

**MINUTES OF THE REGULAR CALLED MEETING
OF THE CITY OF JOURDANTON
FEBRUARY 7, 2022 AT THE COUNCIL CHAMBERS AT 6:00 P.M.**

Present:

<i>Mayor Robert Williams</i>	<i>City Manager Lamar Schulz</i>
<i>Councilmember Norma Q. Ortiz</i>	<i>Secretary Debbie G. Molina</i>
<i>Councilmember Raul Morales</i>	<i>Chief Eric Kaiser</i>
<i>Councilmember Karen Pesek</i>	<i>Code Compliance Specialist Rachel Garza</i>
<i>Councilmember Patricia J. Elizabeth</i>	<i>City Attorney Dan Santee</i>
<i>Tymrak-Daughtrey</i>	

Not Present:

Mayor Pro Tem Chester B. Gonzales

CALL TO ORDER, INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor Williams called the meeting to order at 6:05 p.m. Williams gave the Invocation and Pledges of Allegiance.

HEARING OF RESIDENTS

Juan Fuentes informed the Council that the elevation of the manufactured home would comply with the drawing of the site plan by Walt Rakowitz Engineering.

ITEMS CONSIDERATION/DISCUSSION

- 2.1 Public hearing, discussion and possible action upon an Ordinance to recommend approval or denial regarding an application for a special use permit for property located at 209 Main St., and legally described as BLK 36 LTS 9, 11, 13 & 15 Jourdanton, Atascosa County, Texas. The property is currently zoned SF-1 Single - Family Residential Property. The applicant, Shannon Stephen is seeking a special use permit to allow a manufactured home on the property:**

A motion was made by Council Member Morales and duly seconded by Council Member Pesek, to remove the item agenda from being tabled on January 18, 2022 Regular Council Meeting. The motion passed unanimously.

At 6:23 p.m., Council Member Norma Ortiz told the Mayor she wanted to recuse herself before the vote and stepped out of the meeting for agenda item 2.1.

Mayor Williams opened the public hearing at 6:23 p.m. Code Compliance Specialist Rachel Garza informed the Council that Shannon Stephen was seeking a special use permit to place a 2013 16 X 76 manufactured home on the property. Garza said the Planning and Zoning Commission made a recommendation to deny a special use permit. Juan Fuentes spoke in behalf of applicant Shannon Stephen. Mr. Fuentes addressed the elevation of the property. Mayor Williams closed the public hearing at 6:44 p.m.

A motion was made by Council Member Morales and duly seconded by Council Member Pesek to approve a special use permit to allow a manufactured home on the property for property located at 209 Main Street, and legally described as BLK 36 LTS 9, 11, 13 & 15 Jourdanton, Atascosa County, Texas and comply with City Code of Ordinance, Section 3,05, Flood Damage Prevention. Council Member Tymrak- Daughtery made a motion to table the item agenda until the next regular called meeting. The motion died for lack of a second. Council Member Morales called for the question. Council Members Morales and Pesek

were in favor. Council Member Tymrak-Daughtrey opposed. Council Member Ortiz abstained but failed to timely file an affidavit as required by law, resulting in her being recorded as the equivalent of opposed. Mayor Williams voted no to break the tie. The motion and item failed for lack of a majority of the qualified members of council present voting in favor of the motion.

Council Member Ortiz reconvened to the meeting at 6:59 p.m.

2.2 Discussion and possible action on Guido Construction Company Change Order No. 7, Change Order Request COR #15 Extension of Time & GCs for new AEP Power and Existing CMU Wall Structural Corrections for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project in the amount of \$166,247.49:

Cosmo Guido and Representative Albert Gutierrez for Guido Construction presented Change Order No.7-Change Order Request COR#15 Extension of Time & GCs for new AEP Power and Existing CMU Wall Structural Corrections for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project in the amount of \$166,247.49. City Manager Schulz informed the Council that Terracon representatives submitted a letter dated February 3, 2022. Terracon analyzed Change Order No. 7 and stated their opinion that the original rate for costs of General Conditions in the Guido's numbers and those presented by Terracon. Mayor Williams asked City Attorney Santee if the Council could recess to executive session to discuss the agenda item and move agenda item 3.1 so it could be discussed. City Attorney Santee told Williams that he could.

Mayor Williams recessed to execute session to speak to Terracon Consultant Bernie Rogers at 7:12 p.m. Mayor Williams reconvened the meeting at 8:17 p.m.

A motion was made by Council Member Pesek and duly seconded by Council Member Morales to postpone agenda item 2.2. Council Members Pesek, Morales, and Ortiz were in favor. Council Member Tymrak-Daughtrey opposed. The motion passed.

2.3 Discussion and possible action on Guido Construction Company Change Order No. 8, Change Order Request COR #16 Add Decomposed Granite Surface at Facility Entry for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project in the amount of \$3,938.38:

A motion was made by Council Member Pesek and duly seconded by Council Member Morales to approve on Guido Construction Company Change Order No. 8, Change Order Request COR #16 Add Decomposed Granite Surface at Facility Entry for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project in the amount of \$3,938.38. Council Members Pesek, Morales, and Ortiz were in favor. Council Member Tymrak-Daughtrey was opposed. The motion passed.

2.4 Discussion and possible action on a Supplement to Agreement for Services for Terracon Consultants, Inc. for additional time and materials for drilled piers and concrete testing in the amount of \$9,392.50 and to authorized City Manager, Lamar Schulz, to execute the supplement:

A motion was made by Council Member Morales and duly seconded by Council Member Ortiz to approve a Supplement to Agreement for Services for Terracon Consultants, Inc. for additional time and materials for drilled piers and concrete testing in the amount of \$9,392.50 and to authorize City Manager, Lamar Schulz, to execute the supplement. Council Members Morales, Ortiz and Pesek were in favor. Council Member Tymrak-Daughtrey was opposed. The motion passed.

2.5 Discussion and possible action on a Resolution to ratify the execution of a contract agreement between Brush Country Construction and the City of Jourdanton:

A motion was made by Council Member Morales and duly seconded by Council Member Pesek to ratify the execution of a contract agreement between Brush Country Construction and the City of Jourdanton. Council Member Morales, Ortiz, and Pesek were in favor. Council Member Tymrak-Daughtrey was opposed. The motion passed.

2.6 Discussion and possible action to change the date of the Regular Called Meeting currently scheduled for Monday, February 21, 2022 to Monday, February 28, 2022.

A motion was made by Council Member Pesek and duly seconded by Council Member Ortiz to change the date of the Regular Called Meeting currently scheduled for Monday, February 21, 2022 to Monday, February 28, 2022. The motion passed unanimously.

EXECUTIVE SESSION

3.1 The City Council will convene in closed session on the following items:

a. Pursuant to Government Code section 551.071 (consultation with attorney) to discuss and deliberate 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 wit: issues related to the Municipal Swimming Pool, Splash Pad, and Associated Amenities Project:

b. Pursuant to Government Code section 551.071 (pending litigation) on Cause No. 21-11-1004-CVA -Joel Guerra vs. City of Jourdanton, Texas

3.2 After deliberation in closed session, the City Council will reconvene in open session to take any final action necessary regarding the matters discussed in closed session.

No action was taken for 3.1 (a) and (b)

ADJOURN

4.1 Adjourn.

A motion was made by Council Member Morales and duly seconded by Council Member Pesek to adjourn the meeting. The motion passed unanimously. Mayor Williams adjourned the meeting at 8:31 p.m.



Debbie G Molina, City Secretary



Robert A. Williams, Mayor