

City of Uvalde
**CITY COUNCIL
AGENDA**

REGULAR MEETING
Tuesday, November 27, 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, NOVEMBER 27, 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. 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 13, 2018 Regular City Council meeting. **Pg.4**
 - 5B. Consider and act on payment of bills over \$5,000.00 from November 9, 2018 through November 21, 2018. **Pg.10**
- 6. NEW BUSINESS**
 - 6A. Consider and act on a resolution supporting the Texas Department of Transportation's recommendation of a Regional Transportation Corridor Plan. **Pg.11**
 - 6B. Consider and act on a resolution to implement a fitness court on the west end of Memorial Park. **Pg.12**
 - 6C. Consider and act on an ordinance amending Title 5, of the Uvalde Municipal Code, Business Licenses and Regulations Establishing Standards for Network Nodes and Node Support Poles in the Public Right-of-Way in the City of Uvalde. **Pg.13**
 - 6D. Consider and act on a request from the Uvalde Police Department to purchase marked and unmarked police vehicles. **Pg.21**
 - 6E. Consider and act on a proposal lease with LoneStar Agriculture for additional property at Kirk Farm. **Pg.23**
 - 6F. Consider and act on adding a fee to the utility bills for the funding of recreation programs.

7. 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.

7A. Convene into executive session pursuant to section 551.071, consult with attorney regarding the ongoing litigation involving the Edwards Aquifer Authority.

7B. Convene into executive session pursuant to section 551.087 regarding economic development negotiations.

8. RECONVENE FROM EXECUTIVE SESSION

8A. 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.

8B. Reconvene into open session and take action as deemed appropriate in the City Council’s discretion regarding economic development negotiations.

9. 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 November 21, 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 21 day of November 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, November 13, 2018, with the following members present:

Don McLaughlin, Jr.	Mayor
Everardo “Lalo” Zamora	Councilmember
John Flores	Councilmember
Rogelio Muñoz	Councilmember
Stephen Balke	Councilmember
Chip King	Councilmember
Also present:	
Vince DiPiazza	City Manager
Joe A. Cardenas	Assistant City Manager
Paul Tarski	City Attorney
Sorayda A. Sanchez	City Secretary
Susan Anderson	Director of Planning and Development
Lt. Javier Martinez	Uvalde Police Department
Andrew Hagen	Municipal Court Judge

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

Ron Zeiner, Bread of Life Christian Fellowship

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.
Henry and Annie Moses signed up and requested to speak on item 7D.

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

- 5A. Presentation by Mayor Ramsey Cantu from the City of Eagle Pass on a Regional Transportation Corridor plan.
Mayor Ramsey Cantu was not able to attend the meeting nor was his representative Ernest Gonzalez. Mr. Gonzales prepared an 8-minute video and Mayor and Council asked for video to be emailed to them.
- 5B. Presentation by Municipal Court Judge Andrew Hagen on Municipal Court of Record and Court of Non Record.
Municipal Court Judge Andrew Hagen presented on the Court of Record and Court of Non Record.

Agenda Item No. 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 October 9, 2018 Regular City Council meeting.
- 6B. Consider and act on payment of bills over \$5,000.00 from October 5, 2018 through October 19, 2018.
- 6C. Consider and act on the confirmation and approval of the Mayor's appointment of Rosie Whisenant to the Tree Board and Chris Champagne-Accommodation Rep. to the Hotel Tax Committee CVB pursuant to Article II, Section 13, of the City Charter.
Councilman Stephen Balke motioned to accept all items on Consent Agenda, 6A-6C. Councilman Chip King seconded the motion. Motion for approval of consent agenda 6A-6C carried 6-0.

