

City of Uvalde
CITY COUNCIL
AGENDA

REGULAR MEETING
Tuesday, February 11, 2014
6:00 p.m.



COUNCILMEMBERS:

Mr. J Allen Carnes, Mayor

Mr. Rogelio M. Munoz, Mayor Pro-Tem

Mr. Stephen E. Balke

Mr. Ernest W. "Chip" King, III

Mr. John H. Flores, Jr.

Mr. Jesse Rodriguez

**CITY OF UVALDE, TEXAS
REGULAR CITY COUNCIL MEETING
6:00 P.M., TUESDAY, FEBRUARY 11, 2014
CITY HALL – COUNCIL CHAMBERS**

AGENDA

1. CALL MEETING TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. MINUTES

- 4A. Consider and act on the minutes of the Tuesday, January 28, 2014, Regular City Council Meeting.

5. CITIZEN'S INPUT

- 5A. 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.

6. BILLS

- 6A. Consider and act on payment of bills over \$5,000.00 January 23, 2014 through February 5, 2014.

7. OATH OF OFFICE AND INTRODUCTION OF NEW POLICE OFFICERS

Uvalde Police Department

Renato Lualemaga

Chad Kretschmer

Hoshi Segura

8. APPOINTMENTS

Uvalde Housing Authority

Eulalo Diaz, Jr. – Commissioner

Opera House Advisory Board

Alex Garver – Reappointment

Linda Koehl - Reappointment

Electrical Board Member

Rene Nolasco (electrician) – Reappointment

Joe Trevino (electrician) – Reappointment

Ken Dirksen (surveyor) – Reappointment

Juan Hernandez (Fire Marshal) - Reappointment

9. REPORT

- 9A. Report by Councilman Stephen E. Balke on the Finance Committee.
- 9B. Report by Councilman John H. Flores, Jr. on the Strategic Planning Committee.
- 9C. Report by Joe A. Cardenas, Assistant City Manager, on the status of the Skate Park Project.
- 9D. Report by Allie Anderson, Conservation Coordinator, regarding the status of the Uvalde Regional Water Conservation Program project and distribution of low flow toilets.

10. NEW BUSINESS

- 10A. Consider and act on St. Philip's Episcopal Church's request for use of the City's paved alley located on the South side of the church property for the construction of a prayer garden.
- 10B. Consider and act on a Resolution Establishing Procedure for a General Election in Uvalde, Texas and Order of Election for May 10, 2014.
- 10C. Consider and act on the disposal of a HP Compaq DX2450 Micro Tower Computer, Microsoft Windows, Microsoft Office, then classifying it as surplus property for use by the Emergency Operations Center (EOC) located within the Aviation Museum Hangar.

11. DISCUSSION

- 11A. Discussion by Jennifer Garver, City Manager regarding a Budget Amendment for the Hotel/Motel Tax.
- 11B. Discussion by Jennifer Garver, City Manager regarding Street Assessment for November 2014 Bond Election.

12. EXECUTIVE SESSION

- 12A. The City Council of the City of Uvalde, Texas, will convene into executive session in Pursuant to Section 551.072, Texas Government Code, to consider the acquisition, exchange, and value of real property.
- 12B. Pursuant to Section 551.074, Texas Government Code, to deliberate the appointment and employment of a Chief of Police.
- 12C. Pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding legal issues related to restructuring the Opera House/Main Street Program Department.

13. RECONVENE FROM EXECUTIVE SESSION

13A. The City Council of the City of Uvalde, Texas, will reconvene from executive session in accordance with the purposes permitted by the Open Meetings Act, to take action as Deemed appropriate in the City Council’s discretion regarding:

1. The acquisition, exchange, and value of real property
2. The appointment and employment of a Chief of Police
3. Restructuring the Opera House/Main Street Program Department

14. ADJOURNMENT

Certificate: I certify that the above and foregoing notice was posted in compliance with 551.043, Texas Government Code at 4:00 p.m. on February 7, 2014.

Jennifer E. Garver, 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 be 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 7th day of February, 2014 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.

Susan Conley, 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 _____, _____.

_____ 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, January 28, 2014, with the following members present:

J Allen Carnes	Mayor (via Video Conference)
Rogelio M. Munoz	Mayor Pro Tem
Jesse Rodriguez	Councilmember
John H. Flores, Jr.	Councilmember
Stephen E. Balke	Councilmember
Ernest W. "Chip" King, III	Councilmember

Also present:

Jennifer E. Garver	City Manager
Joe A. Cardenas	Assistant City Manager
Paige Saenz	McKamie Krueger & Knight, City Attorney (via Video Conference)
Andrew Hagan	Municipal Court Judge
Joe Jarosek	Director of Public Works
Susan Anderson	Director of Planning and Community Development
Olga Charles	Main Street Manager and Opera House Manger
Clint Baack	Director of Parks and Recreation
Mike Hernandez	Lieutenant Uvalde Police Department

Agenda Item No. 1 – Call Meeting to Order

Councilman John H. Flores, Jr. called the meeting to order at 6:03 p.m.

