



MINUTES
City of Lytle
Regular City Council Meeting
June 13, 2022, at 6:30 p.m.

1. CALL TO ORDER

Mayor Ruben Gonzalez called the meeting to order at 6:30 p.m.

2. ROLL CALL

Mayor Ruben Gonzalez, Alderman Sam Cortez, Alderman Joseph Morrow, Alderman Michael Rodriguez, and Alderman Charles Cate were present.

Alderman David Emery was absent

Staff Present: Interim City Administrator Matthew Dear, Asst. City Secretary Paola Rios, Finance Director LaNet Hester, Police Chief Richard Priest, Public Works Director James McGrath, Library Director Cassandra Cortez, Animal Control Director Santiago Morantez, and Code Compliance Officer Skip Traeger.

3. PLEDGE OF ALLEGIANCE

Led by Mayor Ruben Gonzalez

4. CITIZENS TO BE HEARD

Russell & Tammy McDonald, 19729 Martin Street, expressed their concerns of a mobile home park possibly being built behind their house and permits being issued without any consultation from the residents in the area.

Shelle McMillan, 19709 Martin Street, expressed her concerns about the possibility of a mobile home park being built behind her house and permits being issued without any consultation from the residents in the area.

Mayor Ruben Gonzalez and Interim City Administrator Matthew Dear explained that there had only been a meeting with the developer to discuss the concept of a mobile home park in the area but that no formal submission had begun. It was also stated that the permits were issued, but the developer had been informed they were on hold until the overall project had been reviewed and approved for construction.

5. CONSENT AGENDA

a. Approval of Minutes

- i. A motion was made by Alderman Sam Cortez, Seconded by Alderman Joseph Morrow to table the item. A vote was taken (4:0 all ayes) the motion carried by all present.

b. Approval of Attorney Fees

i. Davidson, Troilo, Ream & Garza PC

- a) A motion was made by Alderman Joseph Morrow, Seconded by Alderman Sam Cortez to table the item. A vote was taken (4:0 all ayes) the motion carried by all present.

ii. Law Office of Thomas P. Cate

- a) A motion was made by Alderman Michael Rodriguez, Seconded by Alderman Sam Cortez to approve the item. A vote was taken (3:0 all ayes) Alderman Charles Cate abstained the motion carried by all present.

c. Approval of Payment of the Bills

- i. A motion was made by Alderman Michael Rodriguez, Seconded by Alderman Charles Cate to approve the item. A vote was taken (4:0 all ayes) the motion carried by all present.

6. OPEN SESSION – ACTION ITEMS

a. Consider and Act upon Final Plat for Lytle C-Store located at the SE corner of IH 35 Frontage Road at FM 3175.

- i. A motion was made by Alderman Charles Cate, Seconded by Alderman Michael Rodriguez to approve the item. After discussion from Staff and the Engineer for the project a vote was taken (4:0 all ayes) the motion carried by all present.

- b. Consider and Act upon the requested variances for the Lytle Farms Master Development Plan for a total of four (4) setback variances to the City of Lytle Code of Ordinances Sections 46-190 (a, b and d) and section 46-221 (c) to allow for the proposed lot dimensions.
 - 46-190 (a): Front Yard: 5' Variance to allow a 25' setback.
 - 46-190 (b): Side Yard: 9' Variance on Corner Lots to increase to a maximum of 15' setback.
 - 46-190 (d): Rear Yard: 15' Variance to allow a 15' setback.
 - 46-221 (c): 10' Variance to allow a 15' setback.
- i. A motion was made by Alderman Joseph Morrow, Seconded by Alderman Charles Cate to approve the item. After discussion from Staff and the representative for the project a vote was taken (4:0 all ayes) the motion carried by all present.
- c. Consider and Act upon selection of Engineering Firm and enter negotiations for Traffic Impact Analysis Ordinance.
 - i. Interim City Administrator Matthew Dear advised the Council that he had received two proposals (GWK Engineering & Kimley Horn). Interim City Administrator went over the reference checks he had done on both firms and suggested to Council that Kimley Horn be selected.
 - ii. A motion was made by Alderman Charles Cate, Seconded by Alderman Sam Cortez to select and enter negotiations with Kimley Horn for a Traffic Impact Analysis Ordinance. A vote was taken (4:0 all ayes) the motion carried by all present.
- d. Consider and Act upon the Rosewood Estates Subdivision Unit 1 - Partial Release for Water and Sanitary Sewer Utilities.
 - i. A motion was made by Alderman Sam Cortez, Seconded by Alderman Joseph Morrow to allow the developer to begin the construction of sewer, water, storm water and streets at the developers' risk while awaiting TxDOT approval. After discussion from Staff and the representative for the project a vote was taken (4:0 all ayes) the motion carried by all present.
- e. Consider and Act upon proposal from TRC for Plat Review and Engineering Services for 18506 Live Oak Street.
 - i. A motion was made by Alderman Joseph Morrow, Seconded by Alderman Charles Cate to approve the item. A vote was taken (4:0 all ayes) the motion carried by all present.
- f. Consider and Act upon drainage issue in Lake Shore Estates.

