

**Written Minutes for the  
Regular City Council Meeting  
Held on July 21, 2022  
7:00 PM  
Elmendorf City Hall  
8304 FM 327  
Elmendorf, TX 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 Meeting at the Elmendorf City Hall at 7:00 pm July 21, 2022.**

<b>Call to Order</b>			
	The meeting is called to order at	<b>7:00 PM</b>	by Mayor Pro-Tem Tommy Hicks.
<b>Pledge of Allegiance</b>			
<b>Invocation</b>			By Chaplain James Stirnemann.
<b>Roll Call</b>			
Mayor	Michael J. Gonzales		Absent
Councilmember Place 1	Tracy Riojas		Present
Councilmember Place 2	Tommy Hicks		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 Attorney Mike Guevara, Chief Marco Pena, Water Supervisor Shawn Cooper, Water Operator Tim Martinez, Court Clerk David Flores, Chaplain James Stirnemann, City Engineer Garry Montgomery, Sergeant David A. Reyes, and Officer Elizabeth Montoya.

**Citizens Participation**

**Debbie Perez** A new resident to Elmendorf in the Homewood Place Subdivision and has noticed the taste and pressure in the water. Water Supervisor Shawn Cooper and Water Operator Tim Martinez explain the city has switched over to distributing its own water from the new water well.

**David Page** A resident of Homewood Place is concerned for the pets and people of the neighborhood with people speeding and running stop signs.

**II. Mayor and City Council Comments**

**Councilmember Hicks** Announces East Central Nutrition Partners handed out 459 meals at the library last month. Keep praying for City Secretary Roxanne De Leon.

**Councilmember Ortiz** Will be sending out parade invitations next week.

**III. General Business – Consent Agenda**

1. Approval of the city council meeting minutes for May 19, 2022.

2. Approval of the city council meeting minutes for June 16, 2022.
3. Approval of the previous month's bills paid and financial reports.

Councilmember Decena motions to approve the General Business – Consent Agenda. Councilmember Riojas seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

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

#### IV. Public Hearing

4. Conduct Public Hearing regarding the Voluntary Petition for Annexation to the City of Elmendorf, Texas by 2022 HR Partners, LTD for 9.163 acres out of the north 17- and one-half acres of 35 acres in the original land grant of J. De La Garza, Division 90, county Block 4008.

Public Hearing opens at 7:20 pm.

No comments.

Public Hearing adjourns at 7:21 pm.

#### V. General Business – Individual Consideration

5. Discuss and possible action regarding an update on the Water Project.

Water Supervisor Shawn Cooper and Water Operator Tim Martinez provide an update on the water project.

No action taken.

6. Discuss and possible action regarding the addition of a street light located on pole number 2067483 at 15040 Cassiano Road.

Councilmember Decena motions to approve the addition of a street light located on pole number 2067483 at 15040 Cassiano Road. Councilmember Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		



The motion to approve the addition of a street light located on pole number 2067483 at 15040 Cassiano Road is passed on a unanimous vote with all five (5) councilmembers in favor.

7. Discuss and possible action regarding a plat establishing the Ramos Place subdivision, dividing Lot 6, DB 4008K, into lots 6A and 6B. Property located on Elmendorf-Lavernia Road.

Councilmember Decena motions to deny a plat establishing the Ramos Place subdivision, dividing Lot 6, DB 4008K, into lots 6A and 6B. Property located on Elmendorf-Lavernia Road. Councilmember Riojas seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

The motion to deny a plat establishing the Ramos Place subdivision, dividing Lot 6, DB 4008K, into lots 6A and 6B. Property located on Elmendorf-Lavernia Road is passed on a unanimous vote with all five (5) councilmembers in favor.

8. Discuss and possible action regarding Ordinance 7-21-2022-1, an ordinance of the City and Elmendorf, Texas annexing by voluntary petition approximately 9.1593 acres in Bexar County, Texas situation generally in the eastern portion of the city along Loop 1604 and US Highway 181, into the corporate limits of the City of Elmendorf, Texas; identifying the City Council's findings of fact in support of the annexation; amending the official map and boundaries of the city; granting all inhabitants of the annexes property all rights and privileges of other citizens and binding all inhabitants by all of the acts, ordinances, resolutions and regulations of the City of Elmendorf, Texas; providing a severability clause; and providing an effective date.

Councilmember Decena motions to approve Ordinance 7-21-2022-1, an ordinance of the City and Elmendorf, Texas annexing by voluntary petition approximately 9.1593 acres in Bexar County, Texas situation generally in the eastern portion of the city along Loop 1604 and US Highway 181, into the corporate limits of the City of Elmendorf, Texas; identifying the City Council's findings of fact in support of the annexation; amending the official map and boundaries of the city; granting all inhabitants of the annexes property all rights and privileges of other citizens and binding all inhabitants by all of the acts, ordinances, resolutions and regulations of the City of Elmendorf, Texas; providing a severability clause; and providing an effective date. Councilmember Riojas seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve Ordinance 7-21-2022-1, an ordinance of the City and Elmendorf, Texas annexing by voluntary petition approximately 9.1593 acres in Bexar County, Texas situation generally in the



eastern portion of the city along Loop 1604 and US Highway 181, into the corporate limits of the City of Elmendorf, Texas; identifying the City Council's findings of fact in support of the annexation; amending the official map and boundaries of the city; granting all inhabitants of the annexes property all rights and privileges of other citizens and binding all inhabitants by all of the acts, ordinances, resolutions and regulations of the City of Elmendorf, Texas; providing a severability clause; and providing an effective date is passed on a unanimous vote with all five (5) councilmembers in favor.

