

City of Uvalde
CITY COUNCIL
AGENDA

REGULAR MEETING
Tuesday, February 10, 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, FEBRUARY 10, 2015**

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 January 27, 2015 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 from January 22, 2015 through February 4, 2015.

7. APPOINTMENTS/RE-APPOINTMENTS

7A. Consider and act on confirmation and approval of the Mayor's reappointment of members to the Airport Advisory Board, pursuant to Article II, Section 13, of the City Charter:

William Kessler, Jr.
Craig Garnett
Bob Price
Herb Carper
Charlie Waller

7B. Consider and act on confirmation and approval of the Mayor's reappointment of members to the Historic Preservation Board, pursuant to Article II, Section 13, of the City Charter:

Elaine Rodriguez
Hal Harrell
Tommy Tait

- 7C. Consider and act on confirmation and approval of the Mayor's reappointment of members to the Animal Advisory Board pursuant to Article II, Section 13, of the City Charter:

Melissa Garnet	Reappointment
Con Mims	Reappointment
Dr. John Barnes	Reappointment
Lt. John Meyer	Reappointment
Elsa Crawford	Appointment

8. REPORT

- 8A. Report of the 2014 Racial Profiling Report by Lieutenant John Meyer of the Uvalde Police Department.

9. NEW BUSINESS

- 9A. Consider and act on an Employment Agreement with the City Manager.
- 9B. Consider and act on an Annual Use & Aquifer Management Fee and Edwards Aquifer Habitat Conservation Aquifer Storage and Recovery Agreement between the Edwards Aquifer Authority and the City of Uvalde.
- 9C. Consider and act on a request of the police department to declare a 2007 Ford Taurus, Texas JLX 166, as surplus property and allow City staff to sell, auction, recycle or otherwise dispose of the vehicle.

10. DISCUSSION

- 10A. Discussion by Councilwoman, Margaret Palermo, regarding allowance of mixed-use housing citywide to allow for more housing in the community.
- 10B. Discussion by Councilwoman, Margaret Palermo, regarding changes to the yard sale ordinance.

11. 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:

- 11A. Convene into Executive Session pursuant to Section 551.074 Texas Government Code to have deliberations concerning personnel matters regarding the employment of a City Manager.

12. RECONVENE FROM EXECUTIVE SESSION

- 12A. Reconvene into Open session to take action in the City Council's discretion regarding personnel matters regarding the employment of a City Manager.

13. ADJOURNMENT

Certificate: I certify that the above and foregoing notice was posted in compliance with 551.043, Texas Government Code at 2:30 p.m. on February 6, 2015.



Kerry Sweatt, Interim 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 6th day of February 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.



Susan M. 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 February, 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, January 27, 2015, with the following members present:

Don McLaughlin, Jr.	Mayor
Rogelio Munoz	Mayor Pro Tem
Margaret Palermo	Councilmember
John H. Flores, Jr.	Councilmember
Stephen E. Balke	Councilmember
Ernest W. "Chip" King, III	Councilmember

Also present:

Kerry Sweatt	Interim City Manager
Joe Cardenas	Assistant City Manager
Barney Knight	Knight & Partners
Susan Conley	City Secretary
Eric Herrera	Uvalde Police Chief
John Meyer	Lieutenant Uvalde Police Department
Joe Jarosek	Direction of Public Works
Clint Baack	Directors Parks & Recreation
Juan Zamora	Director of Utilities and Sanitation
Susan Anderson	Director of Planning and Community Development
Debra Stifflemire	Executive Director Uvalde Convention & Visitors Bureau
Kasie Morgan	Main Street Manager/Civic Center Manager

Agenda Item No. 1 – Call Meeting to Order

Mayor Don McLaughlin, Jr. called the meeting to order at 6:00 p.m.

Agenda Item No. 2 – Invocation

The Invocation was led by Interim City Manager, Kerry Sweatt.

Agenda Item No. 3 – Pledge of Allegiance

Agenda Item No. 4 - Minutes

- 4A. Consider and act on the Minutes of the January 13, 2015 Regular City Council Meeting.
Motion made by Councilman Chip King to approve the minutes of the January 13, 2015 meeting. Motion was seconded by Councilman Stephen E. Balke. Mayor Pro-Tem, Rogelio Munoz, abstained from the vote. Motion carried 5-0-1.

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.

Jorge Romero, a citizen, asked to speak on Agenda Item 9C.

Diana P. Garcia, from South West Texas Junior College, asked to speak on Agenda Item 9F.

Agenda Item No. 6 - Bills

- 6A. Consider and act on payment of bills over \$5,000.00 from January 14, 2015 through January 21, 2015.

Motion made by Councilman Stephen E. Balke to approve the payment of bills over \$5,000.00 from January 14, 2015 through January 21, 2015.

Motion was seconded by Councilman John H. Flores, Jr.

Motion carried 6-0.

Agenda Item No. 7 - Proclamation

- 7A. Proclamation for Sacred Heart Catholic School declaring Catholic School Week for January 25th through January 31st, 2015.

Mayor Don McLaughlin, Jr. presented the Proclamation to Sacred Heart Catholic School declaring Catholic School Week for January 25th through January 31st, 2015.

Agenda Item No. 8 - Report

- 8A. Financial reports by Debra Stifflemire, Executive Director of the Uvalde Convention & Visitors Bureau through the period ending September 30, 2014 (4th Quarter).

Debra Stifflemire, Executive Director of the Uvalde Convention & Visitors Bureau, reported that the Hotel Motel Taxes for the period of July through September 2014 were down to \$87,690.41 and that total assets for the Uvalde Convention and Visitors Bureau were \$331,157.34. Net Income from July through September 2014 was a negative \$10,437.81.

