



**MINUTES
SEALY CITY COUNCIL
CITY COUNCIL CHAMBERS
415 MAIN STREET
SEALY, TX 77474
TUESDAY, FEBRUARY 15, 2022
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
Yvonne Johnson
Edward Zapalac

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

Absent:

Bradley Miller
Adam Burttschell

Councilmember, Place 3
Councilmember, Place 6

A quorum was declared present.

Staff Attending:

Kimbra Hill, Interim City Manager
Mercedes Bencomo, Deputy City Secretary
Jay Reeves, Police Chief
Tim Kirwin, City Attorney
Chris Nichols, Special Counsel
Chrissy McGee, Senior Building Official
Rudy Flores, Public Works Director
Katherine Ellis, Executive Assistant
Sandra Vrablec, City Planner

4. Proclamations and Special Recognitions

None

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

None

6. CONSENT AGENDA

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

• **February 1, 2022**

Councilwoman Johnson moved to approve the minutes for the meeting listed above. Councilman Noack seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

7. Introduction and discussion by Brannon Industrial Group regarding waste and recycling services.

Blake Brannon introduced himself and his business regarding waste and recycling services.

8. Presentation and discussion of quarterly report by Gordon Memorial Library representative.

Terry Arnold introduced herself and presented a report on behalf of Gordon Memorial Library.

9. 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;

- **Development Moratorium waiver request from BSR Properties (Hunters Crossing)**
- **Bullinger Creek Development Agreement**
- **Mobile/manufactured-home ordinance**

The City Council recessed open session at 6:18 p.m.

(Councilwoman Lerma recused herself from the discussion regarding the Bullinger Creek Development Agreement.)

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

The City Council reconvened into open session at 7:33 p.m.

11. Discussion and possible action to consider approval of a development moratorium waiver from BSR Properties (Hunter's Crossing).

Councilman Noack moved to authorize staff and legal to work with BSR Properties (Hunters Crossing) on a 380 agreement regarding potential granting of a development moratorium waiver for water infrastructure. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

12. Discussion and possible action to approve a contract for election services with Austin County.

Councilwoman Lerma moved to approve a contract for election services with Austin County. Councilman Noack seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

13. Discussion and possible action to approve a joint election agreement with Austin County.

Councilwoman Lerma moved to approve a joint election agreement with Austin County. Councilman Zapalac seconded the motion. Mayor Bilski called for the vote:

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

The motion carried.

14. Discussion and possible action to approve an ordinance of which the caption reads: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING TWO (2) COUNCILMEMBERS AND FOR THE PURPOSE OF ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, FIVE (5) PROPOSED AMENDMENTS TO THE EXISTING HOME-RULE CHARTER OF THE CITY OF SEALY, TEXAS, AS AMENDED; PROVING FOR THE FORM OF THE BALLOT FOR SUCH ELECTION; DESIGNATING THE POLLING LOCATION FOR SUCH ELECTION; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THE ELECTION; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION. *(According to the City of Sealy Home Rule Charter, Section 3.12(3) – Procedures to Enact Legislation, only one reading is required for final passage of this ordinance)*

Councilman Noack moved to approve an Ordinance of which the caption reads: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING TWO (2) COUNCILMEMBERS AND FOR THE PURPOSE OF ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, FIVE (5) PROPOSED AMENDMENTS TO THE EXISTING HOME-RULE CHARTER OF THE CITY OF SEALY, TEXAS, AS AMENDED; PROVING FOR THE FORM OF THE BALLOT FOR SUCH ELECTION; DESIGNATING THE POLLING LOCATION FOR SUCH ELECTION; ESTABLISHING EARLY VOTING LOCATIONS AND POLLING PLACES FOR THE ELECTION; AND MAKING PROVISIONS FOR THE

CONDUCT OF THE ELECTION. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Johnson, Zapalac

NOES: None

The motion carried.

15. Discussion and possible action to approve a Comprehensive Annexation, Development and Utility Functions Agreement for Cane Crossing.

Councilman Noack moved to approve a Comprehensive Annexation, Development and Utility Functions Agreement for Cane Crossing. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Johnson, Zapalac

NOES: None

The motion carried.

16. 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 #15, Exhibit C to Comprehensive Annexation, Development and Utility Functions agreement for Cane Crossing.) (*This is the second of two readings*)

Councilwoman Johnson moved 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. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Johnson, Zapalac

NOES: None

The motion carried.

17. 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, (Cane Crossing) 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. (*This is the second of two readings*)

Councilman Noack moved to approve an Ordinance annexing an approximate 98.507-acre tract of land into the City of Sealy, Austin County, Texas, (Cane Crossing) 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. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Johnson, Zapalac

NOES: None

The motion carried.

18. Discussion and possible action to approve a purchase by Public Works for a forklift.

Councilman Noack moved to approve a lease purchase for a forklift in an amount not to exceed \$38,000.00. Councilman Zapalac seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Johnson, Zapalac

NOES: None

The motion carried.

19. Discussion and possible action to adopt an Ordinance amending Chapter 28 regarding off-street parking for multi-family. (*This is the first of two readings*)

Councilwoman Lerma moved to adopt an Ordinance amending Chapter 28 regarding off-street parking for multi-family. Councilman Zapalac seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Johnson, Zapalac

NOES: None

The motion carried.

20. Discussion and possible action to approve the reassignment of the Sealy Economic Development Corporation position of Executive Assistant/Secretary to Deputy Executive Director/Secretary.

No action taken.

21. Discussion and possible action to approve a legal retention agreement with Lewis Brisbois Bisgaard & Smith LLP.

Councilman Zapalac moved to approve a legal retention agreement with Lewis Brisbois Bisgaard & Smith LLP. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Johnson, Zapalac

NOES: None

The motion carried.

22. Discussion and possible action to adopt a Resolution approving a membership with SmartBuy Membership Program.

Councilwoman Lerma moved to adopt a Resolution approving a membership with SmartBuy Membership Program. Councilman Noack seconded the motion. Mayor Bilski called for the vote:

AYES: Bilski, Lerma, Noack, Johnson, Zapalac

NOES: None

The motion carried.

23. Interim City Manager report and possible discussion:

- a) Workflow project
- b) Update on solid waste contract
- c) Update on W. E. Hill Community Center parking
- d) Financial update

Kimbra Hill gave a brief update regarding the topics listed above.

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

Zapalac

- He requested to have a speaker from TxDot make a presentation explaining what steps Sealy should take to engage TxDot regarding population growth impact to existing roadways.

Noack

- He requested an agenda item to discuss solid waste options
- He requested an agenda item to discuss city facility rentals
- He thanked staff and mentioned that we have the right people in the right place at the right time.

Lerma

- She thanked staff for and agreed with Councilman Noack about having the right people for the positions.

Bilski

- She requested to have a presentation by Clay Harris from TxDot for updates
- She thanked Chief and staff for taking care of the issue on March 5th

25. Adjournment

At 8:31 p.m., Councilman Zapalac 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

NOES: None


The motion carried.

PASSED AND APPROVED this 1st day of March 2022.





Carolyn Bilski, Mayor

ATTEST:


Mercedes Bencomo, Deputy City Secretary