

MINUTES OF THE BOARD OF APPEALS OF THE CITY OF JOURDANTON
1604 SH 97 E, JOURDANTON TEXAS 78026
FEBRUARY 25, 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" Goetzel

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 Enforcement Administrative Assistant Laura Sawicki advised the Council that she had sent certified letters to Edward Williams' children in case they had interest in the property. Sawicki said three of the children had no interest and had not heard from the other. She stated two sons were present that evening and wanted to speak to the Council.

John Crisp informed the Council that he was cleaning the property and would remove all the dwellings and build a new home for his brothers. Williams stated he got preapproved for a VA loan and the taxes will be paid.

Patsy Tymrak Daughtrey expressed concern of delinquent taxes that were owed. She asked if the dwellings were demolished would that effect the lawsuit. Tymrak Daughtrey said that the manufactured home was repossessed by Green Tree. She asked the Council to postpone because the property needed to be clear.

Tommy Tymrak stated the dwellings could be salvaged by cleaning and fixing them. The taxes would have to be paid and the will would have to be probated. Tymrak said the property could be sold at tax auction because it had a tax lien. He expressed concern if their children demolished the property it would not comply with city ordinance because the lot sizes did not meet the lot size requirements to build.

Council Member Harrison asked for the square footage of the property. Sawicki informed him that the lots were 30x150.

Council Member Goetzel stated that the manufactured home had a tax lien; however, the property and house did not have a lien filed. Goetzel stated the house does not appear to be salvageable and did not know why the manufactured home lien holder did not pick it up.

Motion was made by Council Member Harrison "to allow 60 days to clear up the estate." Motion was seconded by Mayor Pro Tem Morales. Motion passed. Council Member Harrison, Mayor Pro Tem Morales, Council Members Gonzales and Pesek, 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:*

John Crisp stated he would check with the manufactured home's lien holder.

Patsy Tymrak Daughtrey made a suggestion for Crisp to inquire with the Atascosa County Tax Assessor and make arrangements to pay the taxes for the manufactured home. She said it could prevent it from going to a tax sale.


Tommy Tymrak recommended for the manufactured home to be put up for sale at a tax auction since Crisp wants its removed from the property since he is not the owner. This would clear the lien and would be removed by the new owner. Tymrak asked the Council to figure out how to help the family.

Council Member Pesek asked City Attorney Santee if the manufactured home was repossessed, who owns it and has the right to do something with it. Santee stated the Board of Appeals has the authority to grant time to clear the property so it no longer has a dilapidated structure as nuisance or grant order. Santee cautioned the Council to discuss tax, probate and ownership issues because it was not for this Board of Appeals to entertain those. Santee recommended to grant an extension for another sixty days to resolve.

Motion was made by Council Member Harrison "to allow sixty days to resolve." Motion was seconded by Council Member Gonzales. Motion passed. Council Member Harrison, Council Members Gonzales, Pesek and Mayor Pro Tem Morales, in favor. Council Member Goetzel, opposed.

3. *Adjourn.*

Mayor Williams adjourned the meeting 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
FEBRUARY 25, 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 Williams called the meeting to order at 6:37 p.m.

3. *Invocation:*

Mayor Williams gave the invocation.

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

Mayor Pro Tem Morales recited the Pledge of Allegiance to the Flags of the United States of America and State of Texas.

5. *Approval of consent agenda items:*

a. *Minutes of previous meeting: 1-28-2019*

b. *Monthly bills.*

Council Mayor Pro Tem Morales "to approve consent agenda items a and b." Motion was seconded by Council Member Pesek. Motion passed unanimously.

6. *Acceptance of the following reports:*

Council Member Gonzales wanted to inform the public that new equipment was purchased and the potholes would be addressed.

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:*

Jourdanton Little League President Nicole Rakowitz thanked the Council for adopting a naming policy. She said she got some negative comments when a petition was developed by the Jourdanton Little League to name a field after Brock Powell. She explained that now with the adoption of the naming policy that anyone could have an opportunity to submit one. She welcomed everyone to come to the opening day on March 23 and thanked the Council for the Jourdanton Little League contract to be discussed that evening.

Patsy Tymrak Daughtrey made a recommendation to settle with Hernandez/IG Hernandez lawsuit case. She was opposed of naming a baseball field for a deceased child because a tree or a bench could be dedicated instead. Daughtrey Tymrak was opposed of agenda item

12 because she claimed it should be authorized by the mayor.

