

City of Uvalde
**CITY COUNCIL
AGENDA**

REGULAR MEETING
Tuesday, June 26, 2018
6:00 p.m.



COUNCILMEMBERS:

Don McLaughlin, Jr. - Mayor
Everardo "Lalo" Zamora - 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, JUNE 26, 2018
CITY HALL –COUNCIL CHAMBERS**

AGENDA

- 1. CALL MEETING TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. CITIZENS 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. PRESENTATION**
 - 5A. Presentation by David Quinn of Public Power Pool.
 - 5B. Presentation by Uvalde County Appraisal District Chief Appraiser Roberto Valdez.
- 6. 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.)*
 - 6A. Consider and act on the Minutes of the June 12, 2018 Regular City Council meeting. **Pg.4**
 - 6B. Consider and act on payment of bills over \$5,000.00 from June 8, 2018 through June 22, 2018. **Pg.9**
 - 6C. Consider and act on the approval of recycling IT equipment that is no longer of use and the approval of a list of surplus property to be auctioned. **Pg.10**
 - 6D. Consider and act on the confirmation and approval of the Mayor's appointment and reappointments of the following individuals to the Cemetery Advisory Board and the Hotel Tax Committee-CVB pursuant to Article II, Section 13, of the City Charter.
 - Lucy Guevara-Cemetery Advisory Board
 - Rob Fowler, Education Rep.-Hotel Tax Committee CVB
 - Chip King, Local City Government Rep.-Hotel Tax Committee CVB
- 7. NEW BUSINESS**
 - 7A. Consider and act on Ordinance 2018-09 amending chapter 2.88.425 of the Code of Ordinances pertaining to police escort fee during a funeral of the Uvalde Code of Ordinances. **Pg.12**

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, consult with attorney regarding the ongoing litigation involving the Edwards Aquifer Authority.

9. RECONVENE FROM EXECUTIVE SESSION

9A. Reconvene into open session and take action as deemed appropriate in the City Council’s discretion regarding the consultation with attorney in reference to the ongoing litigation involving the Edwards Aquifer Authority.

10. 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 June 22, 2018.

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 22 day of June 2018 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.

Sorayda A. Sanchez, 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 _____, 2018.

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, June 12, 2018, with the following members present:

Everardo “Lalo” Zamora	Councilmember
John Flores, Jr.	Councilmember
Rogelio M. Muñoz	Councilmember
Stephen Balke	Councilmember
Ernest W. “Chip” King	Councilmember

Also present:

Vince DiPiazza	City Manager
Joe A. Cardenas	Assistant City Manager
Alex Wegrzyn	Deputy City Attorney
Sorayda A. Sanchez	City Secretary
Susan Anderson	Director of Planning and Development
Andrew Hagen	Municipal Court Judge
Jovita Maldonado	Code Enforcement Officer
Daniel Rodriguez	Chief of Police
Juan Zamora	Director of Public Works

Agenda Item No. 1 - Call Meeting to Order

Mayor Pro-tem Rogelio Muñoz called the meeting to order at 6:00 p.m.

Agenda Item No. 2 – Invocation

Councilman Stephen Balke

Agenda Item No. 3 - Pledge of Allegiance

Agenda Item No. 4 – Citizens 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.
No citizens spoke.

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 May 22, 2018 Regular City Council meeting.

- 5B. Consider and act on payment of bills over \$5,000.00 from May 18, 2018 through June 8, 2018.
- 5C. Consider and act on the confirmation and approval of the Mayor's appointment of Gloria Resma to the Cemetery Advisory Board pursuant to Article II, Section 13, of the City Charter.
Councilman John Flores, Jr. motioned to accept all items on Consent Agenda, 5A-5C. Councilman Stephen Balke seconded the motion. Motion for approval of consent agenda 5A-5C carried 5-0.

