



**MINUTES
SEALY CITY COUNCIL
W.E. HILL COMMUNITY CENTER
1000 MAIN STREET
SEALY, TX 77474
TUESDAY, OCTOBER 19, 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

Councilwoman Johnson gave the Invocation and led the Pledges of Allegiance.

3. Roll Call and Certification of a Quorum

Present:

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

Mayor
Councilmember, Place 1/Mayor Pro Tem
Councilmember, Place 2
Councilmember, Place 3
Councilmember, Place 4
Councilmember, Place 5
Councilmember, Place 6

Absent:

None

A quorum was declared present.

Staff Attending:

Warren Escovy, City Manager
Mercedes Bencomo, Deputy City Secretary
Tim Kirwin, City Attorney
Kimbra Hill, SEDC Director
Chrissy McGee, Interim Senior Building Official
Joey Schmidt, Fire Marshal
Scott Riske, Police Captain
Chelsea Humes, Main Street manager
Rudy Flores, Interim Public Works Director

4. Proclamations and Special Recognitions

None

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

Gary Pless expressed his concern about the flooding in his neighborhood and requested an update regarding the Westview Drainage project.

6. **CONSENT AGENDA**

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

- **October 5, 2021 (Regular)**

Councilwoman Lerma moved to approve the minutes for October 5, 2021. Councilman Noack seconded the motion. Mayor Bilski called for the vote:

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

NOES: None

The motion carried.

7. **Presentation by the Austin County Game Warden.**

Austin County Game Warden Mike Novak introduced himself and presented a slideshow explaining his career and what he'll be doing for the county.

8. **PUBLIC HEARING: The City Council will hold a public hearing to receive comments concerning voluntary annexation proceedings to enlarge and extend the boundary limits of the City to include approximately 156.66 acres, or less, owned by D.R. Horton-Texas, Ltd. and located near FM 3013 and Harrison Road which is not already in the City limits.**

Mayor Bilski opened the public hearing at 6:31 p.m.

Felicita Fernandez expressed her concern about all of the new development coming into the city.

Mayor Bilski closed the public hearing at 6:32 p.m.

9. **Discussion and possible action to adopt an Ordinance for the voluntary annexation of approximately 156.66 acres, or less, owned by D.R. Horton-Texas, Ltd. and located near FM 3013 and Harrison Road which is not already in the City limits. (This is the first of two readings.)**

Councilwoman Lerma moved to adopt an Ordinance for the voluntary annexation of approximately 156.66 acres, or less, owned by D.R. Horton-Texas, Ltd. and located near FM 3013 and Harrison Road which is not already in the City limits. Councilman Noack seconded the motion. Mayor Bilski called for the vote:

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

NOES: None

The motion carried.

10. **Discussion and possible action approve an agreement between The City of Sealy and Gordon Memorial Library.**

Dwayne Virnau was present to answer questions on behalf of Gordon Memorial Library.

Councilwoman Johnson moved to approve an agreement between The City of Sealy and Gordon Memorial Library with the stipulations of an annual report and budgeting and a semi annual report

in January and July. Councilman Burttschell seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

11. Discussion and possible action to approve First Amended Development Agreements between the City and the following Property Owners to extend the non-annexation agreement for an additional term:

- Robert and Grace Sklar (for 5 additional years);
- David D. Cryan (for 5 additional years);
- Allan and Dorothy Abel (for 5 additional years);
- Texas Agribusiness Co. (for 5 additional years);
- Port City Stockyards (for 5 additional years); and
- Major Investments, L.P. (for 20 additional years)

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

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

The motion carried.

12. Discussion and possible action to approve a Resolution of the City Council of the City of Sealy, Texas, granting a Request for Tax Abatement Relief and approving a Chapter 312 Tax Abatement Agreement between the City of Sealy, Texas; Hendrix Interests, LLC as Owner/Lessor of the Real Property; and Hendrix Industries, Inc. for the Property located within the "Sealy Hendrix Tax Abatement Reinvestment Zone #1." As may be amended, and authorizing the Mayor to execute the Tax Abatement Agreement for said Tax Abatement; Providing for Severability; and Providing for an Effective date.

