

GRANGER CITY COUNCIL

7:00 pm
Sept. 25, 2018

City Hall
102 Main Street

MINUTES

FLAG SALUTE

The flag salute was led by Mayor Trevino

CALL TO ORDER

Mayor Trevino called the meeting of September 25, 2018 to order at 7:00 p.m.

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Jose Trevino	Alice Koerner, City Clerk Treasurer
Julie Sharp	Jodie Luke, Public Works Director
Maria Gonzalez	Robert Schuster, Chief of Police
Lilia Villarreal	
Juan Isiordia	
Absent – Maggie Estrada	

AUDIENCE PARTICIPATION

None

AMEND AGENDA

It was moved by Councilwoman Sharp to amend the agenda to include consideration and possible action on Resolution 2018-05 adopting a moratorium on future re-zone applications. Motion was seconded by Councilwoman Villarreal

MOTION CARRIED 4-0

AUDIENCE PARTICIPATION

Audience Participation was opened, as Carl Hurlbert had questions concerning the moratorium on future re-zone, he asked if this would affect Ryan Stonementz’s application. Mr. Hurlbert was informed that Mr. Stonementz’s application was for a conditional use permit, not a rezone.

MAYOR

Mayor Trevino stated that Resolution 2018-05 would be added to the Council agenda for consideration.

STONEMENTZ APPLICATION LU-2018-01

City Attorney Seann Mumford informed Council that he received a request from Stonementz and asked that Council postpone the closed record decision on their application until October 9, 2018. It was moved by Councilwoman Gonzalez to table the decision on the Stonementz application. Motion was seconded by Councilwoman Sharp.

MOTION CARRIED 4-0

PARKER APPLICATION LU 2018-02

Mayor Trevino stated that the City Council will consider the following application at a closed record public meeting. A closed record public meeting is a meeting at which the City Council considers the recommendation of the Granger Hearing Examiner. No new written or oral testimony will be taken by the City Council at the closed record public meeting. The City Council will base its decision on the record created by the Hearing Examiner.

The closed record public meeting is for Rose Parker who submitted an application for a zone amendment and shall be based on the record prepared by the Hearing Examiner as shown as Exhibit 60_ and no new evidence may be presented at this closed record public meeting.

Mayor Trevino addressed the public and stated that the meeting must be fair in form and substance as well as appearance, therefore:

Mayor Trevino asked if there was anyone in the audience who objects to my participation as Mayor or any Council member's participation in these proceedings. Hearing no response, he continued.

Mayor Trevino then asked Council members if they have a financial interest in the Rose Parker Zone Amendment.

Hearing no response, he then asked if any of them stand to gain or lose any financial benefit because of the outcome of this hearing? Council responded no. Council was also asked if they could hear and consider this in a fair and objective manner. Council responded yes. Mayor Trevino asked the Council if any one of them had engaged in any communication outside this hearing with opponents or proponents on these issues to be heard, he continued and said if so, that member must place on the record the substance of any such communication so that other interested parties may have the right at this hearing to rebut the substance of the communication. Mayor Trevino thanked Council and continued the meeting by stating that the purpose of this meeting was for Council to consider the pertinent facts relating to the Rose Parker Zone Amendment.

Mayor Trevino asked Council if they had questions for staff, hearing none he continued and stated that Council reviewed the Hearing Examiner's Record and Recommendation concerning this matter, the subject is open for discussion.

Councilman Isiordia: Yes, I don't agree with them.

Councilwoman Villarreal: I'd like to hear from the attorney if there are any consequences by voting no.

Seann Mumford, City Attorney: There would be potential consequences, I guess, I've outlined those – all of us spoke on the phone, that would be potential legal advice, I don't want to discuss it here in public. I don't know if it would be appropriate, me giving legal, the board legal advice before everybody, it would constitute a waiver and the board-Council hasn't approved me to waive the privilege and also I provided the Council with a memo that outlines my thoughts and legal advice relating to this, so I'd refer the Council to that memo.

