motion was made by Councilmember Rasco and seconded by Councilmember Machol to deny*
272 *Ordinance 2023-11 on first reading.*

273
274 *MOTION FAILED BY 5-2 VOTE, WITH COUNCILMEMBERS RASCO AND MACHOL VOTING*
275 *IN FAVOR OF DENIAL*

276
277 *Motion was made by Councilmember Hefner and seconded by Mayor Pro Tem Hammann to*
278 *approve Ordinance 2023-11, on first reading, "Amendment to the Official Zoning Map Rezone of*
279 *2817 Sams Drive from R-1 to C-1"*

280
281 *MOTION CARRIED BY A 5-2 VOTE WITH COUNCILMEMBERS RASCO AND MACHOL*
282 *VOTING IN OPPOSITION OF APPROVAL*

283
284 **5.4** Consider and take all appropriate action on Resolution 2023-08, "Adoption of a Bank
285 Depository Services Solicitation Policy". *Michael Gibbs, Director of Finance*

286
287 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,
288 PROVIDING FOR THE ADOPTION OF A WRITTEN POLICY AUTHORIZING THE CITY
289 TO ACCEPT APPLICATIONS FOR PRIMARY BANK DEPOSITORY SERVICES FROM
290 ELIGIBLE FINANCIAL INSTITUTIONS NOT DOING BUSINESS WITHIN THE CITY;
291 PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING A REPEALER
292 CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

293
294 *Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Giangrosso to*
295 *approve Resolution 2023-08, "Adoption of a Bank Depository Services Solicitation Policy".*

296
297 *MOTION CARRIED BY UNANIMOUS CONSENT*

298
299 **6. ROUTINE BUSINESS**

300
301 **6.1** City Manager update and report to City Council on various items that require no action,
302 including Seabrook Boards and Commissions, SH 146 Expansion Projects, Port of Houston Rail
303 Spur, Gulf Coast Protection District, City of Seabrook CIP Projects, Legislative Update, and any
304 City of Seabrook Grant Administration. *Gayle Cook, City Manager*

305
306 Gayle Cook, City Manager, gave an update to City Council as shown in Attachment A.

307
308 **6.2** Establish future meeting dates and agenda items. *City Council*

309
310 There will be a special City Council meeting at 5:00pm on Tuesday, May 23, in City
311 Council Chamber.

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

7. CLOSED EXECUTIVE SESSION

7.1 Section 551.071

Conduct a Closed Executive Session to consult with attorney on legal matters subject to the attorney-client privilege. *Olson & Olson LLP*

At 6:45 p.m. Mayor Kolupski announced that the City Council will now hold 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, Consultation with Attorney.

8. 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 7:01 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.

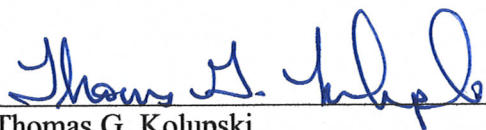
8.1 Consider and take all appropriate action on a Severance and Release Agreement between the City of Seabrook and Sean Wright. *Gayle Cook, City Manager*

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Tollett to approve a Severance and Release Agreement between the City of Seabrook and Sean Wright.

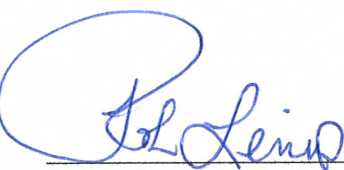
MOTION CARRIED BY UNANIMOUS CONSENT

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 7:14pm.

Approved this 6th day of June, 2023.



