



**MINUTES
SEALY CITY COUNCIL
W.E. HILL COMMUNITY CENTER
1000 MAIN STREET
SEALY, TX 77474
TUESDAY, MARCH 21, 2023
6:00 P.M.**

The City Council of the City of Sealy, Texas, conducted the meeting scheduled for March 21, 2023, 6:00 p.m., at the W. E. Hill Community Center located at 1000 Main Street, Sealy, Texas, 77474.

A. Call to Order

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

B. Invocation and Pledges of Allegiance

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

C. Roll Call and Certification of a Quorum

Present:

Carolyn Bilski	Mayor
Dee Anne Lerma	Councilmember, Place 1, Mayor Pro Tem
Chris Noack	Councilmember, Place 2
Bradley Miller	Councilmember, Place 3 entered meeting at 6:08 p.m.
Yvonne Johnson	Councilmember, Place 4
Edward Zapalac	Councilmember, Place 5

Absent:

Adam Burttschell	Councilmember, Place 6
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A quorum was declared present.

Staff Attending:

Kimbra Hill, City Manager
Sandra Vrablec, City Secretary
Tim Kirwin, City Attorney
Krystal Sodolak, Finance Director
Jay Reeves, Police Chief
Chrissy McGee, Community Development Director
Joshua Brothers, City Planner
Patrick Parson, Public Works Director
Stephen Bozich, Director of Parks, Streets, Drainage, and Building Services
Fawn Mackey, Court Administrator
Michelle Winney, Administrative Assistant for Parks
Katherine Ellis, Deputy Executive Director for EDC

D. Public Comments and Petitions(s)

Colin Davidson and Jennifer Curtis were here to answer questions on H2 Westward Pointe variances

Amanda and Jim Salvatore were here to answer questions on H4 variance request for 622 2nd Street.

E. Proclamation

- **Fair Housing for the Month of April**

F. Consent Agenda

(In accordance with Sec. 2-35. (1) of the Code of Ordinances, "Routine matters thought to require little or no deliberation by city council may be placed on a consent agenda, which shall be treated as one agenda item." At any time prior to the call for a vote on the consent agenda, any council member may request that one or more items may be removed from the consent agenda and handled separately in the same manner as a regular agenda item.)

- **February 21, 2023 Regular Meeting minutes**
- **February 27, 2023 Special Meeting minutes**
- **March 7, 2023 Regular Meeting minutes**

A motion was made by Councilwoman Lerma to approve the February 21, February 27, and March 7, 2023 minutes.

Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Johnson, Zapalac

NOES: None

The motion carried.

G. Presentation

- **Irene LeBlanc Pool Status**
- **Spring Clean-up Day**
- **Upcoming Beautification and Maintenance Projects**
- **Update regarding Capital Improvement Advisory Committee Comments for 2023-01**
- **Ordinance 2019-09 No Engine Brakes Status**

Councilwoman Lerma asked for the Ordinance 2019-09 No Engine Brakes Status be a future agenda item. Her recommendation would be I-19 East and West, and Highway 36 North and South.

Councilman Zapala would like them to be on Highway 90, and a thousand feet after you exit I-10.

A motion was made by Councilman Zapalac to direct staff to place signs at both ends of Highway 90, Highway 36 at both ends, and 1000 feet after each exit on I-10.

Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote.

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

NOES: None

The motion carried.

H. Business

1. **Discussion and possible action regarding variance application from Steinhauser's to install a 15-foot fence along the East property line located at 400 East Main Street in Sealy, Texas to approve, disapprove, or approve with conditions.**

A motion was made by Councilwoman Lerma to deny the variance require.
Councilman Noack seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

2. **Discussion and possible action regarding variance application from META Planning + Design for lot lengths in Westward Pointe Subdivision to approve, disapprove, or approve with conditions.**

- a) **Section 4 Block 1 Lot 53**
- b) **Section 4 Block 1 Lot 54**
- c) **Section 4 Block 1 Lot 58**
- d) **Section 4 Block 1 Lot 59**

A motion was made by Councilwoman Lerma to approve the variance application for Section 4, Block 1, Lots 53, 54, 58, and 59.

Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lermra, Noack, Miller, Johnson, Zapalac
NOES: None

The motion carried.

3. **Discussion and possible action to approve, disapprove, approve with conditions, or grant an extension for a Final Plat for Cane Crossing Subdivision.**

A motion was made by Councilwoman Lerma to approve a Final Plat for Cane Crossing Subdivision.

Councilman Zapalac seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lermar, Noack, Miller, Johnson, Zapalac
NOES: None

The motion carried.

4. Discussion and possible action regarding variance application from AJS Construction, LLC regarding building setbacks located at 622 2nd Street in Sealy, Texas to approve, disapprove, or approve with conditions.

A motion was made by Councilwoman Johnson to deny a variance application. Councilman Zapalac seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

5. Discussion and possible action regarding Greater Sealy Little League Opening Day on March 25, 2023. Classic Car Show on April 30, 2023.

A motion was made by Councilwoman Lerma to waive the \$250 application fee. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

6. Discussion and possible action regarding Electricity Use Agreement with Municipal Utility District No. 1.

A motion was made by Mayor Bilski to approve the agreement with D. R. Horton for the water sewer and that we work on a 6-month agreement and we leave the money says paid in there and anticipating there will be a six-month extension brought back to city council so if they can't get materials or something just gets bogged down in some kind of catastrophic event. Change from 1-year to 6-months and sentence that says end of that term sentence, District shall provide a construction schedule for the completion of the regional lift station provide no later than 30 days after execution of this agreement. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

7. Discussion and possible action regarding No Thru Trucks Ordinance. (Second of two readings)

A motion was made by Councilman Zapalac to approve the No Thru Trucks Ordinance. This is the second of two reading. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

8. Discussion and possible action regarding Off-Site Detention regulations under Chapter 27.

A motion was made by Councilman Zapalac to direct staff to draft changes to block or ban off-site detention public and private.

Mayor Bilski seconded the motion. Mayor Bilski called for the vote.

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

NOES: None

The motion carried.

9. Discussion and possible action regarding the Naming and Donation Policy.

A motion was made by Councilwoman Lerma to table this item.

Councilman Zapalac seconded the motion. Mayor Bilski called for the vote.

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

NOES: None

The motion carried.

10. Discussion and possible action regarding amending Ordinance Chapter 28 – Townhouses, Patio Homes, and Multi-Family. (Second of two readings)

A motion was made by Councilwoman Lerma to make changes to the ordinance of Chapter 28 – Townhouse to require 60 by 120 lot and a minimum of 3,000 square foot home and that does not include the garage.

Councilman Noack seconded the motion.

Councilman Noack rescinded his motion.

Councilwoman Lerma rescinded her motion.

A motion was made by Councilwoman Lerma to table this item.

Councilman Zapalac seconded the motion. Mayor Bilski called for the vote.

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

NOES: None

The motion carried.

11. Discussion and possible action regarding amending Ordinance – Variance Procedures for:

a) Chapter 14 – Landscape Requirements for Residential, Commercial, Institutional, and Industrial Development

b) Chapter 28 – Development Rules, Regulations and Standards

c) Chapter 29 – Downtown Preservation District

d) Chapter 80 – Signs

(First of two readings)

A motion was made by Councilman Zapalac to approve the changes to Chapter 14, 28, 29, and 80 to be consistent with the language of Chapter 87 as presented by staff. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote. This is the first of two readings.

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

The motion carried

12. Discussion and possible action regarding Ordinance to amend Economic Development Corporation (EDC) Fiscal Year 2022-2023 Budget..

A motion was made by Councilwoman Lerma to approve the Ordinance to amend the EDC Fiscal Year 2022-2023 Budget. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

13. Discussion and possible action regarding adopting a Resolution to Designate Authorized Signatories for the 2022 Texas CDBG Program, Grant Agreement NO. CDV21-0400.

