

The City Council of the City of Seabrook met in regular session on Tuesday, November 16, 2021 at 5:30 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 5:50 p.m. and led the audience in the United States and Texas Pledges of Allegiance.

1. PRESENTATIONS

1.1 Presentation of the Post Event Report for the 2021 Celebration Seabrook Festival. *LeaAnn Petersen, Director of Community & Visitor Relations*

LeaAnn Petersen, Director of Community & Visitor Relations, presented the Post Event Report to Council, as included in Attachment A to these minutes, and noted that the Festival was a great success with a good turnout. Mayor Kolupski thanked Ms. Petersen for her effort on the Festival.

2. PUBLIC COMMENTS AND ANNOUNCEMENTS

Michael Hessemer, 2613½ NASA Parkway, one of the owners of Barge 295, addressed Council. Barge 295 has been the subject of many discussions recently, and the involvement of lawyers has really slowed the process down. Barge 295 is being reimagined into a business that is more suitable for its location. It will have a saltwater lagoon, cabanas, and larger docks, intended to be a fun waterfront activity area. With the high cost of attorney's fees that it has recently had to pay, the proposed change in business model is the only way in which Barge 295 will be able to avoid bankruptcy. Mr. Hessemer asked that the Council support Barge 295 through its transformation.

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

Councilmember Hefner announced several upcoming events:

Share Your Christmas	Tree Lighting Ceremony
Begins Monday, November 22	Thursday, December 2 at 6:00 p.m.

Breakfast with Santa	Santa Run
Saturday, December 11 at 9:00 a.m.	Saturday, December 18

Tentative: Wastewater Treatment Plant Groundbreaking Ceremony
Wednesday, December 1

City Offices Closed: Thursday & Friday, November 25 & 26;
Thursday & Friday, December 24 & 25; and
Friday, December 31

Councilmember Giangrosso attended the Houston-Galveston Area Council meeting on November 8th.

3. ***BID AWARDS***

3.1 Consider and take all appropriate action on a Bid Award for RFP 2021-10-301, Wastewater System Infrastructure Retrofit Pine Gully Wastewater Treatment Plant (PGWWTP) to CSA Construction Inc., in an amount not to exceed \$23,060,000.00, which includes A-2 Alternate. *Kevin Padgett, Director of Public Works, and Brad Matlock, Cobb Fendley*

Kevin Padgett, Director of Public Works, introduced the item and informed Council that Cobb Fendley, having examined with City staff the three bids that were received on November 4, recommends awarding the bid to CSA Construction, Inc. Councilmember Klein remarked that the award is for more than was originally thought due to inflation, but that the City can cover the cost.

Motion was made by Councilmember Klein and seconded by Councilmember Giangrosso to award RFP 2021-10-301, Wastewater System Infrastructure Retrofit Pine Gully Wastewater Treatment Plant (PGWWTP) to CSA Construction Inc., in an amount not to exceed \$23,060,000.00, which includes A-2 Alternate.

MOTION CARRIED BY UNANIMOUS CONSENT

3.2 Consider and take all appropriate action on a Bid Award for RFP 2021-11-201, Wastewater System Infrastructure Retrofit Lift Stations and Force Main Utilities to Alcott, Inc.

(TCH) in an amount not to exceed \$12,239,929.50. *Kevin Padgett, Director of Public Works, and Brad Matlock, Cobb Fendley*

Kevin Padgett, Director of Public Works, introduced the item and explained the need for the gravity force lines and additional lift stations. He informed Council that Cobb Fendley, having examined with City staff the five bids that were received on November 4, recommends awarding the bid to Alcott, Inc. (TCH).

Motion was made by Councilmember Klein and seconded by Mayor Pro Tem Hammann to award RFP 2021-11-201, Wastewater System Infrastructure Retrofit Lift Stations and Force Main Utilities to Alcott, Inc. (TCH) in an amount not to exceed \$12,239,929.50.

MOTION CARRIED BY UNANIMOUS CONSENT

City Manager Gayle Cook informed Council that the two projects share a single source of funding, and that the City has gone approximately \$5,000,000 over on the projects' costs. Currently, that overage will be borne by the City – approximately \$1,400,000 from impact fees, \$871,000 from Capital Improvement funds, and approximately \$3,000,000 from the City's receipt of funds from the American Rescue Act.

4. CONSENT AGENDA

4.1 Approve proposed Resolution 2021-20, "Casting a Ballot for Harris County Appraisal District Board of Directors." *City Council*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT.

