



**MINUTES
SEALY CITY COUNCIL
415 MAIN STREET
SEALY, TX 77474
TUESDAY, SEPTEMBER 3, 2019
6:00 P.M.**

1. Call to Order

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

2. Invocation and Pledges of Allegiance

Police Chaplin Brigid Stevenson gave the invocation. Mayor Whitehead led the Pledges of Allegiance.

3. Roll Call and Certification of a Quorum

Present:

Janice Whitehead
Dee Anne Lerma
Chris Noack
Sandra Vrablec
Jennifer Sullivan
Larry Koy
Adam Burttschell

Mayor
Councilmember, Place 1
Councilmember, Place 2
Councilmember, Place 3/Mayor Pro tem
Councilmember, Place 4
Councilmember, Place 5
Councilmember, Place 6

A quorum was declared present.

Staff attending:

Lloyd Merrell, City Manager
Dayl Cooksey, City Secretary
Lawrence Siska, Director of Streets, Parks and Drainage
Mark Pulos, Public Works Director
Chris Hudson, Police Captain
Robert Worley, Executive Director Sealy EDC
Tim Kirwin, City Attorney

4. Proclamations and Special Recognitions

None

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

None

6. **CONSENT AGENDA**

Councilman Koy asked that item "b" of the consent agenda be voted on separately.

- a. **Discussion and possible action regarding approval of minutes for the meeting held:**
1. **August 20, 2019 - Workshop**
 2. **August 20, 2019**

Councilwoman Lerma moved to approve item "a" of the consent agenda. Councilman Noack seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

- b. **Discussion and possible action to adopt a resolution authorizing the expenditure of funds by the Sealy EDC for the Main Street Program in an amount not to exceed \$9,000. (This is the second of two readings.)**

Councilwoman Lerma moved to approve item "b" of the consent agenda. Councilman Burttschell seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

7. **Presentation and possible action concerning Boo Bash event in downtown Sealy.**

Karen Lopez with the Sealy News updated the Council on the upcoming Boo Bash held in the downtown area. October 31st is on a Thursday. The street closures will begin at 4:00 p.m., and reopen at approximately 8:00 p.m. She met with city staff concerning the event, including the street closures and police presence. This is the 13th Annual Boo Bash event.

8. **Discussion and possible action to approve a resolution authorizing the expenditure of funds for Hailiang Copper Texas by the Sealy Economic Corporation, for incentives, not to exceed \$75,000, to include \$25,000.00 infrastructure grant and a \$50,000 permit and tap fee reimbursement. (This is the first of two readings.)**

Councilwoman Lerma clarified that the expenditures of the funds to Hailiang Copper Texas are conditioned upon a performance agreement that has yet to be approved. No funds will be expended until the performance agreement has been approved by the Sealy EDC and City Council.

Councilwoman Lerma moved to approve the first reading of a resolution authorizing the expenditure of funds for Hailiang Copper Texas by the Sealy Economic Development Corporation, for incentives, not to exceed \$75,000, to include \$25,000 infrastructure grant and a \$50,000 permit and tap fee reimbursement. Chris Noack 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 approve a management and financing agreement by and between the City of Sealy and Sealy EDC regarding the Sika, Inc., 380 Agreement.**

Councilwoman Sullivan moved to approve a management and financing agreement by and between the City of Sealy and Sealy EDC regarding the Sika, Inc., 380 Agreement. Councilwoman Vrabec seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

10. **Discussion and possible action to adopt a resolution approving the Sealy EDC reimbursement to City of Sealy of Sika payment in the amount of \$80,704.71. (*This is the first of two readings.*)**

Councilman Burttschell moved to adopt the first reading of a resolution approving the Sealy EDC reimbursement to City of Sealy of Sika payment in the amount of \$80,704.71. Councilwoman Lerma seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

11. **Discussion and possible action regarding the qualifications of the members of the Planning Commission to serve as the Capital Improvement Advisory Committee in accordance with Texas Local Government Code Sec. 395.058.**

Mayor Whitehead moved to table action until further information is received. Councilwoman Sullivan seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

12. **Discussion and possible action to approve a resolution *nunc pro tunc* in which the caption reads:
A RESOLUTION NUNC PRO TUNC FOR RESOLUTION 2018-29 OF THE CITY COUNCIL OF THE CITY OF SEALY TEXAS, APPOINTING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE AS REQUIRED BY CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE.**

Mayor Whitehead moved to table action until further information is received. Councilwoman Lerma seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

13. Discussion and possible action to approve an agreement between City of Sealy and BNSF Railroad authorizing the use of the Railroad right-of-way.

