

**Written Minutes for the  
Regular City Council Meeting  
Held on February 20, 2021  
12:00 PM  
Elmendorf City Hall  
8304 FM 327  
Elmendorf, TX 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 Meeting at the Elmendorf City Hall at 12:00 pm February 20, 2021.**

<b>Call to Order</b>			
	The meeting is called to order at	<b>12:03 PM</b>	by Mayor Michael J. Gonzales.
<b>Pledge of Allegiance</b>			
<b>Invocation</b>			by Chaplain David Kirk.
<b>Roll Call</b>			
Mayor	Michael J. Gonzales		Present
Councilmember Place 1	Tracy Riojas		Absent
Councilmember Place 2	Tommy Hicks		Present
Councilmember Place 3	Hipolito "Polo" Maldonado		Present
Councilmember Place 4	Manuel Decena		Absent
Councilmember Place 5	Linda Pena Ortiz		Present

Also, present City Administrator Cody Dailey, City Secretary Roxanne De Leon, City Attorney Mike Guevara, Police Chief Marco Pena, City Engineer Garry Montgomery, Officer Darell Ward and Chaplain David Kirk.

**Citizens Participation**

- Jesse Palomo** Asks what is being done to assist citizens with getting their COVID vaccinations. City Administrator Cody Dailey states he is actively working with Commissioner Tommy Calvert. Mr. Palomo also points out that he has noticed a strange smell in the air and suspects it may be coming from Brenntag. Mr. Dailey advises Mr. Palomo TCEQ and Bexar County set the requirements and conduct inspections of the business.
- Belinda Duquette** Complains of the noise caused by her neighbor, Mr. Briggs on Edward Tarin. Ms. Duquette claims Mr.s Briggs causes a disturbance in her neighborhood when he repairs diesel vehicles in front of his home, rides dirt bikes down the street, and plays loud music as late as 2:00 am.
- Sabina Benavidez** Concurs with Ms. Duquette's statement about the disturbances caused by Mr. Briggs.

**II. Mayor and City Council Comments**

- Councilmember Hicks** Understands many people have gone through a rough time with the winter storm last week. The city will help where they can.

- Councilmember Maldonado** Appreciates Mr. Palomo’s concerns with COVID vaccinations. Councilman Maldonado and his wife have been unable to get vaccinated even though they qualify. There must be so many other citizens having the same difficulty.
- Councilmember Ortiz** So grateful that the winter storm has passed. Appreciates all the hard work from staff.
- Mayor Gonzales** Thanks to the staff that reported for duty every day in the winter storm. Councilman Hicks advises Citizen Jesse Palomo that veterans have access to the COVID vaccination through the VA hospital system, Audie Murphy, or VA clinics.

**III. Public Hearing**

1. Conduct public hearing regarding the creation of the Hickory Ridge Public Improvement District including approximately 976.23 acres of land generally location east of Old Corpus Christi Road, west of U.S. Highway 181 N., and south of Texas 1604 Loop in accordance with Chapter 372 of the Texas Local Government Code.

Public Hearing begins at 12:19 PM.

Councilmember Hicks comments everything is falling into place.

Public Hearing ends at 12:21 PM.

**IV. General Business – Consent Agenda**

2. Adoption and approval of the city council minutes from January 21, 2021.
3. Approval of the previous month’s bills paid and financial reports.

Councilmember Maldonado motions to approve all two (2) General Business – Consent Agenda items Councilmember Hicks seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Hicks		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve all two (2) Consent Agenda items is passed on a unanimous vote with all three (3) councilmembers in favor.

**V. General Business – Individual Consideration**

4. Discuss and possible action regarding Ordinance 2-18-2021-1, amending the Code of Ordinances by amending Chapter 38 Zoning by amending regulation of flag lots; providing a severability clause; providing an effective date.

City Attorney Mike Guevara recommends tabling this item at this time.

Councilmember Hicks motions to table this item. Councilmember Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Hicks		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to table this item passed on unanimous vote with all three (3) councilmembers in favor.

