

REGULAR MEETING
CITY COUNCIL
JUNE 12, 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, POLICE CHIEF JERRY REYNA, PUBLIC WORKS FOREMAN OSCAR RODRIGUEZ, PARKS CREW LEADER ARNOLD ZEPEDA, WATER/WASTE WATER OPERATOR JIMMY ORANDAY, WATER/ WASTE WATER LABORER ADRIAN MARTINEZ, GENERAL CLERK NOELIA RODRIGUEZ, CUSTODIAN ESTELLA VILLANUEVA, LABORER OCTAVIANO CARRIZALES, CITY ATTORNEY BOBBY MALDONADO

CITIZENS PRESENT: EMMA GARCIA, ESMERALDA CANO, JJ RIVERA, JESSICA VILLANUEVA, NADIA RIVERA, DEBRA HUGHES, RUSTY FOSTER, JOE DE LOS SANTOS (ISRAEL), JOSE ASUNCION, LIBRARDO CARRIZALES, JOSE AVILA

1. CALL MEETING TO ORDER
Meeting was called to order @ 6:30P.M.

PLEDGE OF ALLEGIANCE

2. CITIZENS TO BE HEARD
Esmeralda Cano informed city council that the flags at the Cemetery were in bad shape. She requested the council's assistance is replacing the flags due to the need of a bucket truck to reach the flag poles. She also informed council that she was disappointed that nothing was celebrating on Memorial Day, to include the parks not being decorated with flags.

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

A. APPROVE MINUTES OF THE MAY 14, 2018 – CANVASS

MAY 14, 2018 – SWEAR IN CEREMONY

MAY 14, 2018 – SPECIAL MEETING

B. REVIEW OF CITY BILLS

C. APPROVE EMPLOYEE INCENTIVES FOR THE MONTH OF JUNE 2018

Motion made by Council Member Place 5 Joe Garcia to approve Item A

Motion seconded by Council Member Place 3 Alicia Machado

All in favor

Motion made by Council Member Place 3 Alicia Machado to approve item B

Motion seconded by Council Member Place 2 Gilbert Eguia

All in favor

Motion made by Council Member Place 3 Alicia Machado to approve item C, employee incentives were awarded as follows, James Dubose, Jose Martinez (Freddy), Mark Lopez & Saul Benavides for Pipeline response/Mock Line Strike, Texas 811 Call before you dig Certification
Motion seconded by Council Member Place 4 Everardo Castillo, Jr
All in favor

4. DISCUSS/CONSIDER & ACT ON LICENSE INCENTIVE FOR ADRIAN MARTINEZ FOR OBTAINING THE CLASS C WASTE WATER OPERATOR LICENSE

Motion made by Council Member Place 4 Everardo Castillo, Jr. to approve a \$500.00 license incentive for Adrian Martinez for Obtaining the Class C, Water/Waste Water Operator License
Motion seconded by Council Member Place 3 Alicia Machado
Motion abstained by Council Member Place 5 Joe Garcia
Motion carries 4-1

****Items 5-15, were tabled due to mis print of handouts provided****

Motion made by Council Member Joe Garcia to table items 5-15 due to mis print of handouts
Motion seconded by Council Member Place 2 Gilbert Eguia
All in favor
Motion carries unanimously

5. DISCUSS/CONSIDER & ACT ON APPOINTMENT OF LABOR STANDARDS OFFICER, PERTAINING TO TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)

6. DISCUSS/CONSIDER & ACT ON SECTION 504 POLICY AGAINST DISCRIMINATION BASED ON HANDICAP & GRIEVANCE PROCEDURES, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)

7. 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;

8. DISCUSS/CONSIDER & ACT ON CITIZEN PARTICIPATION PLAN, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)

9. DISCUSS/CONSIDER & ACT ON CODE OF CONDUCT POLICY, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)

10. DISCUSS/CONSIDER & ACT ON DESIGNATION FORM FOR CIVIL RIGHTS OFFICER, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)