Thomas G. Kolupski
Mayor



Robin Lenio, TRMC
City Secretary



ATTACHMENT A

CITY COUNCIL UPDATE

May 16, 2023



LATEST UPDATES

RECAP BOARDS AND COMMISSIONS

PLANNING AND ZONING 5-18-2023

NEXT MEETING*

- 5 SPECIFIC PUBLIC HEARINGS:
- REPLAT MIRAMAR CENTER
- REPLAT OF 1002 5TH ST
- MINOR PLAT APPROVAL 1214 TODVILLE

PLANNING AND ZONING 5-18-2023

(continued)*

- "OPEN AIR MARKET" CUP
- FINAL PUD FOR RESIDENCES AT HIGHLAND CENTER 3805 AND 3813 NASA PARKWAY

ECONOMIC DEVELOPMENT CORPORATION 5-11-2023

- The Edge Incentive Agreement. - staff directed to work on performance contract
- Seabrook Plaza One - \$2,000,000 was approved



SH 146

SH 146

- **December 2023 Completion**
- **South of NASA 1 to Red Bluff. (Phase 3): Construct SH 146 main lanes, northbound entrance/exit ramps, and southbound entrance/exit ramps**
- ***Repsdorph Intersection - Reopened**
 - **Multiple accidents since opening including the School Bus Accident**
 - **City worked with Contractor and TxDOT to make safety changes**
 - **City Enforcement increased, rumble strips, message boards, speed display boards, reconfiguration of stop bars on pavement under Repsdorph, and expediting the installation of permanent traffic mass arms**
- **Main Lane Traffic Switch - End of May to Early June***
 - **Traffic switch from end of NASA Parkway to Red Bluff**
 - **TxDOT plans to coordinate opening several main lanes to switch traffic from frontage to over Red Bluff bypassing the traffic light**

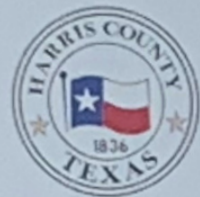
Sidewalk Project

CIP # P2 E. Meyer

- Design and Construction of 6 feet Sidewalks on the North Side of East Meyer Avenue from SH 146 to North Meyer Avenue



JOINT PARTICIPATION PROJECT
HARRIS COUNTY PRECINT 2 AND CITY OF SEABROOK



SIDEWALK-EAST MEYER AVENUE-2021

ENVIRONMENTAL ALLIES

\$664,484.16

COUNTY JUDGE
LINA HIDALGO

CITY OF SEABROOK
MAYOR THOM KOLUPSKI

COUNTY COMMISSIONERS
PRECINCT 1 RODNEY ELLIS PRECINCT 3 TOM S. RAMSEY, P.E.
PRECINCT 2 ADRIAN GARCIA PRECINCT 4 LESLEY BRIONES

CITY MANAGER
GAYLE COOK

COUNTY AUDITOR
MICHAEL POST, CPA

COUNTY ENGINEER
DR. MILTON RAHMAN, P.E.

Park Projects

- CIP #P17 New Friendship Park Playground - **Delayed**
- CIP #P27 Pine Gully Pier - Bid Publication set and opening - **Reset June 6, 2023**

