



MINUTES
SEALY CITY COUNCIL
W.E. HILL COMMUNITY CENTER
1000 MAIN STREET
SEALY, TX 77474
TUESDAY, OCTOBER 17, 2023
6:00 P.M.

The City Council of the City of Sealy, Texas, conducted the meeting scheduled for October 17, 2023, at 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 6:05 p.m.

B. Invocation and Pledges of Allegiance

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

C. Roll Call and Certification of a Quorum for Sealy City Council

Present:

Carolyn Bilski
Dee Anne Lerma
Chris Noack
Bradley Miller
Edward Zapalac

Mayor
Councilmember, Place 1, Mayor Pro Tem
Councilmember, Place 2
Councilmember, Place 3 Entered meeting at 6:07 p.m.
Councilmember, Place 5

Absent:

Yvonne Johnson
Adam Burttschell

Councilmember, Place 4
Councilmember, Place 6

A quorum was declared present.

Staff Attending:

Kimbra Hill, City Manager
Sandra Vrabec, City Secretary
Tim Kirwin, City Attorney
Krystal Sodolak, Finance Director
Chris Hudson, Police Captain
Patrick Parsons, Public Works Director
Mike Barrow, Planning Director
Michell Winney, Admin-Assist for Parks
Katherine Ellis, EDC

D. Discussion and possible action to approve the agenda order or reorder.

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

AYE: Bilski, Lerma, Noack, Zapalac
NOES: None

The motion carried.

E. Proclamation(s) and Special Recognition(s)

- **First Responders Appreciation Day**
- **Chamber of Commerce Week**

F. Public Comments and Petitions(s)

No one signed up to speak

G. Consent Agenda

- September 20, 2023 Special Meeting Minutes
- September 21, 2023 Special Meeting Minutes
- September 27, 2023 Special Meeting Minutes

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

AYE: Bilski, Lerma, Noack, Miller, Zapalac
NOES: None

The motion carried.

H. Presentation(s)

- **Sealy FFA Agriculture Issues Forum**
- **New Payment Website and Payment Options**

Sealy FFA Agriculture Issues Forum

The following people presented: Angelica Martisek, Aubrey Kocher, Brianah Sanchez, and Matalynn Ortiz along with their teacher from Sealy ISD Wesley Fehrle.

New Payment Website and Payment Options

Presented by Finance Director Krystal Sodolak.

I. Business

1. Discussion and Possible Action regarding the Library Services Agreement with Virgil and Josephine Gordon Memorial Library.

A motion was made by Councilwoman Lerma to approve the Library Services Agreement with Virgil and Josephine Gordon Memorial Library.
Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYE: Bilski, Lerma, Noack, Miller, Zapalac
NOES: None

The motion carried.

2. Discussion and Possible Action regarding Multicultural Festival Event.

A motion was made by Councilman Noack to waive the fees of \$250 and \$90.
Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

3. Discussion and Possible Action regarding a Hotel Occupancy Tax (HOT) Services Agreement between the City of Sealy and the Sealy Chamber of Commerce acting in the capacity as the Sealy Convention and Visitors Bureau.

A motion was made by Councilwoman Lerma to approve the Hotel Occupancy Tax (HOT) Services Agreement between the City of Sealy and the Sealy Chamber of Commerce acting in the capacity as the Sealy Convention and Visitors Bureau.
Councilman Noack seconded the motion. Mayor Bilski called for the vote.

AYE: Bilski, Lerma, Noack, Miller, Zapalac
NOES: None

The motion carried.

4. Discussion and Possible Action regarding a Change Order for Downtown Well.

A motion was made by Councilman Noack to approve the Change Order for Downtown Well by informing TCEQ, go out for a quote with Weisinger, and approve an additional \$20,000 for Design Work.
Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

5. Discussion and Possible Action regarding Task Order 23-02 with Strand Associates, Inc. Pursuant to the Agreement for Technical Services, authorizing the Mayor to execute an Agreement for On-Call Engineering Support in an amount not to exceed \$40,000.

A motion was made by Councilwoman Lerma to approve Task Order 23-02. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

6. Discussion and Possible Action regarding Golf Cart Ordinance.

A motion was made by Councilman Noack to advise the City Attorney to update the Golf Cart Ordinance to reflect State law and requirements and bring it back as soon as possible but no later than the first meeting in November.

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

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

The motion carried.

7. Discussion and Possible Action regarding a Service Agreement with Accurate Utility Supply for meters.

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

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

The motion carried.

8. Discussion and Possible Action regarding approving the Software As A Service Agreement with Tyler Technologies.

A motion was made by Councilman Zapalac to approve the Software As A Service Agreement with Tyler Technologies. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

J. 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.

- HighTen Utility Agreement
- Bullinger Creek Development Agreement

A motion was made by Councilman Miller to recess into Executive Session. Councilman Noack seconded the motion. Mayor Bilski called for the vote.

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

The motion carried. The City Council recessed into Executive Session at 7:28 p.m.

Councilwoman Lerma recused herself from the Bullinger Creek Development Agreement in Executive Session.

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

The City Council reconvened into Open Session at 7:50 p.m.