- i. Interim City Administrator Matthew Dear discussed with Council two bids he had received to install a spillway to help alleviate drainage issues. Both bids were more than \$20,000 and trigger the project being overseen by an Engineer. There was discussion with a homeowner about the need for something to be done.
 - ii. A motion was made by Alderman Charles Cate, Seconded by Alderman Michael Rodriguez to authorize the Interim City Administrator send out an RFQ for Engineer Firms to study and develop a plan for the overall drainage issues in the Lake Shore Estates Subdivision. A vote was taken (4:0 all ayes) the motion carried by all present.
- g. Consider and Act upon allowing the Lytle VFW Post #12041 to sell beer at the July 4th event.
 - i. A motion was made by Alderman Michael Rodriguez, Seconded by Alderman Joseph Morrow to allow the VFW to sell beer at the event contingent TML states there is coverage in the city's insurance and that the VFW also provide their insurance stating it has coverage. A vote was taken (4:0 all ayes) the motion carried by all present.
- h. Consider and Act upon stopping all delinquent tax collection services with the Law Office of Tom Cate until a review of the tax system can be conducted and waive fees.
 - i. Interim City Administrator Matthew Dear explained to Council that staff had identified several issues with the Tax Software and internal documentation that warranted stopping all delinquent collections services with the Law Office of Thomas P. Cate until staff could conduct an audit of the records.
 - ii. A motion was made by Alderman Joseph Morrow, Seconded by Alderman Michael Rodriguez to stop the delinquent tax collection until staff could conduct an audit and that staff be authorized to waive any fees/penalties if it was determined there was fault on the city. A vote was taken (3:0 all ayes) Alderman Charles Cate abstained the motion carried by all present.
- i. Consider and Act Upon Job Descriptions for City Administrator, City Secretary, and Finance Director.
 - i. A motion was made by Alderman Joseph Morrow, Seconded by Alderman Michael Rodriguez to approve the Job Descriptions as presented. Alderman Charles Cate expressed his concern that more time was needed to review the items and ensure the Code of Ordinances matched the duties

in the Job Descriptions. A vote was taken (3 ayes:1 nay) the motion carried.

- j. Consider and Act upon ordinance for Saddle Ridge Estates Phase 1 and 6 establishing enforcement of stop signs, setting speed limit, accepting street names and adding streets to City Map.
 - i. A motion was made by Alderman Sam Cortez, Seconded by Alderman Joseph Morrow to adopt an Ordinance adopting Saddle Ridge Estates Phase one (1) and six (6) streets as city street, Ordering the speed limit on Saddle Ridge Estates Phase one (1) and six (6) streets in the City of Lytle to be fixed at twenty-five (25) miles per hour; Adding adopting streets to the city map; Authorizing and adopting the location of installed stop signs and setting of stop signs to be installed; Finding that fixing the speed limit and authorizing the speed limit and stop signs is in the best interest of the public health, safety, and welfare of the citizens of the City of Lytle and its inhabitants; declaring a public purpose; Incorporating recitals; providing for severability; Providing a repealer; Providing a penalty; Requiring publication and setting an effective date. After discussion with Chief of Police Richard Priest and City Attorney a vote was taken (4:0 all ayes) the motion carried by all present.

