

*City of Uvalde*  
**CITY COUNCIL**  
**AGENDA**

**REGULAR MEETING**  
*Tuesday, November 24, 2015*  
*6:00 p.m.*



***COUNCILMEMBERS:***

*Don McLaughlin, Jr., Mayor*  
*Margaret Palermo - District 1*  
*John H. Flores, Jr. – District 2*  
*Rogelio M. Munoz – District 3*  
*Stephen E. Balke – District 4*  
*Ernest W. “Chip” King, III – District 5*

**CITY OF UVALDE, TEXAS  
REGULAR CITY COUNCIL MEETING  
6:00 P.M., TUESDAY, NOVEMBER 24, 2015  
CITY HALL – COUNCIL CHAMBERS**

**AGENDA**

- 1. CALL MEETING TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. CITIZEN'S INPUT**
  - 4A. Citizens are requested to sign up prior to council meeting if requesting time to address council. Presentations will be limited to no more than three (3) minutes.
- 5. CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
  - 5A. Consider and act on the Minutes of the November 10, 2015 Regular City Council Meeting.
  - 5B. Consider and act on payment of bills over \$5,000.00 from November 7, 2015 through November 20, 2015.
  - 5C. Consider and act on a Resolution of the City of Uvalde, Texas to designate investment officers.
  - 5D. Consider and act on confirmation and approval of the Mayor's appointment of Dianne Trevino and JP Garcia to the Historic Preservation Board, pursuant to Article II, Section 13, of the City Charter.
- 6. PUBLIC HEARING**
  - 6A. Second public hearing held by the City of Uvalde on the proposed annexation proceedings to enlarge and extend the boundary limits of the City to include the following described property: being 9.27 acres of land lying wholly within Survey No. 70, Jose G. Baron, Original Grantee, Abstract 31, Uvalde County, Texas, out of that certain 18 acres described in two tracts from Ed Sims, et ux, to Wilson D. Ryland on 15 July 1971 and recorded in Volume 182, pages 85-87, of the Deed Records of Uvalde County, Texas.
- 7. NEW BUSINESS**
  - 7A. Consider and act on purchasing a tractor shredder, including the use of certificate of obligation monies in an amount not to exceed \$16,085.08.

- 7B Consider and act on adopting a Resolution of the City of Uvalde to Create a Utility Assistance Program.
- 7C. Consider and act on an Ordinance of the City of Uvalde, Texas approving, adopting and amending Chapter 18 of the Uvalde Municipal Code for Historic Preservation Chapters 18.01.030 Historic Preservation Board and 18.01.070 Certificate of Appropriateness.
- 7D. Consider and act on moving all future City Council meetings to the SSGT. Willie DeLeon Civic Center located at 324 E. Main Street, Uvalde, Texas 78801.

**8. ADJOURNMENT**

Certificate: I certify that the above and foregoing notice was posted in compliance with 551.043, Texas Government Code at 3:00 p.m. on November 20, 2015.

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Vince DiPiazza, City Manager

City Hall Municipal Building is wheelchair accessible with accessed and special parking available on the West Side of the Building. The Council Chamber is accessible by elevator to the second floor. Requests for special services must be received forty-eight (48) hours prior to meeting time by calling City Hall (830) 278-3315. In this Notice of Open Meeting, the posting of an agenda item as a matter to be discussed in open session is not intended to limit or require discussion of that matter in open session if it is otherwise appropriate to discuss the matter in executive session. If, during the discussion of any agenda item, a matter is raised that is appropriate for discussion in executive session the council may, as permitted by law, convene into executive session to deliberate on the matter.

The posting of an agenda item as a matter to be discussed in executive session is not intended to limit or require discussion of that matter in executive session. The council may discuss in open session any matter for which notice has been given in this notice of open meeting including an agenda item posted for executive session. In no event, however, will the council take action on any agenda item in executive session, whether it is posted for open or executive session discussion.

**CERTIFICATION**

I, the undersigned authority, do hereby certify that the attached agenda of meeting of the City of Uvalde City Council is a true and correct copy and that I posted a true and correct copy of said notice on two glass public notice cases at City Hall, readily accessible to the general public at all times, and said Notice was posted on the \_\_\_ day of November, 2015 and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

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Susan M. Stewart, City Secretary

I certify that the attached agenda of items to be considered by the City Council was removed by me from the City of Uvalde City Hall glass public notice cases on the \_\_\_\_\_ day of November, 2015.

