



**MINUTES
SEALY CITY COUNCIL
415 MAIN STREET
SEALY, TX 77474
TUESDAY, OCTOBER 15, 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

Absent:

None

A quorum was declared present.

Staff attending:

Lloyd Merrell, City Manager
Warren Escovy, Assistant City Manager / Planning Director
Brooke Knoll, Deputy City Secretary
Lawrence Siska, Director of Streets, Parks and Drainage
Mark Pulos, Public Works Director
Robert Worley, Executive Director SEDC
Kim Kaiser, HR Administrator
Fawn Mackey, Court Administrator
Steven Kutra, Finance Director
Jay Reeves, Police Chief
Tim Kirwin, City Attorney

4. Proclamations and Special Recognitions

- a. National German American Day
- b. National Fire Prevention Week

Mayor Whitehead presented members of the National German American Society and our local first responders with proclamations.

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

None

6. CONSENT AGENDA

a. Discussion and possible action regarding approval of minutes for the meetings held September 25, 2019 and October 1, 2019.

Councilwoman Vrablec moved to approve the consent agenda after a minor revision to Item 14 of the October 1, 2019 minutes was made. Councilwoman Lerma's name was listed twice under the comments/requests for future agenda items section. One listing will be corrected to depict Councilwoman Vrablec's comments instead. Councilwoman Lerma seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

Mayor Whitehead moved to have Item 18 immediately follow Item 7. Councilwoman Sullivan seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

7. Introduction of Larry Penn, new Main Street Manager.

Robert Worley introduced new Main Street Manager Larry Penn to the council. Mr. Penn stated that he is happy to be here and is ready to serve.

18. Discussion and possible action to appoint new members to serve on the Main Street Advisory Board.

Councilwoman Lerma made the motion to appoint Wyn McCreedy, Lisa Caton, Marti Brown, Lauren Brothers, Kelsie Prazak, Ellis Roach, Brooke Morris, and Brackston Nutt to serve on the Main Street Advisory Board. Councilwoman Sullivan 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. 2019-35.)

8. Discussion and possible action to approve a resolution to appoint a new associate judge.

Councilwoman Lerma moved to approve a resolution to appoint Michael Kubricht as associate judge. Councilman Koy seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

9. Presentation and discussion regarding House Bill 866.

Public Works Director Mark Pulos gave an update on House Bill 866, which requires the replacement of certain types of natural gas lines. Fortunately, the City of Sealy has neither cast iron gas lines nor bare steel mains in the system. Mr. Pulos estimates that 143 risers will need to be replaced. He stated that there is a 12 ½ year turnaround to have them replaced, but he hopes to have this completed within the next two-three years. Each replacement is going to cost approximately \$400.

10. Discussion and possible action to classify the positions of Administrative Services Manager and Inspector on the City of Sealy Pay Scale.

Councilwoman Sullivan moved to classify the positions of Administrative Services Manager and Inspector on the City of Sealy Pay Scale as proposed. 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 authorizing the mayor to execute an audit engagement letter with Belt Harris Pechacek, LLLP, to perform the annual independent audit for the city for the fiscal year 2018-2019.

Councilwoman Sullivan moved to authorize the mayor to execute an audit engagement letter with Belt Harris Pechacek, LLLP, to perform the annual independent audit for the city for the fiscal year 2018-2019. 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 an amendment to a performance agreement between the Sealy EDC and DPK Land Development, LLC and David P. Kelly for Dove Landing subdivision for approved incentives.

Councilwoman Lerma moved to approve an amendment to a performance agreement between the Sealy EDC and DPK Land Development, LLC and David P. Kelly for Dove Landing subdivision for approved incentives with the word "amended" added to the title and first

paragraph of the agreement. Councilman Burttschell 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 regarding the upcoming SEDC China trip.

Councilwoman Sullivan moved to request a full reimbursement from Sealy ISD for Superintendent Sheryl Moore's China trip expenses. Councilman Koy seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

14. Presentation, discussion, and possible action regarding annexation laws, changes in the law, and processes and procedures on same.

City Attorney Tim Kirwin updated the council on annexation laws, changes in the law, and processes and procedures on same. Mr. Kirwin stated that a new Legislative bill was passed earlier this year, and home rule cities are no longer able to annex property without first being asked to do so. Although this new law limits a city's ability to annex the way it wants to, it does not mean that every annexation request has to be accepted.

Me. Kirwin also cautioned the council that if they annex a Municipal Utility District (MUD), that the MUD dissolves and any debt it holds becomes the responsibility of the city. He said if a developer wants to create a MUD, it is best to annex the property first and then have the MUD created within the city so the rest of the residents are not liable for its debts.

