



**MINUTES
SEALY CITY COUNCIL
415 MAIN STREET
SEALY, TX 77474
WEDNESDAY, FEBRUARY 20, 2019
6:00 P.M.**

1. Call to Order

Mayor Whitehead called the meeting to order at 6:00 p.m.

2. Invocation and Pledge of Allegiance

Mayor Whitehead asked that everyone join in reciting the Lord's Prayer. Members of the Sealy Police Department led the Pledges of Allegiance.

3. Roll Call and Certification of a Quorum.

Present:

Janice Whitehead	Mayor
Dee Anne Lerma	Councilmember, Place 1
Chris Noack	Councilmember, Place 2
Sandra Vrablec	Councilmember, Place 3/Mayor Pro tem
Jennifer Sullivan	Councilmember, Place 4
Larry Koy	Councilmember, Place 5

Absent:

John Hinze	Councilmember, Place 6
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A quorum was declared present.

Staff attending:

Lloyd Merrell, City Manager
Dayl Cooksey, City Secretary
Warren Escovy, Asst. City Manager
Jay Reeves, Chief of Police
Lawrence Siska, Director of Streets, Drainage, Parks
Joey Schmidt, Fire Marshal/IT
Tim Kirwin, City Attorney

4. Petition(s) and/or Request(s) from the Public.

Joe Bilski, Shane Theriot, Karen Divin, and Melvin Cerny spoke in opposition to the variances that were issued by the planning commission for a multi-family development on Schmidt Road.

Mayor Whitehead moved that the city council move into executive session. Councilwoman Sullivan seconded the motion. Mayor Whitehead called for the vote:

AYES: Whitehead, Lerma, Vrabec, Sullivan, Koy, Hinze
NOES: Noack

The motion carried.

7. **EXECUTIVE SESSION: A closed meeting will be held concerning the following item(s):**
- a. **Personnel Matters (to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.) – City Manager. {This item is authorized by the Texas Government Code, Section 551.074.}**
 - b. **Consultation with City Attorney concerning a matter in which the duty of the attorney requires it for threatened or contemplated litigation or settlement offer pursuant to Section 551.071 of the Texas Government Code – Town Park Center, Cause No. 2017V-0040.**

The city council recessed open session at 6:10 p.m.

8. **Reconvene into regular session and consider action, if any, on items discussed in Executive Session.**

The city council reconvened into open session at 6:56 p.m.

Councilman Noack moved to reject the settlement and release agreement provided by Town Park Center. Councilman Koy seconded the motion. Mayor Whitehead called for the vote:

AYES: Whitehead, Lerma, Noack, Vrabec, Sullivan, Koy
NOES: None

The motion carried.

Councilwoman Sullivan moved to approve a two year contract with the city manager with a 3% increase and to evaluate performance after the second year to determine a rate increase and to authorize the mayor to sign a contract to that effect. Councilwoman Vrabec seconded the motion. Mayor Whitehead called for the vote:

AYES: Whitehead, Lerma, Noack, Vrabec, Sullivan, Koy
NOES: None

The motion carried.

5. **Discussion regarding city variance processes and procedures and the law on same.**

Joe Bilski told the council that city council as the elected officials, should be making the final decisions on any variances requests, not the Planning Commission.

Shane Theriot said if the city makes residential property owners adhere to the ordinances, multifamily should have to do the same. Karen Divin said she went to a planning commission meeting and was told there was not an item for public comments and she should set up a private meeting with staff.

Roy Jones voiced his concerns regarding the multifamily development on Schmidt Road because the developers are trying to build a lot in a small area. He voiced concerns about the roadway and parking for the multifamily units.

Melvin Cerny said that the last time there was a variance request, it had to be approved by the city council. He was unaware that this was changed to only have the planning commission approve variances.

6. Discuss, consider, and take action to adopt an ordinance amending the variance processes and procedures under Chapter 28 of the City's Code of Ordinances.

Joe Bilski and Karen Divin voiced concern regarding the process in which variances are granted. Mrs. Divin said the city should have contacted the property owners in the area before the variances were granted.

Mayor Whitehead asked that the city council again adjourn into executive session under Section 551.071 - Consultation with city attorney concerning a matter in which the duty of the attorney is required.

The city council recessed open session at 7:08 p.m.

The city council reconvened open session at 7:55 p.m.

Councilwoman Lerma moved to rescind, by Ordinance, Section 109 of Chapter 28 of the City of Sealy Code of Ordinances. City Council shall hear all variance requests under Chapter 28. Councilwoman Vrabec seconded the motion. Mayor Whitehead called for the vote:

AYES: Whitehead, Lerma, Noack, Vrabec, Sullivan, Koy

NOES: None

The motion carried.

(This is the first of two readings.)

9. Request(s) for future agenda items and comment(s).

There were no requests.

10. Adjournment

At 7:56 p.m., Councilwoman Lerma moved that the city council stand adjourned until the next scheduled meeting. Councilwoman Vrabec seconded the motion. Mayor Whitehead called for the vote:

AYES: Whitehead, Lerma, Noack, Vrabec, Sullivan, Koy

NOES: None

The motion carried.

PASSED AND APPROVED this 12th day of March 2019.




Janice Whitehead, Mayor

ATTEST:


Brooke Christoferson, Deputy City Secretary