

**Written Minutes for the
Regular City Council Meeting
Held on September 20 2018
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 September 20, 2018.

Call to Order

The meeting is called to order at **7:30 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	Present
Alderman Place 5	Linda Pena Ortiz	Present

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

Citizens Participation

Catherine Niles

Wishes to hold her comments for the open public budget hearing.

Justin Lyons

His manufactured home burned down on FM 327 in July 2016. The mother of his son would like to place a manufactured home on the property that does not meet the city's age requirement of being five years old or newer. He comes before the City Council seeking permission but Mayor Gonzales explains that a variance would need to be applied for with the City Secretary.

Laura Wright-Wallace

Extends gratitude to whoever responsible for bringing the polls to City Hall. It has been very convenient to be able to come vote so near home. City Administrator Cody Dailey advises her he fought very hard to bring Bexar County Elections here.

**Stephanie & Albert
Delgado**

Ms. Delgado states she is in attendance with Mr. Lyon and all her questions were answered when City Council addressed his comments.

II. Mayor and City Council Comments.

Alderman Ortiz

A written statement prepared by Alderman Ortiz is read to express her disappointment and frustration with the September 18th meeting. Alderman Ortiz explains a special meeting was called to evaluate city staff for

potential salary adjustments. Special meetings require four voting members as a quorum. The meeting started with all members of the City Council but Alderman Anderson and Alderman Rodriguez walked out before getting to General Business. Alderman Anderson did not understand why the salaries were up for discussion and Alderman Rodriguez did not remember agreeing to review staff individually; to which she reviewed the recordings and confirmed he had stated. Alderman Ortiz states the City Council was elected to attend meetings, ask questions, inform themselves, and make decisions. The City Council is supposed to be a team whether they agree or not and respect each other's opinion. City Council should not pick and choose what meetings to attend. Alderman Anderson and Alderman Rodriguez should have stayed to vote with dignity and spared the rest of City Council the embarrassment. It was disrespectful as they felt they had the upper hand because they knew the meeting needed them for quorum. Walking out was disrespectful to the Council, citizens and especially staff as this was the second attempt to have this meeting. Many of the employees stayed at work as they live too far to go home, while others came in on their day off and wasted their time and gas as this matter pertains to their livelihood. However, Alderman Anderson and Alderman Rodriguez could not bear to be at a long meeting and walked out in front of them. Alderman Ortiz believes that they have made this personal and belittled and disrespected the staff. Alderman Anderson and Alderman Rodriguez have known the staff for years and have always come to them for help and she believes they know they are good employees. They do their job, Alderman Anderson and Alderman Rodriguez should do theirs. The staff, including Cody Dailey, follows the City Council's orders and implement the rules and regulations that are passed. Alderman Ortiz personally expresses her gratitude to the city staff as they are devoted to their jobs and the city. They are professionals and they work as a team. They are owed an individual evaluation.

Alderman Anderson City Council agreed last year on what the salary increases would be and that is why he got up and left.

Alderman Rodriguez Does not do anything without researching everything. Alderman Rodriguez requested to individually review employees last year but it was not allowed so he refused to do it this year. Alderman Rodriguez doesn't think what he did was disrespectful. He is actually the one that felt disrespected.

III. Open Public Budget Hearing

1. Discussion regarding proposed city budget and tax rate for fiscal year 2018 – 2019.
2. Citizens' comments regarding proposed budget.

Open Public Budget Hearing begins at 7:44 PM

Citizen Catherine Niles is a disabled vet who has lived in Elmendorf all her life and her family traces back to the 1800's. She is aware of the cost of living increasing but Elmendorf is considered low income as studies show that 19.7% of the citizens are at or below poverty level. The possibility of a tax rate hike is her concern and the property values decreasing with the industrial businesses coming in.

The current tax rate is \$0.388061; the proposed tax rate is \$0.440000. Mr. Dailey explains that the suggested tax rate provided by Bexar County can range every year. They provide a suggested amount that would allow the city to collect the same amount of property taxes as collected the prior year. If property valuations go up, the suggested tax rate would decrease and if the valuations go down, the suggested tax rate would then increase. Ms. Niles states the problem is that the income is not going up though. Mayor Gonzales points out that the seniors' tax rate is frozen and does not increase.

Alderman Rodriguez states the City Council had wanted the tax rate at \$0.42, and Mr. Dailey disagreed. Mayor Gonzales and Alderman Anderson confirmed that the City Council agreed with the \$0.44 tax rate. Citizen Laura Wright-Wallace comments that the City Council should be aware of the decisions they are making by reading the minutes.

Off topic comment: Citizen George Dziuk points out that he took notes and the City Council did in fact agree to individually evaluating the employees.

IV. Adjourn Public Budget Hearing

Public Budget Hearing adjourned at 7:53 PM

V. 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.

1. Adoption and approval of the city council minutes from August 16, 2018.
2. Adoption and approval of the city council minutes from August 23, 2018.
3. Approval of the previous month's bills paid and financial reports.

