

**Written Minutes for the
Regular City Council Meeting
Held on May 10, 2018
7:00 PM
Elmendorf City Hall
8304 FM 327
Elmendorf, Texas 78112**

 **ORIGINAL**

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 May 10, 2018.

Call to Order

The meeting is called to order at **7:25 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, and Officer Corona.

Chief Pena gives brief update on the 1033 Program which he applied to grant the department free items.

Citizens Participation

No citizens for participation.

II. Mayor and City Council Comments.

Alderman Maldonado Expresses gratitude to the citizens voting for him as Councilman for another two years.

Alderman Rodriguez Inquires the status of repairing the work done on Old Corpus Christi Road. City Administrator Cody Dailey states he has been in discussion with Alamo Junction, who contracted the job by the 380 agreement, about repairing the road. The city has not touched it as to not affect the warranty Alamo Junction may have from the contractor.

III. 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 April 12, 2018.
2. Approval of the previous month's bills paid and financial reports.
3. Approval and adoption of Resolution No. 05-10-2018-1R, approving an agreement between the City of Elmendorf and Bexar County for the County to qualify for the urban county CDBG program; stating the understandings and agreements of the parties; authorizing the Mayor to sign an interlocal cooperation agreement with Bexar County under Chapter 791 of the Texas Government Code; and providing an effective date.
4. Adoption and approval of Resolution number 5-10-2018-2R, canvassing the returns and declaring and certifying results of the general election held on the 5th Day of May, 2018 to elect the Mayor and two aldermen for places 3 and 5 for a two-year term; and providing an effective date.

Alderman Rodriguez asks the purpose of participating with CDBG. City Administrator Cody Dailey says due to 2010 census, currently we do not qualify for the program and we would like to keep the option open in order to participate with them should circumstances change. The census bureau mailed out a questionnaire about income levels and the number of people in the household but the percentage of responses needed was not received back to the census bureau. There is not enough information to be considered as a low-income community. A company would need to be hired to do a house by house canvass.

Alderman Maldonado motions to approve all four items. Alderman Rodriguez seconds and a vote is called.

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

The motion to approve the four (4) items from the General Business – Consent Agenda is passed on a unanimous vote with all five (5) councilmembers in favor.

IV. General Business – Individual Consideration

5. Discuss and possible action regarding the approval of a contract with Norton, Rose, Fulbright for the provision of bond counsel services with respect to the Texas combination tax and subordinate lien Certificates of Obligation Series 2018 (Texas Water Development Board Drinking Water State Revolving Fund) for our water project.

Mr. Dailey explains that additional work on the part of the bond counsel due to the city's switch from the D-Fund to the State Revolving Fund necessitated a slight price increase for services from Norton Rose Fulbright. The proposed contract is for a total of \$75,000.00 from the original contract of \$72,500.00 so the increase is only \$2,500.00. This will not impact the project budget as the city has allocated more funds than this for bond counsel representation. Mr. Dailey recommends approval of the contract. Alderman Rodriguez confirms there will not be further expenses to come.

Alderman Riojas motions to approve the contract with Norton, Rose, Fulbright for the provision of bond counsel services with respect to the Texas combination tax and subordinate lien Certificate of Obligation Series 2018 (Texas Water Development Board Drinking Water State Revolving Fund) for our water project. 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 the contract with Norton, Rose, Fulbright for the provision of bond counsel services with respect to the Texas combination tax and subordinate lien Certificate of Obligation Series 2018 (Texas Water Development Board Drinking Water State Revolving Fund) for our water project is passed on a unanimous vote with all five (5) councilmembers in favor.

- Discuss and possible action regarding Resolution No. 05-10-2018-3R, authorizing an approving publication of notice of intention to issue certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date.

Andrew Freidman, of SAMCO, is present for this meeting. City Council is advised this resolution is the city’s notice of intent to issue Certificates of Obligation for the water well project. This must pass in order for the project to continue. Once passed, the city staff will publicize notices of intent in the paper and hold the final vote at the July regular meeting.

