

CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS
REGULAR MEETING MINUTES
October 12, 2023 at 6:30 p.m.

1. **Call to order and quorum call.** Mayor Martinez called the meeting to order at 6:33 p.m. In attendance were Mayor Pro Tem Alvarado, Alderwoman Martinez, Aldermen Fillinger and Repino, City Attorney Casandra Ortiz, and City Secretary Katherine Yelton. Alderman Coffindaffer joined at 6:40 p.m.
2. **Pledge of Allegiance.** Led by Mayor Martinez.
3. **Citizens to be heard.** No citizens signed up to speak.
4. **Mayor & Administrator Announcements/Updates.** Mayor Martinez stated that National Night Out was a success, we had such good attendance that we ran out of food, and that he received positive feedback. He said it was good to interact with the community, and he felt the staff and council represented the City in a positive manner. He also mentioned that surveyors will be out this weekend and early next week in the Lowman/Hilltop Peaks area to survey citizens for additional work in the drainage area.
5. **Consent Agenda** – All matters listed under Consent Agenda are considered routine by the City Council of the City of Sandy Oaks and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.
 - a. Approve minutes from the September 14, 2023 Regular City Council meeting.
 - b. Approve minutes from the September 28, 2023 Regular City Council meeting.
 - c. Approve Invoice No. 1329 from Kassahn & Ortiz not to exceed \$855.00 for Prosecutor services in August 2023.
 - d. Approve Invoice No. 1328 from Kassahn & Ortiz not to exceed \$3,495.00 for City Attorney services in August 2023.
 - e. Approve invoice from 6S Engineering for City Engineer services in September 2023.
 - f. Approve Resolution No. 2023-185 cancelling the October 26, 2023, November 23, 2023 and December 28, 2023 regular City Council meetings.
 - g. Approve Resolution No. 2023-186 approving the official newspaper for fiscal year 2023-2024 and authorize the mayor to approve contract with selected newspaper.Ald. Fillinger requested to pull item e for discussion. Mayor Martinez pulled items a and b as the minutes were not ready for review. Ald. Fillinger made a motion to approve the remaining items of the consent agenda, which was seconded by MPT Alvarado and passed unanimously. Ald. Fillinger stated that the finances for the parking lot have already been approved; therefore, there is no need to add 6S invoices to the consent agenda anymore.
6. **Financial Report** – Ms. Yelton reported the General Fund balance as of September 30, 2023 at \$102,786.78, the ARPA Fund balance at \$539,781.28, and the TDA Grant Fund balance at \$51,970.00. Ald. Repino made a motion to approve the financial report, as presented, which was seconded by Ald. Martinez and passed unanimously.
7. **Investment Report** – Ald. Repino presented his quarterly report stating the TexPool opening balance as of July 1, 2023 was \$132,770.40 and ending balance as of September 30, 2023 was \$134,534.91, which was earnings of \$1,764.51 for the third quarter of 2023. Ald. Repino made a motion to accept the Investment Report, as presented, which was seconded by Ald. Coffindaffer and passed unanimously.
8. **Police Department**
 - a. Updates and Announcements from Chief Lopez with possible discussion and/or action. Chief Lopez announced that the purchase of a new police vehicle has been placed on hold due to the United Auto Workers strike.

- b. Presentation of monthly report by Chief Lopez with possible discussion and/or action. Chief Lopez presented his report for September 2023.

9. Animal Control

- a. Presentation of monthly report by ACO Ashley Cunningham with possible discussion and/or action. ACO Cunningham presented her report for September 2023.

10. Parks & Recreation

- a. Update and Announcements from Park Advisory Committee Chair Alderman Repino with possible discussion and/or action. Ald. Repino stated the next meeting will be held on November 7 at 6:30 p.m. at the Community Center.

