

1 The City Council of the City of Seabrook met in regular session on Tuesday, May 7, 2019 at 7:00
2 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 | 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 Kolupski 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**

23
24 **1.1** A presentation of a proclamation recognizing May 14, 2019 as Apraxia Awareness Day.
25 (Kolupski)

26
27 Mayor Kolupski read and presented the proclamation to a local family who is affected by
28 Apraxia.

29
30 **1.2** Presentation of the post event report for the 2018 Saltwater Derby. (Seabrook Association)

31
32 Dr. Melissa Botkin-Everett, Board of Director for Saltwater Derby, shared that the Derby
33 is approaching its 10th anniversary, and she presented Attachment A to Council with information
34 about this year's event.

35
36 Mayor Kolupski asked how the lack of the boat ramp is going to effect the tournament. Dr.
37 Botkin-Everett stated that people launch anywhere, and this year the event was open to Galveston
38 Bay. There are quite a few tournaments that have started since then and it hasn't really affected
39 the turnout rate.

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43 **THIS SPACE INTENTIONALLY LEFT BLANK**
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46 **2. PUBLIC COMMENTS AND ANNOUNCEMENTS**

47
48 Sue Harral, 2026 Willow Wisp, Seabrook, stated that she is the owner of seven (7) lots in
49 Old Seabrook, and wants to speak from my perspective and my feelings on things that have
50 happened. Two words are very important: communication and trust. I want to voice
51 disappointment about how changes are being made. Old Seabrook has been center of this area
52 long before the current development. One building was built in 1895 and still stands.

53
54 Hank Kidd, 817 Staples, explained that he has a petition, signed by 50 people, who are
55 opposed to the 20 ft setback in Old Seabrook. Mr. Kidd asked Council to consider repealing the
56 Ordinance.

57
58 Robert Kidd, 1021 Victorian Court, stated that he is in favor of something to make it easier
59 for food trucks to be allowed in Seabrook. Also, the signs on how to get around during the 146
60 construction need to be changed. At Meyer the traffic is directed left to 146 N, but traffic should
61 either go straight or turn right to help traffic flow.

62
63 Sue Ruthstrom, 1501 Main Street, explained that the City needs to quit fighting the
64 property owners in Old Seabrook and have a discussion at Planning & Zoning meeting to let Old
65 Seabrook express itself with design choices instead of dictating the color of paint, the paving
66 stones, the plants, decoration. The City could keep the streets clean; replace or maintain the
67 existing pedestrian lights; give money to property owners for sidewalk installation; get rid of the
68 no parking requirements; enclose the City dumpsters with a fence; provide a bathroom for fishing
69 on Main Street. If the City will do its part to clean up the area, then the merchants will participate.
70 The City should not make decisions about Old Seabrook until the owners and merchants express
71 their ideas. The residents in Old Seabrook have endured a lot of inconvenience with the
72 construction of the 90 homes being built. There is no need for construction crews to work on
73 Sunday at 7:00a.m. Please regulate the hours of construction.

74
75 William Brown, 30-40 year owner of property off of Meyer, stated that he was surprised
76 about the 20 ft setback in Old Seabrook, which will have a profound effect on the plans he has for
77 building in the area. He stated that he needs more information and that the setback will affect a
78 lot of property owners.

79
80 **2.1 Mayor, City Council, and/or City staff may make announcement about City/Community**
81 **events. (Council)**

82
83 Councilmember Davis announced several upcoming event, including National Police
84 Week; the 3rd grade field trip; National Public Works Week; National EMS Week; the Hurricane
85 Town Hall Meeting; City Offices closed on Memorial Day; and the Memorial Day Ceremony at
86 the Bay Area Veterans' Memorial.

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91 **3. BID AWARD**

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93 **3.1** Consider and take all appropriate action on staff's recommendation to reject bids received
94 for Pine Gully Wastewater Treatment Plant - Phase 1, Seabrook Project No. 2018-301-1, due to
95 potential grant funding for engineering services for infrastructure retrofit of the wastewater
96 system. (Cook)

97
98 *Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Machol*

99
100 *To reject the bids received for Pine Gully Wastewater Treatment Plant - Phase 1, Seabrook Project*
101 *No. 2018-301-1, due to potential grant funding for engineering services for infrastructure retrofit*
102 *of the wastewater system.*

