

REGULAR MEETING  
CITY COUNCIL  
JULY 10, 2018

COUNCIL PRESENT: MAYOR MARY ANN OBREGON, MAYOR PRO-TEM SABINO MENA, COUNCIL MEMBER PLACE 2 GILBERT EGUIA, COUNCIL MEMBER PLACE 3 ALICIA MACHADO, COUNCIL MEMBER PLACE 4 EVERARDO CASTILLO, JR., COUNCIL MEMBER PLACE 5 JOE GARCIA

COUNCIL ABSENT: NONE

STAFF PRESENT: CITY ADMINISTRATOR RUDY ALVAREZ, CITY SECRETARY JUANITA FONSECA, FINANCE DIRECTOR IRMA RODRIGUEZ, PW FOREMAN OSCAR RODRIGUEZ, POLICE CHIEF JERRY REYNA, WA/WW OPERATOR JIMMY ORANDAY, WA/WW LABORER ADRIAN MARTINEZ, WATER CREW LEADER JOSE A. MARTINEZ, WATER LABORER GUADALUPE NAVARRO, MUNICIPAL JUDGE LAURO FLORES, POLICE SECRETARY ANALISA AGUILAR, COURT CLERK JOANN RODRIGUEZ, STREETS LABORER OCTAVIANO CARRIZALES, CUSTODIAN ESTELLA VILLANUEVA, GENERAL CLERK NOELIA RODRIGUEZ, WATER LABORER JAMES DUBOSE

CITIZENS PRESENT: DEBRA HUGHES, JOSE ASUNCION, JOSE GUZMAN, EMMA GARCIA, GILBERT ORTIZ, RICK GARZA, LNV ENGINEERING, DENISE MARTINEZ ATTORNEY, SARA KALLIO, JESSICA VILLANUEVA

1. CALL MEETING TO ORDER  
Meeting was called to order @ 6:34P.M.

PLEDGE OF ALLEGIANCE

2. CITIZENS TO BE HEARD – no citizen comments were made

**\*\* ITEMS 5-7 MOVED NEXT ON THE AGENDA**

5. DISCUSS/CONSIDER & ACT ON RESOLUTION NO. 18-07-10, A RESOLUTION DECLARING AN EMERGENCY AND AUTHORIZING THE EMERGENCY REPAIR OF THE PRISON WATER WELL; AWARDING A CONTRACT TO PEERLESS EQUIPMENT AND AUTHORIZING PAYMENT OF AN AMOUNT NOT TO EXCEED \$88,720.00 TO PEERLESS EQUIPMENT FOR THE EMERGENCY REPAIR  
Motion made Mayor Pro-tem Sabino Mena to approve resolution by making the changes as follows, approve Resolution No. 18-07-10 declaring an emergency and authorizing the emergency repair of the prison water well; awarding a contract to Advanced Water Well Technologies and authorizing payment of an amount not to exceed \$167,216.42 to Advance Water Well Technologies for the emergency repair  
Motion seconded by Council Member Place 2 Gilbert Eguia  
In favor of motion Mayor Pro-tem Sabino Mena, Council Member Place 2 Gilbert Eguia, Council Member Place 5 Joe Garcia  
Motion opposed by Council Member Place 3 Alicia Machado & Council Member Place 4 Everardo Castillo, Jr.

Motion carries 3-2

6. DISCUSS/CONSIDER & ACT ON REVIEW OF PARK RESTROOMS & AUTHORIZING LNV, ENGINEERING TO ADVERTISE FOR BIDS REGARDING PARK RESTROOMS  
Motion made by Mayor Pro-tem Sabino Mena to table item, to allow time to digest a little more  
Motion seconded by Council Member Place 5 Joe Garcia  
All in favor  
Motion carries unanimously

