



City of Pattison
P.O. Box 223
Pattison, TX 77466
281-934-3715

Website: www.pattison.texas.gov

City Council Meeting Minutes February 2, 2023

I. Call Meeting to Order

The City Council meeting of the Pattison City Council was called to order by Mayor Joe Garcia at 7:00 p.m. at the City of Pattison City Hall, located at 3410 1st Street, Pattison, Texas 77466.

Members Present:

Mayor Joe Garcia, Councilmembers: Wayne Kircher, Robert MacCallum, Seth Stokes, Frank Cobio, Randall Flowers.

Also, Present: City Secretary, Lorene Hartfiel; City Attorney, Tim Kirwin; Jeff Cannon, LJA Engineering; Debra Reyes, Israel Reyes, Mr. & Mrs. Damian Huerta,

II. Pledge of Allegiance

Mayor Garcia led the pledges.

III. Citizens Comments – No action can be taken

Israel Reyes asked about the Right of Way between his house and Bill Kitzman's property, that belongs to the city. He stated that he would be interested in purchasing it if the city decides to sell.

IV. Council to approve agenda.

Mayor Garcia asked for a motion for the Council to approve the agenda as presented. Councilmember Kircher made a motion that the agenda be approved as presented, seconded by Councilmember Cobio. The motion passed unanimously.

V. Declare Conflicts of Interest

None declared.

VI. Consent Agenda

Mayor Garcia asked for a motion for the Council to approve the consent agenda as presented. Councilmember Kircher Councilmember Kircher made a motion that the consent agenda be approved as presented, seconded by Councilmember Cobio. The motion passed unanimously.

VII. Business

1. Public Hearing on requests for annexation into the City of Pattison:
 - a. Pursuant to Texas Local Government Code, Chapter 43 (Subchapter C-3), the City Council of the City of Pattison, Texas, ("City") will hold a Public Hearing to hear public comments from any persons interested in



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the annexation the opportunity to be heard regarding the institution of voluntary (consent) annexation proceedings to enlarge and extend the corporate and territorial boundary limits of the City to include approximately 1.4905 acres, more or less, out of 5.4901 acres tract so that all 5.4901 acres will be annexed into the City of Pattison. Property owned by David Borg and located near Ave J and 7th Street, Pattison, Texas 77423.

- b. Pursuant to Texas Local Government Code, Chapter 43 (Subchapter C-3), the City Council of the City of Pattison, Texas, ("City") will hold a Public Hearing to hear public comments from any persons interested in the annexation the opportunity to be heard regarding the institution of voluntary (consent) annexation proceedings to enlarge and extend the corporate and territorial boundary limits of the City to include approximately 1.000 acres, more or less, out of a 20.0413-acre tract of property owned by Juan Flores and BreeAnn Flores and located near Clapp Road and FM 359, Pattison, Texas 77423.

Mayor Garcia called to order a Public Hearing on the above referenced annexation requests at 7:07 p.m.

Councilmember Flowers asked to confirm that the annexation requests are voluntary. Mayor Garcia verified that both annexations are voluntary requests. City Attorney Kirwin confirmed the process of annexation.

The hearing was closed at 7:09 p.m.

2. Council to discuss and take possible action regarding **Ordinance #162** annexing into the corporate and territorial limits of the City of Pattison **approximately 1.4905 acres, more or less, out of 5.4901 acres tract so that all 5.4901 acres will be annexed into the City of Pattison. Property owned by David Borg and located near Ave J and 7th Street, Pattison, Texas 77423.**

Mayor Garcia made the recommendation to approve the above referenced ordinance. Councilmember Kircher made a motion to approve the above referenced ordinance. Councilmember Cobio seconded the motion. The motion passed unanimously.

3. Council to discuss and take possible action regarding **Ordinance #161** annexing into the corporate and territorial limits of the City of Pattison **approximately 1.000 acres, more or less, out of a 20.0413-acre tract of property owned by Juan Flores and BreeAnn Flores and located near Clapp Road and FM 359, Pattison, Texas 77423.**



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Mayor Garcia made the recommendation to approve the above referenced ordinance. Councilmember Stokes made a motion to approve the above referenced ordinance. Councilmember Flowers seconded the motion. The motion passed unanimously.

