

**Written Minutes for the  
Regular City Council Meeting  
Held on August 17, 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 August 17, 2023.**

<b>Call to Order</b>			
	The meeting is called to order at	<b>7:00 PM</b>	by Mayor Michael Gonzales.
<b>Pledge of Allegiance</b>			
<b>Invocation</b>			by Chaplain David Kirk.
<b>Roll Call</b>			
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	Present	

Also, present City Administrator Cody Dailey, City Attorney Mike Guevara, City Secretary Roxanne De Leon, Chief Marco Pena, Sergeant David A. Reyes, Officer Leroy Wilkins, Officer Christian Pena, Officer Matthew Redd, Officer Emilio Maldonado, Officer Eduardo Corona, Chaplain James Stirnemann, and Chaplain David Kirk.

**Citizens Participation**

<b>Garbriel Chincarini</b>	Mr. Chincarini gets a lot of questions on the community Facebook page he manages about the water quality report everyone has received in the mail. There are people wondering about the safety of the water. City Administrator Cody Dailey says he can have the Water Supervisor, Shawn Cooper, get ahold of him to better explain the Consumer Confidence Report.
<b>Julia Moreno</b>	Ms. Moreno came into the office last month to pay her water bill after receiving a termination notice. She did not receive the first notice so she was not happy with the termination notice. She says she was told she had to sign an extension form. She states she is speaking up for the senior citizens of Elmendorf. Mayor Gonzales states the extension form was presented to her as an option if she needed more time to pay her bill.
<b>Joe Tarin</b>	Mr. Tarin received a letter regarding a storage container violation for his property. He's had it for a while and was told it was not grandfathered in. City Attorney Mike Guevara advises him that he can keep it since he had it before he was annexed into the city.

**Clayton Redmond**

road on Old Corpus Christi Road. He is told that the property owner is responsible to maintain their own driveway. Mr. Redmond wants the city to build a \$500,000 civic center with solar energy and to only hire citizens of Elmendorf. Mr. Redmond states he will pay for Mr. Chincarini's lawyer to get water tested, and will give Mr. Casanova \$100.00 for his driveway. Mr. Redmond walked out after handing Mr. Casanova the money.

**David Gaona**

Mr. Gaona is informed the water results are mailed out every July or so.

## **II. Mayor and City Council Comments**

**Councilmember Hicks**

Cautions everyone to be careful with the heat.

**Councilmember Dziuk**

Thanks everyone for coming.

**Councilmember Decena**

Appreciates everyone for being here. Tells Ms. Moreno he is her backup for the seniors.

## **III. Police Chief Update & Recognition of Officer Redd.**

Police Chief Marco Pena expresses appreciation to Officer Matthew Redd. He has conducted 22 DWI arrests since October 2022 with positive conviction rates. Officer Redd is an asset by preventing crashes and fatalities. The Elmendorf Police Department is working with MADD by enforcing DWI's for a day called Saturation Saturday on August 26<sup>th</sup>.

## **IV. General Business – Consent Agenda**

1. Adoption and approval of the city council minutes from July 20, 2023.
2. Approval of the previous month's bills paid and financial reports.

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		
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.

## **V. General Business – Individual Consideration**

3. Discuss and possible action regarding the inclusion of a project performed by the City Engineer for the renewal of the City of Elmendorf's Texas Pollutant Discharge Elimination System (TPDES) permit in the budget for next fiscal year.

City Administrator Cody Dailey states the city's wastewater permit expires in January 2025. The permit renewal is a long process where work will need to be in January or February 2024 in order to gather all of the reports and information to attend the necessary meetings. The city engineer has handled the permits in the past so staff would feel more comfortable with the engineer handling this renewal on our behalf. The city engineer's proposal for the whole scope of services is \$21,590.00.

Councilmember Hicks motions to approve the inclusion of a project performed by the City Engineer for the renewal of the City of Elmendorf's Texas Pollutant Discharge Elimination System (TPDES) permit in the budget for next fiscal year. Councilmember Decena seconds and a vote is called.

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

The motion to approve the inclusion of a project performed by the City Engineer for the renewal of the City of Elmendorf's Texas Pollutant Discharge Elimination System (TPDES) permit in the budget for next fiscal year is passed on a unanimous vote with all five (5) councilmembers in favor.

Councilmember Hicks asks if the permit fees are included in the proposal from the City Engineer. Mr. Dailey will find out and update City Council.

4. Discuss and possible action regarding an agreement between the City of Elmendorf and Southern Warehousing and Storage for the City to perform shredding at their Elmendorf facility.

The four quadrants got the attention of code compliance when the grass was tall. A code violation letter was sent to Southern Warehousing and Storage but they shredded only three of the quadrants. Another notice was then sent by the code compliance clerk. The president of the company reached out to the city and offered to pay the city to shred it. The costs were calculated for employee time and they agreed on a contract to shred the four quadrants quarterly or as needed. It may increase during rainy seasons.