Agenda Item No. 7 – New Business

- 7A. Consider and act on a resolution supporting the Texas Department of Transportation's recommendation of a Regional Transportation Corridor Plan.
Mayor Ramsey Cantu was not able to attend the meeting nor was his representative Ernest Gonzalez. Mayor and Council asked for this item to be placed on the November 27, 2018 City Council agenda. Motion to postpone item 7A and add it to the November 27, 2018 agenda made by Councilman Chip King. Motion seconded by Councilman John Flores, Jr. Motion carried 6-0.
- 7B. Consider and act on a resolution to implement a fitness court on the west end of Memorial Park.
Director of Planning and Development Susan Anderson explained to Mayor and Council that this is a follow up to a presentation made before. City Staff applied and were approved for the grant. The next step is to submit a resolution that states we are going to do this project. The cost breakdown is as follows; the basic cost is around \$120,000.00 of that, they will be giving us \$30,000.00 and we have to budget \$30,000.00. This does not include installation fees. The potential area for the fitness center is the old tennis courts located at Memorial Park. At that area City Staff would need to put concrete, add lights, and a shade structure. With all those additions, City Staff would need to fundraise \$75,000.00 on top of \$30,000.00 budgeted and \$30,000.00 granted. Councilman John Flores, Jr. Stated that as a City we still need to budget to purchase better equipment for our City crews, improve the golf course, and the restrooms at Memorial Park need repair as well. He also stated that he does not feel that Uvalde has a huge population that would use the equipment. Councilman Everardo Zamora feels that City Staff should be looking at programs geared to helping Veterans of the Community. Councilman Rogelio Muñoz feels that this is a good idea, but is concerned with the time frame for fundraising if the project is to be completed in

2019. Susan Anderson suggested going to big corporations and asking for donations. Councilman Muñoz asked what would happen if money is not raised within the allotted time frame. Susan Anderson explained that at that point, staff would need to notify major donors that the money donated was not used and ask if it can be transferred, per IRS rules. Susan was told that this was a non binding project and asked City Attorney if passing the resolution makes it binding. City Attorney Paul Tarski stated that the resolution is not binding, until a contract is signed at which point it becomes binding. Councilman Muñoz added that if this project doesn't happen, then so be it, but he feels that it is important to consider projects like this. Little by little, we make life better for our citizens and part of what we do is provide public recreation. He appreciates the efforts of City Staff. Motion to table item 7B and continue to discuss after item 8A discussion or postpone item 7B until 11-27-18 City Council meeting made by Councilman Stephen Balke. Motion seconded by Mayor Don McLaughlin, Jr. Motion carried 6-0.

- 7C. Consider and act on casting an official ballot and distribution of votes for the three directorships for the Uvalde County Appraisal District to serve a two-year term. Ballot will be submitted via resolution.

Councilman Stephen Balke motioned to give all 236 votes to Agnes Quintanilla. Motion seconded by Councilman Lalo Zamora. Motion carried 6-0.

- 7D. Consider and act on a resolution and a letter of agreement with the 47th Flying Training Wing, Laughlin Air Force Base, concerning the use of Garner Field Airport.

Assistant City Manager Joe A. Cardenas introduced Major Waltman and Captain Rocco to Mayor and Council. The two met with Joe Cardenas and discussed the use of Garner Field Airport as part of their training sessions. The resolution and letter of agreement presented to Mayor and Council are similar to the ones passed in the City of Del Rio. Mayor Don McLaughlin, Jr. wanted to state on record that Laughlin AFB could use our airport regardless, because it was a public airport. They are being courteous enough to ask for permission from the City before they do so. Major Waltman addressed Mayor and Council and provided them with information on the aircrafts they will be using and the type of training that will be done. Councilman Chip King asked if there would be any reason they would keep aircraft at the airport over night. Major Waltman did not see that happening, unless there was a maintenance issue. Councilman King reviewed the letter of agreement and suggested changes to meet the needs of Garner Field Airport. He suggested removing part B of the letter of agreement and keeping only the last sentence. The last sentence reads "These areas will be free of Foreign Object Debris (FOD) to the max extent possible" this will be added to letter C. Council agreed on the changes and letter will be revised. Henry and Annie Moses of Moses Aviation addressed Mayor and council in reference to the request from Laughlin AFB. They are in opposition of the letter of agreement as it is in its Present form. They believe that allowing Laughlin AFB to use Garner Field Airport would cause a significant hazard that would disrupt the flow of the