Alderman Ortiz motions to approve all three (3) General Business – Consent Agenda items. Alderman Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
	Alderman Rodriguez	
Alderman Ortiz		

The motion to approve all three (3) General Business – Consent Agenda items are passed on a majority vote with four (4) councilmembers in favor and one (1) against. Alderman Rodriguez votes against these items.

VI. General Business – Individual Consideration

4. Discuss and appropriate action regarding Ordinance number 9-20-2018-1 adopting the annual budget for fiscal year 2018 – 2019.

Alderman Anderson confirms that the salary increases are at 1.5%.

Alderman Anderson motions to approve Ordinance number 9-20-2018-1, adopting the annual budget for fiscal year 2018 - 2019. Alderman Rodriguez seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Rodriguez		
Alderman Ortiz		

The motion to approve Ordinance number 9-20-2018-1, adopting the annual budget for fiscal year 2018 – 2019 is passed on a unanimous vote with all five (5) councilmembers in favor.

5. Discussion and appropriate action regarding Ordinance number 9-20-2018-2 adopting and setting the tax rate for 2018.

Alderman Riojas motions that the property tax rate be increased by the adoption of a tax rate of \$0.44 per \$100.00 valuation, which is effectively a 2.4869 percent increase in the tax rate. Alderman Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Ortiz	Alderman Rodriguez	

The motion that the property tax rate be increased by the adoption of a tax rate of \$0.44 per \$100.00 valuation, which is effectively a 2.4869 percent increase in the tax rate is passed on a majority vote with four (4) councilmembers in favor and one (1) against. Alderman Rodriguez votes against this item.

6. Discuss and possible action regarding a rezone request from Ronald Hansen for a map amendment to Ordinance 12-12-2013-1, the City of Elmendorf’s Zoning Ordinance; property location 9047 E Loop 1604 (Property ID# 159226) Elmendorf, Texas 78112; from R-1 (Residential) to M-2 (Heavy Industrial and Manufacturing) along with recommendations from the Planning and Zoning Commission.

Alderman Anderson motions to approve a rezone request from Ronald Hansen for a map amendment to Ordinance 12-12-2013-1, the City of Elmendorf’s Zoning Ordinance; property location 9047 E Loop 1604 (Property ID# 159226) Elmendorf, Texas 78112; from R-1 (Residential) to M-2 (Heavy Industrial and Manufacturing). Alderman Riojas seconds and discussion begins.

Property owner and CEO of Select Onsite Services, Ron Hansen, is present for this meeting. He purchased the referenced property last year thinking he was in Bexar County and was not aware incorporated in a city with regulations and zoning. They store oil on site and fracking equipment; there are approximately 60 employees; and some drivers regularly sleep in the home on the property.

Alderman Maldonado asks Citizen Cathy Niles to speak as he heard some of her and other citizens’ comments on this item. Ms. Niles is sorry that this happened to Ron Hansen’s company but there are people living next door. Ms. Niles speaks for the other gentlemen that attended the Planning and Zoning

Meeting who claimed there are trucks coming in and out all day and night and they are concerned of fires or hazardous materials affecting them. Ms. Niles fears that Elmendorf is becoming an industrial park. Ms. Niles asks City Council to take into consideration what it does to the environment and to the children of the community.

City Secretary Roxanne De Leon advises City Council that the city staff does not recommend approval of this item at this time as Mr. Hansen is not in compliance with the Texas Commission of Environmental Quality (TCEQ). Alderman Anderson asks if the Planning and Zoning Committee were aware of this when they gave their recommendation of approval.

Bexar County ESD #10 Fire Chief Bobby Hogan recommends the City Council to table this item for thirty days to allow Mr. Hansen become complaint with all TCEQ and state requirements. Mayor Gonzales agrees as there will be the city's water well site built right across from them on Loop 1604. Alderman Ortiz expresses her concern that Mr. Hansen is not aware of the TCEQ requirements as this is not the only business he operates in Texas.

Alderman Anderson's original motion and vote dies.

Alderman Maldonado motions to table this item until all the requirements are met. City Administrator Cody Dailey states there is an issue by tabling this item as there are certain requirements that cannot be met with the current R1 zone. There might be certain building permits he may need to apply for in order to become complaint with TCEQ but the permits would not be approved as he is in a R1 zone.

The motion dies.

Alderman Maldonado motions to approve a rezone request from Ronald Hansen for a map amendment to Ordinance 12-12-2013-1, the City of Elmendorf's Zoning Ordinance; property location 9047 E Loop 1604 (Property ID# 159226) Elmendorf, Texas 78112; from R-1 (Residential) to M-2 (Heavy Industrial and Manufacturing) contingent to meeting requirements with the fire marshal inspections and TCEQ in 30 days; if not ordered to appear before City Council at the next regular City Council meeting. Alderman Rodriguez seconds and a vote is called.

