

1 The City Council of the City of Seabrook met in regular session on Tuesday, February 18, 2020 at  
2 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if  
3 appropriate, take action on the items listed below.  
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5 THOSE PRESENT WERE:

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|--------------------------|---------------------|
| 6 THOM KOLUPSKI          | MAYOR               |
| 7 ED KLEIN               | COUNCIL PLACE NO. 1 |
| 8 LAURA DAVIS - Ex. Abs. | COUNCIL PLACE NO. 2 |
| 9 JEFF LARSON            | COUNCIL PLACE NO. 3 |
| 10 NATALIE PICHA         | MAYOR PRO TEM       |
| 11                       | COUNCIL PLACE NO. 4 |
| 12 BUDDY HAMMANN         | COUNCIL PLACE NO. 5 |
| 13 JOE MACHOL            | COUNCIL PLACE NO. 6 |
| 14 GAYLE COOK            | CITY MANAGER        |
| 15 SEAN LANDIS           | DEPUTY CITY MANAGER |
| 16 STEVE WEATHERED       | CITY ATTORNEY       |
| 17 ROBIN HICKS           | CITY SECRETARY      |

18  
19 Mayor Kolupksi called the meeting to order at 7:00 p.m. and led the audience in the United States  
20 and Texas Pledge of Allegiance.  
21

22 **1. PRESENTATIONS**

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24 **1.1 Presentation of the Open Space and Trails Committee Quarterly Report. *Helen Burton,***  
25 ***Chair, Open Space and Trails Committee***

26  
27 Helen Burton, Chair of the Open Space and Trails Committee, presented a report on several  
28 items, as seen in Attachment A, including:  
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- 30 • Erosion control at Robinson Park will take place in the fall
- 31 • Trees for Houston donated 50 ten gallon trees, planted at Pine Gully Park and Meador Park
- 32 • Apache donated trees 100 five gallon trees, planted throughout the City. John Coggeshall
- 33 was instrumental in recruiting volunteers for this project and making sure that mulch and
- 34 maps were provided and the trees were staged for planting
- 35 • Hester and Pine Gullies have been clean up by master naturalists twice per year
- 36 • There was a nice turnout for the last Birding by the Bay event and the group found 21 birds,
- 37 including 1 bald eagle
- 38 • The trail at Pine Gully was reported as slippery and City staff was out the next day repairing
- 39 it so that people could continue to use it
- 40 • The Evelyn Meador Library has a new program, a community garden on the park side. Sod
- 41 has been torn out for planting herbs.
- 42 • John Coggeshall is building a chimney swift tower that he will decorate. City staff poured
- 43 the concrete base for this tower
- 44 • Volunteer hours for 2019 totaled 2265 for a value of \$55,992 and Community Services
- 45 hours totaled 1629 for a value of \$3894.40

- 46       • The Open Space and Trails Committee is currently working on several projects including  
47       a Keep Texas Beautiful grant submission; mile marker trail maps; chimney swift boxes;  
48       City recognition for the birding events; and the woodlands regeneration  
49       • Upcoming events include a bird count on March 7; the Seabrook Lucky Trail Marathon on  
50       March 13-15; and Seabrook Trash Bash on March 28  
51

52   **2.       PUBLIC COMMENTS AND ANNOUNCEMENTS**  
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54       Dr. Sorla Bhondsle, 526 Pine Gully, explained that there is a problem with people coming  
55       onto her property from Carothers, which is adjoining. There have been several instances last year  
56       where the police were called at least four times for people over the age of 21 and a few times for  
57       persons ages 17-18. The police found people sitting on the porch using drugs during one of the  
58       incidents. People have destroyed the property, including hitting windows and doors with ties,  
59       which is expensive and extremely inconvenient to repair. The only way people can access the  
60       property is from Carothers Coastal Gardens. It is an unfortunate situation, so the request is for  
61       City Council and City staff to look into it.  
62

63   **2.1** Mayor, City Council, and/or members of City Staff may make announcements about  
64   City/Community events, including other agency events and meetings attended by City Council  
65   members. *City Council*  
66

67       Councilmember Klein announced several upcoming events, including Bay Cup 1; Daylight  
68       Savings time change; CCISD Spring Break; Seabrook Lucky Trails; and Seabrook Trash Bash.  
69

70   **3.       SPECIFIC PUBLIC HEARINGS**  
71

72   **3.1** Conduct a public hearing on a request for a Conditional Use Permit to establish a "Bar" at  
73   2900 E. Nasa Parkway, Suite 250, as per the Seabrook City Code, Appendix A, "Comprehensive  
74   Zoning", Article 4, "Special Use Regulations", Section 4.11, "Conditional Use Permit Criteria and  
75   Procedures". *Sean Landis, Deputy City Manager*  
76