A motion was made by Councilman Noack to approve the termination of Annexation and Development Agreement and Release Agreement and Settlement Release Agreement with Terramark Ventures, LLC aka Bullinger Creek but with substituting acreage from for the word property on page 2.5.

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

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

Councilwoman Lerma recused herself from this agenda item.

The motion carried.

10. Discussion and Possible Action regarding HighTen Utility Agreement.

A motion was made by Councilman Noack to postpone.
Councilman Zapalac seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

11. Discussion and Possible Action on Resolution consenting to the creation of Austin County Municipal Utility District from Petitioner SEALY 992 LLC (HighTen) in the City's Extraterritorial jurisdiction.

A motion was made by Councilman Zapalac to table.
Councilman Miller seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

12. Discussion and Possible Action regarding Interlocal Law Enforcement Agreement with Austin County.

A motion was made by Councilwoman Lerma to approve the Interlocal Law Enforcement Agreement with Austin County.
Councilman Miller seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

13. Discussion and Possible Action to Authorize the Mayor to execute a contract with Supak Construction for the Highway 36 Sanitary Sewer Extension Project that was awarded on September 5, 2023, in the amount of \$940,895.00 contingent on the City Attorney's review and approval.

A motion was made by Councilman Noack to Authorize the Mayor to execute a contract with Supak Construction for the Highway 36 Sanitary Sewer Extension Project that was awarded on September 5, 2023, in the amount of \$940,895.00
Councilman Miller seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

14. Discussion and Possible Action regarding an Ordinance amending Section 2-32 of the Code of Ordinances regarding City Council meetings.

A motion was made by Councilwoman Lerma to approve amending Section 2-32 of the Code of Ordinances regarding City Council meetings. This is the first of two readings.
Councilman Noack seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

15. Discussion and Possible Action regarding a Resolution to Appoint a Director to the Board of Directors of the Austin County Appraisal District.

A motion was made by Mayor Bilski to approve the Resolution appointing Mayor Pro Tem Dee Anne Lerma to the Board of Directors of the Austin County Appraisal District. Councilman Noack seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

16. Discussion and Possible Action regarding the Designation of Representative and Alternate to the Houston-Galveston Area Council for the 2024 General Assembly.

A motion was made by Councilman Zapalac to appoint Mayor Carolyn Bilski and Mayor Pro Tem Dee Anne Lerma to the Designation of Representative and Alternate to the Houston-Galveston Area Council for the 2024 General Assembly. Councilman Noack seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

17. Discussion and Possible Action regarding Deer Oaks Employee Assistance Program (EAP) Services Agreement.

A motion was made by Councilman Miller to approve the Deer Oaks Employee Assistance Program Services Agreement. Councilman Noack seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

18. Discussion and Possible Action regarding Resolution in support of the City's Solid Waste Management Grant application to Houston-Galveston Area Council.

A motion was made by Councilwoman Lerma to approve the Resolution in support of the City's Solid Waste Management Grant application to Houston-Galveston Area Council. Councilman Noack seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

19. Discussion and Possible Action regarding Resolution in support of Opposing Bigger Truck Mandates.

A motion was made by Councilman Zapalac to approve a Resolution in support of Opposing Bigger Truck Mandates.

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

AYES: Bilski, Lerma, Noack, Miller, Zapalac

NOES: None

The motion carried.

20. Discussion and Possible Action regarding the Financial Report ending July 31, 2023.

Director of Finance Krystal Sodalak presented this report.

A motion was made by Councilman Zapalac to accept the Financial Report ending July 31, 2023.

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

AYES: Bilski, Lerma, Noack, Miller, Zapalac

NOES: None

The motion carried.

21. Discussion and Possible Action regarding moving the November 7th City Council meeting to November 8th.

A motion was made by Councilwoman Lerma to move the November 7th City Council meeting to November 8th.

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

AYES: Bilski, Lerma, Noack, Miller, Zapalac

NOES: None

The motion carried.

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

- b) 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.**

- **Adoption of Arbitration Agreement**

A motion was made by Councilwoman Lerma to recess into Executive Session.
Councilman Zapalac seconded the motion. Mayor Bilski called for the vote.

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

The motion carried. The City Council recessed into Executive Session at 8:05 p.m.

22. Discussion and possible action to adoption of Arbitration Agreement for addition to the City's Personnel Policies and Procedures Manual.

The City Council reconvened into Open Session at 8:26 p.m.

A motion was made by Councilman Zapalac to table.
Councilman Noack seconded the motion. Mayor Bilski called for the vote.

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

The motion carried.

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

| | |
|------------------------|--|
| Mayor Bilski | Thank You |
| Councilwoman Lerma | Fixing the Projector |
| Councilman Noack | Thank You Putting more items under the Consent Agenda |
| Councilman Miller | Thank You to the Citizens The speed Limit on Main Street is 30 not 35 |
| Councilwoman Johnson | Absent |
| Councilman Zapalac | Thank You |
| Councilman Burttschell | Absent |

24. Adjourn

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

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

The motion carried. The meeting adjourned at 8:29 p.m.

PASSED AND APPROVED this 21st day of November 2023.

Carolyn Bilski

Carolyn Bilski, Mayor



ATTEST:

Sandra Vrabec

Sandra Vrabec, City Secretary