

**MINUTES OF REGULAR MEETING
CITY OF DILLEY, CITY COUNCIL
SEPTEMBER 10, 2019**

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: CITY ADMINISTRATOR JUAN ESTRADA, CITY SECRETARY JUANITA FONSECA, FINANCE DIRECTOR IRMA RODRIGUEZ, HUMAN RESOURCES MANAGER RAQUEL YANEZ, POLICE CHIEF ARMANDO ROMO, PW DIRECTOR JIMMY ORANDAY, MUNICIPAL JUDGE LAURO FLORES, POLICE OFFICER ANTHONY ZERTUCHE, POLICE OFFICER JAVIER IBANEZ, POLICE OFFICER OMAR SALAZAR, POLICE OFFICER STEVEN HERNANDEZ, POLICE OFFICER MIRELES, SCHOOL RESOURCE OFFICER GLORIA RUIZ, POLICE SECRETARY ANA AGUILAR CITY ATTORNEY DENISE MARTINEZ

CITIZENS PRESENT: KURT MCCLAIN, KIMBERLY RAMIREZ, MARICELA GONZALES, CESARIO VELA, RAUL GONZALEZ, BONNIE CASTOR, FATHER RUBEN, JAMES SINDON, RENE LOZANO, RUDY ORTEGON, DESMOND LOZANO, KIMBERLY RAMIREZ

1. CALL MEETING TO ORDER

Meeting was called to order @ 6:39P.M.

PLEDGE OF ALLEGIANCE

2. ROLL CALL

Mayor Obregon called Roll Call, all council present

3. CITIZENS TO BE HEARD- Kurt McClain – Spoke on behalf of Chief Romo, stating he was confused as to why he was on the agenda if community was happy with his results. Stating the city should keep moving forward.
James Sindon – Spoke on behalf of Chief Romo, stating that reports were being submitted and the department's reputation was getting better, they no longer were known as dismissal Dilley.

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

- A. APPROVE MINUTES OF THE AUGUST 13, 2019 - REGULAR MEETING
AUGUST 26, 2019 - SPECIAL MEETING
AUGUST 26, 2019 - BUDGET WORKSHOP
AUGUST 29, 2019 - PUBLIC HEARING
SEPTEMBER 3, 2019 - BUDGET WORKSHOP
SEPTEMBER 3, 2019 - PUBLIC HEARING

Mayor Pro-tem Everardo Castillo, Jr. corrected minutes of the Special Meeting on August 26, 2019 to reflect the correction of minutes to correct the Police Officers & Police Reserves, they were reversed on the minutes presented.
Motion made by Council Member Place 3 Alicia Machado to approve minutes of the August 13th, August 26th Special Meeting & Budget Workshop & September 3 both Workshop & Hearing and exclude Minutes of the August 29th due to her absence at that hearing
Motion seconded by Council Member Place 1 Alexandria Inocencio
Motion made by Mayor Pro-tem Everardo Castillo, Jr. to approve minutes of the August 29th
Motion seconded by Council Member Place 1 Alexandria Inocencio
All in favor
Motion carries unanimously

B. REVIEW OF CITY BILLS

No concerns were brought up regarding the bills
Motion made by Council Member Place 5 Joe Garcia to approve items B&C, for the record Norma Herrera was approved for a \$100 incentive for teaching technology in Public Libraries, certificate
Motion seconded by Council Member Place 1 Alexandria Inocencio
All in favor
Motion carries unanimously