Street Projects

CIP # S25 - Lakewood Yacht Club Drive - **Bid**

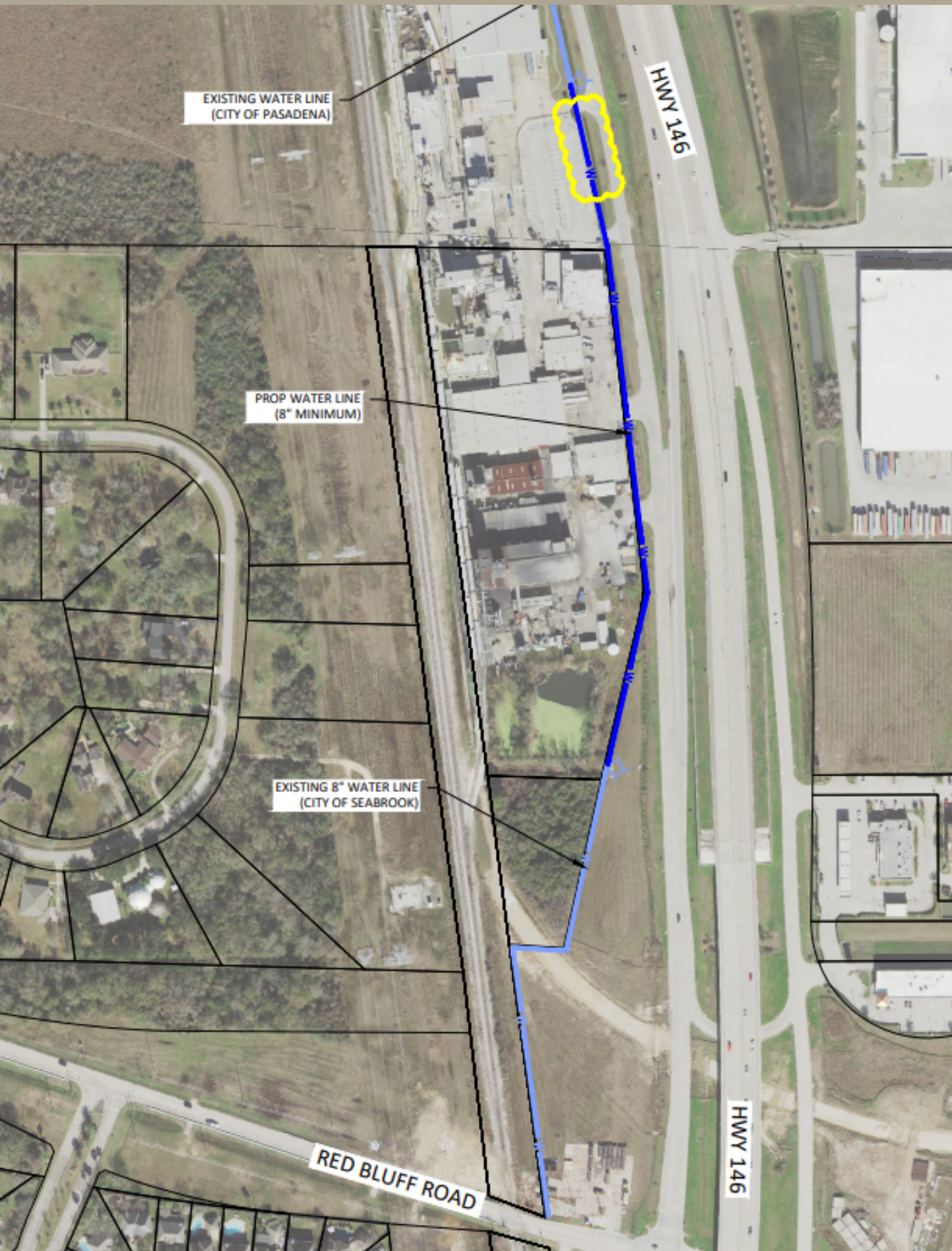
Opening May 25, 2023

Water Projects

CIP # W21 Water Line Interconnect along SH 146 -
In Progress - Pasadena Connection Not Located

Scope:

This project is part of the city's CIP and will provide an additional interconnect with the City of Pasadena that provides water to the City of Seabrook allowing for redundancy to the overall city's distribution system. The 8" from NE corner of SH146 and Red Bluff along the SH 146 SB Frontage Road in front of Geon Performance Solutions.



