

1 The City Council of the City of Seabrook met in regular teleconference session on Tuesday, April
2 20, 2021 at 6:00 p.m. to discuss, consider and if appropriate, take action on the items listed below.

3
4 THOSE PRESENT WERE:

5 THOM KOLUPSKI

MAYOR

6 ED KLEIN

COUNCIL PLACE NO. 1

7 LAURA DAVIS

COUNCIL PLACE NO. 2

8 JEFF LARSON

COUNCIL PLACE NO. 3

9 NATALIE PICHA

MAYOR PRO TEM

10

COUNCIL PLACE NO. 4

11 BUDDY HAMMANN

COUNCIL PLACE NO. 5

12 JOE MACHOL

COUNCIL PLACE NO. 6

13 GAYLE COOK

CITY MANAGER

14 SEAN LANDIS

DEPUTY CITY MANAGER

15 STEVE WEATHERED

CITY ATTORNEY

16 ROBIN LENIO

CITY SECRETARY

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18 Mayor Kolupski called the meeting to order at 6:00 p.m. and conducted roll call to establish a
19 quorum of City Council members.

20

21 **1. PUBLIC COMMENTS AND ANNOUNCEMENTS**

22

23 Douglas Strebel, 2439 Lakewood Pointe. Mr. Strebel thanked Council for its discussion
24 of his noise concerns at the last regular meeting; he was very impressed by the energy and the
25 sincerity with which Council discussed the matter. Mr. Strebel gave an update on his work with
26 nearby residents, which will take the form of an open and coordinated approach with other nearby
27 property owners and their representatives. The goal is to find a common solution that will work
28 for everyone. The City of Houston recently faced a similar issue, but it failed to amicably resolve
29 the situation in large part because it failed to engage with its citizens. Mr. Strebel is happy that the
30 City of Seabrook is choosing to strengthen and improve its noise ordinance.

31

32 Tim Williams, 1805 Larrabee Street. Mr. Williams' home is approximately 75 yards away
33 from the stage of the outdoor venue. When he and his wife were looking to build their home, the
34 City informed him that the area adjacent to his property was intended for outdoor shops. Now he
35 has an establishment nearby that plays loud music until 10:00 p.m., when they turn the volume
36 down to a still-unacceptable level. Mr. Williams called the police this weekend for the loud noise,
37 which according to his personally-owned decibel meter, reached as loud as 95.5 decibels. Sergeant
38 Smith informed him that the police chief had sent out a memorandum instructing staff to only take
39 readings from NASA Road 1, north of the club. This does not make sense, given that that location
40 is so distant from Mr. Williams' home.

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46 **2. SPECIFIC PUBLIC HEARINGS**

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48 **2.1** Conduct a Public Hearing on a Request for an amendment to Appendix A, "Comprehensive
49 Zoning", Article 3, "Establishment of Zoning Districts and Associated Regulations", by adding
50 supplementary provisions for fencing by revising Sections 3.03.13 ("R-1"), 3.04.11 ("R-2"),
51 3.05.11 ("R-3"), 3.06.13 ("C-1"), 3.07.13 ("C-2"), 3.09.12 ("146-S"), 3.10.13 ("WAD"), 3.11.10
52 ("MMU"), 3.12.03 (H) ("OS"), and 3.13.13 ("MH"), all under the subtitle "Supplementary
53 Regulations" to such sections, to create prohibition of the use of Hazardous Materials for fencing
54 construction; to include, but not limited to Barbed Wire, Concertina Wire, Razor Wire, Electrically
55 Charged Wire, and/or the use of Glass or other Sharp Objects or Dangerous Structures or
56 Objects. *Sean Landis, Deputy City Manager*

57
58 Mayor Kolupski opened the Public Hearing.

59
60 Sean Landis, Deputy City Manager, provided Council with an overview of the proposed
61 amendment, which addresses the lack of regulation of the use of hazardous fencing materials
62 within the city limits. In most cases, Homeowner’s Associations (HOAs) or deed restrictions
63 provide such regulations, but Seabrook has several areas that do not have deed restrictions and are
64 not serviced by HOAs. During its March 18, 2021 meeting, the Planning & Zoning Commission
65 recommended the amendment as proposed under this Item. In response to questions from Council,
66 Mr. Landis said that existing fences would not be required to change to meet the proposed new
67 standards, and that no permit is required for any fencing in the city unless the fence exceeds seven
68 feet in height. The proposed amendment came about as a response to a recent situation in which a
69 property owner installed a three-strand barbed wire fence around an approximately ten acre tract
70 of land in a residential district. Although the fence was allowed by the code, residents of the
71 adjacent subdivision objected to the use of such a material in a residential area.