9. Discuss and possible action regarding variances requested by R.W. McDonald for the Hickory Ridge subdivision for newly annexed property (approximately 9.153 acres out of the north 17- and one-half acres of 35 acres in the original land grant of J. De La Garza, Division 90, county Block 4008) to match variances already approved for current units related to lot size, type A street right of way width, setbacks, utility embankment easements and drainage ditches.

Councilmember Riojas motions to approve variances requested by R.W. McDonald for the Hickory Ridge subdivision for newly annexed property (approximately 9.153 acres out of the north 17- and one-half acres of 35 acres in the original land grant of J. De La Garza, Division 90, county Block 4008) to match variances already approved for current units related to lot size, type A street right of way width, setbacks, utility embankment easements and drainage ditches. Councilmember Decena seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve variances requested by R.W. McDonald for the Hickory Ridge subdivision for newly annexed property (approximately 9.153 acres out of the north 17- and one-half acres of 35 acres in the original land grant of J. De La Garza, Division 90, county Block 4008) to match variances already approved for current units related to lot size, type A street right of way width, setbacks, utility embankment easements and drainage ditches is passed on a unanimous vote with all five (5) councilmembers in favor.

10. Discuss and possible action regarding a revised master plan for the Hickory Ridge subdivision incorporating new land acquisitions, specifically the newly annexed tract of approximately 9.163 acres (out of the north 17- and one-half acres of 35 acres in the original land grant of J. De La Garza, Division 90, county Block 4008) and utilizing variances described in the previous agenda item.

Councilmember Ortiz motions to approve a revised master plan for the Hickory Ridge subdivision incorporating new land acquisitions, specifically the newly annexed tract of approximately 9.163 acres (out of the north 17- and one-half acres of 35 acres in the original land grant of J. De La Garza, Division 90, county Block 4008) and utilizing variances described in the previous agenda item. Councilmember Decena seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		



Councilmember Decena		
Councilmember Ortiz		

The motion to approve a revised master plan for the Hickory Ridge subdivision incorporating new land acquisitions, specifically the newly annexed tract of approximately 9.163 acres (out of the north 17- and one-half acres of 35 acres in the original land grant of J. De La Garza, Division 90, county Block 4008) and utilizing variances described in the previous agenda item is passed on a unanimous vote with all five (5) councilmembers in favor.

11. Discuss and possible action regarding Resolution 7-21-2022-1R (First Amended and Restated Resolution Setting Public Hearing), setting a public hearing on August 18, 2022 under Section 311.003 of the Texas Tax Code for the creation of a Tax Increment Reinvestment Zone within the corporate limits of the City of Elmendorf, Texas; authorizing the issuance of notice by the City Secretary of Elmendorf, Texas regarding the public hearing; and directing the City to prepare a preliminary reinvestment zone financing plan.

Councilmember Riojas motions to approve Resolution 7-21-2022-1R (First Amended and Restated Resolution Setting Public Hearing), setting a public hearing on August 18, 2022 under Section 311.003 of the Texas Tax Code for the creation of a Tax Increment Reinvestment Zone within the corporate limits of the City of Elmendorf, Texas; authorizing the issuance of notice by the City Secretary of Elmendorf, Texas regarding the public hearing; and directing the City to prepare a preliminary reinvestment zone financing plan. Councilmember Decena seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve Resolution 7-21-2022-1R (First Amended and Restated Resolution Setting Public Hearing), setting a public hearing on August 18, 2022 under Section 311.003 of the Texas Tax Code for the creation of a Tax Increment Reinvestment Zone within the corporate limits of the City of Elmendorf, Texas; authorizing the issuance of notice by the City Secretary of Elmendorf, Texas regarding the public hearing; and directing the City to prepare a preliminary reinvestment zone financing plan is passed on a unanimous vote with all five (5) councilmembers in favor.

12. Discuss and possible action regarding Ordinance 7-21-2022-2, granting to Universal Natural Gas, LLC and its successors and assigns, for a period of twenty-five (25) years from the effective date of this ordinance, a non-exclusive franchise and right to enter the public ways to install, operate and maintain a distribution system within, along, across, over and under the public ways of the City of Elmendorf, Texas for the transportation, distribution and/or sale of gas to customers and the public generally in the city; defining the words and phrases therein; providing for assignment, sale or lease of the franchise' providing for use and repair of the public ways; providing for regulation of service; establishing depth of pipelines; establishing rights and duties in the movement and alteration of pipelines; providing for indemnification of the City of Elmendorf; providing for inspection of grantee's records; requiring grantee to pay a franchise fee; providing for conditions of the franchise; providing for acceptance of this franchise by grantee and both an effective and an operative date thereof; repealing all other ordinances



directly in conflict herewith; providing for severability; providing for publication and prescribing an effective date.