103
104 *MOTION CARRIED BY UNANIMOUS CONSENT*

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106 **4. CONSENT AGENDA**

107
108 **4.1** Approve the minutes of the April 16, 2019 regular City Council meeting. (Hicks)

109
110 *Motion was made by Councilmember Hammann and seconded by Councilmember Klein*

111
112 *To approve the minutes of the April 16, 2019 regular City Council meeting.*

113
114 *MOTION CARRIED BY UNANIMOUS CONSENT*

115
116 **5. NEW BUSINESS**

117
118 **5.1** Consider and take all appropriate action on Resolution 2019-11,"Automated Fingerprint
119 Identification System (A.F.I.S.) Live Scan Grant Application." (Wright)

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121 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,
122 AUTHORIZING A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR,
123 CRIMINAL JUSTICE DIVISION FOR FACILITY SURVEILLANCE AND RECORDING
124 EQUIPMENT

125
126 Police Chief Sean Wright stated that this grant through HGAC and the Governor's office
127 will the purchase of live scan equipment that will allow officers to scan fingerprints and confirm
128 identification on scene and also check through a federal database for other needed information.
129 This grant will also put \$30,000.00 back into the General Fund budget.

130
131 *Motion was made by Councilmember Davis and seconded by Councilmember Machol*

132
133 *To approve Resolution 2019-11,"Automated Fingerprint Identification System (A.F.I.S.) Live Scan*
134 *Grant Application."*

135

136 *MOTION CARRIED BY UNANIMOUS CONSENT*

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138 **5.2** Consider and take all appropriate action on Mario's Pizza request for an extension on
139 project completion from April 20, 2019 to May 20, 2019. This extension request has been approved
140 by Seabrook EDC. (Chavez)

141

142 Paul Chavez, Director of Economic Development, stated that the Seabrook Economic
143 Development Board reviewed and unanimously approved this request. Mario's agreement
144 requires that a Certificate of Occupancy (C/O) be obtained by April 20, but due to construction,
145 Mario's will not be able to make that date. However, Mario's now has a temporary C/O and were
146 opened during the Keels and Wheels event last weekend.

147

148 *Motion was made by Councilmember Hammann and seconded by Councilmember Klein*

149

150 *To approve the Mario's Pizza request for an extension on project completion from April 20, 2019*
151 *to May 20, 2019.*

152

153 *MOTION CARRIED BY UNANIMOUS CONSENT*

154

155 **5.3** Consider and take all appropriate action to allocate Hotel Occupancy Tax funds for a new
156 art feature/project at Meador Park, "Seabrook's Hidden I <3 Art." The subsequent expenditure will
157 directly enhance and promote tourism and the convention and hotel industry and promote the arts,
158 as required by Texas Tax Code, Section 351.101. (Petersen)

159

160 LeaAnn Petersen, Director of Communications, stated that the City currently promotes the
161 arts in several ways, including:

162

- 163 • the Pelican project, which is booming right now, with ten (10) currently in production
- 164 • the Skate Park Murals that are painted with the help of a grant from the San Jacinto Historic
165 District
- 166 • Celebration Seabrook, now tagged as Music and Art by the Bay and art vendors get a
167 discounted vendor rate to participate in the event
- 168 • Sponsorship of the Bay Area Houston Ballet & Theatre and the Gulf Coast Film Festival
- 169 • the Rain Barrel project for both arts and water conservation, which was recently featured
170 in the TML magazine

171

172 Ms. Petersen added that Seabrook is on the map for art.

173

174 Ms. Petersen continued that the 2018/2019 HOT Budget includes event sponsorships,
175 Pelican Project additions, Celebration Seabrook, and a NEW Pelican Hospital and work area at
176 Carothers. However, since Carothers use is up in the air now, the Pelican Hospital has been placed
177 on hold. With the funds that were allocated for the Pelican Hospital, staff has been looking for a
178 new, unique art project that will attract tourists and can promote conservation. Staff is looking for
179 direction from Council, and would like to propose a project from Rainworks.

