

**Written Minutes for the
Regular City Council Meeting
Held on July 16, 2020
7:00 PM**

IN THE INTEREST OF PUBLIC HEALTH & SAFETY, PLEASE DO NOT COME TO THE CITY HALL. IT IS CLOSED. THIS IS A REMOTE MEETING.

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 via free of charge video/audio conferencing at 7:00 pm July 16, 2020.

Call to Order			
	The meeting is called to order at	7:15 PM	by Mayor Pro-Tem Tommy Hicks.
Pledge of Allegiance			
Invocation			by Chaplain Saul Santos.
Roll Call			
Mayor	Michael J. Gonzales		Absent
Councilmember Place 1	Tracy Riojas		Present by Video
Councilmember Place 2	Tommy Hicks		Present by Video
Councilmember Place 3	Hipolito "Polo" Maldonado		Present by Telephone
Councilmember Place 4	Manuel Decena		Present by Video
Councilmember Place 5	Linda Pena Ortiz		Present by Video

Also, present City Administrator Cody Dailey, City Secretary Roxanne De Leon, City Attorney Mike Guevara, Police Chief Marco Pena, Chaplain Saul Santos and City Engineer Garry Montgomery.

Citizens Participation

No participation from citizens.

II. Mayor and City Council Comments

- Councilmember Decena** Appreciates staff during this trying time right now.
- Councilmember Ortiz** Appreciates staff and police officers and to Cody for keeping everyone updated.
- Councilmember Riojas** Appreciates staff and everyone is doing a good job right now.
- Councilmember Maldonado** Glad to hear everyone's voice. Grateful to God and hopes he keeps everyone healthy.
- Councilmember Hicks** Feels city staff and police department are doing a fine job keeping things going and keeping the city safe. The fire department and water tower projects are hard enough to pull together during normal times.
- Councilmember Ortiz** Inquires the city's burn ban status. Mr. Dailey states the mayor has not issued a ban at this time but that may change later.
- Councilmember Maldonado** Inquires the outcome of the payment plans extended to citizens at last month's meeting. Mr. Dailey states customers have responded well by either making payment arrangements or paying bill in full.

III. General Business – Consent Agenda

1. Adoption and approval of the city council minutes from June 18, 2020.
2. Approval of the previous month’s bills paid and financial reports.

Councilmember Ortiz motions to approve all two (2) items on the General Business – Consent Agenda. Councilmember Decena seconds and a vote is called.

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

The motion to approve all two (2) 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

3. Announcement and discussion regarding the pausing of lifting of some COVID-19 related restrictions by the Mayor. This includes leaving the playground and exercise equipment at the park closed.

City Administrator Cody Dailey states Mayor Gonzales had requested this item on the agenda to review the reopening of the playground equipment. Until the number of cases decrease, Mr. Dailey does not foresee the Mayor reopening at this time. The playground, exercise equipment, and picnic tables will remain closed but the walking path will be open until further notice.

4. Discuss and possible action regarding the acceptance of an Interlocal Agreement between the City of Elmendorf and East Central Special Utility District regarding assistance in collecting sewer fees.

City Administrator Cody Dailey states the city was approached by a citizen of the community that wishes to connect to the city’s sewer services. The citizen’s water is provided by East Central Special Utility District (ESUD) so the city would not have the ability to shutoff services for nonpayment. The interlocal agreement presented was reviewed by the city attorney and has already been accepted by ESUD. The agreement will allow ESUD to assist the city in the collection of sewer fees and provide the data necessary to determine sewer rates.

Councilmember Decena motions to accept an Interlocal Agreement between the City of Elmendorf and East Central Special Utility District regarding assistance in collecting sewer fees. Councilmember Ortiz seconds and a vote is called.

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

The motion to accept an Interlocal Agreement between the City of Elmendorf and East Central Special Utility District regarding assistance in collecting sewer fees is passed on a unanimous vote with all five (5) councilmembers in favor.

- Discuss and possible action regarding the acceptance of a bid for construction of the ground water storage tanks.

City Engineer Garry Montgomery reviewed the two bids received and recommends awarding the project to the lowest cost, most responsive bidder, DN Tanks, Inc. The bid of \$1,767,299.50 shall require a change order to deduct \$229,593.00, eliminating the construction of the road as it is very expensive and putting the city over budget.

