

MINUTES OF THE BOARD OF APPEALS OF THE CITY OF JOURDANTON  
1604 SH 97 E, JOURDANTON TEXAS 78026  
JANUARY 28, 2019 AT 6:00 P.M.

**Present:**

**Mayor:** Robert A. Williams  
**Mayor Pro Tem:** Raul "Roy" Morales

**Councilmembers:** Jack Harrison  
Chester Gonzales  
Karen Pesek  
Johnetta "Johnnie" Goetzl

**City Manager:** Lamar Schulz  
**City Secretary:** Debbie G Molina  
**City Attorney:** Dan Santee

1. Public Hearing, discussion and possible action to receive testimony and comments regarding property located at 702 Orange Street, Jourdanton, Texas and legally described as BLK 143 LT 2, 4, & 6.

Code Compliance Administrative Assistant Laura Sawicki presented an inspection report from Bureau Veritas regarding a code consultation. It stated the structure did not meet life safety requirements of the building code. House has been stripped of electrical wiring, plumbing, and ducting. A portion of the framing has deteriorated and appears to have asbestos shingles, and exposed of weather and vermin. She said the premise was an eye sore and made a recommendation to demolish the structure. Sawicki stated a certified letter was sent to the last known address and publication was advertised. However, the owner is deceased, but did receive a phone call from the owner's son John Crisp. Crisp advised Sawicki he had intentions to fix the residence and grant the property and structure to his brother, plus pay the delinquent taxes. Sawicki, advised Crisp of the meeting. Crisp was not present. Sawicki said she also obtained a letter from Atascosa County Tax Assessor Loretta Holley from the owner's husband Gary Bockman in 2015 and claimed there was an estate of probate to be conducted.

Patricia Tymrak Daughtrey, citizen, advised the Council that she checked courthouse records and found no probate. A lawsuit was filed to the manufactured home, the lien holder was GreenTree, and claimed property taxes were uncollectable. Tymrak Daughtrey was opposed to demolish the structure and postpone until legal aspects would be looked into.

Tommy Tymrak advised for the city manager to take security measures to the structure. He recommended to board the windows and place in the tax auction so it could generate property taxes. He believed the structure could be salvageable because the walls, roof, and floor were straight.

City Attorney Santee advised the Council that there could possibly be a probate. He made a recommendation to postpone and continue within 30 days so appropriate notices to anyone that has interest to the property or allow Crisp to present evidence of documentation. Santee said if the property was distressed or dangerous, the City could secure and file a lien for the cost of security. Santee stated the following item agenda was related to this item agenda and recommended the same.

Motion was made by Mayor Pro Tem Morales "to postpone for 30 days to allow appropriate notification to parties reply as stated by the city attorney." Motion was seconded by Council Member Pesek. Motion was passed. Mayor Pro Tem Morales, Council Member Pesek, Harrison and Gonzales were in favor. Council Member Goetzel, opposed.

2. Public Hearing, discussion and possible action to receive testimony and comments regarding property located at 704 Orange Street, Jourdanton, Texas and legally described as BLK 143 LT 2, 4, & 6.

Motion was made by Mayor Pro Tem Morales "to also send proper notification to parties as stated on agenda item one." Motion was seconded by Council Member Harrison. Motion was passed. Mayor Pro Tem Morales, Council Member Harrison, Pesek and Gonzales were in favor. Council Member Goetzel, opposed.

3. Public Hearing, discussion and public action to receive testimony and comments regarding property located at 1313 Mesquite, Jourdanton, Texas and legally described as BLK 316 LT 13 & 15.


Code Compliance Administrative Assistant Sawicki presented a report from Bureau Veritas. It stated the structure did not meet life safety requirements of the building code. The structure is in the state of collapsing and finish materials appear to have asbestos. Sawicki said she sent a certified letter and published. The property owner was present.


Michael Olivarri advised the Council he has attempted to demolish the house and asked to allow time due to his work schedule. Olivarri presented a list of companies he had contracted to demolish and dispose. City Attorney Santee informed the Council could grant up to ninety days.

