



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

Website: www.pattison.texas.gov

Special City Council Meeting Minutes February 16, 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

Also, Present: City Secretary, Lorene Hartfiel; City Attorney, Tim Kirwin; Quiddity Engineer, Josh Netardus; Princella Lazard, Joe Amos

Not Present:

Councilmember Randall Flowers

II. Pledge of Allegiance

Mayor Garcia led the pledges.

III. Citizens Comments – No action can be taken

None

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. Business

1. Council to discuss and take possible action regarding the bid award for the 2021-2022 TXCDBG Waterline Project.

Josh Netardus, Quiddity Engineering (Engineer) presented the bid award for the TXCDBG 2021-2022 Waterline Project. Six contractors submitted proposals for this work. G&A Boring Directional, LLC (G&A) submitted the lowest bid in the amount of \$187,000. However, a bid error was discovered upon review of the bids. They chose to voluntarily withdraw their bid. ISJ Underground Utilities, LLC (ISJ) submitted a bid in the amount of \$197,685 and bid plus alternate amount of \$262,300. Their qualifications were checked, and Quiddity Engineering has worked with them in the past and find them to be an acceptable contractor. This project is funded with a



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GLO/HUD/TDA grant with a construction amount of \$277,000. Quiddity Engineering recommends the City award the contract to ISJ Underground Utilities, LLC on the basis of their base bid plus alternate proposal in the amount of \$262,300.

The project that was submitted for the grant was from the Water Plant to Ave F, South to 6th Street, West to Ave J, then the North waterline on FM 359.

The bid process was divided into two phases because of the increase in construction costs.

The base bid was Ave J to 6th Street. The alternate bid included Water Plant to Ave F, South to 6th Street, then the North waterline on FM 359. The bid from ISJ covered both phases of the project.

Mayor Garcia asked for clarification that the fire hydrants and the project submitted is what is included in the bid. Netardus confirmed the fire hydrants and the project submitted is everything that was approved.

Mayor Garcia made the recommendation to award the TXCDBG 2021-2022 Waterline Project bid to ISJ Underground Utilities, LLC as stated above and that the contract be executed subject to the City Attorney's approval and that once the contract has been approved by the City Attorney that the mayor will have the authority to sign the contract. Councilmember MacCallum made the motion to award the bid as stated above. Councilmember Kircher seconded the motion.

Councilmember Stokes asked for clarification that Quiddity was Jones and Carter. The engineer confirmed that Jones & Carter is now Quiddity. He was also concerned regarding the liability for the city. The City Attorney stated that it is not the city's infrastructure, and the contractor has a one-year performance bond. The engineer stated that there will be inspectors monitoring the activities and the contractor also has a one-year maintenance bond. Mayor Garcia stated that once the project is completed Pattison Water Supply Company has agreed to maintain the waterline.

The motion passed unanimously.

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

Mayor Garcia gave a report on the following:

- a) The City Attorney is reviewing the RFQ from Calyx Design Studios.
- b) The remodel will be a 2-phase project to allow the office to remain at the city hall.
- c) Mayor Garcia asked that the city cancel the storage contract with Royal Storage.



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- d) The Pattison United Methodist Church has agreed to let the city use the fellowship hall for City Council meetings.
- e) The city needs to consider where to store the furniture and the records during the remodel.

Pattison United Methodist Church Fellowship Hall:

Mayor Garcia made the recommendation to hold the city council meetings at the Pattison United Methodist Church during the remodel and to pay a fee of \$500.00 a month as agreed to by the church. Councilmember Kircher made the motion to rent the fellowship hall from the church as stated above. Councilmember MacCallum seconded the motion. The motion passed unanimously.

Royal Storage Rental Unit

Mayor Garcia made the recommendation to cancel the storage unit with Royal Storage. Councilmember Kircher made the motion to cancel the storage unit with Royal Storage. Councilmember Stokes seconded the motion. The motion passed unanimously.

- 3. Council to Order an Election for May 6, 2023.

Mayor Garcia made the recommendation to Order an Election for May 6, 2023. Councilmember Kircher made the motion to Order an Election for May 6, 2023. Councilmember Cobio seconded the motion. The motion passed unanimously.

- 4. Council to discuss and take possible action regarding annual septic contract for city hall.

Mayor Garcia made the recommendation to sign the annual septic contract with Ace Environmental for a 2 year contract at 160.00 per year. Councilmember Kircher made the motion to authorize the mayor to execute the septic contract with Ace Environmental. Councilmember MacCallum seconded the motion. The motion passed unanimously.

- 5. Council to discuss and take possible action regarding the Professional Services Agreement with LJA Engineering.

Mayor Garcia made the recommendation to authorize the mayor to execute the Professional Services Agreement with LJA Engineering following the approval of the City Attorney. Councilmember Kircher made a motion to authorize the mayor to execute the contract as stated above. Councilmember MacCallum seconded the motion. The motion passed unanimously.



