

City of Uvalde
CITY COUNCIL
AGENDA

REGULAR MEETING
Tuesday, May 24, 2016
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, MAY 24, 2016
CITY HALL – COUNCIL CHAMBERS**

AGENDA

- 1. CALL MEETING TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS, PROCLAMATIONS, AND RECOGNITIONS**
 - 4A. Presentation by Susan Rios, Main Street Manager on Main Street training. **Pg.5**
- 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. 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 May 10, 2016 Regular City Council Meeting. **Pg.6**
 - 6B. Consider and act on payment of bills over \$5,000.00 from May 6, 2016 through May 20, 2016. **Pg.9**
 - 6C. Consider and act on the confirmation and approval of the Mayor's appointment of Gloria Resma to the Strategic Planning Committee, pursuant to Article II, Section 13, of the City Charter.
 - 6D. Consider and act on the confirmation and approval of the Mayor's reappointment of Juan Gonzales to the Strategic Planning Committee, pursuant to Article II, Section 13, of the City Charter.
 - 6E. Consider and act on the confirmation and approval of the Mayor's reappointment of John Flores, Jr. to the Strategic Planning Committee, pursuant to Article II, Section 13, of the City Charter.

- 6F. Consider and act on the confirmation and approval of the Mayor's reappointment of Rob Fowler, Education Rep. to the Hotel Tax Committee-CVB, pursuant to Article II, Section 13, of the City Charter.
- 6G. Consider and act on the confirmation and approval of the Mayor's appointment of Jimmy Williams to the Planning and Zoning Commission, pursuant to Article II, Section 13, of the City Charter.
- 6H. Consider and act on the confirmation and approval of the Mayor's appointment of Jimmie Raines to the Planning and Zoning Commission, pursuant to Article II, Section 13, of the City Charter

7. NEW BUSINESS

- 7A. Consider and act on a request by Debra Stifflemire of the Uvalde Convention & Visitors Bureau to waive the requirement of payment of a permit fee for vendors during the Hotter than Hell 100 mile yard sale along Highway 90 from Castroville to Brackettville during the weekend of August 5th-7th.
- 7B. Consider and act on a resolution of the City of Uvalde authorizing the filing of a grant application with the Middle Rio Grande Development Council (MRGDC) for a regional solid waste grants program grant; authorizing Mr. Joe A. Cardenas, Assistant City Manager to act on behalf of the City of Uvalde in all matters related to the application. Pg. 10
- 7C. Consider and act on Municipal Judge services agreement. Pg.11

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 Sections 551.071 in reference to pending or contemplated litigation.

9. RECONVENE FROM EXECUTIVE SESSION

- 9A. Reconvene into open session and take action as deemed appropriate in the City Council's discretion.

10. ADJOURNMENT

Certificate: I certify that the above and foregoing notice was posted in compliance with 551.043, Texas Government Code at ___ p.m. on May 20, 2016.



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 20 day of May 2016 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 _____, 2016.

Title: _____



CITY OF UVALDE
Uvalde Texas

P.O. Box 799, 78802-0799

(830) 278-3315

FAX: (830) 591-2685

BUSINESS OF THE CITY COUNCIL

SUBJECT: Main Street Presentation

AGENDA DATE: 05/24/2016

SUBMITTAL DATE: 05/17/2016

SUBMITTED BY: Susan Rios

REVIEWED BY: Sorayda Sanchez

BACKGROUND INFORMATION

This is an invitation for Mayor and Council to attend a special retreat/seminar lead by Debra Dresher, State Coordinator Texas Main Street Program for the Texas Historical. This retreat will be on June 20, 2016 11am to 2pm at the Willie de Leon Civic Center in the Cactus Room. This retreat will be to educate attendees on the purpose of the Main Street program and to help Uvalde create an action plan to grow and develop its individual program.

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, May 10, 2016, with the following members present:

Don McLaughlin, Jr.	Mayor
John Flores	Councilmember
Ernest W. “Chip” King, III	Councilmember
Margaret Palermo	Councilmember
Stephen Balke	Councilmember

Also present:

Vince DiPiazza	City Manager
Joe A. Cardenas	Assistant City Manager
Paul J. Tarski	City Attorney
Sorayda A. Sanchez	City Secretary
Susan Anderson	Director of Planning & Community Development
Juan Zamora	Director of Public Works
Rob Fowler	Parks and Recreation Coordinator
Mariano Pargas	Patrol Lieutenant, Uvalde Police Dept.