Councilwoman Villarreal: I just think it would be fair for people to know why we're voting whichever way, you know

Seann Mumford: I guess, Council wants to all vote to have me talk, I could say my thoughts on it, that's Council's prerogative, but there's been no, my legal opinion is privileged until it's been waived.

Mayor Trevino: Asking for a motion to allow the City Attorney to speak or not have a motion.

Councilwoman Sharp: I believe in fairness to our community, I move to allow our attorney to address the question, I waive it.

Mayor Trevino: Second?

Councilwoman Gonzalez: Second

Mayor Trevino: All in Favor, Motion Carried 4-0

Seann Mumford: Ok, I think I see some serious potential liability if the City, if it were to deny the application based upon the City's current rezone code provision and the City's current comprehensive plan, my legal opinion is that I concur with the Hearing Examiner and the Staff Report, based upon the applicable code provision, this application should be approved by Council.

Councilman Isiordia: Have you had a chance to look at the goals and policies that stands for the City in the comprehensive plan.

Seann Mumford: Yes

Councilman Isiordia: You did, read goal one, what it says on there.

Seann Mumford: Councilman Isiordia, I don't have the comprehensive plan in front of me, but I reviewed it and the goals are incorporated into the staff report and the Hearing Examiners recommendations and if, I've given you my thought, I've gave you my legal analysis in a form of a memorandum – you can agree or disagree with it, but I've given you thoughts and opinions- I concur

Councilman Isiordia: I believe the goals have been met, that's for the community values, it has not been met. That's what I think, do believe that R1 should stay and build beautiful homes, that's my opinion and I think there's a lot of things in goal1, goal 6 describes a lot of things that the community is going to go through and policy 1.3 – the city should resist growth pressures that could adversely affect community values and amenities, that's one of the big ones – not ever mentioned by the examiner

Seann Mumford: This is a rezone application, not a development application.

Councilman Isiordia: I understand what you're saying on what your saying – we had this conversation saying on there that they could not mention what they are going to do and they do mention in here what they are doing, that's from what you are looking for rezone- on the rezone part of what your saying we are going to rezone, for this matter and I don't believe, I think beautiful homes should be R1 and left R1, just like I voted for Plaza Pueblita to have beautiful homes, not an eye sore there, it is the same here. I believe nice beautiful homes, also says in the comprehensive plan that Granger lacks housing, lacks family homes and that's what we're looking for, it says on the maps itself.

Mayor Trevino: Any other discussion or question from Council.

Councilwoman Villarreal: Well, I for one when this first came about I thought that as far as needed some of these building that have been built, we already have. I want to say that the Catholic Church has two of them and they did a beautiful job on them. I want to say that, because they have, they even have managers that see the place is kept right and stuff like that, the other two- in all we have four already, four of these building for people and I've felt that we have met our quota on these building and that was my concern. If another one is built and that, so when do we have a say and that's why I think we want to deal with this motion that was made by Julie, that we have a little bit more say on what's going to be and how it's going to affect our city and our citizens.

Councilman Isiordia: And there's one more goal that I want implemented. I'm sorry, it's Goal 8, Goal 8, the city establish a strong planning implementation ties with all applicable jurisdictions i.e. county, school district, adjacent cities and special districts utilities and fire etc. 8.2 include school district, utilities and other governmental entities in both planning and zoning reviews. It is on there for zoning.

Councilwoman Sharp: I don't believe the school was contacted, do we, is there a representative, was the school contacted, I'm sorry – disregard

Councilman Isiordia: So, at this time

Councilwoman Sharp: Johnny can I see those

Councilman Isiordia: I don't know what's next for me

Councilwoman Sharp: No, the

Mayor Trevino: Well I think if there's just any further discussion

Councilwoman Sharp: Never mind, never mind

Councilwoman Villarreal: To me, I'd like to express that this has been really hard for me, you know because as a Councilwoman my interest should be for the betterment of the community and when, then we're approached with, I know that we, Council has approved, it was actually, I think a year ago we approved the plan, if I recall. But at that time I didn't, I wasn't really thinking about what has come out for us today. It's been really hard for me to deal with this, every emotional for me because we have this ordinance we have to follow and our city attorney has mentioned the possibility of the City, we don't follow this we'll be

Councilwoman Sharp: Sued

Councilwoman Villarreal: Sued and I'm also part of the City and I have to also take that into account so I just

Audience Member: Can we get clarification...the law said you could get sued.

