

**Written Minutes for the
Regular City Council Meeting
Held January 18, 2024
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 January 18, 2024.

Call to Order			
	The meeting is called to order at	7:00 PM	by Mayor Mike 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		Present

Also, present City Attorney Mike Guevara, City Secretary Roxanne De Leon, City Engineer Garry Montgomery, Water Supervisor Shawn Cooper, Chaplain James Stirnemann and Chaplain Cheryl Kirk, and Officer Darell Ward, Officer Leroy Wilkins.

Citizens Participation

Jesse Casanova

Two years ago, Mr. Casanova was pulled over and tased by Officer Darell Ward but he states he wasn't doing anything wrong. His keys, wallet, and phone were taken. Mr. Casanova states he is still within the statute of limitation to make a claim about his tooth being knocked out. Police Chief Marco Pena advises City Council that Mr. Casanova had already submitted a complaint to the Citizen Complaint Review Board. City Attorney Mike Guevara advises Mr. Casanova he has the option of filing an insurance claim with the Texas Municipal League.

Felix B. Guerra

Thanks everyone very much for the honor of being grand marshal of the 2023 Christmas Parade. It was outstanding. Appreciates everyone for doing a good job. Thanks to City Administrator Cody Dailey and City Secretary Roxanne De Leon for always answering his questions. Thanks to Mayor Gonzales for the proclamation. The city has outstanding employees. Appreciates Code Compliance Clerk, Janie Cantu, for taking care of his reserved table.

Mr. Guerra would also like to extend gratitude to all the people that helped with the cleanup of the park when East Central ISD had first granted the city permission to use the property. Mr. Guerra does not have a record of all who helped but a gentleman by the name of Noel White was incredibly helpful. He supplied a dump truck and front loader. Mr. Guerra gives the credit to City Council for all the improvements to the park since then.

Daniel Ramirez

Will wait to speak for item #8.

Luz Ramirez

Will wait to speak for item #8.

II. Mayor and City Council Comments

Councilmember Maldonado

Was going to speak but will wait to speak with Mayor Gonzales personally later.

Councilmember Hicks

Agrees with Citizen Felix B. Guerra. The parade was the largest he has ever seen. Everyone did an exceptional job. Bexar County Emergency opened the library up for the last few days for Project Warm. Four people came in to warm up. People were very appreciative.

Councilmember Dziuk

Thanks to Chief Marco Pena for coming to church and talking to the kids about how to conduct themselves when they are pulled over in a traffic stop.

Councilmember Decena

Good to see a crowd here. People forget to appreciate others but this weather has brought people closer.

Councilmember Ortiz

Thanks to Felix B. Guerra for giving everyone thanks. It was a slow process to start the city park but they never gave up. That acknowledgement to Noel White was appreciated.

Mayor Gonzales

A lot of hard work goes into the parade. Appreciates the participation of the citizens helping with the park. City Administrator Cody Dailey is not present today as his mother passed away. Keep him in your thoughts and prayers.

III. General Business – Consent Agenda

1. Adoption and approval of the city council minutes from December 21, 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 three (3) items on the General Business – Consent Agenda. 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 all three (3) items on the General Business – Consent Agenda is passed on a unanimous vote with all five (5) councilmembers in favor.

IV. General Business – Individual Consideration

4. Discuss and possible action regarding the fiscal year 2022-2023 audit which will be presented by Phil Vaughan of Armstrong, Vaughan and Associates.

The city is doing everything in order and all records maintained are accurate. The year ended with twelve months of reserves built up after projects were completed. The auditor has issued a clean opinion.

Councilmember Decena motions to accept the fiscal year 2023 audit. Councilmember Hicks seconds and a vote is called.

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

The motion to accept the fiscal year 2022-2023 audit is passed on a unanimous vote with all five (5) councilmembers in favor.

5. Discuss and possible action regarding a request by Henry Yzaguirre for a conditional use review of a property located in the Single-Family Residential District (R-1). The legal description is 102 E. 2nd Street in the City of Elmendorf, Texas (Property ID# 173794).

City Attorney Mike Guevara explains the conditional use review allows the city to approve a manufactured home to be placed on a property without amending the zoning district. The zoning code was amended in 2018 to allow a property owner to apply for a conditional use in the city, except for the following subdivisions: Elmendorf Estates, Homewood Place, Hickory Ridge, and subdivisions platted after January 1, 2018. Planning and Zoning Commissioner Laura Wright Wallace advises City Council that the Commission unanimously recommends approving the conditional use.

