

**Written Minutes for the  
Regular City Council Meeting  
Held on September 19, 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 September 19, 2019.**

<b>Call to Order</b>			
	The meeting is called to order at	<b>7:11 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		Present
Councilmember Place 2	Dario Guerra		Absent
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, and Reserve Officer Fernando Palomo.

**Citizens Participation**

**Adam Salyer** Mr. Salyer resides in Universal City and has come to announce he is running for the Texas House of Representatives District 118. His father had resided in the Elmendorf area and had helped establish the IH-37 market. Mr. Salyer feels Elmendorf is not a utilized resource and is reaching out.

**II. Mayor and City Council Comments**

**No comments.**

**III. Open Public Budget Hearing**

Public Hearing opens at 7:14 PM.

1. Discussion regarding proposed city budget and tax rate for fiscal year 2019-2020.

No discussion.

2. Citizens’ comments regarding proposed budget.

No comments.

**IV. Adjourn Public Hearing**

Public Hearing is adjourned at 7:15 PM.

**V. General Business – Consent Agenda**

1. Adoption and approval of the city council minutes from August 15, 2019.
2. Approval of the previous month’s bills paid and financial reports.
3. Adoption and approval of resolution number 09-19-2019-1R, adopting the City of Elmendorf Investment Policy.
4. Approve Interlocal Agreement with Texas Department of Public Safety for renewal of Failure to Appear Program.
5. Approve the Elmendorf Economic Development Corporation budget for fiscal year 2019-2020.

Councilmember Maldonado motions to approve only Items #2 through #5; with the exception of Item #1 because he feels the minutes are incomplete.

The motion dies due to lack of a second.

Councilmember Maldonado motions to only approve Items #2 through #5.

The motion dies due to lack of a second.

Councilmember Maldonado motions to approve Items #2 through #5; and remove Item #1 from General Business – Consent Agenda to General Business – Individual Consent. Councilmember Riojas seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve Items #2 through #5; and remove Item #1 from General Business – Consent Agenda to General Business – Individual Consent is passed on a unanimous vote with all three (3) councilmembers in favor.

**VI. General Business – Individual Consideration**

1. Adoption and approval of the city council minutes from August 15, 2019.

Councilmember Ortiz motions to approve city council minutes from August 15, 2019. Councilmember Riojas seconds and the item is discussed.

Councilmember Maldonado feels the minutes are incomplete. He would like for the minutes to include a portion of where he feels the person directing the meeting “lost it.” Claims Councilmember Ortiz was

out of control and disrespectful. Claims Councilmember Ortiz was yelling “shut up”. Councilmember Ortiz disagrees with that claim. Riojas does not recall that happening.

Yay	Nay	Abstain
Councilmember Riojas		
	Councilmember Maldonado	
Councilmember Ortiz		

The motion to approve city council. Minutes from August 15, 2019 is passed on a majority vote with two (2) councilmembers in favor and one (1) against. Councilmember Maldonado votes against this motion.

6. Discussion and appropriate action regarding Ordinance Number 09-19-2019-1, adopting the annual budget for fiscal year 2019-2020.

Councilmember Riojas motions approve Ordinance Number 09-19-2019-1, adopting the annual budget for fiscal year 2019-2020. Councilmember Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve Ordinance Number 09-19-2019-1, adopting the annual budget for fiscal year 2019-2020 is passed on a unanimous vote with all three (3) councilmembers in favor.

7. Discussion and appropriate action regarding Ordinance Number 09-19-2019-2, adopting and setting the tax rate for 2019.

Councilmember Riojas motions to approve Ordinance Number 09-19-2019-2, adopting and setting the tax rate for 2019. Councilmember Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve Ordinance Number 09-19-2019-2, adopting and setting the tax rate for 2019 is passed on a unanimous vote with all three (3) councilmembers in favor.

8. Discuss and possible action regarding the appointment of members to the board of the Elmendorf Economic Development Corporation for places 1, 3, 5, & 7.

Councilmember Riojas motions the re-appoint Cody Dailey as Place 1, Tommy Hicks as Place 3, Tracy Riojas as Place 5, and Michael Hyatt as Place 7. Councilmember Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		

The motion to re-appoint Cody Dailey as Place 1, Tommy Hicks as Place 3, Tracy Riojas as Place 5, and Michael Hyatt as Place 7 is passed on a unanimous vote with all three (3) in favor.

9. Discuss and possible action regarding the acceptance or rejection of bids for the W. 1<sup>st</sup> Street paving project.

Councilmember Maldonado motions to award the project to Wagner Materials and Construction at the bid of \$93,550.28. Councilmember Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to award the project to Wagner Materials and Construction at the bid of \$93,550.28 is passed on a unanimous vote with all three (3) councilmembers in favor.

10. Discuss and possible action regarding the approval of a development agreement between the City of Elmendorf and DR Horton related to the Hickory Ridge subdivision.

City Administrator Cody Dailey recommends tabling this month as the water well project plays a role in the agreement. City Engineer Garry Montgomery states an issue has come up for one of the four wells in project. The fourth well drilled didn't hit a sufficient source of water. The good news is that the other three wells produce so much water, the fourth well may not be needed. Mr. Dailey, Mr. Montgomery and City Attorney Mike Guevara are working with DR Horton and the land owners regarding this news.

No action taken.

11. Discuss and possible action regarding Ordinance 09-19-2019-2, amending the Code of Ordinances by amending Chapter 34 – Traffic and Vehicles by amending Sec. 34-23 – use required; exceptions; and amending Sec 34-24 – Designated; signs and Markings; designations of alternate routes; prohibiting commercial traffic on Old Corpus Christi Road from W. 1<sup>st</sup> Street to the Loop 1604 access ramp; providing for the repeal of any conflicting ordinance or portion of an ordinance and providing an effective date.