Airport traffic. In addition to the disruption of traffic flow, they have safety hazard concerns, as well as possible collision concerns. Mr. and Mrs. Moses are in full support of the armed forces however, they believe that Garner Field Airport does not have the infrastructure to accommodate a request of this magnitude. In order to safely do so would create a significant burden on the tax payers as the letter of agreement clearly states the City will receive zero compensation. To approve this agreement without taking these measures into account would implicate the City in the event of a mishap. Most importantly by not approving this agreement the City of Uvalde is in no way hindering the Air Force training mission given the numerous other options available to them. Mayor Don McLaughlin, Jr. thanked Mr. and Mrs. Moses for expressing their concerns, and Stated that he feels that this opportunity will help the City of Uvalde in the long Run. Councilman Lalo Zamora motioned approve item 7D with the changes suggested. Motion seconded by Councilman Chip King. Motion carried 6-0.

- 7E. Consider and act on pay request #16 from A.E. Hiller & Sons, Inc. in the amount of \$47,679.90 for work performed through November 5, 2018 on Option 1 Phase 2 of the 2015 Street Improvement and Drainage project.
Mayor Don McLaughlin, Jr. asked about the recent work done at the Court House Plaza. He stated that he is pleased with the work done on the street however when you get to the corner there is a big pile of debris and pothole. He asked if that was going to be repaired. Assistant City Manager Joe A. Cardenas explained to Mayor and Council that the issue has been brought to the contractor's attention. There was a utility extension and that area is where the tie-in went. They are fully aware of the issue and it will be resolved. Mr. Cardenas explained that this is pay request #16. The project is nearing its end; crews are currently working on East and South Street. They have also done cement treatment on Camp St. They should be completing the project within the next few weeks. Once completed City Staff and contractor will go through checklist to address any issues. Staff recommends approval. Councilman Stephen Balke motioned to approve item 7E. Motion seconded by Councilman John Flores Jr. Councilman Rogelio Muñoz abstained. Motion carried 5-0-1.
- 7F. Consider and act on a lease renewal with Crawford Farms to begin on November 2018 and end on October 31, 2019.
Assistant City Manager Joe A. Cardenas explained to Mayor and Council that this is a lease renewal with Crawford Farms. Councilman Rogelio Muñoz asked if contract had been reviewed by City Attorney. It was confirmed that the contract had been reviewed. Councilman Rogelio Muñoz motioned to approve item 7F. Motion seconded by Councilman Lalo Zamora. Motion carried 6-0.
- 7G. Consider and act on an ordinance amending Chapter 5.40, Carnivals, of the Uvalde Municipal Code, limiting the frequency and duration of carnivals.
City Manager Vince DiPiazza explained to Mayor and Council that several concerns were brought to his attention in reference to a carnival on the West end of town. Mr. DiPiazza feels that limitations need to be added to the ordinance. He

is proposing no more than two carnivals in a calendar year at a single location. Mayor Don McLaughlin suggested one week three times a year. Councilman Chip King motioned to approve item 7G with the changes suggested by Mayor Don McLaughlin, Jr. Motion seconded by Councilman Stephen Balke. Motion carried 6-0.

- 7H. Consider and act on a resolution authorizing the submission of an application for a Rural Business Development Grant (RBDG) to the United States Department of Agriculture Rural Development.
Assistant City Manager Joe A. Cardenas explained to Mayor and Council that this Grant is to serve the Kirk Farm area. Currently there is water on the North end of the highway going east and west. At the moment the south end does not have any water. This is an opportunity to apply for up to \$300,000.00 grant. The grant money would be used to bring water to the area for future use. Councilman Chip King motioned to approve item 7H. Motion seconded by Councilman Stephen Balke. Motion carried 6-0.

Agenda Item No. 8 – Discussion

- 8A. Discuss the possibility of adding a fee to the utility bills for the funding of recreation programs, requested by Mayor McLaughlin.
Mayor Don McLaughlin, Jr. stated he has spoken to several people in reference to adding a monthly fee to the utility bill. The money will be used to fund projects for parks and recreation, such as lights for football and soccer fields, splash pads, and possibly the fitness court. Mayor was thinking of a small fee such as \$1.50. City Attorney Paul Tarksi did some research on the issue and spoke to TML. He states it can be done, but it needs to be carefully worded because citizens may think of it as a tax, and we cannot tax. City Manager Vince DiPiazza asked if this was something we were going to have people pay or have it be something that is voluntary. Mayor Don McLaughlin, Jr. asked that City Staff place this item on a future agenda for discussion and have citizens voice their opinion. If there is a strong opposition then we know what direction to take.

