



**SEABROOK CITY COUNCIL  
NOTICE OF REGULAR CITY COUNCIL MEETING  
TUESDAY, SEPTEMBER 7, 2021 - 6:00 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 SEPTEMBER 7, 2021 AT 6:00 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. CLOSED EXECUTIVE SESSION**

**1.1 Section 551.071**

Conduct a Closed Executive Session to consult with the City's attorneys regarding the lawsuit entitled City of Seabrook v. Barge 295 and the Yard at Barge 295. *Gayle Cook, City Manager*

**2. PRESENTATIONS**

**2.1** Presentation of a Memorial Tree Planting for Mark McNamara, business owner of KO Sailing, well known in the sailing community, and instrumental in bringing youth sailing sport to the forefront for Seabrook and Lakewood Yacht Club. *Thom Kolupski, Mayor, and Gayle Cook, City Manager*

**ATTACHMENT(S):** [Tree Planting Photo 1](#) [Tree Planting Photo 2](#)

### **3. 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.*

**REGISTER ONLINE TO SPEAK *IN PERSON* DURING PUBLIC COMMENTS:** [www.seabrooktx.gov/speaker-registration](http://www.seabrooktx.gov/speaker-registration)

### **4. CAROTHERS COASTAL GARDENS TASK FORCE II**

**4.1** Presentation of the Carothers Coastal Gardens Task Force II (CCGTFII) Final Report. *Rhonda Thompson, Chair*

**ATTACHMENT(S):** [Agenda Briefing](#) [Resolution 2020-02](#) [Final Report](#)

**4.2** Discuss and take all appropriate action on the acceptance of the Final Report created by the Carothers Coastal Gardens Task Force II (CCGTFII). *Kevin Padgett, Director of Public Works*

**4.3** Consider and take all appropriate action on Resolution 2021-12, "Dissolution of the Carothers Coastal Gardens Task Force II". *Sean Landis, Deputy City Manager*

**ATTACHMENT(S):** [Resolution 2021-12](#)

### **5. SPECIFIC PUBLIC HEARINGS**

**5.1** Conduct a Public Hearing on a Request for an amendment to Appendix A, "Comprehensive Zoning", Article III, "Establishment of Zoning Districts and Associated Regulations", by adding additional supplementary provisions for fencing by revising sections 3.02.13 ("R-LD"), 3.03.13 ("R-1"), 3.04.11 ("R-2"), 3.05.11 ("R-3), 3.06.13 ("C-1"), 3.07.13 ("C-2"), 3.08.13 ("C-3"), 3.09.12 ("146-S"), 3.10.13 ("WAD"), 3.11.10 ("MMU"), 3.12.03 (H) ("OS"), 3.13.13 ("MH"), 3.14.14 ("LI"), and 3.16.12 ("146-M"), all under the subtitle "Supplementary Regulations" to such sections, to create prohibition of the use of Hazardous Materials for Fencing Construction, to include, but not be limited to: Barbed

Wire, Concertina Wire, Razor Wire, Electrically Charged Wire, and/or any other materials designed or capable of causing unreasonable harm to persons or animals. *Sean Landis, Deputy City Manager*

**ATTACHMENT(S):** [Agenda Briefing](#) [Notice of Hearing](#) [PZ Report](#)

## **6. CONSENT AGENDA**

**6.1** Approve corrected minutes of the May 4, 2021 regular City Council meeting, as seen on page 3 of said minutes. *Robin Lenio, City Secretary*

**ATTACHMENT(S):** [corrected May 4 2021 minutes](#)

**6.2** Approve minutes of the June 24, 2021 joint City Council/Seabrook Economic Development Corporation/Planning and Zoning Commission meeting. *Robin Lenio, City Secretary*

**ATTACHMENT(S):** [June 24 2021 joint minutes](#)

## **7. NEW BUSINESS**

**7.1** Consider and take all appropriate action on first reading of Ordinance 2021-13, "Prohibition of Use of Hazardous Materials in Fencing Construction". *Sean Landis, Deputy City Manager*

**ATTACHMENT(S):** [Agenda Briefing](#) [PZ Report](#) [Ordinance 2021-13 Presentation](#)

AN AMENDMENT TO APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE III. "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", BY ADDING ADDITIONAL SUPPLEMENTARY PROVISIONS FOR FENCING BY REVISING SECTIONS 3.02.13 ("R-LD"), 3.03.13 ("R-1"), 3.04.11 ("R-2"), 3.05.11 ("R-3"), 3.06.13 ("C-1"), 3.07.13 ("C-2"), 3.08.13 ("C-3"), 3.09.12 ("146-S"), 3.10.13 ("WAD"), 3.11.10 ("MMU"), 3.12.03 (H) ("OS"), 3.13.13 ("MH"), 3.14.14 ("LI"), AND 3.16.12 ("146-M") ALL UNDER THE SUBTITLE "SUPPLEMENTARY REGULATIONS" TO SUCH SECTIONS, TO CREATE PROHIBITION OF THE USE OF HAZARDOUS MATERIALS FOR FENCING CONSTRUCTION AS PROVIDED HEREIN, TO INCLUDE, BUT NOT LIMITED TO, BARBED WIRE, CONCERTINA WIRE, RAZOR WIRE, ELECTRICALLY CHARGED WIRE, AND/OR ANY OTHER MATERIALS DESIGNED OR CAPABLE OF CAUSING UNREASONABLE HARM TO PERSONS OR ANIMALS;

PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

**7.2** Consider and take all appropriate action on first reading of Ordinance 2021-14, "Revisions to the Alcoholic Beverages Ordinance". *Robin Lenio, City Secretary*

**ATTACHMENT(S):** [Agenda Briefing](#) [Ordinance 2021-14](#)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK CHAPTER 6, "ALCOHOLIC BEVERAGES", BY AMENDING SECTION 6-3, "RESTRICTION ON SALE OR USE OF ALCOHOL", SECTION 6-4, "MINIMUM DISTANCE FROM CERTAIN USES", SECTION 6-6, "NOTICE OF APPLICATION FOR WAIVER", SECTION 6-7, "EXCEPTIONS TO REQUIRED MINIMUM DISTANCES", AND SECTION 6-10, "PERMIT FEES AND ISSUANCE", TO CONFORM TO CHANGES TO THE TEXAS ALCOHOLIC BEVERAGE CODE AND TO MEET THE CURRENT NEEDS OF THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

**7.3** Consider and take all appropriate action on first reading of Ordinance 2021-15, "Amending the City of Seabrook City Code of Ordinances to Update 'Appendix B' 'Master Fee Schedule'". *Robin Lenio, City Secretary*

**ATTACHMENT(S):** [Agenda Briefing](#) [Ordinance 2021-15](#) [Exhibit B](#)

SEABROOK, TO UPDATE "APPENDIX B", ENTITLED "MASTER FEE SCHEDULE" BY UPDATING AND AMENDING WASTEWATER FEES, PERMIT FEES FOR SEASONAL CHRISTMAS TREES, CAROTHERS COASTAL GARDENS RENTAL FEES, POST SEASON SWIMMING POOL FACILITY RENTAL FEES, DAILY POOL FEES, PARK FEES, UTILITY FEES, INCLUDING WATER METER TAMPERING FEES, WATER TAP FEES, WATER SERVICE "MATERIAL COSTS", AND WATER METER AUDIT FEES; MAKING FINDINGS OF FACT; REPEALING AND REPLACING ALL REFERENCES TO SUCH FEES AND CHARGES IN ALL ORDINANCES OR RESOLUTIONS IN

CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE AND EFFECTIVE DATE.

**7.4** Consider and take all appropriate action on recommendation of the Public Safety Task Force for 2022 expenditures from the Public Safety Fund for procurement of architectural services for cost analysis and feasibility of a new Public Safety and Courts facility as well as EMS station with Emergency Operations Center at a cost recommendation of up to \$75,000.00 for each facility. *Brad Goudie, Director of Emergency Services*

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

**7.5** Consider and take all appropriate action on an agreement between the City of Seabrook and Hydradry, Inc., for Secondary disaster recovery services. *Brad Goudie, Director of Emergency Services*

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

**7.6** Consider and take all appropriate action on an agreement between the City of Seabrook and First Onsite Property Restoration, for Tertiary disaster recovery services. *Brad Goudie, Director of Emergency Services*

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

**7.7** Consider and take all appropriate action on an Investment Advisory Agreement between the City of Seabrook and Global Retirement Partners, LLC, doing business as HUB Retirement and Wealth Management, for advisory services associated with the ICMA 457 Deferred Compensation Plan and authorize the City Manager to sign all associated agreements. Fees and costs associated with this Investment Advisory Agreement shall be paid by the City's retirement benefits provider, Mission Square (ICMA-RC). *Gayle Cook, City Manager, and Yesenia Garza, Director of Human Resources*

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

## **8. DISCUSSION**

**8.1** Discuss, consider and, if necessary, take all appropriate action on creation of a policy to require that the city procure and use a Third Party Adjuster to review City insurance claims for damage to City property of \$250,000.00 or more, with exclusions for total loss of fire trucks/engines and damages eligible for FEMA reimbursement under a Declaration of Disaster. *Jeff Larson, Councilmember, Position 3*

## **9. ROUTINE BUSINESS**

9.1 Update and report on various items that require no action, including SH 146 Expansion Project, City of Seabrook CIP Projects, City of Seabrook Grant Administration, and COVID-19 related issues. *Gayle Cook, City Manager*

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

ATTACHMENT(S): [Calendar](#)

## **10. CLOSED EXECUTIVE SESSION**

### **10.1 Section 551.071**

Conduct a Closed Executive Session to consult with the City Attorney regarding legal issues on an addendum to the Bay Area Houston Convention and Visitors Bureau (BAHCVB) Contract pursuant to Texas Government Code, Section 551.071. *Gayle Cook, City Manager*

## **11. 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".*

11.1 Consider and take all appropriate action on an Addendum and any general provisions to the Tourism Agreement between the City of Seabrook and the Bay Area Houston Convention and Visitors Bureau (BAHCVB) for FY2021-2022, to include an amendment to the partnership fees. *LeaAnn Petersen, Director of Community & Visitor Relations*

ATTACHMENT(S): [Agenda Briefing](#) [Addendum](#) [Letter from CVB](#)  
[Original Agreement](#)

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, September 3, 2021 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

Robin Lenio, TRMC  
City Secretary

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