

The City Council of the City of Seabrook met in regular session on Tuesday, August 1, 2017 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

THOM KOLUPSKI	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
LAURA DAVIS	COUNCIL PLACE NO. 2
GARY JOHNSON - Ex. Abs.	MAYOR PRO TEM &
NATALIE PICHA	COUNCIL PLACE NO. 3
GLENNA ADOVASIO	COUNCIL PLACE NO. 4
VACANT	COUNCIL PLACE NO. 5
GAYLE COOK	COUNCIL PLACE NO. 6
SEAN LANDIS	CITY MANAGER
STEVE WEATHERED	DEPUTY CITY MANAGER
ROBIN HICKS	CITY ATTORNEY
	CITY SECRETARY

Mayor Kolupski called the meeting to order at 7:00 p.m. and led the audience in the United States and Texas Pledge of Allegiance.

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

Terri Sones, 529 Baywood Drive, discussed flooding on Baywood Drive, after a recent downpour. The street was flooded back to the lift station. The bridge will get two to three feet of water. Mrs. Sones spoke to Public Works and was told that the drainage is in the budget for 2021 CIP. Mrs. Sones asked if Council could look at the budget and see if the project can be moved up in the CIP list, for the safety of the residents.

1.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

Councilmember Llorente announced several upcoming events, including: Carothers Workshop Linoleum Carving & Printing; Carothers Workshop Basic Meditation; Kid Fish; Seabrook Saltwater Derby; Bay Area Running Club Fun Run; and a 10K at Kemah Boardwalk.

Councilmember Adovasio announced the Saltwater Derby Calcutta the night before the derby with lots of events and auctioning off boats.

Council congratulated newly elected Councilmember Joe Machol.

46 **2. CONSENT AGENDA**

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48 **2.1** Approve on second reading proposed Ordinance 2017-28, "Amending the Point Overlay
49 District Underground Utilities". (Cook)

50
51 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK APPENDIX A,
52 "COMPREHENSIVE ZONING," ARTICLE 4, "SPECIAL USE REGULATIONS", SECTION
53 4.15 "POINT OVERLAY DISTRICT REGULATIONS", BY ADDING SECTION 4.15.16
54 "UTILITY LOCATION"; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED
55 \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE
56 CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT
57 OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING
58 FOR AN EFFECTIVE DATE

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60 **2.2** Approve the June 20, 2017 joint City Council / EDC meeting minutes. (Hicks)

61
62 Motion was made by Councilmember Davis and seconded by Councilmember Adovasio

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64 To approve the Consent Agenda as presented.

65
66 MOTION CARRIED BY UNANIMOUS CONSENT

67
68 **3. NEW BUSINESS**

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70 **3.1** Consider and take all appropriate action on second reading of proposed Ordinance 2017-30,
71 "Updated Parks Regulations, Including Regulations for Smoking at Municipal Swimming Pool
72 Complex". (Gonzalez)

73
74 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
75 SEABROOK, CHAPTER 65, "PARKS, RECREATION AND MUNICIPAL FACILITIES",
76 ARTICLE II, "PARKS GROUNDS AND FACILITIES", DIVISION 1, "GENERALLY" AND
77 DIVISION 2, "REGULATIONS"; ARTICLE III, "MUNICIPAL FACILITIES AND
78 VEHICLES", DIVISION 2, "SMOKING", SECTION 65-103; BY AMENDING AND
79 UPDATING VARIOUS PARKS REGULATIONS; PROVIDING FOR A PENALTY IN AN
80 AMOUNT OF NOT MORE THAN \$500.00 FOR VIOLATION OF ANY PROVISIONS
81 HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS
82 OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING
83 FOR SEVERABILITY

84
85 Motion was made by Councilmember Adovasio and seconded by Councilmember Llorente

86
87 To approve on second reading Ordinance 2017-30, "Updated Parks Regulations, Including
88 Regulations for Smoking at Municipal Swimming Pool Complex".

89
90 MOTION CARRIED BY UNANIMOUS CONSENT

3.2 Consider and take all appropriate action to authorize the Mayor to execute an agreement for Professional Auditing Services between the City of Seabrook and selected auditing firm, Belt Harris Pechacek, LLP, in response to RFQ 2017-07, for the Fiscal Years ending September 30, 2017, 2018 and 2019, with the option to renew annually for the two subsequent fiscal years. Fee estimates are \$45,860 for 2017; \$46,531 for 2018; and \$47,216 for 2018. (Gibbs)

Motion was made by Councilmember Picha and seconded by Councilmember Adovasio

To approve authorizing the Mayor to execute an agreement for Professional Auditing Services between the City of Seabrook and selected auditing firm, Belt Harris Pechacek, LLP, in response to RFQ 2017-07, for the Fiscal Years ending September 30, 2017, 2018 and 2019, with the option to renew annually for the two subsequent fiscal years and with fee estimates are \$45,860 for 2017; \$46,531 for 2018; and \$47,216 for 2018.

