

**Written Minutes for the  
Regular City Council Meeting  
Held on November 21, 2019  
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 November 21, 2019.**

<b>Call to Order</b>			
	The meeting is called to order at	<b>7:00 PM</b>	by Mayor Michael J. Gonzales
<b>Pledge of Allegiance</b>			
<b>Invocation</b>			by Chaplain James R. Stirneman.
<b>Roll Call</b>			
Mayor	Michael J. Gonzales		Present
Councilmember Place 1	Tracy Riojas		Present
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, Police Chief Marco Pena, Municipal Court Clerk Angie Mojica, General Clerk Lucy Bridge, Chaplain David Kirk, and Chaplain James R. Stirneman and Reserve Officer Eduardo Corona.

**Citizens Participation**

**Citizen George Dziuk** Extends thanks Chief Pena for taking care of situation at Church.

**Police Chief Update –**

Chief Marco Pena provides the statistics for the month of October. There have been 35 DWI's since January 1<sup>st</sup>. Chief Pena is now participating with East Central ISD and City of San Antonio in a program called Handle with Care. This program assist children who have experienced trauma at home. The schools would work with the police department. Chief Pena invites everyone to attend Coffee with Cops on Sunday, November 24<sup>th</sup> from 12pm to 2pm at Tex Best. Also, the police department will participate with the national mobilization to pursue DWI's in December and overtime will be authorized.

**II. Mayor and City Council Comments**

**Councilmember Decena**  
**Councilmember Ortiz**

Thanks Chief for his service.  
The event the past Tuesday with Bexar County Clerk Lucy Adame-Clark with the turkey giveaway for the seniors was very

much appreciated. There is new exercise equipment now at the park. Councilmember Ortiz comments she is happy about the streets being improved. The Christmas in the Park Parade is coming up Saturday, December 7<sup>th</sup>.

**III. General Business – Consent Agenda**

1. Adoption and approval of the city council minutes from October 17, 2019.
2. Approval of the previous month’s bills paid and financial reports.
3. Adoption and approval of the 2019 Tax Roll as provided by the Bexar County Office of Tax Assessor-Collector.

Councilmember Decena motions to approve all three (3) items on the General Business – Consent Agenda. Councilmember Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Guerra		
Councilmember Maldonado		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve all three (3) items in the General Business – Consent Agenda is passed on a unanimous vote with all five (5) councilmembers in favor.

**IV. General Business – Individual Consideration**

4. Discuss and possible action regarding a proposed plat with utility easements for the land for the ESD #10 Fire Station near the intersection of Loop 1604 and US Hwy 181.

The fire station will break ground the first week of December. City Engineer Garry Montgomery recommends passage of this item.

Councilmember Ortiz motions to approve the proposed plat with utility easements for the land for the ESD #10 Fire Station near the intersection of Loop 1604 and US Hwy 181. Councilmember Decena seconds a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Guerra		
Councilmember Maldonado		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve the proposed plat with utility easements for the land for the ESD #10 Fire Station near the intersection of Loop 1604 and US Hwy 181 is passed on a unanimous vote with all five (5) councilmembers in favor.

5. Discuss and possible action regarding resolution number 11-21-2019-1R, establishing fees for municipal services.

The only fees changed in this resolution are the permit fees as the permit inspectors had provided an updated fee schedule.

Councilmember Riojas motions to approve resolution number 11-21-2019-1R, establishing fees for municipal services. Councilmember Decena seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Guerra		
Councilmember Maldonado		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve resolution number 11-21-2019-1R, establishing fees for municipal services is passed on a unanimous vote with all five (5) councilmembers in favor.

6. Discuss and possible action regarding Ordinance 11-21-2019-1, amending the code of ordinances by amending Chapter 36 Utilities, Article I. in general; regulating connection to the city water system; providing a severability clause' providing a penalty clause; providing for public notice; providing for the repeal of ordinances in conflict herewith; and providing an effective date.

Mayor moves this item to be discussed after Item #11.