11. DISCUSS/CONSIDER & ACT ON EXCESSIVE FORCE POLICY, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
12. DISCUSS/CONSIDER & ACT ON TXCDBG INITIAL ACQUISITION FORM, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
13. DISCUSS/CONSIDER & ACT ON LIMITED ENGLISH PROFICIENCY SAMPLE PLAN, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
14. DISCUSS/CONSIDER & ACT ON RESOLUTION NO. 18-06-12, REGARDING CIVIL RIGHTS, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
15. DISCUSS/CONSIDER & ACT ON SECTION 504 SELF-EVALUATION FORM, PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG)
16. DISCUSS/CONSIDER & ACT ON QUOTES SUBMITTED FOR THE RENTAL OF BELT PRESS FOR WASTE WATER DEPARTMENT
Motion made by Council Member Place 5 Joe Garcia to authorize the rental of a Mobile Belt Press for a three (3) month period from Magna Flow Environmental in the Monthly amount of \$14,000.00
Motion seconded by Mayor Pro-tem Sabino Mena
All in favor
Motion carries unanimously
17. DISCUSS/CONSIDER & ACT ON CRIMES, LAW ENFORCEMENT SOFTWARE LICENSE & MASTER AGREEMENT
Motion made by Council Member Place 3 Alicia Machado to table item due to mis print of agreement provided to council for review
Motion seconded by Council Member Place 2 Gilbert Eguia
All in favor
Motion carries unanimously
18. DISCUSS/CONSIDER & ACT ON ORDINANCE NO. 18-05-08, AN ORDINANCE OF THE CITY OF DILLEY ADOPTING MAP OF THE CORPORATE LIMITS OF THE CITY; DECLARING THE SAME TO BE THE OFFICE MAP OF THE CITY AND OF THE BOUNDARIES DEPICTED IN THE MAP TO BE THE CORPORATE LIMITS OF THE CITY; AND DIRECTING THE CITY SECRETARY TO MAINTAIN A COPY OF SAID MAP
Motion made by Council Member Place 3 Alicia Machado to adopt Ordinance No. 18-05-08, as stated
Motion seconded by Mayor Pro-tem Sabino Mena
All in favor
Motion carries unanimously
19. Discuss/consider & act on hiring additional lifeguards for the 2018 Pool Season and set pay

Motion made by Council Member Place 4 Everardo Castillo, Jr. to hire additional lifeguards for the 2018 pool season as listed, Jesus Olivarez, Ruben Martel, Jacent Cantu, Kamryn Sandoval, Karissa Garcia, Allison Carrizales, Jaslyn Ochoa, Skyler Bradshaw, Cidney Ward, and set pay @ \$10/Hour

Motion seconded by Mayor Pro-tem Sabino Mena, Jr.

All in favor

Motion carries unanimously

20. DISCUSS/CONSIDER & ACT ON APPOINTING A HEAD LIFEGUARD FOR THE 2018 POOL SEASON AND SETTING PAY

Motion made by Council Member Place 2 Gilbert Eguia to appoint Juan Martinez as Head Lifeguard, as recommended by Pool Manager and set Pay to \$11/Hour

Motion seconded by Council Member Place 4 Everardo Castillo, Jr.

All in favor

Motion carries Unanimously

21. DISCUSS/CONSIDER & ACT ON FOURTH OF JULY UPDATE BY JJ RIVERA

No action, informative update on Festival

22. DISCUSS/CONSIDER & ACT ON AUTHORIZING COUNCIL MEMBER EVERARDO CASTILLO, JR. TO SOLICIT FUNDS FOR THE SCHOOL SUPPLY GIVE AWAY BACK TO SCHOOL BASH PROJECT, AND AUTHORIZE THE USE OF THE CITY PARK/PAVILION

Motion made by Council Member Place 5 Joe Garcia to authorize Council Member Castillo to solicit funds for the school supply give away/ back to school bash project and authorize the use of the city park/pavilion, event tentatively set for August 4, 2018

Motion seconded by Council Member Place 3 Alicia Machado

In favor of Motion Council Member Place 5 Joe Garcia, Council Member Place 3 Alicia Machado, Mayor Pro-tem Sabino Mena, Council Member Place 4 Everardo Castillo, Jr

Motion oppose by Council Member Place 2 Gilbert Eguia

Motion carries 4-1

23. DISCUSS/CONSIDER & ACT ON DEPARTMENTAL REPORTS

Motion made by Mayor Pro-tem Sabino Mena to give a directive to all departments to submit and present monthly reports on a monthly basis to city council

Motion seconded by Council Member Place 2 Gilbert Eguia

All in favor

24. 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 COMPLIANCE, PROVIDING A REPEALER CLAUSE, PROVIDING A PUBLICATION CLAUSE AND PROVIDING AN EFFECTIVE DATE

Motion made by Council Member Place 2 Gilbert Eguia to table item

Motion seconded by Mayor Pro-tem Mayor Pro-tem Sabino Mena
All in favor
Motion carries unanimously

25. 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 in executive session @ 8:15P.M.