Agenda Item No. 6 – Public Hearing and Zoning Matters

- 6A. Case File 6-18PZ
Consider and act on the request of Alejandra Luna Treviño, applicant, to subdivide, 0.89 acres into 2 lots. The property is located at 1913 Garner Field Road, NCB 216, J.J. Guerra survey 75, abstract 216, City of Uvalde, Uvalde County Texas.
- a) Staff presentation
 - b) Public hearing
 - c) Action on subdivision request

Subdivision has been approved by Planning and Zoning and does not require Council approval.

- 6B. Case File 7-18PZ
Consider and act on the request of Alejandra Luna Treviño, applicant, for a zone change from a Business 2 to Residential 5, Mrs. Treviño would like to keep the manufactured home that has been moved into the property. The property is located at 1913 Garner Field Road, NCB 216, J.J. Guerra survey 75, abstract 216, City of Uvalde, Uvalde County Texas.
- a) Staff presentation
 - b) Public hearing
 - c) Action on zoning request

Staff presentation: Director of Planning and Development Susan Anderson explained to Mayor (Pro-tem) and Council that the property in question is located at the corner of Garner Field Road and Howard Langford Drive. It is surrounded by industrial, business, and multi-family zoned properties. There are a few areas that are zoned single family residential, but for the most part it is an industrial commercial area. There were 15 letters sent out and 11 received, 4 were not accounted for. There were no oppositions by mail or at the Planning and Zoning meeting.

Public Hearing opened at 6:05PM

Applicant Alejandra Luna Treviño addressed Mayor and Council explaining that her mother gifted her a piece of her property. She was informed by the surveyor that she would need to speak to an attorney to subdivide the property. She completed the process and recorded the information with the County. She was

later informed that she needed to go through the process with the City of Uvalde, due to the property being inside the city limits. Ms. Treviño purchased the manufactured home in February and she only had one month to move the home. She moved the home with the intention of completing the process of subdividing and rezoning with the city of Uvalde. Public hearing closed at 6:06PM. Motion to approve made by Councilman Rogelio Muñoz. Motion was seconded by Councilman Chip King. Motion carried 5-0.

Agenda Item No. 7 – New Business

- 7A. Consider and act on Ordinance 2018-08 amending chapter 8.08 of the Code of Ordinances pertaining to fire prevention code and regulations of the Uvalde Code of Ordinances.

Director of Planning and Development Susan Anderson explained to Mayor (Pro-tem) and Council that this is a house keeping item. The amendment to this ordinance gives more specific wording on who can enforce fire lanes and write citations. Susan explained that initially violators will be given a warning until citizens get used to the changes. Motion to approve item 7A made by Councilman Stephen Balke. Motion seconded by Councilman Chip King. Motion carried 5-0.

- 7B. Consider and act on a policy regarding speed hump placement in the City of Uvalde.

Chief of Police Daniel Rodriguez provided Mayor (Pro-tem) and Council with an example of a speed hump policy. He explained that the example provided is from Bexar County and that the policy will be changed to reflect the needs of the City of Uvalde. There are certain requirements that Chief Daniel Rodriguez feels should be included in the City of Uvalde's policy. For example, street study must be performed and street must be curbed on both sides. The street cannot be a major collector road (example, Nopal Street). In addition, there has to be at least a quarter mile length of street without any interruptions (street light or stop sign) and there must be a volume of over 500 vehicles per day. A study was conducted on High Street in 2016 at a speed of 35 MPH, speed limit for the City of Uvalde is 30 MPH. At the time of the study there were 611 vehicles traveling that street per day. The street was under construction during the study, the traffic has tripled since then. Based on the data, High Street does meet the criteria, however a disqualifying factor is that High Street is a major collector road. Chief suggested different alternatives, such as placing a stop sign. On High Street there is over a mile stretch with no traffic control. A stop sign could possibly be placed on Leona Street or Anglin Street. Citizen Brad Bishop was present and stated he does not feel the data is accurate due to the 5 mile difference in speed. The Police Department is working on obtaining better data once they figure out how to change the speed from 35 to 30 on the machine. Council feels that the data is accurate it may be a little skewed due to the 5 mile difference, but the vehicle count and speeding for the most part is accurate. Councilman John Flores, Jr. mentioned that on Bohme Street between Park Street and Grove Street people

