



**MINUTES  
SEALY CITY COUNCIL  
415 MAIN STREET  
SEALY, TX 77474  
TUESDAY, SEPTEMBER 17, 2019  
6:00 P.M.**

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**1. Call to Order**

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

**2. Invocation and Pledges of Allegiance**

Police Chaplain Brigid Stevenson 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:

Lloyd Merrell, City Manager  
Warren Escovy, Assistant City Manager / Planning Director  
Brooke Christoferson, Deputy City Secretary  
Lawrence Siska, Director of Streets, Parks and Drainage  
Mark Pulos, Public Works Director  
Steven Kutra, Finance Director  
Jay Reeves, Police Chief  
Robert Worley, Executive Director Sealy EDC  
Tim Kirwin, City Attorney  
Chris Nichols, Special Council

**4. Proclamations and Special Recognitions**

None

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

Dennis Dailey inquired about a potential variance. Assistant City Manager/Planning Director Warren Escovy stated that until an official variance is filed, Mr. Dailey cannot live in an RV on his property. There is no water or sewer; therefore, the city asked him to move.

Brigid Stevenson spoke about the property tax increase. She said that no one likes to see increases in taxation, but the reality is that this council is dealing with financial issues that have not been addressed in years. She commended the councilmembers on being honorable and taking the road that must be taken, regardless of any backlash they may receive.

6. **PUBLIC HEARING: The City Council will receive public comments concerning the proposed property tax rate of \$0.39807 per \$100 valuation for tax year 2019. (This is the second of two public hearings.)**

***A tax rate of \$0.39807 per \$100 valuation has been proposed for adoption by the governing body of the City of Sealy. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearing be held by the governing body before adopting the proposed tax rate.***

Mayor Whitehead opened the public hearing at 6:06 p.m.

Mayor Whitehead stated that the city council will meet on Wednesday, September 25<sup>th</sup> to vote on this item.

Mayor Whitehead closed the public hearing at 6:09 p.m.

7. **PUBLIC HEARING: The City Council will hold a public hearing to receive comments concerning the proposed City of Sealy fiscal year 2019-2020 budget.**

Mayor Whitehead opened the public hearing at 6:10 p.m.

Felicita Fernandez inquired about last year's budget vs this year's budget. Finance Director Steven Kutra stated that the current FY 2018-2019 budget is \$5.9 million and next year's proposed FY 2019-2020 budget is \$8.1 million, which includes incentive payments on 380 agreements. City Manager Lloyd Merrell added that the increase reflects the natural progress of growth for the city.

Ms. Fernandez also inquired about the effect of population increase on the schools. Mayor Whitehead stated that the city has nothing to do with the schools. Sealy ISD would be the entity to speak with regarding this topic.

Mayor Whitehead closed the public hearing at 6:14 p.m.

Mayor Whitehead made the motion to remove item 10 from the agenda. Councilwoman Lerma seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

8. **CONSENT AGENDA**

- a. **Discussion and possible action regarding approval of minutes for the meeting held September 3, 2019.**



- b. **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 second of two readings.)***
- c. **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 second of two readings.)***
- d. **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 second of two readings.)***
- e. **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 second of two readings.)***
- f. **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 second of two readings.)***

Councilwoman Lerma moved to approve the consent agenda. Councilwoman Vrabec seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

*(Item 8b is enrolled as Resolution No. 2019-30.)*

*(Item 8c is enrolled as Ordinance No. 2019-13.)*

*(Item 8d is enrolled as Ordinance No. 2019-14.)*

*(Item 8e is enrolled as Ordinance No. 2019-15.)*

*(Item 8f is enrolled as Ordinance No. 2019-16.)*

- 9. **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 second of two readings.)***

Councilwoman Lerma moved 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. 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 resolution is enrolled as Resolution No. 2019-31.)*

**10. Discussion on possible sale of remainder of acreage for Sealy Homestead with the TIRZ #2 and PID One.**

This item was removed from the agenda.