Agenda Item No. 9 – 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 7:34P.M.
- 8B. Convene into executive session pursuant to section 551.087 regarding economic development negotiations.
Councilman Rogelio Muñoz left executive session at 7:40P.M.

Agenda Item No. 10 – Reconvene from Executive Session

- 10A. 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 7:43P.M.
No action taken on consultation with attorney in reference to the ongoing litigation involving the Edwards Aquifer Authority.

- 10B. 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.

- 10C. Reconvene into open session and take action as deemed appropriate in the City Council’s discretion regarding lease agreement with Lonestar Agriculture, LLC.
No action taken.

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 7:45 P.M.

Attest:

Don McLaughlin, Jr., Mayor

Sorayda A. Sanchez, City Secretary

Accounts Payable in Excess of \$5,000.00
For Period Ending November 20, 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>				
Pollution Control Services	Testing of water samples	Water	711-81-00-630 \$8,015.00	V DiPiazza
Vortex Drilling	3 gas vents drilled on north perimeter of cell A & B for gas release as per GWASP	Landfill	722-86-0-6300 \$15,545.00	V DiPiazza
<i>*** The following payments are being held and will be released upon approval ***</i>				
Tax Note Items				

RESOLUTION NO 2018-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS
SUPPORTING THE TEXAS DEPARTMENT OF TRANSPORTATION'S
RECOMMENDATION TO UPGRADE THE EXISTING TRANSPORTATION
HIGHWAYS OF US 57, US 90, US 277 AND US83 TO ALIGNMENT TO INTERSTATE
STANDARDS THROUGHOUT THE MIDDLE RIO GRAND REGION, AND THE
DEVELOPMENT OF A REGIONAL TRANSPORTATION CORRIDOR PLAN.**

WHEREAS, Mexico is the United States' third largest trading partner, and Texas's largest trading partner. Texas has over 1,255-mile border with Mexico and accounts for over 64 percent of the total U.S.-Mexico border; and

WHEREAS, The Ports-to-Plains Corridor links Laredo to Eagle Pass via I-35, US-83, and US-277, which connects Eagle Pass to Del Rio. From Del Rio, the corridor travels north via US-277 to San Angelo, then via US-87 to Lubbock, where it joins with I-27, which connects Lubbock to Amarillo. The Ports-to Plains Corridor serves the Del Rio-Ciudad Acuna International Bridge, the Camino Real International Bridge Eagle Pass, and the World Trade and Colombia Solidarity Bridge in Laredo. The projected increase in trade with Mexico will require increased investments in Texas's border crossings and transportation corridors to ensure the efficient flow of U.S.-Mexico trade across the Texas-Mexico border; and

WHEREAS, the Planned Highway Investments in TXDOT's Laredo District Facilitating Trade include US-83, US-90, US-277, US-57. Laredo's District has 79 planned highway projects on the trade corridors and connectors to the corridors over the next 10 years at a total estimated cost of \$546.37 million; and

WHEREAS, the City of Uvalde supports the Texas Department of Transportation highway investments scheduled for years 2018 through 2022 that will provide the needed highway transportation improvements of our Middle Rio Grande Region; and

WHEREAS, the City of Uvalde is seeking support for a Regional Transportation Corridor Plan to be developed by the Texas Department of Transportation (TXDOT). This will address transportation and infrastructure needs to support economic growth, reduce traffic congestion, and improve commuter/traveler safety; and

WHEREAS, The Middle Rio Grande Development Council and the City of Eagle Pass have already approved resolutions in support of the plans to have more Super Two highway sections and four-lane highways, improved safety measures, transportation projects that will support economic development, and addressing local transportation needs tied to TXDOT controlled roads and highways.

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

SECTION 1. That the City of Uvalde supports the Eagle Pass District's Ports-to-Plains Corridor highway projects for upgrading the existing regional transportation corridors of US-83, US-90, US-277, and US-57, and the development of a Regional Transportation Corridor Plan to be developed by TXDOT ensuring the efficiency flow of U.S.-Mexico trade across the Texas-Mexico border and to other U.S. Markets.

