



SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, NOVEMBER 15, 2022 - 6:00 PM

For city information visit www.seabrooktx.gov

For SH 146 updates visit www.sh146.com

For Seabrook Economic Development visit www.seabrooktx.gov/463/SEDC

For Agenda Center visit www.seabrooktx.gov/agendacenter

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY NOVEMBER 15, 2022 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. PRESENTATIONS

1.1 Presentation to recognize and honor Ernie Davis for his dedication during 17 years of service to the City of Seabrook as a Director of the Seabrook Economic Development Corporation. *Thom Kolupski, Mayor*

1.2 Presentation to recognize KIWO, Inc. as the Seabrook Economic Development Corporation's Business of the Year Award for 2022. *Paul Chavez, Director of Economic Development*

1.3 Presentation by the Bay Area Community Emergency Response Team (BayCERT) in appreciation to the Seabrook City Council for its support and

demonstration of the CERT deployment backpack, equipped with items purchased with Public Safety Funds. *Linda Bromley, BayCERT Coordinator*

1.4 Presentation of a Post Event Report for the 2022 Gulf Coast Film & Video Festival. *Hal Wixon, GCFVF Director*

1.5 Presentation to review the 2022 Activities and Program and the 2023 Budget for the Bay Area Houston Convention and Visitors Bureau. *LeaAnn Petersen, Director of Public Affairs and BAHCVB Board Member*

ATTACHMENT(S): [2022 Activities and 2023 Budget](#)

1.6 Presentation of a Proclamation to recognize November 26, 2022 as National Small Business Saturday. *Thom Kolupski, Mayor*

ATTACHMENT(S): [Proclamation](#)

1.7 Presentation of a Proclamation to recognize November 30, 2022 as National Computer Security Day. *Thom Kolupski, Mayor*

ATTACHMENT(S): [Proclamation](#)

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.

REGISTER ONLINE TO SPEAK IN PERSON DURING PUBLIC COMMENTS:

www.seabrooktx.gov/speaker-registration

2.1 Mayor, City Council and/or members of the City staff may make announcements about City/Community events. City Council

ATTACHMENT(S): [Event Memo](#)

3. SPECIFIC PUBLIC HEARING

3.1 Conduct a Public Hearing on a request for approval of a Preliminary Planned Unit Development (Preliminary PUD) to create "Highland Center Mixed Use Development"; a mixed used development consisting of a 13 story, 238 unit, Class A Multifamily Apartment Building; and a single story 5200 square foot

Retail/Restaurant Building; and 556 parking spaces. *Sean Landis, Deputy City Manager*

ATTACHMENT(S): [Public Hearing Notice](#) [PZ Report](#)
[Staff Presentation](#)

4. BID AWARDS

4.1 Consider and take all appropriate action on a Bid Award to AAA Asphalt Paving Inc., for CIP S13 for the Todville Side Street Asphalt Overlay and on a contract between the City of Seabrook and AAA Asphalt Paving, Inc., in an amount not to exceed \$612,866.00. *Kevin Padgett, Director of Public Works*

ATTACHMENT(S): [Agenda Briefing](#) [CIP S13 Plans](#) [Letter of Recommendation](#) [Contract](#)

4.2 Consider and take all appropriate action on awarding Clifford Power for the quarterly maintenance and additional services on as as-needed basis for equipment replacement and optional services in an amount not to exceed \$55,000.00. This is a budgeted item and the bid is procured through Buyboard Contract # 657-21. *Kevin Padgett, Director of Public Works*

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

5. CONSENT AGENDA

5.1 Approve on second reading proposed Ordinance 2022-21 “Issuance of Conditional Use Permit to Allow a “Bar Use” at 1805 First Street in the 146-M (SH 146 Main Commercial Zoning District). *Sean Landis, Deputy City Manager*

ATTACHMENT(S): [Ordinance 2022-21](#) [Sec. 4.11 CUP Criteria/Procedures](#)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 13, “TEMPORARY AND NONTEXT CHANGES,” SECTION 13.03, BY ADDING A NEW PARAGRAPH (29) GRANTING A CONDITIONAL USE PERMIT FOR A “BAR” TO BE LOCATED AT 1805 FIRST STREET, WITHIN THE 146-M (SH 146 MAIN COMMERCIAL ZONING DISTRICT) AND ESTABLISHING ANY APPLICABLE CONDITIONS FOR THE OPERATION OF THE BUSINESS IN ACCORDANCE WITH LAW; 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 AND PROVIDING FOR AN EFFECTIVE DATE.

