



**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, AUGUST 17, 2021 - 6:00 PM**

For city information visit www.seabrooktx.gov
For SH 146 updates visit www.sh146.com

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY AUGUST 17, 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. PRESENTATIONS

1.1 Introduction and swearing in of new police officers Jennifer Glasgow, Adriel Sanchez, Jason Emmerson, and Austin Minick, and promotional ceremony for Sergeant Larry Moore. *Sean Wright, Chief of Police, and Robin Lenio, City Secretary*

1.2 Presentation of the Post Event Report for the 2021 Texas Outlaw Challenge Event. *Paul Robinson, Event Organizer*

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 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): [Events Memo](#)

3. BID AWARD

3.1 Consider and take all appropriate action on a Bid Award to Ardurra, LLC, Request for Proposal (RFP) #2021-04-110 for Hazard Mitigation Assistance Management Services, and authorize the City Manager to negotiate, approve and sign a contract. *Gayle Cook, City Manager, and Michael Gibbs, Director of Finance*

ATTACHMENT(S): [Agenda Briefing](#) [Proposal](#) [Bid Summary](#)

4. HOT SPONSORSHIPS

4.1 Consider and take all appropriate action on allocation of funds for events to be funded with Hotel Occupancy Tax (HOT) for FY 2021/2022. Compliance for HOT funding expenditures requires that there must be a finding (1) that the expenditure directly promotes tourism and the convention and hotel industry, and only if (1) is so determined, (2) that the expenditure is a permissible use as approved by statute (i.e. advertising to promote tourism; promotion of the arts, etc.) *LeaAnn Petersen, Director of Community & Visitor Relations*

ATTACHMENT(S): [Agenda Briefing](#) [Funding Request Summary](#)

Funding requests were submitted by:

[Bay Area Houston Ballet & Theater](#)

[Bay Access Sailing Programs](#)

[JFest Southwest](#)

[Yachty Gras](#)

[Seabrook Lucky Trail Marathon](#)

[Keels & Wheels](#)

[Texas Outlaw Challenge](#)

[Gulf Coast Film Festival](#)

5. CONSENT AGENDA

5.1 Approve on second reading Ordinance 2021-11, "Revisions to the Noise Regulations Ordinance". *Gayle Cook, City Manager*

ATTACHMENT(S): [Ordinance 2021-11](#)

AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, ENTITLED "NUISANCES AND MISCELLANEOUS PROVISIONS," ARTICLE II, "NOISE," BY REVISION OF SECTIONS 55-22, "DEFINITIONS," 55-23, "RESTRICTIONS ON DECIBEL LEVELS," 55-24, "VIOLATIONS," AND DELETION OF SECTION 55.27 "PENALTIES"; 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.

5.2 Approve on second reading Ordinance 2021-12, "Seasonal Christmas Tree Sales". *Sean Landis, Deputy City Manager*

ATTACHMENT(S): [Ordinance 2021-12](#) [Exhibit A](#)

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 4, "SPECIAL USE REGULATIONS", CREATING A NEW SECTION 4.26 "SEASONAL CHRISTMAS TREE SALES"; AND AMENDING SECTION 3.15, "COMPREHESIVE LAND USE MATRIX", ACORDINGLY BY ADDING "SEASONAL CHRISTMAS TREE SALES" PERMITTED BY RIGHT WITHIN THE "SH 146 MAIN COMMERCIAL DISTRICT" (146-M), "C-2 MEDIUM COMMERCIAL" (C-2), "WAD WATERFRONT ACTIVITY DISTRICT" (WAD), AND "MMU MARINE ORIENTED MIXED USE DISTRICT" (MMU); PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 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 the renewal of a three-year contract with The Economic Alliance Houston Port Region for economic development services to the Seabrook Economic Development Corporation starting on October 1, 2021 through September 30, 2024, in an amount not to exceed \$12,000.00 per year. This

renewal was approved by Seabrook EDC on August 12, 2021. *Paul Chavez, Director of Economic Development*

ATTACHMENT(S): [Seabrook Annual Report 2021](#) [Economic Alliance Contract](#)

5.4 Approve the renewal of the Clear Lake Chamber of Commerce contract beginning October 1, 2021 through September 30, 2022 in an amount not to exceed \$10,000.00. This is a budgeted item that was approved by Seabrook EDC on August 12, 2021. *Paul Chavez, Director of Economic Development*

ATTACHMENT(S): [Clear Lake Chamber Contract](#)

5.5 Approve the renewal of the Administrative Staffing Services Agreement for fiscal year 2021-2022, in an amount not to exceed \$274,105.00. This is a budgeted item that was approved by Seabrook EDC on August 12, 2021. *Paul Chavez, Director of Economic Development*

ATTACHMENT(S): [Administrative Staffing Services Agreement](#)

5.6 Approve the City auction items list, pursuant to State law and City policies, to dispose of assets that have reached the end of their life or have a planned termination of service with the City. *Michael Gibbs, Director of Finance*