C. APPROVE EMPLOYEE INCENTIVES FOR THE MONTH OF SEPTEMBER 2019

5. 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 department reports

6. PRESENTATION AND DISCUSSION BY PERFORMANCE SERVICE, INC.
Items 6 & 7 discussed together, presentation by Richard Gibens with Performance Service, Inc. Mr. Gibens informed council about a program/project called performance contracting offered by the state. He stated that he works on infrastructure analysis for cities around the state. He further stated that the program worked by city applying for funds for a needs assessment whether it be infrastructure, old water meter, things of that nature and then the funds would be paid back based on the savings of the project that were performed. In other words, it would be considered as a self-funded project. Mr. Gibens was instructed to meet with City Administrator & Utilities Superintendent to evaluate the needs assessment and bring back a preliminary analysis to council to see if there is a self-funding project and go forward from there.
No action on item
7. PRESENTATION AND DISCUSSION BY PERFORMANCE SERVICES, INC.
ON CITY INFRASTRUCTURE
Discussed with item 6
8. DISCUSS/CONSIDER & ACT ON ADOPTING ORDINANCE NO. 19-09-10-A,
AN ORDINANCE ADOPTING A BUDGET FOR THE ENSUING FISCAL
YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020
APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING
ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT
THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE
Mayor addressed Finance Director, and Finance Director stated for Mayor to read ordinance and the rest would be up to council. Mayor did not read ordinance.
Motion made by Council Member Place 5 Joe Garcia to table item
Motion seconded by Council Member Place 2 Joanne Rodriguez
All in favor
Motion carries unanimously
9. DISCUSS/CONSIDER & ACT ON ADOPTING ORDINANCE NO. 19-09-10-B,
AN ORDINANCE OF THE CITY OF DILLEY, TEXAS LEVYING AND AD
VALOREM TAX FOR THE USE AND BENEFIT OF THE CITY OF DILLEY
FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2019 AND
TERMINATING SEPTEMBER 30, 2020
No discussion on item, Council Place 3 Alicia Machado stated that if the first part was tabled then they should this item, City Secretary replied that you could not adopt the tax rate without setting the budget so yes, the item needed to be tabled.
Motion by Council Member Place 3 Alicia Machado to table item
Motion seconded by Mayor Pro-tem Everardo Castillo, Jr.
All in favor

Motion carries unanimously

10. DISCUSS/CONSIDER & ACT ON ADOPTING ORDINANCE NO. 19-09-10-C, AN ORDINANCE OF THE CITY OF DILLEY, TEXAS (CITY) AMENDING ORDINANCE NO. 15-04-14, ADOPTING & INCORPORATING NEW SOLID WASTE FEES FOR THE COLLECTION SITE IN THE CITY OF DILLEY, SCHEDULED TO GO INTO EFFECT AUTOMATICALLY ON OCTOBER 1, 2019

City Secretary informed council that the in order for fees to take effect on October 1, 2019 Ordinance would need to be approved and then ran in paper to advise citizens of the change. The only changes to the ordinance were the fees that were approved last meeting for the collection of solid waste at the collection station. Fees were presented & approved at last meeting and reviewed on overhead. No construction material is accepted at collection site. Mayor Pro-tem Castillo questioned that other than no TV's and construction material all should be accepted. Council Member Place 5 Joe Garcia questioned Mr. Oranday as to how would customers take care of construction material. Mr. Garcia was advised by Mr. Oranday that customers would have to order a front load for construction material. He stated that we were charged by the weight and it would not be cost effective for the City to accept the material Mr. Garcia stated that as long as customers were advised that they would not be able to throw away construction material.

Mr. Castillo questioned why the city was being charged by weight. Mr. Oranday informed council that they accept so much weight and after that we get billed. Mr. Castillo questioned City Admin about reviewing the contract and seeing if there was a way to get out of the contract and void it, possibly and early termination. City Admin stated that he would look into it. Mr. Kurt McClain informed Council that he knew of a gentleman by the name of Tommy Davis that might be opening a disposal north of the Cemetery that would accept heavy hauls, Mr. McClain stated that he would get with Mr. Estrada to provide him the information.

Motion made by Council Member Place 5 Joe Garcia to adopt ordinance No. 10-09-10-C, as presented

Motion seconded by Council Member Place 3 Alicia Machado

All in favor

Motion carries

11. DISCUSS/CONSIDER & ACT ON REQUEST FOR QUALIFICATIONS (RFQ) FOR PROFESSIONAL AUDITING SERVICE'S UPDATE

City Admin Juan Estrada informed council that city had ran ad to solicit for RFQ's for professional auditing services in the current paper and we had not received any proposals. Mr. Castillo informed council that Mr. Jordan had mentioned to council that it is always good practice to change auditing firms after a certain amount of years. Council Member Place 5 Joe Garcia added that the current auditor had been with city more than 10 years. Mr. Garcia questioned that if ad had run on TML website. Mr. Garcia was informed that TML were for Job Posting and RFQ packet would need to be advertised outside of the TML. A generic ad could be posted

settings didn't allow to include all information an RFQ would need to include. Mayor Obregon questioned if staff was aware of who the auditing firms were for the sister cities. Staff was not aware.