Alderman Maldonado motions to approve Resolution No. 05-10-2018-3R, authorizing an approving publication of notice of intention to issue certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing for an effective date. 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 Resolution No. 05-10-2018-3R, authorizing an approving publication of notice of intention to issue certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing for an effective date is passed on a unanimous vote with all five (5) councilmembers in favor.

- Discuss and possible action regarding the purchase of a used horse trailer for use by the Animal Control Department.

Police Chief Marco Pena states several times a year the city borrows trailers from various citizens whenever there is a horse or large animal on the loose. Problem is, the city is liable for that person’s trailer when the city has it in its possession. Last week, there was a call for a horse and a donkey at the same time. The staff has found a couple of trailers on Craigslist, both listed for \$1,500.00 and Chief

Pena would like to keep the purchase in that price range. Citizen Howard F. Snoga states he has experience with trailers as he has cattle and doesn't believe a \$1,500.00 trailer would be in good condition. Mr. Snoga recommends the Chief Pena inspects this trailer before purchasing.

Alderman Rodriguez motions to inspect the trailer to confirm it is in good condition with an allowance of \$1,700.00. Alderman Ortiz seconds and a vote is called.

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

The motion to inspect he trailer to confirm it is in good condition with an allowance of \$1,700.00 is passed on a unanimous vote with all five (5) councilmembers in favor.

- Discuss and possible action regarding the addition of 41.5W LED streetlights at various locations throughout the City of Elmendorf.

Mayor Gonzales was approached about multiple citizens regarding dark areas on Kilowatt Road and Cassiano Road. The cost of the streetlights would be \$8.30 per new light per month.

Alderman Ortiz motions to approve the addition of 41.5W LED streetlights at the following locations: 15700 Block of Kilowatt Road on pole# 277327, 15500 Block of Kilowatt Road on pole# 243631, 16100 Block of Kilowatt Road on pole# 286459, 16200 Block of Cassiano Road on pole# 252726, 15900 Block of Cassiano Road on pole# 249739, 16100 Block of Cassiano Road on pole# 280414, 15700 Block of Cassiano Road on pole# 264314, 15300 Block of Cassiano Road on pole# 273466, 15400 Block of Cassiano Road on pole# 246221, 14700 Block of Cassiano Road on pole# 273495, 14600 Block of Cassiano Road on pole# 289173, 14200 Block of Cassiano Road on pole# 538070. 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 the addition of 41.5W LED streetlights at the following locations: 15700 Block of Kilowatt Road on pole# 277327, 15500 Block of Kilowatt Road on pole# 243631, 16100 Block of Kilowatt Road on pole# 286459, 16200 Block of Cassiano Road on pole# 252726, 15900 Block of Cassiano Road on pole# 249739, 16100 Block of Cassiano Road on pole# 280414, 15700 Block of Cassiano Road on pole# 264314, 15300 Block of Cassiano Road on pole# 273466, 15400 Block of Cassiano Road on pole# 246221, 14700 Block of Cassiano Road on pole# 273495, 14600 Block of Cassiano Road on pole# 289173, 14200 Block of Cassiano Road on pole# 538070 is passed on a unanimous vote with all five (5) councilmembers in favor.

- Discuss and possible action regarding a memorandum of agreement between U.S. Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS) and the

Elmendorf Police Department, pursuant to which ICE delegates to nominated, trained, certified and authorized Elmendorf Police Department personnel the authority to perform certain immigration enforcement functions.

Chief Marco Pena has personally met with ICE to show them records the police department has maintain for the immigrant detainees and they have confirmed the department is doing right. However, he wants further training by participating in this program. Citizen James Briggs comments if the officers don't have training, the city will be liable if they do something wrong. Alderman Rodriguez states he is against this and the city officers should not be conducting federal officer duties. Mayor Gonzales explains the city has to comply with Senate Bill 4. Alderman Rodriguez said these immigrants have been here all their lives and he doesn't agree with the chief is sending them to Mexico.

Alderman Ortiz motions to approve and authorizes Chief Pena to execute the agreement.

Alderman Maldonado asks if this will cost. Chief Pena states there will only be paying the officer room and board. Alderman Richard comments this resolution is a mistake.