5.2 Approve on second reading proposed Ordinance 2022-22 "Amendments to the Short Term Rental Ordinance in the City of Seabrook Code of Ordinances". *Sean Landis, Deputy City Manager*

ATTACHMENT(S): [Ordinance 2022-22](#)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE OF ORDINANCES, CHAPTER 18, "BUILDINGS AND BUILDING REGULATIONS", BY AMENDING ARTICLE VIII, "REQUIREMENTS FOR OWNERS OF RESIDENTIAL PROPERTIES USED AS SHORT-TERM RENTALS", SECTION 18-603, "SHORT-TERM RENTAL PERMIT APPLICATION", SUBSECTION (C) "ANY EXISTING SHORT-TERM RENTAL SHALL HAVE NINETY (90) DAYS FROM ADOPTION OF THIS ORDINANCE TO COMPLETE THE REQUIRED REGISTRATION AND OBTAIN THEIR SHORT-TERM RENTAL PERMIT"; REDEFINING THE DEADLINE TO OBTAIN THE REQUIRED PERMIT FROM NINETY (90) DAYS TO JANUARY 1, 2023; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

5.3 Approve on second reading proposed Ordinance 2022-23 "Update of Pressure Sewer System Requirements". *Brian Craig, City Engineer and Assistant Director of Public Works*

ATTACHMENT(S): [Ordinance 2022-23](#)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 95 "UTILITIES", ARTICLE IV "SEWERS AND SEWAGE DISPOSAL", DIVISION 2 "PRESSURE SEWER SYSTEM", SECTION 95-131 "PRESSURE SEWER LINES AND GRINDER PUMPS REQUIRED FOR NEW CONSTRUCTION", BY COMPLETELY REPLACING THE CURRENT TITLE AND TEXT, TO ADDRESS NEW REQUIREMENTS DUE TO CHANGED CONDITIONS; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION THEREIN BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY, NOTICE AND EFFECTIVE DATE.

5.4 Approve all individual signed agreements between the City of Seabrook and Applicants/Event Holders for Hotel Occupancy Tax (HOT) Funding Sponsorships for FY22-23. Funding allocations were approved by City Council on July 27, 2022, during the Budget Workshop. *LeaAnn Petersen, Director of Public Affairs*

ATTACHMENT(S):

[Bay Area Houston Ballet & Theatre Agreement](#)

[Bay Access Sailing/Lakewood YC Race Series Agreement](#)

[Gulf Coast Film Festival Agreement](#)

[Bay Access Sailing Foundation/2023 JFest Southwest Sailing Regatta Agreement](#)

[LYC Concours Corporation/2023 Keels & Wheels Concours De Elegance Agreement](#)

[Running Alliance Sport/2023 Lucky Trails Agreement](#)

[Seabrook Association/2023 Seabrook Saltwater Derby Agreement](#)

[Offshore Thunder Productions, LLC/2023 Texas Outlaw Challenge Event Agreement](#)

[Yachty Gras Foundation Agreement](#)

5.5 Approve on the agreement between the City of Seabrook and the Bay Area Convention and Visitors Bureau for Destination Marketing Services and Partner Tourism. This agreement was approved by City Council on July 27, 2022, during the Budget Workshop. *LeaAnn Petersen, Director of Public Affairs*

ATTACHMENT(S): [BAHCVB Partner Agreement](#)

6. NEW BUSINESS

6.1 Consider and take all appropriate action on first reading of proposed Ordinance 2022-24, "Amendment to correct typographical errors on Master Fee Schedule". *Robin Lenio, City Secretary*

ATTACHMENT(S): [Ordinance 2022-24](#) [Exhibit](#)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, TO UPDATE AND CORRECT TYPOGRAPHICAL ERRORS IN "APPENDIX B", ENTITLED "MASTER FEE SCHEDULE" BY AMENDING INFORMATION FOR STORAGE SHED FEES UNDER THE COMMUNITY DEVELOPMENT/BUILDING DEPARTMENT SECTION OF THE MASTER FEE SCHEDULE; 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.