72
73 There were no comments from the public.

74
75 Mayor Kolupski closed the Public Hearing.

76
77 **2.2** Conduct a Public Hearing on a Request for a Conditional Use Permit to Establish a "Gasoline
78 Service Station/Convenience Store" at 1304 Bayport Blvd., Seabrook, TX 77586, as per the
79 Seabrook City Code, Appendix A, Comprehensive Zoning, Article 4, "Special Use Regulations",
80 Section 4.11, "Conditional use permit criteria and procedures". *Sean Landis, Deputy City*
81 *Manager*

82
83 **Owner:** 146 Real Estate Investment, LLC< 15406 Driftwood Oak Ct., Houston, TX 77059

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85 **Applicant:** RNCI LLC, P.O. Box 1624, Magnolia, TX 77753

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90 **Legal Description:** A 0.4386 ACRE TRACT OR PARCEL OF LAND, MORE OR LESS,
91 BEING LOTS 1, 2, AND 3 AND PARTS OF LOTS 4, 5, 6, 7, 8, AND 9, IN BLOCK 4 OF
92 SEABROOK, AND ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP
93 OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 50 OF THE MAP AND/OR PLAT
94 RECORDS OF HARRIS COUNTY, TX.

95
96 **Location:** This property is located east of Bayport Blvd, south of First Street, north Second Street
97 and west of Anders Street.

98
99 Mayor Kolupski opened the Public Hearing.

100
101 Deputy City Manager Sean Landis presented the item to Council, which would add a new
102 canopy with four fueling pump islands as an extension to the existing Checkpoint gasoline station
103 at 1802 Main Street. In the opinion of the Applicant, the expansion of State Highway 146 has
104 caused this property to have development limitations and believes that this proposal is the highest
105 and best use for the property. Mr. Landis provided a brief overview of the proposed changes to the
106 site, which includes relocating the driveway further north. During its March 18, 2021 meeting, the
107 Planning & Zoning Commission unanimously recommended approval of this item but with two
108 conditions: (1) the owner shall install a camera from the newly-constructed canopy that shall be
109 monitored from inside the convenience store; and (2) the owner shall remove the existing driveway
110 onto State Highway 146 and relocate it to the northeast, as was presented to the Commission during
111 its March 18, 2021 meeting. Mr. Landis addressed questions from Council, including confirming
112 the size of the parcels of land, informing Council that the site of the old driveway would be
113 replaced with landscaping, and that the location of the new driveway would be vetted and approved
114 by Texas Department of Transportation.

115
116 There were no comments from the public.

117
118 Mayor Kolupski closed the Public Hearing.

119
120 **3. CONSENT AGENDA**

121
122 **3.1** Approve on second reading Ordinance 2021-04, "Feeding of Wildlife and Nuisance Animals
123 Prohibited". *Dwayne Vanselous, Animal Control Officer*

124
125 AN ORDINANCE OF THE CITY OF SEABROOK, TEXAS, CHAPTER 10, "ANIMALS",
126 ARTICLE 1, "GENERAL", CREATING NEW SECTIONS 10-11, "FEEDING OF WILDLIFE
127 PROHIBITED", AND SECTION 10-12, "NUISANCE ANIMALS", ALL AS DEFINED AND
128 PROVIDED HEREIN, WITH RELATED UPDATES; PROVIDING PENALTIES FOR
129 VIOLATION BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR
130 PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING
131 FOR SEVERABILITY, NOTICE AND ESTABLISHING AN EFFECTIVE DATE.

132
133 **3.2** Approve the minutes of the March 16, 2021 regular City Council Meeting. *Robin Lenio,*
134 *City Secretary*

135 **3.3** Approve the minutes of the April 9, 2021 special City Council meeting. *Robin Lenio, City*
136 *Secretary*

137
138 *Motion was made by Councilmember Davis and seconded by Councilmember Hammann*

139
140 *To approve all of the items on the Consent Agenda.*

141
142 *MOTION CARRIED BY UNANIMOUS CONSENT*

143
144 **4. NEW BUSINESS**

145
146 **4.1** Consider and take all appropriate action on first reading of Ordinance 2021-09, "Issuance of
147 Conditional Use Permit to allow for a "Gas Service Station/Convenience Store" at 1304 Bayport
148 Blvd in the 146-M Zoning District". *Sean Landis, Deputy City Manager*

