

**CITY OF JOURDANTON
BOARD OF ADJUSTMENTS
MEETING MINUTES AT JOURDANTON CITY HALL,
1604 SH 97 E, JOURDANTON, TEXAS 78026
JULY 18, 2022 AT 6:00 P.M AT CITY HALL**

Present:

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

Mayor Williams called the meeting to order and opened the public hearing at 6:00 p.m.

1.1 Public Hearing, discussion, and possible action on an application for a variance for property located at 328 Agave Circle., and legally described as Blk 3 LT 3 Jourdanton, TX, Atascosa County, Texas. The property is currently zoned Garden Home Single Family Residential. The applicant, Ty Thi Nguyen, is seeking a variance to the front property setback lines.

- **Applicable Code Provision**
Chapter 14 Zoning
Article 14.02
Section C, Subsection 4
Minimum front setback shall be 25 feet. Minimum Side setbacks shall be 5 feet, minimum rear setback shall be 10 feet.
- **Variances Requested**
Applicant is seeking a variance which would allow for the current setback lines be approved. Front setback was poured 1' outside of the 25' building line at the front elevation. Final survey attached.

Mayor Williams opened the public hearing at 6:01 p.m. Code Compliance Specialist Rachel Garza informed the Council that applicant Thi Nguyen applied for a variance for the front setback of 1' outside the 25' building line at the front elevation.

City Attorney Dan Santee advised the Council that the hardship is not the result of the applicant's own actions. The hardship was created by an error made by the Construction Manager and the Concrete Contractor setting the foundation forms in the wrong location which resulted in the minor encroachment into the front building setback. The error was not intentional and except for the location, the foundation was poured in compliance with the approved building permit. Santee read and agreed with each of the following criterias:

(1) There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Code to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;

(2) The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;

- (3) *The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;*
- (4) *Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;*
- (5) *Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;*
- (6) *The hardship or inequity suffered by petitioner is not self-induced;*
- (7) *The request for a variance is not based exclusively upon a desire from the petitioner for increased financial gain from the property, or to reduce an existing financial hardship; and*
- (8) *The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this Ordinance. The variance shall not permit a use for other than uses specifically authorized for the district within which the property is located.*

Jeff Sarver from Lennar Homes informed the Council the South Texas Engineering discovered the setback when they conducted a survey on May 6, 2022. He assured the Council that that was the only home that was constructed like that and future homes build would comply.

Mayor Williams closed the public hearing at 6:20 p.m.

1.2 Findings, conclusions and determination

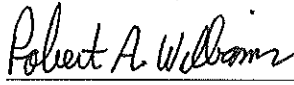
A motion was made by Council Member Tymrak-Daughtrey and duly seconded by Council Member Ortiz to approve an application for a variance for property to allow a front setback 1' out of the 25' building line at the front elevation located at 328 Agave Circle., and legally described as Blk 3 LT 3 Jourdanton, TX, Atascosa County, Texas. The motion passed unanimously.

1.3 Adjournment of the meeting of the Board of Adjustment

Mayor Williams adjourned the meeting at 6:25 p.m.



Debbie G Molina, City Secretary



Robert A. Williams, Mayor

**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 JULY 18, 2022 AT 6:00 P.M.**

Present:

<i>Mayor Robert Williams</i>	
<i>Mayor Pro Tem Chester Gonzales</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>Code Compliance Specialist Rachel Garza</i>
<i>Councilmember Karen Pesek</i>	<i>Chief Eric Kaiser</i>
<i>Councilmember Patricia J. Elizabeth</i>	<i>City Attorney Dan Santee</i>
<i>Tymrak-Daughtrey</i>	

CALL TO ORDER, INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor Williams called the meeting to order at 6:03 p.m. Father Isak Keymann of Saint Matthews Church gave the Invocation. Mayor Williams gave the Pledges of Allegiance.

HEARING OF RESIDENTS

Tommy Tymrak, President for the Jourdanton Volunteer Fire Department expressed concerned for an anonymously letter sent to three council members.

CONSENT AGENDA ITEM

2.1 Minutes – Approval of the minutes for the Regular Called Meeting June 6, 2022:

A motion was made by Council Member Morales and duly seconded by Council Member Pesek to approve the minutes for the Regular Called Meeting on June 6, 2022. Council Members Morales, Pesek, Ortiz, and Mayor Pro Tem Gonzales were in favor. Council Member Tymrak-Daughtrey was opposed. The motion passed.

ITEMS CONSIDERATION/DISCUSSION

3.1 Public hearing, discussion and possible action upon an Ordinance to approve or deny an application for a Special Use Permit for the property located at 1102 Magnolia St., and legally described as BLK 256 LT 2A, Jourdanton, Atascosa County, Texas. The property is currently zoned SF-GH Single Family-Garden Home Residential. The applicant, Peter Douglas is seeking a special use permit to allow a manufactured home on the property:

Mayor Williams opened the public hearing at 6:32 p.m. Rachel Garza informed the Commission that Peter Douglas applied to place a 2013 Fiesta Palm Harbor manufactured home at 1102 Magnolia. Peter Douglas was present. Garza informed the Council that the Planning and Zoning Commission made a recommendation to approve a special use permit to place the home. Mayor Williams closed the public hearing at 6:38 p.m.

