

**Written Minutes for the
Regular City Council Meeting
Held on October 12, 2017
7:00 PM
Elmendorf City Hall
8304 FM 327
Elmendorf, Texas 78112**

At any time during the City Council Meeting, the City Council may meet in executive session for consultation concerning attorney-client matters (real estate, litigation, contracts, personnel, and security).

I. City Council will convene for a Regular City Council Meeting at the Elmendorf City Hall at 7:00 pm October 12, 2017.

Call to Order

The meeting is called to order at 7:00 PM by Mayor Gonzales.

Pledge of Allegiance

Invocation

by Chaplain David Kirk.

Roll Call

Mayor	Michael J. Gonzales	Present
Alderman Place 1	Tracy Riojas	Present
Alderman Place 2	R.M. "Andy" Anderson	Present
Alderman Place 3	Hipolito "Polo" Maldonado	Present
Alderman Place 4	Richard B. Rodriguez	Absent
Alderman Place 5	Linda Pena Ortiz	Present

Also, present City Administrator Cody Dailey, City Secretary Roxanne De Leon, City Attorney Mike Guevara, and Police Chief Marco Pena. Chaplain David Kirk, Officer Subramaniam, and Officer Palomo were also present.

Citizens Participation

No comments for participation.

II. Mayor and City Council Comments.

No comments.

III. Departmental Updates – Suspended until further notice. Copies of each department’s monthly reports are available on the table near the door for anyone interested.

IV. Open Public Budget Hearing

- Public Hearing: Annexation of the following properties under Local Government Code 43.033:

Property ID	Site Address	Legal Description
1254490	15386 Cassiano Road	CB 4008-2 P-120A ABS 4
1252841	15635 Cassiano Road	CB 4008-1 P-125D ABS 4 REFER TO: 81300-004-1252
1263364	Cassiano Road	CB 4008-1 P-125E ABS 4

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159347	15142 Kilowatt Road	CB 4008-3 P-130A ABS 4
159351	14952 S. US Highway 181	CB 4008-3 P-130E ABS 4
1231810	S. Loop 1604 E	CB 4008-5 P-8G ABS 4
159512	7274 FM 327	CB 4008-5 P-8B ABS 4
1201857	7264 FM 327	CB 4008-5 P-8E ABS 4
1174607	7274 FM 327	CB 4008-5 P-8C ABS 4 REFER TO: 80200-005-0084
159511	7735 Schultz Road	CB: 4008-5 P-8 ABS 4 LABEL# TEX0271166
159487	7698 E. Loop 1604	CB 4008-5 P-3D ABS 4
159486	7704 E. Loop 1604 S	CB 4008-5 P-3B ABS 4
159366	7325 Old Corpus Christi Hwy	CBV 4008-4 ABS 4 P-1
159375	17143 S. Loop 1604	CB 4008-4 P-2 & P-33 ABS 4
159314	8338 E. Loop 1604	CB 4008-3 P-89A ABS 4 LABEL: HWC0291051
159317	17830 Old Corpus Christi Hwy 4	CB 4008-3 P-89D ABS 4 REF: 82200-004-8900
159308	8380 S. Loop 1604 E	CB 4008-3 P-87 ABS 4
159303	17830 Old Corpus Christi Hwy	CB 4008-3 P-85 ABS 4
159306	8420 S. Loop 1604 E	CB 4008-3 P-86 ABS 4
159302	8460 S. Loop 1604 E	CB 4008-3 P-84C ABS 4
159295	8486 Elmendorf Lavernia	CB 4008-3 P-83 ABS 4
159294	17830 Old Corpus Christi Hwy	CB 4008-3 P-82 ABS 4
159292	8530 W. Loop 1604	CB 4008-3 P-81 ABS 4 REFER TO: 80300-004-0810
159289	18150 Old Corpus Christi Hwy	CB 4008-3 P-80 & P-81B ABS 4 REFER TO: 80200-003-0801

Mayor Gonzales opens the Public Budget Hearing is at 7:05 PM.

V. Adjourn Public Budget Hearing

Mayor Gonzales adjourns the Public Budget Hearing at 7:08 PM.

