



**MINUTES
SEALY CITY COUNCIL
415 MAIN STREET
SEALY, TX 77474
TUESDAY, JUNE 4, 2019
6:00 P.M.**

1. Call to Order

Mayor Whitehead called the meeting to order at 6:01 p.m.

2. Invocation and Pledge of Allegiance

Brigid Stevenson, Sealy Police Chaplin, gave the invocation. Mayor Whitehead 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
Adam Burttschell	Councilmember, Place 6

A quorum was declared present.

Staff attending:

Warren Escovy, Asst. City Manager
Dayl Cooksey, City Secretary
Lawrence Siska, Director of Parks/Streets/Drainage
Mark Pulos, Public Works Director
Fred Palmer, Police Sergeant
Robert Worley, Sealy EDC Executive Director
Tim Kirwin, City Attorney

4. Proclamations and Special Recognitions

None

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

Michelle Zwicky, a realtor with the Schmidt Road multi-family project, asked that the City Council approve the plans and permits so the project can move forward.

Felicita Fernandez asked what Chapter 28 is referring to on the agenda. She voiced concerns regarding what the Council was changing.

Andy Anderson complimented the Council and Sealy Police Department of the Kid Fish program held at the Park. He said it was a wonderful event and very important for young people.

Berry Lynn, owner of the multi-family development project on Schmidt Road, asked that the Council allow the approval of the plans for the project. He voiced his concerns that another project was granted approval and his project was not.

Vince Wollney, President of the Sealy Chamber of Commerce, spoke in favor of Mr. Lynn's project on Schmidt Road and said this type of development is needed in Sealy.

6. CONSENT AGENDA

- a. **Discussion and possible action regarding approval of minutes for the meeting held:**
 - **May 20, 2019**
 - **May 28, 2019**
 - **May 28, 2019 – Workshop**
- b. **Discuss, consider, and possible action to adopt an ordinance regulating engine brakes. *(This is the second of two readings).***

Councilwoman Lerma moved to approve the consent agenda as presented. Councilman Noack seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried. *(The ordinance is enrolled as Ordinance No. 2019-09.)*

7. Discussion and possible action regarding operation of the Main Street Program.

Lloyd Merrell told Council that the Sealy EDC board met on Wednesday and approved the acceptance of responsibility of the Main Street Program.

Tim Kirwin said there are steps that need to be taken and before the process can be complete, including by-law changes for EDC and Main Street, and amendments to the City Code of Ordinances regarding the Main Street Board.

Councilwoman Lerma moved to authorize staff to continue in the direction of Main Street Program operating under the Sealy EDC. Councilman Burttschell seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

8. Discussion and possible action regarding the Downtown Revitalization Program plans.

Lloyd Merrell reported that staff is in the process of getting cost estimates and engineering on the proposed downtown revitalization program. He met with the Levine Foundation, and they have committed funds for the program. Robert Worley is going to speak with some of the larger companies in Sealy and request contributions to the project.

Councilwoman Lerma moved to authorize the City Manager to continue with pricing and planning for the Main Street Revitalization Program. Councilwoman Vrabec seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

9. Discussion and possible action to appoint members to serve on the Sealy Economic Development Corporation Board of Directors.

Mayor Whitehead nominated Russ Rainwater, Bradley Miller, and Lloyd Merrell to serve on the Sealy Economic Development Corporation.

Mayor Whitehead moved to appoint Bradley Miller to serve on the Sealy EDC Board. Councilwoman Lerma seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

Councilwoman Lerma moved to appoint Russ Rainwater to serve on the Sealy EDC Board. Mayor Whitehead seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

Councilwoman Lerma moved to appoint Lloyd Merrell to serve on the Sealy EDC Board. Councilman Burttschell seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

10. Discussion and possible action to authorize a city holiday for Friday, July 5, 2019.

Councilman Koy moved to authorize a city holiday for Friday, July 5, 2019. Councilman Burttschell seconded the motion. Mayor Whitehead called for the vote:

AYES: Whitehead, Sullivan, Koy, Burttschell

NOES: Lerma, Noack, Vrablec

The motion carried.

11. Discussion and possible action to adopt a resolution to approve the Sealy EDC project to provide funds for infrastructure installation for Dove Tail Crossing. (*This is the first of two readings.*)

City Attorney Tim Kirwin explained that any expenditure of the Sealy EDC over \$10,000 must be approved by Council by two readings of a resolution approving the project.