180

181 Ms. Petersen explained that Rainworks is a company that manufacture's a spray on product
182 that is invisible until it gets wet, and is used to paint signs, messages, images, etc. on sidewalks
183 that cannot be seen until the sidewalk gets wet.
184

185 Ms. Petersen stated that Meador Park is a natural gathering place because it has the largest
186 pavilion and it is rented most. The new art project would include concrete pavers around the
187 pavilion that people could paint with the Rainworks product to create works of art. The product
188 will fade in about six months, so the City could hold events twice per year. This art event could
189 be combined with a rain barrel workshop to promote water conservation and the water from the
190 barrels could be used to reveal the art work. Ms. Petersen explained that she has not seen any other
191 city explore the use of the Rainworks product. The Rainworks project would have multiple uses,
192 as the concrete pavers could be used during Celebration Seabrook to keep vendors from having to
193 setup where mud and ants are likely to form. In addition, this project is budgeted because the
194 money would come from funds set aside for the Pelican Hospital at Carothers.
195

196 Ms. Petersen stated that she is looking for direction from Council on this project, and can
197 move forward with getting quotes for the Rainworks product and the concrete pavers.
198

199 City Council Members expressed the following:
200

- 201 • The concrete pavers around the pavilion will increase the heat. This is a good idea, but not
202 around the pavilion.
- 203 • Are there ongoing costs associated with this project? Ms. Petersen stated that only the cost
204 of the Rainworks product.
- 205 • This is a really cool idea, and maybe not just for Meador Park, but also in and around the
206 City on existing sidewalks. Ms. Petersen stated that there are no sidewalks around town,
207 only trails, and pavilions (which won't get wet when it rains).
- 208 • Could HOT funds be used through this art project to fund construction of sidewalks in Old
209 Seabrook? Ms. Petersen explained that HOT could possibly be used if the City promotes
210 the art work with signs.
- 211 • This is a great idea. Pursue it. People will look forward to it.
- 212 • It would add ambiance to the trails, if we add 3x3 concrete pads next to them.
- 213 • We could also map it, like a "go find me" activity around town.
- 214 • We could do a winding path at Meador instead of pavers around the pavilion. This is a
215 fantastic idea.
216

217 Ms. Petersen explained that the idea is to host events at Meador Park because one of the
218 strategic plan goals is to have more events for residents.
219

220 *Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Hammann*
221

222 *To give staff approval to go forward with this idea and bring quotes and other information back*
223 *to Council.*
224

225 **MOTION CARRIED BY UNANIMOUS CONSENT**

226 **5.4** Consider and take all appropriate action on formation of a Hotel and Conference Center
227 Subcommittee with the appointment of two (2) Council members to meet with City staff and
228 consultant on preliminary analysis study. Final approval of study results would be approved by
229 City Council. (Cook)

230

231 Mayor Kolupski explained that two members of Council should be on the Committee and
232 this item is to appoint those members.

233

234 Councilmembers Hammann and Davis volunteered to be on the Committee.

235

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

237

238 *To appoint Buddy Hammann and Laura Davis as the Council Liaisons to the Hotel and Conference*
239 *Center Subcommittee.*

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241 **MOTION CARRIED BY UNANIMOUS CONSENT**

242

243 **6. DISCUSSION ITEM**

244

245 **6.1** Discussion on regulations for food trucks. (Larson)

246

247 Councilmember Larson explained that he asked for this item to be placed on the agenda to
248 move the topic forward, based on comments he has received from the public. Mr. Larson further
249 explained that he understands the concern over taking away from the brick and mortar restaurants.
250 Maybe there is a compromise available with a semi-permanent truck on an owner's property. The
251 Voodoo Hut in Kemah has a food truck there, and now Barge 295 is asking for a food truck.
252 Council should start investigating the possibilities.

253

254 Councilmembers expressed the following:

255

256 • At the EDC Business Morning Brew, quite a few people voiced that they would like food
257 trucks in Seabrook.

258 • I have been a food truck patron in Houston and those trucks are near a walking population
259 and there is a scarcity of restaurants in the area. Seabrook does not have walk-in traffic.

260 • All of our sticks and bricks restaurants pay sales taxes. We don't want to hurt the existing
261 businesses.

262 • The food trucks I've visited have adequate street parking, so food trucks in Seabrook would
263 exclude Old Seabrook.

264 • We could talk about Barge 295, but for the rest of the City, no.

265 • Some food trucks are very colorful and the Planning & Zoning Commission has spent time
266 on how we want the City to look.

267 • We don't want someone to not be able to have a big restaurant come in.

268 • Food trucks are not the only competition for brick and mortar. Someone could come in
269 and open a brick and mortar pizza restaurant and that restaurant would be competition for
270 Mario's.