READ, PASSED, AND APPROVED this 27th, day of November, A.D., 2018

ATTEST:

Don McLaughlin, Jr.
Mayor

Sorayda A. Sanchez
City Secretary

CITY OF UVALDE RESOLUTION 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS, TO IMPLEMENT AN OUTDOOR FITNESS COURT ON THE WEST END OF MEMORIAL PARK.

WHEREAS, the City of Uvalde has submitted a Grant Application to National Fitness Campaign for the construction of an outdoor Fitness Court®, which is free for public use, and;

WHEREAS, the City of Uvalde will accept a \$30,000 National Grant from National Fitness Campaign to promote and implement an outdoor Fitness Court®, and;

WHEREAS, the City of Uvalde will secure funding including partnerships between the City of Uvalde, National Fitness Campaign and community sponsors, which will be available and committed to this program to construct and maintain the outdoor Fitness Court®, and;

WHEREAS, the City Council believes the outdoor Fitness Court® is an important recreation facility to support the health of the community by making “world-class” fitness free at Memorial Park, to fund an outdoor bodyweight circuit training Fitness Court®, and to earn local and national recognition as a leader in providing affordable health and wellness.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Uvalde will collaborate with National Fitness Campaign to implement the construction of an outdoor Fitness Court® and make fitness free to community residents and visitors.

PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF NOVEMBER 2018.

THE CITY OF UVALDE:

Don McLaughlin, Mayor

ATTEST:

Sorayda A. Sanchez, City Secretary

ORDINANCE NO. 2018-____

AN ORDINANCE OF THE CITY OF UVALDE AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS ESTABLISHING STANDARDS FOR NETWORK NODES AND NODE SUPPORT POLES IN THE PUBLIC RIGHT-OF-WAY IN THE CITY OF UVALDE.

WHEREAS, the City of Uvalde (“City”) seeks to encourage wireless infrastructure investment by providing a fair, reasonable, and predictable process for the deployment of network nodes and node support poles, while managing the public right-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the City intends to full comply with and implement Chapter 284 of the Texas Local Government Code and comply with federal law to the extent it preempts local control.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the of the City of Uvalde, Texas, that the Municipal Code of the City shall be amended by adding the following Chapter 5.10 that will read as follows:

Section 1 – Purpose and Scope

(A) Purpose. The purpose of this Chapter is to establish policies and procedures for the placement of node support poles in the right-of -way and network nodes in the public right-of-way and on service poles within the City’s jurisdiction, which will provide public benefits and will be consistent with the preservation of the integrity, safe usage, and visual qualities of the City public right-of-way and the City as a whole.

(B) Intent. In enacting this Chapter, the City is establishing uniform standards to address issues presented by network nodes, including without limitation, ensuring that network nodes or node support poles do not adversely affect,

- (1) use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) vehicular and pedestrian traffic;
- (3) the operation of facilities lawfully located in public right-of-way or public property;
- (4) the ability of the City to protect the environment, including the prevention of damage to trees;
- (5) the character of residential and historic areas, and city parks, in which network nodes may be installed; and
- (6) the rapid deployment of network nodes to provide the benefits of wireless services.

(C) Conflicts with Other Chapters. This Chapter supersedes all Chapters, parts of Chapters or rules adopted prior hereto that are in conflict herewith, to the extent of such conflict.

Section 2 – Definitions

All terms used in this Chapter, not specifically defined herein, have the meaning provided in Chapter 284 of the Texas Local Government Code.

(A) “City Code” means those ordinance provisions relevant to use of the public right-of-way where compliant with applicable law.

(B) “Applicable Law” means Chapter 284 of the Texas Local Government Code.

(C) “Applicant” means any person who submits an application and is a network provider.

(D) “Application” means a request submitted by an applicant (i) for a permit to collocate network nodes; or (ii) to install a transport facility; or (iii) approve the installation, replacement or modification of a pole.

(E) “Day” means calendar day.

(F) *Network node* means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term includes:

- (i) equipment associated with wireless communications;
- (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
- (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

The term does not include:

- (i) an electric generator;
- (ii) a pole; or
- (iii) a macro tower.