Councilmember Hicks motions to approve a request by Henry Yzaguirre for a conditional use review to allow a manufactured home at a property located in the Single-Family Residential District (R-1). The legal description is 102 E. 2nd Street in the City of Elmendorf, Texas (Property ID# 173794). 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 a request by Henry Yzaguirre for a conditional use review to allow a manufactured home at a property located in the Single-Family Residential District (R-1). The legal description is 102 E. 2nd Street in the City of Elmendorf, Texas (Property ID# 173794) is passed on a unanimous vote with all five (5) councilmembers in favor.

6. Discuss and possible action regarding Ordinance No. 01-18-2024-1, amending the Code of Ordinances by amending Chapter 38 Zoning by amending regulation of signs for agricultural uses in agricultural open space districts; providing for a severability clause; providing for the repeal of ordinances in conflict herewith; and providing an effective date.

Citizen Emilia Kirtner requested this item on the agenda due to the struggles she has with receiving deliveries and visitors finding her farm. A sign would help advertise her farm and receive her deliveries. City Attorney Mike Guevara explains the Agricultural Open Space District (AO) did not allow signs in the original zoning ordinance so this would amendment would allow it. Planning and Zoning Commissioner Laura Wright-Wallace advises City Council that the Commission unanimously recommends the approval.

Councilmember Decena motions to approve Ordinance No. 01-18-2024-1, amending the Code of Ordinances by amending Chapter 38 Zoning by amending regulation of signs for agricultural uses in agricultural open space districts; providing for a severability clause; providing for the repeal of ordinances in conflict herewith; and providing 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 No. 01-18-2024-1, amending the Code of Ordinances by amending Chapter 38 Zoning by amending regulation of signs for agricultural uses in agricultural open space districts; providing for a severability clause; providing for the repeal of ordinances in conflict herewith; and providing an effective date is passed on a unanimous vote with all five (5) councilmembers in favor.

7. Discuss and possible action regarding a proposed Texas Pollutant Discharge Elimination System Permit No. WQ0005436000 for Musket Corporation at a facility located at 16426 Old Corpus Christi Road.

City Attorney Mike Guevara recommends saving this item for last to discuss in closed session

Councilmember Ortiz motions to authorize the city attorney to move forward with commissioning an expert to evaluate the discharge proposed by Musket Corporation. Councilmember Decena seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Maldonado		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		

Councilmember Ortiz		
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The motion to authorize the city attorney to move forward with commissioning an expert to evaluate the discharge proposed by Musket Corporation is passed on a unanimous vote with all five (5) councilmembers in favor.

8. Discuss and possible action regarding the allowance of shipping/storage containers/crates in a Single-Family Residential District (R-1) zone.

Daniel Ramirez has been a resident of Elmendorf since 2000 and his daughter, Luz Ramirez, since 2019; both speak in support of storage containers. Mr. Ramirez believes it should not be an issue if people paint the containers and make them look good. Ms. Ramirez comments storage containers are not an eye sore. Councilmember Decena feels times have changed and is considering getting one himself.

City Attorney Mike Guevara says no other city he represents allows storage containers in a residential district so he would need the council to come up with specific parameters on what is acceptable. The containers can become rusted out and become unsightly. Definitions for “unsightly” and determining the cause of action if a property fails to comply need to be considered.

Councilmember Hicks motions to direct staff to create an amendment to possibly allow storage containers in certain neighborhoods with maintenance requirements and provide recommendation from the Zoning Commission. Councilmember Decena seconds and a vote is called.

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

The motion to direct staff to create an amendment to possibly allow storage containers in certain neighborhoods with maintenance requirements and provide recommendation from the Zoning Commission is passed on a unanimous vote with all five (5) councilmembers in favor.

9. Discuss and possible action regarding Ordinance 01-18-2024-2, amending Ordinance 10-12-2017-1, concerning Reinvestment Zone Number Three; increasing the number of members of the board of directors from five to seven; providing a severability clause; and providing an effective date.

Councilmember Ortiz motions to approve Ordinance 01-18-2024-2, amending Ordinance 10-12-2017-1, concerning Reinvestment Zone Number Three; increasing the number of members of the board of directors from five to seven; providing a severability clause; and providing an effective date.

