MINUTES OF THE REGULAR CALLED COUNCIL MEETING
OF THE CITY COUNCIL OF THE CITY OF JOURDANTON AT
THE JOURDANTON MUNICIPAL COMPLEX COUNCIL
CHAMBERS AT 1604 HIGHWAY 97 E, JOURDANTON, TEXAS,
78026, ON APRIL 17, 2023 AT 6:00 P.M.

Present:
Mayor Robert Williams
Mayor Pro Tem Chester Gonzales
Councilmember Norma Q. Ortiz
Councilmember Karen Pesek
Councilmember Raul Morales

City Manager Bobby J. Martinez
Secretary Debbie G. Molina
Chief Eric Kaiser
Interim City Attorney Tom Cate

Not Present:
Councilmember Patricia J. Elizabeth
Tyruna-Daughtrey

CALL TO ORDER, INVOCATION, AND PLEDGES OF ALLEGIANCE
Mayor Williams called the meeting to order at 6:01 p.m. Laura Alvarez from the First Methodist Church gave the Invocation. Mayor Williams gave the Pledges of Allegiance.

1.1 HEARING OF RESIDENTS
Citizens Teresa Garvin, John Dinkelman, Leslie Gaither, Katrina Wiaterk, Deseree McClellan, Edward Cruz expressed concerns of back billing charges from old water meters.

Citizens Sharon Dornak asked for potholes repairs to be made at the intersection of Elm Street and Campbell Ave by the Methodist Church.

Assistant Fire Chief Jeff Rankin informed the Council that the fire department received the contract after their meeting, so they were not able to review the contract timely. Mr. Rankin stated that the contract named the firefighters as contractors. He was opposed of the title as “Contractors”.

Property owner Kathleen Welch told the Council that City Manager Bobby J. Martinez has been trying to assist her to get access to water for her property. She asked the Council to allow City Manager Bobby J. Martinez to move an existing water meter to her property. She also stated the cost would be paid by her to bore the water line across County Rd 430.

2.1 Mayor’s Presentation of a Proclamation for National Library Week 2023
Mayor Williams read a Proclamation for National Library Week 2023

2.2 Mayor’s Presentation of a Proclamation for Sexual Assault Awareness Month.
Mayor Williams read a Proclamation for Sexual Assault Awareness Month.

CONSENT AGENDA ITEMS

3.1 Action to approve the minutes for the Special Called Meeting for February 13, 2023, and Regular Called Meeting February 20, 2023.

A motion was made by Council Member Pesek and seconded by Council Member Morales to approve the minutes for the Special Called Meeting for February 13, 2023, and Regular Called Meeting February 20, 2023. The motion passed unanimously.

DISCUSSION ITEMS/CONSIDERATION
4.1 Finance Department Report: Utility Billing Update. (Vanessa Alvarado, Finance Director)

- Governance Letter- Internal Auditor
- TWDB May 2023 Water Audit
- My Water Advisor 2.0 App
- Hydro Pro Meter
- Accurate Meter Supply
- Legal Guidance, (Tom Cate, Interim City Attorney).

Finance Director Vanessa Alvarado informed the Council that City Auditor Armstrong, Vaughn found a material weakness in internal controls associated with the previous practice of averaging water utility consumption, the year ended September 30, 2021. She stated the material weakness will be written up again for the year ending September 30, 2022.

Daniel Trevino, Distributor for Hydro Pro Meter, informed the Council that all the meters are tested to comply with all standards. He explained how the decimal can be programmed. Mr. Trevino informed everyone that there is an App available for customers to see their hourly, daily, and monthly water usage. This App is called, “My Water Advisor 2.0.”

Caleb Burson from Accurate Meter Supply informed the Council how Accurate Meter Supply removed the old meters and installed the new meters. He explained that pictures of the old meters were taken before the installation. The files were entered into the software then installed to Incode by city staff.

Interim City Attorney Tom Cate stated that the city is legally responsible for failing to collect water and sewer per the 2020 Water and Wastewater Rate Study approved by Council to pay the water and sewer account which funds our wells and sewer system. He added, “Per the Texas Constitution, the city can’t waive undercharged or underpaid utility bills.” In conclusion, Cate informed the Council that his role as the city attorney is to make sure that the city council is aware of the applicable law in this situation.