Tommy Tymrak thanked the Council for allowing to speak on the Board of Appeals and helping out the community.

8. *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 Williams recessed at 6:54 p.m.

9. *Reconvene in open session for possible action on items discussed in Closed Session:*
Mayor Williams reconvened the meeting at 7:55 p.m. Williams announced that no action was taken for “a and b.”

10. *Discussion and possible action to approve a Resolution approving the Jourdanton Little League Petition to name a baseball field in the Jourdanton Sports Complex for the “BROCK POWELL Memorial Field, naming the field, and authorizing proposed signage:*

Council Member Goetzel commended the Jourdanton Little League for putting effort to get the required signatures for the naming of a field for Brock Powell. Goetzel said Nicole Rakowitz provided a drawing of the sign and the location for placement. Goetzel asked to grant the approval because Powell played baseball and gave a lot to his friends in the community.

Council Member Pesek stated she has put a lot of thought into their request. Pesek said the community had lost seven outstanding students the past two years and thought this was not a good time to make an emotional decision within such a short period of time. She said there were not enough fields to name after all of them and she was not going to choose who was worthy or valuable to have the honor of naming a structure after them. Pesek made a recommendation, as stated by City Attorney Santee at last month’s meeting, that a memorial wall, tree, or bench would not require a petition. This would help prevent a lot of emotional feelings as said by Rakowitz.

Council Member Harrison said everyone has the right to name one of the fields with the approval or disapproval of the Council and if it was enough interest to name a field, the Council should look into it. Harrison asked if all the signatures had been verified. City Manager Schulz told Harrison that they were. Council Member Gonzales asked Rakowitz what material would be used for the sign. Rakowitz told Gonzales it would be metal like the VTX beside it. In conclusion, Pesek said she welcomed parents and citizens to the meeting that had called to ask questions and were opposed to naming the fields. However, they refused to come because they did not want to hurt anyone’s feelings.

Motion was made by Council Member Goetzel “to accept a petition created by the Jourdanton Little League with the required signatures from the citizens of Jourdanton, to

name a field at the Jourdanton Sports Complex as the "Brock Powell Memorial Field" and accept the signage that was provided by the league." Motion was seconded by Mayor Pro Tem Morales. Motion passed. Council Member Goetzel, Mayor Pro Tem Morales, Council Members Harrison and Gonzales, in favor. Council Member Karen Pesek, opposed.

11. *Discussion and possible action on a Resolution authorizing the City Manager to execute an amendment to the license agreement for the use of portions of City of Jourdanton Sports Complex and Swimming Pool facilities with the Jourdanton Little League:*

City Manager Schulz presented a license agreement for the use of the baseball fields with the Jourdanton Little League. Schulz said it was very similar to the other one but got more specific with the fields. The agreement was reviewed by Rakowitz. She made some comments and suggestions. Schulz said he felt comfortable with the proposed agreement and was approved by the city attorney. Schulz asked Rakowitz if she was comfortable with it. Rakowitz said that painting needed to be addressed and would be discussed at a later time, but happy the City allowed the usage of the sports complex.

Council Member Harrison questioned the name of the facility on the agreement. City Attorney Santee advised Harrison that the official name of the sports complex was Jourdanton Sports Complex and Swimming Pool. Santee said what the name is throughout the agreement but does not include the swimming pool.

Motion was made by Mayor Pro Tem Morales "to approve a Resolution authorizing the City Manager to execute an amendment to the license agreement for the use of portions of City of Jourdanton Sports Complex and Swimming Pool facilities with the Jourdanton Little League." Motion was seconded by Council Member Goetzel. Motion passed unanimously.

12. *Discussion and possible action to adopt a Resolution of the City Council of the City of Jourdanton, Texas, authorizing the submission of a Texas Community Development Block Grant program application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the City Manager to act as the City's executive office and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant program:*

City Manager Schulz informed the Council that this was another requirement for the Texas Community Development Block Grant program to replace water lines with individuals with low and moderate income. Schulz said surveys were being conducted at this time.

Motion was made by Council Member Gonzales "to adopt a Resolution of the City Council of the City of Jourdanton, Texas, authorizing the submission of a Texas Community Development Block Grant program application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the City Manager to act as the City's executive office and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant program." Motion was seconded by Council Member Harrison. Motion passed unanimously.

