



MINUTES
SEALY CITY COUNCIL
W.E. HILL COMMUNITY CENTER
1000 MAIN STREET
SEALY, TX 77474
TUESDAY, JUNE 15, 2021
6:00 P.M.

1. **Call to Order**

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

2. **Invocation and Pledges of Allegiance**

Mayor Bilski read the Invocation and led the Pledges of Allegiance.

3. **Roll Call and Certification of a Quorum**

Present:

Carolyn Bilski	Mayor
Dee Anne Lerma	Councilmember, Place 1
Chris Noack	Councilmember, Place 2
Sandra Vrablec	Councilmember, Place 3/Mayor Pro tem
Yvonne Johnson	Councilmember, Place 4
Edward Zapalac	Councilmember, Place 5
Adam Burttschell	Councilmember, Place 6

Absent:

None

A quorum was declared present.

Staff Attending:

Warren Escovy, City Manager
Brooke Knoll, City Secretary
Tim Kirwin, City Attorney
Lawrence Siska, Director of Streets, Parks, Drainage
Kimbra Hill, SEDC Director
Steven Kutra, Finance Director
Joey Schmidt, Fire Marshal/IT
Rudy Flores, Asst. Public Works Director
Mark Pulos, Public Works Director
Chelsea Humes, Main Street Manager
Claribel Barrera, Administrative Assistant
Chrissy McGee, Interim Senior Building Official
Fred Palmer, Police Sergeant

4. **Proclamations and Special Recognitions**

None

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

Larry Koy expressed concern regarding homes that were damaged due to last week's heavy rain event. Hurricane season began on June 1, and there is currently a disturbance in the Gulf of Mexico. He would like to see council take charge on drainage.

6. CONSENT AGENDA

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

- **June 1, 2021 (Regular Meeting)**

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

AYES: Bilski, Lerma, Noack, Vrabec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

7. PUBLIC HEARING to hear public comments regarding an ordinance designating a new reinvestment zone in the City of Sealy, Texas in conjunction with a commercial tax abatement application received from Hendrix Industries, Inc. for the property located at the corner of FM 3538 and FM 3013.

Mayor Bilski opened the public hearing at 6:08 p.m.

There were no public comments.

Mayor Bilski closed the public hearing at 6:08 p.m.

8. Discussion and possible action to approve an Ordinance designating a new reinvestment zone, Sealy Hendrix Tax Abatement Reinvestment Zone #1, and making the following findings of fact:

The City Council finds that the improvements sought within the designated reinvestment zone are feasible and practical and would be a benefit to the land to be included in the zone and to the municipality after the expiration of a tax abatement agreement pursuant to Tex. Tax Code Sec. 312.201(d); and

The City Council finds that the designation of the reinvestment zone is reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment in such reinvestment zone that will be a benefit to the property and will contribute to the economic development of the City of Sealy pursuant to Tex. Tax Code Section 312.202(a)(6).

(This is the first of two readings.)

Councilwoman Lerma moved to approve an Ordinance designating a new reinvestment zone, Sealy Hendrix Tax Abatement Reinvestment Zone #1, while acknowledging the findings of fact that are stated on this agenda. Councilwoman Vrabec seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrabec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

9. Discussion and possible action to approve, disapprove, or approve with conditions a variance to allow a front fence to encroach in the 25' building line for a property located approximately at 631 Ward Street.

Property owner Mark Boles was present to provide justification for his variance request and answer questions from councilmembers.

Councilwoman Lerma moved to table this agenda item until council receives a survey with a drawing. Councilwoman Vrabec seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrabec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

10. Discussion and possible action to approve, disapprove, approve with conditions, or grant an extension for a preliminary plat for Westward Pointe Sec. 2, located approximately north of FM 3013, east of the Wal-Mart Distribution Center, and west of Harrison Road.

Councilwoman Johnson moved to approve a preliminary plat for Westward Pointe Sec. 2, located approximately north of FM 3013, east of the Wal-Mart Distribution Center, and west of Harrison Road, with the following conditions:

- Make minor corrections as shown on the marked copy
- Submit drainage plan at time of final plat
- Section 1 must be recorded prior to or simultaneously with Section 2

Councilwoman Vrabec seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrabec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

11. Discussion regarding Section 80-9 – Prohibited Signs.

Warren Escovy said the planning commission discussed this topic and does not have a recommendation for council at this time. The planning commissioners requested additional information from staff and should come up with a recommendation during their July meeting.

Councilman Noack expressed his concern that this ordinance is extremely restrictive. He feels as though it needs to be re-written entirely.

12. Discussion and possible action to approve a contract with R.W. Harden & Associates, Inc. for a groundwater hydrologist study, in an amount not to exceed \$19,500.00.

Assistant Public Works Director Rudy Flores explained the need for approval of this contract and answered questions from councilmembers.

Councilwoman Lerma moved to approve a contract with R.W. Harden & Associates, Inc. for a groundwater hydrologist study, in an amount not to exceed \$19,500.00. Councilwoman Vrablec seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrablec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

13. Presentation by finance director on fund balance.

Finance Director Steven Kutra gave a presentation on the City's fund balance.

14. Discussion and possible action to appoint individuals to serve on the Sealy Economic Development Corporation Board.

Councilwoman Lerma moved to accept the mayor's recommendations and re-appoint Bradley Miller, Russ Rainwater and John Hinze to serve on the Sealy Economic Development Corporation Board. Councilwoman Vrablec seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrablec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

15. Discussion and possible action to appoint individuals to serve on the Main Street Advisory Board.

Councilwoman Vrablec moved to postpone this agenda item until Renee Poulter, the applicant, is able to move to Sealy. Councilman Zapalac seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrablec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

16. Discussion and possible action to approve the Sealy Main Street Program to place Little Libraries in the B&PW Park and Scranton Park.

