

**Written Minutes for the
Regular City Council Meeting
Held on July 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 July 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 | Hipolito "Polo" Maldonado | | Present |
| Councilmember Place 2 | Tommy Hicks | | Present |
| Councilmember Place 3 | George Dziuk | | Present |
| Councilmember Place 4 | Manuel Decena | | Present |
| Councilmember Place 5 | Linda Pena Ortiz | | Absent |

Also, present City Administrator Cody Dailey, City Attorney Mike Guevara, City Secretary Roxanne De Leon, Chief Marco Pena, Water Supervisor Shawn Cooper, Officer Eduardo Corona, and Chaplain James Stirnemann.

Citizens Participation

No citizens for participation.

II. Mayor and City Council Comments

| | |
|-----------------------------|---|
| Councilmember Hicks | Comments that it is hot outside. |
| Councilmember Decena | Thanks everyone for participating in the meeting. |

III. General Business – Consent Agenda

1. Adoption and approval of the city council minutes from June 15, 2023.
2. Approval of the previous month's bills paid and financial reports.
3. Approval of the Investment Report for the prior quarter.

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

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

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 variance requested by Michael and Patricia Bronecky located at 7525 FM 327, Elmendorf, Texas relating to the construction of a new home on their property. The Elmendorf Municipal Code allows only one home per lot and there are currently two homes on the property. Once the third home is built, the other two homes will be removed.

Councilmember Hicks motions to grant variance for the period of nine (9) months. Councilmember Maldonado seconds and a vote is called.

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

The motion to grant variance for the period of nine (9) months is passed on a unanimous vote with all four (4) councilmembers in favor.

- Discuss and possible action regarding an extension requested by Hector Vazquez located at 7311 Norris West Drive, Elmendorf, Texas relating to the prior granting of a variance by the city council in February 2022, allowing Mr. Vazquez to bring in a manufactured home that exceeded the city's age limitation as long as certain conditions were met.

It has been approximately 16 months since Mr. Vazquez had been granted a variance allowing him to bring in a 22-year-old manufactured home into the city. The bulk of the exterior work has not been completed. Mr. Vazquez presents pictures of the improvements made to the home thus far. His father left the family suddenly so it has pushed back the family's plans for further improvement. Mr. Vazquez requests the City Council allow him until December 2023 to complete his restoration of the home.

Councilmember Hicks motions to grant Hector Vazquez an extension until May 2024. Councilmember Maldonado seconds and a vote is called.

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

The motion to grant Hector Vazquez an extension until May 2024 is passed on a unanimous vote with all four (4) councilmembers in favor.

6. Discuss and possible action regarding potential changes to the existing city retirement plan through the Texas Municipal Retirement System.

Councilmember Decena motions to table and direct staff to return with a financial report on a 7% contribution and matching two to one. Councilmember Maldonado seconds and a vote is called.

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

The motion to table and direct staff to return with a financial report on a 7% contribution and matching two to one is passed on a unanimous vote with all four (4) councilmembers in favor.

7. Discuss and possible action regarding a request by Fernando Cesar Coral-Medina to amend the zoning classification of a property located in the Single-Family Residential District (R-1) to a Commercial District (C-3). The legal description is: 14890 Adkins-Elmendorf Road in the City of Elmendorf, Texas (Property ID# 159637).

The son of Mr. Coral-Medina, Josue Coral-Medina presents this item. He is attempting to meet all local and state codes for his business of operating a used car lot on his father's property. As he understands, according to state code, he needs the property zoned appropriately in order for the state to allow him to sell more than four vehicles per month.

Councilmember Decena motions to approve amending the zoning classification of property 14890 Adkins-Elmendorf Road in the City of Elmendorf, Texas (Property ID# 159637). Councilmember Maldonado seconds and a vote is called.

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

The motion to approve amending the zoning classification of property 14890 Adkins-Elmendorf Road in the City of Elmendorf, Texas (Property ID# 159637) is passed on a unanimous vote with all four (4) councilmembers in favor.

8. Discuss and possible action regarding a request by Elmendorf Land Partnership, LP to amend the zoning classification of properties located in the Single-Family Residential District (R-1) to a Planned Development District (PDD). The legal descriptions are as follows: approve amending the zoning classification of property 14890 Adkins-Elmendorf Road in the City of Elmendorf, Texas (property ID# 159637) in the City of Elmendorf, Bexar County, Texas.

Councilmember Hicks motions to approve amending the zoning classification of properties located at approve amending the zoning classification of property 14890 Adkins-Elmendorf Road in the City of Elmendorf, Texas (property ID# 159637) to a Planning Development District (PDD). Councilmember Decena seconds and a vote is called.

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

The motion to approve amending the zoning classification of properties located at approve amending the zoning classification of property 14890 Adkins-Elmendorf Road in the City of Elmendorf, Texas (property ID# 159637) to a Planning Development District (PDD) is passed on a unanimous vote with all four (4) councilmembers in favor.

9. Discuss and possible action regarding the selection of a contractor for the tree trimming project in right of ways of all numbered streets and avenues in the City of Elmendorf (commonly referred to as the 4 sections of old Elmendorf).