4.2 Discussion and possible action regarding waiving any possible back billing of consumers for water usage for the previous twelve-month period and providing refunds to consumers for any possible overcharges for water usage for the previous 12 months period:

Mayor Williams informed Mayor Pro Tem Gonzales that he was recusing himself for agenda item 4.1. Mayor Pro Tem Gonzales conducted the meeting. Mayor Pro Tem Gonzales advised the Council that Mayor Williams had a back billing on his water bill so he recused himself because it would be a conflict of interest.

Council Member Peake stated due to the overwhelming inconsistency in water billing data from the city, she made a motion for the City not to collect back billing charges made to water customers from the old meters for the previous twelve months period and to start billing of water usage from the zero reading of the new smart meters. The motion was seconded by Council Member Ortiz.

After discussion from the Council, Mayor Pro Tem Gonzales asked for the Council’s vote. The motion passed unanimously.

Mayor Williams reconvened the meeting.

4.3 Discussion and possible action request of Larry Pryor to be exempt from paying his March 30, 2023 $450.69 utility bill which qualifies for a utility payment plan:
Mayor Williams stated that no action would be taken because Agenda item 4.2 resolved Mr. Larry Pryor’s request.

4.4 Public hearing, discussion and possible action to approve or deny an application for a preliminary final plat for Cepillo Ridge Phase 2, a single-family residential property, and legally described as ABS A01239 J POITEVENT SV-1 and located off of Champion Drive and Highway 97. The applicant, Lennar Homes of Texas Land & Construction, is requesting the recommendation for the final plat of Cepillo Ridge Phase 2:

Mayor Williams opened the public hearing at 7:49 p.m.

Code Compliance Specialist Rachel Garza informed the Council that Lennar Homes submitted a preliminary final plat for Cepillo Ridge Phase 2.

Mayor Pro Tem Gonzales asked if any retention ponds would be developed in Phase 2. Derrick Stavinoha from Lennar Homes stated that there were none.

Property owner Tommy Tymrak questioned the fencing surrounding the subdivision because of traffic and access to the subdivision. Mr. Stavinoha stated that there would only be an entrance from Olive Street and Champion Drive. The entire subdivision surrounding would be fenced.

Mayor Williams closed the public hearing at 7:54 p.m.

A motion was made by Council Member Morales and seconded by Council Member Ortiz to approve an application for a preliminary final plat for Cepillo Ridge Phase 2, a single-family residential property, and legally described as ABS A01239 J POITEVENT SV-1 and located off of Champion Drive and Highway 97. The applicant, Lennar Homes of Texas Land & Construction, is requesting the recommendation for the final plat of Cepillo Ridge Phase 2. The motion passed unanimously.

4.5 Public hearing, discussion and possible action to approve or deny an application to rezone a C-Commercial property, legally described as 702 Orange St., block 143, Lots 2, 4 & 6, to a Single Family Residential (SF-1) to remodel and sell the existing home as a residential home. The applicant, BIA Investments is requesting the rezone from C- Commercial to Single Family Residential:

Mayor Williams opened the public hearing at 7:54 p.m.

Applicant Blandon DeWild from BIA Investments was presented. He informed the Council that the manufactured home would be removed from the property. The house would be renovated into a three (3) bedroom, two (2) bath, and will be sold as a single-family residential home.

Citizen Johnnetto Goetsel questioned if the contractors for the house would place precaution signage because children after school walk by the house. Mr. DeWild assured her that they would.

Citizen Alexi Stamper was in favor because it would improve the neighborhood.

Property owner Tommy Tymrak was in favor of renovating the house. He was opposed of rezoning the property and made a recommendation to keep the property as residential instead of Commercial.

Property owner Katrina Wistrek was in favor, but expressed concern property taxes would increase when the rezone was permitted.

Code Compliance Specialist Rachel Garza stated the house became non-conformed when the residence became vacated.

Mayor Williams closed the public hearing at 8:09 p.m.
A motion was made by Mayor Pro Tem Gonzales and seconded by Council Member Ortiz to approve an application to rezone a C-Commercial property, legally described as 702 Orange St., block 143, Lots 2, 4 & 6, to a Single Family Residential (SF-1) to remodel and sell the existing home as a residential home. The applicant, BIA Investments, is requesting the rezone from C- Commercial to Single Family Residential. The motion passed unanimously.