- Receive, discuss and possible action regarding the 2019-2020 Fiscal Year audit by Beyer and Company.

Auditor Wayne Beyer conducts the 2019-2020 Fiscal Year audit presentation.

Councilmember Ortiz motions to accept the 2019-2020 Fiscal Year audit by Beyer and Company. Councilmember Hicks seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Hicks		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to accept the 2019-2020 Fiscal Year audit by Beyer and Company passed on a unanimous vote with all three (3) councilmembers in favor.

- Discuss and possible action regarding Resolution number 2-18-2021-1R creating the Hickory Ridge Public Improvement District including approximately 976.23 acres of land generally location east of Old Corpus Christi Road, west of U.S. Highway 181 N., and south of Texas 1604 Loop in accordance with Chapter 372 of the Texas Local Government Code; providing for related matters; and providing an effective date.

Councilmember Hicks motions to approve Resolution number 2-18-2021-1R creating the Hickory Ridge Public Improvement District including approximately 976.23 acres of land generally location east of Old Corpus Christi Road, west of U.S. Highway 181 N., and south of Texas 1604 Loop in accordance with Chapter 372 of the Texas Local Government Code; providing for related matters; and providing an effective date and a vote is called. Councilmember Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Hicks		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve Resolution number 2-18-2021-1R creating the Hickory Ridge Public Improvement District including approximately 976.23 acres of land generally location east of Old Corpus Christi Road, west of U.S. Highway 181 N., and south of Texas 1604 Loop in accordance with Chapter 372 of the Texas Local Government Code; providing for related matters; and providing an effective date is passed on a unanimous vote with all three (3) councilmembers in favor.

- Discuss and possible action regarding Ordinance 2-18-2021-2, granting authority for the execution of a waste services contract with Tiger Sanitation, Inc.; requiring use of Tiger Sanitation, Inc. for solid waste

disposal within Elmendorf city limits; providing criminal penalties for non-compliance; providing for the repeal of conflicting ordinances; providing for severability and an effective date; and authorizing shutoff of water service for failure to pay solid waste charges.

City Administrator Cody Dailey recommends continuing the service with Tiger Sanitation. Their prices will stay the same and so will the service. Garbage and recycling picked up every Friday with bulk trash pickup twice a year.

Councilmember Ortiz motions to approve Ordinance 2-18-2021-2, granting authority for the execution of a waste services contract with Tiger Sanitation, Inc.; requiring use of Tiger Sanitation, Inc. for solid waste disposal within Elmendorf city limits; providing criminal penalties for non-compliance; providing for the repeal of conflicting ordinances; providing for severability and an effective date; and authorizing shutoff of water service for failure to pay solid waste charges. Councilmember Hicks seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Hicks		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve Ordinance 2-18-2021-2, granting authority for the execution of a waste services contract with Tiger Sanitation, Inc.; requiring use of Tiger Sanitation, Inc. for solid waste disposal within Elmendorf city limits; providing criminal penalties for non-compliance; providing for the repeal of conflicting ordinances; providing for severability and an effective date; and authorizing shutoff of water service for failure to pay solid waste charges is passed on a unanimous vote with all three (3) councilmembers in favor.

- Discuss and possible action regarding amendments to the Master Plan at Hickory Ridge and ratification of previously approved variances by city council.

Councilmember Hicks motions to approve the Master Plan at Hickory Ridge. Councilmember Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Hicks		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve the Master Plan at Hickory Ridge passed on a unanimous vote with all three (3) councilmembers in favor.

- Discuss and possible action regarding an update to the Unit 1 plat at Hickory Ridge.

Councilmember Hicks motions to approve the Unit 1 plat at Hickory Ridge. Councilmember Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Hicks		
Councilmember Maldonado		

Councilmember Ortiz		
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The motion to approve the Unit 1 plat at Hickory Ridge passed on a unanimous vote with all three (3) councilmembers in favor.

