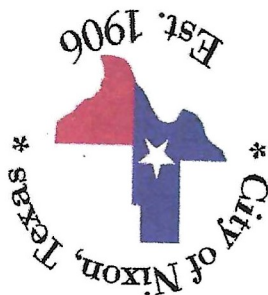


## Nixon City Council Minutes for 11.20.2023 Regular Meeting



The Nixon City Council met in Special Session on the 20th day of November 2023 at 5:30 pm in the Council Chambers at City Hall 302 E. Central Ave Nixon, TX 78140.

Members present were Mayor Dorothy Riojas, Maggie Gaytan, Ellie Dominguez, Patsy Scherrer, Melissa Pompa, and Justin La Fleur. Harold Rice, Tanya Torres, Tommy Butler, Dorothy Butler, Adolph Trigo, Mark Mendez, Michael Martinez, Deborah Bustamante, Jessica Smith, Gilbert Soto, Norma Martinez, Lt. Bobby Caldwell, Gladysne Finch, Donald Hoffman, Pablo Aguirre, Jeremy Bustos, Beverly Houston, Wyatt Houston, Briana Dominguez, Emmanuel Veliz, Patricia Dingler, Gilbert Serna, Ginger Pena, Natividad Ruiz, Patricia Vidal, Delia Aguirre, Nina Hernandez, Dorothy Alexander, Nona Bruce, Donald Goldman, Jesus Reyes, Valance Vasques, Wilma Deby, Debbie Johnson, Frank Croghan Pauline Casas, Teresa West, Jimmy Kennedy, and Chief Miguel Cantu were also present.

A quorum was declared present, and Madame Mayor Dorothy Riojas called the meeting to order at 5:31 pm.

Roll call was conducted. All the members were present.

A prayer was given by Mayor Dorothy Riojas. And the Pledge of Allegiance to the United States of America and the State of Texas was recited.

Citizens to be Heard. Jesus Reyes spoke regarding agenda item #12 (Discussion/Action on monthly brush fees and City Dump fees in the city limits of Nixon. Virginia Pena also spoke regarding agenda item #12 Brush fees and City Dump fees. Gilbert Serna also spoke regarding water rate increases. Valarie Tristan spoke regarding the brush fees and the sewer manhole on her property. Adolph Trigo also spoke regarding the brush fees and street fees as well as Feather Fest, Cinco de Mayo, and the Juneteenth Celebrations.

A motion was made by Justin La Fleur and seconded by Ellie Dominguez to approve the minutes of the September 11th, 2023, Regular meeting and the October 26th, 2023, Special meeting. Motion carried 5-0 A motion was made by Councilman Justin La Fleur and seconded by Ellie Dominguez to move agenda item #7 (Continuation of Discussion of the lot that is land-locked and the need for existing city roads to get to the property). Motion carried 5-0

Beverly Houston addressed the council regarding the Nineteenth Club property that is landlocked. She said that she had addressed the council last year and that since then there have been new council members. Mrs. Patsy Vigil Scherrer and Alderman Melissa Pompa were not on the council last year. So, she wanted to talk about the Nineteenth club. The church members from Harris Chapel United Methodist Church and Rising Star own that property. They have one lot left on that property. The Nineteenth Club is a non-profit program that was incorporated in 1994, it stood to serve the entire community. During the year that the Nineteenth listed the property for sale again, she addressed the council and let them know that their lot was landlocked. There was a recent sale that took place, and the new owner locked their land in.

When a survey was done (at this time Mrs. Houston was asked to approach the council to show a map that shows that there is an abandoned city road that leads right in front of the property that they own. The new council shows that the road (Nixon Ave) runs parallel to Highway 80, the red mark on the map is their lot. What the new owners did was fence parallel to Highway 80 and they fenced in Nixon Ave and they cannot get into their property. The new owners locked the gate that was put up. Mrs. Houston spoke with City Manager Harold Rice and his suggestion to her was to ask the new owner to unlock the gate when they needed to get in. Mrs. Houston said that is not how it is supposed to operate. They should not have to call somebody to let them into their property. That was the response that she got. She received a text from the city attorney and what he said was "Mrs. Houston, this is the City of Nixon, city attorney Eddie Escobar. I was asked to reach out to you to give you the status on things, the text was dated June 12<sup>th</sup>, 2023. We have given Mrs. Pyatt until the end of the business day on Friday, June 16<sup>th</sup> to remove the fence from city-owned property Nixon Ave. We have title attorney support on the issue and an official letter has been sent to Mrs. Pyatt's attorney, if the fence is not removed by Friday, the city plans to remove the fence on Monday. Just to be clear, the city cannot make demands based on the landlocking of your property. The pursuit is strictly based on Mrs. Pyatt placing a fence on the city's property. Should Mrs. Pyatt file a suit this week to prevent the removal, I highly suggest you file a suit against Mrs. Pyatt for the landlocking of the property. If you need a referral to an attorney, he could provide that to her. That was the status of this day. If the city were to have them remove their fence off the city property the city abandoned road if they would remove their fence from the city abandoned road, then we could get to the property. Mrs. Houston and the church representatives don't understand why the city doesn't ask them to remove the fence from the city's owned abandoned land.

Mrs. Houston asked if the fence was on City property or taxpayer property. She doesn't understand why their fence is on City property, if they were to have put up a fence, someone would have surely said something.

Mr. Escobar stated that the issue with the nineteenth property has nothing to do with the city.

Mrs. Houston stated that they believe it does have to do with the city. The fence is on the city property, they don't own the city property, and they can't put a fence on the city property and that is what they have done. The easements that Mr. Escobar is speaking of are going through their gate. How are you supposed to sell a piece of property if there is a personal gate on city-owned property?