A motion was made by Council Member Pesek and duly seconded by Council Member Ortiz to approve an Ordinance for a Special Use Permit to place a manufactured home at 1102 Magnolia St., and legally described as BLK 256 LT 2A, Jourdanton, Atascosa County, Texas. The motion passed unanimously.

3.2 Public hearing, discussion and possible action upon an Ordinance to approve or deny an application for a Special Use Permit for property located at 501 Chestnut St., and legally described as BLK 98 LTS 1 & 3, Jourdanton, Atascosa County, Texas. The property is currently zoned SF-1 Single - Family

Residential Property. The applicant, Vianeey R. Varnado is seeking a special use permit to allow a manufactured home on the property:

Mayor Williams opened the public hearing at 6:38 p.m. Code Compliance Specialist Rachel Garza informed the Commission that Peter Vianeey Varnado applied to place a 2022 "The" Pride manufactured home at 501 Chestnut Street. Vianeey Varnado was present. Garza informed the Council that the Planning and Zoning Commission made a recommendation to approve a special use permit to place the home. Mayor Williams closed the public hearing at 6:43 p.m.

A motion was made by Mayor Pro Tem Gonzales and duly seconded by Council Member Morales to approve an Ordinance for a Special Use Permit to place a manufactured home at 501 Chestnut St., and legally described as BLK 98 LTS 1 & 3, Jourdanton, Atascosa County, Texas. The motion passed unanimously.

- 3.3 Public hearing, discussion and possible action upon an Ordinance to approve or deny an application for a Special Use Permit, to allow a Mobile Food Vendor on the commercial property legally described as BLK 184, LTS 14 & 16, Jourdanton, Atascosa County, Texas. The property is currently zoned C-Commercial. The applicant, Tomalisa Properties LP, is seeking a Permit to allow a Mobile Food Vendor on commercial property:**

Mayor Williams opened the public hearing at 6:44 p.m. Code Compliance Specialist Rachel Garza informed the Commission that Katrina Wiatrek applied for a special use permit to allow a Mobile Food Vendor at 1210 Brown Ave. owned by Tomalisa Properties LP. Katrina Wiatrek was present. Garza informed the Council that the Planning and Zoning Commission made a recommendation to approve a special use permit to allow a Mobile Food Vendor at 1210 Brown Ave. Mayor Williams closed the public hearing at 6:52 p.m.

A motion was made by Council Member Pesek and duly seconded by Council Member Ortiz to approve an Ordinance for a Special Use Permit, to allow a Mobile Food Vendor on the commercial property legally described as BLK 184, LTS 14 & 16, Jourdanton, Atascosa County, Texas. The motion passed unanimously.

- 3.4 Public hearing, discussion and possible action upon an Ordinance to approve or deny an application to rezone the property located at 1610 Marion and legally known as BLK 16, LTS S57 of 10, 12, 14, & 16, from a SF1-Single Family Residential to a SF-GH, Single family, Garden Home District. The applicants Brian & Sherry Johnson will be moving the existing building to meet the Garden Home set back lines:**

Mayor Williams opened the public hearing at 6:57 p.m. Code Compliance Specialist Rachel Garza informed the Commission that Brian and Sherry Johnson applied to rezone the property located at 1610 Marion from a SF1-Single Family Residential to a SF-GH, Single Family-Garden Home. Brian and Sherry Johnson were present. Garza informed the Council that the Planning and Zoning Commission made a recommendation to approve to rezone the property from a SF1-Single Family Residential to a SF-GH, Single Family-Garden Home. Mayor Williams closed the public hearing at 7:09 p.m.

A motion was made by Council Member Morales and duly seconded by Council Member Pesek to approve an Ordinance to rezone the property located at 1610 Marion and legally known as BLK 16, LTS S57 of 10, 12, 14, & 16, from a SF1-Single Family Residential to a SF-GH, Single family, Garden Home District. Council Members Morales, Pesek, Ortiz, and Mayor Pro Tem Gonzales were in favor. Council Member Tymrak-Daughtery was opposed. The motion passed.

- 3.5 **Presentation on capital improvement financing options by Mark McLiney with SAMCO Capital Markets, the city's financial advisor, providing the city staff and financial advisor with any direction to implement a financing plan and other matters related thereto:**

Bond Counselor Mark McLiney with SAMCO Capital Markets made a presentation to implement a financing plan regarding possible fund options for the streets within the city. McLiney presented a power point and explained that a General Obligation bond could be supported by the taxpayers. This bond would require a bond election. The second option would be to draw a Certificate of Obligation Bond. (CO). The City Council could approve an ordinance for a CO if no more than 5% of registered voters sign a petition against it.