4.2 Approve the minutes of the November 2, 2021 regular City Council meeting. Robin Lenio, City Secretary

Motion was made by Councilmember Klein and seconded by Councilmember Giangrosso to approve the Consent Agenda, as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

5. NEW BUSINESS

5.1 Consider and take all appropriate action on Resolution 2021-22, "Adoption of the Old Town Seabrook District - Main Street Houston Galveston Area Council (HGAC) Livable Center Study". *Paul Chavez, Director of Economic Development*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,
ADOPTING THE OLD TOWN SEABROOK DISTRICT – MAIN STREET HOUSTON
GALVESTON AREA COUNCIL (HGAC) LIVABLE CENTERS STUDY.

Motion was made by Councilmember Hefner and seconded by Councilmember Giangrosso to approve Resolution 2021-22, "Adoption of the Old Town Seabrook District - Main Street Houston Galveston Area Council (HGAC) Livable Center Study".

Council briefly discussed the importance of implementing the Study and not just let it sit on a shelf. With the changing importance of vehicular and pedestrian traffic, ensuring proper traffic flow will be important.

MOTION CARRIED BY UNANIMOUS CONSENT

5.2 Consider and take all appropriate action on an Interlocal Agreement between the City of Seabrook and Harris County, Texas, for ownership and maintenance of a Storm Sewer & Force Main conflict box, which is a non-standard infrastructure element, for the Seabrook Wastewater System Retrofit Project. *Brian Craig, City Engineer and Assistant Director of Public Works*

Brian Craig, City Engineer and Assistant Director of Public Works explained that the force main is in Harris County's right-of-way but Harris County wants the City to be responsible for the maintenance of the conflict box; therefore, the interlocal agreement sets out the provisions for maintenance of the conflict box. City Attorney Steve Weathered apprised Council that the contract has some unusual clauses that the County has now made a part of its standard contracts.

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Larson to approve as presented the Interlocal Agreement between the City of Seabrook and Harris County, Texas, for ownership and maintenance of a Storm Sewer & Force Main conflict box, which is a non-standard infrastructure element, for the Seabrook Wastewater System Retrofit Project.

MOTION CARRIED BY UNANIMOUS CONSENT

5.3 Consider and take all appropriate action on a one-time carry over of board and commission appointment terms from January 1, 2022 to March 1, 2022 for Board of Adjustment members Michele Glaser, Edelmiro Muniz, and Tin Ngo; Open Space and Trails Committee members Sally Antrobus, Heather Cable, John Coggeshall, Monica Comeaux, Debra Harper, Nehemiah Jackson, and David Popken; and Planning & Zoning Commission members Greg Aguilar, Scott Reynolds, and Guy Rodgers. *Robin Lenio, City Secretary*

Robin Lenio, City Secretary, explained that this item will allow Council to make a one-time extension in the appointments of board and commission members whose terms are otherwise set to expire on January 1, 2022. Such an extension would allow the City more time

to implement a new boards and commissions appointment procedure, as will be considered under Item 6.1 this evening, should the new procedure be approved by Council.

Council discussed the pros and cons of extending the terms, with the consensus of Council being that the decision should be postponed until after consideration of Item 6.1.

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Hefner to reorder the agenda so that action on Item 5.3 will follow the discussion on Item 6.1.

MOTION CARRIED BY UNANIMOUS CONSENT

6. DISCUSSION

Items 6.1, 6.2, and 5.3 were then considered concurrently.

6.1 Discuss, consider and take all appropriate action on Resolution 2021-21, "Update of the City's Boards and Commissions Appointment Procedures". *Robin Lenio, City Secretary*

A RESOLUTION UPDATING THE CITY OF SEABROOK'S BOARDS AND COMMISSIONS APPOINTMENT PROCEDURES; INCLUDING AN UPDATE TO THE APPLICATION FORMS AND AN UPDATE TO THE CITY'S WEBSITE.

6.2 Discuss, consider and take all appropriate action on appointment of two Councilmembers to the Interview Panel for the Boards and Commissions Appointment Procedures for FY 2021-2022 for terms to expire August 1, 2022. *City Council*

Robin Lenio, City Secretary, introduced the items and said that the City has had the same board appointment process since 1992. During that time, there have been many times when there were very few applicants, and that the Council was often unfamiliar with the applicants. This process is designed to let citizens know about board and commission openings, and let Council become more familiar with the applicants before making appointments. The applications have been updated so that there would be individual applications for each board or commission, along with questions that are individualized for each board or commission. Ms. Lenio informed Council that the City had placed QR codes at City parks encouraging people to apply to serve on the Open Space and Trails Committee, and that two applications have been received since the signs went up.

Council discussed the merits of the Resolution under Item 6.1, and the optimal procedures for screening and interviewing applicants as proposed under Item 6.2. Following the discussion, it was the consensus of Council that the new applications should be made available to the public, and that the Council needs more time before the City changes its board and commission selection and appointment process.

