
City of Poteet
Regular Meeting of the City Council
491 Avenue H, City Hall
Tuesday August 3, 2021
6:30 P.M.

Agenda

IN PERSON MEETING: The following social distancing protocols will be in effect for City of Poteet City Council meetings.

- A. Maintain at least six (6) feet apart from other members of the public and city staff. Masks are recommended but not required.**
- B. Sanitizer will be available for those wishing to sanitize their hands upon entering and exiting the building.**

PUBLIC COMMENTS MAY BE SUBMITTED ELECTRONICALLY BY GOING TO THE CITY'S WEBSITE AT: <http://poteettx.org/887/City-Council> and click on the link for the Speaker's Card. You can download the Speaker's Card and email it to the City Secretary at: kmccollough@poteettx.gov. ALL COMMENTS MUST BE SUBMITTED BY 6:00 PM PRIOR TO THE CALL TO ORDER OF THE MEETING SO THEY MAY BE READ INTO THE RECORD BY THE CITY SECRETARY.

OR YOU MAY FILL OUT THE SPEAKER CARD IN PERSON AT THE MEETING. SPEAKER CARDS FILLED OUT IN PERSON MUST BE SUBMITTED TO THE CITY SECRETARY NO LATER THAN 6:25 P.M. PRIOR TO CALL TO ORDER.

I. CALL TO ORDER Time: 6:30 p.m.

- A. Determination of Quorum
- B. Pledge of Allegiance

II. CITIZEN COMMENTS (3 MINUTE LIMIT)

Speakers need to complete the supplied form prior to this meeting. Any person who makes personal, disrespectful, or slanderous remarks, or who become boisterous while addressing the council or attending a council meeting shall be removed from the building

if so, directed by the Mayor or Mayor Pro-Tem if the Mayor is absent or at the request of the majority of the council. Please be advised that comments will have no action and no discussion at this meeting. (Attorney General Opinion JC-0169). **(A speaker signed up may not cede time to another speaker to continue speaking Ordinance # 12012014-01.)**

III. CONSENT AGENDA

All of the items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen so request. For a citizen to request removal of an item from the Consent Agenda, a speaker card must be filled out and submitted to the City Secretary's Office prior to the call to order.

- A. Approve Minutes of the July 6, 2021 Regular Meeting
- B. Approve Minutes of the July 15, 2021 Special Meeting

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

IV. STAFF REPORTS (Discussion only, no action will be taken)

- A. City Administrator
- B. Police Department
- C. Municipal Court
- D. Public Works
- E. Finance
- F. Library
- G. Fire Department
- H. Code Enforcement
- I. Building/Health Inspections. Animal Control

Non-Discrimination Statement

"This institution is an equal Opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442, or email at program.intake@usda.gov." Revised January 2014

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Secretary at (830) 742 - 3574. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR35.102-35.104 ADA Title II]

V. OLD BUSINESS

A. Discussion / Possible Action on the complaint or a charge against an officer or employee Mayor Denise Leal Sanchez. (*Nicholas Sanchez, Mayor Pro Tem*)

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

B. Discussion / Possible Action on the designation of Signatories on the City of Potteet Bank Account(s). (*Candace Cantu, Councilmember*)

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

VI. NEW BUSINESS

A. Discussion / Possible Action on revoking the 7/6/2021 Old Business Item B directing city staff to advertise with a Request for Proposals for Legal Counsel and Municipal Court Prosecution Services and to appoint a new Legal Counsel & Municipal Court Prosecutor without the Request for Proposal process. (*Candace Cantu, Councilmember*)

Motion _____ 2nd _____

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For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

B. Discussion / Possible Action on Request for Replat of 0.322 Acres consisting of Lots 1-5, Block 2, Carlos Scott’s Subdivision, establishing lots 6A and 7A of Briseño-Betty Louise Subdivision bounded by Avenue F on the North and 5th Street on the East; the purpose of the replat to partition off the north corner lot (lot 1A) as the owner currently resides on the south portion of the lot. (*Arthur Flores, Property Owner*)

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

C. Discussion / Possible Action on Request for Replat of 0.464 Acres being Lots 6 and 7, Block 2, Carlos Scott’s Subdivision, establishing Lots 6A and 7A of Briseño-Betty Louise Subdivision bounded by Lot 8, Block 2 to the North and Betty Louse to the East; the purpose of the replat being to resolve an encroachment by changing the lot sizes. (*Gloria Briseño, Property Owner*)

Motion _____ 2nd _____

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For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

D. Presentation, Discussion / Possible Action on receiving and accepting the 2019-2020 Fiscal Year Audit, for year ending September 30, 2020. *(Armstrong, Vaughan & Associates, P.C.)*