Ryan Lovell of the Alamo Junction Rail Park asks City Council to allow time to figure how to go about repairing Old Corpus Christi Road. Mr. Lovell states Alamo Junction has lost several projects due to the city not providing wastewater and the oil industry being down. Closing the stretch of road referenced may further deter new business from coming in. Mr. Lovell plans on meeting with the city engineer to discuss the problem areas, get bidding from contractors and then see about funding the project.

Councilmember Ortiz motions to allow Ryan Lovell sixty days to work with city staff and must come back with a solution; critical areas on Old Corpus Christi Road must be addressed in the meantime. Councilmember Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		

Councilmember Ortiz		
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The motion to allow Ryan Lovell sixty days to work with city staff and must come back with a solution; critical areas on Old Corpus Christi Road must be addressed in the meantime is passed on a unanimous vote with all three (3) councilmembers in favor.

12. Discuss and possible action regarding Ordinance 09-19-2019-3, amending the Code of Ordinances by amending 26 – Parks and Recreation by amending Article II. Facility Use regulations; providing for the repeal of any conflicting ordinance or portion of an ordinance; and providing an effective date.

Councilmember Ortiz suggests reducing speed from 20 mph to 10 mph.

Councilmember Ortiz motions to approve Ordinance 09-19-2019-3, amending the Code of Ordinances by amending 26 – Parks and Recreation by amending Article II. Facility Use regulations; providing for the repeal of any conflicting ordinance or portion of an ordinance; and providing an effective date; and reducing the speed limit from 20 mph to 10 mph. Councilmember Riojas seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve Ordinance 09-19-2019-3, amending the Code of Ordinances by amending 26 – Parks and Recreation by amending Article II. Facility Use regulations; providing for the repeal of any conflicting ordinance or portion of an ordinance; and providing an effective date; and reducing the speed limit from 20 mph to 10 mph is passed on a unanimous vote with all three (3) councilmembers in favor.

13. Discuss and possible action to allow water customer, Lee Cruz, to make monthly payments for new meters necessary to correct multi-connection issue at his property.

Lee Cruz requests the City Council to waive the impact fee imposed for the installation of a new water meter. Mr. Cruz broke the original contract extended in January 2019 by not making the initial down payment. The impact fee of \$2,575.00 was imposed in June 2019. City Secretary Roxanne De Leon advised City Council the agenda item is only to allow for a payment plan and there is not a waiver for the impact fee in the water tariff.

Councilmember Ortiz motions to approve an 18-month payment plan @ \$708 a month plus regular water bill. Councilmember Riojas second and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve an 8-month payment plan @ \$708 a month plus regular water bill is passed on a unanimous vote with all three (3) councilmembers in favor.

14. Discuss and possible action the hiring of a full-time employee for the Elmendorf Community Library.

City Administrator Cody Dailey states the library is a private/non-profit entity and the city is prohibited from funding such an entity. Mr. Dailey also has concerns as to who would supervise the employee and the safety of an employee in a building by themselves. The library association would need to dissolve in order for the city to employ someone and the city would then run it with public funds for public purpose.

No action taken.

15. Discuss and possible action regarding the approval of a Bill of Sale related to the wastewater treatment plant on US Hwy 181 being purchased from the San Antonio River Authority.

City Administrator Cody Dailey recommends approval of this item. The bill of sale to be utilized for the sale of the property has been reviewed by City Attorney Mike Guevara.

Councilmember Riojas motions to approve a Bill of Sale related to the wastewater treatment plant on US Hwy 181 being purchased from the San Antonio River Authority. Councilmember Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve a Bill of Sale related to the wastewater treatment plant on US Hwy 181 being purchased from the San Antonio River Authority is passed on a unanimous vote with all three (3) councilmembers in favor.

16. Discuss and possible action regarding Resolution 09-19-2019-2R, establishing fees for municipal services.

City Administrator Cody Dailey explains the only addition is to include fees for future sewer service. The fees were kept the same as what SARA currently charges so that the switch in providers would be as seamless as possible to current residents/sewer customers.

Councilmember Maldonado motions to approve Resolution 09-19-2019-2R, establishing fees for municipal services. Councilmember Riojas seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to approve Resolution 09-19-2019-2R, establishing fees for municipal services is passed on a unanimous vote with all three (3) councilmembers in favor.

17. Discuss and possible action regarding the review of appraisal performed on the land occupied by our city park. The foregoing agenda item (#17) is specifically identified for a potential closed session in accordance with TOMA section 551.072 (deliberations about real property).

Councilmember Ortiz motions to discuss Item #17 in closed session. Councilmember Riojas seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		
Councilmember Ortiz		

The motion to discuss Item #17 in closed session is passed on a unanimous vote with all three (3) councilmembers in favor.

The City Council adjourns for closed session at 8:35 PM.  
The City Council reconvenes for open session at 8:53 PM.

No action taken.

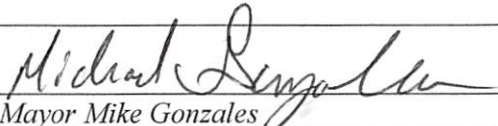
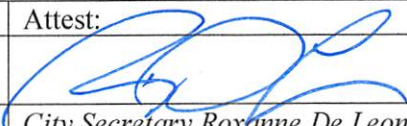
## VII. Adjournment

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

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		
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:	<b>8:54 PM</b>
The minutes were passed and approved on:	<b>October 17, 2019</b>

	Attest:	
Mayor Mike Gonzales		City Secretary Roxanne De Leon