Motion was made by Council Member Harrison "to allow Olivarri to demolish the house within sixty days." Motion was seconded by Council Member Gonzales. Motion passed unanimously.

4. Adjourn.

Mayor William adjourned the meeting at 6:35 p.m.

  
DEBBIE G. MOLINA  
CITY SECRETARY

  
ROBERT A. WILLIAMS  
MAYOR

MINUTES OF THE REGULAR CALLED COUNCIL OF THE CITY OF JOURDANTON  
1604 SH 97 E, JOURDANTON TEXAS 78026  
JANUARY 28, 2019 AT 6:00 P.M.

1. *Roll Call to Establish Quorum:*

Mayor: Robert A. Williams  
Mayor Pro Tem: Raul "Roy" Morales  
  
Councilmembers: Jack Harrison  
Chester Gonzales  
Karen Pesek  
Johnetta "Johnnie" Goetzel  
  
City Manager: Lamar Schulz  
City Secretary: Debbie G Molina  
City Attorney: Dan Santee

2. *Call Meeting to Order:*

Mayor Robert Williams called the meeting to order at 6:36 p.m.

3. *Invocation:*

The City Council welcomed the Jourdanton Youth Football Team that won the championship. The cheerleaders were present too. Jace Howard recited the invocation.

4. *Pledge of Allegiance to the Flags of the United States of America and State of Texas:*

Shane Andrus recited the Pledge of Allegiance to the Flag of the U.S. and Elizabeth Molina recited the Texas Flag. The team recognized were Shane Andrus, Reagan Baker, Martin Calvillo, Ryan Castellano, Cage Conway, Nick Gallegos, Zayden Garza, Bobbiejo Gonzales, Zane Guerra, Preston Hindes, Jace Howard, Wade Kielman, Feliz Mendoza, Izaiah Molina, Cole Parks, Colton Ponton, Jaxson Powell, Kamden Ray, Derek Solis, Sutton Strange, Kincaid Valenzuela, Jaxon West, Hixon Wiatrek, and Twister Yow. The cheerleaders recognized were Taylen Rodriguez, Elizabeth Nixon, Michaela Stimpson, Kayden Martinez, Kaylin Smith, Emma Griffin, Lila Gallegos, Vesper Garza, Jozlyn Zapata, Elizabeth Molina, Katrina McCarthy, Macy Powell, Claire Schorsch, Emma Lugo, Mykaylah Chain, Bird Guzman, Sofia Ayala, Elena Guerra, Peyton Contrera, and Abigail Camacho.

5. *Approval of consent agenda items.*

a. *Minutes of previous meeting:* 12-17-2018, 12-26-2018, 01-07-2019, and 01-14-2019

b. *Monthly bills.*

Motion was made by Mayor Pro Tem Morales "to approve the consent agenda items." Motion was seconded by Council Member Gonzales.

6. *Acceptance of the following reports:*

The reports were accepted by Council. No action was taken.

- a. *Department reports:*
- (i) Tax
  - (ii) Water Revenue
  - (iii) Public Works Department
  - (iv) Police/Fire
  - (v) Code Compliance
  - (vi) Appraisal District
  - (vii) City Manager

7. *Citizen Comments.*

Patricia Tymrak Daughtrey commented on agenda item 8 and made a recommendation to place a Memorial Board at the Jourdanton Sport Complex instead of naming a baseball field to an individual. Tymrak Daughtrey was opposed of salaries for the City Council because they were public servants to the City. She commented on both of the lawsuits. She stated to make a settlement with Irene Hernandez and asked if Council was being informed with updates by legal counsel on the Slay Engineering lawsuit.

Tommy Tymrak asked the Council to direct the city manager to secure the structure at 702 Orange Street because it was a safety hazard and direct the tax attorney to place at the tax auction. Tymrak advised the Council that deed restrictions were implemented for waste not to be collected at the city yard at Lillian Ave and asked to review the deed. He also asked to offer air life services to the volunteer fire fighters as city employees.

8. *Discussion and possible action on a Resolution approving a policy for the Naming, Renaming, Dedication, and Sponsorship of City Facilities and Acceptance of Donations:*

City Manager Schulz informed the Council this was resolution adopting the changes to the naming policy as approved on January 14, 2019.