Agenda Item No. 2 - Invocation

Councilman Stephen E. Balke led the invocation.

Agenda Item No. 3 – Pledge of Allegiance

Agenda Item No. 4 – Minutes

4A. Consider and act on the minutes of the Tuesday, January 14, 2014, Regular City Council Meeting.

Motion made by Councilman Stephen E. Balke to approve the minutes of January 14, 2014. Motion seconded by Councilman Chip King. J Allen Carnes, Mayor abstained. Motion passed 4-0-1.

Agenda Item No. 5 – Citizen’s Input

- 5A. 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. 6 - Bills

- 6A. Consider and act on payment of bills over \$5,000.00 January 9, 2014 through January 22, 2014.
Motion made by Councilman Chip King to approve the bills over \$5,000.00 for January 9, 2014 through January 22, 2014. Motion seconded by Councilman Stephen E. Balke. Motion carried 5-0.

Agenda Item No. 7 – New Business

- 7A. Consider and act on a Resolution Establishing Procedure for a General Election in Uvalde, Texas and Order of Election for May 10, 2014.
Staff asked to table this Agenda Item until next meeting. Councilman Rodriguez made a motion to table Agenda Item No. 7. Councilman Stephen E. Balke seconded the motion. Motion carried 5-0.

Councilman Rogelio M. Munoz arrived at Council Chambers at 6:10 p.m.

- 7B. Consider and act on an Ordinance Amending Chapter 10.24 of the City of Uvalde Municipal Ordinances Through Streets and Stop Intersections in its Entirety and adding Definitions and Four-Way Stop Intersections.
Jennifer E. Garver, City Manager upon request from Councilman Chip King, worked with the City Attorney to amend Chapter 10.24 of the City of Uvalde Municipal Code to include a four-way stop at the intersection of E. Nopal and Wood Street due to the number of accidents at that intersection. Councilman Rodriguez made a motion to approve the amendment to Ordinance Chapter 10.24. Councilman King seconded the motion. Motion carried 5-0-1 with Councilman Munoz abstaining from the vote since he was not in Council Chambers at time of discussion of Agenda Item 7B.
- 7C. Consider and act on approving rank order of sports lighting contractors for Sports Lighting Improvement Project at Marvin Kolinek Field and to enter into negotiations with said firm.
Joe Jarosek, Director of Public Works, is seeking approval from Council for approval of rank order of sports lighting contractors’ bids and permission to enter into negotiations for replacement of the sports lighting system at Kolinek Field. The School District has committed to \$48,000.00 towards the lights. The total cost for the project is estimated around \$108,000. Council feels that the School District should commit more towards the cost of the project. Jennifer E. Garver, City Manager, explained that any funds towards this project by the City will require a Budget Amendment. Councilman Rodriguez questioned how long it would take to recoup the City’s costs for the project. Councilman Munoz made a motion to allow Joe Jarosek, Director of Public Works to begin negotiations for the replacement of the sports lighting at Kolinek Field. Councilman Stephen E. Balke seconded the motion. Motion carried 5-0.

- 7D. Consider and act on approval of the Utility Department Residential and Commercial Policies and Fees.

Jennifer E. Garver, City Manager explained that the Utility Department is not changing any policies or fees but that the pamphlet was created with a fee schedule to help new customers or existing customers understand the policies and the fee schedule. Motion made by Councilman Munoz to approve the Utility Department Residential and Commercial Policies and Fees. Councilman Rodriguez seconded the motion. Motion carried 5-0.

- 7E. Consider and act on the following project pay application(s):

PayApplication/ Invoice#	Contractor	Amount	Project	Budgeted Account
5	90 West Contractors, Ltd.	\$44,184.86	Kiwanis Park & Recreational Trail System	604-00-51-6706
	John S. Graves & Associates, Inc.	\$8,351.54	CBP Project	733-00-85-6706

Staff recommends approval of the pay applications to 90 West Contractors, Ltd. in the amount of \$44,184.86 and John S. Graves & Associates in the amount of \$8,351.54. Councilman Stephen E. Balke made a motion for approval of the pay applications. Councilman King seconded the motion. Motion carried 5-0.

Agenda Item No. 8 - Discussion

- 8A. Discussion by Councilman Stephen E. Balke regarding the status of the City of Uvalde Pavement System Assessment & Rehabilitation Study.