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6. Council to discuss and take possible action regarding tree trimming on Ave J.

Mayor Garcia made the recommendation to accept the tree trimming proposal from Bruess Tree Service for Ave J, from 3rd to 4th Street for \$4,800.00 and to cap the cost at \$5,000.00 to cover the cost of the debris disposal fee. Councilmember Kircher made a motion to accept the tree trimming proposal as stated above. Councilmember Cobio seconded the motion. The motion passed unanimously.

7. Council to discuss and take possible action regarding Ave G.

Mayor Garcia made the recommendation to pave Ave G from FM 359 to 7th Street and to get an updated proposal from Sealy Paving, not to exceed \$36,000.00. Councilmember Kircher made a motion to pave Ave G as stated above. Councilmember Cobio seconded the motion. The motion passed unanimously.

8. Council to discuss and take possible action regarding the ETJ with the city of Brookshire and the City of Pattison.

The City Attorney will contact the City of Brookshire's City Attorney to check on the status.

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

Mayor Garcia discussed the city will hold a Branding Party on May 1, 2023, for the Waller County 150th Anniversary Celebration. Waiting to hear from Judge Duhon regarding the size of the board that can be hung in the courthouse, to brand with the legacy brands. There will also be a parade on Saturday, April 29, 2023, in Hempstead.

No action taken.

10. Council to discuss the Pattison Water Supply Company board election.

Councilmember Stokes discussed his concerns regarding the vote from the city that was placed for the Pattison Water Supply Company without the council's approval. Councilmember MacCallum stated that it has never been done before. He has been on the board for 14 years and has never had that happen or had people send out messages and letters. Councilmember Cobio asked for clarification regarding Councilmember MacCallum's comment about what he meant. Councilmember MacCallum explained that a letter was sent out from Kay Schearer stating that she and Mayor Garcia recommended Rick MacDonald. Rick MacDonald sent out a letter stating his



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credentials. That in his 14 years of being on the board this has never happened before. He was concerned about that. Mayor Garcia stated the city received a ballot. Councilmember MacCallum stated the city has never voted before. Mayor Garcia said that the city had never received a ballot before. The city has had a meter since 2017 and he is not aware that a ballot had ever been received by the city before. Councilmember Stokes asked if there had been a contested election since then. Councilmember MacCallum stated that a letter is sent to every meter, but if there is not a contested position then a ballot will not be sent out. Mayor Garcia restated that the city had never received a ballot before. The city secretary gave the mayor the ballot that had been received in the mail. He set it on his desk. The February city council agenda had already been sent out. On the day before the election he gave it to the city secretary that if she would like to vote she could and that he was not going to vote. He did not personally vote with the city's ballot. The ballot was retrieved from the Pattison Water Supply Company. He spoke with the City Attorney and going forward anything like that with a vote will go before the council for approval. The ballot was not counted as it had been recovered. Councilmember Stokes stated that regardless if it was counted or not it was tried. Everything else that we do is voted on by council. The mayor does not even get a vote unless there is a tie.

Councilmember Kircher asked Councilmember Stokes how did he find out about the city voting. Is there someone in the water supply office that needs to be fired for giving out election information to anybody. Councilmember Stokes stated "no". As an elected official he called the water supply office and asked them that if the city places a vote then he wanted to know about it. That's nothing private, they didn't open it and tell him about so and so voted for so and so. He had the right to know whether a vote came out of the city or not. How is that not a right.

Councilmember Kircher said that is election information that should not be given out. Councilmember Stokes then asked why did the mayor go over there and demand their customer list. Councilmember Kircher asked for what. Councilmember Stokes responded with so they could start campaigning. Councilmember MacCallum stated the Rick MacDonald sent out a bunch of letters even to dead people. The mayor stated that if they are going to talk about the mayor that he was there to defend himself. He thinks it's important that everyone here know that Councilmember Stokes was a candidate in the election. As a candidate in the election he was not only involved in the ballot process and that there is an incompatibility when you take your position as a city council member to use it as a benefit as a candidate. Councilmember Stokes asked how did he benefit. Mayor Garcia asked "did every candidate get the same information and have the same conversation that he got"? Councilmember Stokes asked what conversation, that a ballot showed up from the city? Mayor Garcia responded with "about the ballot".



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Mayor Garcia responded to Councilmember MacCallum's comment about the mayor demanding the customer list. That is public information. He asked if there was public information available. As far as dead people receiving letters that list needs to be updated by the water supply company. There were a number of people on the list that are not current. Councilmember MacCallum stated that a person can go to the county and request a list of registered voters. Councilmember Stokes stated that is for a municipal election. The water supply is a corporation, that's a customer list. Councilmember MacCallum responded with it's a private corporation. Mayor Garcia stated that he is a member of that corporation. He did not demand anything. He asked if the list was public information and was it available. Councilmember MacCallum stated he was sure it is. Mayor Garcia stated that the fact that no one has asked for that information before does not make it not important. Any reflection on the quality of the list for the water supply is a reflection on them because he did not prepare the list.

