



MINUTES
SEALY CITY COUNCIL
W.E. HILL COMMUNITY CENTER
1000 MAIN STREET
SEALY, TX 77474
TUESDAY, JULY 6, 2021
5:30 P.M.

1. **Call to Order**

Mayor Bilski called the meeting to order at 5:34 p.m.

2. **Invocation and Pledges of Allegiance**

Councilwoman Johnson gave the Invocation. Mayor Bilski led the Pledges of Allegiance.

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

Present:

Carolyn Bilski
Dee Anne Lerma
Chris Noack
Sandra Vrablec
Yvonne Johnson
Edward Zapalac
Adam Burttschell

Mayor
Councilmember, Place 1 (*arrived at 5:53 p.m.*)
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:

Warren Escovy, City Manager
Brooke Knoll, City Secretary
Tim Kirwin, City Attorney
Lawrence Siska, Director of Streets, Parks, Drainage
Kimbra Hill, SEDC Director
Rudy Flores, Asst. Public Works Director
Mark Pulos, Public Works Director
Claribel Barrera, Administrative Assistant
Chrissy McGee, Interim Senior Building Official
Jay Reeves, Police Chief

4. **Proclamations and Special Recognitions**

None

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

Larry Koy expressed concern about drainage and asked council to take action to alleviate this issue.

6. CONSENT AGENDA

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

- **June 9, 2021 (Priorities Workshop)**
- **June 15, 2021 (Regular Meeting)**

Councilwoman Vrablec moved to approve the consent agenda. Councilman Burttschell seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

7. Presentation, discussion and possible action regarding EMS service providers.

Walter Morrow with Austin County EMS provided council with an update regarding EMS-related activities. He said they are currently addressing approximately 4,000 calls per year and 60 percent of those calls are filtered to the Sealy area. On average, their response time is less than four minutes.

He said alternative EMS providers frequently request to provide services in the County; however, after speaking with Judge Tim Lapham, the County feels as though there is already sufficient EMS coverage in the area. The County has made the decision to deny approval of any third-party requests. Regardless, Mr. Morrow said these agencies still have the right to open their businesses after two years of being denied.

City Attorney Tim Kirwin said the City received a request from Merlin EMS to provide additional services in the City. He explained there are state law requirements that this agency does not meet.

Councilwoman Johnson moved to deny the request from Merlin EMS because it does not meet state law requirements. Councilwoman Vrablec seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

8. Discussion and possible action to accept a gas utility easement from BSR Properties.

Councilman Burttschell moved to accept a gas utility easement from BSR Properties. Councilwoman Vrablec seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

9. **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 second of two readings).

Councilman Noack moved 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).

Councilman Burttschell seconded the motion. Mayor Bilski called for the vote:

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

NOES: None

The motion carried.

(This ordinance is enrolled as Ordinance No. 2021-11.)

10. **Discussion and possible action to approve Second Amendment to the Interlocal Agreement with Austin County to grant the City exclusive jurisdiction to regulate all plans and related permits for the plat(s) of Bullinger Creek in the City's ETJ, and authorize the Mayor to execute.**

City Attorney Tim Kirwin said this document is essentially a clean-up of the original interlocal agreement. It was passed by the County last week.

Councilman Burttschell moved to approve Second Amendment to the Interlocal Agreement with Austin County to grant the City exclusive jurisdiction to regulate all plans and related permits for the plat(s) of Bullinger Creek in the City's ETJ, and authorize the Mayor to execute. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

- 11. Discussion and formal action to accept or reject a petition for voluntary annexation submitted by Austin County Judge Tim Lapham on behalf of Austin County to annex a portion of Sens Road, and to direct the Director of Public Works to prepare a Service Plan Agreement providing for the extension of full municipal services to the property.**

(Councilwoman Lerma arrived at 5:53 p.m.)

Councilman Burttschell moved to accept a petition for voluntary annexation submitted by Austin County Judge Tim Lapham on behalf of Austin County to annex a portion of Sens Road, and to direct the Director of Public Works to prepare a Service Plan Agreement providing for the extension of full municipal services to the property. Councilwoman Vrabec seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

- 12. Discussion and action to approve a Resolution calling two public hearings regarding annexation of a portion of Sens Road, to be held Tuesday, August 3, 2021 at 6:00 p.m. at the City's regular meeting place at W. E. Hill Community Center, 1000 Main, Sealy, Texas 77474; authorizing publication in the newspaper and posting on the City website of the notice of public hearings; and authorizing the City Secretary to provide notification by certified mail of the public hearings to Sealy ISD and BNSF Railway Company.**

Councilwoman Lerma moved to approve a Resolution calling two public hearings regarding annexation of a portion of Sens Road, to be held Tuesday, August 3, 2021 at 6:00 p.m. at the City's regular meeting place at W. E. Hill Community Center, 1000 Main, Sealy, Texas 77474; authorizing publication in the newspaper and posting on the City website of the notice of public hearings; and authorizing the City Secretary to provide notification by certified mail of the public hearings to Sealy ISD and BNSF Railway Company. Councilwoman Vrabec seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

(This resolution is enrolled as Resolution No. 2021-21.)

- 13. Discussion and possible action to appoint individuals to serve on the Main Street Advisory Board.**

Councilman Noack moved to appoint Tori Fisher to the Main Street Advisory Board. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

14. Discussion and possible action to approve a Resolution appointing citizens to serve on the Charter Review Commission.