Motion made by Council Member Place 5 Joe Garcia to continue to advertise for the RFQ's for professional auditing service, Council Member Place 3 Alicia Machado added to advertise in San Antonio Express, Laredo & Corpus

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

All in favor

Motion carries unanimously

12. DISCUSS/CONSIDER & ACT ON WATER RATE STUDY

Mr. Cesario Vela of Communities unlimited presented a preliminary water rate study. He informed council that he felt he could get rates to where the commercial customers would actually take the hit due to the higher demand of services. He also informed council that sewer rates could come down if he could get a more detailed report of classes so he knew exactly the sewer connections he was working with. Mr. Vela was instructed to work on impact fees to present to city council. Mr. Vela also suggested to council that sewer and water budgets should be separated to show actual stability of each account.

Motion made by Council Member Place 5 Joe Garcia to allow Communities unlimited to continue the water rate study

Motion seconded by Council Member Place 2 Joanne Rodriguez

All in favor

Motion carries unanimously

13. DISCUSS/CONSIDER & ACT ON SOLICITING FOR REQUEST FOR PROPOSALS FOR PROFESSIONAL LEGAL SERVICES (RFP)

No discussion on item, Mayor Obregon questioned the motion and Mr. Garcia replied to Mayor because he felt it was best for the city, he stated that they were paying out extremely high fees for legal services and he said it was just to put out there. Council Member Place 3 Alicia Machado stated that Mr. Maldonado could provide a proposal as well. Council Member Place 2 Joanne Rodriguez questioned that if we got charged for calls, Mrs. Denise Martinez stated she believed not for calls only emails.

Motion made by Council Member Place 5 Joe Garcia to approve the solicitation for request for proposal for professional legal services

Motion seconded by Council Member Place 2 Joanne Rodriguez

All in favor

Motion carries unanimously

14. DISCUSS/CONSIDER & ACT ON DECLARING SURPLUS PROPERTY, TO HOLD A SURPLUS AUCTION ON UNUSED EQUIPMENT

Council Member Place 5 Joe Garcia questioned Public Works Director Jimmy Oranday if he had a total figure in surplus to provide. Mr. Oranday stated that he

didn't he just went around and jotted down items that were not in working condition.

Motion made by Council Member Place 5 Joe Garcia to declare surplus property and to approve and hold a surplus public auction on unused equipment at America Legion as soon as he has everything available

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

All in favor

Motion carries unanimously

15. DISCUSS/CONSIDER & ACT ON ADOPTING POLICY & PROCEDURES FOR CONDUCTING BACKGROUND CHECKS

Council was informed that this item had been reviewed by City Attorney and was being brought forward by Human Resources Manager Raquel Yanez who was absent from meeting.

Motion made by Mayor Pro-tem Everardo Castillo, Jr. to approve as presented both items 15 & 16 as requested by Human Resources Manager Raquel Yanez, and no objections from City Attorney, Job descriptions were also reviewed by Department heads.

Motion seconded by Council Member Place 1 Alexandria Inocencio

All in favor

Motion carries unanimously

16. DISCUSS/CONSIDER & ACT ON APPROVING PROPOSED DEPARTMENT HEAD JOB DESCRIPTIONS

Motion made by Mayor Pro-tem Everardo Castillo, Jr. to approve as presented both items 15 & 16 as requested by Human Resources Manager Raquel Yanez, and no objections from City Attorney, Job descriptions were also reviewed by Department heads.