149
150 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX
151 A, COMPREHENSIVE ZONING, ARTICLE 13, "TEMPORARY AND NONTEXT
152 CHANGES," SECTION 13.03, BY ADDING A NEW PARAGRAPH TWENTY EIGHT (28),
153 GRANTING A CONDITIONAL USE PERMIT ALLOWING FOR A "GASOLINE SERVICE
154 STATION/CONVENIENCE STORE" AT 1304 BAYPORT BLVD. WITHIN A 146-M (SH 146
155 MAIN COMMERCIAL) DISTRICT OF THE CITY; PROVIDING A PENALTY IN AN
156 AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISIONS HEREOF BY
157 INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF
158 ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR
159 SEVERABILITY

160
161 *Motion was made by Councilmember Klein and seconded by Councilmember Hammann*

162
163 *To approve the first reading of Ordinance 2021-09, "Issuance of Conditional Use Permit to allow*
164 *for a "Gas Service Station/Convenience Store"*

165
166 *MOTION CARRIED BY UNANIMOUS CONSENT*

167
168 **4.2** Consider and take all appropriate action on first reading of Ordinance 2021-10, "Prohibition
169 of use of Hazardous Materials in Fencing Construction". *Sean Landis, Deputy City Manager*

170
171 AN AMENDMENT TO APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE
172 III, "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS".
173 BY ADDING ADDITIONAL SUPPLEMENTARY PROVISIONS FOR FENCING BY
174 REVISING SECTIONS 3.03.13, ("R-1"), 3.04.11, ("R-2"), 3.05.11, ("R-3"), 3.06.13, ("C-1"),
175 3.07.13, ("C-2"), 3.09.12, ("146-S"), 3.10.13, ("WAD"), 3.11.10, ("MMU"), 3.12.03 (H), ("OS"),
176 AND 3.13.13, ("MH") ALL UNDER THE SUBTITLE "SUPPLEMENTARY REGULATIONS"
177 TO SUCH SECTIONS, TO CREATE PROHIBITION OF THE USE OF HAZARDOUS
178 MATERIAL FOR FENCING CONSTRUCTION; TO INCLUDE; BUT NOT LIMITED TO,
179 BARBED WIRE, CONCERTINA WIRE, RAZOR WIRE, ELECTRICALLY CHARGED WIRE,

180 AND/OR THE USE OF GLASS OR OTHER SHARP OBJECTS OR DANGEROUS
181 STRUCTURES OR OBJECTS; PROVIDING A PENALTY IN AN AMOUNT NOT TO
182 EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO
183 THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
184 INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND
185 PROVIDING FOR AN EFFECTIVE DATE

186

187 Council discussed whether the language in the proposed ordinance needed to allow for the
188 possibility of the City being allowed to grant exceptions to the prohibitions as the need arises for,
189 for example, properties in commercial areas. Deputy City Manager Sean Landis explained the
190 variance request process that the City currently has in place, which allows for variances to
191 ordinances in extreme situations where such variances are deemed to be necessary. The Council
192 discussed the common uses of barbed wire and other such fencing materials that would be
193 prohibited by the proposed ordinance, with some members noting that Seabrook does not have any
194 extreme or unusual examples of fencing constructed with or supplemented with hazardous
195 materials, and that property owners have a right to take reasonable measures to protect their
196 properties. Following the discussion and at the recommendation of Mr. Landis, it was the
197 consensus of Council to send the proposed ordinance back to the Planning & Zoning Commission
198 to be fleshed out.

199

200 **4.3** Consider and take all appropriate action on Resolution 2021-07, "Opposition to HB
201 1869". *Gayle Cook, City Manager*

202

203 RESOLUTION PROVIDING OPPOSITION TO HOUSE BILL 1869, AN ACT RELATING TO
204 THE REDEFINING OF DEBT FOR THE PUPOSES OF CALCULATING CERTAIN AD
205 VALOREM TAX RATES OF A TAXING UNIT

206

207 City Manager Gayle Cook explained the proposed resolution to Council, remarking that
208 the bill is restrictive to cities. Passage of Resolution 2021-07 would allow the City to file the
209 Resolution with the State of Texas as a way to formally show its opposition. Mayor Kolupski said
210 that the City should also take steps to get copies of the Resolution into the hands of the Texas
211 Ways & Means Committee members and let our representatives know about the City's position by
212 also sending a copy to them.

213

214 *Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Machol*

215

216 *To approve the Resolution 2021-07, "Opposition to HB 1869" with the typographical error in the*
217 *second paragraph corrected*

218

219 *MOTION CARRIED BY UNANIMOUS CONSENT*

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225 **5. DISCUSSION ITEMS**
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227 **5.1** Discuss, consider, and if appropriate, take action on an update to the Noise Ordinance, possible
228 modifications and status of noise study requested by City Council on April 6, 2021. Gayle Cook,
229 City Manager
230

231 City Manager Gayle Cook informed Council about the status of this project, and said that
232 she has narrowed down the selection of an acoustic engineer to a handful of choices. The possible
233 cost to the City will be in the region of \$11,000 for a vendor with experience working with cities
234 on this type of issue. Ms. Cook said that that cost is within her spending authority, and she would
235 move forward with the project (with a possible budget amendment to follow) unless Council
236 objected. There were no objections from Council.

