

MINUTES OF THE REGULAR CALLED COUNCIL OF THE CITY OF JOURDANTON
1604 SH 97 E, JOURDANTON TEXAS 78026
APRIL 15, 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 6:00 p.m.

3. *Invocation:*

The City Council welcomed the La Parita 4H Club. Clayton Mordica recited the invocation.

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

After naming the City of Jourdanton a "Purple Heart City" Mayor Williams and Council Member Gonzales raised the Purple Heart Flag by the U.S. and Texas Flags at the Jourdanton Municipal Complex. Montana Aguilar and Hailey Hannah recited the Pledge of Allegiance to the U.S. and Texas Flags. Members of the 4H recognized: Reagan Aguilar, Cole Hannah, Trent Rubal, Jacob Rubal, Casen Wilson, Xochitl Hernandez (Sochi), Xitlalli Hernandez (Lalli), and Anthony Hernandez.

5. *Approval of consent agenda items:*

- a. *Minutes of previous meeting: 03-18-2019*
- b. *Monthly bills.*

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

6. *Acceptance of the following reports:*

- a. *Department reports:*
 - Tax*
 - Water Revenue*
 - Public Works Department*
 - Police/Fire*
 - Code Compliance*
 - Appraisal District*
 - City Manager*

Mayor and Council accepted the department reports.

7. *Citizen Comments:*

None

8. *Public hearing, discussion and possible action on a recommendation to grant an application for a special use permit for property located at 808 Pecan St. Jourdanton, Texas, 78026 and legally described as Block 195 Lots 8 & 10, Jourdanton, TX, Atascosa*

County, Texas. The property is currently zoned SF-1 Single Family Residential Property. The applicant, Jose Gallegos, is seeking a special use permit to allow a manufactured home on the property:

Code Compliance Administrative Assistant Sawicki informed the Council that the Planning and Zoning Commission made a recommendation to grant a special use permit. She said that the applicant has five lots with the dimensions of 50X150. The applicant plans to place the manufactured home on lots 8 and 10. She also stated that she informed the applicant that the home must be skirted.

Mayor Williams opened the public hearing at 6:20 p.m. Alex Mancilla, sales representative for Mobile Home Factory Direct and Nora Ullrich, Gallegos's fiancé were present. Council Member Harrison asked if the debris would be cleaned before the home would be placed. Mancilla and Ullrich said that it would be. Council Member Goetzel questioned if the address would be approved by 911. They informed her that 911 had approved the address. Council Member Pesek asked how when would the skirting would be placed. Mancilla told Pesek as soon as the manufactured home was placed. Mayor Williams adjourned the meeting at 6:25 p.m.

Motion was made by Council Member Goetzel "to approve an ordinance granting a special use permit to place a manufactured home at 808 Pecan Street." Motion was seconded by Council Member Harrison. Motion passed unanimously.

9. *Discussion and possible action to adopt a Resolution suspending for 45 days the effective date proposed by CenterPoint Energy Resources Corp., South Texas Division ("CenterPoint") in its application filed on or about March 28, 2019 pursuant to section 104.301 of the Gas Utility Regulatory Act:*

Dennis Jandt, Centerpoint, Operation Supervisor, advised the Council that Centerpoint Energy Resources Corp., South Texas Division ("CenterPoint") filed an application on or about March 28, 2019 for an increase in gas utility rates under the Gas Reliability Infrastructure Program (Grip). Jandt stated that the residential increase \$2.04, small commercial would increase \$4.16, and large commercial such as the Methodist Hospital and other company would increase \$27.20. Jandt stated that there were about 350 residential customers in Jourdanton. He said new lines will be installed at Cepillo Subdivision. Lines are also being replaced in the South Texas division. Jandt said this would take in effect on May 27, 2019, unless the City suspends that date for a period of no longer than forty-five (45 days). City Attorney Santee informed the Council that the legal counsel representing the City made a recommended to suspend.

Motion was made by Mayor Pro Tem Morales "to adopt a Resolution to suspend for 45 days the effective date." Motion was seconded by Council Member Pesek. Motion passed unanimously.

10. *Discussion and possible action to accept a petition for the voluntary annexation for the property commonly known as the Cepillo Subdivision Unit 1, an approximately 16.61 acres tract of land lying in the J. Poitevent Survey No. 1, Abstract No. 1239, Atascosa County, Texas:*

City Manager Schulz advised the Council that this item was only accepting the voluntary annexation from Cepillo Subdivision, no further action would be taken at that time. Council Member Goetzel questioned if a representative from the subdivision was present so they could answer any questions. Schulz told Goetzel that he was uncertain why they were not present. City Attorney informed the Council that the City was now a Tier II because of Atascosa County voted to become a Tier II county so now two public hearings needed to be conducted. Therefore, by accepting the petition, it would allow the city manager to proceed to have two public hearings. Goetzel asked if the City would be able to provide

utility services to the subdivision. Schulz told Goetzel the proposed water project with the Texas Water Board would supply adequate water and sewer services.

