

**Written Minutes for the
Regular City Council Meeting
Held on October 20, 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 October 20, 2022.

Call to Order

The meeting is called to order at 7:00 PM by Mayor Michael Gonzales.

Pledge of Allegiance

Invocation

By Chaplain James Stirnemann.

Roll Call

Mayor	Michael J. Gonzales	Present
Councilmember Place 1	Tracy Riojas	Present
Councilmember Place 2	Tommy Hicks	Present
Councilmember Place 3	George Dziuk	Present via Zoom
Councilmember Place 4	Manuel Decena	Present
Councilmember Place 5	Linda Pena Ortiz	Present

Also, present City Administrator Cody Dailey, City Attorney Mike Guevara, City Secretary Roxanne De Leon, City Engineer Garry Montgomery, Chief Marco Pena, Water Supervisor Shawn Cooper, Court Clerk David Flores, Chaplain David Kirk, Lieutenant Nicolas Juarez, Officer Darell Ward, and Officer Emilio Maldonado.

Citizens Participation

No participation from citizens.

II. Mayor and City Council Comments

Councilmember Hicks The Elmendorf Community Library hosted an event the previous Saturday. There were sixteen vendors and they did pretty good.

III. General Business – Consent Agenda

1. Adoption and approval of the city council minutes from September 15, 2022.
2. Approval of the previous month's bills paid and financial reports.

Councilmember Riojas motions to approve all General Business – Consent Agenda Items.
Councilmember Hicks seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		

Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

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

IV. General Business – Individual Consideration

3. Receive presentation by East Central ISD Superintendent Mr. Roland Toscano on the upcoming \$240 million school bond election in November 2022.

Shane McKay, former East Central High School principal, now Executive Director of Student and Community presents information on the upcoming bond and plans for growth. School board members Monique Presas and Vice President John Masengale also attended.

4. Discuss and possible action regarding Resolution 10-20-2022-1R, formally naming the Elmendorf City Park as the Felix B. Guerra City Park.

Felix B. Guerra is present for this meeting. In 1999, Mr. Guerra was given the task of acquiring permission from the superintendent to access to the property and use as a city park. After much effort and cleanup, he was able to do that. He organized the installation of swings and a basketball court for teens. Mr. Guerra expresses gratitude for the opportunity to have the City Park named after him.

Councilmember Ortiz motions to approve Resolution 10-20-2022-1R, formally naming the Elmendorf City Park as the Felix B. Guerra City Park. Councilmember Hicks seconds and a vote is called.

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

The motion to approve Resolution 10-20-2022-1R, formally naming the Elmendorf City Park as the Felix B. Guerra City Park is passed on a unanimous vote with all five (5) councilmembers in favor.

5. Discuss and possible action regarding Resolution 10-20-2022-2R, accepting dedication of the roads and right-of-ways in the portion of the Hickory Ridge Subdivision referred to as Hickory Ridge Unit 1C.

Councilmember Riojas motions to approve Resolution 10-20-2022-2R, accepting dedication of the roads and right-of-ways in the portion of the Hickory Ridge Subdivision referred to as Hickory Ridge Unit 1C contingent upon the completion of the paved access road, PID plat has been filed, and will withhold certificate of occupancy until completed. Councilmember Hicks seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		

Councilmember Dziuk		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve Resolution 10-20-2022-2R, accepting dedication of the roads and right-of-ways in the portion of the Hickory Ridge Subdivision referred to as Hickory Ridge Unit 1C contingent upon the completion of the paved access road, PID plat has been filed, and will withhold certificate of occupancy until completed is passed on a unanimous vote with all five (5) councilmembers in favor.

6. Discuss and possible action regarding Resolution 10-20-2022-3R, establishing fees for municipal services.

City Administrator Cody Dailey explains the resolution would increase the permit fees in order to collect for city time to process permits.

Councilmember Decena motions to approve Resolution 10-20-2022-3R, establishing fees for municipal services. Councilmember Ortiz seconds and a vote is called.

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

The motion to approves Resolution 10-20-2022-3R, establishing fees for municipal services is passed on a unanimous vote with all five (5) councilmembers in favor.

7. Discuss and possible action regarding the selection of an audit firm to handle the city's annual audits and financial reports.