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- If we can collect the sales tax, we should do it. We could show that we can attract other businesses.
 - Miramar tenants said they would like food trucks and the Burke's people offered the use of their restrooms. There wouldn't be 500 trucks all over the place. The City would regulate it.
 - My biggest concern is sales tax. We need to be doing everything we can to garner all the sales tax we can. We heard from Paul Chavez that it's hard to collect sales tax from food trucks.
 - The Barge 295 would be a special event and an expansion of the existing establishment. Unless there is a commissary, we can't collect sales tax. The Barge would be their own commissary. If food trucks were done in the right way, it could be great. Setting up food trucks without a commissary is not an option. I'm open to semi-permanent.
 - The owner of Barge 295 told me that he can live within the requirements of the existing Special Event ordinance. He won't keep it parked there all the time. The Voodoo Hut is using a food truck to beat the flood plain ordinance. Barge 295 has a commissary that is registered in Dickinson, so Seabrook will not get the sales tax.
 - We can overcome the issues with a few tweaks to the ordinances.
 - Once we allow food trucks in, then they are grandfathered in. We are better off with the allowance in the Special Event ordinance.
 - We are hurting our brick and mortar restaurants.
 - There is reluctance to change the existing ordinance to start allowing food trucks.
 - I'm not saying to allow the wild west of food trucks. We can put it in the ordinance that a commissary is required. We can open it up a little bit, but require certain things. How can we encourage food trucks and have regulations for them? Let's open the door a little bit and let capitalism do its thing. Let's think outside the box.
 - Seabrook is not a walk-up community. The foods trucks would have to generate 100 new customers per day.
 - If we write the ordinance, with parameters to be regulated, it would put a huge burden on staff.
 - How much does it cost to establish a commissary?
 - Citizens have expressed that they want the option of food trucks.
 - Have we had an interest by food truck owners to come to Seabrook? Ms. Cook stated, "No."
 - We will have workers here from the 146 construction and they will have somewhere to go for lunch besides fast food.
 - We have Subway, Hubcap Grill, Mario's, the deli at the Shell station and a new McDonald's is opening soon.
 - Can we do a public hearing or a workshop on this? We can invite business owners to come in and discuss the matter.
 - We haven't heard where we can put food trucks. There is not a solution.
 - Private property owners can apply for a special event permit for 72 hours. Food trucks are allowed in Seabrook through the Special Event permit.

- 314 • We need to ask staff to put together a report on lost sales tax, what would need to happen
315 to regulate trash, etc. so the Council will know what we need to make food trucks happen.
316 Sean Landis, Deputy City Manager, stated that a zoning ordinance would have to go before
317 the Planning & Zoning Commission and then to Council.
- 318 • The bigger issue is communication and transparency. There are regular business meetings
319 held by the EDC Director. The issue will not go away, and we can work within our current
320 ordinance. I don't think anyone wants to say that we don't want to listen to anyone. Paul's
321 business meeting is the proper venue for a discussion.
- 322 • It has to be business driven, not City driven. If we have a workshop, it might be assumed
323 that the City will do something.
- 324 • Why is a town hall meeting an endorsement? I was elected to bring issues forward.
- 325 • How would the City provide for food trucks, even if the City itself wants them? We need
326 to educate the people who are asking for food trucks.
- 327 • This is not about taking a vote on food trucks right now. Everyone has good points. Let's
328 educate people at a town hall meeting.
- 329 • We don't need a town hall meeting. We need to educate business owners as they ask about
330 food trucks.

331
332 Paul Chavez, Director of Community Development, explained that he doesn't know the
333 cost of establishing a commissary. Some cities add what might be the sales tax as a park or permit
334 fee. Food trucks are very calculated and they have to know how they will make money. People
335 who own food trucks have to account for staffing needs, supplies, etc. There is a lot of self-
336 regulation. A commissary doesn't have to be large, but it has to be centralized so that trucks can
337 be washed there, trucks can re-supply there, and owners can plug in the sale tax calculation. Food
338 trucks could lead to interesting food choices. Harris and Galveston food trucks are inspected by
339 the Health Department. Restrooms and trash are a concern/issue.

340
341 *No motion was made and no action taken.*

342
343 **7. ROUTINE BUSINESS**

344
345 **7.1** Review of and update on HB 1259, SB 1222 and other bills to enable Seabrook to become
346 an eligible municipality to qualify for rebates of state hotel tax revenue for convention center hotels
347 as part of Section 351 of the Tax Code. (Cook)

348
349 Gayle Cook, City Manager, explained that the bill with only Seabrook in it is at a standstill,
350 but Seabrook has been added in a companion bill, so staff will be watching both bills closely.