Council Member Goetzel questioned if benches or planting a tree could be placed as a memorial because she did not notice it on the policy. Goetzel said if they would not be permitted, she wanted to amend the policy. She also asked why property owner's tax payers could not sign the petition. Schulz said that numerous tax payers that own businesses in the city and paid more taxes do not reside in the city limits. He said it could possibly cause the tax payers to dictate to the City. He told Goetzel that policy and procedure was needed so the City could go forward in future.

Motion was made by Council Member Goetzel "to approve the Resolution with the changes and amending to add benches in memory of someone." City Attorney Santee informed the Council the policy stated that amenities such as smaller furnishings and facilities within the City and Parks and Recreation system (e.g. benches, small fountains, tables, etc.) did not have to come before Council. These could be approved by the City Manager by meeting specifications. Santee said petitions were needed at the Sports Complex because they were funded by hotel/motel tax and community. Council Member Goetzel did not withdraw her motion because she stated all needed a signed petition and Council approval. Motion died for lack of a second.

Motion was made by Mayor Pro Tem Morales "to approve the Resolution approving a policy for the Naming, Remaining, Dedication, and Sponsorship of City Facilities and Acceptance of Donations." Motion was seconded by Council Member Gonzales. Motion passed unanimously.

9. *Consideration and action to designate authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Program contract number 7218251:*

Grant Administrator Margaret Hardin from Langford Community Management Service, presented documents from a grant awarded to the City to replace portions of the sewer lines in the community. She explained that the Mayor and City Manager were the contractual designees and made a recommendation to appoint additional signatures.

Motion was made by Council Member Gonzales "to approve the designees as Mayor Robert A. Williams, Mayor Pro Tem Raul Morales, City Manager Lamar Schulz, City Secretary Debbie G. Molina and Council Member Karen Pesek. Motion was seconded by

Council Member Pesek. Motion was passed. Council Member Gonzales, Pesek, Harrison, and Mayor Pro Tem Morales were in favor. Council Member Goetzel abstain.

10. *Consideration and action to adopt a resolution to establish Civil Rights Plans and Policies for the City in relation to the Texas Community Development Block Grant Program contract number 7218251:*

Grant Administrator Margaret Hardin presented and discussed necessary documents to comply with the TCDBG grant.

Motion was made by Council Member Pesek “to approve adopt a resolution to establish Civil Rights Plans and Policies for the City in relation to the Texas Community Development Block Grant Program contract number 7218251.” Motion was seconded by Council Member Harrison. Motion passed unanimously.

11. *Discussion and possible action on Ordinance awarding a franchise contract within the City of Jourdanton, Atascosa County, Texas, to Waste Management of Texas, Inc., for the collection and disposal of solid waste, authorizing the mayor to execute the contract, setting forth general specifications establishing rates for collection of solid waste:*

Christopher Cox, representative for Waste Management, presented a franchise contract for collection and disposal of solid waste.

Motion was made by Council Member Pesek “to adopt an Ordinance awarding a franchise contract within the City of Jourdanton, Atascosa County, Texas, to Waste Management of Texas, Inc., for the collection and disposal of solid waste, authorizing the mayor to execute the contract, setting forth general specifications establishing rates for collection of solid waste.” Motion was seconded by Council Member Gonzales. Motion passed unanimously.

12. *Discussion and possible action on an Ordinance regarding Article 1.17 titled permits, projects, and vested rights; providing for severability and providing for an effective date:*

City Attorney Santee advised the Council that Chapter 245 in the Local Government Code stated if a person came to make an application, they would be vested what was enforce by the City, unless the City takes informative steps to limit how long that permit is good for. Santee said the Ordinance set expirations.

Motion was made by Mayor Pro Tem Morales “to approve an Ordinance regarding Article 1.17 titled permits, projects, and vested rights; providing for severability and providing for an effective date.” Motion was seconded by Council Member Goetzel. Motion passed unanimously.