travel between 45-50 miles an hour and that area is only about a quarter of a mile long. Councilman Chip King mentioned that the problem with stop signs is that they create back up traffic. The reason this is on the agenda is not just to address High Street, City Staff and Council have several other concerns. What City Staff is proposing or asking council is do you want to entertain the idea of placing speed bumps, and if so under what conditions? Councilman Rogelio Muñoz sole moved no action would be taken; council would like more data from city staff. Motion carried 5-0.

- 7C. Consider and act on pay request #11 from A.E. Hiller & Sons, Inc. in the amount of \$94,400.50 for work performed through May 25, 2018 on Option 1 Phase 2 of the 2015 Street Improvement and Drainage project.
Assistant City Manager Joe A. Cardenas explained to Mayor (Pro-tem) and Council that this is pay request #11. The initial application was for \$113,106.10. Suggested changes from engineer changed payment to \$94,400.50. Staff recommends approval. Councilman John Flores, Jr. asked why the section of Fifth Street and Nopal Street has not been complete. Councilman Chip King mentioned he spoke to workers and they stated that it would be at least three more weeks to complete the work in that area. Staff will be in contact with contractor to get a better timeline. Motion to approve made by Councilman Chip King. Councilman John Flores, Jr. seconded the motion. Councilman Rogelio Muñoz abstained. Motion carried 5-0-1.

Agenda Item No. 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, consult with attorney regarding the ongoing litigation involving the Edwards Aquifer Authority.
Council convened into executive session at 6:29PM.
- 8B. Convene into executive session pursuant to section 551.087 regarding economic development negotiations.

Agenda Item No. 9 – Reconvene from Executive Session

- 9A. Reconvene into open session and take action as deemed appropriate in the City Council's discretion regarding the consultation with attorney in reference to the ongoing litigation involving the Edwards Aquifer Authority.
*Reconvened into open session at 6:44PM
No action taken on contemplated litigation.*
- 9B. Reconvene into open session and take action as deemed appropriate in the City Council's discretion regarding economic development negotiations.
No action taken on economic development negotiations.

Agenda Item No. 10 – Adjournment

*Councilman John Flores, Jr. motioned for adjournment. Councilman Chip King seconded the motion. Motion carried 5-0.
Meeting adjourned at 6:45 P.M.*

Don McLaughlin, Jr., Mayor

Attest:

Sorayda A. Sanchez, City Secretary

Accounts Payable in Excess of \$5,000.00
For Period Ending June 22, 2018
 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>				
Leal & Carter	Professional Services	Finance	100-07-00-6300 \$19,700.00	V Dipiazza
Maxey Energy	Fuel	Service Center	100-00-00-1413 \$5,614.63	V Dipiazza
Pollution Control Services	Professional Services	Sewer	711-83-00-6300 \$5,477.00	V Dipiazza
Sentry Security	IT Equipment & Supplies	Sewer	711-83-00-6457 \$7,285.00	V Dipiazza
Maxey Energy	Fuel	Service Center	100-00-00-1413 \$6,218.88	V Dipiazza
Vulcan Materials	Operating Supplies	Streets	100-31-00-6311 \$6,898.40	V Dipiazza
Forbes Environmental Engineering	Professional Services	Landfill	722-86-00-6300 \$5,050.00	V Dipiazza
Forbes Environmental Engineering	Professional Services	Landfill	722-86-00-6300 \$9,676.55	V Dipiazza
Vortex Drilling	Professional Services	Landfill	722-86-00-6300 \$12,859.75	V Dipiazza
<i>*** The following payments are being held and will be released upon approval ***</i>				
Tax Note Items				
				V Dipiazza



CITY OF UVALDE
Uvalde Texas

P.O. Box 799, 78802-0799
(830) 278-3315
FAX: (830) 278-2234

BUSINESS OF THE CITY COUNCIL

SUBJECT: Recycling computers that are of no use & declaring phones as surplus equipment.