Motion was made by Council Member Pesek "to accept a petition for the voluntary annexation for the property commonly known as the Cepillo Subdivision Unit 1." Motion was seconded by Mayor Pro Tem Morales. Motion passed unanimously.

11. *Discussion and possible action approving a proposed agreement to provide services upon voluntary annexation to the property commonly known as the Cepillo Subdivision Unit 1, an approximately 16.61 acres tract of land lying in the J. Poitevent Survey No. 1, Abstract No. 1239, Atascosa County, Texas, and authorizing the City Manager to execute said agreement with the property owner on behalf of the City:*

City Manager Schulz stated that the city attorney had drawn an agreement for a service plan to provide the provisions of services to Cepillo Subdivision.

Motion was made by Council Member Pesek "to approve a proposed agreement to provide services upon voluntary annexation to the property commonly known as the Cepillo Subdivision Unit 1." Motion was seconded by Council Member Harrison. Motion passed unanimously.

12. *Discussion about and demonstration of a GIS Data application by M & S Engineering; possible direction to staff:*

Tom Turk, M & S Engineering, presented a demonstration of a Geographical Information System (GIS) Data application. Turk said it would allow for city-wide mapping to store and could be easily be retrieved. Examples users could view are such as city limits/ETJ, CCN's parcels, zoning, water system, wastewater system, drainage system, floodplains, addresses, maps and plats and etc. He demonstrated websites of cities they host. The information input would be permanent because the data input remains in the software. The quantity of information inputted would better the software. Anyone with username and password could access anywhere by using the internet. Also, a link could be created for public use. Turk advised the Council that the City subscription service and data storage was \$4,500 annually. M&S would host, manage, input, updates by cloud, and training at an hourly rate. The City at any time could maintain the software, too, if they chose to. Council Member Goetzel asked if this was budgeted. Schulz informed the Council this program was something to consider

No action was taken.

(Mayor Williams continued to agenda item 17 and 18 at 7:06 p.m.)

13. *Discussion and possible action to approve a Hotel Occupancy Tax Fund Application from the Jourdanton Volunteer Fire Department and Resolution authorizing the use of Hotel Occupancy Tax to promote "29th Annual Jourdanton Volunteer Fire Department Cook Off" on May 17 & 18, 2019:*

Jeff Rankin, Jourdanton Volunteer Firefighter presented an application for the use of Hotel Occupancy Tax (HOT) funds in the amount of \$3,000 to promote the Jourdanton Volunteer Fire Department on May 17th and 18th by newspaper and radio station.

Council Member Pesek questioned the cost of newspaper publication because she inquired the ad cost at the Pleasanton newspaper. She discovered the ad cost was \$840 difference for a color ad. Pesek expressed concern that the publication and flyers did not attract the public to attend. Rankin inform Pesek that the first publication and flyers were inviting

the barbecue teams. He said newspaper ad and flyers would be revamped to invite the public to the event. He said he preferred the ads to be in color because he has noticed more color photos and ads were being used in the newspaper. Pesek said she was only trying to recommend to create an ad to welcome the public and felt color was not necessary because it was sending the same message. Pesek also questioned that in 2016 the Council approve \$3,000 but hotel stay was never presented to Council and she felt it should be considered. Rankin told Pesek that he was unaware the HOT funds prior to him being in the department, however; he said he was given a code by the city manager to use for hotel stay and has informed the teams to use.

Council Member Harrison asked Rankin how much profit was made last year. Rankin told Harrison it was below prior years because it was held at a private location. He told the Council it was \$7,000 gross and other years have brought up to \$18,000-\$19,000 gross. Therefore, they wanted to bring it back to the city.

Council Member Gonzales said that the city park was one of the biggest assets that the community had and would like to see it being hosted at the park. Gonzales said he was pleased to seeing booths for non-profits.

Motion was made by Council Member Gonzales "to approve a Hotel Occupancy Tax Fund Application from the Jourdanton Volunteer Fire Department and Resolution authorizing the use of Hotel Occupancy Tax to promote the 29th Annual Jourdanton Volunteer Fire Department Cook Off" on May 17 & 18, 2019 in the amount of \$3,000." Motion was seconded by Council Member Harrison. Motion passed unanimously.

14. *Discussion and possible action on an Ordinance amending the budget to provide for the transfer of certain funds for a grant awarded to the Jourdanton Fire Department for Texas Forestry Grant- Rural Volunteer Fire Department Assistance Program:*

Jeff Rankin, Jourdanton Volunteer Firefighter, informed the Council that the fire department was awarded a grant in the amount of \$9,000 from the Texas Forestry Grant-Rural Volunteer for bunker gear or wildland/dual credit extrication gear. Rankin said the extrication gear was outdated and in need of repairs. Eighteen firefighters will be able to use this gear. Rankin requested for an amendment in the amount of \$1,000 because this was a 90 percent grant with a 10 percent match.