Main Street Manager Chelsea Humes was present to answer questions from councilmembers.

City Attorney Tim Kirwin said he sees no liability issues associated with the Little Libraries.

Councilwoman Lerma moved to approve the Sealy Main Street Program to place Little Libraries in the B&PW Park and Scranton Park. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrabec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

17. Discussion and possible action to approve mural for Donut Palace.

Main Street Manager Chelsea Humes was present to answer questions from councilmembers.

Councilwoman Johnson moved to approve the mural for the Donut Palace, with an understanding there will be no copyright infringement. Councilwoman Vrabec seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrabec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

18. Discussion and possible action regarding commercial building fees.

As requested by Councilman Burttschell at a prior meeting, Interim Senior Building Official Chrissy McGee presented council with additional information regarding proposed commercial building fees.

Councilman Noack moved to adopt the Fulshear table, with minor modifications. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrabec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

Staff will present council with a formal resolution to adopt at the next meeting.

19. Discussion and possible action to approve a phone system contract for City Hall.

Fire Marshal/IT Joey Schmidt presented council with a revised Mitel quote and an additional Mitel proposal that Councilman Zapalac prepared.

Mayor Bilski moved to accept the proposal provided by Councilman Zapalac. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Johnson, Zapalac, Burttschell
NOES: Lerma, Noack, Vrabec

The motion carried.

20. Discussion and possible action to approve a Resolution declaring certain property as salvage/surplus property and ordering its disposition.

Councilwoman Johnson moved to approve a Resolution declaring certain property as salvage/surplus property and ordering its disposition. Councilwoman Vrablec seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrablec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

(This resolution is enrolled as Resolution No. 2021-19.)

21. Discussion and possible action to approve a Resolution adding and naming bank signatories.

Councilwoman Johnson moved to approve a Resolution adding and naming the Mayor as an authorized agent and Mayor Pro Tem a limited signer to City bank accounts. Mayor Bilski seconded the motion.

AYES: Bilski, Johnson, Zapalac
NOES: Lerma, Noack, Burttschell
ABSTAIN: Vrablec

The motion failed.

Councilman Noack moved to approve a Resolution adding the Police Chief as an authorized agent to City bank accounts. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrablec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

(This resolution is enrolled as Resolution No. 2021-20.)

22. Discussion and possible action to approve a Resolution adopting a revised Financial Management Policy.

City Attorney Tim Kirwin said revisions need to be made. This item will be presented at a future council meeting.

No action was taken.

23. City Manager's report and possible discussion:

- a) **Update on Fiscal Year 2021-2022 Budget Planning**
- b) **Update on Drainage**
- c) **Update on American Rescue Plan**

Warren Escovy briefly updated the council on the topics listed above.

24. Requests for future agenda items, comments, and announcements.

Councilwoman Lerma

- She would like to invite the Chief Appraiser to attend a future council meeting to give a presentation on legislative updates, activity and the new budget.

Councilman Noack

- He thanked staff for working through the heavy rain events.
- He informed Lawrence Siska that a parking sign on Main Street was down.

Councilwoman Vrablec

- None

Mayor Bilski

- She said there has not been a town hall meeting in quite some time. She would like staff to put together a survey for the utility bill to gather responses for citizens' main topics of interest.

Councilwoman Johnson

- None

Councilman Zapalac

- He informed council that he asked Tim Kirwin for various examples of procurement purchasing policies.

Councilman Burttschell

- None

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

- a) **Texas Government Code, Section 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.** The City Council will meet in closed session to (1) discuss or deliberate regarding commercial or financial information that the body has received from a business prospect that the body seeks to have locate, stay, or expand in or near the territory of the body and with which the body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.
 - Amendment to performance agreement – Hendrix Interests LLC and Hendrix Industries INC. and Hank Vu
- b) **Texas Government Code, Section 551.071 CONSULTATION WITH ATTORNEY;** The City Council will meet in closed session to seek the advice of its attorney on a matter in which the duty of the attorney to the body under the Texas

Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

- **Amendment to performance agreement – Hendrix Interests LLC and Hendrix Industries INC. and Hank Vu**

- c) **Personnel Matters under Texas Government Code, Section 551.074 (to deliberate the evaluation and duties of a public officer or employee) – City Manager**

The city council recessed open session at 8:00 p.m.

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

The city council reconvened into open session at 8:22 p.m.

Councilman Noack moved to approve the City Manager evaluation form with minor edits discussed in executive session. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrabec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

27. Discussion and possible action to approve the second amendment to the performance agreement for Hendrix Interests, LLC and Hendrix Industries, INC, and Hank Vu.

Councilwoman Lerma moved to approve the second amendment to the performance agreement for Hendrix Interests, LLC and Hendrix Industries, INC, and Hank Vu. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrabec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

28. Adjournment

At 8:23 p.m., Councilwoman Lerma moved that the city council stand adjourned until the next scheduled meeting. Councilwoman Vrabec seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Vrabec, Johnson, Zapalac, Burttschell
NOES: None

The motion carried.

PASSED AND APPROVED this 6th day of July 2021.



Carolyn Bilski
Carolyn Bilski, Mayor

ATTEST:

Brooke Knoll
Brooke Knoll, City Secretary