- A. DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE, REGARDING ARNOLD ZEPEDA, PARKS CREW LEADER
- B. ACTION ON THE EMPLOYMENT STATUS OF REBECCA GUAJARDO FROM FULL-TIME TEMPORARY TO FULL-TIME STATUS AND SET PAY

26. OPEN SESSION – TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION
Reconvene to open session @ 8:49P.M., item A will be held in open session @ the Request of Arnold Zepeda, Parks Crew Leader

- A. DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE, REGARDING ARNOLD ZEPEDA, PARKS CREW LEADER

Mr. Alvarez began by informing council of the accidents Mr. Zepeda had while on duty and 1 off duty. Mr. Alvarez stated that procedures for accidents had been followed and that all results both times had been negative. Mr. Alvarez informed council that Arnold would not be able to drive due to doctor recommendation and that at this point it would be a waste to have someone drive him around. Arnold told council that he had a black out when he was smoking back in January but he had quit because he had a reaction with the cigarettes and medication he was taking. He also told council that the minor accidents he had were because he thought he was going to clear the turns and ended up not making it and they wear minor, he added that he knew of other employees that didn't report accidents and that for reporting and doing the right thing he had been placed on the agenda. Mrs. Machado asked what the policy requirement was for driving and Mr. Alvarez responded that all employees had to have a class c driver's license as per job description. Council Member Place 2 Gilbert Eguia added that Arnold was a good employee and loyal and didn't give problems and he thanked him for being honest. Mr. Eguia added that he felt Arnold should be given reasonable accommodations for any medical condition. Mr. Alvarez stated that he wanted it to be clear and for the record that his complaint wasn't against Arnold it was for safety purposes for him and other employees, due to the accidents he has had he wouldn't be able to defend city because he was aware that there was a problem of safety violations, in other words if council decided to keep Arnold employed and something tragic were to happen, city would be liable because the city was aware of safety concerns and did nothing about it. He also stated that his recommendation was to terminate the employment, Arnold had been given opportunity to do further testing for healthy reasons and he had refused so

if he wasn't willing to cooperate he couldn't see where he would be able to assign someone to drive him around and waste the other employees time. It was because of all these facts he would recommend termination. Mrs. Machado stated that she would be fine to suspend without pay for Arnold to take care of what he needed or he could use leave if he had it to take care of the exams and further health test.

Motion made by Council Member Place 3 Alicia Machado to place Arnold Zepeda Parks Crew Leader on administrative leave without pay, Arnold may use sick leave or vacation leave to conduct a sleep apnea study and be released from doctor to return with no restrictions for 10 days or as long as doctor said it would be necessary to conduct study.

Motion seconded by Council Member Place 2 Gilbert Eguia

All in favor

Motion carries unanimously

B. ACTION ON THE EMPLOYMENT STATUS OF REBECCA GUAJARDO FROM FULL-TIME TEMPORARY TO FULL-TIME STATUS AND SET PAY

Motion made by Council Member Place 4 Everardo Castillo, Jr. to hire Rebecca Guajardo full-time with benefits and set salary of \$10.00 hourly

Motion seconded by Council Member Place 5 Joe Garcia

In favor of motion Council Member Place 4 Everardo Castillo, Jr. Council Member Place 5 Joe Garcia & Council Member Place 3 Alicia Machado

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

Motion Carries 3-2

27. Adjournment

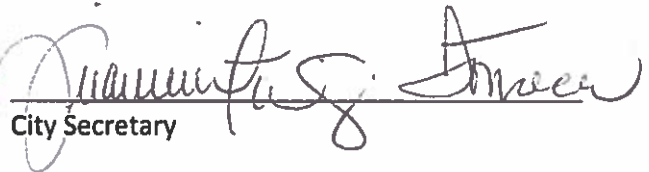
Motion made by Council Member Place 5 Joe Garcia to adjourn meeting

Motion seconded by Council Member Place 4 Everardo Castillo, Jr.

All in favor

Motion carries


Mayor


City Secretary