237
238 **5.2** Discuss, consider, and if appropriate, take action on the installation of Ground Flagpole
239 Sleeves along Main Street for the display of American and other flags for special events. *Joe*
240 *Machol, Council Position 6*
241

242 Councilmember Machol said that due to the construction on State Highway 146, the City
243 stopped flying the flag on holidays. After speaking with over 200 different families, a recurring
244 theme was festivals and flags. The City already has festivals, but needs more flags. As a starting
245 point, he proposed having 20-40 flags that will fly along Main Street, with flag sleeves with caps
246 installed on Main Street so that it is easy to place and remove flags. Eventually, he would like to
247 see all of Seabrook dotted with flags on holidays.
248

249 City Manager Gayle Cook said that the City would be looking at flag sleeves with caps,
250 and nicer flags that would last longer than a year. The cost would be approximately \$70-\$100 for
251 a flag and insert, after accounting for materials and staff time. If approved, the City would start
252 installing flags in the memorial area. Depending on the size of the project, a budget amendment
253 might be needed. Public Works Director Kevin Padgett addressed Council, remarking that his
254 department does have experience with outdoor flags, and does have some limited funding available
255 for a small flag project. He recommended a one-time installation of an anchor that could be left in
256 place during the year to allow for flagpoles to be easily installed and removed. Councilmember
257 Davis expressed her strong support for the project and proposed that the flags for the project be
258 donated; perhaps first by members of the Council, and then later by members of the community.
259 Under such a system, the City could install the sleeves, and then use flags that are donated by
260 citizen. Councilmember Machol agreed, saying that he has also had people volunteer to install and
261 remove the flags, which would help ease the burden on City staff.
262

263 *Motion was made by Councilmember Machol and seconded by Councilmember Klein*
264

265 *To approve the installation of twenty Ground Flagpole Sleeves for the display of American and*
266 *other flags for special events at a total cost not to exceed \$2,500.*
267

268 **MOTION CARRIED BY UNANIMOUS CONSENT**
269

270 **6. ROUTINE BUSINESS**

271
272 **6.1** Update and report on various items that require no action, including SH 146 Expansion
273 Project, City of Seabrook CIP Projects, City of Seabrook Grant Administration, May 1, 2021
274 General Election, and 2021 State Legislative Session. *Gayle Cook, City Manager and Robin*
275 *Lenio, City Secretary*

276
277 City Manager Gayle Cook gave a report to City Council on the SH 146 Expansion Project,
278 City of Seabrook CIP Projects, City of Seabrook Grant Administration, May 1, 2021 General
279 Election, and the 2021 State Legislative Session, as shown in Attachment A.

280
281 **6.2** Update and discuss report by City Manager on COVID related issues. *Gayle Cook, City*
282 *Manager and Brad Goudie, Director of Emergency Services*

283
284 City Manager Gayle Cook gave the report as shown in Attachment B.

285
286 **6.3** Establish future meeting dates and agenda items. *City Council*

287
288 The next regular City Council meeting will be held on Tuesday, May 4, 2021, in person, at
289 7:00p.m. City Council will also hold a special meeting to canvass the election results on May 11,
290 2021. The following regular City Council meeting will be held on Tuesday, May 18, 2021, in
291 person, at 6:00p.m., at which the new members of Council will be sworn in.

292
293 **7. CLOSED EXECUTIVE SESSION**

294
295 **7.1 Section 551.071**

296 Conduct a Closed Executive Session to consult with City Attorney to discuss legal issues only
297 associated with the City Code, rules, procedures, statutes and related regulations governing
298 General Election called for May 1, 2021, all as provided under Texas Government Code, Section
299 551.071. *Steven L. Weathered, City Attorney*

300
301 At 7:30 p.m., Mayor Kolupski announced that the City Council will now hold a closed
302 executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551 Government
303 Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in
304 Sections 551.071, Consultation with City Attorney.

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315 **8. OPEN SESSION**

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317 At 8:47 p.m., Mayor Kolupski reconvened the meeting in open session and stated that item 7.1
318 had been discussed, but that no action had been taken in Executive Session.

319
320 Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:47 p.m.

321
322 Approved this 4th day of May, 2021.

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Robin Lenio

Robin Lenio, TRMC
City Secretary

Thomas G. Kolupski

Thomas G. Kolupski
Mayor