Water Projects

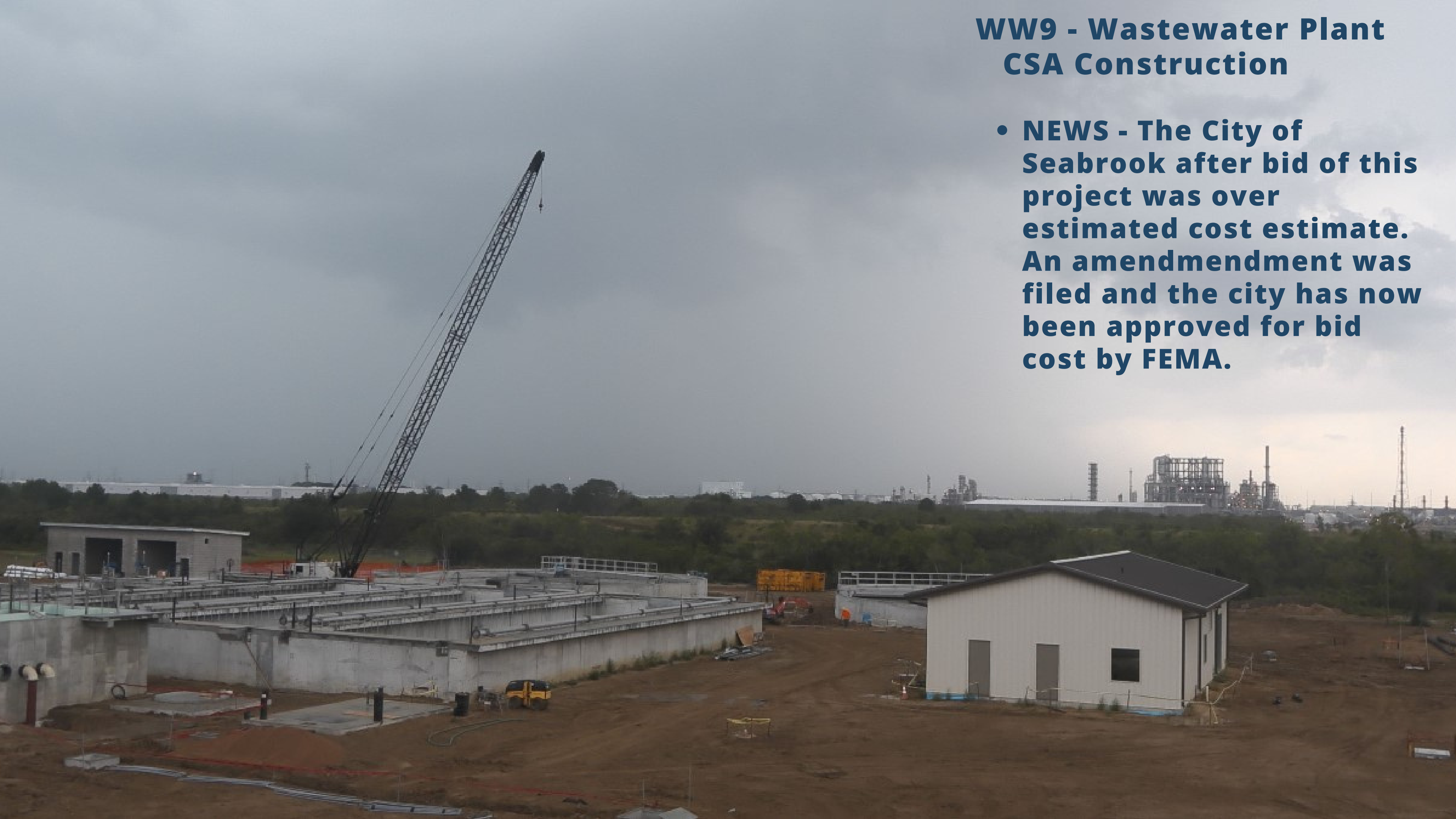
**CIP # W5 New Water Line under Taylor Lake - 100%
Drawings in Review**

ARPA Funding



WW9 - Wastewater Plant CSA Construction

- **NEWS - The City of Seabrook after bid of this project was over estimated cost estimate. An amendment was filed and the city has now been approved for bid cost by FEMA.**



WW9 - Lift Stations and Force Main

- Todville Road is completing Force Main installation
- Red Bluff section continues with additional components infrastructure installation



H.B. 2127 BY BURROWS WOULD PREVENT CITIES AND COUNTIES FROM
ADOPTING OR ENFORCING LOCAL ORDINANCES OR ORDERS RELATED
TO ANY ACTIVITY CONTAINED IN SEVERAL STATE CODES UNLESS
EXPRESSLY ALLOWED BY STATE LAW.