Motion seconded by Council Member Place 1 Alexandria Inocencio

All in favor

Motion carries unanimously

17. DISCUSS/CONSIDER & ACT ON GRANTING WAIVER OF SUBDIVISION ORDINANCE AS REQUESTED BY ROYCE STARNES TO SUBDIVIDE PROPERTY

Mr. Sindon came before the council to request a variance from the subdivision ordinance on behalf of Royce Starnes to subdivide property. Mr. Sindon explained that the property is outside the city limits but the county and the city have an agreement that the city can enforce the ETJ in the county (1/2 Mile Radius). This agreement took place in 2002. Mr. Sindon further stated that he had sent documents to Mr. Maldonado for review and he had no objections. City Admin questioned if by approving the request it wouldn't compromise the city to extend sewer lines to property, it was stated by both Mr. Sindon and Mr. Starnes that it would not, he stated the only hold up was the approval of the variance. City Secretary stated that the resolution could not be approved because it was not on the agenda. Council

Member Place 3 Alicia Machado stated that he didn't ask for a resolution only a waiver. City Secretary stated that the resolution was stating that the council was authorizing Mr. Starnes to file a subdivision plat according to the meets and bounds and the council has not approved the resolution. Denise Martinez further stated that if for example the resolution was approved it would authorize the waiver, she stated that if council wanted to review the information and bring it back. City Secretary informed city council that the information requested for the resolution was not provided to her office therefore it had not made the agenda. Mrs. Martinez stated that if council wished to do so they could approve the waiver contingent to the review of the resolution. Mrs. Machado asked if the city could approve the waiver and then bring back the resolution. Mrs. Martinez stated that the city could approve the waiver and authorize Mayor to sign once request had been updated to reflect waiver instead of resolution.

Motion made by Council Member Place 5 Joe Garcia to accept waiver of subdivision ordinance requested by Royce Starnes to subdivide property & have Mayor sign waiver for the variance/resolution

Motion seconded by Council Member Place 1 Alexandria Inocencio

All in favor

Motion carries unanimously

18. DISCUSS/CONSIDER & ACT ON UPCOMING FOURTH OF JULY FESTIVITIES (2020)

Council Member Place 5 Joe Garcia informed council that he would like to see about having another Fourth of July festival for 2020, two-day event. The event would be on July 3 & July 4, Saturday and Sunday, the two-day event was needed to use hot tax funds.

Motion made by Council Member Place 5 Joe Garcia to authorize a two (2) day festival on July 3 & July 4, 2020 in the amount of \$50,000

Motion seconded by Mayor Pro-tem Everardo Castillo

All in favor

Motion carries unanimously

19. DISCUSS/CONSIDER & ACT ON SOLICITING FOR AN EVENT COORDINATOR FOR THE UPCOMING 4TH OF JULY FESTIVAL (2020)

No date, solicitation will take place immediately to be well prepared with entertainment for the event.

Motion made by Council Member Place 3 Alicia Machado to approve the solicitation of an Event Coordinator for the upcoming 4th of July Festival (2020)

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

All in favor

Motion carries unanimously

20. 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):

Mayor pro-tem Everardo Castillo called out to Chief Romo stating that he believed he had asked to have the item held in open session.

Mayor Obregon stated that she was going to meet with City Attorney.

Commissioner Pct. 4 who was in audience stated that the meeting was still in open session, he commented, "get her in her seat and have the discussion in open session." Mayor Pro-tem Everardo Castillo, Jr. called Mayor Obregon and asked her to return to her seat. Mayor Obregon proceed to seat and asked Police Chief Romo if he wanted the item in open or closed session, Chief Romo replied open. Denise Martinez informed Chief Romo that his request regarding personnel matters would be granted in open but that there could be particular issues that could lead to legal litigation and council would like to discussion in closed under Attorney Client Privilege. Chief Romo questioned that if the legal litigation was regarding his personnel. Mayor Obregon replied that it has nothing to do with him or his officers. Mrs. Martinez explained that any consultation with attorney would occur in closed session and personnel would be done in open as per his request. Mrs. Martinez further explained that it had nothing to do with performance that would be done in open strictly consultation with attorney.

Item closed to executive session @ 8:40P.M.

A. DELIBERATION REGARDING DEPARTMENT CHANGES IN THE PUBLIC WORKS DEPARTMENT, REMOVING SAUL BENAVIDES FROM GAS DEPARTMENT AND RELOCATING IN STREETS DEPARTMENT & REMOVING ANDREW GARCIA FROM STREETS DEPARTMENT AND RELOCATING IN GAS DEPARTMENT

B. DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE, POLICE CHIEF ARMANDO ROMO

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

Reconvene to open session @ 9:28P.M.