The city formally requested bids and only received one from bidder, Davey Tree's at \$80,000.00. City Engineer Garry Montgomery confirmed the requirements were met and recommends approval.

Councilmember Decena motions to approve an \$80,000.00 bid from the Davey Tree Expert Company. Councilmember Hicks seconds and a vote is called.

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

The motion to approve an \$80,000.00 bid from the Davey Tree Expert Company is passed on a unanimous vote with all four (4) councilmembers in favor.

10. Discuss and possible action regarding the construction of a fuel fire line for VP Racing Fuels to be serviced by SAWS even though the property is inside our Certificate of Convenience and Necessity.

City Administrator Cody Dailey advises City Council that VP Racing Fuels is located outside of the city limits but they are inside the city's Certificate of Convenience and Necessity (CCN), which requires them to receive water service from the City of Elmendorf. At some point in history, long before current staff was hired, a number of homes and businesses were allowed to receive water service from SAWS and/or East Central SUD.

VP Racing Fuels currently receives its water from SAWS and is undergoing expansion. They are in need of a new fire suppression system water line. In order to receive this, SAWS requires the city's permission to install the line on their property. Mr. Dailey has no issue if City Council wishes to grant this request.

Councilmember Hicks motions to approve the construction of a fuel fire line for VP Racing Fuels to be serviced. Councilmember Maldonado seconds and a vote is called.

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

The motion to approve the construction of a fuel fire line for VP Racing Fuels to be serviced is passed on a unanimous vote with all four (4) councilmembers in favor.

11. Discuss and possible action regarding Ordinance 7-20-2023-1, amending the fiscal year 2022-2023 official budget, adopted by Ordinance No. 9-15-2022-1, providing a cumulative clause; providing a severability clause and providing an effective date.

The City Council has authorized several projects and purchases throughout the year that must be accounted for in an amended budget. Further, some tweaking of some of the sub-accounts for both income and expenses to achieve a more accurate prediction on where we will be at the end of the year is needed. Overall, it has been a very good year and should end with a higher-than-expected net income.

Councilmember Hicks motions to approve Ordinance 7-20-2023-1, amending the fiscal year 2022-2023 official budget, adopted by Ordinance No. 9-15-2022-1, providing a cumulative clause; providing a severability clause and providing an effective date. Councilmember Dziuk seconds and a vote is called.

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

The motion to approve Ordinance 7-20-2023-1, amending the fiscal year 2022-2023 official budget, adopted by Ordinance No. 9-15-2022-1, providing a cumulative clause; providing a severability clause and providing an effective date is passed on a unanimous vote with all four (4) councilmembers in favor.

12. Discuss and possible action regarding the selection of roads to chip seal in the next fiscal year.

Councilmember Hicks motions to go for bids on chip sealing the four (4) quadrants of Old Elmendorf. Councilmember Decena seconds and a vote is called.

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

The motion to go for bids on chip sealing the four (4) quadrants of Old Elmendorf is passed on a unanimous vote with all four (4) councilmembers in favor.

13. Discuss and possible action regarding the possible approval of the preliminary plat and construction plans for Hickory Ridge, Phase 2, Units 3, 4 & 5.

The preliminary plat and construction plans brought before City Council is for the next section of Hickory Ridge including about 240 lots. All plats and plans have gone through multiple reviews and all fees have been paid. City Engineer Garry Montgomery and City Administrator Cody Dailey recommend approval.

Councilmember Hicks motions to approve the preliminary plats and construction plans for Hickory Ridge, Phase 2, Units 3, 4 and 5. Councilmember Maldonado seconds and a vote is called.

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

The motion to approve the preliminary plats and construction plans for Hickory Ridge, Phase 2, Units 3, 4 and 5 is passed on a unanimous vote with all four (4) councilmembers in favor.

Councilmember Decena motions to proceed with items #14 and #15 in closed session. Councilmember Hicks seconds and a vote is called.

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

The motion to proceed with items #14 and #15 in closed session is passed on a unanimous vote with all four (4) councilmembers in favor.

The City Council adjourns for closed at 8:39 PM.

The City Council reconvenes at 8:56 PM with all four (4) councilmembers and mayor returning.

14. 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 (#14) is specifically identified for potential closed session in accordance with TOMA section 551.071 (consultation with attorney).

Councilmember Hicks motions to authorize the Mayor to execute the agreement pertaining to the High Service Pump Station and Watermain Project under Contract CID-06. Councilmember Decena seconds and a vote is called.

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

The motion to authorize the Mayor to execute the agreement pertaining to the High Service Pump Station and Watermain Project under Contract CID-06 is passed on a unanimous vote with all four (4) councilmembers in favor.

15. Discuss and possible action regarding potential voluntary annexation of properties into Elmendorf's city limits. The foregoing agenda item (#15) is specifically identified for potential closed session in accordance with TOMA section 551.071 (consultation with attorney).

No action taken.

V. Adjournment

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

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

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:

8:57 pm

The minutes were passed and approved on:

August 17, 2023



Mayor Michael Gonzales



Attest: City Secretary Roxanne De Leon