City Council Took a Break at 8:15 p.m.

City Council Reconvened at 8:30 p.m.

- k. Consider and Act upon a proposed hourly pay increase for Animal Control Department employee Melinda Flores.
 - i. A motion was made by Alderman Joseph Morrow, Seconded by Alderman Sam Cortez to authorize a \$1.50/hr. increase at the request of Animal Control Director Santiago Morantez for the certifications of Animal Control Officer and Euthanasia to be effective 6/14/22. A vote was taken (4:0 all ayes) the motion carried by all present.
- l. Consider and Act upon a proposed hourly pay increase for Police Department employee Police Officer / Deputy Fire Marshal David D. Lopez.
 - i. A motion was made by Alderman Sam Cortez, Seconded by Alderman Joseph Morrow to authorize a \$1.50/hr. increase at the request of Police Chief Richard Priest for the certifications of Fire Inspector and Arson Investigator to be effective 6/16/22. A vote was taken (4:0 all ayes) the motion carried by all present.

- m. Consider and Act upon setting the observance of City holiday leave for approved holidays that occur on nonworking calendar days.
 - i. A motion was made by Alderman Charles Cate, Seconded by Alderman Sam Cortez to observe city holidays that fall on a Saturday on the Friday before and those that fall on a Sunday on the following Monday to align with the Federal observance. A vote was taken (4:0 all ayes) the motion carried by all present.
- n. Consider and Act upon request for street light installation at 15516 Main Street.
 - i. A motion was made by Alderman Charles Cate, Seconded by Alderman Sam Cortez to approve the item. A vote was taken (4:0 all ayes) the motion carried by all present.
- o. Consider and Act upon adoption of city policy for delinquent water utility bills due to current weather conditions.
 - i. Interim City Administrator Matthew Dear and Finance Director LaNet Hester briefed council on a request from staff to allow for 10 additional days for customers to pay utility bills before they are cut off due to the current weather conditions and that the additional time only be granted until the end of September 2022.
 - ii. A motion was made by Alderman Sam Cortez, Seconded by Alderman Joseph Morrow to approve the item. A vote was taken (4:0 all ayes) the motion carried by all present.
 - iii. A motion was made by Alderman Sam Cortez, Seconded by Alderman Joseph Morrow to amend the previous motion to make the policy effective immediately. A vote was taken (4:0 all ayes) the motion carried by all present.
- p. Consider and Act upon Eligibility Requirements for Annual Citizenship Award.
 - i. A motion was made by Alderman Michael Rodriguez, Seconded by Alderman Joseph Morrow to approve the requirements as presented. A vote was taken (4:0 all ayes) the motion carried by all present.
- q. Consider and Act upon scheduling dates for Budget Workshops.
 - i. A motion was made by Alderman Charles Cate, Seconded by Alderman Sam Cortez to set June 29, 2022, and July 6, 2022, at 6:30 p.m. as Budget Workshops. A vote was taken (4:0 all ayes) the motion carried by all present.
- r. Consider and Act upon a Resolution adopting Rules of Procedure Governing City Council Meetings.

