

**Written Minutes for the
Regular City Council Meeting
Held on April 20, 2023
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 April 20, 2023.

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
Councilmember Place 4	Manuel Decena	Absent
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, and Chaplain James Stirnemann and Sergeant David Reyes.

Citizens Participation

There are not any participants.

II. Mayor and City Council Comments

Councilmember Hicks Appreciates the progress of the roads and says they are looking good.

III. General Business – Consent Agenda

1. Adoption and approval of the city council minutes from March 23, 2023.
2. Approval of the previous month's bills paid and financial reports.
3. Approval of the Investment Report for the prior quarter.

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

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
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.

IV. General Business – Individual Consideration

- Discuss and possible action regarding a request by Jesse Palomo to amend the zoning classification of a property located in the R-1 (Single Family Residential) District. It was successfully changed from R-1 to C-2 (General Commercial District) at the February 2023 council meeting. Mr. Palomo desires to amend the zoning classification from C-2 to M-1 (Light Industrial and Manufacturing). The legal description is: 12th Street in the City of Elmendorf, Texas (Property ID# 173688).

Planning and Zoning Commissioner Laura Wright-Wallace states the commission recommends amending the property to an M-1 zone.

Councilmember Hicks motions to approve the request by Jesse Palomo to amend the zoning classification of property ID# 173688 on 12th Street to a M-1, light industrial and manufacturing zone. Councilmember Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Ortiz		

The motion to approve the request by Jesse Palomo to amend the zoning classification of property ID# 173688 on 12th Street to a M-1, light industrial and manufacturing zone is passed on a unanimous vote with all four (4) councilmembers in favor.

- Discuss and possible action regarding Ordinance 4-20-2023-1, amending the code of ordinances by updating Chapter 18 – Flood Damage Prevention; providing for the repeal of ordinances in conflict herewith; providing a savings clause; providing an effective date; establishing a penalty; providing for publication. And determining that the meeting at which this ordinance is passed is open to the public as required by law.

City Administrator Cody Dailey states this ordinance is required by FEMA for continuing participation in the National Flood Insurance Program (NFIP). The city must adopt regulations that deal with development in the floodplain in order for flood insurance to be sold in Elmendorf.

Councilmember Riojas motions to approve Ordinance 4-20-2023-1, amending the code of ordinances by updating Chapter 18 – Flood Damage Prevention; providing for the repeal of ordinances in conflict herewith; providing a savings clause; providing an effective date; establishing a penalty; providing for publication. And determining that the meeting at which this ordinance is passed is open to the public as required by law. Councilmember Hicks seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Ortiz		

The motion to approve Ordinance 4-20-2023-1, amending the code of ordinances by updating Chapter 18 – Flood Damage Prevention; providing for the repeal of ordinances in conflict herewith; providing a savings clause; providing an effective date; establishing a penalty; providing for publication. And determining that the meeting at which this ordinance is passed is open to the public as required by law is passed on a unanimous vote with all four (4) councilmembers in favor.

6. Discuss and possible action regarding Resolution 4-20-2023-1R, consenting to the use of the central area rate tariff for Certificate of Convenience and Necessity No. 21116 by Aqua Texas, inc. for sewer service in the Hickory Ridge Development.

City Attorney Mike Guevara explains to City Council that they have two options: they can adopt a resolution consenting to the use of Aqua’s pre-existing tariff and rate structure; or adopt an ordinance to give up all decision-making authority to the Public Utilities Commission (PUC). Issá McDaniel, MPA, the business development manager of Aqua Texas states that their rates are to recoup the cost for the management of the sewer system and there is a complex process conducted by the PUC to ensure of that. Approving this resolution would consent to rates already in existence that Aqua charges their customers in the SW region which were approved by the PUC. This option would also prevent further delays in service to the homes and the city will have a say in any future changes to the rates.

Councilmember Hicks motions to adopt Resolution 4-20-2023-1R, consenting to the use of the central area rate tariff for Certificate of Convenience and Necessity No. 21116 by Aqua Texas, inc. for sewer service in the Hickory Ridge Development. Councilmember Dziuk seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Ortiz		

The motion to adopt Resolution 4-20-2023-1R, consenting to the use of the central area rate tariff for Certificate of Convenience and Necessity No. 21116 by Aqua Texas, inc. for sewer service in the Hickory Ridge Development is passed on a unanimous vote with all four (4) councilmembers in favor.

7. Discuss and possible action regarding Ordinance number 4-20-2023-2, electing to have the Texas Public Utility Commission exercise exclusive original jurisdiction over the rates, operation and services of sewer services within the Hickory Ridge Development; providing for the repeal of ordinances in conflict herewith; providing a savings clause; providing an effective date and determining that the meeting at which this ordinance is passed is open to the public as required by law.

No action taken.

8. Discuss and possible action regarding the purchase of equipment and its installation to convert our current AMR (Automatic Meter Reading) system to AMI (Advanced Metering Infrastructure) allowing real time access to usage both to the City and to the citizens by using a web portal at a cost to the City of \$71,345.54, or about \$53.08 per meter. This would be a new Capital Asset Expenditure and would be noted as such on a future budget amendment.

City Administrator Cody Dailey recommends tabling this item until staff can gather more information.

Councilmember Hicks motions to table this item. Councilmember Ortiz seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Ortiz		

The motion to table this item is passed on a unanimous vote with all four (4) councilmembers in favor.

V. Adjournment

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

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Hicks		
Councilmember Dziuk		
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:

7:35 pm

The minutes were passed and approved on:

May 18, 2023


Mayor Michael Gonzales


Attest: City Secretary Roxanne De Leon

