

The City Council of the City of Seabrook met in regular session on Tuesday, October 19, 2021 at 6:00 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

ED KLEIN

ROB HEFNER

JEFF LARSON

MICHAEL GIANROSSO

BUDDY HAMMANN

JOE MACHOL

GAYLE COOK

STEVE WEATHERED

ROBIN LENIO

MAYOR

COUNCIL PLACE NO. 1

COUNCIL PLACE NO. 2

COUNCIL PLACE NO. 3

COUNCIL PLACE NO. 4

MAYOR PRO TEM

COUNCIL PLACE NO. 5

COUNCIL PLACE NO. 6

CITY MANAGER

CITY ATTORNEY

CITY SECRETARY

Mayor Kolupski called the meeting to order at 6:00 p.m. and led the audience in the United States and Texas Pledges of Allegiance.

1. PRESENTATIONS

1.1 Presentation of a Proclamation to recognize October 17-23, 2021 as "National Friends of Libraries Week". *Thom Kolupski, Mayor*

Mayor Kolupski read the Proclamation aloud and recognized the positive impact the Friends of the Evelyn Meador Library has had on the Seabrook Community. Members of the Friends of the Evelyn Meador Library as well as library staff were present to accept the proclamation and speak briefly on behalf of the library.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS

There were no comments from members of the public.

3. BOARDS AND COMMISSIONS

3.1 Consider and take all appropriate action on the reappointment of Marcy Fryday as a regular member to the Ethics Review Commission for a term to expire October 31, 2023. *City Council*

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Klein to reappoint Marcy Fryday as a regular member to the Ethics Review Commission for a term to expire October 31, 2023.

MOTION CARRIED BY UNANIMOUS CONSENT

46
47 **4. BID AWARD AND CONTRACT**
48

49 **4.1** Consider and take all appropriate action on a Bid Award to Ardurra Group, LLC, Request
50 for Proposal (RFP) # 2021-06-110 for FEMA Public Assistance Management Services, and
51 authorize the City Manager to negotiate, approve and sign agreement. *Gayle Cook, City*
52 *Manager*
53

54 City Manager Gayle Gook introduced the item and explained that this item allows the
55 City to secure a well-qualified administration/management firm to assist it in the overall
56 management of Federal Emergency Management Agency (FEMA) Public Assistance and
57 recovery activities related to declared disasters. The services that Ardurra Group, LLC will
58 provide include, as needed, assisting and advising the City through project coordination,
59 submission and review. Ms. Cook noted that there is no cost for retaining the services of the
60 company, and any fees charged later in conjunction with grant administration will be
61 reimbursable by FEMA.
62

63 *Motion was made by Councilmember Klein and seconded by Councilmember Machol to*
64 *approve a Bid Award to Ardurra, LLC, Request for Proposal (RFP) # 2021-06-110 for FEMA*
65 *Public Assistance Management Services, and to authorize the City Manager to negotiate,*
66 *approve, and sign the agreement.*
67

68 **MOTION CARRIED BY UNANIMOUS CONSENT**
69

70 **4.2** Consider and take all appropriate action on a Bid Award to Plexos Group, LLC, Request
71 for Proposal (RFP) # 2021-05-110 for Community Development Block Grant Program
72 (CDBG) Management Services, and authorize the City Manager to negotiate, approve and sign
73 agreement. *Gayle Cook, City Manager*
74

75 City Manager Gayle Gook introduced the item and said that there are many
76 opportunities for the City in the future to apply for CDBG grants, and that this agreement for
77 management services will help the City in those endeavors.
78

79 *Motion was made by Councilmember Klein and seconded by Councilmember Giangrosso to*
80 *approve a Bid Award to Plexos Group, LLC, Request for Proposal (RFP) # 2021-05-110 for*
81 *Community Development Block Grant Program (CDBG) Management Services, and to*
82 *authorize the City Manager to negotiate, approve, and sign the agreement.*
83

84 **MOTION CARRIED BY UNANIMOUS CONSENT**
85

86 **5. CONSENT AGENDA**
87

88 **5.1** Consider and take all appropriate action on the Renewal of Coastal Lease No.
89 CL20110004 with the State of Texas for a ten (10) year period for deck infrastructure project

at McHale Park and encumbrance of coastal public lands, and authorize the City Manager to execute the lease agreement. *Gayle Cook, City Manager*

5.2 Approve the minutes of the October 5, 2021 regular City Council meeting. *Robin Lenio, City Secretary*

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Machol to approve the Consent Agenda, as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

6. NEW BUSINESS

6.1 Consider and take all appropriate action on first reading of Ordinance 2021-21, "Stormwater Regulation". *Brian Craig, City Engineer*

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, TEXAS, CHAPTER 30 "ENVIRONMENT" BY ADDING A NEW ARTICLE IV. ENTITLED "CLEAN WATER", DIVISION 1. "STORMWATER DISCHARGES", RELATING TO THE REDUCTION OF POLLUTANTS IN STORMWATER RUNOFF AND THE EFFECTIVE PROHIBITION OF NON-STORMWATER DISCHARGES TO THE STORM SEWER SYSTEM; MAKING FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY THEREFORE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A SAVINGS CLAUSE.

