

MINUTES OF THE REGULAR CALLED MEETING
OF THE CITY COUNCIL OF THE CITY OF JOURDANTON
JANUARY 19, 2021 AT THE COUNCIL CHAMBERS AT 6:00 P.M

Present:

<i>Mayor Pro Tem Chester B. Gonzales</i>	<i>City Manager Lamar Schulz</i>
<i>Councilmember Jack Harrison</i>	<i>Secretary Debbie G. Molina</i>
<i>Councilmember Raul Morales</i>	<i>Finance Director Lara Feagins</i>
<i>Councilmember Karen Pesek</i>	<i>Chief of Police Eric Kaiser</i>
<i>Councilmember Patricia J. Elizabeth</i>	<i>City Attorney Cynthia Trevino</i>
<i>Tymrak-Daughtrey</i>	

Not present:

Mayor Robert A. Williams

CALL TO ORDER, INVOCATION, PLEDGES OF ALLEGIANCE

Mayor Pro Tem Gonzales called the meeting to order at 6:01 p.m. Council Member Tymrak-Daughtrey gave the invocation. Gonzales gave the Pledges of Allegiance.

HEARING OF RESIDENTS

Tommy Poenisch and Brian Serrata expressed their concerns that dirt from the pool site might be contaminated and would be dumped to a property owned by the City of Jourdanton. Poenisch informed the Council that there is water flow going through a channel and that the dirt could help control the water flow. Serrata said he lived next to the property and was concerned for his cattle.

PRESENTATIONS

- 1.1 *Recognition and Presentation for Retired City Employee Sharon Dornak:*
City Council recognized retired city employee Sharon Dornak for 30 years of service.

CONSENT AGENDA ITEM

- 2.1 *Minutes – Approval of the minutes for the Regular Called Meeting on December 7, 2020 and December 14, 2020:*
Council Member Morales made a motion to approve the minutes for the Regular Called Meetings on December 7, 2020 and December 14, 2020. Motion was seconded by Council Member Pesek. Motion passed unanimously.

ITEMS CONSIDERATION/DISCUSSION

- 3.1 *Public hearing, discussion and possible action upon an Ordinance to recommend an application for a special use permit for property legally described as BLK 104 LTS 6 & 8 Jourdanton, Atascosa County, Texas. The property is currently zoned SF-1 Single-Family Residential Property. The applicant, Mary A. Daniel, is seeking a special use permit to allow a manufactured home on the property:*
Mayor Pro Tem Gonzales opened the public hearing at 6:07 p.m. Code Compliance Administrative Melissa Estrada advised the Council that the Planning and Zoning Committee made a recommendation to approve a special use permit to place a 1998 28X66 Skyline Woodfield manufactured home on the property. Applicant Mary A Daniel as present. Gonzales closed the hearing at 6:14 p.m.

Morales made a motion to approve a special use permit to place a manufactured home on property legally described as Block 104, Lots 6 & 8, Jourdanton, Atascosa County, Texas. Motion was seconded by Council Member Pesek. Motion passed unanimously.

(After agenda item 5.2, Council Member Tymrak-Daughtrey asked Mayor Pro Tem Gonzales if she was able to recall this item agenda. Mayor Pro Tem Gonzales approved to recall item 3.1).

Council Member Tymrak-Daughtrey made a motion that applicant Mary A. Daniel was required to show proof of payment of taxes that the property current taxes were paid in full. Motion was seconded by Council Member Pesek. Council Member Tymrak-Daughtrey and Harrison were in favor. Mayor Pro Tem Gonzales, Council Members Pesek and Morales were opposed. Motion failed.

- 3.2 *Public hearing, discussion and possible action upon an Ordinance to recommend an application for a special use permit for property legally described as BLK 34 LTS 9, 11, 13, & 15 Jourdanton, Atascosa County, Texas. The property is currently zoned SF-1 Single-Family Residential Property. The applicant, Alejandra D. Gallegos, is seeking a special use permit to allow a manufactured home on the property:*

Mayor Pro Tem Gonzales opened the public hearing at 6:18 p.m. Code Administrative Melissa Estrada advised the applicant Alejandra D. Gallegos was not present. City Manager Lamar Schulz advised the Council there has been concern of standing water on the property. Schulz stated it was not in the flood zone however, suggested that there should be base elevation. Gonzales closed the hearing at 6:26 p.m.

Council Member Tymrak-Daughtrey made a motion to deny a special use permit for property legally described as BLK 34 LTS 9, 11, 13, & 15 Jourdanton, Atascosa County, Texas. The property is currently zoned SF-1 Single-Family Residential Property. Motion was seconded by Council Member Harrison.

Council Member Pesek made a motion to table the item agenda to allow Mrs. Estrada to be able to contact the applicant for more information. Council Member Tymrak-Daughtrey accepted Pesek's motion and seconded the motion. Motion passed unanimously.

