

**Written Minutes for the  
Regular City Council Meeting  
Held on July 18, 2019  
7:00 PM  
Elmendorf City Hall  
8304 FM 327  
Elmendorf, Texas 78112**

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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 July 18, 2019.**

**Call to Order**

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

**Pledge of Allegiance**

**Invocation**

by Councilman Hipolito "Polo" Maldonado.

**Roll Call**

|                       |                           |         |
|-----------------------|---------------------------|---------|
| Mayor                 | Michael J. Gonzales       | Present |
| Councilmember Place 1 | Tracy Riojas              | Absent  |
| Councilmember Place 2 | Dario Guerra              | Present |
| Councilmember Place 3 | Hipolito "Polo" Maldonado | Present |
| Councilmember Place 4 | Manuel Decena             | Present |
| Councilmember Place 5 | Linda Pena Ortiz          | Present |

Also, present City Administrator Cody Dailey, City Secretary Roxanne De Leon, City Attorney Mike Guevara, Sergeant David A. Reyes, City Engineer Garry Montgomery, Municipal Court Clerk Angie Mojica, Water Supervisor Stephen Mayfield, Officer Richard Scarborough and Reserve Officer Fernando Palomo.

**Citizens Participation**

No citizens for participation.

**II. Mayor and City Council Comments**

**Councilmember Maldonado** Enjoyed the tour of the water well site with Councilmember Guerra, Water Supervisor Stephen Mayfield, and City Administrator Cody Dailey.

**Councilmember Ortiz** Enjoyed the tour as well and is happy to see the project coming along.

**III. General Business – Consent Agenda**

1. Adoption and approval of the city council minutes from June 20, 2019.
2. Approval of the previous month's bills paid and financial reports.

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

| Yay                     | Nay | Abstain              |
|-------------------------|-----|----------------------|
|                         |     | Councilmember Guerra |
| Councilmember Maldonado |     |                      |
| Councilmember Decena    |     |                      |
| Councilmember Ortiz     |     |                      |

The motion to approve all two (2) General Business – Consent Agenda items is passed on a majority vote with three (3) councilmembers in favor and one (1) abstained. Councilmember Guerra abstained.

**IV. General Business – Individual Consideration**

3. Discuss and possible action regarding the acceptance or rejection of a bid to pave W. 1<sup>st</sup> Street.

City Administrator Cody Dailey states only one entity submitted a bid, which was unfortunately higher than anticipated at \$105,379.00. The city was hoping for somewhere between \$80,000 - \$85,000 range with the total budget for the project at \$100,000.00 with having to spend approximately \$18,000.00 on construction plans and engineering fees. The City Council has the option of either increasing the budget to \$128,000.00 in order to accept the presented bid or reject this bid and try to bid the project out again.

Councilmember Guerra motions to reject bid and rebid the project to pave W. 1<sup>st</sup> Street. Councilmember Ortiz seconds and discussion proceeds.

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |
| Councilmember Decena    |     |         |
| Councilmember Ortiz     |     |         |

The motion to reject bid and rebid the project to pave W. 1<sup>st</sup> Street is passed on a unanimous vote with all four (4) councilmembers in favor.

4. Discuss and possible action regarding Ordinance 07-18-2019-1, amending the Code of Ordinances by amending Chapter 38 Zoning, Division 2 – Signs; setting conditions to allow political and bandit signs in City right-of-way; providing a severability clause; providing an effective date.

Councilmember Decena motions to approve Ordinance 07-18-2019-1, amending the Code of Ordinances by amending Chapter 38 Zoning, Division 2 – Signs; setting conditions to allow political and bandit signs in City right-of-way; providing a severability clause; providing an effective date. Councilmember Guerra seconds and a vote is called.

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |
| Councilmember Decena    |     |         |
| Councilmember Ortiz     |     |         |

The motion to approve Ordinance 07-18-2019-1, amending the Code of Ordinances by amending Chapter 38 Zoning, Division 2 – Signs; setting conditions to allow political and bandit signs in City

right-of-way; providing a severability clause; providing an effective date is passed on a unanimous vote with all four (4) councilmembers in favor.

5. Discuss and possible action regarding the acceptance of an agreement from Stevan Buren Commercial Roofing for the repair of the roof at City Hall.

Councilmember Ortiz motions to accept the agreement from Stevan Buren Commercial Roofing at \$13,045 for the repair of the roof at City Hall. Councilmember Maldonado seconds and a vote is called.

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |
| Councilmember Decena    |     |         |
| Councilmember Ortiz     |     |         |

The motion to accept the agreement from Stevan Buren Commercial Roofing at \$13,045 for the repair of the roof at City Hall is passed on a unanimous vote with all four (4) councilmembers in favor.

6. Discuss and possible action regarding Ordinance 07-18-2019-2, amending the fiscal year 2018-2019 office budget, adopted by Ordinance 9-20-2019-1, providing a cumulative clause; providing a severability clause; and providing an effective date.

Councilmember Ortiz motions to approve Ordinance 07-18-2019-2, amending the fiscal year 2018-2019 office budget, adopted by Ordinance 9-20-2019-1, providing a cumulative clause; providing a severability clause; and providing an effective date. Councilmember Decena seconds and a vote is called.

| Yay                     | Nay | Abstain              |
|-------------------------|-----|----------------------|
|                         |     | Councilmember Guerra |
| Councilmember Maldonado |     |                      |
| Councilmember Decena    |     |                      |
| Councilmember Ortiz     |     |                      |

The motion to approve Ordinance 07-18-2019-2, amending the fiscal year 2018-2019 office budget, adopted by Ordinance 9-20-2019-1, providing a cumulative clause; providing a severability clause; and providing an effective date is passed on a majority vote with three (3) councilmembers in favor and one (1) abstained.