- 8B. Report by Kasie Morgan, Civic Center Manager, on the 4th quarter activities and income collections.

Kasie Morgan, Civic Center Manager, reported that the Civic Center had 44 non-income generating events, 8 City events, and 19 income events for a total of 71 events from July through September 2014 for a total income of \$20,210.00.

Agenda Item No. 9 – New Business

- 9A. Consider and act on approval of a Lease Agreement contract with PNC Equipment Finance for mowing equipment for the Parks & Recreation Department.

This is a three year lease that provides for a three year warranty on leased equipment which will provide a cost savings to the City. Motion made by Councilman Chip King to approve the Lease Agreement contract with PNC Equipment. Councilman John H. Flores, Jr. seconded the motion. Motion carried 6-0.

- 9B. Consider and act on a contract between the City of Uvalde, Texas, and John R. Pitts, Attorney at Law, engaging Mr. Pitts to provide strategic law and policy consulting before the Texas Legislature and agencies and departments of state beginning January 1, 2015 through December 31, 2016.
Motion made by Councilman Chip King to approve the contract with John R. Pitts. Motion was seconded by Mayor Don McLaughlin, Jr. Motion carried 6-0.
- 9C. Consider and act on an Agreement between the City of Uvalde, Texas, and Jorge Romero and Valeria Romero, for use of a portion of Commerce Street, for the purposes of construction, installation, and maintenance of a driveway to allow ingress and egress onto Romero's property located at 1819 N. Grove, Uvalde, Texas.
Motion made by Councilman Chip King to approve the Agreement between the City of Uvalde and Jorge and Valeria Romero. Motion was seconded by Councilman John H. Flores, Jr. Motion carried 6-0.
- 9D. Consider and act on an agreement between the City of Uvalde and CDS Muery Services for Professional Engineering Services for the street improvement project.
Motion made by Councilman John H. Flores, Jr. to approve the agreement between the City of Uvalde and CDS Muery for professional engineering services. Councilman Stephen E. Balke seconded the motion. Motion carried 6-0.
- 9E. Consider and act on Municipal Swimming Pool repairs.
Councilman Chip King made a motion to accept the Texas Parks and Wildlife Grant for the repairs to the swimming pool. Councilman Stephen E. Balke seconded the motion. Motion carried 6-0.
- 9F. Consider and act on a request from the SWTJC Friends and Alumni Network to host a carnival in the Walmart parking lot as part of a scholarship fundraising event.
Mayor Pro-Tem Rogelio Munoz made a motion to allow the SWTJC Friends and Alumni Network to host a carnival in March at the Walmart parking lot. Councilman Stephen E. Balke seconded the motion. Motion carried 6-0.

Agenda Item No. 10 – Discussion

- 10A. Discussion by Police Chief Eric Herrera regarding purchase of new generation radios for the police department.
Forrest Anderson, Middle Rio Grande and Homeland Security Director for the region discussed the need for updated new generation radios in anticipation of Motorola not providing service to existing police department radios after 2019.

- 10B. Discussion by Britt Wyrick, Uvalde Disc Golf Association, regarding proposed disc golf course expansion.
Britt Wyrick of the Uvalde Disc Golf Association received permission from City Council for the expansion of the disc golf course for an additional 9 holes at no cost or labor to the City.

Agenda Item No. 11 – 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:

- 11A. Convene into Executive Session pursuant to Section 551.072, Texas Government Code, to have deliberations concerning real property.
- 11B. Convene into Executive Session pursuant to Section 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding pending litigation.

The City Council of Uvalde convened into Executive Session at 7:30 p.m.

Agenda Item No. 12 – Reconvene from Executive Session

- 12A. Reconvene into Executive Session pursuant to Section 551.072, Texas Government Code, to have deliberations concerning real property.

No Action Taken

- 12B. Reconvene into open session to take action in the City Council's discretion regarding pending litigation.

No Action Taken

The City Council of Uvalde reconvened from Executive Session at 7:47 p.m.

Agenda Item No. 13 – Adjournment

Motion made by Councilman Chip King to adjourn. Councilwoman Margaret Palermo seconded the Motion. Motion carried 6-0. Meeting adjourned at 7:47 p.m.

Don McLaughlin, Jr., Mayor

Attest:

Susan M. Conley, City Secretary

TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: UVALDE POLICE DEPT.
Reporting Date: 01/27/2015
TCOLE Agency Number: 463202
Chief Administrator: ERIC HERRERA
Agency Contact Information: Mailing Address:
UVALDE POLICE DEPT.
P.O. Box 799
Uvalde, TX 78802

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

UVALDE POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the UVALDE POLICE DEPT. from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the UVALDE POLICE DEPT. if the individual believes that a peace officer employed by the UVALDE POLICE DEPT. has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the UVALDE POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the UVALDE POLICE DEPT.'s policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) The Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

I certify these policies are in effect.

Executed by: **ERIC HERRERA**

Chief Administrator

UVALDE POLICE DEPT.

Date: 01/27/2015

UVALDE POLICE DEPT. Motor Vehicle Racial Profiling Information

Number of motor vehicle stops:

1. **5057** citation only
2. **29** arrest only
3. **28** both
4. **5114 Total** (4, 11, 14 and 17 must be equal)

Race or Ethnicity:

5. **41** African
6. **10** Asian
7. **1007** Caucasian
8. **4027** Hispanic
9. **12** Middle Eastern
10. **17** Native American
11. **5114 Total** (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

12. **99** Yes
13. **5015** No
14. **5114 Total** (lines 4, 11, 14 and 17 must be equal)

Search conducted?

15. **204** Yes
16. **4910** No
17. **5114 Total** (lines 4, 11, 14 and 17 must be equal)

Was search consented?

18. **149** Yes
19. **55** No
20. **204 Total** (must equal line 15)