\_\_\_\_\_ Title: \_\_\_\_\_

STATE OF TEXAS )  
COUNTY OF UVALDE )  
CITY OF UVALDE )

BE IT REMEMBERED, that the City Council of the City of Uvalde, Texas, met in a Regular Meeting at 6:00 p.m. on Tuesday, October 27, 2015, with the following members present:

Don McLaughlin, Jr.	Mayor - (via telephone conference for Executive Session)
Rogelio Munoz	Mayor Pro Tem
John H. Flores, Jr.	Councilmember
Margaret Palermo	Councilmember
Stephen E. Balke	Councilmember
Ernest W. "Chip" King, III	Councilmember

Also present:

Vince DiPiazza	City Manager
Joe Cardenas	Assistant City Manager
Paul J. Tarski	City Attorney
Susan Stewart	City Secretary
Eric Herrera	Uvalde Police Chief
Phillip Connor	Interim Finance Director
Rob Fowler	Parks & Recreation Coordinator
Susan Anderson	Director of Planning & Community Development

Agenda Item No. 1 – Call Meeting to Order

*Mayor Pro Tem Rogelio Munoz. called the meeting to order at 6:01 p.m.*

Agenda Item No. 2 – Invocation

*Reverend Casey Berkhouse of St. Philips Episcopal Church gave the invocation.*

Agenda Item No. 3 – Pledge of Allegiance

Agenda Item No. 4 – Citizen's Input

4A. Citizens are requested to sign up prior to council meeting if requesting time to address council. Presentations will be limited to no more than three (3) minutes.

*None.*

## Agenda Item No. 5 – Consent Agenda

*(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*

- 5A. Consider and act on the Minutes of the October 27, 2015 Regular City Council Meeting.
- 5B. Consider and act on payment of bills over \$5,000.00 from October 10, 2015 through November 6, 2015.
- 5C. Consider and act on a contract with Election Systems & Software, LLC for the software and maintenance of election machines.
- 5D. Consider and act on a renewal for a service contract with Texas Land Reclamation LLC d/b/a UTW Tire Collection Services for tire disposal at the landfill.
- 5E. Consider and act on confirmation and approval of the Mayor's re-appointment of Oscar Garcia, Sergio Porrás, MIMO Alejandro and Juan Gonzales to the Uvalde Housing Authority pursuant to Article II, Section 13, of the City Charter.

*Councilman Stephen E. Balke made a motion to approve the Consent Agenda. Councilman John H. Flores, Jr. seconded the motion. Motion carried 5-0.*

## 6. PUBLIC HEARING

- 6A. Public hearing by the City of Uvalde on the proposed annexation proceedings to enlarge and extend the boundary limits of the City to include the following described property: being 9.27 acres of land lying wholly within Survey No. 70, Jose G. Baron, Original Grantee, Abstract 31, Uvalde County, Texas, out of that certain 18 acres described in two tracts from Ed Sims, et ux, to Wilson D. Ryland on 15 July 1971 and recorded in Volume 182, pages 85-87, of the Deed Records of Uvalde County, Texas.

*Mayor Pro Tem Rogelio Munoz opened the public hearing at 6:06 p.m.  
City Manager, Vince DiPiazza, explained that this was the first of two public hearings regarding the annexation.  
Mayor Pro Tem Rogelio Munoz closed the public hearing at 6:07 p.m.*

## 7. NEW BUSINESS

- 7A. Consider and act on approval of an application for Outside the City Limits Utility Service for water for applicant Vivian Manry, for property located at 7 Tinsely Lane, Uvalde.  
*Councilman Chip King made a motion to approve the OCL application for Vivian Manry for property located at 7 Tinsely Lane for water services. Motion was seconded by Councilman John H. Flores, Jr. Motion carried 5-0.*

7B. Consider and act on approval of an application for Outside the City Limits Utility Service for water for applicant Craig L. Cox and Helen T. Cox, for property located at 227 Barnes Road, Uvalde.

*Councilman Chip King made a motion to approve the OCL application for Craig L. Cox and Helen T. Cox, for property located at 227 Barnes Road for water services. Motion was seconded by Councilman John H. Flores, Jr. Motion carried 5-0.*

7C. Consider and act on amending Uvalde Municipal Ordinance 2015-04 Chapter 17 Zoning establishing regulations for parking of regulated vehicles to extend the deadline for filing truck parking permit applications.