4. Council to discuss and take possible action regarding a request to allow 3211 3rd Street septic lines to run through the alleyway between 3rd Street and 4th Street.

Mayor Garcia made the recommendation to allow 3211 3rd Street septic lines to run through the alleyway between 3rd Street and 4th Street. Councilmember Stokes asked for clarification regarding the location and that the city is not abandoning an alleyway. Councilmember Flowers asked for the dimensions of the pipe. He was directed to the documents in the agenda packet. Councilmember MacCallum asked for future discussions on the city's alleyways. Mayor Garcia stated that in the past when citizens have come before the city council for approval to go through alleyways they have been approved. Councilmember Kircher made the motion to allow 3211 3rd Street septic lines to run through the alleyway between 3rd and 4th Street. Councilmember Cobio seconded the motion. The motion was passed unanimously.

5. Council to discuss and take possible action regarding the 2509 Wilpitz Road, Hardship Permit extension request.

Damian Huerta of 2509 Wilpitz Road requested a Hardship Permit extension request. The current permit will expire in June 2023. They have not been able to install the mobile home as was intended. Because of restrictions on the title warranty, they cannot build a home until they have owned the property for two years. They are continuing to clean the property. The City Attorney asked for clarification regarding the time of extension will be June 2024. Councilmember Stokes asked for clarification that they will be able to get their home built by June 2024. Mayor Garcia clarified with Mr. Huerta that he will need to be finished by June 2024 and they will not be able to have their temporary housing on the property after June 2024.

Mayor Garcia made the recommendation to grant an extension for the Hardship Permit for Damian Huerta at 2509 Wilpitz Road, to June 2024. Councilmember Kircher made the motion to grant extension of the Hardship Permit as stated above. Councilmember Kircher made the motion to grant an extension for the above referenced. Councilmember Stokes seconded the motion. The motion passed unanimously.

6. Council to discuss "Bring Your Own Beer and Wine" (BYOB) ordinance.

City Attorney discussed different ordinances and regulations regarding permitting to allow BYOB.



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Mayor Garcia made the council aware of an establishment in the city that is planning on having BYOB during dinner. Councilmember Kircher asked if there is a reason to have an ordinance regulating BYOB. Councilmember Stokes stated the example says that a food permit was required to be in place before a BYOB would be allowed.

Mayor Garcia stated concerns that this would not be regulated by TABC. Councilmember Flowers asked what the establishment's responsibilities are. City Attorney, Kirwin stated that the city would not be liable.

Councilmember Stokes stated concerns that he didn't want it to be used as loophole to avoid TABC licensing and regulations. Councilmember Kircher asked if the City Attorney could come up with an ordinance for discussion. Councilmember Stokes stated that if there is not a liability to the city, then what would it matter if the entity provided this for their customers.

Mayor Garcia stated that the permit process could be tied to having a food permit, the BYOB permit would have to be renewed when the food permit is renewed. Councilmember Stokes asked if we need to open this door. Councilmember MacCallum stated why do we need to know about it, if it's being allowed by the state. Mayor Garcia thinks that a process should be in place. Councilmember Stokes asked if the ordinance could keep them from having BYOB. City Attorney, Kirwin stated that the state allows them to have BYOB, but the city can regulate it to an extent.

No action taken.

7. Council to discuss and take possible action regarding amending the ordinance regulating outdoor burning.

City Attorney, Kirwin discussed the outdoor burning regulations, listing items that are allowed and not allowed. Councilmember Flowers recommended that Green Waste and Domestic Waste be separated. City Attorney, Kirwin stated that the state law and TCEQ regulations have a specific definition regarding domestic waste. Councilmember MacCallum stated concerns regarding the difference of opinion of what a nuisance is. Councilmember Flowers stated that the nuisance is the smoke. Code Enforcement Officer, Witte stated that if the wind is at a certain speed you can't burn, which would create a nuisance if burning. Councilmember Kircher stated his concern regarding the health concerns from burning. Councilmember MacCallum stated that if you move to the country there are certain things that are done differently than the city and have always been done that way. Councilmember Kircher stated that he thinks it's important to regulate the size of the bonfire. Councilmember MacCallum is concerned about regulating burning on other peoples property, although the property belongs to other family members. He is concerned about overregulating. Code Enforcement Officer, Witte, states that the TCEQ regulations have to be followed. The city cannot pick and



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choose what they want from the regulations. Mayor Garcia stated that some burning can become a nuisance and that some burning should be allowed within reason. He is encouraging the council to agree to some carve outs for the ordinance. Councilmember Stokes is concerned regarding the term nuisance. That it could be taken to a point that anything little thing that a person is offended by, they can call it a nuisance. He thinks that there can be too many ordinances and laws. Councilmember MacCallum was in agreement. Councilmember Kircher recommended that the City Attorney prepare an ordinance with the carveouts. City Attorney, Kirwin stated that the nuisance complaints will be addressed by the code enforcement officer, and they can determine if it is a nuisance or not.