Seann Mumford: This is a closed record

Mayor Trevino: We can't have audience participation

Alice: ~~~

Audience member: I just asked for clarification

Mayor Trevino: I can't have audience participation. Anything further from Council? Ok, then we will move to the motion for action on this item and the motion is to a 1, To adopt 2, Adopt with modification or 3, is to remand.

Councilman Isiordia: What is remand?

Mayor Trevino: To deny

Councilman Isiordia: Oh ok, I move to deny the Jaquish Parker zone amendment application.

Mayor Trevino: Do we have a second.

Councilwoman Sharp: I'll second

Mayor Trevino: All in favor. A motion has been made, its been seconded, we need a vote, do we have those if favor?

Councilwoman Sharp: Aye

Councilman Isiordia: Aye

Mayor Trevino: We have a motion and we have a second, we need vote we've got two ayes. Do we have

Councilwoman Villarreal: And the motion was to deny?

Mayor Trevino: To deny

Councilwoman Villarreal: Nay

Mayor Trevino: So you're saying yes for denying it?

Councilwoman Villarreal: No, ok

Seann Mumford: Wait, what's the vote:

Councilwoman Villarreal: Ok

Mayor Trevino: The vote is to deny it and I asked for those in favor and I have two ayes

Councilwoman Villarreal: Ok and I'm saying Nay

Mayor Trevino: So you're saying no, you want it approved?

Councilwoman Villarreal: Yeah

Mayor Trevino: Ok, so we've got two yes, one no.

Councilwoman Gonzalez: I'm approving it

Mayor Trevino: Ok, we've got three yes's for denial, one no for denial. Motion for denial passes. And with that we close this part of the hearing. Is that correct Alice?

Alice: Yes

Mayor Trevino: Ok, So are there any additions or corrections to the minutes or do we have a motion?

MINUTES

It was moved by Councilwoman Sharp, who informed the clerk that the vote count on the minutes was incorrect, as she was absent, the count should have been 4 to 0, not 5 to 0, she moved to accept the minutes of September 11, 2018 as presented. Motion seconded by Councilwoman Villarreal.

MOTION CARRIED 4-0

Mayor Trevino: Ok, under new business we have Resolution 2018-05, I don't know if we have a motion for the prepared. Is it in the Resolution Alice?

Alice: No

Councilwoman Sharp: The moratorium, I don't know if we need to do that now

Mayor Trevino: So we need a motion to approve Resolution 2018-05, which is the moratorium. City of Granger, declaring a moratorium on applications to amend certain City's zoning map and/or the land use designation of real property within the City.

Councilman Isiordia: ~~~

Councilwoman Villarreal: ~~~

Councilwoman Sharp: So, I move to approve, or yeah, I made that motion.

Councilwoman Gonzalez: I didn't approve the denial, I approved to accept Mrs. Parkers to rezone it. That's what I said.

Councilwoman Sharp: Oh, so it's two to two vote

Councilwoman Gonzalez: Yeah

Mayor Trevino: So what do we need to do Seann?

Seann Mumford: Well go back

Mayor Trevino: I clearly heard an aye, but

Seann Mumford: ~~~

Councilwoman Sharp ~~~

Councilwoman Gonzalez ~~~~

Councilwoman Sharp: I think she said deny

Councilwoman Gonzalez: I deny

Mayor Trevino: Oh deny

Councilwoman Gonzalez: Yeah

Mayor Trevino: You're saying ~~~~

Seann Mumford: ~~~

Councilman Isiordia: ~~~

Councilwoman Sharp: So you want number 3 then?