Mr. Escobar responded that the City of Nixon is not selling property, Mrs. Houston is. Mrs. Houston responded that was not the issue. The issue is that they are on City property, and the fence is on city-owned property.

Mr. Escobar stated that when a road is abandoned then the adjoining property owners are on either side, when the city abandons the road one side gets half of that road and the other side gets other half that road. That is what happens when a street is abandoned by a municipality. The only thing that is an issue here is not whether it is City property, it is whether the city can access the easement. The road has been abandoned. So, if the city can access the easement, it can comply with what it must do in letting the city access the easement.

Mrs. Houston's question to Mr. Escobar was if one-half of the road would belong to one owner and the other half would belong to the other, then why can the nineteenth not own it? Mr. Escobar responded that if it was off the road then yes half of the road would. Mrs. Houston stated that they fenced it. So why can the city ask them to remove the fence so that they can claim half of the abandoned easement?

Mrs. Houston stated to the mayor that they disagreed and thanked her for allowing her to address the council. It is an abandoned road that belongs to the city of Nixon. They were here last year and are here again and when she received the text from the city attorney, he said the city would ask them to move it and

now he is saying that they can't move it. She is at a loss. She will address it with the nineteenth membership and see what it is that they should do next.

A motion was made by Justin La Fleur and seconded by Ellie Dominguez to move agenda item #8 (Discussion/Action adding the Juneteenth to the Nixon Festivals to be divided in an equal manner with the Feather Fest on Cinco de Mayo). Motion carried 5-0

Beverly Houston addressed the Council regarding the Juneteenth Celebration. She asked, if possible, for the budget to allow the council to consider Juneteenth for what it is a federal holiday and funding for the celebration. No action was taken.

A motion was made by Justin La Fleur and seconded by Melissa Pompa to take the approval of the financial statements into executive session under 551.071 (consultation with attorney). Motioned carried 5-0.

Fire Chief Mark Mendez gave his report.

Mr. Donald Goldman with Goldman, Hunt, and Notz, the City of Nixon Auditor gave the audit report. It was a clean audit per Mr. Goldman.

A presentation by Donald Hoffman was given on the Historical Museum property. The motion was made by Justin La Fleur and seconded by Ellie Dominguez to put it back on the agenda for the next regular meeting on December 18<sup>th</sup>, 2023.

The motion was made by Melissa Pompa and seconded by Patsy Scherrer to have business cards for the City of Nixon Council. Motion carried 3-2 with Maggie Gaytan and Justin La Fleur voting nay.

A motion was made by Ellie Dominguez and seconded by Patsy Scherrer to have government emails for correspondence and communication. Motion carried 3-2 with Maggie Gaytan and Justin La Fleur voting nay.

No Action was taken by the council on City employees and Organizations using the City of Nixon community center at a lesser rate.

No Action was taken on the monthly brush fees and city dump fees in the city limits of Nixon.

A motion was made by Justin La Fleur and seconded by Ellie Dominguez to move this agenda item (Approving a Resolution 2023-11-20 casting votes for the Gonzales Central Appraisal District board of directors for the term of office beginning January 1, 2024, and ending December 31, 2025). Motion carried 5-0

A motion was made by Ellie Dominguez and seconded by Melissa Pompa to rescind the naming of the Freddy Aguirre Memorial Park. Motion carried 3-2 with Maggie Gaytan and Justin La Fleur voting nay.

A motion was made by Maggie Gaytan and seconded by Justin La Fleur to name the park the Freddie Aguirre/John Longoria Memorial Park. Motion did not pass 2-3 with Melissa Pompa, Patsy Scherrer, and Ellie Dominguez voting nay.

A motion was made by Ellie Dominguez and Melissa Pompa to name the park the Nixon Area Memorial Park. Motion carried 3-2 with Maggie Gaytan and Justin La Fleur voting nay.

No Action was taken on any necessary 2023-2024 budget amendments under items listed on the current agenda.

A motion was made by Justin La Fleur and seconded by Ellie Dominguez that the police chief bring a minimum of three bids for said vehicles on agenda item #17 for the next meeting for the council to approve or deny. Motion carried 5-0

Police Chief, Miguel Cantu gave his report.  
City Manager, Harold Rice gave his report.

The council came out of regular session with a ten-minute recess at 7:22 pm and convened into Executive Session at 7:32 pm.

The council came out of executive session at 10:23 pm and convened into regular session at 10:24 pm.

A motion was made by Maggie Gaytan and seconded by Ellie Dominguez to approve the financial statements and paid bills. Motion carried 5-0

A motion was made by Justin La Fleur and seconded by Ellie Dominguez to cast the City of Nixon's vote for Ryan Mills. Motion carried 5-0

A motion was made by Ellie Dominguez and seconded by Maggie Gaytan to have a Special Meeting on Friday, November 24<sup>th</sup>, 2023, at 1 pm. Motion carried 5-0

A motion was made by Justin La Fleur and seconded by Ellie Dominguez to adjourn. Motion carried 5-0

Dorothy Riojas  
Mayor, Dorothy Riojas

Justin La Fleur  
Alderman, Justin La Fleur

Ellie Dominguez  
Alderman, Ellie Dominguez

Attest:

Tanya Torres  
City of Nixon Secretary

Maggie Gaytan  
Alderman, Maggie Gaytan

Patsy Vigil Scherrer  
Alderman, Patsy Vigil Scherrer

Melissa Pompa  
Alderman, Melissa Pompa