

**Written Minutes for the
Regular City Council Meeting
Held on January 16, 2020
7:00 PM
Elmendorf City Hall
8304 FM 327
Elmendorf, Texas 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 City Council Meeting at the Elmendorf City Hall at 7:00 pm January 16, 2020.

Call to Order			
	The meeting is called to order at	7:00 PM	by Mayor Michael J. Gonzales
Pledge of Allegiance			
Invocation			by Chaplain David Kirk.
Roll Call			
Mayor	Michael J. Gonzales		Present
Councilmember Place 1	Tracy Riojas		Present
Councilmember Place 2	Dario Guerra		Vacant
Councilmember Place 3	Hipolito "Polo" Maldonado		Present
Councilmember Place 4	Manuel Decena		Present
Councilmember Place 5	Linda Pena Ortiz		Present

Also, present City Administrator Cody Dailey, City Secretary Roxanne De Leon, City Attorney Mike Guevara, Police Chief Marco Pena, Officer Eduardo Sawal, Chaplain David Kirk, and Chaplain Jim Stirneman.

Citizens Participation

No citizens for participation.

II. Police Department Update

Chief of Police Marco Pena provides the statistics from the 2019 racial profiling report and advises everyone they can find it online on the city's website, www.elmendorf-tx.com.

III. Mayor and City Council Comments

Councilmember Maldonado Asks who the new faces are in attendance. Victoria Barboza, an attorney from Shahan, Guevara, Decker, Arrott, PLLC, introduces herself as the new city prosecutor. Clayton Redmon also introduces himself as a newcomer and a citizen.

IV. General Business – Consent Agenda

1. Adoption and approval of the city council minutes from December 17, 2019.

2. Adoption and approval of the city council minutes from December 19, 2019.
3. Approval of the previous month's bills paid and financial reports.

Councilmember Decena motions to approve all three (3) items on the General Business – Consent Agenda. Councilmember Ortiz seconds and a vote is called.

Yay	Nay	Abstain
		Councilmember Riojas
Councilmember Maldonado		
Councilmember Decena		
Councilmember Ortiz		

The motion to approve all three (3) items on the General Business – Consent Agenda is passed on a majority vote with three (3) councilmembers in favor and one (1) abstained. Councilmember abstains as she did not attend the prior meeting for which minutes were taken.

V. General Business – Individual Consideration

4. Discuss and possible action regarding nominations and appointment to fill the vacant city council position at Place 2 for the remainder of the unexpired term.

City Attorney Mike Guevara recommends the City Council appoint someone to the unexpired term of Councilman Guerra's vacant seat. The City Council has the option of leaving the seat vacant until Place 2's next scheduled election in 2021 but doing so may hinder the city. In order to call a special meeting, all remaining members must be present to have a quorum, some votes may require four affirmative votes, and if for any reason another councilmember is unable to serve, the city will be forced to hold a special election to fill both positions. Mayor Gonzales recommends the nomination of a citizen of the community and former mayor of Elmendorf, Tommy Hicks.

Councilmember Ortiz motions to appoint Tommy Hicks to fill the vacant city council position at Place 2 for the remainder of the unexpired term. Councilmember Maldonado seconds and a vote is called.

Yay	Nay	Abstain
Councilmember Riojas		
Councilmember Maldonado		
Councilmember Decena		
Councilmember Ortiz		

The motion to appoint Tommy Hicks to fill the vacant city council position at Place 2 for the remainder of the unexpired term is passed on a unanimous vote with all four (4) councilmembers in favor.

Tommy Hicks appreciates the nomination from City Council. Hicks states he has been a part of the city for a long time and has filled vacant seats before. Hicks would like to fill the seat as the late Councilmember Dario Guerra would. Hicks promises to ask questions and serve as Guerra would and will not take the duty lightly.

Mayor Gonzales conducts the oath of office to Tommy Hicks. Councilmember Hicks now takes his seat with the City Council where all are now present.

Councilmember Ortiz expresses her appreciation to Councilmember Hicks for stepping up to fill the vacant seat of Place 2 and for everything he does for the city.

5. Discuss and possible action regarding the creation of a formal policy governing the annual gift card presentations for best holiday lighting to encourage beautification of the city.

Mayor Gonzales spoke with the city administrator in regards to this item and had suggested there should be a different way to conduct the contest.