13. *Discussion and possible action to approve a Resolution authorizing the City Manager and Mayor to execute a maintenance agreement with Maguire Iron Inc. to maintain the city's water tanks:*

City Manager Schulz informed the Council that Michael Brock from Maguire, Iron, Inc. made a presentation on January 7 for all the ground elevation storage tanks to comply with TCEQ requirements.

Mike Brock stated the contract was a professional document that goes through BuyBoard. Brock presented a sample contract for a multi-year contract for the maintenance of all ground elevation storage tanks. He said some modifications were requested by the city attorney with Texas laws, financial, and payment plan. He explained that these changes could be made from their out of state attorneys. Bruck said that Pecan Well was in the

need of being serviced first. He explained a five-year service plan for the well and thereafter up to ten years. All yearly inspections, cleaning, any emergency services, and including graffiti would be covered with the plan. The entire plan is a ten-year spread.

Schulz said he checked references with City of Nixon and City of Marfa who use the company. Both cities spoke highly of the company. Schulz said that the City did not have experienced staff to do this type of work. He made a recommendation to contract with this company so the City can work with them at a regular basis. This would help the City to be stress free of ongoing maintenance to the tanks and free time for other issues to address. Schulz informed the Council that the tanks would be worked in the fall and winter months because the surface would be too hot to paint.

Motion was made by Council Member Pesek "to approve a Resolution authorizing the City Manager and Mayor to execute a maintenance agreement with Maguire Iron Inc. to maintain the city's water tanks." Motion was seconded by Council Member Goetzl. Motion passed unanimously.

14. *Discussion and possible action to approve an Interlocal Cooperative Agreement between Atascosa County and the City of Jourdanton for provision of fire investigation and fire inspections services:*

City Manager Schulz introduced Fire Marshall Roger Garcia. Garcia presented an agreement between the Atascosa County and the City of Jourdanton to provide fire investigations and fire inspection services for the city. He said he had flexible hours to work an investigation because he is solely in his office.

Council Member Goetzl asked if the fee schedule was the County's cost. Garcia said they were but the city could collect a different fee if the city choses to.

City Attorney Santee advised the Council that this was an interlocal agreement to provide fire inspections for the City. Santee told the Council that the difference in how the City vs. the County does fire inspections is that the City currently uses Bureau Veritas as a third-party contractor. Bureau Veritas cannot send someone outside the County and it could only be done this way.

Motion was made by Council Member Gonzales "to approve an Interlocal Cooperative Agreement between Atascosa County and the City of Jourdanton for provision of fire investigation and fire inspections services." Motion was seconded by Mayor Pro Tem Morales. Motion passed unanimously.

15. *Discussion and possible action on an Ordinance amending the budget to provide for the transfer of certain funds:*

City Manager Schulz presented a budget amendment for funds to be transferred that were required to meet the twenty percent requirement for the Texas Community Development Block Grant.

Motion was made by Mayor Pro Tem Morales "to approve an Ordinance amending the budget to provide for the transfer of certain funds." Motion was seconded by Council Member Goetzl. Motion passed unanimously.

16. *Discussion and possible action on a Resolution approving the Department Head Performance Appraisal evaluations:*

City Manager Schulz informed the Council that recently job evaluations were presented to Council for various employee duties. Schulz asked for an approval for a department head evaluation that fit the city's needs.

Motion was made by Council Member Pesek "to approve a Resolution approving the department head performance appraisal evaluations." Motion was seconded by Council Member Gonzales. Motion passed unanimously.

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

Council Member Karen Pesek announced that the Chamber of Commerce has their annual BBQ Chicken Cook-off held on March 3 at the St. Matthews Parish Hall starting at 11:00 a.m. Pesek informed everyone that day light savings time would start March 10th. Mayor Pro Tem Morales announced on going school sports were being played and asked for everyone's support by attending. Morales said that Spring Break started March 11th. Mayor Williams informed everyone that the Houston Stock Show was presently being held. Code Enforcement Administrative Asst. Sawicki informed everyone that "Coffee with a Cop" was to be held at the Jourdanton PD on March 27 from 8:30-10:00 a.m.

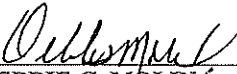
18. *City Council requests regarding specific items or staff reports to be scheduled for future agendas:*

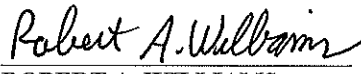
None.

19. *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 8:49 p.m.


DEBBIE G. MOLINA
CITY SECRETARY


ROBERT A. WILLIAMS
MAYOR