Bill: HB 2127

Legislative Session: 88(R)

A vote was taken on this legislation, but the vote information is currently unavailable for display.

- Once the journal for this day is available, the vote link will reference the official vote information in the journal.

Bill: HB 2127 **Legislative Session:** 88(R) **Author:** Burrows

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graph LR; S1[Stage 1  
Filed  
2/9/2023] -- ✓ --> S2[Stage 2  
Out of House Committee  
4/14/2023]; S2 -- ✓ --> S3[Stage 3  
Voted on by House  
4/19/2023]; S3 -- ✓ --> S4[Stage 4  
Out of Senate Committee  
5/5/2023]; S4 -- ✓ --> S5[Stage 5  
Voted on by Senate  
5/16/2023]; S5 -- ✓ --> S6[Stage 6  
Governor Action]; S6 --> S7[Stage 7  
Bill Becomes Law];
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Stage 1
Filed
2/9/2023

Stage 2
Out of House Committee
4/14/2023

Stage 3
Voted on by House
4/19/2023

Stage 4
Out of Senate Committee
5/5/2023

Stage 5
Voted on by Senate
5/16/2023

Stage 6
Governor Action

Stage 7
Bill Becomes Law

- **S.B. 1412** by Hughes would authorize a property owner to build, sell, or rent an **accessory dwelling unit (ADU)** in any residential zoning district or un-zoned lot in a city. Further, the bill would prohibit a city from imposing regulations on ADUs, including certain regulations on size, parking, or external feature requirements. This would effectively preempt local regulation of ADUs in city neighborhoods. **The committee substitute protects deed restrictions and homeowner association rules that limit or prohibit ADUs.** TML provided the Senate Committee on Local Government this [letter](#) in opposition to the bill. S.B. 1412 passed the Senate and has been voted out of the House Land & Resource Management Committee.
- **S.B. 1787** by Bettencourt would prohibit a city from adopting or enforcing an ordinance that requires a residential lot to be **larger than 2,500 square feet, wider than 16 feet, or deeper than 30 feet**, or if regulating the density of dwelling units on a residential lot, a ratio of less than 31.1 homes per acre. It also prohibits the application of numerous land use regulations on “small lots,” which are defined in the bill as lots that are 4,000 square feet or less. Applies to cities in counties with a population of 300,00 or more. TML provided this [letter](#) to the Senate Committee on Local Government. S.B. 1787 passed the Senate.

S.B. 369 (**Campbell**), providing that any area not receiving full municipal services may be disannexed, unless the city is not required to provide full municipal services under an annexation service plan or has entered a written agreement. TML provided [written testimony](#). Passed the Senate.

S.B. 543 (**Blanco/Ordaz**), allowing a city to transfer real property under a Chapter 380 agreement. Passed the House.

S.B. 1117 (**Hancock**), defining video services to not include streaming for franchise fee purposes. Passed the Senate.

S.B. 1787 (**Bettencourt**), prohibiting a city from adopting or enforcing an ordinance that requires a residential lot to be larger than 2,500 square feet, wider than 16 feet, or deeper than 30 feet, or if regulating the density of dwelling units on a residential lot, a ratio of less than 31.1 homes per acre, and from adopting certain other requirements on small lots. Applies to cities in counties with a population of 300,000 or more. Passed the Senate.

S.B. 2038 (**Bettencourt/C. Bell**) requiring a city to release an area from the ETJ on petition or by election. TML [testified](#) in committee and provided [written testimony](#). Sent to governor.

Thank You

QUESTIONS