11. Administration – Old Business

- a. Discuss and/or possible action on a work order from the City Engineer related to recommendations on the City's plat application and approval process in compliance with House Bill 3699. This item was postponed by Mayor Martinez.
- b. Discuss and/or possible action on the amendment or abolishment of Ordinance No. 2019-143 regulating garage sales within the city, and related matters. Ald. Fillinger mentioned that each council member took an oath to support and defend the laws of the United States and of Texas and that the State Tax Code allows for two garage sales within a twelve-month period. Any more than two will be recognized as a business and the citizen would have to obtain a sales tax permit from the state. He said he wasn't implying that there should be a limit of two, but that after two, sellers should have a tax certificate and the city should charge a small, reasonable fee since they are then running an unlicensed business. Ald. Coffindaffer's opinion was that the city pulls itself away from the entire permit process and allows citizens to be responsible for following the state requirement or that a third permit would not be issued unless the seller produced a tax certificate when applying for a third or more permit in a twelve-month period. After some more discussion, Ald. Fillinger stated he would like to have the city attorney draft an ordinance outlining the state's tax code, limiting sales to once a month, and a fee for any additional permit beyond two sales and bring this back during November's meeting.

12. Administration – New Business

- a. Discuss and/or possible action on Ordinance No. 2023-227 Cancelling the General Election to be Held on November 7, 2023 for the Purpose of Electing Alderman Place 1, Alderman Place 3, and Alderman Place 5 and declaring unopposed candidates elected. Ald. Coffindaffer made a motion to approve the ordinance, which was seconded by Ald. Repino and passed unanimously.
- b. Discuss and/or possible action on a shed encroaching on the city right-of-way/easement, pursuant to Ordinance 2020-176. After some discussion and disagreements on how best to address this encroachment, Ald. Fillinger stated he would get some measurements, so it was decided to address this again in next month's meeting. Mayor Martinez then skipped to item 13c.

13. Public Works

- c. Updates and Announcements from Public Works Director Priscilla Schmitt with possible discussion and/or action. Per Director Schmitt, Treco is still working on the park gate, and it should be working by this weekend.
- d. Discuss and/or possible action on quote received from Centerline Supply, Inc. for the purchase of additional street signs and supplies. Per Ald. Fillinger, this item does not need to be brought before Council since street signs are already a part of the approved budget. No discussion or approval was needed. Ald. Fillinger then moved for a ten-minute recess. Mayor Martinez called for a recess at 7:46 p.m. and brought the meeting back to order at 7:54 p.m. At that time, MPT Alvarado made a motion to bring back agenda item 12b for further discussion, which was seconded by Ald. Fillinger and passed unanimously.

12. Administration – New Business

- b. Discuss and/or possible action on a shed encroaching on the city right-of-way/easement, pursuant to Ordinance 2020-176. MPT Alvarado stated she believes that the placement of the shed violates a current ordinance and there is no need to discuss this in a future meeting. All agreed that it is up to the owner of the shed to contact the seller and come in compliance.

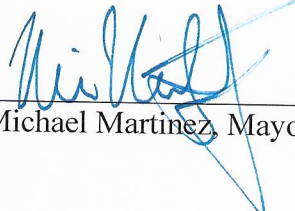
13. Public Works

- a. Executive Session to deliberate a change in compensation for Public Works Director Priscilla Schmitt, and related matters pursuant to Texas Open Meetings Act, Chapter 551 of the Texas Government Code, Section 551-074. (Personnel Matters) Mayor Martinez called for an executive session at 7:56 p.m.
- b. Discuss and/or possible action on a change in compensation for Public Works Director Priscilla Schmitt, and related matters. Mayor Martinez called the meeting back to order at 8:05 p.m. Ald. Fillinger stated that if anyone deserves an increase in pay, it would be the public works director. MPT Alvarado agreed. Ald. Fillinger made a motion to increase Director Schmitt's rate of pay by \$2.00 an hour effective the beginning of the next pay period. This was seconded by Ald. Repino and passed unanimously.

Prior to adjourning, PWD Schmitt provided another update stating that Clyde Soto-Solis has resigned. It was decided that the advertisement for the open position can begin immediately.

- 14. **Adjourn.** MPT Alvarado made a motion to adjourn the meeting at 8:11 p.m.

Passed and approved this 14th day of December 2023.



Michael Martinez, Mayor

ATTEST:


Katherine Yelton, City Secretary