7. DISCUSS/CONSIDER & ACT ON HIRING/CONTRACTING WITH ANOTHER ENGINEERING COMPANY  
Council Member Place 3 Alicia Machado stated that she would like to know about contract with LNV, Rick Garcia of LNV explained that they had been with the City for a little over 5 years and that the contract was based on project, basically once project was awarded their fees were incorporated into the project, he went on to add that there were many things he would come out to help with and LNV would not charge a penny to the city. Mayor Pro-tem Mena stated that at this time he would like to consider another Engineer he stated that he was not happy with the turn out of the street and the building, he added that the cost of both projects was pricy and there was a lot of deficiencies that should not have come about with the price the city had paid. Rick replied that no job was perfect and that there was warranty and they had come out and met with Irma to correct the issues that were brought to LNV's attention. Rick asked if council would consider a workshop to go over any questions they might have because he apologized for not introducing himself earlier but he just didn't see what LNV had done wrong to be dismissed, Mayor Pro-tem Mena added that he just felt council needed to contract another Engineer, Council Member Place 5 Joe Garcia stated that he agreed with Mayor Pro-tem he wasn't happy with the projects LNV carried out. City Admin Rudy Alvarez asked to be recognized and go on record, he stated that LNV was a great tool to better run the city, he could rely on LNV because their staff was always ready to help, they were familiar with the city, they have had knowledge of the city's wells and issues and infrastructure over the past five years, Mr. Alvarez could personally vouch for LNV personally having worked with them over the past five years that there isn't another Engineering firm that could compete with all they do for the city at no expense. He added, "With all due Respect" "I just don't think that three months of being on council is enough time to evaluate the Engineering Firm", "What was the decision based on?" Council Member Place 5 Joe Garcia replied to City Administrator that this was his opinion and City Admin replied yes, it is my opinion based on facts.  
Motion made by Mayor Pro-tem Sabino Mena to contract with another Engineering Firm, Request for Qualifications would need to be prepared and advertised  
Motion seconded by Council Member Place 2 Gilbert Eguia  
In favor of motion Mayor Pro-tem Sabino Mena, Council Member Place 2 Gilbert Eguia, Council Member Place 5 Joe Garcia, Council Member Place 4 Everardo Castillo, Jr.  
Motion opposed by Council Member Place 3 Alicia Machado  
Motion carries 4-1

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

A. APPROVE MINUTES OF THE JUNE 12, 2018 – REGULAR MEETING

B. REVIEW OF CITY BILLS

C. APPROVE EMPLOYEE INCENTIVES FOR THE MONTH OF JULY, 2018

Motion made by Council Member place 3 Alicia Machado to accept the consent agenda with the correction to minutes as follows on item 26-A, Mr. Eguia added that he felt Arnold should be give reasonable accommodations for any medical condition. Employee incentives for the Month of July 2018 awarded was Esequiel Vasquez for a Gas & Safety Certification.

Motion seconded by Mayor Pro-tem Sabino Mena

All in favor

Motion carries unanimously

4. Discuss/consider & act on departmental reports

A. Library report

B. fire report

C. Police Department report

d. court report

e. public works department report

f. finance report

g. administration report

No action, informative updates, Council Member Place 3 Alicia Machado advised City Administrator that it would not be necessary to have all employees present for presentations of their monthly activity/duties, only department heads would need to be available in the event council had questions, consensus was that council agreed with Council Member Place 3 Alicia Machado

8. DISCUSS/CONSIDER & ACT ON ADOPTING ORDINANCE NO. 18-07-10, AN ORDINANCE OF THE CITY OF DILLEY, TEXAS AMENDING THE ADOPTED BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ESTABLISHING AN EFFECTIVE DATE

Motion made by Council Member Place 3 Alicia Machado to adopt Ordinance No. 18-07-10, amending the adopted budget for fiscal year beginning October 1, 2017 due to the monthly rental expense of the belt press for the Waste Water Department

Motion seconded by Council Member Place 2 Gilbert Eguia

All in favor

Motion carries unanimously

9. Discuss/consider & act on Ordinance No. 18-06-12, an ordinance of the city of Dilley, Texas making it unlawful for any person to commence drilling, boring or digging a water well within the corporate limits of the city without a permit, providing a criminal penalty, conforming Texas open meetings act compliance, providing a severability clause,  
Motion made by Council Member Place 2 Gilbert Eguia to table item & bring back at next meeting

Motions seconded by Council Member Place 5 Joe Garcia

All in favor

Motion carries unanimously

10. Discuss/consider & act on creating new positions and authorizing City Administrator to advertise for the openings  
Motion made by Council Member Place 5 Joe Garcia to table item, due to item not being listed on agenda as requested  
Motion seconded by Council Member Place 4 Everardo Castillo, Jr.  
All in favor  
Motion carries unanimously
11. Discuss/consider & act on having city council approve all education and travel expenses for all city employees, council members & Mayor  
Motion made by Council Member Place 3 Alicia Machado to table item  
Motion seconded by Council Member Place 2 Gilbert Eguia  
All in favor  
Motion carries unanimously
12. Discuss/consider & act on policy on how each member of the governing body should be allowed to place items of his or her choosing on the agenda prior to the meeting  
Motion made by Mayor Pro-tem Sabino Mena to add addendum to Ordinance 10-12-14, current agenda item policy, stating that TML guidelines should be followed when placing item on agenda and items requested by council should be placed exactly as submitted unless changes are approved by that Council Member  
Motion seconded by Council Member Place 4 Everardo Castillo, Jr.  
All in favor  
Motion carries unanimously
13. Discuss/consider & act on ratifying the hire of Pierce Ramirez as lifeguard for the 2018 Pool season  
Motion made by Council Member Place 2 Gilbert Eguia to ratify the hiring of Pierce Ramirez as lifeguard for the 2018 pool season  
Motion seconded by Council Member Place 4 Everardo Castillo, Jr.  
All in favor  
Motion carries unanimously