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

Rev. Stephen Royall, First United Methodist Church.

Agenda Item No. 3 - Pledge of Allegiance

Agenda Item No. 4 – Administer Oath of Office to Elected Officials

4A. Administer Oath of Office to Elected Officials:
Don McLaughlin, Mayor
John Flores, Councilmember District 2
Stephen Balke, Councilmember District 4

Municipal Court Judge Andrew Hagen presented oath of office to Don McLaughlin, Jr. Mayor, John Flores, Jr. Councilmember District 2, and Stephen Balke Councilmember District 4.

Agenda Item No.5- Presentations, Proclamations, and Recognitions

5A. Certificate of Recognition presented to the City of Uvalde by Rachel Hering from Cooperative Teamwork and Recycling Assistance.

Rachel Hering Executive Director with Cooperative Teamwork and Recycling Assistance, presented the City of Uvalde with a Certificate of Recognition for Outstanding Recycling Efforts in 2015.

- 5B. Proclamation declaring May 2016 as Community Action Month for the City of Uvalde, Texas.
Don McLaughlin, Jr., Mayor presented Sylvia Perez and Robert Moore from Community Council with a proclamation declaring May 2016 as Community Action Month.

Agenda Item No. 6 - Citizen's Input

- 6A. 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 input.

Agenda Item No. 7 - 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.)

- 7A. Consider and act on the Minutes of the April 26, 2016 Regular City Council Meeting.
- 7B. Consider and act on payment of bills over \$5,000.00 from April 22, 2016 through May 6, 2016.
- 7C. Consider and act on the confirmation and approval of the Mayor's appointment of Azannette Cuellar to the Uvalde Housing Authority Board of Commissioners, pursuant to Article II, Section 13, of the City Charter.
- 7D. Consider and act on the confirmation and approval of the Mayor's appointment of Dick Whipple to the Animal Welfare Advisory Committee, pursuant to Article II, Section 13, of the City Charter.
Councilman Stephen Balke motioned to accept all items in the Consent Agenda, 7A through 7D. Councilman Chip King seconded the Motion. Motion for approval of Consent Agenda carried 5-0.

Agenda Item No. 8 – New Business

- 8A. Consider and Act on Ordinance of the City of Uvalde, Texas approving, adopting, and amending chapter 3 of the Uvalde Municipal Code for Revenue and Finance Chapter 3.16.030 exemption for Historic Structures.
Susan Anderson, Director of Planning and Development explained that this is a tax incentive that was adopted by Uvalde County. The state of Texas has in its code that local government can provide a tax incentive for historic preservation. The building has to be designated historic, it can be a recorded Texas historic landmark, or it could be locally designated historic. The tax incentive can be a

25% discount on the appraised value. Susan provided several examples of buildings around the city that could benefit from the tax incentive. Susan recommends that the city adopt the tax incentive.

Mayor Don McLaughlin motioned to approve item 8A. Councilman Stephen Balke and Councilman John Flores seconded the motion. Motion carried 5-0.

- 8B. Consider and act on the request of the City of Uvalde Staff to adopt 2015 International Zoning Code.

Susan Anderson, Director of Planning and Development, explained the International Zoning Code covers just about everything that our codes cover, with a few exceptions. Susan has been working to simplify our codes on a case by case basis. Susan Anderson recommends the City of Uvalde adopt the 2015 International Zoning Code. Councilman Stephen Balke motioned to approve item 8B. Councilman Chip King seconded the motion. Motion carried 5-0.

- 8C. Consider and act on the request of Domingo and Maria Yolanda Lira, applicants, to re-zone property located at 118 W. Pacific Street, NCB 259, Block 84, Lot 14 & 15 for the purpose of installing a manufactured home.

Susan Anderson, Director of Planning and Development, explained that this was a case that was brought before the Planning and Zoning Committee and that the property is located on Pacific Street, right across the street from the railroad. Currently there are no manufactured homes near the property; however there are manufactured homes in the blocks surrounding the property. A problem we have in North Uvalde is drainage, and when there is heavy rain the water sits on the property and seeps in to the property owner's current home. Since a manufactured home sits above ground the property owners, Mr. & Mrs. Lira plan to replace the existing home with a manufactured home. We received no calls against or for their request. Councilman Chip King motioned to approve item 8C. Mayor Don McLaughlin seconded the motion. Motion carried 5-0.

Agenda Item No. 9 - Adjournment

Motion for adjournment made by Councilman Chip King. Motion carried 5-0. Meeting adjourned at 6:27 P.M.

