

**Written Minutes for the
Regular City Council Meeting
Held on November 17, 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 November 17, 2022.

Call to Order

The meeting is called to order at 7:00 PM by Mayor Pro-Tem Tommy Hicks.

Pledge of Allegiance

Invocation

By Chaplain James Stirnemann.

Roll Call

| | | |
|-----------------------|---------------------|---------|
| Mayor | Michael J. Gonzales | Absent |
| Councilmember Place 1 | Tracy Riojas | Absent |
| Councilmember Place 2 | Tommy Hicks | Present |
| Councilmember Place 3 | George Dziuk | Present |
| 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, Chief Marco Pena, Water Supervisor Shawn Cooper, Court Clerk David Flores, Chaplain David Kirk & Chaplain James Stirnemann, Lieutenant Nicolas Juarez, and Officer Eduardo Corona.

Citizens Participation

Jesse Palomo

Mr. Palomo plays a recording of comedian, Red Skelton, speaking about the pledge of allegiance. He believes his request to be on the agenda was denied. He believes he should not have to follow the new regulations passed for RV Parks in November 2021 as he feels his business should have been grandfathered in.

Belinda Duquette

Ms. Duquette has complaints regarding her neighbor, James Briggs. He plays music very loudly at all hours of the night and peels out loudly in his trucks. She says the police never do anything about it. Police Chief Marco Pena advised her that the police department cannot do anything unless they catch him in the act. They frequently patrol by and there have not been any incidents to take action.

II. Mayor and City Council Comments

Councilmember Ortiz

The parade is coming up and is praying for good weather. There are a lot of participants. Requests City Council to ride in the Thunderbirds in order to get their participation. The group is considering not participating anymore since the last couple

years, they did not have anyone riding with them. The councilmembers in attendance agree to ride in the Thunderbirds.

Councilmember Dziuk Commends Chief Pena for the ALERRT training that took place at St. Anthony's Church this month.

Councilmember Decena Hopes everyone enjoys the holidays.

III. Police Chief Update

Police Chief Marco Pena plays an old news cast about a missing 14-year-old girl named Serenity. Chief Pena states the girl was found by one of his officers tied up in a shed. After much paperwork and investigation, Chief Pena is proud to announce that the case was closed and the man who took her got 15 years in prison. Chief Pena escorts everyone in attendance to the police department to see the property room.

IV. General Business – Consent Agenda

1. Adoption and approval of the city council minutes from October 20, 2022.
2. Adoption and approval of the city council minutes from November 9, 2022.
3. Approval of the 2022 Certified Tax Roll as of October 1, 2022 Section 26.09(e) of the State Property Tax Code requires the Tax Roll to be approved by the taxing unit's governing body.
4. Approval of the previous month's bills paid and financial reports.

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

| Yay | Nay | Abstain |
|----------------------|-----|---------|
| 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 four (4) councilmembers in favor.

V. General Business – Individual Consideration

5. Discuss and possible action regarding potential approval of the Mark Riley Subdivision plat on Cassiano Road.

City Administrator Cody Dailey states this is a minor plat, taking approximately 15 acres of land on Cassiano Road. There are not any drawbacks on this as they have met all requirements.

Councilmember Decena motions to approve the Mark Riley Subdivision plat on Cassiano Road. Councilmember Dziuk seconds and a vote is called.

| Yay | Nay | Abstain |
|---------------------|-----|---------|
| Councilmember Hicks | | |
| Councilmember Dziuk | | |

| | | |
|----------------------|--|--|
| Councilmember Decena | | |
| Councilmember Ortiz | | |

The motion to approve the Mark Riley Subdivision plat on Cassiano Road is passed on a unanimous vote with all four (4) councilmembers in favor.

6. Discuss and possible action regarding Ordinance 11-17-2022-1, amending the Elmendorf Code of Ordinances by amending Chapter 6, Buildings and Building Regulations. Article XII – Recreational Parks; limiting the applicability of the recreational vehicle park size and density requirement in Sec. 6-334(a) to recreational vehicle parks that existed prior to January 1, 2020.