Councilmember Decena motions to approve Ordinance 11-21-2019-1, amending the code of ordinances by amending Chapter 36 Utilities, Article I. in general; regulating connection to the city water system; providing a severability clause' providing a penalty clause; providing for public notice; providing for the repeal of ordinances in conflict herewith; and providing an effective date. Councilmember Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Guerra		
Councilmember Maldonado		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve Ordinance 11-21-2019-1, amending the code of ordinances by amending Chapter 36 Utilities, Article I. in general; regulating connection to the city water system; providing a severability clause' providing a penalty clause; providing for public notice; providing for the repeal of ordinances in conflict herewith; and providing an effective date is passed on a unanimous vote with all five (5) councilmembers in favor.

7. Discuss and possible action regarding employee Lucy Bridge including job classification and pay rate. The foregoing agenda item (#7) is specifically identified for a potential closed session in accordance with TOMA section 51.074 (deliberations on certain personnel matters).

Lucy Bridge wishes to have this item discussed in closed session.

Councilmember Ortiz motions to go into closed session for 8 through 11. Councilmember Guerra seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Guerra		
Councilmember Maldonado		
Councilmember Decena		
Councilmember Ortiz		

The motion to go into closed session is passed on a unanimous vote with all five (5) councilmembers in favor.

The City Council adjourns for closed at 7:33 PM.

The City Council reconvenes for open session at 8:43 PM.

Councilmember Riojas motions to increase Lucy Bridge’s pay rate to \$15.00 an hour. Councilmember Guerra seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Guerra		
Councilmember Maldonado		
Councilmember Decena		
Councilmember Ortiz		

The motion to increase Lucy Bridge’s pay rate to \$15.00 an hour is passed on a unanimous vote with all five (5) councilmembers in favor.

- Discuss and possible action regarding a Development Agreement between the City of Elmendorf and DR Horton relating to the development of the Hickory Ridge subdivision. The foregoing agenda item (#8) is specifically identified for a potential closed session in accordance with TOMA section 551.071 (litigation and certain consultation with attorney).

Councilmember Riojas motions to approve the development agreement contingent upon the clarification of a few minor items. Councilmember Maldonado seconds and a vote is called

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Guerra		
Councilmember Maldonado		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve the development agreement contingent upon the clarification of a few minor items is passed on a unanimous vote with all five (5) councilmembers in favor.

Councilmember Guerra points out that he is going along with this vote but he disagrees.

9. Discuss and possible action regarding a potential first amendment to the TIRZ #3 Development Agreement and preliminary project plan and reinvestment zone financing plan, with the City of Elmendorf, Texas, Elmendorf Land Partnership, L.P., and Reinvestment Zone Number Three, City of Elmendorf, Texas. 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).

Councilmember Riojas motions to approve the first amendment to the TIRZ #3 Development Agreement contingent on matching the development agreement. Councilmember Decena seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Guerra		
Councilmember Maldonado		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve the first amendment to the TIRZ #3 Development Agreement contingent on matching the development agreement is passed on a unanimous vote with all five (5) councilmembers in favor.

10. Discuss and possible action regarding the purchase of the wastewater treatment plant on Hwy 181 from the San Antonio River Authority. 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) and Section 551.072 (deliberations about real property).

No action taken.

11. 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 and subsequent sale of flag lots without a plat. The foregoing agenda item (#11) is specifically identified for a potential closed session in accordance TOMA section 551.071 (litigation and certain consultation with attorney).

Councilmember Decena motions to direct staff to draft an ordinance to provide proof of access to highway from TXDOT. Councilmember Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Guerra		
Councilmember Maldonado		
Councilmember Decena		
Councilmember Ortiz		

The motion to direct staff to draft an ordinance to provide proof of access to highway from TXDOT is passed on a unanimous vote with all five (5) councilmembers in favor.

**V. Adjournment**

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

Yay	Nay	Abstain
Councilmember Riojas		
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 three (3) councilmembers in favor.

Regular City Council Meeting is adjourned at: 8:49 PM

The minutes were passed and approved on: December 19, 2019

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

Attest:   
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 City Secretary Roxanne De Leon