AGENDA DATE: 6/26/2018

SUBMITTAL DATE: 6/21/2018

SUBMITTED BY: Adrian Trevino

REVIEWED BY:

ATTACHMENTS:

Budget Information

Expenditure amount: \$ 0

Budget amount: \$ 0

Notes:

BACKGROUND INFORMATION

The IT department currently has several computers that are no longer of any use. These have been decommissioned for various reasons including but not limited to:

- Hardware failures
- OS is no longer supported
- Security risks
- Lack of licensing
- No longer covered by warranty
- Damaged components
- Etc.

For these reasons it is in the best interest of the City to place these computers in Electronic Recycling. To continue to hold on to these computers poses a physical hazard as well as a security hazard as most of these devices are out of date and no longer have any support, creating vulnerabilities that can be exploited by those with malicious intent.

The IT department has preemptively taken measures to protect against any potential loss of sensitive information to better protect our citizens and fellow employees. Additionally, the decommissioning of the said devices reduces the monetary loss we would suffer in the long run by decreasing the amount of licensing we would be billed for.

The computers to be recycled are:

UV078 - Police Department Squad room Computer

UV007 – Finance Computer

UV004 - Court Computer

UV018 – Court Computer

In addition, IT has come into possession of several phones that are no longer in use and that have been deemed too outdated, old, or broken down for use. The phones belonged to former employees and have had their data securely wiped from the devices.

The following devices are recommended for surplus:

- iPhone 6, HR
- iPhone 6, PD
- iPhone 8 Plus, Public Works
- Motorola Nexus, PD



RECOMMENDED ACTION

To place the devices in Electronic Recycling and declare the phones as surplus so that the City may sell them to receive credit.



CITY OF UVALDE
Uvalde Texas

P.O. Box 799, 78802-0799

(830) 278-3315

FAX: (830) 591-2685

BUSINESS OF THE CITY COUNCIL

SUBJECT: Police Escort Fees for Funerals

AGENDA DATE: June 26, 2018

SUBMITTAL DATE: June 22, 2018

SUBMITTED BY: Susan Anderson

REVIEWED BY: Vince DiPiazza

ATTACHMENTS: Ordinance

BACKGROUND INFORMATION

Police escort fees are mentioned in three places in our code. It appears that the passage in the cemetery code was not updated with the correct fee amount. It is superfluous to list the police escort in this section that only applies to Hillcrest Cemetery. The ordinance repeals this section only while leaving the sections in Vehicles and Traffic and Fees Schedule for City Services.

RECOMMENDED ACTION

Staff recommendation is that we pass the ordinance repealing 2.88.425.

Ordinance No. _____

AN ORDINANCE OF THE CITY OF UVALDE REPEALING CHAPTER 2.88.425 POLICE ESCORT FEE DURING A FUNERAL OF THE UVALDE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING ENFORCEMENT AND PENALTY CLAUSES; PROVIDING OPEN MEETINGS, SEVERABILITY, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of Uvalde finds that it is important to provide clarity and correct conflicting language in city codes,

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

Section 1. Findings of Fact. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Repeal of Chapter 2.88.425 in its entirety.

Section 3. Penalty Clause. Any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum set out in Section 1.12.010 of this Code. Each day the violation exists shall constitute a separate offense. Proof of a culpable mental state shall not be required to establish a violation of this ordinance. Such penalty shall be in addition to all the other remedies provided herein.

Section 4. Savings Clause. All rights and remedies of the City of Uvalde are expressly saved to any and all violations of the provisions of any ordinances affecting police escort fees 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. Govt. 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 judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation into 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 the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the _____ day of _____, 2018.

The City of Uvalde, Texas

Don McLaughlin, Jr., Mayor

ATTEST:

Sorayda Sanchez, City Secretary