**11. Discussion and possible action to appoint a member to serve on the TIRZ #2 board.**

Councilwoman Lerma made the motion to appoint Wyn McCreedy to serve on the TIRZ #2 board. Councilwoman Vrabec 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.**

Councilwoman Lerma made the motion to approve a resolution *nunc pro tunc* and designate Clayton Schavrd, Theadra Curry, Ellen Remmert, Annie Smith, and Errick Statum to serve on the Capital Improvements Advisory Committee and the amend section 5c to state that three members create a quorum. Mayor Whitehead seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried. (*The resolution is enrolled as Resolution No. 2019-32.*)

**13. Discussion and possible action to designate a representative and alternate to the Houston-Galveston Area Council 2020 Assembly.**

Councilwoman Lerma made the motion to designate Councilwoman Vrabec as a representative and Councilman Burttschell as an alternate to the Houston-Galveston Area Council 2020 Assembly. Councilwoman Sullivan seconded the motion.

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

NOES: None

The motion carried.

**14. City Manager's report and possible discussion:**

- **Main Street revitalization**

The city is continuing to work on raising money for the Downtown project. Mr. Merrell would like to begin with putting railings up within the next couple of weeks. He said the next step would be running a sidewalk from the EDC building to City Hall.

- **BSR development**



A 150 home development is in the works. It will be located along the property behind the elementary school. A driveway off of Highway 36 has been secured from TxDOT.

- **WWTP update**

He encouraged council to go look at the old plant and the new plant. You can see a substantial difference in size. Equipment is currently being tested, and a ribbon cutting ceremony will be set up in the near future.

- **Need for animal shelter**

Mr. Merrell stated that he'd like to hold off on this topic and give it some more thought.

15. **Request(s) for future agenda items and comment(s).**

Councilman Burttschell

- None

Councilman Koy

- He'd like to compare the old resolution to the new resolution regarding Section 11.2 of the Policies and Procedures Manual.
- He'd like a future agenda item regarding Remitite America, Inc.
- He'd like a presentation on new annexation laws and an update on old annexations.
- He'd like to see the amendments to the 2018-2019 budget for both the City of Sealy and the Sealy EDC.

Councilwoman Sullivan

- She inquired about the gas rate ordinance. City Attorney Tim Kirwin stated that it may be on the September 25<sup>th</sup> agenda.

Councilwoman Vrablec

- None

Councilman Noack

- None

Councilwoman Lerma

- None

Mayor Whitehead

- She stated that the mattresses behind the outlet mall look horrible, and she would like staff to contact the owner.
- She said that there are bumpers on the road at Silliman Street and Highway 90.
- She stated that she would like staff to contact the Railroad Commission about the hole on the Highway 36 tracks.
- She asked what can be done to facilitate Dennis Dailey from now until the variance is filed. Tim Kirwin and Warren Escovy stated that they will look into this issue.

16. **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 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 – Prasek's Hillje Smokehouse.

- 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 380 Development Agreement and Performance Agreement with the Sealy Economic Development Corporation – Hailiang Copper Texas, Inc.

The city council recessed open session at 6:46 p.m.

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

The city council reconvened into open session at 7:19 p.m.

Councilman Noack moved to authorize staff and the city attorney to renegotiate the 380 agreement with Prasek's Hilje Smokehouse. Councilwoman Sullivan seconded the motion. Mayor whitehead called for the vote:

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

NOES: None

The motion carried.

**18. Adjournment.**

At 7:20 p.m., Councilwoman Vrablec 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, Vrablec, Sullivan, Koy, Burttschell

NOES: None

The motion carried.

**PASSED AND APPROVED** this 1<sup>st</sup> day of October 2019.



  
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Janice Whitehead, Mayor

ATTEST:

  
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Brooke Christoferson, Deputy City Secretary