6.2 Consider and take all appropriate action on first reading of proposed Ordinance 2022-25, "Budget Amendment No. 1 for FY22-23". *Michael Gibbs, Director of Finance*

ATTACHMENT(S): [Agenda Briefing](#) [Ordinance 2022-25](#) [Exhibit A](#)

AN ORDINANCE AMENDING THE AMOUNT OF APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 AUTHORIZING CERTAIN ADDITIONS IN THE AMOUNT OF \$901,169 FOR GENERAL, ENTERPRISE, PUBLIC SAFETY, GEN CIP FUND 28, DRAINAGE, CRIME DISTRICT, PUBLIC SAFETY VEHICLE REPLACEMENT, GENERAL AND ENTERPRISE VEHICLE REPLACEMENT FUNDS; 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.

6.3 Consider and take all appropriate action on the purchase of Case CX80C Mid Size Excavator for \$123,726.00, and a Cab Tractor for \$141,612.00 for a total amount not to exceed \$265,338.00. Bids are secured through Buyboard Purchasing Cooperative. *Gayle Cook, City Manager*

ATTACHMENT(S): [Agenda Briefing](#) [Excavator Quote](#) [Cab Tractor Quote](#)

6.4 Consider and take all appropriate action on first reading of proposed Ordinance 2022-27, "Budget Amendment No. 2 for FY22-23". *Gayle Cook, City Manager and Michael Gibbs, Director of Finance*

ATTACHMENT(S): [Agenda Briefing](#) [Ordinance 2022-27](#) [Exhibit A](#)

AN ORDINANCE AMENDING THE AMOUNT OF APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY AUTHORIZING CERTAIN ADDITIONS IN THE AMOUNT OF \$265,338.00 FOR GENERAL AND ENTERPRISE FUNDS; 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.

6.5 Consider and take all appropriate action on a Preliminary Planned Unit Development (Preliminary PUD) to create, "Highland Center Mixed Use Development"; a mixed use development consisting of a 13 story, 238 unit, Class A multifamily apartment building; and a single story 5200 square foot retail/restaurant building; and 556 parking spaces. *Sean Landis, Deputy City Manager*

ATTACHMENT(S): [Public Hearing Notice](#) [PZ Report](#) [Staff Presentation](#) [Application](#) [Applicant Presentation](#)

6.6 Consider and take all appropriate action on Resolution 2022-32, "Establishment of Ad Hoc Committee for Electrical Substation Mitigation Improvements". *Gayle Cook, City Manager*

ATTACHMENT(S): [Agenda Briefing](#) [Resolution 2022-32](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, ESTABLISHING AN AD HOC COMMITTEE FOR THE PURPOSE OF REVIEWING ELECTRICAL SUBSTATION MITIGATION IMPROVEMENTS IN RED OAK ACRES SUBDIVISION FROM CENTERPOINT ENERGY; APPOINTMENT MEMBERS; DEFINING ROLES AND TERMS; AND RELATED MATTERS

6.7 Consider and take all appropriate action on an agreement between the City of Seabrook and Cobb Fendley for design services for CIP FAC7 (Public Safety Inspection Area) and CIP P18 (Old 146 Trailhead) in an amount not to exceed \$124,057.00 *Brian Craig, City Engineer and Assistant Director of Public Works*

ATTACHMENT(S): [Agenda Briefing](#) [Cobb Fendley Proposal](#)

6.8 Consider and take all appropriate action on an Incentive Agreement between the City of Seabrook and Seabrook Marina. This agreement was approved by Seabrook EDC on October 13, 2022. *Paul Chavez, Director of Economic Development*

ATTACHMENT(S): [Application](#) [Incentive Agreement](#) [Gas Line Presentation](#)

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, November 11, 2022 no later than 5:00 p.m. and that this notice will remain posted until the meeting has ended.

Maria Lawler
Deputy City Secretary