4.6 Discuss and take action on Resolution authorizing the submission of an application, to include the Civil Rights Policies, for the 2023-2024 TxCDBG Community Development Fund competition:

City Manager Bobby J. Martinez informed the Council that the Texas Department of Agriculture requires the city to adopt a Resolution to authorize the submission of an application for the 2023-2024 Texas Community Development Block Grant Program. He said if the city got funded, the city would be responsible for a match of $25,000 (5%) of $500,000.

A motion was made by Council Member Pesek and seconded by Council Member Morales to approve a Resolution authorizing the submission of an application, to include the Civil Rights Policies, for the 2023-2024 TxCDBG Community Development Fund competition. The motion passed unanimously.

4.7 Discuss and take action on the Resolution authorizing signatories for the 2023-24 application and future grants administered through Texas Department of Agriculture TDA Go grants online:

City Manager Bobby J. Martinez informed the Council that the signatory authorization is to grant the signers for this application in addition to future CDBG grants that are processed through the TDA Go online grant portal. This will be cataloged to the City’s profile and remain in effect until the city changes officials.

A motion was made by Council Member Pesek and seconded by Council Member Ortiz to approve a Resolution appointing Mayor Robert A Williams, Mayor Pro Tem Gonzales, City Manager Bobby J. Martinez, and Finance Director Vanessa Alvarado as authorized signatories for the 2023-24 application and future grants administered through Texas Department of Agriculture TDA Go grants online. The motion passed unanimously.

4.8 Discussion and action to approve advertising for individuals who are interested in being appointed to the Jourdanton Planning and Zoning Commission to serve a three-year term beginning on June 1, 2023 through May 31, 2026, for two places on the commission stating that a submission of a letter of interest or application with resume is to be received at city hall by 3:00 p.m. on May 1, 2023:

Mayor Williams tabled agenda item 4.6 because Council Member Tymrak-Daughtrey was not present.

4.9 Consideration, discussion and possible action authorizing the City Manager to enter into a contract with the Jourdanton Volunteer Fire Department. (Continued Work in Progress):

City Manager Bobby J. Martinez informed the Council that a preliminary contract was delayed being sent to the Jourdanton Fire Department. Assistant Fire Chief Jeff Rankin noted numerous discrepancies in the contract. The Council and the Jourdanton Fire Department discussed the contract briefly; however, no resolution could be reached until both parties agreed.

No action was taken.
4.10 Consideration and Action to Adopt a Resolution in Support of SB 2434 sponsored by Senator Paul Bettencourt for the passage of SB 2434 by both the Texas Senate and the Texas House and to be signed by the Governor that eliminates SH 130 Municipal Management Districts from state law by calling for the "Mandatory Dissolution, Except as provided by Section 3971.0903, not later than January 1, 2024, to become effective as of September 1, 2023" because it is totally detrimental to the growth and development of municipalities, especially now that municipalities are have been prohibited by state law from involuntarily annexing around their legal boundaries without a voluntary petition from the affected property owners asking for themselves to be annexed into the municipality and to deliver our Resolution by email immediately after its Adoption to Senator Paul Bettencourt, Senator Peter Flores and each and every member of the Committee on Local Government:

Mayor Williams tabled agenda item 4.10 because Council Member Tymrak-Daughtrey was not present.

CITY MANAGER REPORTS

(Information provided to City Council. No discussion nor council action is expected or required)

5.1 Municipal Court
5.2 Police Department
5.3 Nueces River Authority (NRA)
5.4 M & S Engineering
5.5 6S Engineering
5.6 Freeland-Turk Engineering
5.7 Code Compliance and Permits
5.8 Finance Dept. March 2023 Financial and Accounts Payable Report. (unaudited)

City Manager Bobby J. Martinez presented the city manager's reports.

MAYOR AND CITY COUNCIL ANNOUNCEMENTS

6.1 Discussion and possible action of social calendar of events and city council's general announcements/information:

Executive Session

7.1 Mayor Request

None

RECONVENE IN OPEN SESSION.

At the conclusion of the closed session, the City Council shall reconvene in open session and may act on any matter lawfully discussed in closed session.

Council Member Perek invited everyone to come to the Jourdanton 1909 Founders Days on May 19th & 20th, 2023 in downtown Jourdanton. Council Member Morales informed everyone of ongoing school sports.

ADJOURN

A motion was made by Council Member Morales and seconded by Council Member Perek to adjourn. The motion passed unanimously.

Mayor William adjourned the meeting at 8:40 p.m.

Debbie G Molina, City Secretary           Robert A. Williams, Mayor