No action was taken.

- 3.6 **Discussion and possible action on Guido Company Change Order No. 9, COR 19 Installation of Check Valves in the amount of \$4,768.72 and COR 21 Credit to Reinstall Existing Pool Slides in the amount of \$2,067.65 for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project for a net change order in the amount of \$2,701.07:**

A motion was made by Mayor Pro Tem Gonzales and duly seconded by Council Member Morales to approve Guido Company Change Order No. 9, COR 19 Installation of Check Valves in the amount of \$4,768.72 and COR 21 Credit to Reinstall Existing Pool Slides in the amount of \$2,067.65 for the Municipal Swimming Pool, Splash Pad & Associated Amenities Project for a net change order in the amount of \$2,701.07. Mayor Pro Tem Gonzales, Council Members Morales, Pesek, Ortiz were in favor. Council Member Tymrak-Daughtery was opposed. The motion passed.

- 3.7 **Discussion and Action to Recall the City's Representative to the Atascosa Central Appraisal District Board of Directors, Susan Netardus, and that her recall shall be effective as of the date and time of the vote of a majority of the city council members:**

A motion was made by Council Member Tymrak-Daughtrey to approve a Resolution to recall the City's Representative to the Atascosa Central Appraisal District Board of Directors, Susan Netardus, and that her recall shall be effective as of the date and time of the vote of a majority of the city council members. The motion died for lack of a second.

- 3.8 **Discussion and Action to Appoint a Representative to the Atascosa Central Appraisal District Board of Directors and that such appointment shall be effective as of the date and time of the vote of a majority of the city council members:**

No action was taken since agenda item 3.7 died for lack of a second.

- 3.9 **Discussion and possible action on an Ordinance ordering a General City Election to be held on November 8, 2022 for the purpose of electing a Mayor and two Council Members; establishing the time and place for early voting and election day:**

City Secretary Debbie Molina presented an Ordinance ordering a General City Election to be held on November 8, 2022 for the purpose of electing a Mayor and two Council Members; establishing the time and place for early voting and election day. Molina informed the Council that Early voting would start on Monday, October 24, 2022 and end on Friday, November 4, 2022. There will be two extended hours from 7:00 AM TO 7:00 PM. The extended hours will be Tuesday, October 25, 2022 and Tuesday, November 1, 2022.

A motion was made by Council Member Pesek and duly seconded by Council Member Tymrak-Daughtrey to approve an Ordinance ordering a General City Election to be held on November 8, 2022 for the purpose of electing a Mayor and two Council Members; establishing the time and place for early voting and election day. The motion passed unanimously.

3.10 Discussion and possible action on authorizing the Mayor to enter a contract with Atascosa County Election Administrator for administration of a General City Election to be held on November 8, 2022:

City Secretary Debbie Molina presented a Joint Election Service Contract with the Atascosa County Elections Officer and Report of Contract Expenses for County Election Services. Molina told the Council if the City holds a General Election, the total fiscal impact would be \$7,796.80.

A motion was made by Council Member Morales and duly seconded by Council Member Tymrak-Daughtrey to approve to authorize the Mayor to enter a contract with Atascosa County Election Administrator for administration of a General City Election to be held on November 8, 2022. The motion passed unanimously.

EXECUTIVE SESSION

4.1 The City Council will convene in closed session on the following item:

- a. Pursuant to Government Code section 551.074 of the Texas Government Code City of Jourdanton Council will convene in executive session in accordance with 551.074 Personnel Matters to update Council on the city manager process from Public Safety Solutions, LLC:

Mayor Williams recessed at 8:12 p.m.

4.2 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.

Mayor Williams reconvened the meeting at 8:42 p.m. Mayor Williams stated that no action was taken.

STAFF/BOARD REPORTS

5.1 City Manager, Lamar Schulz will update the City Council on the following (no action)

- a. Aquatic Center/ Monday, July 4 2022
- b. Cybersecurity Training
- c. CDBG 7220220 Waterline Project (Palmetto)
- d. Animal Control Training
- e. Bulk/Brush Pick Up
- f. Public Works Department
- g. New City Employees.

City Manager Lamar Schulz read the city manager's report.

MONTHLY REPORTS (Information available in City Council Packets. No Discussion or action to occur)

6.1 Police, Utility Billing, Code Compliance, Permits, and Atascosa Animal Control

6.2 June 2022 Financial and Accounts Payable Report. (unaudited)

The monthly reports were presented.

CITY COUNCIL REQUESTING AND ANNOUNCEMENTS

- 7.1 Discussion and possible action of social calendar of events:**
Mayor Williams stated that the first day of school will start on August 8, 2022.

ADJOURN

- 8.1 Adjourn.**
A motion was made by Council Member Morales and duly seconded by Council Member Ortiz to adjourn. Mayor Williams adjourned the meeting at 8:46 p.m. The motion passed unanimously.



Debbie G Molina, City Secretary



Robert A. Williams, Mayor