**\*\* Mayor announced that items 14-25 would be taken up and considered as one item since they all pertaining to the TxCDBG funding\*\***

Mayor Pro-tem Sabino Mena appointed WA/WW Operator Jimmy Oranday to serve as the Civil Rights Official, City Secretary Juanita Fonseca informed Mayor Pro-tem that Jimmy Could not serve as the officer because he did not have access to personnel files or police records as required by the Texas Department of Agriculture, Mayor Pro-tem replied that he had spoken to Mr. Ruiz the Grant consultant and he did not mention requirement and that he did not want to appoint Mr. Alvarez the City Admin because Mr. Alvarez already had a lot on his plate, Council Member Place 5 Joe Garcia added that Mr. Alvarez had made a comment about having to much work and he agreed with Mr. Mena.

Motion made by Council Member Place 3 Alicia Machado to accept and approve items 14-25 & moved forward with the TxCDBG Grant

Motion seconded by Council Member Place 4 Everardo Castillo

In favor of motion Council Member Place 3 Alicia Machado & Council Member Place 4 Everardo Castillo, Jr.

Motion opposed by Mayor Pro-tem Sabino Mena, Council Member Place 2 Gilbert Eguia & Council Member Place 5 Joe Garcia

Motion dies 2-3

No other motion was made

14. DISCUSS/CONSIDER & ACT ON APPOINTMENT OF LABOR STANDARDS OFFICER, PERTAINING TO TEXAS COMMUNITY BLOCK GRANT (TXCDBG)
15. DISCUSS/CONSIDER & ACT ON SECTION 504 POLICY AGAINST DISCRIMINATION BASED ON HANDICAP & GRIEVANCE PROCEDURES, PERTAINING TO THE TEXAS COMMUNITY BLOCK GRANT (TXCDBG)
16. DISCUSS/CONSIDER & ACT ON SECTION 3 POLICY, AUTHORIZING ADOPTION OF A TEXAS COMMUNITY BLOCK GRANT (TXCDBG) SECTION 3 POLICY, IN ACCORDANCE WITH THE U.S. CODE, TITLE 12, CHAPTER 13 §170-1U-ECONOMIC OPPORTUNITIES FOR LOW-AND VERY LOW-INCOME PERSONS (12U.S.C1701U); THE CITY OF DILLEY AGREES TO IMPLEMENT A TXCDBG SECTION 3 POLICY, WHICH, TO THE GREATEST EXTENT FEASIBLE, WILL PROVIDE JOB TRAINING, EMPLOYMENT CONTRACTING OPPORTUNITIES FOR SECTION 3 RESIDENTS AND SECTION 3 BUSINESSES OF THE AREAS IN WHICH THE TXCDBG PROGRAM /PROJECT IS BEING CARRIED OUT;
17. DISCUSS/CONSIDER & ACT ON CITIZEN PARTICIPATION PLAN, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
18. DISCUSS/CONSIDER & ACT ON CODE OF CONDUCT POLICY, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
19. DISCUSS/CONSIDER & ACT ON DESIGNATION FORM FOR CIVIL RIGHTS OFFICER, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
20. DISCUSS/CONSIDER & ACT ON EXCESSIVE FORCE POLICY, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
21. DISCUSS/CONSIDER & ACT ON TXCDBG INITIAL ACQUISITION FORM, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
22. DISCUSS/CONSIDER & ACT ON LIMITED ENGLISH PROFICIENCY SAMPLE PLAN, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)

23. DISCUSS/CONSIDER & ACT ON RESOLUTION NO. 18-06-12, REGARDING CIVIL RIGHTS, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
24. DISCUSS/CONSIDER & ACT ON SECTION 504 SELF-EVALUATION FORM, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
25. DISCUSS/CONSIDER & ACT ON AUTHORIZING FINANCE DIRECTOR TO OPEN A BANK ACCOUNT WITH DILLEY STATE BANK FOR THE 2017 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT
26. DISCUSS/CONSIDER & ACT ON "CRIMES" LAW ENFORCEMENT SOFTWARE, LICENSE & MASTER AGREEMENT  
Motion made by Council Member Place 3 Alicia Machado to approve agreement with "Crimes" and make change of software for Police Department as requested by Police Chief  
Motion seconded by Council Member Place 2 Gilbert Eguia  
All in favor  
Motion carries unanimously
27. 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 27-A held in open session @ the request of Arnold Zepeda, Park Crew Leader