City Engineer Brian Craig informed Council that, as a part of the City's Texas Commission on Environmental Quality (TCEQ) Municipal Separate Storm Sewer System (MS4) permit, the City needs to have certain control measures in place for stormwater pollution. This Ordinance accomplishes one of those measures. In response to a question from Council, Mr. Craig said that this ordinance will be enforced through fines from the police department and/or the City's code enforcement staff, and that the City would also be able to discontinue services to violators. The City plans to conduct a visual inspection of sites on an annual basis. The cost of complying with the ordinance for developers of large developments would be approximately \$15,000 to \$20,000. Councilmember Hefner, a home developer by profession, said that the average home construction usually comes with approximately \$3,000 in costs for such mitigation measures.

Motion was made by Councilmember Klein and seconded by Councilmember Machol to approve on first reading Ordinance 2021-21, "Stormwater Regulation".

MOTION CARRIED BY UNANIMOUS CONSENT

134 **6.2** Consider and take all appropriate action on Resolution 2021-16, "Adoption of the Texas
135 Term Sheet for allocation of Opioid Settlement Funds". *Gayle Cook, City Manager*
136

137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK
138 AUTHORIZING SUPPORTING THE ADOPTION OF THE TEXAS TERM SHEET
139 APPROVING THE ALLOCATION OF OPIOID SETTLEMENT FUNDS.
140

141 City Manager Gayle Cook explained the history of this item, which is the result of legal
142 action taken by the State of Texas against other parties. The State has offered municipalities
143 the chance to join it and other political subdivisions of the state as a party in the Texas Opioid
144 Settlement Agreements secured by the Office of the Attorney General, and to thereby take a
145 share of the settlement funds. For the City of Seabrook, this would amount to approximately
146 \$30,000. Chief of Police Sean Wright has reviewed this and finds value for the City in joining.
147 Staff therefore recommends joining the State in its legal action by approving Resolution 2021-
148 16 to adopt the Texas Term Sheet as codified by SB 1827, and also applying at a later date for
149 additional funds when they become available.
150

151 *Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Machol to*
152 *approve Resolution 2021-16, "Adoption of the Texas Term Sheet for allocation of Opioid*
153 *Settlement Funds".*
154

155 *MOTION CARRIED BY UNANIMOUS CONSENT*
156

157 **6.3** Consider and take all appropriate action on an Interlocal Agreement between the City of
158 Seabrook and Harris County for Debris Removal Services on an invoiced basis after services
159 rendered and authorize the City Manager to execute the agreement. *Gayle Cook, City*
160 *Manager*
161

162 City Manager Gayle Cook informed Council that the City currently bids and secures
163 contractors for disasters where significant debris removal is required, and that it has a three tier
164 list for mobilizing that service. With smaller storm events, the City's debris contractor contract
165 may not economically support mobilizing an entire crew for debris removal services. Should
166 this new agreement be approved, she explained, it would allow the City to have an additional
167 debris removal resource available, in partnership with Harris County and the County's
168 contracts. Currently, Seabrook is one of the very few cities in the county that is now a part of
169 this agreement.
170

171 *Motion was made by Councilmember Machol and seconded by Councilmember Klein to*
172 *approve an interlocal agreement between the City of Seabrook and Harris County for Debris*
173 *Removal Services on an invoiced basis after services rendered and to authorize the City*
174 *Manager to execute the agreement.*
175

176 *MOTION CARRIED BY UNANIMOUS CONSENT*
177

178 **6.4** Consider and take all appropriate action on Resolution 2021-17, "Submission of Grant
179 Application to the Hazard Mitigation Grant Program of the Federal Emergency Management
180 Agency". *Gayle Cook, City Manager and Brad Goudie, Director of Emergency Services*
181