77   Mayor Kolupki opened the public hearing.  
78

79       Sean Landis explained the applicant is requesting a CUP to open a bar, targeting young  
80       professionals 21-35 in age with a dress code. The plan is to set it up like a Starbucks where a  
81       person can hang out and work on his/her computer with wine and beer. The Planning & Zoning  
82       Commission recommended approval by unanimous vote.  
83

84       Council asked if there are plans to serve mixed drinks in the future, if this was the  
85       applicant's first bar, and what is the capacity.  
86

87       Bryan Marshall, Applicant, 2900 E. Nasa Pkwy, stated that this is his first bar and he would  
88       eventually like to serve mixed drinks, but right now the permit for mixed drinks is expensive. He  
89       stated that he will be polling his clientele to find out what expansion would look like. Mr. Marshall

90 explained that the space has a capacity for 140 people and right now the seating configuration will  
91 accommodate 60.

92

93 No speakers having come forward, Mayor Kolupski closed the public hearing.

94

95 **3.2** Conduct a public hearing on a request for a Conditional Use Permit to establish an "Open Air  
96 Market" at 902 Hardesty Avenue as per the Seabrook City Code, Appendix A, "Comprehensive  
97 Zoning", Article 4, "Special Use Regulations", Section 4.11, "Conditional Use Permit Criteria and  
98 Procedures". *Sean Landis, Deputy City Manager*

99

100 Mayor Kolupski opened the public hearing.

101

102 Pat Clementi, 1311 Shorewood Drive, spoke in favor of the Open Air Market, stating that  
103 the market will be a big boost to the commerce in Seabrook and since Jenuine Treasures has opened  
104 up, there has been more traffic in Old Seabrook. The owner of Jenuine Treasures, Applicant, gives  
105 100% to anything she does, and once she commits, she commits to succeed.

106

107 Jennifer Pitts, Applicant, responded to questions that the market will be held on Saturdays  
108 only, year round, with tents and parking has been worked out so that there will not be a parking  
109 problem in the area.

110

111 No speakers having come forward, Mayor Kolupski closed the public hearing.

112

113 **4. CONSENT AGENDA**

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115 **4.1** Approve the minutes of the February 4, 2020 regular City Council meeting. *Robin Lenio,*  
116 *City Secretary*

117

118 *Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Klein*

119

120 *To approve the Consent Agenda as presented.*

121

122 **MOTION CARRIED BY UNANIMOUS CONSENT**

123

124 **5. NEW BUSINESS**

125

126 **5.1** Consider and take all appropriate action on first reading of proposed Ordinance 2020-08,  
127 "Issuance of Conditional Use Permit to allow for an "Open Air Market" at 902 Hardesty Avenue  
128 in the OS Old Seabrook District. *Sean Landis, Deputy City Manager*

129

130 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A,  
131 "COMPREHENSIVE ZONING", ARTICLE 13, "TEMPORARY AND NONTEXT CHANGES",  
132 SECTION 13.03, BY ADDING A NEW PARAGRAPH TWENTY SEVEN (27), GRANTING A  
133 CONDITIONAL USE PERMIT ALLOWING FOR AN "OPEN AIR MARKET" AT 902  
134 HARDESTY AVENUE WITHIN AN OS (OLD SEABROOK) DISTRICT OF THE CITY;

135 PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR VIOLATION  
136 OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL  
137 ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT  
138 HERewith; AND PROVIDING FOR SEVERABILITY

139

140 *Motion was made by Councilmember Machol and seconded by Councilmember Klein*

141

142 *To approve on first reading proposed Ordinance 2020-08, "Issuance of Conditional Use Permit*  
143 *to allow for an "Open Air Market" at 902 Hardesty Avenue in the OS Old Seabrook District.*

144

145 *MOTION CARRIED BY UNANIMOUS CONSENT*

146

147 **5.2** Consider and take all appropriate action on first reading of proposed Ordinance 2020-09,  
148 "Issuance of Conditional Use Permit to allow a "Bar" at 2900 E. Nasa Parkway, Suite 250, in the  
149 C-2 Medium Commercial District". *Sean Landis, Deputy City Manager*

150

151 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A,  
152 "COMPREHENSIVE ZONING", ARTICLE 13, "TEMPORARY AND NONTEXT  
153 CHANGES", SECTION 13.03, BY ADDING A NEW PARAGRAPH TWENTY SIX (26),  
154 GRANTING A CONDITIONAL USE PERMIT ALLOWING FOR THE OPERATION OF A  
155 "BAR" AT 2900 E. NASA PARKWAY, SUITE 250, WITHIN A C-2 (MEDIUM  
156 COMMERCIAL ) DISTRICT OF THE CITY; PROVIDING FOR A PENALTY IN AN  
157 AMOUNT NOT TO EXCEED \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF  
158 BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF  
159 ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR  
160 SEVERABILITY