- i. A motion was made by Alderman Charles Cate, Seconded by Alderman Sam Cortez to table the item until there was more time to review it since it had not been presented prior to the start of the meeting and Alderman David Emery not being present. A vote was taken (2 ayes: 2 nays) ending in tie. Mayor Ruben Gonzales voted nay and the motion failed.
 - ii. A motion was made by Alderman Michael Rodriguez, Seconded by Alderman Joseph Morrow to adopt the Resolution as presented. A vote was taken (2 ayes: 2 nays) ending in tie. Mayor Ruben Gonzalez aye and the motion carried.
- s. Consider and Act upon designating City personnel as signatories on City bank accounts and authorized users of city issued credit card accounts.
 - i. A motion was made by Alderman Sam Cortez, Seconded by Alderman Michael Rodriguez to authorize the positions of Mayor, Mayor Pro-Tem, City Secretary, Asst. City Secretary, Finance Director, and City Administrator as signatories on all city bank accounts. A vote was taken (4:0 all ayes) the motion carried by all present.
 - ii. A motion was made by Alderman Joseph Morrow, Seconded by Alderman Michael Rodriguez to remove Josie Campa and add Paola Rios to the Capitol One credit card. A vote was taken (4:0 all ayes) the motion carried by all present.
 - iii. A motion was made by Alderman Sam Cortez, Seconded by Alderman Joseph Morrow to authorize Paola Rios, Richard Priest, Santiago Morantez, James McGrath and Cassandra Cortez to have Sam's Club cards. A vote was taken (4:0 all ayes) the motion carried by all present.
- t. Consider and Act upon options to renew the City employee TML Health, Dental and Vision plan.
 - i. Interim City Administrator Matthew Dear explained to Council the need to renew the TML plan and covered all options.
 - ii. A motion was made by Joseph Morrow, Seconded by Sam Cortez to keep the same coverages for the TML Health, Dental, and Vision plans. A vote was taken (4:0 all ayes) the motion carried by all present.
- u. Acknowledgment of Retirement of City Secretary.
 - i. Council acknowledged the retirement of the City Secretary. No Action Taken.
- v. Consider and Act upon appointment of Paola Rios as City Secretary.

- i. A motion was made by Alderman Michael Rodriguez, Seconded by Alderman Joseph Morrow to appoint Paola Rios as the City Secretary. A vote was taken (4:0 all ayes) the motion was carried by all present.
- w. Update by Staff on pending projects and infrastructure funding/financing options.
 - i. Interim City Administrator gave an update to council on the timeline for the \$8.5 Million Certificates of Obligation and also asked that all Alderman provide him with a list of any projects that had previously been approved by Council but not acted upon so that he could compile a master list. No Action Taken.
- x. Discussion on possible purchase of water from Benton City Water.
 - i. Interim City Administrator Matthew Dear and Public Works Director James McGrath discussed with Council the current water usage (189.21 a/f) compared to the cities authorized water rights (129.59 a/f) with the current 30 % reduction due to Stage 2 and that at this time there was not a need to move on this item. No Action Taken.

7. EXECUTIVE SESSION

- a. Council broke into executive session at 9:58 p.m.
 - i. Update/Report on Employee Complainant Investigation
 - ii. Update/Status on Pending Litigation Matters against the City

8. RECONVENE IN OPEN SESSION

- a. Council reconvened at 10:54 p.m.
 - i. A motion was made by Alderman Joseph Morrow, Seconded by Alderman Charles Cate to take no action. A vote was taken (4:0 all ayes) the motion was carried by all present.

9. ANNOUNCEMENTS FROM CITY COUNCIL AND CITY STAFF

- a. Interim City Administrator Matthew Dear updated Council on the competition of the generator quick connects for the Sewer Plant, Water well #2, and Water Booster Station. Council was updated that the street paving project would start after July 4th. Council was updated on a recent email spam that was sent out via a website contact form.
- b. Mayor Ruben Gonzalez gave updates on Water Well #4, advised that both water storage tanks were now in use. Council was updated on the IH 35 Frontage Road project and informed that complainants were still being received by businesses in the area. An update was given for the 7-11 Gas Station with projected opening date

in August 2022. Mayor Ruben Gonzalez asked that Council get with Interim City Administrator Matthew Dear if anything comes up to see if it could be handled internally. An updated was given on resident Wayne Hurl. Mayor Ruben Gonzalez finished with recognizing the following people with upcoming birthdays: Robert Hernandez, Santiago Morantez, and Sam Cortez. Lastly, Mayor Gonzalez finished by thanking the staff for all the work they have done especially the city hall staff. He mentioned there is lots of work to be done and appreciates all the work to keep city operations going through this turnover. Lastly, he asked for prayers for rain with the drought conditions we are going through.

10.ADJOURNMENT

- a. A motion was made by Alderman Charles Cate, Seconded by Alderman Sam Cortez to adjourn the meeting at 10:59 p.m. A vote was taken (4:0 all ayes) the motion was carried by all present.