VI. Open Public Hearing - Tax Increment Reinvestment Zone #3

Mayor Gonzales opens the Public Budget Hearing is 7:09 PM

VII. Adjourn Public Hearing - Tax Increment Reinvestment Zone #3

1. Conduct public hearing regarding creation of Reinvestment Zone Number Three, City of Elmendorf, Texas for tax increment financing purposes pursuant to Chapter 311, Texas Tax Code.

Mayor Gonzales adjourns the Public Budget Hearing at 7:13 PM

VIII. General Business – Consent Agenda

The items under the consent agenda are deemed by the City to be routine in nature and will be approved by one motion adopting the staff findings and recommendation as part of the approval. The items on the consent agenda will not be discussed. Any member of the City Council desiring to discuss an item on the consent agenda may request that it be removed and placed on the individual consideration agenda to be heard at the beginning of that section of the agenda. Similarly, members of the public may also request that any item on the consent agenda be discussed in the individual consideration section by noting the item they want moved on the public comments sign-up sheet located at the front of the hall.

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1. Adoption and approval of the city council minutes from September 14, 2017.
2. Approval of the previous month's bills paid and financial reports.

Alderman Ortiz motions to approve all two (2) items of the General Business - Consent Agenda. Alderman Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Ortiz		

The motion to approve all two (2) items of the General Business - Consent Agenda is passed on a unanimous vote with all four (4) alderpersons in favor.

IX. General Business – Individual Consideration

3. Receive presentation, discussion and possible action regarding the Elmendorf Community Library (Darlene Hicks presenting).

President of the Elmendorf Community Library, Darlene Hicks, is not in attendance to provide her presentation.

This item is tabled.

4. Discuss and possible action regarding Ordinance 10-12-2017-1, designating a contiguous geographic area within the City of Elmendorf as Reinvestment Zone Number Three, City of Elmendorf, Texas, for tax increment financing purposes pursuant to Chapter 311 of the Texas Tax Code; creating a board of directors for such zone; and providing a severability clause.

City Administrator Cody Dailey explains this item is pursuant to the city's land agreement with the Dickey Clay property owners for the water project. The City Council's approval for the creation of the TIRZ would accomplish the city's term of the land agreement.

Alderman Ortiz motions to approve Ordinance 10-12-2017-1, designating a contiguous geographic area with the City of Elmendorf as Reinvestment Zone Number Three, City of Elmendorf, Texas, for tax increment financing purposes pursuant to Chapter 311 of the Texas Tax Code; creating a board of directors for such zone; and providing a severability clause. Alderman Anderson seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Ortiz		

The motion to approve Ordinance 10-12-2017-1, designating a contiguous geographic area with the City of Elmendorf as Reinvestment Zone Number Three, City of Elmendorf, Texas, for tax increment financing purposes pursuant to Chapter 311 of the Texas Tax Code; creating a board of directors for

At the time of the hearing, the witness stated that he was not present at the scene of the crime.

The witness further stated that he did not see any individuals who were involved in the crime.

The witness also stated that he did not see any weapons or other items that were involved in the crime.

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such zone; and providing a severability clause is passed on a unanimous vote with all four (4) alderpersons in favor.

- 5. Discuss and possible action regarding Resolution 10-12-2017-1R, requesting financial assistance from the Texas Water Development Board for constructing various public improvements to the City’s utility system; authorizing the City’s financial advisors, bond counsel, and engineers to coordinate the submission of the application to the Texas Water Development Board; and other matters in connection therewith.

City Administrator Cody Dailey explains this resolution is amendment of the resolution approved last month. After conferring with the city’s financial advisors, they have concluded that the city could not be under contract with SAWS, paying the current fees while also paying the debt payments to the Texas Water Development Board at the same time. This resolution would defer the debt payments for two years by adding two years of interest to the note as principal. This would increase the total amount of the loan from a \$10 million-dollar project to a \$10.85 million-dollar project.

Alderman Maldonado motions to approve Resolution 10-12-2017-1R, requesting financial assistance from the Texas Water Development Board for constructing various public improvements to the City’s utility system; authorizing the City’s financial advisors, bond counsel, and engineers to coordinate the submission of the application to the Texas Water Development Board; and other matters in connection therewith. Alderman Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Ortiz		

The motion to approve Resolution 10-12-2017-1R, requesting financial assistance from the Texas Water Development Board for constructing various public improvements to the City’s utility system; authorizing the City’s financial advisors, bond counsel, and engineers to coordinate the submission of the application to the Texas Water Development Board; and other matters in connection therewith is passed on a unanimous vote with all four (4) alderpersons in favor.