182 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK,
183 AUTHORIZING THE SUBMISSION OF A FEMA DR – 4586 HAZARD MITIGATION
184 ASSISTANCE GRANT APPLICATION (HMGP) TO THE TEXAS DEPARTMENT OF
185 EMERGENCY MANAGEMENT (TDEM) FOR EOC/POLICE DEPARTMENT
186 GENERATOR FOR AN ESTIMATED AMOUNT OF \$253,500 IN GRANT FUNDS; CITY
187 COMMITMENT OF \$84,500; AND AUTHORIZING THE MAYOR OR CITY MANAGER
188 TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED
189 REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S
190 PARTICIPATION IN CONNECTION WITH THE FEMA DR-4586 HAZARD
191 MITIGATION ASSISTANCE GRANT.
192

193 *Motion was made by Councilmember Klein and seconded by Councilmember Machol to*
194 *approve Resolution 2021-17, "Submission of Grant Application to the Hazard Mitigation*
195 *Grant Program of the Federal Emergency Management Agency".*
196

197 *MOTION CARRIED BY UNANIMOUS CONSENT*
198

199 **6.5** Consider and take all appropriate action on Resolution 2021-18, "Submission of Grant
200 Application to the Hazard Mitigation Grant Program of the Federal Emergency Management
201 Agency ". *Gayle Cook, City Manager and Brad Goudie, Director of Emergency Services*
202

203 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK,
204 AUTHORIZING THE SUBMISSION OF A FEMA DR – 4586 HAZARD MITIGATION
205 ASSISTANCE GRANT APPLICATION (HMGP) TO THE TEXAS DEPARTMENT OF
206 EMERGENCY MANAGEMENT (TDEM) FOR TEMPORARY SHELTER GENERATOR
207 FOR AN ESTIMATED AMOUNT OF \$234,600 IN GRANT FUNDS; CITY
208 COMMITMENT OF \$78,200; AND AUTHORIZING THE MAYOR OR CITY MANAGER
209 TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED
210 REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S
211 PARTICIPATION IN CONNECTION WITH THE FEMA DR-4586 HAZARD
212 MITIGATION ASSISTANCE GRANT.
213

214 *Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Machol to*
215 *approve Resolution 2021-18, "Submission of Grant Application to the Hazard Mitigation*
216 *Grant Program of the Federal Emergency Management Agency".*
217

218 *MOTION CARRIED BY UNANIMOUS CONSENT*
219

220 **6.6** Consider and take all appropriate action Resolution 2021-19, "Submission of Grant
221 Application to the Hazard Mitigation Grant Program of the Federal Emergency Management
222 Agency". *Gayle Cook, City Manager and Brad Goudie, Director of Emergency Services*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, AUTHORIZING THE SUBMISSION OF A FEMA DR – 4586 HAZARD MITIGATION ASSISTANCE GRANT APPLICATION (HMGP) TO THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT (TDEM) FOR SEWER/LIFT STATIONS GENERATOR FOR AN ESTIMATED AMOUNT OF \$314,625 IN GRANT FUNDS; CITY COMMITMENT OF \$104,875; AND AUTHORIZING THE MAYOR OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN CONNECTION WITH THE FEMA DR-4586 HAZARD MITIGATION ASSISTANCE GRANT.

In response to a question from Council concerning the number of generators proposed under this item, Kevin Padgett, Director of Public Works, said that the intention would be to acquire multiple portable generators to be deployed as needed.

Motion was made by Councilmember Machol and seconded by Councilmember Klein to approve Resolution 2021-19, "Submission of Grant Application to the Hazard Mitigation Grant Program of the Federal Emergency Management Agency".

MOTION CARRIED BY UNANIMOUS CONSENT

6.7 Consider and take all appropriate action on Work Authorization 2021-2 for Grant Management services under the Agreement for Grant Management and Project Management for Hazard Mitigation Grant Program (HMGP) Projects. *Gayle Cook, City Manager*

City Manager Gayle Cook provided Council with information about Work Authorization 2021-2, and said that the grant management services would cost no more than \$16,500 for the services, if all three of the grants are awarded to the City. If the City is not awarded a grant, it would only have to pay a nominal fee, which would be able to be paid through the City's Capital Improvement Plan funds.

Motion was made by Councilmember Klein and seconded by Councilmember Machol to approve Work Authorization 2021-2 for Grant Management services under the Agreement for Grant Management and Project Management for Hazard Mitigation Grant Program Projects.

MOTION CARRIED BY UNANIMOUS CONSENT

6.8 Consider and take all appropriate action on Resolution 2021-14, "Establishment of Carothers Community Garden". *Gayle Cook, City Manager and Sean Landis, Deputy City Manager*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK AUTHORIZING THE ESTABLISHMENT OF THE CITY OF SEABROOK COMMUNITY GARDEN ON CITY OWNED PROPERTY LOCATED AT CAROTHERS COASTAL

GARDENS; SETTING OUT THE INITIAL PROPERTY IMPROVEMENTS TO BE PERFORMED BY THE CITY OF SEABROOK; AND ESTABLISHMENT OF A GARDEN MANAGEMENT PLAN.