*Mayor Pro Tem Rogelio Munoz made a motion to approve Agenda Item 7C. Councilman Chip King seconded the motion. Motion carried 5-0.*

7D. Consider and act on casting an Official Ballot and distribution of votes for the three (3) directorships for the Uvalde County Appraisal District to serve a two-year term.

*Mayor Pro Tem Rogelio Munoz made a motion to approve Agenda Item 7D and to allocate the City of Uvalde votes amongst the candidates as follows:*

<i>Danny Dean</i>	<i>79 votes</i>
<i>John Harrell</i>	<i>80 votes</i>
<i>Sergio Porras</i>	<i>80 votes</i>
<i>John Rogers</i>	<i>80 votes</i>
<i>John Yeackle</i>	<i>80 votes</i>

*Councilman Chip King seconded the motion. Motion carried 5-0.*

7E. Final Public Hearing TxCDBG 713114 Planning & Capacity Building Fund. Mayor Pro Tem Rogelio Munoz opened the public hearing at 6:017 p.m. on Agenda Item 7E.

*Carl Esser of Esser & Company addressed City Council and explained that TxCDBG713114 was part of a Department of Agriculture Planning & Capacity Grant. It was a two year project with an end date of November 17, 2015. The City put forth a performance statement that would impact housing, population, land use, and street assessment. The City contracted with Esser & Company to address each element for State review. Esser & Company met three times with the Strategic Planning Committee and on October 28, 2015 gave a two hour PowerPoint presentation that summarized the 278 pages findings report. The report will now be submitted for review and consideration. Tonight's public hearing is a necessary requirement when grant monies involve federal funds.*

*Mayor Pro Tem Rogelio Munoz closed the public hearing at 6:21p.m. on Agenda Item 7E.*

- 7F. Consider and Act upon TxCDBG 713114 Close Out Reports to include Final Resolution and Close Out Letter to TDA, and authorize Mayor to sign.  
*Councilman Stephen E. Balke made a motion to approve Agenda Items 7F & 7G together. Councilman Chip King seconded the motion. Motion carried 5-0.*
- 7G. Consider and Act upon TxCDBG 713114 Request for Payment Form A203 #1 & Final and authorize Mayor and Assistant City Manager to sign.  
*Councilman Stephen E. Balke made a motion to approve Agenda Items 7F & 7G together. Councilman Chip King seconded the motion. Motion carried 5-0.*
- 7H. Consider and act on cancelling the scheduled City Council Meeting date for December 22, 2015 to avoid conflict with Christmas holidays.  
*Motion made by Mayor Pro Tem Rogelio Munoz to cancel the December 22, 2015 City Council Meeting. Motion was seconded by Councilwoman Margaret Palermo. Motion carried 5-0.*

**8. EXECUTIVE SESSION**

The City Council of the City of Uvalde, Texas, will convene into executive session in accordance with the purposes permitted by the Open Meetings Act:

- 8A. Convene into Executive Session pursuant to Section 551.071, Texas Government Code, consultations with attorney regarding settlement of pending litigation regarding hotel occupancy tax against Uvalde Hotel Corporation.  
*The City Council of Uvalde convened into Executive Session at 6:23 p.m. Mayor Don McLaughlin, Jr., joined the Executive Session via telephone conference call.*

**9. RECONVENE FROM EXECUTIVE SESSION**

*The City Council of Uvalde reconvened from Executive Session at 6:43 p.m. Motion made by Mayor Pro Tem Rogelio Munoz to have the City Attorney take action as discussed in Executive Session. Motion was seconded by Councilman Stephen E. Balke. Motion carried 5-0.*

**10. ADJOURNMENT**

*Motion made by Councilman Chip King for adjournment. Councilman John H. Flores, Jr. seconded the motion. Motion carried 5-0.*

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Don McLaughlin, Jr. Mayor

Attest:

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Susan M. Stewart, City Secretary

**Accounts Payable in Excess of \$5,000.00**  
**For Period Ending November 20, 2015**  
 Requesting Approval to Release Payment