City Administrator Cody Dailey reached out to multiple auditors in the area but only had two responses and made contact. Mr. Dailey recommends going with Armstrong, Vaughan, and Associates.

Councilmember Ortiz motions to select Armstrong, Vaughan, and Associates. Councilmember Hicks seconds and a vote is called.

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

The motion to select Armstrong, Vaughan, and Associates is passed on a unanimous vote with all five (5) councilmembers in favor.

8. Discuss and possible action regarding the possible approval of the Sells Subdivision plat.

City Engineer Garry Montgomery and City Attorney Mike Guevara recommend rejecting the plat due to some issues with the property. The original tract was ten acres but the owner sold two acres by metes and bounds rather than platting as required by the City. Any lot of land being divided into two or more lots must be platted by our city code. The seller failed to do this. The new owner of the two acres is requesting the plat to be granted but the layout of the other eight acres would need to be considered as well. The other issue being is that the replat would then create a flag lot for the other eight acres which is prohibited by our municipal code. A plat including all ten acres would have to be submitted.

Councilmember Decena motions to reject the Sells Subdivision plat. Councilmember Hicks seconds and a vote is called.

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

The motion to reject the Sells Subdivision plat is passed on a unanimous vote with all five (5) councilmembers in favor.

9. Discuss and possible action regarding the City Secretary position. The foregoing item (#9) is specifically identified for a potential closed session in accordance with TOMA section 551-074 (deliberations on certain personnel matters).

City Secretary Roxanne De Leon wishes to proceed with Item #9 in closed session.

Councilmember Ortiz motions to proceed with Item #9 and #10 in closed session. Councilmember Decena seconds and a vote is called.

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

The motion to proceed with Item #9 and #10 in closed session is passed on a unanimous vote with all five (5) councilmembers in favor.

City Council adjourns at 7:54 PM.
City Council reconvenes at 9:08 PM.

Mayor Gonzales reads aloud Resolution 10-20-2022-4R, classifying Roxanne De Leon as a full-time employee with full benefits of a full-time employee for a period of six months.

Councilmember Decena motions to approve Resolution 10-20-2022-4R, classifying Roxanne De Leon as a full-time employee with full benefits of a full-time employee for a period of six months; with pay at the budgeted rate. 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 Resolution 10-20-2022-4R, classifying Roxanne De Leon as a full-time employee with full benefits of a full-time employee for a period of six months; with pay at the budgeted rate is passed on a unanimous vote with all five (5) councilmembers in favor.

10. Discuss and possible action regarding possible litigation and settlement thereof pertaining to the High Service Pump Station and Watermain Project under Contract CID-06. The foregoing agenda item (#10) is specifically identified for a potential closed session in accordance with TOMA section 551.071 (consultation with attorney).

No action taken.

11. Discuss and possible action regarding the acceptance of a bid for construction of the Cassiano Road Water Line Project.

City Administrator Cody Dailey explains this project necessary when it was discovered that by switching from a take point on the north side of town, the Homewood Place subdivision experienced low water pressure and volume. A solid 8" main is required to be able to provide sufficient water. There is an 8" main on the south side of Cassiano and 8" main on the north side of Cassiano but in the middle, it drops to only a 4" main, restricting the water flow. The city has had to reopen the SAWS meter on Cassiano in order to maintain sufficient water to Homewood Place.

Upgrading the line is not a 100% guarantee to solve the problem as there is no way to know for sure if any other bottlenecks exist between the elevated tank and the south side of Cassiano due to incomplete records from prior years.

City Engineer Garry Montgomery states upgrading the lines will improve the water flow needed to be on the blended system. Mr. Montgomery recommends Atlas Construction as they have met all requirements in the bid documents and their bid submittal satisfied all requirements for the City.

Councilmember Hicks motions to select Atlas Construction at \$429,579.76 for the construction for the Cassiano Road Water Line Project. Councilmember Riojas seconds and a vote is called.

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

The motion to select Atlas Construction at \$429,579.76 for construction of the Cassiano Road Water Line Project 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 Decena 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: 9:20 PM

The minutes were passed and approved on: November 17, 2022



Mayor Michael Gonzales



Attest: City Secretary Roxanne De Leon