- 3.3 *Public hearing, discussion and possible action upon an Ordinance to recommend an application for a special use permit for property legally described as BLK 198 LTS 10, 12, 14, & 16 Jourdanton, Atascosa County, Texas. The property is currently zoned SF-1 Single-Family Residential Property. The applicant, Fred Alaquinez, is seeking a special use permit to allow a manufactured home on the property:*

Mayor Pro Tem Gonzales opened the public hearing at 6:32 p.m. Code Compliance Administrative Melissa Estrada advised the Council that the Planning and Zoning Committee made a recommendation to approve a special use permit to place a 2021 28x56 TruMH Marvel manufactured home on the property. Applicant Fred Alaquinez was present. Gonzales closed the hearing at 6:35 p.m.

Council Member Morales made a motion to approve a special use permit to place a manufactured home on property legally described as Block 198 Lots 10,12,14, &16 Jourdanton, Atascosa County Texas. Motion was seconded Council Member Harrison. Motion passed unanimously.

- 3.4 *Discussion and possible action amending Code of Ordinances, Appendix A, Fee Schedule, Sec.A5.008, Garbage Fees for Customer Rates:*

Chris Cox, area manager for Waste Management explained that the contract with Waste Management and City of Jourdanton provides for a modification of rates based on the Consumer Price Index (CPI) for each year of the contract. The increase was 3.2 and a graph was presented with the changes.

Council Member Morales made a motion to amend the Code of Ordinances Appendix A, Fee Schedule, Sec. A5.008, Garbage Fees for Customer Rates as indicated in Exhibit A. Motion was seconded by Council Member Pesek. Council Members Morales, Pesek, Harrison, and Mayor Pro Tem Gonzales were in favor. Council Member Tymrak-Daughtrey was opposed. Motion passed.

- 3.5 *Discussion and possible action to adopt a Resolution for the FEMA Atascosa County and McMullen County Multi-Jurisdictional Hazard Mitigation Action Plan:*

Schulz advised the Council that FEMA has concluded the review of the Atascosa/McMullen Multi-Jurisdiction HMP, and is ready to be approved pending adoption of a Resolution by the City of Jourdanton.

Council Member Morales made a motion to approve Resolution for the FEMA Atascosa County and McMullen County Multi-Jurisdictional Hazard Mitigation Action Plan. Motion was seconded by Council Member Harrison. Motion passed unanimously.

- 3.6 *Discussion and possible action to approve on D&D Contractors, Inc. Change Order #3 in the amount of \$47,921.09:*

City Engineer Jerod Mott presented a Change Order No. 3 in the amount of \$47,921.09 for the materials related to the following changes.

- Adjust culvert headwall and add flowable fill at the Jiffy Blvd Drainage Crossing
- Re-route proposed 12-inch water main at the Jiffy Blvd Drainage Crossing
- Tie in new culvert extension into the existing concrete riprap at Oak St Drainage Channel
- Replace existing culvert with steel culvert on E St and Jourdanton Intersection.

Council Member Morales made a motion to approve on D&D Contractors, Inc. Change Order #3 in the amount of \$47,921.09. Motion was seconded by Council Member Pesek. Council Members Morales, Pesek, Harrison, and Mayor Pro Tem Gonzales were in favor. Council Member Tymrak-Daughtrey was opposed. Motion passed.

- 3.7 *Discussion and possible action to approve the proposal that best serves the City of Jourdanton and to authorize the City Manager to enter a contract with the successful proposer to clear approximately 1.76 acres of a 14.916 acre tract of property owned by the City of Jourdanton and legally described as ABS A01029 W D C Hinley SV- 73:*

City Manager Lamar Schulz presented one of the three proposals. Schulz made a recommendation to enter into a contract with the lowest bidder being Gaydos Construction in the amount of \$3,800. Schulz advised the Council that the proposal involved chipping up the brush and not having stacks to be seen.

Council Member Morales made a motion to approve the proposal from Gaydos Construction in the amount of \$3,800 and to authorize the City Manager to enter a contract with the successful proposer to clear approximately 1.76 acres of a 14.916 acre tract of property owned by the City of Jourdanton and legally described as ABS A01029 W D C Hinley SV- 73. Motion was seconded by Mayor Pro Tem Gonzales. Council Member Morales, Mayor Pro Tem Gonzales, Council Members Harrison and Pesek were in favor. Council Member Tymrak-Daughtrey was opposed. Motion passed.

- 3.8 *Discussion and possible action to award the contract for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project following presentation by Terracon, Inc. and The Chapman Firm concerning contractor proposals, the*

evaluation of such, and the recommendation for award from the selection committee. Possible action to authorize City Manager Lamar Schulz and The Chapman Firm to issue notice of award to the selected proposer following contract award and to negotiate the contract:

Attorney Tiffany Leal from The Chapman Group advise the Council that two proposals were received for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project and were opened publicly:

The Progressive Commercial Aquatics Inc. -Base rate -3,489,645.