13. *Discussion and possible action approving to use the Jourdanton City Park for a Jourdanton Volunteer Fire Department BBQ Cook-off on May 17 & 18, 2019:*

Jourdanton Volunteer Fire Fighter Jeff Rankin presented a site plan of the events to be held at their BBQ Cook-off. Rankin requested to use the Jourdanton City Park free of charge for their event.

Motion was made by Council Member Gonzales “to approve to use the Jourdanton City Park for a Jourdanton Volunteer Fire Department BBQ Cook-off on May 17 & 18, 2019.” Motion was seconded by Council Member Goetzel. Motion passed unanimously.

14. *Discussion and possible action to adopt an Ordinance regarding salary increases of the City Council Members:*

Mayor Williams pulled agenda item 14.

15. *Discussion and possible action to adopt an Ordinance to accept recyclables, brush and bulky items at the City yard of Lillian Avenue:*

City Manager Schulz requested to update date schedules to accept recyclables, brush, and bulky items at the City yard of Lillian Avenue. Schulz stated the yard will be open every

Tuesday from 8:00 a.m. and closing at 12:00 p.m. for recyclables. The first and third Saturday of the month from 8:00 a.m. and closing at 12:00 p.m. for brush and bulky items.

Motion was made by Council Member Pesek "to adopt an Ordinance to accept recyclables, brush, and bulky at the city yard at Lillian Avenue." Motion was seconded by Council Member Harrison. Motion passed unanimously.

16. *Discussion and possible action on a Resolution approving the City Manager Performance Evaluation Form:*

Mayor Williams advised the Council that this was presented on January 14 for the review. City Manager Schulz informed the Council that the city manager's evaluation form was a form created by the International City Managers' Association (ICMA). City Attorney Santee stated he reviewed and recommended approval.

Motion was made by Council Member Gonzales "to approve the City Manager Performance Evaluation Form". Motion was seconded by Mayor Pro Tem Morales. Motion passed unanimously.

17. *Pursuant to Section 551.071 of the Texas Government Code, the City of Jourdanton will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, 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 this chapter", to include the following matters:*

- a. *Discussion and update regarding Cause No. 5:16-CV-1282; Irene Hernandez Ruiz and IJ RV Park, LLC v. City of Jourdanton, Texas: Robert "Doc" Williams, Officially; Jack Harrison, Officially; Raul Morales, Officially; Johnette Goetzel, Officially; Karen Pesek, Officially; Debbie Molina, Officially; and Kendall Schorsch, Officially, In the United States District Court for the Western District of Texas, San Antonio Division:*
- b. *Discussion and update regarding Cause No. 17-12-1181-CVA; City of Jourdanton Plaintiff, vs. Slay Engineering/Texas Multi-Chem/Huser Construction, LLC; and North American Specialty Insurance Company, Defendants:*

Mayor William recessed to executive session at 7:56 p.m.

18. *Reconvene in open session for possible action on items discussed in Executive Session:* Mayor Williams reconvened to open session at 8:11 p.m. Mayor Williams announced that no action was taken for "a" and "b."

19. *Discussion of social calendar of events for the City of Jourdanton:*

Council Member Gonzales reminded everyone that the next regular called meeting will be held on Monday, February 25<sup>th</sup> because city offices will be closed for President's Day on Monday, February 18. Council Member Harrison announced the Chamber of Commerce Annual BBQ and fund raiser will be held at the St Matthews Church on March 3<sup>rd</sup>.

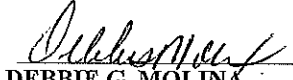
20. *City Council requests regarding specific items or staff reports to be scheduled for future agendas:*

Council Member Goetzel informed the Council that she would be requesting to approve the naming of a baseball field at the Jourdanton Sports Complex for Brock Powell. Goetzel said the petition would be submitted to the City prior to the next regular called meeting.

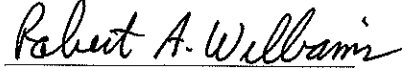
21. *Adjourned:*

Motion was made by Mayor Pro Tem Morales "to adjourn." Motion was seconded by Council Member Pesek. Motion passed unanimously.

Mayor Williams adjourned the meeting at 8:16 p.m.



DEBBIE G. MOLINA  
CITY SECRETARY



ROBERT A. WILLIAMS  
MAYOR