A. UPDATE ON PARK CREW LEADER ARNOLD ZEPEDA

Mr. Alvarez updated council, informing that Arnold would still be out for another two weeks, Arnold has been diagnosed with Sleep Apnea and he would need a CPAP to return to work, Council Member Place 2 Gilbert Eguia questioned attorney Denise Martinez if it was ok to mention this information, he didn't want to violate any HIPPA Laws, Attorney Martinez replied that because Arnold had requested the item be open, no laws were being violated, Council Member Place 5 Joe Garcia stated that Arnold was ok to come back since he had gone for the study and that the CPAP shouldn't be a problem in returning Arnold had complied with council request, Mr. Alvarez replied that the doctor order was that he wouldn't be able to return until he had the device. Council Member Garica then asked Arnold If it was financial reasons he couldn't get the CPAP, Arnold stated that he did have to pay a large amount for the study because the insurance we had was not a good one but that he was waiting on a call to pick up the CPAP from Uvalde and that the doctor had told him he needed it before he could return. Mayor Pro-tem Mena added that he was a Registered Nurse and didn't see why he would need the device to return but that he could make a phone and find out and that he would also be willing to help Arnold to see if there was an alternative to getting the CPAP, Council Member Place 3 Alicia Machado added that if he needed help to get the device she would be willing to assist as well. No action was taken on item, informative update only.

B. POSSIBLE PAY INCREASE FOR POLICE OFFICER MICHAEL MARTINEZ, FOR SUCCESSFULLY COMPLETING PROBATION

Item closed to executive session @ 9:18P.M.

28. OPEN SESSION – TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION  
RECONVENE TO OPEN SESSION @ 9:57P.M.

A. UPDATE ON PARK CREW LEADER ARNOLD ZEPEDA

B. POSSIBLE PAY INCREASE FOR POLICE OFFICER MICHAEL MARTINEZ, FOR SUCCESSFULLY  
COMPLETING PROBATION

Motion made by Council Member Place 5 Joe Garcia to authorize a \$2000 pay increase for  
Police Officer Michael Martinez, for successfully completing probation

Motion seconded by Mayor Pro-tem Sabino Mena

All in favor

Motion carries unanimously

29. ADJOURNMENT

Motion made by Council Member Place 4 Everardo Castillo, Jr. to adjourn meeting

Motion seconded by Council Member Place 3 Alicia Machado

All in favor

Motion carries

  
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Mayor

  
\_\_\_\_\_  
City Secretary

WORKSHOP  
CITY COUNCIL  
JULY 24, 2018

COUNCIL PRESENT: MAYOR MARY ANN OBREGON, MAYOR PRO-TEM SABINO MENA, COUNCIL MEMBER PLACE 2 GILBERT EGUIA, COUNCIL MEMBER PLACE 3 ALICIA MACHADO, COUNCIL MEMBER PLACE 4 EVERARDO CASTILLO, JR., COUNCIL MEMBER PLACE 5 JOE GARCIA

COUNCIL ABSENT: NONE

STAFF PRESENT: CITY ADMINISTRATOR RUDY ALVAREZ, CITY SECRETARY JUANITA FONSECA

CITIZENS PRESENT:

1. CALL WORKSHOP TO ORDER  
Workshop called to order @ 6:31P.M.
2. WORKSHOP CONCERNING ENGINEERING SERVICES PROVIDED BY LNV ENGINEERING, INC.  
Mr. Alvarez opened up workshop stating that at the last council meeting Council Member Place 3 Alicia Machado & Council Member Place 4 Everardo Castillo, Jr. mentioned that they would like to have a workshop with the LNV go to over the various projects they have and are working on to be more informed so this workshop was basically open to what ever questions/complaints council had of and for engineer. Mayor Pro-tem Sabino Mena at this time stated that what was the purpose of the workshop if at the last meeting the vote was to request for qualifications for Professional Engineering services. Mr. Garcia stated that he had noticed that prior to February of 2018, monies paid to LNV were high and all of a sudden, no payments were made. Mayor Pro-tem Mena added that the city maps had not been updated as work had been performed and the citizens were not happy with streets. He also added that the building had cost a pretty penny and it was not built to standards and deficiencies had been found and still not taken care of. Mr. Rivera, Vice-President with LNV explained about the projects and retention money and stated that there was a warranty window and we still had time to submit for those problems. Mr. Viera offered to look into any complaints the council had.
3. ADJOURNMENT  
Motion made by Mayor Pro-tem Sabino Mena to adjourn meeting  
Motion seconded by Council Member Place 5 Joe Garcia  
All in favor  
Motion carries

  
Mayor

  
City Secretary