Seann Mumford: I would re-open the motion

Councilwoman Gonzales: I wanted to rezone it, Jose

Mayor Trevino: OK, lets re-open the motion, so the motion, the first one is to adopt or to accept; the second is to accept with modifications/ and the third one is to deny

Councilman Isiordia: ~~ and I motion to deny the Jacquish Parker zone amendment application

Mayor Trevino: Ok, do we have a second?

Councilwoman Sharp: I'll second

Mayor Trevino: Ok, All in favor signify by saying Aye

Councilwoman Sharp: Aye

Councilman Isiordia: Aye

Mayor Trevino: This is to deny

Councilwoman Sharp: Aye

Councilman Isiordia: Aye

Mayor Trevino: All opposed? Say with a nay

Councilwoman Gonzalez: Nay

Councilwoman Sharp: Nay

Mayor Trevino: Ok, so that makes it a tie. So that means that I

Seann Mumford: You vote

Mayor Trevino: Have to break the tie and I will at this point, uh I will signify with an Aye, denying it at this time because we're going to be putting a committee working on this Ok. Uh, so back to Resolution 2018-05, I need a motion and a second.

Councilman Isiordia: I didn't understand ~~~

Councilwoman Sharp: I didn't either what so

Councilman Isiordia: Did you deny the application

Mayor Trevino: It was denied

Councilwoman Sharp: So did you deny the application to rezone?

Mayor Trevino: We denied the application

Seann Mumford: The application was denied

Councilwoman Sharp: Ok, I just want to make sure I'm on the same page so with that I move to add in the moratorium

Councilwoman Villarreal: I second that

Councilwoman Sharp: that was previously stated.

Mayor Trevino: We had a motion and we had a second, we need a vote. All in favor

Council: Aye

Mayor Trevino: All opposed? And before we move on to the bills. I'd like to create a committee to address this issue. And I would like to see if Councilwoman Sharp would like to be on that committee and Councilman Isiordia with your knowledge of building stuff.

Councilman Isiordia: I'm 100% in

Councilwoman Sharp: Yes

Mayor Trevino: So we need to move really quickly because we have 2 weeks, 30 days?

Seann Mumford: 60 days

Mayor Trevino: Oh, 60 days

Councilman Isiordia: 60 days

Councilwoman Sharp: On a moratorium

Seann Mumford: So here's how the process works. Let just go over this, so you guys adopted the moratorium, the moratorium now since there wasn't a public hearing on the moratorium before it was adopted, um there needs to be a public hearing on what the moratorium should be, should continue uh, it should be in place within 60 days of today's date. If at the meeting the Council decides that the moratorium should continue then it's continued for an initial period of 6 months. There needs to be findings, there will be findings entered in regards to whatever you guys decide at this next hearing on the moratorium issue. But the moratorium is in use for a period of 60 days, pending this public hearing and if you guys want to continue it, it would be for a period of six months and it can possibly be renewed for another six month period.

Mayor Trevino: Thank you Seann.

BILLS

It was moved by Councilwoman Gonzalez to pay the bills of September 25, 2018 in the amount of \$ 14,206.42. Motion was seconded by Councilwoman Villarreal.

MOTION CARRIED: 4-0

Fund Totals 09-25-18

C/E	\$	10,302.40
ST	\$	63.51
EMS	\$	33.47
CRIMINAL JUSTICE	\$	15.01

FESTIVAL FLOAT FUND	\$	71.72
WATER/SEWER	\$	3,629.36
GARBAGE	\$	47.73
IRRIGATION	\$	43.22

A/P Warrants 41604 to 41618 in the amount of **\$14,206.42**

P/R Checks 41604 to 41618 plus direct deposit in the amount of **\$86,708.68**

Treasurers Checks for September 2018: 11437-11439 in the amount of **\$300.00**

ADJOURN

It was moved by Councilwoman Villarreal to adjourn the meeting. Motion was seconded by Councilman Gonzalez. Meeting adjourned at 7:28 p.m.

MOTION CARRIED: 4-0

Alice Koerner City Clerk Treasurer

Jose Trevino, Mayor