(G) *Node support pole* means a pole installed by a network provider for the primary purpose of supporting a network node.

(H) “Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.

(I) “Routine Maintenance” means (i) work in the public right-of-way that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; (ii) replacing or upgrading a network node or pole with a node or pole that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or (iii) the installation, placement, maintenance, operation, or replacement of micro network nodes that are strung on cables between existing poles or node support poles, in the public right-of-way.

- (J) “Technical Grounds” means, in light of prevailing industry and engineering standards, reasons of insufficiency of capacity, safety, reliability and/or generally applicable engineering purposes consistent with applicable law and City Code.

Section 3 – Permitted Use; Application and Fees

- (A) Permitted Use: Collocation of network nodes and the placement of node support poles, meeting the parameters set forth in Section 5 below and in applicable law, shall be a permitted use. No zoning or land use review shall apply, subject to the requirements in Section 5.
- (B) Permit Required. No person shall place a network node, transport facility or node support pole in the public right-of-way, without first filing a permit application and obtaining a permit therefore, except as otherwise provided in this Chapter.
- (C) Permit Application. All permit applications filed pursuant to this Chapter shall be on a form, paper or electronic, provided by the City. The Applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly.
- (D) Application Requirements. The permit application shall be made by the network provider or its duly authorized representative and shall contain the following:
- (1) The Applicant’s name, address, telephone number, and e-mail address.
 - (2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the application.
 - (3) Construction and engineering drawings and information confirming that the construction will be consistent with City Code.
- (E) Routine Maintenance and Replacement. A permit application shall not be required for: (i) routine maintenance; or for (ii) the replacement of a node with another node that is substantially similar.
- (F) Information Updates. Any amendment to information contained in a permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment.
- (G) Application Fees. All applications for permits pursuant to this Chapter shall be accompanied by a fee of \$500 for up to five network nodes addressed in the same application, \$250 for each additional node in the same application; and a fee of \$1000 for each node support pole.

Section 4 – Action on Permit Applications

- (A) Review of Applications. The City shall review applications for network nodes, node support poles and transport facilities in light of their conformity with applicable law and City Code and shall issue such permits on nondiscriminatory terms and conditions subject to the following requirements:
- (a) Within 30 days of receiving an application for a network node or node support pole, or 10 days for a transport facility, the City shall determine and notify the Applicant whether the application is complete; or if incomplete, the City must specifically identify the missing information in such notification. There shall be no fee charged for completion and resubmittal of an application.
 - (b) The City shall make its final decision to approve or deny a complete application no later than (i) 21 days after receipt of a complete application for a transport facility, (ii) 60 days after receipt of a complete application for a network node; and (iii) 150 days after receipt of a completed application for a new node support pole.
 - (c) The City shall advise the Applicant in writing of its final decision, and, if denied, the basis for that denial, including specific provisions of City Code or applicable law on which the denial was based, and send the documentation to the Applicant on or before the day the City denies the application. The Applicant may cure the deficiencies identified by the City and resubmit the application within 30 days of the denial without paying an additional application fee. The City shall approve or deny the revised application within 90 days of receipt of the amended application. The subsequent review by the City shall be limited to the deficiencies cited in the original denial.
 - (d) If the City fails to act on an application within the review period specified in this Section 4, the application shall be deemed approved.
 - (e) An applicant seeking to collocate network nodes may, at the Applicant's discretion, file a consolidated application and receive permits for up to 30 network nodes. Provided however, the City's denial of any node within a single application shall not affect other nodes submitted in the same application. The City shall grant permits for any and all nodes in a single application that it does not deny, subject to the requirements of this Section.
- (B) Review of Eligible Facilities Requests. Notwithstanding any other provision of this Chapter, the City shall approve and may not deny applications for eligible facilities requests within sixty (60) days according to the procedures established under 47 CFR 1.40001(c).