Councilmember Decena motions to approve Ordinance 7-21-2022-2, granting to Universal Natural Gas, LLC and its successors and assigns, for a period of twenty-five (25) years from the effective date of this ordinance, a non-exclusive franchise and right to enter the public ways to install, operate and maintain a distribution system within, along, across, over and under the public ways of the City of Elmendorf, Texas for the transportation, distribution and/or sale of gas to customers and the public generally in the city; defining the words and phrases therein; providing for assignment, sale or lease of the franchise' providing for use and repair of the public ways; providing for regulation of service; establishing depth of pipelines; establishing rights and duties in the movement and alteration of pipelines; providing for indemnification of the City of Elmendorf; providing for inspection of grantee's records; requiring grantee to pay a franchise fee; providing for conditions of the franchise; providing for acceptance of this franchise by grantee and both an effective and an operative date thereof; repealing all other ordinances directly in conflict herewith; providing for severability; providing for publication and prescribing an effective date. Councilmember Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve Ordinance 7-21-2022-2, granting to Universal Natural Gas, LLC and its successors and assigns, for a period of twenty-five (25) years from the effective date of this ordinance, a non-exclusive franchise and right to enter the public ways to install, operate and maintain a distribution system within, along, across, over and under the public ways of the City of Elmendorf, Texas for the transportation, distribution and/or sale of gas to customers and the public generally in the city; defining the words and phrases therein; providing for assignment, sale or lease of the franchise' providing for use and repair of the public ways; providing for regulation of service; establishing depth of pipelines; establishing rights and duties in the movement and alteration of pipelines; providing for indemnification of the City of Elmendorf; providing for inspection of grantee's records; requiring grantee to pay a franchise fee; providing for conditions of the franchise; providing for acceptance of this franchise by grantee and both an effective and an operative date thereof; repealing all other ordinances directly in conflict herewith; providing for severability; providing for publication and prescribing an effective date is passed on a unanimous vote with all five (5) councilmembers in favor.

13. Discuss and possible action regarding the selection of a generator maintenance agreement.

Councilmember Decena motions to select Holt CAT for the generator maintenance agreement at \$13,619.36 for year 1 and year 2; and \$21,278.91 for year 3. Councilmember Dziuk seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		



Councilmember Ortiz		
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The motion to select Holt CAT for the generator maintenance agreement at \$13,619.36 for year 1 and year 2; and \$21,278.91 for year 3 is passed on a unanimous vote with all five (5) councilmembers in favor.

14. Discuss and possible action regarding the acceptance of a Memorandum of Understanding between the Elmendorf Police Department and the East Central ISD Police Department.

Councilmember Ortiz motions to accept a Memorandum of Understanding between the Elmendorf Police Department and the East Central ISD Police Department. Councilmember Riojas seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

The motion to accept a Memorandum of Understanding between the Elmendorf Police Department and the East Central ISD Police Department is passed on a unanimous vote with all five (5) councilmembers in favor.

15. Discuss and possible action regarding a revised contract with Guevara Law.

Councilmember Ortiz motions to accept a revised contract with Guevara Law. Councilmember Decena seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

The motion to accept a revised contract with Guevara Law is passed on a unanimous with all five (5) councilmembers in favor.

16. Discuss and possible action regarding our contract with Enriched Organics. The foregoing agenda item (#16) 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 proceed with Items #16 and #17 in closed session. Councilmember Riojas seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		

Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

The motion to proceed with Items #16 and #17 in closed session is passed on a unanimous vote with all five (5) councilmembers in favor.

The City Council adjourns for closed session at 8:15 pm.

The City Council reconvenes for open session at 8:45 pm.

Councilmember Riojas motions to terminate the contract with Enriched Organics. Councilmember Decena seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

The motion to terminate the contract with Enriched Organics is passed on a unanimous vote with all five (5) councilmembers in favor.

17. Discuss and possible action regarding the review and salary of Roxanne De Leon as City Secretary. The foregoing agenda item (#17) is specifically identified for a potential closed session in accordance with TOMA section 551.074 (deliberations on certain personnel matters).

No action taken.

## VI. Adjournment

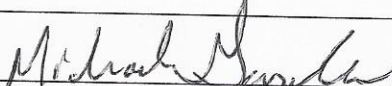

Councilmember Ortiz motions to adjourn the Regular City Council Meeting. Councilmember Riojas seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

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



Regular City Council Meeting is adjourned at:	8:46 PM
The minutes were passed and approved on:	August 18, 2022

	
Mayor Michael Gonzalez	Attest: City Secretary Roxanne De Leon