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

E. Discussion / Possible Action on appointing an Interim City Administrator, and providing for financial compensation for appointee and setting an effective date. *(Candace Cantu, Councilmember)*

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

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F. Discussion / Possible Action on the administration of the day-to-day affairs of the City of Poteet in the event of the temporary absence/resignation/dismissal of the City Administrator, assigning such powers/duties back to the Mayor until such time as a new/interim City Administrator is hired. *(Candace Cantu, Councilmember)*

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

G. Discussion / Possible Action on repealing Ordinance No. 148, and Resolution No. 09-03 establishing the Office of City Administrator for the City of Poteet and confirming the duties of the City Administrator and requesting the new City Legal Counsel work with the City Council to possibly re-write an ordinance providing for the Office of City Administrator and outlining the duties/powers set forth by the City Council. *(Candace Cantu, Councilmember)*

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

H. Discussion / Possible Action to repeal parts of any and all Ordinances/Resolutions or Directives which allow City Staff/Department Heads to participate or have any

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authority in the interview/hiring process of the City Administrator as this should be the sole responsibility of the Governing Body. *(Candace Cantu, Councilmember)*

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

I. Discussion / Possible Action on the 2022 Atascosa Central Appraisal District Budget *(Kerry McCollough, City Secretary)*

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

J. Discussion / Possible Action on a Resolution of the City Council of the City of Poteet agreeing to apply for financial assistance with the United States Department of Agriculture, Rural Development to finance the USDA Water Distribution Improvements Project, further providing authority to execute all documents relating to the USDA Rural Development loan and/or grant. *(Kerry McCollough, City Secretary)*

Motion _____ 2nd _____

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For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

K. Discussion / Possible Action on authorizing funds to repair Donato Road and Howard Road based on the quote received from Atascosa County Precinct 1 Commissioner Mark Gillespie *(Nicholas Sanchez, Mayor Pro Tem)*

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

L. Discussion / Possible Action on repealing Ordinance No. 05012018-01 and 09032019-01 regulating “junk vehicles” as public nuisances and repealing Ordinance No. 06052018-02 amending Ordinance 05013018-01, allowing the city council to review and possibly rewrite a “junk vehicle” Ordinance/Guideline with the input from the new City of Poteet Legal Counsel during the September Regular City Council Meeting. *(Candace Cantu, Councilmember)*

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

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M. Discussion / Possible Action addressing the Mayor’s personnel/employee administrative action/directives given at the unauthorized staff meeting on July 13, 2021. *(Nicholas Sanchez, Mayor Pro Tem)*

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

N. Discussion / Possible Action on providing a physical office for the Mayor of Poteet inside the Poteet City Hall, that space being at the Mayor’s discretion and choice, effective immediately. *(Candace Cantu, Councilmember)*

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

O. Discussion / Possible Action on calling for a forensic audit of the financial dealings of the City of Poteet covering the past 6 years. *(Candace Cantu, Councilmember)*

Motion _____ 2nd _____

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For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

P. Discussion / Possible Action on restoring live-streaming of all Poteet City Council Meetings, providing for posting of same on the City’s website to provide transparency and to enable access by all citizens of Poteet. *(Rick Flores, Councilmember and Nicholas Sanchez, Mayor Pro Tem)*

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

VII. ANNOUNCEMENTS

A. Ribbon Cutting and Grand Opening for the Poteet Nutrition Center, 127 S. 4th Street – Time to be Determined

VIII. COUNCIL COMMENTS (No action can be taken).

- A. Councilmember Nicholas Sanchez
- B. Councilmember Candace Cantu
- C. Councilmember Rick T. Flores Sr.
- D. Councilmember Jeremy Fernandez
- E. Councilmember Crystal Bautista
- F. Mayor Denise L. Sanchez

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IX. ADJOURNMENT Time: _____

Motion _____ 2nd _____

For	Against	Abstain	
			Mayor Pro Tem Nicholas Sanchez
			Councilmember Candace Cantu
			Councilmember Rick T. Flores Sr.
			Councilmember Jeremy Fernandez
			Councilmember Crystal Bautista
			Mayor Denise L. Sanchez (Present but not voting)

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the bulletin board at City Hall of the City of Poteet, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time; and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Kerry McCollough, City Secretary

Posted by City Secretary Kerry McCollough, on this 31st day of July, 2021 at 2:40 P.M.

The Poteet City Council reserves the right to adjourn into Executive Session at any time to discuss any of the matters listed on the agenda, as authorized by Texas Government Code 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.0763 (deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

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