Councilmember Hicks seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Maldonado		
Councilmember Hicks		
Councilmember Dziuk		
Councilmember Decena		

The motion to approve Ordinance 01-18-2024-2, amending Ordinance 10-12-2017-1, concerning Reinvestment Zone Number Three; increasing the number of members of the board of directors from five to seven; providing a severability clause; and providing an effective date is passed on a unanimous vote with all five (5) councilmembers in favor.

10. Discuss and possible action regarding RV Parks in the city limits which preexisted Ordinance number 11-18-2021, setting rules and regulations for RV Parks, discussing their deficiencies and possible extensions for compliance up to 365 days.

City Attorney Mike Guevara states there are some items from the municipal code that are required due to safety. City Council needs to determine what exceptions they will allow due to the RV parks pre-existing the ordinance and what they wish to enforce. These decisions will apply to both RV Parks located in the city limits.

Councilmember Hicks motions to direct staff to amend the ordinance. Councilmember Decena seconds and a vote is called.

Jesse Palomo has had his RV Park since 1998 when there were not any regulations in effect. An inspection was conducted on December 26, 2023 and he wishes to go through each of the 18 items of deficiencies from that inspection.

- 1) Section 6-334 (b1b) – The RV spaces do not meet the size requirement of 18 feet by 50 feet and do not have a ten-foot clearance between adjacent row of parking spaces.
City Council will accept as is.
- 2) Section 6-334 (b1c) – An adequate entrance to the park is non-existent.
City Council will accept as is.
- 3) Section 6-334 (b1d) – A hard surface private street is not in place.
City Council will accept as is.
- 4) Section 6-334 (b1e) – Proof the park complies with state and federal standards was not provided.
Mr. Palomo will seek to meet compliance.
- 5) Section 6-334 (b2a1) – Not all RV stands are improved with compacted crushed road base material and asphalt or concrete to support weight of vehicle.
Mr. Palomo states he needs more time.
- 6) Section 6-334 (b2a3) – Reflective material signs are not clearly displayed at each site designation.
Mr. Palomo says he will take care of it.
- 7) Section 6-334 (b2a4) – The sides of the RV's are closer than 18 feet from each other.
City Council will accept as is.
- 8) Section 6-334 (b3) – There is not an internal roadway provided to each RV with access to a public street.
City Council will accept as is.
- 9) Section 6-334 (b5) – There is not a parking space for one passenger vehicle at each RV site. The resident vehicles are parked in the right-of-way because they cannot go onto the property due to his septic and water lines. City Attorney Mike Guevara is not a fan of using the right-of-way as parking spaces and does not want to set that as a precedent. Councilmember Hicks feels it should be considered acceptable because it was pre-existing.
City Council will accept as is.
- 10) Section 6-334 (b5) – There are not any streets or walkways lit at night.
Mr. Palomo will take care of it.

- 11) Section 6-334 (b6) – The toilet and shower facilities are not well lighted and are not well ventilated. Also, the facility does not provide floor drainage and does not comply with the Americans with Disabilities Act (ADA).
Mr. Palomo has hired someone to re-do the bathroom to meet compliance.
- 12) Section 6-334 (6d) – There are no openings in the bathroom facility and the floors are not elevated not less than four inch above grade.
Mr. Palomo says he will take care of it.
- 13) Section 6-334 (b7) – There is no fencing to buffer the RV park from view.
City Council will accept as is.
- 14) Section 6-334 (b9) – The dumpster is not screened from public view.
City Council will accept as is.
- 15) Section 6-335 (e) – Approach to all sites are not kept clear for firefighting personnel and equipment.
Mr. Palomo says he will take care of it.
- 16) Section 6-336 (b) – An emergency telephone is not provided in an easily accessible location 24 hours a day.
Mr. Palomo says he will take care of it.
- 17) Section 6-336 (e) – The licensee or agent states he does not notify park occupants of all applicable provisions of park regulations or inform them of their duties and responsibilities so as to “not scare them off”.
Mr. Palomo says he will take care of it.
- 18) Section 6-336 (h) – The licensee refused to provide proof of occupant registry retained for the past three years as required.
Mr. Palomo provided the registry for the past three (3) years to the City Secretary before the meeting. This item was satisfied.

The motion dies.

Councilmember Hicks motions to give 365 days for RV Parks to come into compliance.
Councilmember Ortiz seconds and a vote is called.