Name	Description	Department	Account Number and Amount	Authorized/Verified By
<i>***The following items have already been mailed- due to their due dates.***</i>				
Public Engines	Initial annual subscription	Police Dept	100-20-00-6479 \$6,298.00	V Dipiazza
Edwards Aquifer Authority	Management fees	Administration	710-00-00-6367 \$8,319.95	V Dipiazza
Edwards Aquifer Authority	Management fees	Administration	710-00-00-6368 \$10,568.59	V Dipiazza
Gajeske	Improvements	Gas/ Street	609-00-00-6706 \$12,405.17	V Dipiazza
Shannon-Monk, Inc.	City Pool Project Draw No. 2	Parks & Rec	219-00-30-6706 \$37,788.00	V Dipiazza
Forbes Environmental Engineering & Associates		Landfill	722-86-00-6300 \$7,133.09	V Dipiazza
TX Commission on Environmental Quality	Water System Fee	Water	711-81-00-6402 \$15,166.10	V Dipiazza
TML Intergovernmental	Insurance	All	\$103,492.21	V Dipiazza
				V Dipiazza
				V Dipiazza
<i>*** The following payments are being held and will be released upon approval for Release***</i>				
<b>Tax Note Items</b>				





# CITY OF UVALDE *Uvalde Texas*

P.O. Box 799, 78802-0799

(830) 278-3315

FAX: (830) 591-2685

## **BUSINESS OF THE CITY COUNCIL**

**SUBJECT: Resolution to Designate Investment Officers**

AGENDA DATE: November 24, 2015

SUBMITTAL DATE: Nov. 18, 2015

SUBMITTED BY: Phillip Conner

REVIEWED BY:

ATTACHMENTS: A) Resolution Designating Investment Officers

### **Budget Information**

Expenditure amount: \$

N/A

Budget amount: \$ N/A

Notes:

### **BACKGROUND INFORMATION**

The Public Funds Investment Act requires the City Council by resolution to designate one or more Investment Officers for the investment of funds consistent with the Investment Policy adopted by the City.

On May 26, 2015 Resolution 2015-03 was adopted by the City Council designating investment officers for the City of Uvalde.

*City of Uvalde's Investment Policy, Section V. DELEGATION OF INVESTMENT AUTHORITY, "The City Council will by resolution designate the Investment Officer(s) for the City. The Chief Financial Officer, acting on behalf of the City Council, has been designated as the Investment Officer of the City and is responsible for investment management decisions and activities...No officer or designee may engage in an investment transaction except as provided under the terms of this Policy."*



The Chief Financial Officer was Marty Coursey at that time. Since she is no longer employed by the City of Uvalde, it would be appropriate for the Council to designate the current financial officer and/or her designees at this time.

**RECOMMENDED ACTION**

City Council adopts resolution 2015-XX to designate Investment Officers.

**RESOLUTION 2015-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS TO DESIGNATE INVESTMENT OFFICERS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with the Public Funds Investment Act, Chapter 2256, Texas Government Code, the City Council of the City of Uvalde, Texas by resolution adopted an investment policy; and

**WHEREAS**, the Chief Financial Officer, acting on behalf of the City Council, has been designated as the Investment Officer and is the responsible for investment management decisions and activities.

**WHEREAS**, the City Council is required, by resolution to designate the Investment Officer(s) for the City for the investment of its funds consistent with the Investment Policy adopted by the City Council.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS:**

**SECTION 1.** The following are hereby designated as Investment Officers within the meaning of the PFIA (Public Funds Investment Act) and the City of Uvalde’s Investment Policy and, as such, is authorized to purchase, sell and invest all applicable funds on behalf of the City of Uvalde, Texas. The designation of these Investment Officers is in effect until rescinded by the City Council or until termination by the City Council.

Vince DiPiazza	City Manager
Phillip Conner	Interim Finance Director
Debbie Pike	Utility Office Manager

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Uvalde, Texas on this 24<sup>th</sup> day of November, 2015.

**CITY OF UVALDE**

\_\_\_\_\_  
Don McLaughlin, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Susan M. Stewart, City Secretary

**Notice of Second Public Hearing**

Notice is Hereby Given to All interest Persons, that:

The City of Uvalde, Texas proposes to institute annexation proceedings to enlarge and extend the boundary limits of said city to include the following described territory, to wit:

Being 9.27 acres of land lying wholly within Survey No. 70, Jose G. Baron, Original Grantee, Abstract 31, Uvalde County, Texas, out of that certain 18 acres described in two tracts from Ed Sims, et ux, to Wilson D. Ryland on 15 July 1971 and recorded in Volume 182, pages 85-87, of the Deed Records of Uvalde County, Texas.