Mayor Garcia directed to Councilmember Stokes that when as a candidate he used his position as a city council member to benefit himself. Councilmember Stokes asked how did he benefit? Mayor Garcia responded that we are having this conversation and he is a candidate. Councilmember Stokes stated that we are having this conversation because the mayor overstepped his authority. Mayor Garcia stated that he did not agree with that. Councilmember Stokes stated that the mayor was not given the authority to make that vote. Even if he said he did not make that vote he did have the authority to give her that authority to make that vote to speak for the city. Mayor Garcia stated that Stokes did not have the authority to get involved with the ballots that are being cast in an election that you are a candidate.

Councilmember MacCallum clarified that each ballot had to have the meter number on the envelope. Some votes were disqualified because people were concerned that it was not a secret vote. The office does not count the ballots. The ballots are turned over to an outside person. The meter number is not matched up to the vote. It is only used to verify a valid vote. Councilmember Stokes asked about the email that was sent out. Councilmember MacCallum stated that it was from a private citizen, Kay Schearer, that said that Mayor Garcia and I recommend Rick MacDonald. Councilmember Stokes questioned using the city official title to endorse. Mayor Garcia stated that he did not send out the email. Councilmember MacCallum stated that Kay Schearer sent it out on her own volition, but she did say that Mayor Garcia and I recommend.

Councilmember Kircher stated that he thought that we need to move on from this. Councilmember Stokes stated so we just turn a blind eye because someone overstepped? Kircher stated that a policy should be written regarding the city does not vote for anything on the water board and no conflicts. Stokes said that if it would not have been watched we would have just (*unintelligible*). Councilmember Kircher stated you might have just lost a couple of votes. Councilmember Stokes stated that he did not care and a bad vote is a bad vote plain and simple. It did not matter if it is an invalid



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vote. Councilmember Kircher asked what did Councilmember Stokes hope to get out of this conversation tonight? Councilmember Stokes stated what do we want to do? You had a right to say we were going to get into this or not and you were not given that right. As council that is your responsibility to vote on that, not his, not hers, councils. The City Attorney stated that he has advised the mayor and now will advise all of you that any ballots must come before city council to vote or not to vote at their discretion. Councilmember Kircher asked how would a council vote if one of their members are involved. The City Attorney stated that would be a different situation and have to deal with that. If there is a conflict of interest and then a conflict interest statement would have to be filed and refrained from voting. In the future it should not happen again because he has already advised them on how it should happen in the future. Councilmember Kircher agreed that is how it should happen. Councilmember Stokes stated that we should already have known that because we do resolutions for HGAC. We do resolutions for all the other representatives so that you can make a vote for HGAC. We do resolutions, it all comes through here it is all above board.

Mayor Garcia stated that he resents the insinuation that something was not done above board, and that if anyone did something that was not above board it was you, using your position as a city council member to go affect your position as a candidate on this ballot. Councilmember Stokes stated that being aware that a vote was cast.

Mayor Garcia stated that he does not intend to get into the process of voting on something like this again without coming before the council. He tries to follow the council's policy and one council member does not make the policy for this council. The majority does. If you adopt a resolution or pass an ordinance he does his best to follow that. In the absence of that the duty of the mayor is the Chief Executive Officer of the city. He did not go out and deliberately create a situation that he was trying to overstep anything. He thinks that you getting involved as a candidate trying to find out who is voting or not voting is as big a problem. He will follow the City Attorney's advice going forward.

Councilmember Stokes stated that you had your vote. The city (*unintelligible*). The mayor stated you had your vote. Stokes stated that did I want my vote for the city? You overstepped your authority. Mayor Garcia stated that he thinks he overstepped yours by as much if not more. Councilmember Kircher stated that all we can do is move forward on this and in the future do it right. It's over with it's done with. You lost, let's move on. Councilmember Stokes stated this doesn't have anything to do with being lost. It has to do with not following... Councilmember Kircher said we know what to do in the future and we know it was probably done wrong. Let's move on. Councilmember Stokes asked that from now on when someone is doing something wrong, we are going to turn our heads? Councilmember Kircher stated that we are discussing it, we found a solution, let's move on. Councilmember MacCallum stated



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that awareness has been raised. Councilmember Cobio asked the City Attorney that with these types of issues should we be in executive session instead of discussing this publicly? The City Attorney said it could only go into executive session if it was under pure legal advice. Councilmember Cobio did not like having this kind of discussion, no matter how childish, in a public meeting. The City Attorney reminded the council that everything the council does is public record.

11. Request from council for future agenda items, announcements, and comments.

Brookshire/Pattison ETJ

Burn Ordinance

X. Adjourn meeting.

The meeting was adjourned at 8:10 p.m.



Mayor, Joe Garcia

Attest:



City Secretary, Lorene Hartfiel