

## Austwell City Council Meeting May 23,2023 Regular Meeting/Public Hearing.

The City of Austwell met for Regular Meeting and Public Hearing on May 23,2023 at the Community Center 311 Bay Street @ 6:00 PM. Mayor Biery called the meeting to order and led the Pledge of Allegiance. Welcome and Announcements, County Wide Emergency Preparedness Meeting a lot of planning and talking to plan for any kind of disaster. Water and Sewer emergency Plan, Jose turned in the water & sewer preparation plans. Out dated messaging is being updated.

### Item # 5

Mayor Biery read the Secretaries Report regarding Bank Accounts  
Rene read his water Operations Report regarding water usage and discharge of waste water.  
Water level indicator was installed.  
Commissioner Wolfshohl was not in attendance.

Council Member Ancira made a motion accept reports as given  
Mayor Biery seconded.  
All ayes motion passes unanimously.

### Item # 6

Copies of the Minutes for April 18, 2023 Regular Meeting/Public Hearing were provided to each council member.

Council Member Ancira made a motion to accept minutes as written with the exception of Item # 13 who motion made, was revised.  
Mayor Biery seconded the motion.  
All ayes motion passes unanimously.

### Item # 7

Mayor Biery explained the mowing Bids. There is only one responsive bid to consider that is Juans Lawn Care Service. One other responsive bid for the RV park was received, which was fifty dollars higher than Juans Lawn Care Service Bid.

Council Member Ancira made a motion to accept mowing bid by Juans Lawn Care Service for all city properties.  
Mayor Biery seconded the motion.  
All ayes motion passes unanimously.

Item # 8

Mayor Biery explains all that is need for the city to be maintained. City of Austwell will place an ad for a Part-time Maintenance Employee in the Refugio Newspaper, Post Office, & Community Center/ City Hall for 2 weeks

Council Member Ancira made a motion to approve posting of Part time maintenance employee  
Council Member Torres seconded.

All ayes motion passes unanimously.

Item # 9

Mayor Biery stated that Fred Cortez brought to his attention that part of the grant for the sewer plant facility is both for beatification and odor control at the waste water plant. A stipulation of the grant requires planting and maintaining shrubbery to obscure sight and odors. Council Member Ancira said that we need to wait till the city hires the maintenance employee. Mayor Biery asked Council if they would like to table this item and Council Member Ancira suggested that we hold off until we can see if we can get a better price in bulk.

Council Member Torres makes a motion to table Item # 9.

Council Member Ancira seconded.

All ayes motion passes unanimously.

Item # 10 Picnic Table pavilions at Bayfront Park, CBBEP Grant

Mayor Biery explains that not all of the 3 bids that were received were responsive to the plan set, and the ones we got that were responsive were twice the budget. City has gotten permission from CBBEP to build them ourselves, we have started using volunteers to make preparations for this. If approved at Next meeting, construction of these will be the first task of the new city employee

Council Member Ancira makes a motion to table Item # 10.

Council Member Torres seconded.

All ayes motion passes unanimously.

Item # 11

Mayor Biery stated that Austwell Aransas Coastal Conservation Development Association met last Saturday and told Mayor Biery that the Association needed to meet one more time before they will be ready to come and make a presentation.

Council Member Ancira makes a motion to table Item # 11.

Council Member Torres seconded.

All ayes motion passes unanimously.

Item # 12

Mayor told council that the Interlocal agreement with Refugio County for administration of CDBG MIT-Mod Grant, drainage improvements and street repair.

They want to present in our June meeting as well.

Council Member Ancira makes a motion to table Item # 12 until June meeting.

Council Member Torres seconded the motion.

All ayes motion passes unanimously.

Item # 13

409 McDowell Street (MFH) owners were present and accompanied by their attorney.

The Attorney spoke for the Morgans and asked that the Council make a determination that their mobile home is not in violation of the ordinances and a letter be submitted to the Morgans and asked that the minutes reflect this. Mayor Biery explains that at the primary argument that is made relates to the difference between Exposure C and Exposure D. At the time the home was sited it was the desire of our building official that the installation, the foundation and the tie downs to comply with Exposure D. At the time this MFH was sited we had the authority to require this. The ordinance is now faulty and we would not likely succeed if the city ends up in litigation. Council Member Ancira stated that the Council Members as we start to develop new ordinances because we do need to update our ordinances because they are many years old and building codes change, we need all council members involved to make sure they are written in such a way they are enforceable.

Council Member Torres makes a motion that the council determines the MFH located @ 409 McDowell Street is installed in compliance with existing ordinances, and that no further enforcement action will be taken regarding this home.

Council Member Ancira seconded.

All ayes motion passes unanimously.

Item # 14

411 McDowell Street (shed) owners present and accompanied by their attorney.

The Morgans agree to demolish the shed with ninety days to do so.

Council Member Ancira stated that 90 days that is being asked for takes it in to the hurricane season. Mayor Biery tells the Morgans he offers his assistance but they deny and say they need 60 days. Ms. Morgan says she has the help.

Council Member Ancira makes a motion to table Item # 14 pending communication between the Mayor and Council (Morgans Attorney).

Council Member Torres seconded.

All ayes motion passes unanimously.

Item # 15

509 Vandenberg Street owners not present. Mr. Maksyn in the hospital.

Mayor Biery stated he received a letter from the Maksyn's Attorney

Stating the owners of the MFH wants to reroof with engineering plans.

Council Member Ancira makes a motion to table Item # 15 until the June Meeting

Council Member Torres seconded.

All ayes motion passes unanimously.

Item # 16

601 Proctor Street Owner was present with an Attorney. Attorney for Canales presented an evidence packet for review by council, and made a presentation of the contents of the evidence packet. Attorney asked for dismissal of hearing to determine if structure at 601 Proctor is substandard, and advised that litigation of the facts and the process will ensue if not dismissed.

Council Member Torres makes a motion to continue the public hearing Item #16 to the June Regular meeting, to allow time to review the documents presented and confer with counsel.

Council Member Ancira seconded

All ayes motion passes unanimously.

Item # 17

Adjourn: 7:35 PM

Council Member Ancira made a motion to adjourn

Council Member Torres seconded

All ayes motion passes unanimously.