161

162 *Motion was made by Councilmember Klein and seconded by Councilmember Machol*

163

164 *To approve on first reading proposed Ordinance 2020-09, "Issuance of Conditional Use Permit*  
165 *to allow a "Bar" at 2900 E. Nasa Parkway, Suite 250, in the C-2 Medium Commercial District".*

166

167 *MOTION CARRIED BY UNANIMOUS CONSENT*

168

169 **5.3** Consider and take all appropriate action on proposed Resolution 2020-02, "The establishment  
170 of the Carothers Coastal Gardens Task Force II". *Sean Landis, Deputy City Manager*

171

172 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,  
173 FORMALLY ESTABLISHING THE CAROTHERS COASTAL GARDENS TASK FORCE II  
174 AND ESTABLISHING PARAMETERS AND CRITERIA FOR SUCH

175

176 Councilmembers stated concerns and questions as follows:

177

- 178 • With regard to whether this Task Force, an advisory committee, would adhere to the Open  
179 Meetings Act (OMA), it would have to adhere to all communication rules, which is

- 180 monitoring emails, texts, so on. I'm on the fence about whether to make this committee  
181 adhere to OMA. I do think the meeting notices should be posted in public, but there is a  
182 burden on staff as well as the committee on how the OMA is handled.
- 183 • Another concern is I really want to see new ideas and new input from this committee. It's  
184 pretty clear if you look at page 2 of the attachment, number 8 is probably the reason the  
185 entire thing has gotten started.. There needs to be accountability to tax payers and the City,  
186 with serving the welfare of the citizens being first and foremost. This Task Force is not  
187 being formed lightly and as applications are reviewed and the requirements under the Open  
188 Meetings Act, all of the above is taken into account.
  - 189 • I don't agree that this Task Force be under the requirements of the Open Meetings Act. I'd  
190 rather see the ability to have open interaction with the Task Force than having a set agenda.
  - 191 • I agree. The OMA burden on the Task Force is large. Having everything open to public  
192 record means the Task Force members' emails, phone messages, text messages. Is that a  
193 burden City staff wants? It's a burden because the rules were changed by the State  
194 Legislature, and it's quite a task to keep track of it. I would like it to be very open in a  
195 sense that the public would be allowed to be there. It needs to be transparent, but it can't  
196 be regulated that tightly. I think it should be open for discussion.
  - 197 • What is the purpose of this? Why are we doing this? Council has the duty to make sure  
198 that money is spent fiscally responsibly. The Council needs to hear options. It's been 10  
199 years of looking for recommendations, but there have been none. Something has to be  
200 done. It can't sit vacant. The original ballot said it would be an enhancement to Pine Gully  
201 Park. It has never been used as an enhancement to Pine Gully Park. Ideas are needed.
  - 202 • It's not just about finding something to do with the property. It's also about giving the  
203 voters the cost estimates that go along with the recommendations/suggestions or if nothing  
204 changes, then this is the cost. Structures require maintenance and upkeep. Voters need to  
205 know how it will hit the pocketbook.
  - 206 • I hate the Open Meetings Act rules that during public comments there cannot be interaction  
207 or discussion, but the meetings are open to the public, so that the public can hear the  
208 discussion and see the way that Council votes. Fresh, new, good ideas are needed.

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210 *Motion was made by Councilmember Machol and seconded by Councilmember Larson*

211

212 *To approve Resolution 2020-02, "The establishment of the Carothers Coastal Gardens Task Force*  
213 *II" with an amendment to add the phrase, "however, all meetings shall be open to the public" after*  
214 *the word "policy" in the 6<sup>th</sup> WHEREAS clause*

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216 *MOTION CARRIED BY UNANIMOUS CONSENT*

217

## 218 **6. ROUTINE BUSINESS**

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220 **6.1** Update and report on various items that require no action, including SH 146 Expansion  
221 Project, City of Seabrook CIP Projects, and City of Seabrook Grant Administration. *Gayle Cook,*  
222 *City Manager*

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**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 9:11 p.m., Mayor Kolupski reconvened the meeting in open session and stated that items 7.1 and 7.2 had been discussed, but that no action had been taken in executive session.

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 9:11 p.m.

Approved this 3<sup>rd</sup> day of March, 2020.

DocuSigned by:  
*Robin Lenio*  
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Robin Lenio, TRMC  
City Secretary

DocuSigned by:  
*Natalie Picha*  
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Natalie Picha  
Mayor Pro Tem

DocuSigned by:  
  
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