Don McLaughlin, Jr., Mayor

Attest:

Sorayda A. Sanchez, City Secretary

Accounts Payable in Excess of \$5,000.00
For Period Ending May 20, 2016
 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>				
Constellation Energy	Electricity	Various	\$47,669.74	V Dipiazza
TCEQ	FY 2016 Solid waste fee	Landfill	\$5,140.31 722-86-00-6355	V Dipiazza
Uvalde Convention & Visitors Bureau	Hotel/Motel taxes	Non-Departmental	\$75,764.47 200-00-00-6304	V Dipiazza
				V Dipiazza
				V Dipiazza
				V Dipiazza
				V Dipiazza
<i>*** The following payments are being held and will be released upon approval ***</i>				
Forbes Environmental Engineering & Assc.	Professional Services	Landfill	\$5,471.88 722-86-00-6300	V Dipiazza
Siddons Fire Apparatus, Inc	Vehicle Repair & Maintenance	Fire Dept	\$34,020.50 100-21-00-6419	V Dipiazza
Heavy Equipment Welding	Equipment Repair & Maintenance	Landfill	\$8,575.00 722-86-00-6414	V Dipiazza
Joel Northcutt Construction	Partial Payment	Water	\$11,300.00 711-81-00-6415	V Dipiazza
Esser & Company	Invoice for planning & capacity	Non- Departmental	\$13,688.00 607-00-00-6300	V Dipiazza
K Tillman Construction, LLC	Building repair & maintenance	Non- Departmental	\$22,302.00 809-00-00-6417	V Dipiazza
Tax Note Items				
				V Dipiazza

RESOLUTION NO. 2016-05

RESOLUTION OF THE CITY OF UVALDE AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE MIDDLE RIO GRANDE DEVELOPMENT COUNCIL (MRGDC) FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT; AUTHORIZING MR. JOE A. CARDENAS, ASSISTANT CITY MANGER TO ACT ON BEHALF OF THE CITY OF UVALDE IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF UVALDE WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE MRGDC, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

WHEREAS, the MRGDC is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation of the COG's adopted regional solid waste management plan; and

WHEREAS, the City of Uvalde in the State of Texas is qualified to apply for grant funds under the Request for Applications.

Now, therefore, be it resolved by the City of Uvalde in Uvalde, Texas;

1. That Mr. Cardenas, Assistant City Manager is authorized to request grant funding under the MRGDC Request for Applications of the Regional Solid Waste Grants Program and act on behalf of the City of Uvalde in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project is funded, the City of Uvalde will comply with the grant requirements of the MRGDC, Texas Commission on Environmental Quality and the State of Texas.
3. The grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.
4. Activities will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.

PASSED, APPROVED, AND ADOPTED THIS 24TH DAY OF MAY 2016.

THE CITY OF UVALDE:

Don McLaughlin, Mayor

ATTEST:

Sorayda A. Sanchez, City Secretary



CITY OF UVALDE *Uvalde Texas*

BUSINESS OF THE CITY COUNCIL

SUBJECT: Municipal judge agreement for services

AGENDA DATE: 5/24/16

SUBMITTAL DATE: 5/20/16

SUBMITTED BY: City Manager

REVIEWED BY: Municipal Judge

ATTACHMENTS: draft agreement

Budget Information

Expenditure amount: \$

Budget amount: \$

BACKGROUND INFORMATION

The genesis of this item was an effort to relieve some of the reporting burden for our municipal judge who also serves as the city's full-time IT manager. He was having to keep two detailed sets of time records, jumping back and forth from time spent on judge duties to time spent on IT duties. The municipal judge position here has been and continues to be a part-time independent contractor position, so to fix the time keeping issue, we thought it expeditious to convert the method of compensation from an hourly rate to a lump sum fee for services.

The agreement contains an annual fee of \$18,000 which is consistent with what the city has actually paid the municipal judge for the last few years. (There is no intent to either reduce or increase the judge's compensation.)

In the course of implementing this change, we discovered that there is actually no written agreement currently in place for this contract position. That and the fact that by charter, the judge's compensation is fixed by the city council prompted the drafting of this agreement for your approval.

Mr. Hagen is also taking the opportunity to raise the issue of providing a medical insurance benefit for the municipal judge. (He is already covered by the city's employee medical insurance by virtue of his full-time IT position.) Such a benefit would be unusual for a part-time contract position. Since the judge's position is a mayor and council direct appointment and since you authorize the compensation for the position, he can make that case with you.

