

**MINUTES OF REGULAR MEETING  
CITY OF DILLEY, CITY COUNCIL  
JULY 9, 2019**

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COUNCIL PRESENT: MAYOR MARY ANN OBREGON, MAYOR PRO-TEM EVERARDO CASTILLO JR., COUNCIL MEMBER PLACE 1 ALEXANDRIA INOCENCIO, COUNCIL MEMBER PLACE 2 JOANNE RODRIGUEZ, COUNCIL MEMBER PLACE 3 ALICIA MACHADO, COUNCIL MEMBER PLACE 5 JOE GARCIA

COUNCIL ABSENT: NONE

STAFF PRESENT: INTERIM CITY ADMIN DAVID JORDAN, CITY SECRETARY JUANITA G. FONSECA, FINANCE DIRECTOR IRMA RODRIGUEZ, PW DIRECTOR JIMMY ORANDAY, POLICE CHIEF ARMANDO ROMO, HR MANAGER RAQUEL YANEZ, POLICE OFFICER MICHAEL MARTINEZ (DOS), POLICE SECRETARY ANA LISA AGUILAR, CITY ATTORNEY DENISE MARTINEZ

CITIZENS PRESENT: GILBERT ORTIZ, MRS. STEPHENSON, MICHELLE BRYAN, EMMA GARCIA, JUAN ESTRADA, RAUL GONZALES, CESARIO VELA, WAYNE BEYER, JANE BEYER, ARMANDO GUERRA, MANUEL GONZALES

1. CALL MEETING TO ORDER

Meeting was called to order @ 6:36P.M.

PLEDGE OF ALLEGIANCE

2. ROLL CALL

All council present

3. CITIZENS TO BE HEARD

No citizen comments were made

4. CONSENT AGENDA: DISCUSS/CONSIDER & ACT ON THE FOLLOWING ITEM(S):

A. APPROVE MINUTES OF THE JUNE 17, 2019 - SPECIAL MEETING  
MINUTES OF THE JUNE 25, 2019 - SPECIAL MEETING  
JULY 1, 2019 - SPECIAL MEETING

B. REVIEW OF CITY BILLS

C. APPROVE LICENSE INCENTIVE FOR ADRIAN MARTINEZ, CUSTOMER SERVICE INSPECTOR LICENSE

For the record July 1 Minutes will be taken out due to them not being finished. License incentive for Adrian Martinez will be \$500 Incentive. Correction to minutes of July 17, 2019 item 3 towards end of discussion before motion Council Member Place 1 Alexandria Inocencio instead of Place 4, June 25, 2019 Special Meeting on item 15 to include Mr. Castillo's request to have Premier Engineer over see the project.

Motion made by Council Member Place 5 Joe Garcia to approve minutes with corrections as stated

Motion seconded by Mayor Pro-tem Everardo Castillo, Jr.

All in favor

Motion carries unanimously

Mr. Garcia questioned the Corrections Corporation of America Reimbursement and Finance Director informed that they had over paid by \$200,000 and asked to get they overpayment back. He also questioned Erika Brayton the lifeguard instructor payment. Mr. Garcia would like to see that city send one of the current lifeguards to receive the full training through red cross so that this indivial can train others. Mr. Garcia questioned the Republic garbage, Finance Director informed Mr. Garcia that it was an error the \$115,383.14 was last months payment and it should be removed. Mayor Pro-tem Castillo Questioned City Attorney payment as to what all was billed for the month. Finance Director informed the bill was for services in May paid in June. Denise Martinez, with Mr. Maldonado's office informed council that May Invoice included truancy and in order to bring the cost down on truancy, city should get with school to see if there are other alternatives before they come before the prosecutor.

Motion made by Mayor Pro-tem Everardo Castillo, Jr. to approve the review of bills

Motion seconded by Council Member Place 5 Joe Garcia

All in favor

Motion carries unanimously

Item 4-C council was informed that Adrian Martinez obtained the Customer Service Inspector License and was entitled to another \$500 License Incentive, Mayor Obregon called on Adrian Martinez to come up to podium and council recognized his achievement and congratulated him for his accomplishments, dedication and commitment.