Section 5 – Network Nodes in the Public right-of-way; Maximum Height; Other Requirements

- (A) Maximum Size of Permitted Use. Collocation of permitted use network nodes in the public right-of-way shall be subject to the size limitations specified in Chapter 284.003 of the Local Government Code.
- (B) Undergrounding Provisions. A network provider shall comply with nondiscriminatory undergrounding requirements, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval. This requirement or restriction shall not be interpreted to prohibit a network provider from replacing an existing structure.
- (C) Historic Areas and Design Districts. Subject to the permit application approval time frames in Section 4, a network provider must obtain advance approval from the City before collocating new network nodes or installing new node support poles in any areas zoned or designated as a historic district or as a design district if the district has decorative poles. Such installations shall be subject to the design and aesthetic standards of such areas.
- (D) Installation in Municipal Parks and Residential Areas. A network provider may not install a new node support pole in a public right-of-way without the City's discretionary, nondiscriminatory, written consent of the City Council if the public right-of-way is located in a municipal park or is adjacent to a street or thoroughfare that is 1) not more than 50 feet wide; and 2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions. A network provider shall comply with private deed restrictions and other private restrictions when installing network nodes in parks and residential areas.
- (E) Zoning. A network provider seeking to construct, replace or modify a pole or node in the public right-of-way that exceeds the height or size limits contained in this section, shall be subject to applicable zoning requirements.

Section 6 – Effect of Permit

- (A) Authority Granted. A permit from the City authorizes an applicant to undertake only certain activities in accordance with this Chapter, and does not create a property right or grant authority to the Applicant to impinge upon the rights of others who may already have an interest in the public right-of-way.
- (B) Time of Installation. A network provider shall begin the installation for which a permit is granted not later than six months after final approval and shall diligently pursue the installation to completion. Provided, however, the City may place a longer time limit on completion or grant reasonable extensions of time as requested by the network provider.

- (C) Right to Occupy. Once a network provider has collocated a network node or placed a node support pole pursuant to a permit, the provider shall be permitted to continue to maintain such collocation or such pole unless required to remove or relocate under the terms of this Chapter.
- (D) Interference with network nodes. City will not grant a permit to any Person to install any network node or other wireless facility if the City knows or has reason to know that such Person's use of such network node or other wireless facility may in any way adversely affect or interfere with the use and operation of an existing and operational network node for which the City has previously issued a permit.

Section 7 – Removal, Relocation or Modification of Network Nodes in the ROW

- (A) Notice. Within 90 days following written notice from the City, a network provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any network node or node support pole within the public right-of-way whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way.
- (B) Emergency Removal or Relocation of Facilities. The City retains the right and privilege to disconnect or move any network node located within the public right-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the network provider and allow the network provider an opportunity to move its own facilities prior to the City disconnecting or removing a facility and shall notify the network provider after disconnecting or removing a network node or node support pole.
- (C) Abandonment of Facilities. Upon abandonment of a network node or node support pole within the public right-of-way, the network provider shall notify the City within 90 days. Following receipt of such notice, the City may direct the network provider to remove all or any portion of a network node or node support pole if the City, or any of its departments, determines, subject to City Code, that such removal is necessary to protect public health, safety and welfare.

Section 8 – Public Right-of-Way Rate

- (A) Annual Rate. Once a network provider has installed and made operational a network node in the public right-of-way, network provider shall pay to the City compensation for use of the public right-of-way in the amount of \$250 annually per node in the City public right-of-way.

(B) Cease Payment. A network provider is authorized to remove its facilities at any time from the public right-of-way and cease paying the City compensation for use of the public right-of-way following removal and notification to the City of such removal.

Section 9 – Attachment to Service Poles in the Public Right-of-Way

A network provider shall be permitted to attach network nodes to city-owned service poles, consistent with applicable law and City Code and subject to the requirements specified herein.

(A) Permits. A network provider shall obtain a permit, pursuant to the terms of this Chapter, prior to collocating network nodes on service poles.

(B) Make Ready. Network Provider shall be responsible for costs for make ready work on City service poles to which provider seeks to place a network node.

(C) Technical Limitations. In the event the City determines, based upon technical grounds, that inadequate space exists on a service pole to accommodate the proposed network node, such pole may be replaced by network provider, at the network provider's expense, with a service pole with adequate space to accommodate the proposed network node.