A public hearing will be held by and before the City County of the City of Uvalde, Texas on the **24<sup>th</sup> day of November, 2015 at 6:00 p.m. in the City Council Chambers of the City Hall of the City of Uvalde 101 E. Main Street, Uvalde, Texas 77801** for all persons interested in the above proposed annexation. At said time and place all such persons shall have the right to appear and be heard. Of all said matters and things, all persons interested in the things and matters herein mentioned, will take notice.

*Susan M. Stewart*

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Susan M. Stewart, City Secretary

**A RESOLUTION OF THE CITY OF UVALDE, TEXAS, CREATING A  
UTILITY ASSISTANCE PROGRAM**

**WHEREAS**, there is a need to assist the City of Uvalde residents who have an active utility account, who are in a hardship situation, and are in need of financial help to ensure they have an active utility account to maintain a safe and healthy living environment; and

**WHEREAS**, the City of Uvalde has set aside collected donations to create and fund a Utility Assistance Program; and

**WHEREAS**, the City of Uvalde understands it is necessary and in the best interest of the City of Uvalde to create a Utility Assistance Program; and

**WHEREAS**, the City of Uvalde wishes to make it possible for utility customers to contribute to the Utility Assistance Program at their individual option by voluntarily adding an amount to their utility bills; and

**WHEREAS**, the City of Uvalde has determined that, in order to maximize the number of residents who will benefit from the Program, assistance will be limited, the exact limit to be determined, but that initial basis being a one-time grant per calendar year;

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY OF UVALDE, TEXAS, that the Utility Assistance Program be approved in order to assist residents who are in a hardship situation and are in need for financial help to ensure they have an active account to maintain a safe and healthy living environment and further that the staff be directed to develop guidelines for the accumulation and disbursement of the funds consistent with the intent of the City Council expressed in this resolution.

**PASSED, APPROVED, AND ADOPTED** this 24<sup>th</sup> day of November, 2015.

ATTEST:

CITY OF UVALDE, TEXAS,

\_\_\_\_\_  
Susan M. Stewart, City Secretary

\_\_\_\_\_  
Don McLaughlin, Jr., Mayor

ORDINANCE NO. 2015-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF UVALDE, TEXAS  
APPROVING, ADOPTING AND AMENDING CHAPTER  
18 OF THE UVALDE MUNICIPAL CODE FOR HISTORIC  
PRESERVATION CHAPTERS 18.01.030 HISTORIC  
PRESERVATION BOARD AND 18.01.070 CERTIFICATE OF  
APPROPRIATENESS.**

**WHEREAS**, CH. 211 TEXAS LOCAL GOVERNMENT CODE, Section 211.003(b) provides that in the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures.

**WHEREAS**, the City Council of the City of Uvalde finds that protecting, enhancing and perpetuating historic resources which represent or reflect distinctive and important elements of the city's cultural, social, economic, political, archaeological and architectural history is in the best interest of its citizens;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS THAT:**

**Section 1. Adoption of Findings of Fact.** The findings and recitations set out in this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Chapter 18 Historic Preservation:**

18.01.030 Historic Preservation Board:

- A. The HPB shall consist of seven members and two alternates appointed by the city council, all members shall be residents of the city or own property within a historic district. At least two members shall reside in or own a landmark property or reside or own property within a historic district.
- G. A quorum for the transaction of business shall consist of four of the HPB's members. If a quorum is not present for a scheduled meeting, the city historic preservation officer may approve or disapprove applications for certificates of appropriateness.

18.01.070 Certificate of Appropriateness:

Any addition or deletion of landscape materials or landscape design elements need not receive a certificate of appropriateness from the HPB but must conform to section 15.26.010, preservation or removal of trees. Any person wishing to paint a structure within a historic district that was previously painted may do so with approval of the Historic Preservation Officer. Structures that were not previously painted must receive a certificate of appropriateness. The city historic preservation officer and /or the HPB may provide review and comment as requested by the property owner with regards to color selection and design.

**Section 3. Conflicting Ordinances.** All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

**Section 4. Savings Clause.** All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**Section 5. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

**Section 6. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

**PASSED AND APPROVED** on the 24<sup>th</sup> day of November, 2015.

**ATTEST:**

**CITY OF UVALDE, TEXAS**

\_\_\_\_\_  
Susan M. Stewart, City Secretary

\_\_\_\_\_  
Don McLaughlin, Mayor