15. Presentation, discussion, and possible action regarding LGI Homes annexation petition.

Assistant City Manager/Planning Director Warren Escovy informed council that the developers of a proposed 440-home development off Schmidt Road near the Walmart Distribution Center have changed their request to develop the property as a Municipal Utility District (MUD) rather than a Public Improvement District (PID).

He stated that there is a total of four parcels that make up 157 acres. Two of these parcels are located outside of the city limits. Mr. Escovy said that LGI Homes has already submitted a petition for the annexation of the additional two parcels.

No action was taken at this time.

16. Discussion and possible action to approve the purchase and placement of the Mark A. Chapman dedication plaque at B&PW Park.

Council viewed four different options for the Mark A. Chapman dedication plaque that will be placed at B&PW Park. Councilman Koy moved to purchase the 18x15 raised aluminum casting

with bronze relief and a full color photograph plaque. Councilwoman Lerma 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 amend the Chapter 38 Floods Ordinance and provide for the adoption of revised flood insurance rate maps. (*This is the second of two readings.*)

Councilwoman Vrabec moved to amend the Chapter 38 Floods Ordinance and provide for the adoption of revised flood insurance rate maps. Councilwoman Sullivan seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

(This ordinance is enrolled as Ordinance No. 2019-21.)

19. Discussion and possible action to approve a resolution creating an economic development program and authorizing the Mayor and the President of the Sealy Economic Development Corporation to execute a Chapter 380 Economic Development and Performance Agreement between the City of Sealy, Texas, the Sealy Economic Development Corporation and Hailiang Copper Texas, Inc. for economic development incentives.

Councilwoman Lerma moved to table this item. Councilwoman Sullivan seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

20. City Manager's report and possible discussion:

- **Amendments to FY 2018-2019 City of Sealy and SEDC budgets**
- **Interlocal agreement between the City and Sealy ISD**
- **Highway 36 water line project**
- **New WWTP dedication**
- **GLO project**

Lloyd Merrell briefly updated the council on the items listed above.

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

Councilman Burttschell

- None

Councilman Koy

- None

Councilwoman Sullivan

- She reminded everyone that there is a fall cleanup scheduled for November 2nd from 9 a.m. – noon. Individuals needing a team can contact Councilwoman Sullivan or Councilwoman Lerma.

Councilwoman Vrablec

- She reminded all councilmembers, employees, and board/committee members that they are a reflection of the city and need to set a good example when out in public.

Councilman Noack

- None

Councilwoman Lerma

- She requested a workshop for Monday, October 21st at 6 p.m. to discuss the Hailiang agreement.
- She requested that council see red lines on any future updates.
- She mentioned putting the staff Christmas party on the calendar.

Mayor Whitehead

- She would like to see preliminary budget figures in late January 2020.
- She would like an agenda item for separating the Highway 36 water line project on the November 5th agenda.
- She wants to look into cyber security training.
- She said that open meetings laws have tightened up, and councilmembers cannot discuss city business with other councilmembers outside of a meeting.
- She asked the city attorney to look into the resign-to-run law. Tim Kirwin said he will do some research and provide council with information.

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

- a. Personnel Matters under Texas Government Code, Section 551.074 (to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee) – City Secretary position.
- b. Consultation with City 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. *{This item is authorized by the Texas Government Code, Section 551.071.}*

The city council recessed open session at 7:47 p.m.

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

The city council reconvened into open session at 8:26 p.m.

Councilman Noack moved to authorize staff to negotiate the city secretary position with Brooke (Christoferson) Knoll. Councilwoman Sullivan seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

24. Adjournment.

At 8:26 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:

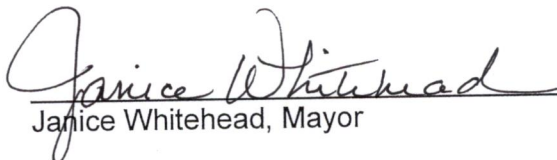
AYES: Whitehead, Lerma, Noack, Vrabec, Sullivan, Koy, Burttschell
NOES: None

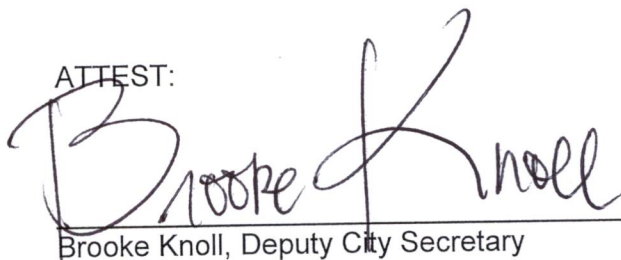
The motion carried.

CERTIFICATION

PASSED AND APPROVED this 5th day of November 2019.




Janice Whitehead, Mayor

ATTEST:

Brooke Knoll, Deputy City Secretary