Councilman Stephen E. Balke wanted to keep this discussion in front of Council and continue to give City Staff direction. Jennifer E. Garver, City Manager explained that Mayor tasked staff to provide specific funding sources for the project. Taxes and fees are the two sources of revenue with perhaps a monthly street assessment fee for the project Mrs. Garver explained that the streets in the City are quickly moving from being beyond repair to needing reconstruction. The topic of Bonds and a possible Bond election were discussed. Mrs. Garver explained that the City is still waiting to hear the status of the Buda well and whether or not the City will need to lease water. If not there would be some funds freed up for the street project. Councilman Rodriguez spoke about a monthly fee that the City needs to think about that will be necessary just to stay ahead of the maintenance costs of the roads while the project is ongoing. Patrick Williams, a citizen, spoke to the need for a possible monthly utilities fee to spread out the costs. Mayor Carnes stated that we need to get the plans and costs out to the public to get their input prior to any Bond Election vote.

- 8B. Discussion by Joe A. Cardenas, Assistant City Manager regarding the status of the Opera House elevator and fire alarm project.

Joe Cardenas addressed Council and stated that the City is still working with ThyssenKrupp in finalization of the contract. If all goes well the project could be completed by mid-April. Mr.

Cardenas explained that he hoped to have the matter back before Council within the next two weeks for review.

Agenda Item No. 9 - Adjournment

Motion made by Councilman Stephen E. Balke for adjournment. Motion seconded by Councilman Chip King. Motion carried 6-0. City Council meeting was adjourned at 6:55 p.m.

City of Uvalde

J Allen Carnes, Mayor

Attest:

Susan M. Conley, City Secretary

**Accounts Payable in Excess of \$5,000.00
For Period Ending February 5, 2014**

**The following items are completed and/or ready for release upon council approval:*

<u>Name</u>	<u>Description</u>	<u>Amount</u>
Juan A. Martinez Jr.	Well #9 repairs and labor Water Dept. 711-81-00-6415 Pump repair & Maint.	\$ 9,807.35
GT Distributors	Ammunition Police Dept. 100-20-00-6451 Tools Equipment	\$11,185.76
Cardinal Tracking	Badge system software renewal Police Dept. 100-20-00-6249 Computer Maint. Contract	\$15,178.50

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS, PROVIDING ELECTION PROCEDURES FOR THE CITY'S GENERAL ELECTION ON MAY 10, 2014, FOR THE ELECTION OF THREE CITY COUNCIL MEMBERS TO A TERM OF FOUR YEARS AND FOR THE ELECTION OF THE MAYOR TO A TERM OF TWO YEARS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the laws of the State of Texas and the Charter of the City of Uvalde, Texas provide that on May 10, 2014 there shall be elected the following officials for this City:

Mayor – Two Year Term
Council member District 1 – Four Year Term
Council member District 3 – Four Year Term
Council member District 5 – Four Year Term

and;

WHEREAS, the laws of the State of Texas and the Charter of Uvalde, Texas further provide that the Election Code of the State of Texas is applicable to said election, and in order to comply with said code, a resolution should pass establishing the procedure to be followed in said election and designating the voting places for said election.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Uvalde, Texas:

That all independent candidates for the general election to be held on the 2nd Saturday in May, 2014, for the above mentioned offices should file their application to become candidates and designate their campaign treasurer with the City Secretary at City Hall, Intersection of Main and Getty Streets, P.O. Box 799, Uvalde, Texas 78802-0799, on or before 5:00 p.m., **February 28, 2014** and that all applications shall be uniform as prescribed by Section 141.031 of the Election Code of the State of Texas. The general city election of the city council will be held on the 2nd Saturday in May, 2014 or the nearest date thereto as may be required by law, in each even numbered year. At the general election to be held in 2014 and every fourth year thereafter, council members for Districts 1, 3 and 5 will be elected. At the general election held in 2012 and every fourth year thereafter, council members for places 2 and 4 will be elected. The mayor shall be elected at each biennial, city general election. A candidate may file for any office, but must file for a specific office on the ballot and may not be a candidate for more than one (1) office in any election.

The Mayor is elected at large by a majority vote of the qualified voters for a term of two (2) years. Each council member is elected to a specific place on the council for a term of four (4) years by a majority vote of the qualified voters of the City voting in the election for that place. The candidate receiving a majority of the votes for an elective office shall be declared the winner. The Mayor and Council members shall take office on the twenty-fourth (24th) day after the general election at which they are a candidate for office. The Mayor shall serve the period of

his term, or until the person's successor is elected and qualifies for office as prescribed by the Charter. Each council member shall serve the period of his term, or until the person's successor is elected and qualifies for office as prescribed by the Charter.

The order in which the names of the candidates for each place shall be printed on the ballot shall be determined by a drawing by the City Secretary as provided by Section 52.094 of the Election Code.