A. ACTION REGARDING DEPARTMENT CHANGES IN THE PUBLIC WORKS DEPARTMENT, REMOVING SAUL BENAVIDES FROM GAS DEPARTMENT AND RELOCATING IN STREETS DEPARTMENT & REMOVING ANDREW GARCIA FROM STREETS DEPARTMENT AND RELOCATING IN GAS DEPARTMENT

Motion made by Mayor Pro-tem Everardo Castillo to tabled item

Motion seconded by Council Member Place 2 Joanne Rodriguez

All in favor

Motion carries unanimously

B. ACTION REGARDING THE DELIBERATION OF THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE

OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE, POLICE CHIEF ARMANDO ROMO

Reconvened to open session to discuss item in open session as requested by Police Chief Armando Romo.

Mayor Obregon began by stating she had some questions. She asked what is your procedure or protocol when an officer or citizen breaks the law?

Chief repeated when someone breaks the law, then he asked what is this leading to, another questions or this is the question you are asking. Mayor replied it's a question, he stated the law is broken so it gets investigated, taken care of, we get witnesses unless it happens in the presence of the officer there are steps, we take. Council Member Place 5 Joe Garcia asked what is the protocol when your department comes to the scene of the individual that seems under the influence, chief replied if he is under the influence in a public place or is a danger to himself or others well then he's going to have to act on it, but if individual is the victim of the crime then officer needs to take those steps and follow through and treat him as the victim. Chief asked does this answer your question. Mr. Garcia stated let's go this route. What is the procedure on an officer that uses wrong judgment on any scenario, what is your procedure, when one of your officers, Chief stated it would depend on the severity of the judgement also you have to understand I have a lot of young officers that just barely got of the FTO program that have been here for a while that have not been FTO'd properly, we just finished doing that so all that goes into consideration as to what took place, he further stated if a scenario was given to him then he could elaborate on that and give a better answer. Mr. Garcia stated that's all he had. Mayor Obregon asked Chief what happens when an officer does not follow protocol. Chief replied that he would bring it to the officer's attention, if it would be something reckless and severe, it would all depend he would write officer up. Council Member Place 5 Joe Garcia stated that he wanted to make it clear that it was nothing towards Chief. He stated that community asked a questioned and they wanted to see his view of the question. Mayor Obregon asked if Police Reports are made after every incident. Chief replied Yes. She asked if he had, had problems with officers submitting reports and if he had any problems with officers submitting reports. Chief stated that he had been here 2 months and he and his partner Lieutenant Zertuche (Officer) had been working on it. They try to give them 10 days but if it is something that needs to do to the District Attorney five days so that there can be plenty of time to review. He stated that the way it is being done now than the past there was a big difference. Mayor said she had no other questions. She stated that she was a high believer that Chief had a lot of talent and experience and she was very happy that the city hired him and also the community was very happy. Chief said Thank you. He stated that the department was like a family, when they found out he was on the agenda, they had to show up because they work as a team. The guys are young and he has open door policy he felt that if anyone had showed up to ask him questions, he felt the issue could have been resolved. He asked that if there was a question or concern to come see him and they could resolve the issue. He stated he felt he was doing what he said the was going to do in the interview and that was to be active in the city and

move forward. He stated the city had a huge drug problem and he was very active to stop the crime in the city. Mayor added that she liked that the PD's reputation was changing in the court, she was happy arrest and reports were being made. Mayor stated that she was bothered that all officer were at city hall at she knew they were there to support him but she worried about who was out in the streets patrolling. Chief stated that the streets were covered. Mayor Pro-tem stated that on behalf of Mayor and Council he congratulated Chief and staff for all that they do. He stated he liked to see all that was on social media as far as the bust, he felt it was an excellent idea and he thanked them for a great job. Chief stated that he also like to keep the people informed through social media. Council Member Place 3 Alicia Machado added that she felt what Chief was putting on social media was opening the community's eyes. Council thanked Chief.

Motion made by Council Member Place 3 Alicia Machado to take no action on item B

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

All in favor

Motion carries unanimously

22. ADJOURNMENT

Motion made by Mayor Pro-tem Everardo Castillo, Jr. to adjourn meeting

Motion seconded by Council Member Place 5 Joe Garcia

All in favor

Motion carries unanimously


Mayor


City Secretary