Councilmember Ortiz reads off some ideas she had from researching online, such as establishing a committee by nominating a chairperson, co-chairperson, and a member of the community to judge the contest. Establish a first, second, third, and 7 runners up places. The suggested prizes would be a \$100.00 gift card for first place, \$75.00 for second place, \$50.00 for third place, and \$25.00 for the seven runner ups. Judging can take place the Friday before the December council meeting between 6pm to 9pm with winners announced the following Monday and gift cards presented that Thursday of the council meeting. Also, a notice should be given to the community ahead of time that the contest would take place.

Councilmember Maldonado suggests leaving the contest the same as he and former Councilmember Andy Anderson had been conducting the gift card awards. They had been handing out ten (10) \$25.00 gift cards to the community for many years but one year they gifted a family who did not have many decorations but they had the "Christmas spirit". The family was overjoyed and hugged Councilmember Maldonado and Councilmember Anderson. City Attorney Mike Guevara suggests that the rules can include a pick from each councilmember so they can ensure a home that meets their own personal criteria is awarded and the committee can pick the top four.

Councilmember Maldonado motions to draft rules for the community beautification contest. Councilmember Decena seconds and a vote is called.

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

The motion to draft rules for the community beautification contest is passed on a unanimous vote with all five (5) councilmembers in favor.

6. Discuss and possible action regarding Resolution 1-16-2020-1R, authorizing the Elmendorf Economic Development Corporation under Texas Local Government Code Sec. 505.012 to provide funds to the City of Elmendorf for the purchase of the Elmendorf City Park.

The EEDC had set budget for the funding of this purchase this year at \$240,000.00, the amount of the independent appraisal we had obtained. The sale price of the land has been negotiated to \$176,500.00. The EEDC has this money on hand with their bank account balance of \$521,818.00. The plan would be to purchase the land then fund the construction of the bathrooms at the park this year.

Councilmember Ortiz motions to approve Resolution 1-16-2020-1R, authorizing the Elmendorf Economic Development Corporation under Texas Local Government Code Sec. 505.012 to provide

funds to the City of Elmendorf for the purchase of the Elmendorf City Park. Councilmember Riojas seconds and a vote is called.

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

The motion to approve Resolution 1-16-2020-1R, authorizing the Elmendorf Economic Development Corporation under Texas Local Government Code Sec. 505.012 to provide funds to the City of Elmendorf for the purchase of the Elmendorf City Park is passed on a unanimous vote with all five (5) councilmembers in favor.

- Discuss and possible action regarding the approval of the contract language between the Elmendorf Economic Development Corporation and the East Central Independent School District for the purchase of the land known as the Elmendorf City Park.

Councilmember Decena motions to approve the contract language between the Elmendorf Economic Development Corporation and the East Central Independent School District for the purchase of the land known as the Elmendorf City Park. Councilmember Hicks seconds and a vote is called.

City Attorney Mike Guevara points out that there is language that rose some concern but nothing extreme where he would not recommend passage. There is a revision in the contract that if anything is found on the land, such as a contaminant where the EPA becomes involved, the city would have to clean it up as the new owner. Also, Mr. Guevara usually likes to see a general warranty deed rather than a special warranty deed when purchasing the property.

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

The motion to approve the contract language between the Elmendorf Economic Development Corporation and the East Central Independent School District for the purchase of the land known as the Elmendorf City Park is passed on a unanimous vote with all five (5) councilmembers in favor.

- Discuss and possible action regarding the application for a wastewater Certificate of Convenience and Necessity.

City Administrator Cody Dailey states the city had applied for a wastewater CCN for the Hickory Ridge subdivision and DR Horton was paying for it. The city has reached an impasse when the Public Utility Commission (PUC) needed a copy of the executed development agreement in order to show that we have actual customers coming online to justify the request. The development agreement is still not signed and the time frame for the submittal is dwindling. City Engineer Garry Montgomery recommends an alternative to expand the wastewater CCN to encompass all of our city limits, and the

proof we could show the PUC of our customers and ability to service them would be the wastewater plant we just closed on from the San Antonio River Authority.

Councilmember Decena motions to approve the expansion of the city’s wastewater CCN to encompass all of our city limits. Councilmember Hicks seconds and a vote is called.

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

The motion to approve the expansion of the city’s wastewater CCN to encompass all of our city limits is passed on a unanimous vote with all five (5) councilmembers in favor.

VI. Adjournment

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

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

The motion to adjourn the Regular City Council Meeting is passed on a unanimous vote with all five (5) councilmembers in favor.

Regular City Council Meeting is adjourned at: 7:52 PM

The minutes were passed and approved on: February 20, 2020



 Mayor Mike Gonzales

Attest:


 City Secretary Roxanne De Leon