Councilmember Decena motions to approve an agreement between the City of Elmendorf and Southern Warehousing and Storage for the City to perform shredding at their Elmendorf facility. Councilmember Maldonado seconds and a vote is called.

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

The motion to approve an agreement between the City of Elmendorf and Southern Warehousing and Storage for the City to perform shredding at their Elmendorf facility is passed on a unanimous vote with all five (5) councilmembers in favor.

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

City Administrator Cody Dailey recommends increasing the contribution rate to 7% and the city match them 2 to 1. Other revisions can be considered down the road.

Councilmember Ortiz motions to approve the changes from 5% to 7% and the city match 2 to 1. Councilmember Hicks seconds and a vote is called.

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

The motion to approve the changes from 5% to 7% and the city match 2 to 1 is passed on a unanimous vote with all five (5) councilmembers in favor.

6. Discuss and possible action regarding Ordinance number 8-17-2023-1, amending the Code of Ordinances by amending Chapter 6 Buildings and Building Regulations, Article II – Building Permits and Fees; establishing situations in which building permits are required; providing repealing and severability clauses; providing an open meetings clause; and providing for an effective date.

City Administrator Cody Dailey states this would clarify that a building permit must be filed.

Councilmember Hicks motions to approve Ordinance #08-17-2023-1, amending the Code of Ordinances by amending Chapter 6 Buildings and Building Regulations, Article II – Building Permits and Fees; establishing situations in which building permits are required; providing repealing and severability clauses; providing an open meetings clause; and providing for an effective date. Ortiz seconds and a vote is called.

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

The motion to approve Ordinance #08-17-2023-1, amending the Code of Ordinances by amending Chapter 6 Buildings and Building Regulations, Article II – Building Permits and Fees; establishing situations in which building permits are required; providing repealing and severability clauses; providing an open meetings clause; and providing for an effective date is passed on a unanimous vote with all five (5) councilmembers in favor.

7. Discuss and possible action regarding Ordinance Number 8-17-2023-2, amending the Restrictions by amending Sec. 24-60 Definitions; defining established residency; providing repealing and severability clauses; providing an open meetings clause; and providing for an effective date.

Councilmember Hicks motions to approve Ordinance Number 8-17-2023-2, amending the Restrictions by amending Sec. 24-60 Definitions; defining established residency; providing repealing and severability clauses; providing an open meetings clause; and providing for an effective date. Councilmember Maldonado seconds and a vote is called.

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

The motion to approve Ordinance Number 8-17-2023-2, amending the Restrictions by amending Sec. 24-60 Definitions; defining established residency; providing repealing and severability clauses; providing an open meetings clause; and providing for an effective date is passed on a unanimous vote with all five (5) councilmembers in favor.

8. Discuss and possible action regarding Ordinance Number 8-17-2023-3, amending the Code of Ordinances by amending Chapter 14 Environment, Article II Nuisances, Sec. 14-21 – Performance of work by City upon owner/occupant’s failure to comply with notice of Section 14-20; collection of costs; creating an exception in which the City can remove certain trees from the right-of-way without charging the owner of the property on which the nuisance condition exists; providing repealing and severability clauses; providing an open meetings clause; and providing for an effective date.

City Administrator Cody Dailey explains that right-of-way areas are property owners’ responsibility but sometimes there are trees that are larger than what a normal citizen can deal with. If a tree is blown down, this would allow the city to assist with the cleanup of the big trees. City Attorney Mike Guevara says the property owner has the duty to maintain the tree because the city doesn’t actually own the right-of-way. The city is not allowed to give away anything of value for private entity or private situations. This is private property but it is also public right-of-way. There’s a valid public service to provide so it creates an exception.

Councilmember Hicks motions to approve Ordinance Number 8-17-2023-3, amending the Code of Ordinances by amending Chapter 14 Environment, Article II Nuisances, Sec. 14-21 – Performance of work by City upon owner/occupant’s failure to comply with notice of Section 14-20; collection of costs; creating an exception in which the City can remove certain trees from the right-of-way without charging the owner of the property on which the nuisance condition exists; providing repealing and severability clauses; providing an open meetings clause; and providing for an effective date. Councilmember Decena seconds and a vote is called.

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

The motion to approve Ordinance Number 8-17-2023-3, amending the Code of Ordinances by amending Chapter 14 Environment, Article II Nuisances, Sec. 14-21 – Performance of work by City upon owner/occupant’s failure to comply with notice of Section 14-20; collection of costs; creating an exception in which the City can remove certain trees from the right-of-way without charging the owner of the property on which the nuisance condition exists; providing repealing and severability clauses; providing an open meetings clause; and providing for an effective date is passed on a unanimous vote with all five (5) councilmembers in favor.

Councilmember Hicks recommends a courtesy notice should be sent to property owner before any work is done.

**VI. Adjournment**

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

Yay	Nay	Abstain
Councilmember Maldonado		
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: 7:57 pm

The minutes were passed and approved on: September 21, 2023

  
\_\_\_\_\_  
Mayor Michael Gonzales

  
\_\_\_\_\_  
Attest: City Secretary Roxanne De Leon