No action taken.

8. Council to Order an Election for May 6, 2023.

No action taken.

9. Council to discuss and take possible action on a RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT WITH WALLER COUNTY ELECTIONS FOR THE MAY 6, 2023, ELECTION.

Mayor Garcia made the recommendation to approve **RESOLUTION 2023-001 TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT WITH WALLER COUNTY ELECTIONS FOR THE MAY 6, 2023, ELECTION**. Councilmember Kircher made the motion to approve the above Resolution 2023-001 as stated above. Councilmember MacCallum seconded the motion. The motion passed unanimously.

10. Council to discuss and take possible action regarding an Engagement Agreement with Lloyd Gosselink Rochelle & Townsend, P.C. for franchise legal work.

City Attorney Kirwin stated that he does not have experience in Franchise Fees. He recommends this law firm to negotiate the franchise fee agreements. Mayor Garcia made the recommendation regarding an Engagement Agreement with Lloyd Gosselink Rochelle & Townsend, P.C. for franchise legal work. Councilmember Kircher made the motion as stated above. Councilmember Cobio seconded the motion. The motion passed unanimously.

11. Council to discuss and take possible action regarding the Zoning survey.

Mayor Garcia made the recommendation to approve the Zoning survey based on city attorney's revisions regarding the wording on question number 2. Councilmember Kircher made the motion to approve the Zoning survey as stated above. Councilmember Cobio seconded the motion. The motion was passed unanimously.



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12. Council to discuss and take possible action regarding the upcoming Waller County 150th Anniversary Celebration.

Mayor Garcia made the recommendation to have a branding party in the City of Pattison on May 1, 2023. We will have two branding boards, 1 for the city and 1 for the county. The budget not to exceed \$3,000.00. Councilmember Kircher made the motion as stated above. Councilmember Flowers seconded the motion. The motion passed unanimously.

13. Council to discuss and take possible action regarding the City Hall remodel project.

Mayor Garcia made a recommendation to change the bid specs to divide the city hall remodel project into two parts. Councilmember Kircher made a motion as stated above. Councilmember Cobio seconded the motion. The motion passed unanimously.

14. Mayor to give an update on and discussion of:

- TXCDBG 21-22 Waterline Improvement Grant
 - The bids will be opened on February 6, 2023, at the city hall by the engineer. The bid will be awarded at the February 16, 2023 meeting.
- HMA Grant Update
 - The grant has not been approved yet.
- Special City Council meeting February 2023
 - A special meeting will be scheduled for February 16, 2023.
- Street Signs
 - Working on getting pricing for signs and posts.

15. Request from council for future agenda items, announcement, and comments.

- Brookshire/Pattison ETJ
- Grants
- Bid Award
- Order Election

VIII. EXECUTIVE SESSION:

The Executive Session of the City Council was called to order by Mayor Garcia at 8:30 p.m.

Texas Government Code, Section 551.074. PERSONNEL MATTERS; CLOSED MEETING. The City Council may meet in a closed, executive session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

- City Engineer



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The Executive Session was adjourned at 9:08 p.m.


IX. Reconvene:

Reconvened into regular session at 9:08 p.m. to consider action, if any, on items discussed in Executive Session.

Mayor Garcia made recommendation to hire LJL Engineering with Craig Kalkomey as the designated representative for the City Engineer. Councilmember MacCallum made a motion to hire LJL Engineering with Craig Kalkomey as the designated representative for the City Engineer. Councilmember Kircher seconded the motion. The motion passed unanimously.

X. Adjourn meeting.

The meeting was adjourned at 9:09 p.m.



Mayor, Joe Garcia

Attest:


City Secretary, Lorene Hartfiel