Councilwoman Lerma moved to approve the first reading of the resolution to approve the Sealy EDC project to provide funds for infrastructure installation for Dove Tail Crossing. Councilwoman Vrablec seconded the motion. Mayor Whitehead called for the vote:

AYES: Whitehead, Lerma, Noack, Vrablec, Sullivan, Koy, Burttschell

NOES: None

The motion carried.

12. Discussion and possible action to adopt a resolution to approve the Sealy EDC project to provide field lighting and associated electric service to the Greater Sealy Little League. (*This is the first of two readings.*)

Councilwoman Lerma moved to approve the first reading of the resolution to approve the Sealy EDC project to provide funds for field lighting and associated electric service to the Greater Sealy Little League. Councilwoman Vrablec seconded the motion. Mayor Whitehead called for the vote:

AYES: Whitehead, Lerma, Noack, Vrablec, Sullivan, Koy, Burttschell

NOES: None

The motion carried.

13. Discussion and possible action to adopt a resolution to update the City of Sealy fee schedule.

City Attorney Tim Kirwin explained that the Texas Legislature recently changed state law regarding how a city may calculate residential permits and inspection fees. The change is effective immediately.

Councilwoman Sullivan moved to adopt a resolution to update the City of Sealy fee schedule. Councilwoman Vrablec seconded the motion. Mayor Whitehead called for the vote:

AYES: Whitehead, Lerma, Noack, Vrablec, Sullivan, Koy, Burttschell

NOES: None

The motion carried. (*This resolution is enrolled as Resolution No. 2019-14.*)

14. Discussion and possible action to consider an amendment to the Texas Disposal System Solid Waste Contract.

Councilwoman Sullivan moved to approve the amendment to the Texas Disposal System Solid Waste Contract by changing Section 3.03 as presented. Mayor Whitehead seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

15. Discussion and possible action to approve the 2019 Street Paving schedule.

Councilwoman Sullivan moved to approve the 2019 Street Paving schedule as presented. Councilman Koy seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

16. City Manager's report and possible discussion.

- **Wheelchair ramp at Studio Blend and Gallery**

Mr. Merrell said he will have staff look further into the issue. This will be placed on the next agenda.

- **Update on activities and programs at LeBlanc Swimming Pool**

Lawrence Siska provided Council with information from Aquatico regarding swimming lessons and parties at the pool. He said the pool is averaging 77 people daily.

17. EXECUTIVE SESSION: A closed meeting will be held concerning the following item(s):

- a. **Section 551.071 CONSULTATION WITH ATTORNEY. A governmental body may conduct a private consultation with its attorney when the governmental body seeks the advice of its attorney about: pending or contemplated litigation; or a settlement offer;**
 - Town Park Center, Cause No. 2019V-0062.
- b. **Section 551.071 CONSULTATION WITH ATTORNEY. A governmental body may conduct a private consultation with its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, namely legal issues associated with Chapter 28 of the Code of Ordinances.**
- c. **Section 551.071 CONSULTATION WITH ATTORNEY. A governmental body may conduct a private consultation with its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, namely legal issues associated with 380 Development Agreements.**

City Council recessed open session at 7:04 p.m.

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

City Council reconvened into open session at 8:24 p.m.

Councilwoman Sullivan moved to authorize city staff to continue working on transferring the administration of the Sika 380 agreement to the Sealy EDC. Councilman Burttschell seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

19. Discussion and possible action to adopt an ordinance amending Chapter 28 of the Code of Ordinances regarding development. *(This is the first of two readings)*.

Councilwoman Lerma moved to approve the first reading of an ordinance amending Chapter 28 of the Code of Ordinances regarding development. Councilman Koy seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

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

Councilman Burttschell

- None

Councilman Koy

- He would like to see a map of the new City of Gloster and make sure the ETJ does not overlap with Sealy.

Councilwoman Sullivan

- She requested that staff reports be included with each agenda item.

Councilwoman Vrabec

- None

Councilman Noack

- He asked how often the city is being sprayed for mosquitoes. Lawrence Siska said it was being done twice a month.
- He requested an agenda item for discussion and possible action regarding zoning.

Councilwoman Lerma

- She requested that staff reports be included with each agenda item.

Mayor Whitehead

- She requested that a copy of the current comprehensive plan be emailed to each councilmember.
- She requested another speed limit sign be placed on Schmidt Road.
- She said there is trash around the shopping center where Palais Royal is located.
- She requested staff look into the dove hunting around town. She is concerned with all of the construction being done throughout the city.

21. Adjournment.

At 8:33 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, Burttschell

NOES: None

The motion carried.

PASSED AND APPROVED this 18th day of June 2019.





Janice Whitehead, Mayor

ATTEST:



Dayl Cooksey, City Secretary