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

The motion to give 365 days for RV Parks to come into compliance is passed on a unanimous vote with all five (5) councilmembers in favor.

Councilmember Hicks asks if there are issues with the RV Park on Kilowatt Road. City Secretary Roxanne De Leon confirms there are deficiencies there as well. City Attorney Mike Guevara states that he will go through the list of exemptions provided to Mr. Palomo and will pair it down with the RV Park on Kilowatt Road. The owner of the RV Park on Kilowatt Road, Rob Scott, is not present for this meeting.

11. Discuss and possible action regarding the replacement of Michael Hyatt on the Citizens Complaint Review Board with Matthew Hyatt for the remainder of Michael Hyatt’s term.

Councilmember Ortiz motions to replace Michael Hyatt on the Citizens Complaint Review Board with Matthew Hyatt for the remainder of Michael Hyatt’s term. Councilmember Maldonado seconds and a vote is called.

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

The motion to replace Michael Hyatt on the Citizens Complaint Review Board with Matthew Hyatt for the remainder of Michael Hyatt’s term is passed on a unanimous vote with all five (5) councilmembers in favor.

12. Discuss and possible action on appointing five members to the Capital Improvement Plan Advisory Committee for two-year terms running concurrent with all other city committees and boards.

Councilmember Ortiz motions to appoint five members to the Capital Improvement Plan Advisory Committee for two-year terms running concurrent with all other city committees and boards, the members to be: Place 1 – George Dziuk, Place 2 – Arturo Serrano, Place 3 – Minnie Slaughter, Place 4 – Michael Hyatt, and Place 5 – Emilia Kirtner. Councilmember Decena seconds and a vote is called.

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

The motion to appoint five members to the Capital Improvement Plan Advisory Committee for two-year terms running concurrent with all other city committees and boards, the members to be: Place 1 – George Dziuk, Place 2 – Arturo Serrano, Place 3 – Minnie Slaughter, Place 4 – Michael Hyatt, and Place 5 – Emilia Kirtner is passed on a unanimous vote with all five (5) councilmembers in favor.

13. Discuss and possible action regarding Ordinance No. 01-18-2024-3, amending the Code of Ordinances by amending Chapter 36 Utilities, Article II. – Water Service, Division 2 – Water Rates, Charges and Services Rules; adding Sec. 36.44 Fire Hydrant Meters; providing for the regulation of city owned fire hydrant meters; setting fees by for use of fire hydrant meters; providing a penalty; providing a severability clause; providing for the repeal of conflicting ordinances; providing for the publication and providing an effective date.

Councilmember Hicks motions to approve Ordinance No. 01-18-2024-3, amending the Code of Ordinances by amending Chapter 36 Utilities, Article II. – Water Service, Division 2 – Water Rates, Charges and Services Rules; adding Sec. 36.44 Fire Hydrant Meters; providing for the regulation of city owned fire hydrant meters; setting fees by for use of fire hydrant meters; providing a penalty; providing a severability clause; providing for the repeal of conflicting ordinances; providing for the publication and providing 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 No. 01-18-2024-3, amending the Code of Ordinances by amending Chapter 36 Utilities, Article II. – Water Service, Division 2 – Water Rates, Charges and Services Rules; adding Sec. 36.44 Fire Hydrant Meters; providing for the regulation of city owned fire hydrant meters; setting fees by for use of fire hydrant meters; providing a penalty; providing a severability clause; providing for the repeal of conflicting ordinances; providing for the publication and providing an effective date is passed on a unanimous vote with all five (5) councilmembers in favor.

14. Discuss and possible action regarding Resolution 01-18-2024-1R, establishing fees for municipal services.

Councilmember Decena motions to approve Resolution 01-18-2024-1R, establishing fees for municipal services. 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 Resolution 01-18-2024-1R, establishing fees for municipal services is passed on a unanimous vote with all five (5) councilmembers in favor.

Councilmember Ortiz motions to adjourn in closed session for Item #7. 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 to closed session for Item #7 is passed on a unanimous vote with all five (5) councilmembers in favor.

The City Council adjourns for closed session at 8:41 pm.
The City Council reconvenes for open session at 9:21 pm.

V. 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:

9:22 pm

The minutes were passed and approved on:

February 15, 2024



Mayor Michael Gonzalez



Attest: City Secretary Roxanne De Leon