Motion made by Mayor Pro-tem Everardo Castillo, Jr. to approve the \$500 License Incentive for Adrian Martinez for obtaining the Customer Service Inspector License

Motion seconded by Council Member Place 1 Alexandria Inocencio

All in favor

Motion carries unanimously

5. DISCUSS/CONSIDER & ACT ON 2019 WATER RATE STUDY

Mr. Cesario Vela and Mr. Raul Gonzales presented a preliminary rate study to city council; the rate study included a 33% increase to the rates based on the information

that staff provided. Mr. Vela requested additional information to continue to work towards a better rate structure for the city. Staff will provide additional information to Mr. Vela and he will come back to city council after the additional information is reviewed.

Motion made by Council Member Place 1 Alexandria Inocencio to direct staff to provide additional information to Mr. Vela to include Prison billing and Meter Size break down and consumption break down so that Mr. Vela can continue the water rate study

Motion seconded by Mayor Pro-tem Everardo Castillo, Jr.

All in favor

Motion carries unanimously

**6. DISCUSS/CONSIDER & ACT ON FINANCIAL AUDIT FY 18-19 BY BEYER & COMPANY**

Mr. Beyer presented council with an audit presentation. He went over several pages of the audit to include the management letter of findings. Findings included Revenue/Receivables, it was noted that several employees and/or council members were allowed to make late payments on their utility accounts & the city never sent out cutoff notices on these accounts.

Administrative, we noted the City Administrator Verbally authorizes purchases and bill payments without proper approval from City Council, It was noted that City is paying council members as reimbursements and not through payroll.

Segregation of duties, due to limited number of people working in the office, many crucial duties are combined and given to the available employees.

Minutes- it was noted that minutes do not provide pertinent details for many of the approved items, Mr. Beyer noted that minutes have improved and have become a lot more detailed.

Invoice exams – It was noted the city failed to pay a few invoices in a timely manner.

Interim City Admin David Jordan informed council that on the findings staff was taking corrective measures to correct the findings. To include council pay was now being paid through payroll as recommended by Auditor.

Mr. Castillo, commended Mr. Jordan and staff for working hard.

Motion made by Council Member Place 1 Alexandria Inocencio to accept the FY 2018-2019, financial audit by Mr. Beyer and Co.

Motion seconded by Council Member Place 3 Alicia Machado

All in favor

Motion carries unanimously

**7. DEPARTMENT REPORTS - (SUBMITTED FOR INFORMATIONAL PURPOSES ONLY)**

**A. LIBRARY REPORT**

**B. COURT REPORT**

**C. FIRE REPORT**

- D. CITY ADMIN REPORT
- E. CITY SECRETARY REPORT
- F. FINANCE REPORT
- G. HUMAN RESOURCES REPORT
- H. POLICE DEPARTMENT REPORT
- I. PUBLIC WORKS REPORT
  - No action, informative updates

8. DISCUSS/CONSIDER & ACT ON ADOPTING POLICIES & PROCEDURES  
MANUAL FOR THE DILLEY POLICE DEPARTMENT

Item tabled, not discussed due to incorrect documents sent to city council

9. DISCUSS/CONSIDER & ACT ON APPROVING MASTER ENGINEERING  
SERVICES AGREEMENT BETWEEN THE CITY OF DILLEY & PREMIER  
ENGINEERING & SURVEYING

Council Member Place 5 Joe Garcia question engineer on section 2.5 of the Master Service Agreement, The Engineer will rely without liability, upon the accuracy and completeness of all information furnished by the city. Mr. Gonzales explained that it would be a standard agreement but if information provided by city was not reliable then they would request additional exploration to be paid by city to bring the project up to par. (for example if maps weren't reliable, then they would take measures to get information accurate to proceed with project. Next concert Page 3 Section 6.5, Engineer shall not supervise, direct, control, or have charge of authority...., Mr. Gonzales stated that this was a liability issue, contractors were responsible for their own work based on the specs provided by the engineer. In other words, as long as they completed the required work based on the specs, they couldn't tell them what equipment to use to complete the work. Mr. Garcia stated that he felt engineers should be responsible for all the work. Mr. Gonzales stated that if the city wanted additional inspections the city would need to hire an onsite inspector at additional cost.

Motion made by Council Member Place 5 Joe Garcia to take no action on the service agreement until further review on agreements and allow City Administrator and council to change any alterations to the contract and send back to Premier Engineering

Motion seconded by Mayor Pro-tem Everardo Castillo, Jr.

