



**MINUTES  
SEALY CITY COUNCIL  
W.E. HILL COMMUNITY CENTER  
1000 MAIN STREET  
SEALY, TX 77474  
TUESDAY, NOVEMBER 16, 2021  
6:00 P.M.**

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**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  
Bradley Miller  
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  
Jay Reeves, Police Chief  
Sandra Vrabec, City Planner  
Rudy Flores, Interim Public Works Director  
Steven Kutra, Finance Director  
Chris Nichols, Special Counsel

**4. Proclamations and Special Recognitions**

None

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

Melanie Willingham expressed her concern about changing the parade route from the original to the new suggested route. She stated the new route would be dangerous for floats to turn and would also take away the use of electricity for vendors on that side of the street. She mentioned that it would also take away from Main Street and East Side.

Kevin Krampitz stated that the parade forces him to close his business early due to drivers filling up his parking lot and not having any availability for his customers. He would like to have the new route to help steer drivers to park away from his business.

**6. CONSENT AGENDA**

None

**7. PUBLIC HEARING: The City Council will conduct a public hearing on the closing, vacating, and abandoning of a portion of the Daniels Street right-of-way approximately 80 feet in width, from East Main Street to Jose Martinez property, in Austin County, Texas. Any person may speak, comment, and be heard on such subject.**

Mayor Bilski opened the public hearing at 6:11 p.m.

There were no public comments.

Mayor Bilski closed the public hearing at 6:12 p.m.

**8. Discussion and possible action to adopt an Ordinance to close, vacate, and abandon a portion of Daniels Street right-of-way and convey same.**

Councilwoman Johnson moved to adopt an Ordinance to close, vacate, and abandon a portion of Daniels Street right-of-way and convey same. Councilman Noack seconded the motion. Mayor Bilski called for the vote:

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

NOES: None

The motion carried.

**9. Discussion and possible action regarding the route for the Fantasy of Lights parade.**

Councilman Noack moved to approve the original route for the Fantasy of Lights parade. Councilwoman Lerma seconded this motion. Mayor Bilski called for the vote:

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

NOES: Bilski

The motion carried.

**10. 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:**

- Abel Family Living Trust;
- Gekabi, Ltd.
- Jason Yoo and Okju Yoo



• **Major Investments, L.P.**

Councilman Miller moved to approve the First Amended Development Agreements between the City and the following property owners to extend the non-annexation agreement for an additional term with language to state two years of a term with then three one-year annual renewal periods up to a total of five years:

- Abel Family Living Trust;
- Gekabi, Ltd.
- Jason Yoo and Okju Yoo
- Major Investments, L.P.

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

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

The motion carried.

11. **Discussion and possible action to approve, disapprove, or approve with conditions a variance requesting the minimum lot depth be less than 120 feet for certain lots at a property located approximately north of FM-3013, east of Wal-Mart Distribution Center, and west of Harrison Road known as Westward Pointe Subdivision.**

Councilman Noack moved to approve a variance requesting the minimum lot depth be less than 120 feet for 18 lots as referenced on MTA# 21061(Exhibit "A" attached) at a property located approximately north of FM-3013, east of Wal-Mart Distribution Center, and west of Harrison Road known as Westward Pointe Subdivision. Councilman Burttschell seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

12. **Discussion and possible action to approve a Resolution designating an engineering service provider to complete project implementation for the American Rescue Plan Act (ARP Act) funding administered by the U.S. Department of Treasury, other federal or state agency.**

Councilwoman Lerma moved to approve a Resolution designating Strand Associates to complete project implementation for the American Rescue Plan Act (ARP Act) funding administered by the U.S. Department of Treasury, other federal or state agency. Councilman Zapalac seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

13. **Discussion and possible action to approve a Resolution authorizing the submission of a Hazard Mitigation Assistance Grant applications for DR-4572, DR-4586, and DR-4485, appointing the Mayor as the Chief Executive Officer and Authorized Representative to**

**act in all matters in connection with the FEMA Mitigation Grant and committing the City to provide local matching funds to secure and complete the FEMA Mitigation Grant.**

Mayor Bilski moved to approve a Resolution authorizing the submission of Hazard Mitigation Assistance Grant applications. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

**14. Discussion and possible action regarding adopting a mass gathering Ordinance.**

Councilman Zapalac moved to ask the City Attorney to work on a markup as discussed and bring back to council. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

**15. Discussion and possible to appoint an individual to serve on the Main Street Advisory Board.**

No action taken.