7. Discuss and possible action regarding an agreement with Bureau Veritas for the provision of Fire Services Plan Reviews and Inspections.

Councilmember Decena motions to approve an agreement with Bureau Veritas for the provision of Fire Services Plan Reviews and Inspections. Councilmember Maldonado seconds and a vote is called.

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |
| Councilmember Decena    |     |         |
| Councilmember Ortiz     |     |         |

The motion to approve an agreement with Bureau Veritas for the provision of Fire Services Plan Reviews and Inspections is passed on a unanimous vote with all four (4) councilmembers in favor.

8. Discuss and possible action regarding an agreement with Rausch Coleman and SAMA with respect to the repair of Homewood Place, Unit 1 Roads.

City Administrator Cody Dailey recommends tabling this item as no agreement has been received.

Councilmember Decena motions to table Item #8. Councilmember Maldonado seconds and a vote is called.

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |
| Councilmember Decena    |     |         |
| Councilmember Ortiz     |     |         |

The motion to table Item #8 is passed on a unanimous vote with all four (4) councilmembers in favor.

9. Discuss and possible action regarding the possibility of purchasing the land currently used for our City Park from East Central Independent School District and the hiring of a third-party appraiser.

The EEDC wished to see if the city can purchase the City Park property before paying for the construction of public bathrooms. Councilmember Decena congratulates the EEDC for suggesting so. City Administrator Cody Dailey states East Central ISD was surprisingly open to it and willing to negotiate.

Councilmember Decena motions to proceed with negotiations and hire appraiser. Councilmember Maldonado seconds and a vote is called.

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |
| Councilmember Decena    |     |         |
| Councilmember Ortiz     |     |         |

The motion to proceed with negotiations and hire an appraiser is passed on a unanimous vote with all four (4) councilmembers in favor.

10. Discuss and possible action regarding the approval of an agreement with the San Antonio River Authority for the sale of their 181 Wastewater Treatment plant.

Councilmember Decena motions to approve an agreement with the San Antonio River Authority for the sale of their 181 Wastewater Treatment plant. Councilmember Guerra seconds and a vote is called.

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |

|                      |  |  |
|----------------------|--|--|
| Councilmember Decena |  |  |
| Councilmember Ortiz  |  |  |

The motion to approve an agreement with the San Antonio River Authority for the sale of their 181 Wastewater Treatment plant is passed on a unanimous vote with all four (4) councilmembers in favor.

- Discuss and possible action regarding the approval of a Development Agreement with DR Horton with respect to the provision of wastewater services at the Hickory Ridge subdivision.

City Attorney Mike Guevara recommends going into closed session for Items #11, #12, #13, and #14.

Councilmember Ortiz motions to proceed with Items #11, #12, #13, and #14 into closed session. Councilmember Decena seconds and a vote is called.

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |
| Councilmember Decena    |     |         |
| Councilmember Ortiz     |     |         |

The motion to proceed with Items #11, #12, #13, and #14 into closed session is passed on a unanimous vote with all four (4) councilmembers in favor.

The City Council adjourns for closed session at 7:50 PM  
The City Council reconvenes to open session at 9:00 PM.

City Attorney recommends moving to Item #12 for discussion before Item #12.

No action taken on Item #11.

- Discuss and possible action regarding the approval of the final plat and plans for Hickory Ridge, Unit 1.

Councilmember Ortiz motions to approve the final plat contingent on approval of the development agreement. Councilmember Maldonado seconds and a vote is called.

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |
| Councilmember Decena    |     |         |
| Councilmember Ortiz     |     |         |

The motion to approve the final plat contingent on approval of the development agreement is passed on a unanimous vote with all four (4) councilmembers in favor.

- Discuss and possible action regarding a petition to the Public Utility Commission filed by Sunbelt Estates, LLC, for removal of their property from our Certificate of Convenience and Necessity. The foregoing agenda item (#13) is specifically identified for a potential closed session in accordance with TOMA section 551.071 (litigation and certain consultation with attorney).

Councilmember Decena motion to go into negotiation if necessary. Councilmember Maldonado seconds and a vote is called.

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |
| Councilmember Decena    |     |         |
| Councilmember Ortiz     |     |         |

The motion to go into negotiation if necessary is passed on a unanimous vote with all four (4) councilmembers in favor.

14. Discuss and possible action regarding the status of Old Corpus Christi Road repairs. The foregoing agenda item (#14) is specifically identified for a potential closed session in accordance with TOMA section 551.071 (litigation and certain consultation with attorney).

Councilmember Ortiz motions to continue negotiation and direct city attorney to amend code of ordinances to declare Old Corpus Christi Road from Borregas to 1604 as a non-truck route. Councilmember Decena seconds and a vote is called.

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |
| Councilmember Decena    |     |         |
| Councilmember Ortiz     |     |         |

The motion to continue negotiation and direct city attorney to amend code of ordinances to declare Old Corpus Christi Road from Borregas to 1604 as a non-truck route is passed on a unanimous vote with all four (4) councilmembers in favor.

**V. Adjournment**

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

| Yay                     | Nay | Abstain |
|-------------------------|-----|---------|
| Councilmember Guerra    |     |         |
| Councilmember Maldonado |     |         |
| Councilmember Decena    |     |         |
| Councilmember Ortiz     |     |         |

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

Regular City Council Meeting is adjourned at: **9:21 PM**

The minutes were passed and approved on: August 15, 2019

  
\_\_\_\_\_  
Mayor Mike Gonzales

Attest:

  
\_\_\_\_\_  
City Secretary Roxanne De Leon