RECOMMENDED ACTION

Approve the agreement, with or without the medical insurance provision.

AGREEMENT

Agreement between the City of Uvalde, Texas and the Judge of the Municipal Court

Under the authority granted by the Texas Legislature, the City of Uvalde ("City") has in its Charter created the Municipal Court of Uvalde. Pursuant to the Charter, the Mayor has appointed as Judge of the Municipal Court Andrew W. Hagen ("Judge"), and the City Council has confirmed the appointment. City and Judge wish to memorialize the terms and conditions of this appointment by agreeing as follows:

1. Term of Appointment. Judge's appointment is for four years under the Charter of the City of Uvalde and the law of the State of Texas. Judge's current appointment became effective on August 17, 2014 at 12:00 am, and the term of the appointment will expire on August 16, 2018 at 11:59 pm.
2. Timing of Any Reappointment. Should City reappoint Judge, that reappointment will become effective on August 17, 2018 at 12:00 am. Nothing in this agreement requires that Judge be reappointed.
3. Termination of Appointment. Nothing in this agreement changes the rights of either City to terminate the appointment under its authority, or for Judge to resign from the appointment.
4. Termination of this Agreement. This Agreement terminates when the Appointment is terminated by Mayor and City Council, when Judge resigns from the appointment, or when City and Judge otherwise agree to do so. In the event that Judge is reappointed and no new agreement supersedes this agreement, this agreement will remain in effect.
5. Form of Compensation. The form of compensation has been \$40 per hour, as per the oral agreement reached between Mayor, City Council, and Judge on August 23, 2011, when Judge was originally appointed. This form of compensation will continue until May 30, 2016 at 12:00 am, at which time it shall become a lump sum fee for services.
6. Payment of Fee for Services. City shall pay Judge a fee of \$18,000 per year for services. The fee shall be payable in equal monthly installments, becoming due within 15 days of the end of

each month. In the event that Judge is to be compensated for part of a month, the amount shall be determined pro rata. Judge is not required to keep records of time spent on the position.

7. Other City Employment. Judge may be employed by City for duties outside of Municipal Court in a “non-Judge position” at the same time as Judge holds the appointment, so long as the two positions may be held by one person under the laws of the State of Texas. City and Judge agree that they are not aware of anything in the Charter or Ordinances of the City of Uvalde that would disallow this arrangement. In the event that a conflict of interest exists which prevents Judge from serving the appointment, both City and Judge waive such a conflict of interest with respect to each other.

8. Health insurance. If Judge is not offered health insurance through a non-Judge employment position with City, City offers Judge the same health insurance package as if Judge were a full-time City employee. City waives any right to not offer Judge health insurance due to Judge’s part-time status.

9. City and Judge agree that under this agreement, City will not withhold taxes on judicial compensation as Judge will be considered an independent contractor (IRS form 1099). In the event City offers and Judge accepts a health insurance package through the Judge position pursuant to this agreement, Judge shall become an employee of City (IRS form W-2).

10. Court of Non-Record. City and Judge understand that the Municipal Court of Uvalde is a court of non-record.

11. Presiding Judge. In the event that this agreement remains in effect at such a time that an additional Judge of the Municipal Court is appointed--pending a Charter amendment to allow for such an appointment--and this agreement remains in effect, and Mayor and City Council do not issue a resolution otherwise, Andrew W. Hagen shall be Presiding Judge of the Municipal Court.

12. Part-time Duties. Judge will devote such time, attention, and energies to the position as is necessary and proper. It is anticipated that these duties will be part-time in nature.

13. Reimbursement of Expenses. As State law requires municipal court judges to receive yearly judicial education, City will pay or reimburse Judge for reasonable expenses related to this education, including travel. City shall reimburse Judge for such expenses after Judge presents an itemized account of expenditures, pursuant to City policy.

14. Wedding Fees. As is customary, any fee collected by Judge for performing a wedding shall be income to Judge, not to City.

15. Effect of Prior Agreements. This Agreement supersedes any prior agreement between City and Judge.

16. Severability. If, for any reason, any provision of this agreement is held invalid, all other provisions of this agreement shall remain in effect. If this agreement is held invalid or cannot be enforced, then to the full extent permitted by law any prior agreement between City and Judge shall be deemed reinstated as if this agreement had not been executed.

17. Oral Modifications Not Binding. This instrument is the entire agreement of City and Judge. Oral changes have no effect.

Signed this _____ day of _____ 20_____.

Mayor Don McLaughlin

Andrew W. Hagen