Councilwoman Johnson moved to approve a Resolution appointing citizens to serve on the Charter Review Commission. Councilwoman Vrabec seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

The five appointments are as follows:

Ruth Brooks
Peter Clark
David Krampitz
Joe M. Lemos
Jennifer Sullivan

(This resolution is enrolled as Resolution No. 2021-22.)

15. Discussion and possible action to select a Mayor Pro Tem.

Mayor Bilski moved to select Councilwoman Sandra Vrabec as Mayor Pro Tem. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

16. Discussion and possible action to approve a Resolution for commercial building fees.

Councilman Burttschell moved to approve a Resolution for commercial building fees, contingent upon a proposed amendment to the exhibit. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

(This resolution is enrolled as Resolution No. 2021-23.)

17. Discussion and possible action to reimburse the Sealy Economic Development Corporation for COVID-19 relief funding, in an amount not to exceed \$95,507.50.

Councilwoman Lerma moved to reimburse the Sealy Economic Development Corporation for COVID-19 relief funding, in an amount not to exceed \$95,507.50. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

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

NOES: None

The motion carried.

18. City Manager's report and possible discussion:

- a) **Budget**
- b) **GLO Project Update**
- c) **City Manager Search Update**
- d) **TxDOT Update**

Warren Escovy briefly updated council on the topics listed above. He noted that there was a typing error, and the agenda should have depicted "Planning Director Search Update", rather than "City Manager Search Update".

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

Councilman Burttschell

- He requested an update on the County drainage grant.
- He requested an update on the Westview project.

Councilman Zapalac

- He also requested more information on the County drainage grant. He said this would be useful for budget preparation purposes.
- He requested a roster outlining outstanding projects.

Councilwoman Johnson

- She requested to see the list that Larry Koy provided to staff.

Councilwoman Vrabec

- She requested updates regarding how many individuals are attending pool on daily or weekly basis.
- She said there needs to be new regulations regarding the limb key pickup process.
- She said a building annex committee needs to be reimplemented.
- She reminded everyone that Sealybration will take place this upcoming weekend.

Councilman Noack

- He wants staff to contact council about any proposed meeting outside of normal meeting schedule prior to scheduling the meeting.
- He would like to review the flooding issues at Dove Landing.
- He thanked Councilwoman Vrabec for serving as Mayor Pro Tem; however, he noticed she noticed she was not given a chance to speak. He would like to bring this topic back as an agenda item. City Attorney Tim Kirwin said this can only be done if Councilwoman Vrabec formally resigns her position.

Councilwoman Lerma

- Once a decision is made regarding the limb key pickup process, she wants staff provide the updated information on the website.
- She asked staff to circulate the informative legislative update email she sent to the other councilmembers.
- She requested an agenda item regarding updates on non-annexation agreements.

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

- a) **Texas Government Code, 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; or 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 Chapter 551 of the Texas Government Code.**
- **Tax Abatement-Hendrix Industries**
 - **Water Well(s) Infrastructure**
 - **Sewer Line(s) Infrastructure**
 - **Chapter 28 – Development Standards**

The city council recessed open session at 6:23 p.m.

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

The city council reconvened into open session at 9:07 p.m.

Mayor Bilski moved to authorize the engineer to work with staff to ask for data analysis to submit to TCEQ regarding our water infrastructure. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

Mayor Bilski moved to schedule a special meeting for next Monday, July 12, 2021. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

Mayor Bilski moved to direct staff to work on the infrastructure for the sewer at Schmidt Road. Councilman Zapalac seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

Mayor Bilski moved to direct legal to investigate any moratoriums that may be required based on the analysis that was provided to council. Councilman Zapalac seconded the motion. Mayor Bilski called for the vote:

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

Mayor Bilski moved to authorize putting a well on the Columbus Road site. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

- 22. Discussion and formal action to accept or reject a petition for voluntary annexation submitted by Cane Belt Development, LLC to annex 98.507 acres out of the San Felipe De Austin Town Tract, Abstract No. 5, Austin County, Texas, and to direct the Director of Public Works to prepare a Service Plan Agreement providing for the extension of municipal services to the property.**

Councilwoman Lerma moved to table this agenda item. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

- 23. Discussion and action to approve a Resolution calling one public hearing regarding annexation of 98.507 acres out of the San Felipe De Austin Town Tract, Abstract No. 5, Austin County, Texas, to be held Tuesday, August 3, 2021 at 6:00 p.m. at the City's regular meeting place at W. E. Hill Community Center, 1000 Main, Sealy, Texas 77474; authorizing publication in the newspaper and posting on the City website of the notice of public hearing; and authorizing the City Secretary to provide notification by certified mail of the public hearing to Sealy ISD, BNSF Railway Company; Austin County; and Austin County Emergency Services District No. 2.**

Councilwoman Lerma moved to table this agenda item. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

- 24. Adjournment**

At 9:11 p.m., Councilwoman Lerma moved that the city council stand adjourned until the next scheduled meeting. Councilwoman Vrablec seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

PASSED AND APPROVED this 20th day of July 2021.





Carolyn Bilski, Mayor

ATTEST:



Brooke Knoll, City Secretary