City Manager Gayle Cook said that the Resolution is predicated upon the current existence of a volunteer group in the city for this that already has some traction in the community. The City will confirm that the volunteer group is solvent and cohesive enough to participate in the community garden and to meet the requirements of the Resolution. If the group falls below the City's standards, the City can assume the role of garden manager instead. Staff recommends that Council approve the Resolution, allowing the volunteer group to manage the day-to-day operations of the garden, and to interact with the City through appointed liaisons, which each of the two parties will designate. This Resolution, Ms. Cook commented, is conceptually in line with the recommendations of the Carothers Coastal Garden Task Force II for phase one of the project. Council briefly discussed the project and the ability of the site's current and any future fencing to prevent undesirable fauna from entering the site and thereby being able to damage future crops.

Motion was made by Councilmember Machol and seconded by Councilmember Giangrosso to approve Resolution 2021-14, "Establishment of Carothers Community Garden".

MOTION CARRIED BY UNANIMOUS CONSENT

7. DISCUSSION

7.1 Discuss, consider, and if appropriate, take action on a 60th Birthday Pelican to be installed on the Marcy Fryday Pelican Path. *Joe Machol, Councilmember Position 6*

Councilmember Machol expressed his desire for a commemorative Pelican to be commissioned in recognition of the City's 60th anniversary. Following a brief discussion, it was the consensus of Council that the City should install a Pelican that the City already owns on the Marcy Fryday Pelican Path. That Pelican can then serve to commemorate the milestone anniversary, and the artist should come up with ideas on how that Pelican should be painted.

8. ROUTINE BUSINESS

8.1 Receive an update on City Council Member attendance at meetings and events. *City Council*

Mayor Kolupski said that this will be a new item to help people stay abreast of members of Council's attendance at outside events. For example, Mayor Kolupski recently attended a meeting in Deer Park with the East Harris County Manufacturers Association to discuss how to better notify cities, and ultimately the public, of unexpected chemical releases. Councilmember Klein recently attended Clear Lake Area Chamber of Commerce's "Chairman's Ball", and also participated in National Night Out with a member of U.S. Congressman Babin's staff, who thoroughly enjoyed the event and took a lot of photographs.

8.2 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, COVID-19 related issues, and Boards/Commissions meeting minutes. *Gayle Cook, City Manager*

City Manager, Gayle Cook, gave an oral report to City Council on SH 146 Expansion Project, City of Seabrook CIP Projects, and City of Seabrook Grant Administration, and COVID-19 related issues. Of note, the planned closure of Main Street at SH 146 has been cancelled for now, but will be rescheduled, and there will be another traffic shift on Red Bluff soon, as the construction progresses. Additionally, a fence will be erected along SH 146 in the northern part of Seabrook for a new camp for the next part of the SH 146 project – City staff has asked for a change in location given that the camp will be in place for about 4 years and is being set up for the La Porte part of the project, and Mayor Kolupski called the Texas Department of Transportation (TxDOT) to express his and the City's disappointment at TxDOT's site selection. Ms. Cook concluded her remarks by saying that, going forward, boards' and commissions' meeting minutes will also be discussed under this recurring agenda item. This is intended to keep Council better informed of the activities of the City's boards and commissions.

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

The next regular City Council meeting will be held on Tuesday, November 2, 2021 at 6:00 p.m. Councilmember Klein said that he will not be able to attend that meeting.

There will be a joint City Council/Planning & Zoning/Economic Development meeting on Tuesday, November 16, 2021 starting at 6:00 p.m. The regular City Council meeting that is scheduled for that evening will begin immediately following the joint meeting.

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 v. Barge 295 and the Yard at Barge 295. *Gayle Cook, City Manager*

9.2 Section 551.087

Conduct a Closed Executive Session to discuss potential financial incentive(s) and financial information received from a business prospect that the City seeks to have locate, stay, or expand for which the City is conducting economic development negotiations, as provided by Texas Government Code Section 551.087. *Gayle Cook, City Manager*

At 6:56 p.m., Mayor Kolupski announced that the City Council will now hold a closed executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551 Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in Sections 551.071 and 551.087.

At 9:05 p.m., Mayor Kolupski reconvened the meeting in open session and stated that Items 9.1 and 9.2 had been discussed, but that no action had been taken in Executive Session.

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".

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 9:05 p.m.

Approved this 2nd day of November, 2021.

Thomas G. Kolupski

Thomas G. Kolupski
Mayor

Robin Lenio

Robin Lenio, TRMC
City Secretary