This would waive the requirements for size and density for any park owners operating a park prior to January 1, 2020 and which have operated since that time. Both pre-existing park owners in town would meet these exception requirements. This exception would not continue if either park ceases operation for a period of six weeks. All other requirements in the code must be met. City Attorney Mike Guevara points out that the requirements in the code are in place for safety purposes.

Councilmember Ortiz motions to approve Ordinance 11-17-2022-1, amending the Elmendorf Code of Ordinances by amending Chapter 6, Buildings and Building Regulations. Article XII – Recreational Parks; limiting the applicability of the recreational vehicle park size and density requirement in Sec. 6-334(a) to recreational vehicle parks that existed prior to January 1, 2020. Councilmember Decena seconds and a vote is called

| Yay | Nay | Abstain |
|----------------------|-----|---------|
| Councilmember Hicks | | |
| Councilmember Dziuk | | |
| Councilmember Decena | | |
| Councilmember Ortiz | | |

The motion to approve Ordinance 11-17-2022-1, amending the Elmendorf Code of Ordinances by amending Chapter 6, Buildings and Building Regulations. Article XII – Recreational Parks; limiting the applicability of the recreational vehicle park size and density requirement in Sec. 6-334(a) to recreational vehicle parks that existed prior to January 1, 2020 is passed on a unanimous vote with all four (4) councilmembers in favor.

7. Discuss and possible action regarding the volume of water needed from SAWS for calendar year 2023 and the deciding on a final amount to contract for.

City Administrator Cody Dailey states City Council must decide how much water the city wishes to purchase from SAWS for 2023 by December 1st. Mr. Dailey reminds Council this is very much a guessing game as multiple factors both in and out of the city's control will impact the final number and any variance will cost the city money. The city can determine the amount of water for the year, if we hit that number, we pay for what we receive. If we use less, we pay for water not used and if we use more, we pay in significant penalties. There are a number of factors to consider such as weather, growth of new homes, and trying to determine the offset since we start using Elmendorf water this past year. Also, we can't predict if a new developer will need a large amount of water to construct roads or if a chlorinator were to break down and we need to purge thousands of gallons of water. Buying too high is a lot cheaper than planning too low. City Engineer Garry Montgomery, Water Supervisor Shawn

Cooper, and Mr. Dailey have considered all scenarios but cannot give a definite recommendation as there is no right answer but Mr. Dailey does lean towards 20% to avoid high penalties.

Councilmember Decena states citizens ask when the city would lower the rates since the new water well is completed. Mr. Dailey states that he is hoping to lower rates as early as next year but at this time, we are not in position until stabilized.

Councilmember Decena motions to contract with SAWS at 20% for 110-acre feet. Councilmember Ortiz seconds and a vote is called.

| Yay | Nay | Abstain |
|----------------------|-----|---------|
| Councilmember Hicks | | |
| Councilmember Dziuk | | |
| Councilmember Decena | | |
| Councilmember Ortiz | | |

The motion to contract with SAWS at 20% for 110-acre feet is passed on unanimous vote with all four (4) councilmembers in favor.

8. Discuss and possible action regarding the potential renaming of the main road into Hickory Ridge after former councilman Bucky Ball.

Councilmember Decena motions to name the main road into Hickory Ridge after former Councilman Bucky Ball Boulevard. Councilmember Ortiz seconds and a vote is called.

| Yay | Nay | Abstain |
|----------------------|-----|---------|
| Councilmember Hicks | | |
| Councilmember Dziuk | | |
| Councilmember Decena | | |
| Councilmember Ortiz | | |

The motion to name the main road into Hickory Ridge after former Councilman Bucky Ball Boulevard is passed on a unanimous vote with all four (4) councilmembers in favor.

VI. Adjournment

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

| Yay | Nay | Abstain |
|----------------------|-----|---------|
| Councilmember Hicks | | |
| Councilmember Dziuk | | |
| Councilmember Decena | | |
| Councilmember Ortiz | | |

The motion to adjourn the Regular City Council Meeting passed on a unanimous vote with all four (4) councilmembers in favor.

Regular City Council Meeting is adjourned at:

8:36 PM

The minutes were passed and approved on:

December 15, 2022



Mayor Michael Gonzales



Attest: City Secretary Roxanne De Leon