MOTION CARRIED BY UNANIMOUS CONSENT

4. DISCUSSION ITEMS

4.1 Discuss and take all appropriate action on a modification to the local match from the City for the Hester's Gully Drainage Improvements Project in the amount of \$76,000.00. This is an unbudgeted item. (Cook / Matlock)

Gayle Cook, City Manager, explained that after Hurricane Ike the City received a grant for the Hester's Gully Drainage Project. The project is in final stages now, and during closeout of the project the City received a notice from the General Land Office (GLO) that there was a discrepancy on the environmental documentation. The design set was submitted by the City's engineering firm, Cobb Fendley, and the set was approved by the environmental company contracted by the State; however, the GLO states that the approval was not for the final design set. This lacking of environmental approval could jeopardize the total reimbursement for the package, of over \$700,000, including land acquisition. Originally it was a 0% local match, but due to the discrepancy, the City risks not getting 100% reimbursement. This agenda item is to ask Council for a revision in the local match from \$0 to \$76,000.

Brad Matlock, Cobb Fendley, explained that the Hester's Gully Drainage Project involved acquisition of a parcel of land that could be cleared and grubbed in order to create better drainage, especially near City Hall. Originally the City was working with property owners on the south side of the parcel to acquire easements for access to the property, and the project performance summary, which is required by the GLO for the grant application, stated such. Cobb Fendley also submitted a design set at that time for the original scope. The negotiations with the property owners were not moving quickly, and it was discovered that the City could build a bridge for access through a City-owned easement on another part of the parcel; therefore, the project scope changed. Pursuant to grant guidelines, Cobb Fendley then submitted an amended project performance summary that included the building of the bridge, and that amended summary was accepted and signed off on by the GLO. The award of the construction contract took longer than expected because it was re-bid after the GLO pointed out that there

were not enough Section 3 businesses notified of the bid. Once the construction contract was awarded, the grant process requires a face to face environmental review by the GLO and the Army Corps of Engineers. When the environmental review was performed, the City was notified that the final design set to build the bridge had not been submitted and approved, and when staff discussed such notification with the GLO and the submission of the amended project performance summary, the GLO determined that because the bridge had no environmental approvals, it would probably be considered as an item ineligible for the grant funds. Because of the discrepancy in what was approved for environmental review, the GLO is concerned that the federal government will audit and determine that the entire project is not eligible. The City has spent \$76,000 at this point to build the access bridge; therefore, it is recommended that the City apply that amount as a local match.

Ms. Cook stated that it is staff's recommendation to alleviate the risk and expend the \$76,000. The FEMA audit period can be years down the road, and the federal auditors are only concerned with what is eligible for funding, not in the details of the circumstance. The \$76,000 would be taken out of surplus in this fiscal year. The GLO is also taking a look to make sure there are no other pieces that are going to come back and require additional funds.

Motion was made by Councilmember Davis and seconded by Councilmember Adovasio

To approve an amount not to exceed \$76,000 out of the current fiscal year's surplus as a local match to the GLO grant for the Hester's Gully Drainage Project.

MOTION CARRIED BY UNANIMOUS CONSENT

5. ROUTINE BUSINESS

5.1 Presentation of the WMF Investments monthly report for the Chesapeake Bay Master Plan. (Friedrichs)

The representative for WMF Investments stated the developer is meeting with the equity people this week and funding is getting closer. The developer is waiting on the bank to bless the funding. Construction is anticipated to begin in September.

5.2 Approve the Action Items Checklist which is attached and made a part of this Agenda.

TXDOT – Gayle Cook, City Manager, stated that staff is still exploring options for other financing for the utility line relocation and because TXDOT is still on schedule, it is getting critical to determine what the City is going to do with the water and sewer lines, which is on the CIP list for about \$6.5 million. The City has not received a response from TXDOT on design elements yet. Sonic is the latest closure due to this expansion project.

Projects – Ms. Cook stated the water tank relocation is on schedule and in the next three week the staging of the new water tank off of 146 will be seen. There are still lingering issues with the Public Works Complex and the opening date right now is August 31.

181 Motion was made by Councilmember Davis and seconded by Councilmember Adovasio

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183 To approve the Action Items Checklist

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185 MOTION CARRIED BY UNANIMOUS CONSENT

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187 **5.3** Establish future meeting dates and agenda items.

188
189 There will be a special meeting on August 8 to canvass the election and administer the
190 oath of office. This meeting must be on August 8 due to the timeline requirements in the
191 Election Code.

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193 **6. EXECUTIVE SESSION**

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195 **6.1 Section 551.087**

196 Conduct an executive session to discuss or deliberate potential incentives and related
197 commercial/financial information that the City has received from a business prospect that the
198 City seeks to have locate, stay or expand pursuant to Texas Government Code Section 551.087.
199 (Cook)

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201 At 7:39p.m. Mayor Kolupski announced that the City Council will now hold a closed
202 executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551
203 Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority
204 contained in Section 551.087, Deliberation Regarding Economic Development Negotiations.

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206 At 7:59p.m. Mayor Kolupski reconvened the meeting in open session and stated that item
207 6.1 had been discussed, but that no action had been taken in executive session.

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209 Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:00 p.m.

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211 Approved this 17th day of October, 2017.

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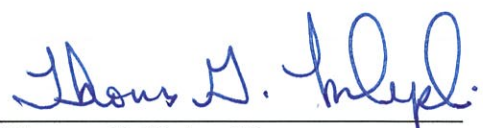
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220 Robin Hicks, TRMC

221 City Secretary



Thomas G. Kolupski
Mayor