Councilwoman Lerma moved to approve a Resolution of the City Council of the City of Sealy, Texas, granting a Request for Tax Abatement Relief and approving a Chapter 312 Tax Abatement Agreement between the City of Sealy, Texas; Hendrix Interests, LLC as Owner/Lessor of the Real Property; and Hendrix Industries, Inc. for the Property located within the "Sealy Hendrix Tax Abatement Reinvestment Zone #1." As may be amended, and authorizing the Mayor to execute the Tax Abatement Agreement for said Tax Abatement; Providing for Severability; and Providing for an Effective date. Councilman Noack seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

13. Discussion and possible action to approve an Interlocal agreement with law enforcement with Austin County.

Councilwoman Johnson moved to approve an Interlocal agreement with law enforcement with Austin County. Councilman Noack seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

- 14. Discussion and possible action to approve, disapprove, or approve with conditions a variance requesting the minimum lot depth be 110 feet instead of the required 120 feet at a property located approximately north of FM-3013, east of Wal-Mart Distribution Center, and west of Harrison Road.**

Katherine Parker with META Planning was present to answer questions.

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

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

The motion carried.

- 15. Discussion and possible action to approve, disapprove, or approve with conditions, or grant an extension for a partial final replat of the amending plat for Dove Landing Section 1 located approximately on the southeast corner of FM-3013 and FM-3538.**

David Kelly was present to answer questions.

Councilwoman Lerma moved to approve a partial final replat of the amending plat for Dove Landing Section 1 located approximately on the southeast corner of FM-3013 and FM-3538. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

- 16. Discussion and possible action to make a recommendation to City Council to approve, disapprove, or approve with conditions to change the existing historical color chart palette in Chapter 29 Section 29- 10(e)(1).**

Councilwoman Lerma moved to approve the change to the existing historical color chart palette. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

- 17. Discussion and possible action to adopt a Resolution amending the Fee Schedule for coin operated machines (aka amusement redemption machines).**

Councilwoman Lerma moved to adopt a Resolution amending the Fee Schedule for coin operated machines. Councilman Burttschell seconded the motion. Mayor Bilski called for the vote:

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

NOES: None

The motion carried.

18. Discussion and possible action to approve an Ordinance amending Chapter 42 regarding coin operated machines (aka amusement redemption machines). (This is the first of two readings.)

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

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

NOES: None

The motion carried.

19. Discussion and possible action to appoint a Director to the Board of Directors of the Austin County Appraisal District.

Councilman Noack moved to appoint Dee Anne Lerma as the Director to the Board of Directors of the Austin County Appraisal District. Councilman Burttschell seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Noack, Johnson, Zapalac, Burttschell

NOES: None

ABSTAIN: Lerma

The motion carried.

**20. Public Works report and possible discussion:
a) Update on projects**

Interim Public Works Director Rudy Flores gave a brief update regarding city projects.

**21. City Manager's report and possible discussion:
a) Update on Development Moratorium
b) Update on Scranton Park
c) Update on TML
d) Update on drainage
e) Update on City staffing**

City Manager Warren Escovy gave a brief update regarding the topics listed above.

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

Mayor

- She requested to have a monthly item for department head updates.
- She requested an update on grants.

Zapalac

- He requested to have a status on the traffic impact analysis recommendations for revising chapter 87 regarding when a TIA should occur and who should pay that was originally requested August 3rd.

Burttschell

- He requested to have the Westview Drainage schematics available for the public to view.

Noack

- He requested an agenda item to audit hot fund revenue paid by local hotels.
- He requested to look into purchasing cyber security insurance.
- He commented that there is an emergency broadband benefit that is a \$50 monthly discount for eligible households.

Johnson

- She requested an agenda item to have a presentation from the emergency management team.

23. 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.**
 - **Mobile/manufactured homes.**
- b) **Texas Government Code, Section 551.074, PERSONNEL MATTERS: (to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee)**
 - **City manager evaluation.**

The City Council recessed open session at 7:58 p.m.

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

The City Council reconvened into open session at 10:52 p.m.

Councilman Noack moved to approve the changes made to the City Manager evaluation goals as amended in executive session. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

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

NOES: None

The motion carried.

25. Adjournment

At 10:52 p.m., Councilwoman Lerma moved that the City Council stand adjourned until the next scheduled meeting. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

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

NOES: None

The motion carried.

PASSED AND APPROVED this 10th day of November 2021.





Carolyn Bilski, Mayor

ATTEST:



Mercedes Bencomo, Deputy City Secretary