Councilmember Riojas motions to award the bid for construction of the ground water storage tanks to DN Tanks, Inc. in the amount of \$1,767,299.50 and deduct \$229,539.00 by eliminating the construction of the road. Councilmember Maldonado seconds and a vote is called.

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

The motion to award the bid for construction of the ground water storage tanks to DN Tanks, Inc. in the amount of \$1,767,299.50 and deduct \$229,539.00 by eliminating the construction of the road is passed on a unanimous vote with all five (5) councilmembers in favor.

- Discuss and possible action regarding the acceptance of a bid for construction on the water pipeline project.

City Engineer Garry Montgomery reviewed the eight competitive bids received and recommends awarding the project to the lowest cost, most responsive bidder, Atlas Construction Corp. The total base bid of \$2,653,740.28 shall require a change order to increase by the amount of \$65,975.00 to construct the road eliminated from the project discussed in Item #5. This will bring the city under budget by \$450,000.00.

Councilmember Riojas motions to award the bid for construction of the water pipeline project to Atlas Construction Corp. in the amount of \$2,653,740.28 and increase \$65,975.00 by adding the construction of the road. Councilmember Decena seconds and a vote is called.

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

The motion to award the bid for construction of the water pipeline project to Atlas Construction Corp. in the amount of \$2,653,740.28 and increase \$65,975.00 by adding the construction of the road is passed on a unanimous vote with all five (5) councilmembers in favor.

7. Discuss and possible action regarding ordinance 07-16-2020-1, amending the code of ordinances by amending Chapter 30 – Subdivision Article XI. – Impact Fees by providing a severability clause; providing for the repeal of ordinances in conflict herewith; and providing an effective date.

City Administrator Cody Dailey states the city’s current code references an outdated law in the Texas Finance Code. This item would be updating the citation to reference our compliance with the Texas Finance Code, Section 302.002.

Councilmember Ortiz motions to approve ordinance 07-16-2020-1, amending the code of ordinances by amending Chapter 30 – Subdivision Article XI. – Impact Fees by providing a severability clause; providing for the repeal of ordinances in conflict herewith; and providing an effective date. 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 ordinance 07-16-2020-1, amending the code of ordinances by amending Chapter 30 – Subdivision Article XI. – Impact Fees by providing 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.

8. Discuss and possible action regarding ordinance 07-16-2020-2, amending the code of ordinances by amending chapter 38 zoning by adding regulation of flag lots; providing a severability clause; providing for the repeal of ordinances in conflict herewith; and providing an effective date.

City Attorney Mike Guevara explains this ordinance would prohibit flag lots and would enforce a 50’ minimum frontage to match non-flag lot dimensions. There are plans to also amend the building permit ordinance by requiring approval from the city that a property is exempt and/or compliant with all laws before filing a building permit.

Councilmember Ortiz motions to approve ordinance 07-16-2020-2, amending the code of ordinances by amending chapter 38 zoning by adding regulation of flag lots; providing a severability clause; providing for the repeal of ordinances in conflict herewith; and providing an effective date. 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 ordinance 07-16-2020-2, amending the code of ordinances by amending chapter 38 zoning by adding regulation of flag lots; providing 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.

9. Discuss and possible action regarding an agreement with Archive Social to assist us in compliance with the Texas Public Information Act as it relates to the city’s social media account.

City Administrator Cody Dailey states that the social media accounts the city manages are part of the public information act. The city must be in compliance by recording the data that is posted. A contract was not provided as they do not require a contract for the subscription. Councilmember Riojas was concerned with what may happen with the recorded data if the city did not happen to renew the subscription the following year. City Secretary Roxanne De Leon believes the city may not have access to the files after termination. City Attorney Mike Guevara would like to have a contract to review to confirm the services provided and the fees formally quoted.

Councilmember Maldonado motions to table this item. Councilmember Decena seconds and a vote is called.

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

The motion to table this item is passed on a unanimous vote with all five (5) councilmembers in favor.

V. Adjournment

Councilmember Ortiz motions to adjourn the Regular City Council Meeting. Councilmember Riojas 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:

8:13 PM

The minutes were passed and approved on:

August 20, 2020



Mayor Mike Gonzales



Attest: City Secretary Roxanne De Leon