- 6. Discuss and possible action regarding a requested variance to Section 3.01 or Ordinance 99-008, subdivision rules relating to flag tract consideration on a case by case basis for a subdivision located northwest of the intersection of US Hwy 181 and Stuart Road.

The potential plat presented from the owner’s representative would include flat lots and has been given a blessing from the city’s engineer. The city has come across issues with flag lots on County Road 163 as they open to a private road. The difference with this lot would be it has access to a public road.

Alderman Anderson motions to reject this item until more information from the owner is received. Alderman Riojas seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Ortiz		

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The motion to reject this item until more information from the owner is received is passed on a unanimous vote with all four (4) alderpersons in favor.

- 7. Discuss and possible action regarding Resolution 10-12-2017-2R, approving and adopting an amendment to the Elmendorf Police Department Policy Manual regarding enforcement of immigration laws.

Police Chief Marco Pena states the hold on the Senate Bill 4 immigration law has been lifted and the city must follow the law as written or the City Council could face penalties and he could face criminal charges. This policy will keep the city in compliance.

Alderman Riojas motions to approve Resolution 10-12-2017-2R, approving and adopting an amendment to the Elmendorf Police Department Policy Manual regarding enforcement of immigration laws. Alderman Anderson seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Ortiz		

The motion to approve Resolution 10-12-2017-2R, approving and adopting an amendment to the Elmendorf Police Department Policy Manual regarding enforcement of immigration law is passed on a unanimous vote with all four (4) alderpersons in favor.

- 8. Discuss and possible action regarding Ordinance 10-12-2017-2, approving the transfer of the rights and obligations under the development agreement with the City of Elmendorf, HWP Land Ltd., and Reinvestment Zone Number One, City of Elmendorf, Texas to SAMA Developers LLC; resolving other matters incident and related thereto; and providing an effective date.

The previous developer has sold their interest of the TIRZ to the newest developer and the TIRZ board has approved the transfer of rights and obligations.

Alderman Ortiz motions to approve Ordinance 10-12-2017-2, approving the transfer of the rights and obligations under the development agreement with the City of Elmendorf, HWP Land Ltd., and Reinvestment Zone Number One, City of Elmendorf, Texas to SAMA Developers LLC; resolving other matters incident and related thereto; and providing an effective date. Alderman Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Ortiz		

The motion to approve Ordinance 10-12-2017-2, approving the transfer of the rights and obligations under the development agreement with the City of Elmendorf, HWP Land Ltd., and Reinvestment Zone Number One, City of Elmendorf, Texas to SAMA Developers LLC; resolving other matters incident and related thereto; and providing an effective date is passed on a unanimous vote with all four (4)

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alderpersons in favor.

- 9. Discuss and possible action regarding pending land acquisition. The foregoing agenda item (#9) is specifically identified for a potential closed session in accordance with TOMA section 551.071 (litigation and certain consultation with attorney) and/or section 551.072 (deliberations about real property).

Alderman Ortiz motions to proceed with Item #9 in closed session. Alderman Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Ortiz		

The motion to proceed with Item #9 in closed session is passed on a unanimous vote with all four (4) alderpersons in favor.

The City Council adjourns for closed session at 7:50 PM.
The City Council reconvenes for open session at 8:29 PM.

Alderman Riojas motions to release the property under contract and pursue an alternate property as discussed. Alderman Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Ortiz		

The motion to approve the release the property under contract and pursue an alternate property as discussed is passed on a unanimous vote with all four (4) alderpersons in favor.

X. Adjournment

Alderman Ortiz motions for adjournment of the City Council Meeting. Alderman Maldoando seconds, and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Ortiz		

The motion to adjourn the City Council Meeting is passed on a unanimous vote with all four (4) alderpersons in favor.

Regular City Council Meeting is adjourned at: **8:30 PM**

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The minutes were passed and approved on:

November 9, 2017



Mayor Mike Gonzales

Attest:


City Secretary Roxanne De Leon



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