- Discuss and possible action regarding a variance request from citizen Baldemar Garcia, relating to a potential plat for the Hipodromo Subdivision. The variance relates to Right of Way requirements for construction of roads. The applicant is requesting the use of only a 40' right of way rather than the 50' right of way outlined in the Elmendorf Municipal Code.

City Administrator Cody Dailey explains the request to reduce the size of the right of way is a concern to staff because the plans for the lots would include industrial and residential properties. If there are eighteen-wheeler trucks going through a residential subdivision, the right of way is recommended to stay at the 50' requirement as outlined in the municipal code. Furthermore, Mr. Garcia will need to upgrade the water lines going out to the property if it is to supply an industrial building with the required fire flow.

Baldemar Garcia is present with his engineer and hopes to get council's approval of the variance. Mr. Garcia wishes to bring growth and affordable housing to families. Mr. Garcia is willing to do anything necessary to get his project moving forward.

Mayor Gonzales recommends tabling this item until the next month's meeting.

Councilmember Ortiz motions to table this item. Councilmember Hicks seconds and a vote is called

Yay	Nay	Abstain
Councilmember Hicks		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to table this item passed on a unanimous vote with all three (3) councilmembers in favor.

- Discuss and possible action regarding a rezone request from Emilia Melissa & Beau Kiley Kirtner for a map amendment to Ordinance 12-12-2013-1, the City of Elmendorf's Zoning Ordinance; properties located within 16411 Old Corpus Christi Road Elmendorf, Texas 78112 (Property ID# 158810 and ID# 158809); from a Residential District (R-1) to an Agricultural Open Space District (AO).

Emilia Kirtner is in attendance with her immediate family. She conducts her presentation with her sister which goes over her family's farming history in Elmendorf and her plans for her farm in the future.

Councilmember Ortiz motions to approve a rezone request from Emilia Melissa & Beau Kiley Kirtner for a map amendment to Ordinance 12-12-2013-1, the City of Elmendorf's Zoning Ordinance; properties located within 16411 Old Corpus Christi Road Elmendorf, Texas 78112 (Property ID# 158810 and ID# 158809); from a Residential District (R-1) to an Agricultural Open Space District (AO). Councilmember Hicks seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Hicks		
Councilmember Maldonado		

Councilmember Ortiz		
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The motion to approve a rezone request from Emilia Melissa & Beau Kiley Kirtner for a map amendment to Ordinance 12-12-2013-1, the City of Elmendorf's Zoning Ordinance; properties located within 16411 Old Corpus Christi Road Elmendorf, Texas 78112 (Property ID# 158810 and ID# 158809); from a Residential District (R-1) to an Agricultural Open Space District (AO) is passed on a unanimous vote with all three (3) councilmembers in favor.

- Discuss and possible action regarding a Development Agreement between the City of Elmendorf and 181 1604 Land Development Partners, LTD relating to the Hickory Ridge Public Improvement District.

Councilmember Ortiz motions to approve a Development Agreement between the City of Elmendorf and 181 1604 Land Development Partners, LTD relating to the Hickory Ridge Public Improvement District. Councilmember Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Hicks		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve a Development Agreement between the City of Elmendorf and 181 1604 Land Development Partners, LTD relating to the Hickory Ridge Public Improvement District is passed on a unanimous vote with all three (3) councilmembers in favor.

- Discuss and possible action regarding update provided by Chief Marco Pena regarding the annual racial profiling statistics.

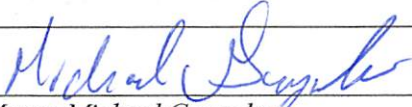

Police Chief Marco Pena conducts his update regarding the racial profiling statistics for 2020.

## VI. Adjournment

Councilmember Hicks motions to adjourn the Regular City Council Meeting. Councilmember Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Hicks		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to adjourn the Regular City Council Meeting passed on a unanimous vote with all three (3) councilmembers in favor.

Regular City Council Meeting is adjourned at:	<b>2:02 PM</b>
The minutes were passed and approved on:	March 11, 2021
	
Mayor Michael Gonzales	Attest: City Secretary Roxanne De Leon

