



**MINUTES
SEALY CITY COUNCIL
415 MAIN STREET
SEALY, TX 77474
TUESDAY, SEPTEMBER 1, 2020
6:00 P.M.**

1. Call to Order

Mayor Whitehead called the meeting to order at 6:25 p.m.

2. Invocation and Pledges of Allegiance

Mayor Whitehead and Councilman Noack gave the Invocation.

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

Absent:

None

A quorum was declared present.

Staff attending:

Lloyd Merrell, City Manager
Warren Escovy, Asst. City Manager
Brooke Knoll, City Secretary
Joey Schmidt, Fire Marshal/IT
Mark Pulos, Public Works Director
Lawrence Siska, Director of Parks/Streets/Drainage
Robert Worley, Sealy EDC Executive Director
Tim Kirwin, City Attorney
Kimbra Hill, Main Street Manager

4. Proclamations and Special Recognitions

None

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

Ryan Svoboda spoke in favor of council approving item #11.

Gene Svoboda spoke in favor of council approving item#10.

Mike Gajewski spoke in favor of council waiving the requirement for item #13.

Diane Wuthrich had internet connection issues and spoke at a later time before council started to discuss item #7.

6. CONSENT AGENDA

a) Discussion and possible action regarding approval of minutes for the meetings held:

- **August 12, 2020 – Special Meeting**
- **August 18, 2020 – Regular Meeting**

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

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

NOES: None

The motion carried.

7. Discussion and possible action to approve or deny building variances from Section 28-70 and a parking variance from Section 28-71 at 727 Oleander Street.

Diane Wuthrich said her impression was that the variance requests were going to slow down.

Councilman Koy moved to approve a building variance from Section 28-70 and a parking variance from Section 28-71 at 727 Oleander Street, following the five recommendations from the planning commission, and providing a condition that it remain non-retail and should the status change, the variance is rescinded. Councilwoman Sullivan seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

ABSTAIN: Lerma

The motion carried.

8. Discussion and possible action to award or reject the bid for the 2020 TXCDBG Sewer Improvements project.

Councilwoman Sullivan moved to award the bid for the 2020 TXCDBG Sewer Improvements Project to Mercer Construction Company, with Alternative Bid Nos. 1 and 2. Councilwoman Lerma seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

9. Discussion and possible action to amend the performance agreement with Maass Flanges Corporation and Alex Maass.

Councilwoman Lerma moved to amend the performance agreement with Maass Flanges Corporation and Alex Maass by removing the guaranty agreement. Councilman Burttschell seconded the motion. Mayor Whitehead called for the vote:

AYES: Whitehead, Lerma, Vrabec, Koy, Burttschell

NOES: Noack, Sullivan

The motion carried.

10. Discussion and possible action to approve a performance agreement and the expenditure of funds to convert a storage facility into office space (All Mini Storage Project) to promote new business development and enterprises. The proposed incentives are to be used for infrastructure development water and/or sewer installation. The SEDC proposed incentives and expenditure of funds shall not exceed \$5,000.00.

Councilman Burttschell moved to approve a performance agreement and the expenditure of funds to convert a storage facility into office space (All Mini Storage Project) to promote new business development and enterprises, in an amount not exceed \$5,000.00. 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 to approve a performance agreement and expenditure of funds for the development of office/warehouse rental units (Gene & Ryan Svoboda Project) to promote new business development and enterprises. The proposed incentives are to be used for infrastructure development including water, sewer, and/or natural gas development, as well as, City utility tap fees/and or building permit fees, or other development expenses. The SEDC proposed incentives and expenditure of funds is not exceed \$9,900.00.

Councilman Noack moved to approve a performance agreement and expenditure of funds for the development of office/warehouse rental units (Gene & Ryan Svoboda Project) to promote new business development and enterprises, in an amount not to exceed \$9,900, with removal of the sentence which states, "Developer will be able to sell the facility with written permission from the SEDC director." Councilwoman Lerma 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 amend the 380 Economic Development Program for Businesses Impacted by COVID-19 Epidemic.

Councilman Koy moved to not amend the 380 Economic Development Program for Businesses impacted by COVID-19. Councilwoman Lerma seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

13. Discussion and possible action to waive a requirement of the 380 Economic Development Program for Businesses Impacted by COVID-19 Epidemic for grant recipient All Out Weapons.

Councilwoman Lerma moved to table this agenda item until the end of the 12 month period under the agreement. Councilman Burttschell seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

14. Discussion and possible action to approve a resolution for an improvement project and the expenditure of funds to provide funding to promote new business development and enterprises. The proposed incentive will be used for structural demolition and/or environmental remediation. The proposed incentives and expenditure of funds shall not exceed \$200,000.00.