All in favor

Motion carries unanimously

10. DISCUSS/CONSIDER & ACT ON REINSTATING THE CITY OF DILLEY  
CITIZENS COLLECTION STATION

PW Director Jimmy Oranday informed council that letter of approval from TCEQ had been received to re-open the collection station. He informed council that he had done some research on the cost to have the containers available. He stated that a 20yd container open top was \$660 for the pull & return and the 40yd container pull

& return was \$820, he further stated the hours of operation were Monday, Wednesday & Friday from 9-2 and the first Saturday of the month was 9-2. He questioned council if at this point, he needed to know if the council would like to provide the service and eat up the cost or if they would like to charge. Council Member Place 5 Joe Garcia mentioned that we had requested for the city to be clean so we should allow a space for customers to throw garbage. Mr. Jordan informed council that we currently don't charge and that he could have Mr. Oranday call the surrounding cities to get an estimate of the fees to throw garbage. Council was informed that citizens were not allowed to throw garbage the only items allowed to be hauled were branches.

Motion made by Council Member Place 2 Joanne Rodriguez to reinstate the collection site & provide the service free for the first month until Mr. Oranday can provide a fee schedule to incorporate into the current rate ordinance. Mrs. Rodriguez also advised to look into the Kiosk if it would be possible to pay there so that it wouldn't be an inconvenience to the customer to have to get down and go inside to purchase a permit.

Motion seconded by Council Member Place 5 Joe Garcia

All in favor

Motion carries unanimously

11. EXECUTIVE SESSION - CALLED PURSUANT TO THE TEXAS GOVERNMENT CODE CHAPTER 551, SUBCHAPTER D, SECTIONS 551.071 CONSULTATIONS WITH ATTORNEY & 551.074 PERSONNEL MATTERS TO DISCUSS & CONSIDER THE FOLLOWING ITEM(S):

Item closed to executive session @ 8:33P.M., Michael Martinez requested open session on his item, for the Record Item C will not be discussed due to additional information needed to provide to city attorney.

- A. DELIBERATION REGARDING THE HIRING OF A CITY ADMINISTRATOR
- B. DELIBERATION REGARDING THE APPOINTMENT OF JOE A. OROZCO AS POLICE RESERVE
- C. DELIBERATION REGARDING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE, POLICE OFFICER MICHAEL MARTINEZ
- D. DELIBERATION REGARDING THE MEDIATION UPDATE OF CAUSE NO: 17-12-00410CVF CARLOS RAMIREZ VS. CITY OF DILLEY

12. OPEN SESSION - TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

Reconvene to open session @ 9:53P.M.

- A. ACTION REGARDING THE HIRING OF A CITY ADMINISTRATOR

Motion made by Council Member Place 2 Joanne Rodriguez to hire Juan F. Estrada as City Administrator with a Salary of \$70,000, effective as soon as he is cleared with Human Resources

Motion seconded by Mayor Pro-tem Everardo Castillo, Jr.

All in favor

Motion carries unanimously

**B. ACTION REGARDING THE APPOINTMENT OF JOE A. OROZCO AS POLICE RESERVE**

Motion made by Council Member Place 5 Joe Garcia to appoint Joe A. Orozco as Police Reserve

Motion seconded by Council Member Place 1 Alexandria Inocencio

All in favor

Motion carries unanimously

**C. ACTION REGARDING THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE, POLICE OFFICER MICHAEL MARTINEZ**

No action on item

**D. ACTION REGARDING THE MEDIATION UPDATE OF CAUSE NO: 17-12-00410CVF CARLOS RAMIREZ VS. CITY OF DILLEY**

Motion made by Council Member Place 1 Alexandria Inocencio to approve settlement as proposed with city's nominal contribution

Motion seconded by Mayor Pro-tem Everardo Castillo, Jr.

All in favor

**13. ADJOURNMENT**

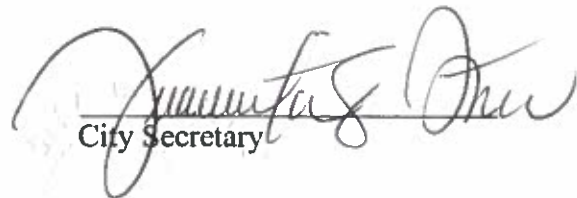
Motion made by Council Member Place 5 Joe Garcia to adjourn meeting

Motion seconded by Council Member Place 2 Joanne Rodriguez

All in favor

Motion carries unanimously

  
Mayor

  
City Secretary