The vote dies as Alderman Maldonado no longer wants to vote for his motion.

Alderman Ortiz motions to deny a rezone request from Ronald Hansen for a map amendment to Ordinance 12-12-2013-1, the City of Elmendorf's Zoning Ordinance; property location 9047 E Loop 1604 (Property ID# 159226) Elmendorf, Texas 78112; from R-1 (Residential) to M-2 (Heavy Industrial and Manufacturing). Alderman Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Rodriguez		
Alderman Ortiz		

The motion to deny a rezone request from Ronald Hansen for a map amendment to Ordinance 12-12-2013-1, the City of Elmendorf's Zoning Ordinance; property location 9047 E Loop 1604 (Property ID# 159226) Elmendorf, Texas 78112; from R-1 (Residential) to M-2 (Heavy Industrial and Manufacturing) is passed on a unanimous vote with all five (5) councilmembers in favor.

7. Discuss and possible action regarding Resolution 9-20-2018-1R, approving and adopting the police policy regarding the K-9 operations.

Alderman Maldonado states someone claimed that Rocko scratched up a vehicle on a traffic stop. Police Chief Marco Pena would love the opportunity to speak to that individual.

Alderman Ortiz motions to approve Resolution 9-20-2018-1R, approving and adopting the police policy regarding the K-9 operations. Alderman Riojas seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Rodriguez		
Alderman Ortiz		

The motion to approve Resolution 9-20-2018-1R, approving and adopting the police policy regarding the K-9 operations is passed on a unanimous vote with all five (5) councilmembers in favor.

8. Discuss and possible action regarding the selection of a road to be paved as outlined in the 2018 – 2019 budget.

Alderman Ortiz suggests W. 1st Street as it leads to cemetery and is along City Park. Alderman Anderson agrees

Alderman Ortiz motions to select W. 1st between Old Corpus Christi Road and 4th Avenue. Alderman Riojas seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Rodriguez		
Alderman Ortiz		

The motion to select W. 1st between Old Corpus Christi Road and 4th Avenue is passed on a unanimous vote with all five (5) councilmembers in favor.

9. Discuss and possible action regarding the acceptance and execution of a second amendment to the Lease Purchase Agreement with ELP 1604 LLC and Elmendorf Land Partnership, L.P. with regards to the extension of the deadline date for conveyance of land for the fire department.

Alderman Maldonado motions to accept and the Mayor to execute a second amendment to the Lease Purchase Agreement with ELP 1604 LLC and Elmendorf Land Partnership, L.P. with regards to the extension of the deadline date for conveyance of land for the fire department. Alderman Rodriguez seconds and a vote is called.

Yay	Nay	Abstain
Alderman Riojas		

Alderman Anderson
Alderman Maldonado
Alderman Rodriguez
Alderman Ortiz

The motion to accept and the Mayor to execute a second amendment to the Lease Purchase Agreement with ELP 1604 LLC and Elmendorf Land Partnership, L.P. with regards to the extension of the deadline date for conveyance of land for the fire department is passed on a unanimous vote with all five (5) councilmembers in favor.

Bobby Hogan gives update.

Alderman Ortiz motions to proceed with Items #10 and #11 in closed session. Alderman Riojas seconds and a vote is called.

Yay	Nay	Abstain
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Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Rodriguez		
Alderman Ortiz		

The motion to proceed with Items #10 and #11 in closed session is approved on a unanimous vote with all five (5) councilmembers in favor.

The City Council adjourns for closed session at 8:56 PM.
The City Council reconvenes for open session at 10:13 PM.

10. Discuss and possible action regarding the placement of unpermitted, private wells within the city limits of Elmendorf. The foregoing agenda item (#10) is specifically identified for a potential closed session in accordance with TOMA section 551.071 (litigation and certain consultation with attorney).

No action taken.

11. Discuss and possible action regarding an agreement with Alamo Junction Rail Park and their contractor, W.T. Byler related to the repair of Old Corpus Christi Road. The foregoing agenda item (#11) is specifically identified for a potential closed session in accordance with TOMA section 551.071 (litigation and certain consultation with attorney).

Alderman Riojas motions to sign letter agreement when approved by city staff. Alderman Ortiz seconds and a vote is called.

Yay	Nay	Abstain
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Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Rodriguez		
Alderman Ortiz		

The motion to sign letter agreement when approved by city staff is passed on a unanimous vote with all five (5) councilmembers in favor.

VII. Adjournment

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

<u>Yay</u>	<u>Nay</u>	<u>Abstain</u>
Alderman Riojas		
Alderman Anderson		
Alderman Maldonado		
Alderman Rodriguez		
Alderman Ortiz		

The motion to adjourn the City Council Meeting is passed on a unanimous vote with all five (5) councilmembers in favor.

Regular City Council Meeting is adjourned at: **10:15 PM**

The minutes were passed and approved on: September 20, 2018



Mayor Mike Gonzales

Attest:


City Secretary Roxanne De Leon