Councilwoman Lerma moved to approve a resolution for an improvement project and the expenditure of funds to provide funding to promote new business development and enterprises. The proposed incentive will be used for structural demolition and/or environmental remediation. The proposed incentives and expenditure of funds shall not exceed \$200,000.00. Councilman Burttschell seconded the motion. Mayor Whitehead called for the vote:

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

The motion carried.

15. Discussion and possible action regarding the financial report presented by the Director of Finance.

Steven Kutra provided a finance report for the first nine months of the current fiscal year and answered any questions that councilmembers had.

No formal action was taken.

16. Presentation and discussion regarding platting and planning processes.

Warren Escovy gave a PowerPoint presentation over the platting and planning processes. He answered any questions that councilmembers had.

Councilwoman Lerma requested that this presentation be posted on the City of Sealy website.

17. Discussion and possible action regarding drainage for school properties. (Noack)

Warren Escovy said he is going to work with Tommy Kuykendall on this drainage issue, and staff will provide an update to council sometime within the next two weeks-thirty days.

No formal action was taken.

18. Discussion and possible action to approve an engineering/surveying contract with Strand Associates for Community Development Block Grant- Disaster Recovery funds.

Councilwoman Lerma moved to approve an engineering/surveying contract with Strand Associates for Community Development Block Grant- Disaster Recovery funds. Councilwoman Vrablec seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

19. Discussion and possible action regarding increasing the drainage fee on the utility bill. (Noack)

Councilwoman Lerma moved to present this item at the next regularly scheduled council meeting and requested that staff include all information council needs to make a decision. 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 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.*)

Councilwoman Lerma moved to adopt an ordinance establishing and providing rates for services of the waterworks and sanitary sewer systems of the City of Sealy. Councilman Burttschell seconded the motion. Mayor Whitehead called for the vote:

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

NOES: None

The motion carried.

(This ordinance is enrolled as Ordinance No. 2020-11.)

21. 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 second of two readings.*)

Councilwoman Lerma moved to adopt an ordinance establishing and providing rates for services for natural gas system of the City of Sealy. Councilman Koy 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. 2020-12.)

22. 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 adopt an ordinance establishing and providing rates for services of solid waste 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.

(This ordinance is enrolled as Ordinance No. 2020-13.)

23. City Manager's report and discussion:

- a) **Final payment request from VACA Construction for the Main Street Water Line Project**
- b) **Highway 36 easement update**
- c) **Recognition to department heads for Hurricane Laura preparation efforts**
- d) **Moving forward with the Front Street Drainage Project and the Sewer Line Replacement Project on Depriest, Nelson and Old San Felipe Streets**
- e) **Mayor pro Tem duties and responsibilities**

Lloyd Merrell briefly updated the council on the topics listed above. He also mentioned that candidates for the November elections should be putting their signs in allowable areas only.

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

Councilman Burttschell

- He wants to ensure that the Main Street parking ordinance will be discussed at the upcoming ordinance review workshop.

Councilman Koy

- He requested an agenda item to update drainage ordinances and EDC bylaws.
- He requested an agenda item to discuss amphitheater and land from HOT funds.
- He requested an agenda item to discuss purchasing land on FM-3538.

Councilwoman Sullivan

- She requested an agenda item for October 6th regarding the school parking lot paving issue.

- She thanked staff for their quick action to get graffiti removed from the sound wall near the high school. She also thanked the city manager for adding the extra downtown parking spaces.

Councilwoman Vrablec

- She commented that if an election sign is located within city limits and a person is in violation, staff can legally pull those signs because there is an ordinance in place.

Councilman Noack

- He requested that the mayor pro Tem sit in at any meetings that Mayor Whitehead would attending.
- He would like to start seeing the draft agendas again.
- He commented that council needs to be made aware when workshops are scheduled. The city secretary will send council a September meeting schedule.

Councilwoman Lerma

- She said that she would like to eliminate special meetings and workshops.
- She wants the city manager to come up with a plan for in-person meetings. She said some people may not feel comfortable going back to regular meetings.
- She requested an executive session for the Hwy 36 easement status on September 15th.
- She requested that staff include the EDC's financial impact analysis for all agreements on the agendas. She sees this as being helpful to guide council on how they would like to move forward with their decisions.
- She thanked staff for continued efforts on the Allen's Creek drainage project.
- She has noticed that all verbiage is not included on agenda items.
- She would like to start seeing draft agendas earlier in the week.

Mayor Whitehead

- She gave a reminder about upcoming meetings.
- She would like an update on September 15th or October 6th regarding the Evelyn Court project.

25. Adjournment

At 9:17 p.m., Councilman Burttschell 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 15th day of September 2020.



Janice Whitehead
Janice Whitehead, Mayor

ATTEST:

Brooke Knoll
Brooke Knoll, City Secretary