351
352 **7.2** Review of and update on Second Quarter Strategic Plan FY 19. (Cook)

353
354 Ms. Cook stated that the attachment shows new successes in each area and staff is making
355 great strides in accomplishing each goal and task in the Plan.

356
357

358 **7.3** Approve the Action Item Checklist which is attached and made a part of this Agenda.
359 (Council)

360
361 **TXDOT** – Gayle Cook, City Manager, stated that staff received a late email with
362 information on additional lane closures, so everyone is encouraged to look to social media for
363 details. There is asbestos removal activity on the West side of the bridge. The Coast Guard is
364 working on opening up the waterway on heavy days. Sean Landis, Deputy City Manager,
365 explained that there are 15 structures that the City is responsible for mitigating and getting torn
366 down, and only 7 of those are still remaining. Marburgers is still occupied, and the City is working
367 with them on a plan. The City has sent notices of violation to all property owners except for Wells
368 Fargo, Vitavia, and the Robert’s residence, and is waiting on secure letters from TXDOT to provide
369 the information to the City to draft the letters.

370
371 **PROJECTS** – Kevin Padgett, Director of Public Works, explained that the Utility
372 Relocate Project for the SH 146 project is moving along in segments. The SCADA project will
373 kick off in the next two (2) weeks. The contract has been awarded for the Marvin Circle project
374 and that project should take about 90 days to complete. The Fire Department floor was completed
375 last week. The water and sewer utility installation for the Lakeside Daycare is progressing, but
376 the entire project will not move too quickly because of requirements that the daycare has for a 30
377 day lag time between approval on their end and work start. It will have to be aggressive
378 construction for the project to be completed by last summer.

379
380 **GRANT ADMINISTRATION** – Ms. Cook stated that the resolution for the AFIS grant
381 was passed tonight by Council. On the Wastewater Treatment Plant, staff met with the Texas
382 Department of Emergency Management, and there is an alternative method for grant consideration
383 called a retrofit. The City of Seabrook has a good chance of getting 100% of the project funded
384 through this grant opportunity at a 75/25 match. It sounds like the process will move quickly,
385 according to the State rep, because the City has already done the ground work needed. The
386 turnaround is roughly 45 days.

387
388 **LEGISLATIVE UPDATES** – Ms. Cook explained that the Legislature is still looking at
389 a tax swap deal and she sent Council an email to further explain. In addition, the Legislature is
390 still looking at the cable and telephone franchise bills and Ms. Cook will update Council as she
391 has updates.

392
393 *Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Machol*

394
395 *To approve the Action Items Checklist*

396
397 **MOTION CARRIED BY UNANIMOUS CONSENT**

398
399 **7.4** Establish future meeting dates and agenda items. (Council)

400
401 The next City Council meeting will be held on May 21, 2019 at 7:00p.m. Mayor Kolupski
402 and Councilmember Ed Klein will be absent from that meeting.

403 Ms. Cook polled Council to get a date in June when all Council members would be present
404 for a Strategic Planning Workshop. By consensus, Council agreed to a workshop in Friday, June
405 21, 2019.

406
407 **8. CLOSED EXECUTIVE SESSION**

408
409 **8.1 Section 551.071**

410 Conduct a closed executive session to consult with the City Attorney to discuss legal issues
411 associated with potential revisions of the existing contract between the City of Seabrook and the
412 Clear Lake Emergency Medical Corps (CLEMC). (Cook)

413
414 At 9:01 p.m. Mayor Kolupski announced that the City Council will now hold a closed
415 executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551 Government
416 Code, and Vernon’s Texas Codes Annotated, in accordance with the authority contained in
417 Sections 551.017, Consultation with Attorney.

418
419 **9. OPEN SESSION**

420 *Council will reconvene in open session to allow for possible action on any of the agenda items*
421 *listed under "Closed Executive Session."*

422
423 At 9:46 p.m. Mayor Kolupski reconvened the meeting in open session and stated that item
424 8.1 had been discussed, but that no action had been taken in executive session.

425
426 Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 9:47 p.m.

427
428 Approved this 4th day of June, 2019.

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Thomas G. Kolupski
Mayor

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438 _____
Robin Hicks, TRMC
City Secretary