Motion was made by Council Member Pesek "to amending the budget to provide for the transfer of 1,000 for a grant awarded to the Jourdanton Fire Department for Texas Forestry Grant- Rural Volunteer Fire Department Assistance Program." Motion was seconded by Council Member Goetzl. Motion passed unanimously.

15. *Discussion and possible action to accept or reject a study from EMC Strategy Group LLC and authorize the second payment of \$3,500.00:*

City Manager Schulz advised the Council that no representative from EMC Strategy Group LLC was present to address any questions. City Attorney Santee informed the Council that their attorney had emailed him, suggesting that he and his client meet with Santee in his office. Santee said that he did not response because the city conducts business and that Gonzalez would need to come to Council.

Motion was made by Council Member Gonzales "to reject a study from EMC Strategy Group LLC and place it on the agenda once they are available to come to council chambers

to answer questions by the Council.” Motion was seconded by Council Member Pesek. Motion passed unanimously.

16. *Discussion and possible action on a Resolution declaring certain property as surplus property and authorizing the City Manager to auction said property through the Atascosa County Sheriff's auction on May 8, 2019:*

City Manager Schulz informed the Council that the Director of Public Works Mark Shows asked Schulz if two 2016 pickups and a 1961 Fire Truck could be surplus at the Atascosa County Sheriff's auction on May 8, 2019. Schulz said that he had a discussion with Chief Kaiser regarding the fire truck. Kaiser made a suggestion to find a company who would be interested in the fire truck. Schulz asked the Council if they wish to sell all the vehicles or sale the two trucks for now and decide what to do with the fire truck. Council Member Morales was in favor to retain the fire truck.

Motion was made by Mayor Pro Tem Morales “to adopt a Resolution declaring certain property as surplus property and authorizing the City Manager to auction said property through the Atascosa County Sheriff's auction on May 8, 2019 and excluding the 1961 Fire pumper truck VIN C85RU151123.” Motion was seconded by Council Member Harrison. 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 Williams recessed to closed session at 7:06 p.m.

18. *Pursuant to Texas Government Code, Section 551.074 (entitled “Personnel Matters”) City Council shall deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Chief of Police, including the terms of the Chief's employment contract: (recessed in closed session at 7:06 by Mayor Williams)*

19. *Reconvene in open session for possible action on items discussed in Closed Session:*

Mayor Williams reconvened the meeting at 9:03 p.m. from agenda item 17 and 18. Williams announced that no action was taken for agenda item 17, a and b.

Mayor Pro Tem Morales thanked Chief of Police Eric Kaiser for his services. Council Member Goetzel said that she had all the confidence in the whole word on Chief Kaiser and police officers. Council Member Pesek told Kaiser that she thanked him filling in an interim city manager and appreciated his work and department. Council Member Gonzales said he believed that Chief Kaiser has done an excellent job as, well as, an interim, but it was his option that felt it was not good business to approve the contract for the size of the city. Council Member Harrison congratulated Chief Kaiser on the job he has done and keep up the good work.

Motion was made by Mayor Pro Tem Morales "to renew the Chief of Police Eric Kaiser's contract effective May 1, 2019 through May 24, 2022." Motion was seconded by Council Member Goetzel. Motion passed unanimously. Mayor Pro Tem Morales, Council Members Goetzel, Harrison, and Pesek, in favor. Council Member Gonzales, was opposed.

20. *City Council Workshop Regarding the Selection of a Retail Electricity Provider*
- a. *Discussion and possible action regarding terminating/retaining the current provider:*
 - b. *Discussion and possible action regarding the selection of a provider:*
 - c. *Discussion and possible approval of a new Retail Electricity Provider Agreement:*

City Manager Schulz informed the Council that he had notified the current provider of termination because there is a 15-day clause due today as stated on the contract, thereafter, there would be a month to month bill with a higher rate. Schulz said he informed them that the City was seeking selection of electric provider by a government program by the State Comptroller and they welcomed them to place a proposal. Schulz stated no action need to be taken because it would take a couple of days before he had proposals.

No action was taken.

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

Council Member Pesek welcomed everyone to the Jourdanton Volunteer Fire Department Cook-off on May 17 and 18, at the Jourdanton City Park. Mayor Pro Morales stated that school district track meets are ongoing. City Manager Schulz told everyone that the first "Jourdanton Farmers Market" was successful. City Attorney Santee informed the Council that he welcomed the Council to come for free training at the 16th Annual Hog-Wild Government Seminar on July 26th Hilton Garden Inn, Live Oak, Texas.

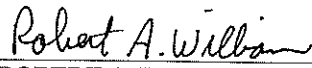
22. *City Council requests regarding specific items or staff reports to be scheduled for future agendas:*

None.

23. *Adjourned:*

Motion was made by Mayor Pro Tem Morales "to adjourn." Motion was seconded by Council Member Gonzales. Mayor Williams adjourned the meeting at 9:44 p.m.


DEBBIE G. MOLINA
CITY SECRETARY


ROBERT A. WILLIAMS
MAYOR