



**SEABROOK CITY COUNCIL  
NOTICE OF REGULAR CITY COUNCIL MEETING  
TUESDAY, MARCH 3, 2020 - 7:00 PM**

For city information visit [www.seabrooktx.gov](http://www.seabrooktx.gov)  
For SH 146 updates visit [www.sh146.com](http://www.sh146.com)

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY MARCH 3, 2020 AT 7:00 PM** IN THE CITY HALL CITY COUNCIL CHAMBERS, 1700 1ST STREET, SEABROOK, TEXAS, **TO DISCUSS, CONSIDER, AND IF APPROPRIATE, TAKE ACTION** WITH RESPECT TO THE ITEMS LISTED BELOW.

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS OR INTERPRETIVE SERVICES, MUST BE MADE, 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (281) 291-5663 OR CITYSEC@SEABROOKTX.GOV FOR FURTHER INFORMATION.

**PLEDGE OF ALLEGIANCE**

**1. PRESENTATION**

**1.1** Presentation on the Comprehensive Financial Report for period ending January 31, 2020. *Michael Gibbs, Director of Finance*  
**ATTACHMENT:** [Financial Report](#)

**2. PUBLIC COMMENTS AND ANNOUNCEMENTS**

*At this time we would like to listen to any member of the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum of four minutes for each speaker, shall be limited to City business or City-related business or matters of general public interest, and shall not include any personal attacks. In accordance with the Texas Open Meetings Act, members may not discuss or take action on any item that has not been posted on the agenda. When your name is called, please come to the podium and state your name and address clearly into the microphone before making your comments. Thank you.*

**2.1** Mayor, City Council, and/or members of City Staff may make announcements about City/Community events. *City Council*  
**ATTACHMENT:** [Events Memo](#)

**3. CONSENT AGENDA**

**3.1 Approve on second reading proposed Ordinance 2020-08,** "Issuance of Conditional Use Permit to allow for an "Open Air Market" at 902 Hardesty Avenue in the OS Old Seabrook District." *Sean Landis, Deputy City Manager*

**ATTACHMENTS:** [Ordinance 2020-08](#) [CUP Application](#) [PZ Report](#)  
[Aerial Map](#) [Applicant Presentation](#)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 13, "TEMPORARY AND NONTEXT CHANGES", SECTION 13.03, BY ADDING A NEW PARAGRAPH TWENTY SEVEN (27), GRANTING A CONDITIONAL USE PERMIT ALLOWING FOR AN "OPEN AIR MARKET" AT 902 HARDESTY AVENUE WITHIN AN OS (OLD SEABROOK) DISTRICT OF THE CITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY

**3.2 Approve on second reading proposed Ordinance 2020-09,** "Issuance of Conditional Use Permit to allow a "Bar" at E. NASA Parkway, Suite 250, in the C-2 Medium Commercial District." *Sean Landis, Deputy City Manager*

**ATTACHMENTS:** [Ordinance 2020-09](#) [CUP Application](#) [PZ Report](#)  
[Applicant Presentation](#)

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

**3.3 Approve** the renewal of the General Land Office Coastal Lease for Coastal Public Lands Easement No. CL940002, Seabrook Slough at Main Street (Second Street) Park and authorize the City Manager to sign the lease. This agreement is for 10 years, effective on July 1, 2019 and terminating on June 30, 2029. *Gayle Cook, City Manager*

**ATTACHMENTS:** [Agenda Briefing](#) [Lease Agreement](#)

**3.4 Approve the minutes of the February 18, 2020 regular City Council meeting.** *Robin Lenio, City Secretary*

**ATTACHMENT:** [February 18, 2020 minutes](#)

#### **4. NEW BUSINESS**

**4.1 Consider and take all appropriate action on first and final reading of Ordinance 2020-10, "Amendment No. 3 Amending the**

Budget for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020 for City Department Encumbrances." *Michael Gibbs, Director of Finance*

**ATTACHMENTS:** [Agenda Briefing](#) [Ordinance 2020-10](#) [Attachment A](#)

AN ORDINANCE AMENDING THE AMOUNT OF APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 BY AUTHORIZING CERTAIN ADDITIONS IN THE AMOUNT OF -\$2,472 FOR GENERAL FUND; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO FACILITATE THE CHANGES IDENTIFIED; AND FINDING AVAILABLE UNENCUMBERED FUNDS FOR THE SUPPLEMENTAL APPROPRIATION AND/OR RESERVE REDUCTION

**4.2** Consider and take all appropriate action on a request by the Seabrook Municipal Court to generally allow scheduling court on Tuesdays and/or any other day necessary (in addition to Mondays) in the Council Chambers/Courtroom of the Seabrook City Hall building. *Dick Gregg, III, Presiding Municipal Court Judge*

**ATTACHMENT:** [Agenda Briefing](#)

**4.3** Consider and take all appropriate action on an Interlocal Agreement between the Seabrook Municipal Court and the Texas Department of Public Safety to accommodate Chapter 706 of the Transportation Code regarding the Failure to Appear Program. *Dick Gregg, III, Presiding Municipal Court Judge*

**ATTACHMENTS:** [Agenda Briefing](#) [Interlocal Agreement](#)

**4.4** Consider and take all appropriate action to allow Dunham Engineering to prepare all bid documents for the rehabilitation of the elevated water tower at Friendship Park as indicated in CIP W11 in an amount not to exceed \$20,000.00. *Kevin Padgett, Director of Public Works*

**ATTACHMENT:** [Agenda Briefing](#) [Agreement](#) [Dunham Recommendation Letter](#) [CIP W11](#)

**4.5** Consider and take all appropriate action on sponsorship for Salute to Heroes event taking place at South Shore Harbour Resort on Friday, April 2, 2020. This is not a budgeted item. *LeaAnn Petersen, Director of Community & Visitor Relations*

**ATTACHMENT:** [Agenda Briefing](#) [Flyer](#)

## **5. DISCUSSION ITEM**

**5.1** Discussion on the Five Year Water Rate Study by NewGen Solutions. *Matthew Garrett & Megan Kirkland, NewGen Solutions*

**ATTACHMENTS:** [Agenda Briefing](#)

## **6. ROUTINE BUSINESS**

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

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

**7. CLOSED EXECUTIVE SESSION**

**7.1 Section 551.071**

Conduct a closed executive session to consult with attorney on pending litigation, *Ynacey v. City of Seabrook*, filed in United States District Court, Southern District, Houston Division under Civil Action 4:20-CV-588 pursuant to Government Code Section 551.071.  
*Gayle Cook, City Manager*

**7.2 Section 551.074**

Conduct a closed executive session to deliberate the evaluation and duties of the City Manager. *Thom Kolupski, Mayor*

**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."*

THE CITY COUNCIL RESERVES THE RIGHT TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE) THAT JUSTIFIES EXECUTIVE SESSION TREATMENT.

I certify that this notice was posted on the bulletin board on or before Friday, February 28, 2020 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

Stephanie Guerrero,  
Executive Administrative Assistant