Said election shall be held in the following voting precincts:

1. District 1 – Council member District 1 and Mayor

- A. Anthon Elementary, 224 N. Benson Road, Uvalde, Texas 78801.
- B. All qualified voters residing in District 1 and within the boundaries lines shown on the attached map shall vote at this location.

2. District 2 – Mayor position only

- A. Uvalde Consolidated Independent School District, Central School Office, 1000 N. Getty Street, Uvalde, Texas 78801.
- B. All qualified voters residing in District 2 and within the boundaries lines shown on the attached map shall vote at this location.

3. District 3 – Council member District 3 and Mayor

- A. Cactus Room, SSGT. Willie DeLeon Civic Center, 324 E. Main Street, Uvalde, Texas 78801.
- B. All qualified voters residing in District 3 and within the boundaries shown on the attached map shall vote at this location.

4. District 4 – Mayor position only

- A. First Presbyterian Church, 300 N. Getty Street, Uvalde, Texas 78801
- B. All qualified voters residing in District 4 and within the boundaries lines show on the attached map shall vote at this location.

5. District 5 – Council member District 5 and Mayor

- A. Baptist Temple Church, 620 East Main Street, Uvalde, Texas
- B. All qualified voters residing in District 5 and within the boundaries shown on the attached map shall vote at this location.

The City Secretary is hereby authorized and instructed to provide and furnish all the necessary election supplies to conduct such election. Voting at such election shall be upon paper ballots prepared in conformity with the Texas Election Code.

The polls at each of the above designated polling places shall be opened on said election day from 7:00 a.m. to 7:00 p.m.

The governing body of the City shall appoint the Election Judge for early voting. The City Secretary is the Early Voting Clerk for said election. Ms. Susan M. Conley is hereby appointed Early Voting Clerk for early voting and is hereby authorized to appoint Deputy Early Voting Clerks. The early voting by personal appearance for the designated election shall be in the Cactus Room of the SSGT. Willie De Leon Civic Center, 324 East Main Street, Uvalde, Texas, 78801, and said place for early voting by personal appearance shall remain open for at least eight hours on each day for early voting which is not a Sunday, or an official State holiday beginning on April 28, 2014 and continuing through May 6, 2014. Said place of voting shall remain open between the hours of 8:00 a.m. and 5:00 p.m. on each day for said early voting. As required under Section 85.005 (d) Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays; therefore early voting by personal appearance shall be conducted for 12 hours on April 28, 2014 and May 6, 2014. The Early Voting Clerk's address to which ballot applications and ballot voted by mail may be sent to is City Hall, Box 799, Uvalde, Texas 78802-0799.

Early voting by personal appearance and by mail shall be by paper ballots and shall be canvassed by an Early Voting Ballot Board. It is hereby ordered that the Election Judge and Clerks appointed shall additionally serve as the Early Voting Ballot Board.

All ballots shall be prepared in accordance with Texas Election Code and shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law. Optical scan ballots shall be used for early voting by mail, for early voting by personal appearance and for election day. The ES&S AutoMark Voter Assist Terminal as required by the Help America Vote Act of 2002 will be available for use during both early voting by personal appearance and on election day at each polling place. The City Council hereby adopts for use in early voting and election day voting, the ES&S AutoMark Voter Assist Terminal as approved by the Secretary of State.

The governing body of the City will designate and appoint election officers for the holding of said election. The Alternate Presiding Judges, in the absence of the Presiding Judges, shall perform the duties of the Presiding Judges in said election. The Presiding Judge shall appoint Clerks to serve in said election; the appointment of such clerks is to include the Alternate Presiding Judge, who, if present, shall be appointed and counted as one of the election clerks.

Said election shall be held in accordance with the Election Code of the State and only resident qualified voters of said City shall be eligible to vote in said election. Returns of the election shall be made known as soon as possible after the closing of the polls; and the election returns

shall be canvassed by the City Council not earlier than May 13, 2014 nor later than May 21, 2014.

The mayor shall give notice of this election in accordance with the terms and provisions of Section 4.004, 83.010, 85.004, and 85.007 of the Election Code, and all necessary orders and the proper authority shall issue writs for said election. Returns of said election shall be made to the City Council immediately after the closing of the polls. A notice containing a substantial copy of this Resolution shall be posted on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid polling places not later than the twenty-first (21st) day before the election, and by publishing the Notice of General Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation in the City.

It is further found and determined that in accordance with the order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in City Hall, a place convenient and readily accessible to the general public and said notice having been so posted and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

PASSED, APPROVED, AND ADOPTED THIS 11th DAY OF FEBRUARY 2014.

THE CITY OF UVALDE:

J Allen Carnes, Mayor

ATTEST:

Susan M. Conley, City Secretary