**16. Finance Director's report and possible discussion:  
a) Financial report**

Finance Director Steven Kutra gave a brief update regarding the topic listed.

**17. City Manager's report and possible discussion:  
a) Vendor Blender event road closure  
b) Drainage review process  
c) Development Moratorium  
d) TxDot update**

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

**18. 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; Utilities Functions Agreement and Development Agreement - Cane Belt**

The City Council recessed open session at 8:15 p.m.



**19. 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.

Councilman Miller moved to direct Legal Counsel, Mayor, City Manager, and Director of Public works to schedule a meeting with the developer and their Legal Counsel to coordinate the terms of the Comprehensive Annexation, Development and Utilities Functions Agreement for Cane Belt Estates. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

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

NOES: None

The motion carried.

**20. Discussion and possible action to approve an Ordinance annexing an approximate 98.507-acre tract of land into the City of Sealy, Austin County, Texas. And extending the boundary limits of said city so as to include said hereinafter described property within said city limits, and granting to all inhabitants of said property all rights and privileges of other citizens of the City of Sealy, and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said city.**

Councilman Miller moved to table agenda items 20, 21, and 22. Councilman Zapalac seconded the motion. Mayor Bilski called for the vote:

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

NOES: None

The motion carried.

**21. Discussion and possible action to approve a Comprehensive Annexation, Development and Utilities Functions Agreement for Cane Belt Estates.**

Tabled.

**22. Discussion and possible action to approve a consent Ordinance consenting to the creation of "Austin County Municipal Utility District No. 2" and establishing conditions applicable to the creation of the district (For reference, see agenda item #21, exhibit C to comprehensive annexation, development and utilities functions agreement for Cane Belt Estates.**

Tabled.

**23. Requests for future agenda items, comments, and announcements.**

Zapalac

- He requested to reserve Tuesdays for only City Council meetings.
- He requested a workshop item for the next agenda.

Bilski

- She asked to have the City sign up for the Fantasy of Lights parade.

#### 24. Adjournment

At 9:11 p.m., Councilwoman Lerma moved that the City Council stand adjourned until the next scheduled meeting. Councilman Zapalac seconded the motion. Mayor Bilski called for the vote:

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

NOES: None

The motion carried.

**PASSED AND APPROVED** this 7<sup>th</sup> day of December 2021.



*Carolyn Bilski*

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Carolyn Bilski, Mayor

ATTEST:

*Mercedes Bencomo*

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Mercedes Bencomo, Deputy City Secretary



### VIOLINITY MAP

LOT NO.	LOT AREA, SQ. FT.	LOT SIZES < 150' DEPTH
L01 9	13,417	
L01 10	12,763	
L01 11	8,360	
L01 2	8,209	
L01 3	8,209	
L01 4	8,112	
L01 5	8,073	
L01 16	7,998	
L01 10	7,982	
L01 11	7,882	
L01 13	7,878	
L01 13	7,844	
L01 7	7,844	
L01 16	7,821	
L01 6	7,815	
L01 5	7,815	
L01 8	7,439	
L01 12	7,318	
L01 8	7,318	

GENERAL NOTE:

- 1.1.1) ALL RIGHTS- OF- WAY ARE SIXTY (60') IN WIDTH UNLESS OTHERWISE NOTED.  
1.1.1) ALL CUL-DE-SAC RADIUS ARE FIFTY (50') FEET UNLESS OTHERWISE NOTED.

A VARIANCE EXHIBIT FOR

## WESTWARD POINTE

BEING 160.6± ACRES OF LAND  
OUT OF THE  
SAN FELIPE DE AUSTIN TOWN TRACT SURVEY, A  
HUNT COUNTY, TEXAS

**OWNER:**  
**DR. HORTON**

**META**  
FURNITURE + LIGHTING

IS BEING PAID FOR BY THE UNITED STATES GOVERNMENT