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 and authorizes Chief Pena to execute the agreement is passed on a majority vote with four (4) councilmembers in favor and one (1) against.

10. Discuss and possible action regarding Ordinance 5-10-2018-1, amending the code of ordinances by amending Chapter 38 Zoning, Article II. Development Review; Requiring an affirmative vote of three-fourths of the City Council to overrule a recommendation of the Zoning Commission to deny a proposed map amendment change; amending Article III. Use Regulation; allowing for the placement of a manufactured home on a lot zoned R1 in certain areas as a condition use; providing a severability clause; providing for the repeal of ordinances in conflict herewith; and providing an effective date.

Alderman Rodriguez asks the purpose of changing the rules of the majority. Mr. Dailey explains this ordinance would protect owners of property who owned the land before the zoning ordinance went into effect and give them the option of a waiver to be able to place a manufactured home on the property without applying for a map amendment. Also, this ordinance, as discussed at the last meeting, will require a 3/4ths vote to overturn a map amendment denial by the Planning and Zoning Commission. Mayor Gonzales requested this amendment and it was discussed in closed session at the last meeting to which everyone, including Alderman Rodriguez agreed. Alderman Rodriguez states he does not remember.

Alderman Riojas motions to approve Ordinance 5-10-2018-1, amending the code of ordinances by amending Chapter 38 Zoning, Article II. Development Review; Requiring an affirmative vote of three-fourths of the City Council to overrule a recommendation of the Zoning Commission to deny a proposed map amendment change; amending Article III. Use Regulation; allowing for the placement of a manufactured home on a lot zoned R1 in certain areas as a condition use; providing a severability

clause; providing for the repeal of ordinances in conflict herewith; and providing an effective date. Alderman Ortiz seconds and a vote is called.

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

The motion to approve Ordinance 5-10-2018-1, amending the code of ordinances by amending Chapter 38 Zoning, Article II. Development Review; Requiring an affirmative vote of three-fourths of the City Council to overrule a recommendation of the Zoning Commission to deny a proposed map amendment change; amending Article III. Use Regulation; allowing for the placement of a manufactured home on a lot zoned R1 in certain areas as a condition use; providing a severability clause; providing for the repeal of ordinances in conflict herewith; and providing an effective date is passed on a majority vote with four (4) councilmembers in favor and one (1) against.

11. Discuss and possible action regarding a rezone request from Howard F. Snoga for a map amendment to Ordinance 12-12-2013-1, the City of Elmendorf's Zoning Ordinance; property location Cassiano Road (Property ID# 1263364) Elmendorf, Texas 78112; from R-1 (Residential) to MHS (Manufactured Home Subdivision).

Alderman Maldonado got a call about this property and was very against the placement of the mobile home. However, he was present for the Planning and Zoning meeting and he now has an open mind. Alderman Rodriguez brings up the age requirement also being an issue. Mr. Dailey confirms the city council would have to address that matter at another meeting if this map amendment is approved. Planning and Zoning Commissioner Laura Wright-Wallace has a problem with changing the map but also has a problem denying a citizen who obtained the property before they were annexed so they were not aware of the zoning. She wishes there was a way to allow them a waiver. Mr. Dailey recommends the city to be scarce of so many waivers. Alderman Riojas asks the purpose of the property and Mr. Snoga says it will be used as a rental. Alderman Riojas says she is against it and has a vision for the city being a residential area.

Alderman Anderson motions to approve a rezone request from Howard F. Snoga for a map amendment to Ordinance 12-12-2013-1, the City of Elmendorf's Zoning Ordinance; property location Cassiano Road (Property ID# 1263364) Elmendorf, Texas 78112; from R-1 (Residential) to MHS (Manufactured Home Subdivision). Alderman Rodriguez seconds and a vote is called.

Mayor Gonzales would like to see a packet provided to the citizens stating all city ordinances whenever they get a permit and they sign it as received. Alderman Ortiz suggests the permit applications should be updated to ask certain questions.

Alderman Rodriguez seconds and a vote is called.