Councilwoman Sullivan moved to approve an agreement between the City of Sealy and BNSF Railroad authorizing the use of the Railroad right-of-way. Councilman Burttschell seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

14. Discussion and possible action to approve an ordinance amending Chapter 66 of the City of Sealy Code of Ordinances to adopt regulations regarding use of electronic cigarettes, e-cigarettes, and electronic smoking devices (vaping) in the City of Sealy. *(This is the first of two readings.)*

Councilwoman Lerma moved to approve the first reading of an ordinance amending Chapter 66 of the City of Sealy Code of Ordinances, after removing Section 66-72b, to adopt regulations regarding use of electronic cigarettes, e-cigarettes, and electronic smoking devices in the City of Sealy. Councilman Noack 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 an ordinance amending Chapter 42 of the City of Sealy Code of Ordinances to adopt regulations regarding use of electronic cigarettes, e-cigarettes, and electronic smoking devices (vaping) in the City of Sealy. *(This is the first of two readings.)*

Councilwoman Lerma moved to approve the first reading of an ordinance amending Chapter 42 of the City of Sealy Code of Ordinances to adopt regulations regarding use of electronic cigarettes, e-cigarettes, and electronic smoking devices in the City of Sealy. Councilwoman Vrabec seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

16. **Discussion and possible action to adopt an ordinance establishing and providing rates for services of the waterworks and sanitary sewer systems of the City of Sealy. (*This is the first of two readings.*)**

Councilman Noack moved to approve the first reading of an ordinance establishing and providing rates for service of the waterworks and sanitary sewer systems of the City of Sealy. Councilwoman Sullivan seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

17. **Discussion and possible action to adopt an ordinance establishing and providing rates for services for natural gas system of the City of Sealy. (*This is the first of two readings.*)**

Councilwoman Sullivan moved to approve the first reading of an ordinance establishing and providing rates for services for natural gas system on the City of Sealy. Councilwoman Lerma seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

The City Attorney will review the industrial gas contracts and report back to Council.

18. **Discussion and possible action to adopt an ordinance establishing and providing rates for services of solid waste of the City of Sealy. (*This is the first of two readings.*)**

Councilwoman Lerma moved to approve the first reading of an ordinance establishing and providing rates for services of solid waste of the City of Sealy. 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 regarding public parking on Front Street from Main Street to Fourth Street.**

Lloyd Merrell reported that part of the downtown revitalization plan includes doing away with center parking along Main Street. The city can add parking spaces along the east side of Front Street from Main Street to Fourth Street. This will create approximately 22 spaces. A parking lot has been considered on property the city owns on Front Street; however, the cost would be approximately \$20,000 - \$25,000.

Councilwoman Lerma moved to direct staff to proceed with the engineering for the creation of the parking spaces on Front Street in an amount not to exceed \$5,000. Councilman Noack seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

20. Discussion and possible action regarding regulations for wrecker storage yards.

Staff reported that they are looking at other city's ordinances regarding wrecker service and storage yards. The suggested changes will be brought back to Council for consideration.

This item will be revisited during the second meeting in October.

21. City Manager's report and possible discussion:

- **Update on Wastewater Treatment Plant Project**
The construction of the new Wastewater Treatment Plant is nearing completion. The TCEQ final permit should be received soon.
- **Update on Main Street Water project**
The contract has been fully executed. The contractor is asking to bore under the street instead of cutting. Mark Pulos said he has concerns regarding boring instead of cutting. There are some locations that boring will be acceptable.
- **Update on Highway 36 water and sewer project**
Property needs to be acquired before starting the Highway 36 water/sewer project. Mr. Merrell said the city should prepare a complete comprehensive plan when new lines are installed or replaced to know how the wastewater gets to the Wastewater Treatment Plant.
- **Update on clearing of Allen's Creek**
There has been significant progress on the clearing of Allen's Creek drainage way. This will help drainage in the entire city. Lawrence Siska reported that they have also removed over 1,000 yards of silt. The city is now working with Chip Reed, Austin County Commissioner, to clear more of the area downstream.

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

Councilman Burttschell

- None

Councilman Koy

- None

Councilwoman Sullivan

- She requested that budget line items be added to the budget to reflect the funds needed for the Chapter 380 agreements.

Councilwoman Vrablec

- She reported that the railroad crossing at Highway 36 has still not been repaired. She asked that the attorney send a letter to the railroad regarding this issue.
- She asked if the city has any regulations regarding the use of golf carts on city streets. She is concerned that children are driving along the city street. Captain Chris Hudson said an individual must be 16 to drive a golf cart on a city street. Tim Kirwin said he will look into an ordinance regulating golf carts.

Councilman Noack

- He requested that the monthly fee for drainage that is collected be reviewed. He asked when it was last increased.
- He reported that he will not be able to attend the special council meeting on September 11, 2019 nor the October 1, 2019 meeting.

Councilwoman Lerma

- None

Mayor Whitehead

- Melissa Washington with the Texas General Land Office reported that she has had an overwhelming response to the funding for Harvey relief. Mayor Whitehead asked for a town hall meeting be held at the Hill Community Center on September 24, 2019.
- She reported mattresses and other items of litter at the mall.
- She asked that the ordinances concerning shooting inside the city limits be reviewed for possible conflict.
- She met with LGI concerning their desire to create a MUD within the city. She asked for a workshop for approximately 30 minutes on September 11, 2019.
- She requested that the city place "Brake Engines Prohibited" signs at the city limits.
- She asked Warren Escovy what the time frame would be to update our building and fire codes. He said they should be ready in October.
- She requested an agenda item to finalize the Mark A. Chapman plaque for B&PW Park.

23. **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.
 - Sealy ISD
- 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.

The city council recessed open session at 7:38 p.m.

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

The city council reconvened into open session at 8:29 p.m. No action was taken.

25. **Adjournment.**

At 8:30 p.m., Councilwoman Vrabec moved that the City Council stand adjourned until the next scheduled meeting. Councilwoman Lerma 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 17th day of September 2019.



Janice Whitehead
Janice Whitehead, Mayor

ATTEST:

Brooke Christoferson
Brooke Christoferson, Deputy City Secretary