Guido Construction Company -Base Rate- 2,490,000.

Leal made a recommendation to award the contract to Guido Construction Company.

Council Member Pesek made a motion to award the contract for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project to Guido Construction Company and authorize City Manager Lamar Schulz and The Chapman Firm to issue notice of award to the selected proposer following contract award and to negotiate the contract. Motion was seconded by Council Member Morales. Council Members Pesek, Morales, Harrison, and Mayor Pro Tem Gonzales were in favor. Council Member Tymrak-Daughtrey was opposed. Motion passed.

- 3.9 *Discussion and possible action to authorize Terracon, Inc. to revise plans relating to the concession stand for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project following presentation by Terracon, Inc:*
Manager James McClland from Terracon presented revised plans relating to the concession stand for the Municipal Swimming Pool, Splash, Pad & Associated Amenities Project.

Council Member Pesek made a motion to authorize Terracon, Inc. to revise plans relating to the concession stand for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project. Motion was seconded by Council Member Morales. Council Members Pesek, Morales, Harrison, and Mayor Pro Tem Gonzales were in favor. Council Member Tymrak-Daughtrey was opposed. Motion passed.

EXECUTIVE SESSION

- 4.1 *Pursuant to Section 551.071 of the Texas Government Code, the City of Jourdanton City Council will convene in executive session for consultation with legal counsel 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 relating to and for the purpose of attorney-client communications concerning the contract with selected proposer for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project: Mayor Pro Tem Gonzales recessed to executive session at 8:05 p.m.*
- 4.2 *Possible Action on items discussed in executive session on motion of a Council Member:*
Mayor Pro Tem Gonzales reconvened at 8:31 p.m.

Council Member Pesek made a motion to authorize the City Manager and the representative from The Chapman Firm to negotiate a contract not to exceed \$20,000 for the revisions for the plans relating to the concession stand. Motion was seconded by Council Member Morales.

Council Member Tymrak-Daughtrey asked for clarification on the item agenda. City Attorney Cynthia Trevino asked the Mayor Pro Tem to discuss back into executive session. Gonzales recessed at 8:31 p.m. Gonzales reconvened the meeting at 8:41 p.m.

Council Member Pesek withdrew her motion. Mayor Pro Tem Gonzales stated that no action was taken.

WORKSHOP ITEM

- 5.1 *Discuss and receive direction regarding pending and future issues and available options related to outdoor lighting, private outdoor recreation venues, permitting and inspections, common nuisances and appropriate accessory land uses:*
City Attorney Trevino discussed the two proposed Ordinances presented to the Council by City Attorney Dan Santee at a prior meeting. Trevino explained available options related to outdoor lighting, private outdoor recreation venues, permitting and inspections, common nuisances and appropriate accessory land uses. Council advised Trevino they needed more time to review the issue in order to make a decision.

No action was taken

- 5.2 *Discuss and receive direction regarding issues and available regulatory options related to the installation of manufactured home skirting:*
City Attorney Trevino discussed regarding issues and available regulatory options related to the installation of manufactured home skirting.

No action was taken.

STAFF/BOARD REPORTS

- 6.1 *City Manager, Lamar Schulz will update the City Council on the following (no action)*

- a. *Caliche and Asphalt Millings from Tamarac Street.*
- b. *Mercer Construction Company*
- c. *Swimming Pool/Splash Pad/Associated Amenities Project.*
- d. *Jourdanton FIF Application.*
- e. *TxCDBG Grant.*
- f. *New City Employees.*

City Manager Schulz read the city manager's report.

MONTHLY REPORTS (Information available in City Council Packets. No Discussion or action to occur)

- 7.1 *Utility Billing, Police, and Permits.*
- 7.2 *November 2020 Financial and Accounts Payable Report. (unaudited)*
The monthly reports were presented.

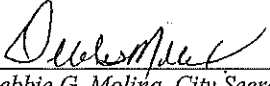
CITY COUNCIL REQUEST AND ANNOUNCEMENTS

- 8.1 *Discussion and possible action of social calendar of events:*
Council Member Morales announced on going sport events at the Jourdanton School District.
- 8.2 *City Council requests regarding specific items or staff reports to be scheduled for future agendas:*
None.

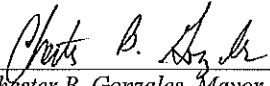
ADJOURN

- 9.1 *Adjourn.*
Council Member Morales made a motion to adjourn. Motion was seconded by Council Member Pesek.

Mayor Pro Tem Gonzales adjourned the meeting at 9:14 p.m.



Debbie G. Molina, City Secretary



Chester B. Gonzales, Mayor Pro Tem