Motion was made by Councilmember Hefner and seconded by Councilmember Giangrosso to approve Item 6.1 (Resolution 2021-21, "Update of the City's Boards and Commissions

Appointment Procedures") and to approve Item 5.3 (a one-time carry over of board and commission appointment terms from January 1, 2022 to March 1, 2022 for Board of Adjustment members Michele Glaser, Edelmiro Muniz, and Tin Ngo; Open Space and Trails Committee members Sally Antrobus, Heather Cable, John Coggeshall, Monica Comeaux, Debra Harper, Nehemiah Jackson, and David Popken; and Planning & Zoning Commission members Greg Aguilar, Scott Reynolds, and Guy Rodgers).

MOTION CARRIED BY UNANIMOUS CONSENT

No action was taken on Item 6.2.

7. ROUTINE BUSINESS

7.1 Update on the 2022 Seabrook General Election. Robin Lenio, City Secretary

Robin Lenio, City Secretary, provided Council with a brief overview of the upcoming 2022 General Election, noting that the City Secretary's Office is already working on the election for Positions 1, 3, and 5. None of the incumbents are term-limited this time, and the notice of the filing period will be posted on December 15. Candidate packets will be available in the City Secretary's office beginning on December 22. Applications for a place on the ballot will be accepted from January 19 through to February 18. During the February 1 Council meeting, Council will order the election. April 7 is the last day for submitting voter registration application in time to vote at the election. Early voting will begin on April 25 and conclude on May 3, and Election Day will be on May 7. The City Secretary's Office will host a candidate's forum on February 2 from 6:00-8:00 p.m., and a new Councilmember orientation on May 24. City Council will canvass the election results on May 17 at its regular meeting.

Ms. Lenio will provide updates at each upcoming Council meeting to allow for public discussion of the process and important dates.

Councilmember Larson asked if the orientation for new members of Council would be mandatory; Mrs. Lenio said that it would not be.

7.2 Update and report on various items that require no action, including SH 146 Expansion Project, City of Seabrook CIP Projects, and City of Seabrook Grant Administration. Gayle Cook, City Manager

Ms. Cook gave a brief update to Council, noting that NASA Parkway at SH 146 is limited to one lane in each direction as Texas Department of Transportation pours new pavement. The City has received a number of calls about the traffic situation. The Red Bluff Expansion Project will not finish in time but is still in progress and should be completed by the end of December. The wastewater plant project is up and going, and Ms. Cook thanked staff and the engineers for their work on the project. The one outstanding grant on Hazard Mitigation Grant Program (HMGP), the extension of the trails system along the berm, is still being worked on.

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268 **7.3** Establish future meeting dates and agenda items, including discussion on holding the
269 second Council meeting in December. *City Council*

270
271 The following regular Council meeting will be held on December 7, at 6:00 p.m.

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273 There will be a joint City Council / Planning & Zoning Commission meeting on Tuesday,
274 December 16, starting at 6:00 p.m.

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276 The subsequent regular City Council meeting will be held on Tuesday, January 4, 2022, at 6:00
277 p.m.

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279 **8. CLOSED EXECUTIVE SESSION**

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281 **8.1 Section 551.071**

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

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286 **8.2 Section 551.071**

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

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290 **8.3 Section 551.087**

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

295
296 At 7:03 p.m., Mayor Kolupski announced that the City Council will now hold a closed
297 executive meeting pursuant to the provisions of the Open Meetings Act, Chapter 551
298 Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority
299 contained in Sections 551.071, Consultation with City Attorney, and 551.087, Economic
300 Development Negotiations.

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302 At 8:05 p.m., Mayor Kolupski reconvened the meeting in open session and stated that
303 Item 8.1, 8.2, and 8.3 had been discussed, but that no action had been taken in Executive
304 Session.

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306 **9. OPEN SESSION**

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308 **9.1** Consider and take all appropriate on an Addendum and any general provisions to the
309 Tourism Agreement between the City of Seabrook and the Bay Area Houston Convention and
310 Visitors Bureau (BAHCVB) for FY2021-2022, to include an amendment to the partnership
311 fees. *LeaAnn Petersen, Director of Community & Visitor Relations*

Motion was made by Mayor Pro Tem Hammann and seconded by Councilmember Giangrosso to approve as presented the 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.

MOTION CARRIED BY A 6-1 VOTE WITH MAYOR KOLUPSKI OPPOSED

Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 8:06 p.m.

Approved this 7th day of December, 2021.

Thomas G. Kolupski

Thomas G. Kolupski
Mayor

Robin Lenio

Robin Lenio, TRMC
City Secretary

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