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

5.7 Approve the minutes of the August 3, 2021 regular City Council meeting. *Alun Thomas, Deputy City Secretary*

ATTACHMENT(S): [August 3 2021 Minutes](#)

6. NEW BUSINESS

6.1 Consider and take all appropriate action on Resolution 2021-11, "Acceptance of Hazard Mitigation Grant Program (HMGP) for the Wastewater System Infrastructure Retrofit - Phase 2". *Gayle Cook, City Manager*

ATTACHMENT(S): [Resolution 2021-11](#) [Award Letter](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, AUTHORIZING THE CITY MANAGER TO ACCEPT A FEMA HAZARD MITIGATION GRANT PROGRAM SUB-AWARD FROM THE TEXAS DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (TDEM) AND TO EXECUTE ALL SUBSEQUENT GRANT AGREEMENTS ASSOCIATED WITH HMGP GRANT, DR-4332-0358, CITY OF SEABROOK WASTEWATER SYSTEM INFRASTRUCTURE RETROFIT – PHASE 2; AUTHORIZING THE

CITY MANAGER TO EXECUTE THE "AWARD LETTER" ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO PROCEED WITH THE PROJECT.

6.2 Consider and take all appropriate action on the approval of Task Order No. 3 for Construction Management Services under the Master Professional Services Agreement between the City of Seabrook and Cobb Fendley & Associates, Inc. for the City's Wastewater System Infrastructure Retrofit (Project 2018-301-02), in an amount not to exceed \$2,052,810.00. *Gayle Cook, City Manager and Kevin Padgett, Director of Public Works*

ATTACHMENT(S): [Agenda Briefing](#) [Professional Services Agreement](#)
[PSA Task Order 3](#)

6.3 Consider and take all appropriate action on an economic development agreement between the Seabrook Economic Development Corporation and WMF Investments Inc. for construction of two commercial buildings, to be constructed by WMF Investments, Inc., at 3300 Bayport Blvd. for "Retail at the Commons", seeking EDC sales tax funds as an incentive for reimbursement of building permit fees and impact fees in an amount not to exceed \$64,162.75. This agreement was approved by Seabrook EDC on August 12, 2021. *Paul Chavez, Director of Economic Development*

ATTACHMENT(S): [Incentive Agreement](#) [Application](#)

6.4 Consider and take all appropriate action on funding by Seabrook Economic Development Corporation for the Comprehensive Master Plan consultant, to facilitate the promotion of new or expanded business development in an amount not to exceed \$100,000.00 and recommendation for city staff to prepare public hearing notice. This funding was approved by Seabrook EDC on August 12, 2021. *Paul Chavez, Director of Economic Development*

ATTACHMENT(S): [Presentation](#)

6.5 Approve the annual renewal of the Seabrook Economic Development Corporation (SEDC) Incentives Policy, as approved by SEDC on August 12, 2021 through its Resolution numbered 2021-01. *Paul Chavez, Director of Economic Development*

ATTACHMENT(S): [EDC Resolution 2021-01](#)

6.6 Consider and take all appropriate action on ratification of the City Manager's approval of and signature on a contract between the City of Seabrook and

Insituform Technologies, LLC to perform **emergency** CIPP repairs to the 24" sanitary sewer trunk main on North Meyer at El Mar, in an amount not to exceed \$80,253.00. *Kevin Padgett, Director of Public Works*

ATTACHMENT(S): [Agenda Briefing](#) [Sewer Main Proposal](#) [CCTV Proposal](#) [Contract](#)

7. DISCUSSION

7.1 Discuss and if necessary, consider and take all appropriate action on Board and Commission term limits. *Jeff Larson, Councilmember Position 3*

ATTACHMENT(S): [Term Provisions](#)

7.2 Discuss and if necessary, consider and take all appropriate action on engaging in the process of soliciting for a Third Party Insurance Adjuster in compliance with all local and state purchasing requirements with a future item to execute any required agreements to task vendor with Carothers Coastal Garden claim. Should the City Council make the determination to approve soliciting for a vendor on this claim, the City Council will then be required to reconsider the motion on July 6, 2021 to approve option 1 to demolish the building with no rebuild, as recommended by the Carothers Coastal Gardens Task Force II, for net proceeds of \$237,215.00. *Joe Machol, Councilmember Position 6*

8. ROUTINE BUSINESS

8.1 Update and briefing on the City of Seabrook's Records Management Program. *Robin Lenio, City Secretary*

8.2 Update on 2021 Celebration Seabrook Festival and Seabrook's 60th Birthday Celebration. *LeaAnn Petersen, Director of Community & Visitor Relations*

8.3 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*

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

ATTACHMENT(S): [Calendar](#)

9. CLOSED EXECUTIVE SESSION

9.1 Section 551.071

Conduct a Closed Executive Session to consult with the City's attorneys

regarding the lawsuit entitled City of Seabrook vs. Barge 295 and the Yard at Barge 295. *Gayle Cook, City Manager*

10. 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, August 13, 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