A motion was made by Councilwoman Lerma to adopt a Resolution to Designate Authorized Signatories for the 2022 Texas CDBG Program, Grant Agreement No. CDV21-0400. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote.

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

The motion carried

14. Discussion and possible action regarding a Resolution adopting required CDBG Civil Rights Policies.

A motion was made by Councilwoman Lerma to adopt the CDBG Civil Rights Policies. Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

15. Discussion and possible action regarding Financial Report.

A motion was made by Councilwoman Johnson to approve the Financial Report. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Johnon, Zapalac

NOES: None

The motion carried.

16. Discussion and possible action regarding changing the May 2, 2023 City Council meeting to May 9, 2023.

A motion was made by Councilman Zapalac to change the May 2, 2023 City Council meeting to May 9, 2023.

Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote.

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

NOES: None

The motion carried.

I. 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 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.

- **Highten Capital Memorandum of Understanding**
- **Bullinger Creek Subdivision**
- **Electricity Contract**

b) Texas Government Code, Section 551.087, Deliberation regarding Economic Development Negotiations; Closed Meeting. This chapter does not require a governmental body to conduct an open meeting: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental 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 (1).

- **Highten Capital Memorandum of Understanding**
- **Bullinger Creek Subdivision**

A motion was made by Councilwoman Johnson to recess into executive session. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYE: Bilski, Lerma, Noack, Miller, Johnson, Zapalac

NOES: None

The motion carried. The City Council recessed into executive session at 7:51 p.m.

Councilwoman Lerma recused herself from executive session on Bullinger Creek Subdivision.

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

The City Council reconvened into open session at 9:10 p.m.

Highten Capital Memorandum of Understanding:

A motion was made by Councilman Zapalac to approve the Memorandum of Understanding with the modification of the bottom of page four to read the following. "The District will not be responsible for extending its water and sanitary sewer lines to properties outside of the District."

Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote.

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

NOES: None

The motion carried.

Bullinger Creek Subdivision:

A motion was made by Councilman Noack to direct staff to move forward with revised terms with Bullinger Creek.

Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Noack, Miller, Johnson, Zapalac

NOES: None

Councilwoman Lerma recused herself from the vote.

The motion carried.

18. Discussion and possible action regarding contracts for Electricity Providers and Rates.

A motion was made by Councilman Noack to authorize staff to execute an electricity contract after City Attorney reviews.

Councilwoman Johnson seconded the motion. Mayor Bilski called for the vote.

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

NOES: None

The motion carried.

J. Future agenda items, comments, and announcements.

Mayor Bilski	The code of conduct (Governance Policy) have on your table details a statement to vote on the for future agenda items. Staff is working remarkably well – huge Thank You
Councilwoman Lerma	Thank you to staff on our packets Employee increases on the agenda
Councilman Noack	Give kudos to the entire staff – being above 100 days is outstanding
Councilman Miller	Staff to consider potentially adding a couple different areas - Roadways coming in to town like Farm to Market Roads
Councilwoman Johnson	None
Councilman Zapalac	Staff did a great job tonight
Councilman Burttschell	Absent

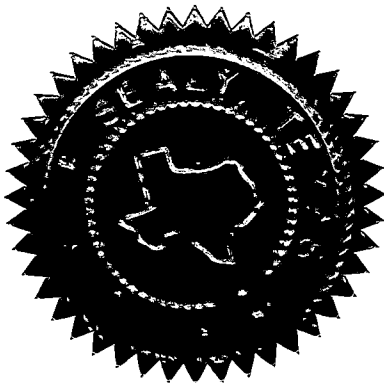
19. Adjournment

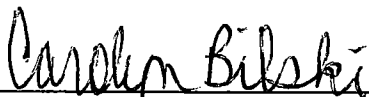
A motion was made by Councilwoman Lerma to adjourn.
Councilman Zapalac seconded the motion. Mayor Bilski called for the vote.

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

The motion carried. Meeting adjourned at 9:17 p.m.

PASSED AND APPROVED this 4th day of April 2023.





Carolyn Bilski, Mayor

ATTEST:


Sandra Vrabec, City Secretary