(D) Facilities Rearrangements. If another provider would have to rearrange or adjust any of its facilities to accommodate a new network node, the City shall use reasonable efforts to work with the affected providers to coordinate such activity. All make ready work shall comply with NESC, and other applicable codes. The Applicant shall not be responsible for any third-party costs, including those of other network providers, to adjust existing attachments that are non-compliant with the NESC and other applicable codes at the time of the application.

(C) Service Pole Attachment Fee. The rate to collocate a network node on a service pole in the public right-of-way shall be \$20 per pole per year. Subject to the provisions of Section 10, such compensation together with the application fee and the public right-of-way rate specified in Section 8 shall be the sole compensation that the network provider shall be required to pay to the City.

(D) Cease Payment. A network provider is authorized to remove its facilities at any time from a service pole in the public right-of-way and cease paying the attachment fee to the City upon notification to the City that the facilities have been removed.

Section 10 – Transport Facilities

Installation of transport facilities, including applicable compensation to the City for such facilities, shall be governed by Chapter 284.055 of the Texas Local Government Code.

Section 11 - Design Manual

A network provider shall comply with the City’s design manual, if any, in place on the date a permit application is filed in relation to work for which the City has approved a permit application. The City’s design manual may not conflict with applicable law and must be competitively neutral.

Section 12 -- Effective Date

This Ordinance shall take effect ten (10) days after its passage, approval and publication.

PASSED AND APPROVED on this the ____ day of November, 2018.

The City of Uvalde, Texas

Don McLaughlin, Jr., Mayor

ATTEST:

Sorayda Sanchez, City Secretary



CITY OF UVALDE *Uvalde Texas*

P.O. BOX 799, 78802-0799

(830) 278-3315

FAX: (830) 278-2234

BUSINESS OF THE CITY COUNCIL

SUBJECT: Approval to proceed with the purchase of marked and unmarked police vehicles

AGENDA DATE: 11/27/18

SUBMITTAL DATE: 11/19/18

SUBMITTED BY: Chief Daniel Rodriguez

REVIEWED BY:

ATTACHMENTS: Please see attached documents

Budget Information

Expenditure amount: \$146,783.00

Budget amount: \$146,783.00

Notes:

BACKGROUND INFORMATION

The Uvalde Police Department was budgeted \$146,783.00 to purchase three (3) new police vehicles for FY 2018-2019. Since my request for these vehicles, we have encountered other issues with three unmarked police vehicles that are assigned to the Criminal Investigations Division.

Currently, we have a 2006 Chevrolet Silverado (unit# 1599) that is being utilized as an unmarked police vehicle in the criminal investigations division. This vehicle is a seized vehicle and has 219,313 miles on it. The transmission on this vehicle either needs to get replaced or repaired, because it is starting to shift very hard. Additionally, one of the rear rims is bent and needs to be replaced. The problem with this, is that the rims it currently is equipped with, are aftermarket rims; therefore, all rims would need to be replaced for uniformity reasons. Other minor



issues are that the vehicle does not have a front bumper, signal light switch needs to be replaced, and it has paint chippings throughout the vehicle.

We also have a 2008 Dodge Charger (unit# 1592) that was also seized by the Uvalde Police Department. This vehicles currently has 105,525 miles on it. This unmarked police vehicle has been having issues with the air conditioner. City mechanics are recommending that it be replaced, rather than trying to repair it. Additionally, the “squirrel cage” part is rattling and it is recommended that the struts and shocks be replaced as well.

Finally, we also have another 2008 Dodge Charger (unit# 1581) that was purchased with City budgeted funds. This vehicle currently has 130,919 miles on it and it has the following issues: The lower and upper control arms, struts, fuel pump, wiper switch, and alternator all need to be replaced.

The cost to repair these units will easily be over \$10,000.00. In my opinion, it would not be cost effective to keep pouring money into these units, due to the continued wear and tear and mileage on the units.

RECOMMENDED ACTION

Staff recommends for the approval from Council and Mayor to proceed with the purchase of two fully equipped marked patrol vehicles and the remaining monies to be used to purchase two to three new and/or used unmarked police vehicles for the criminal investigations division. This purchase will not require any additional money to be added to the already approved budget of \$146,783.00.



CITY OF UVALDE *Uvalde Texas*

BUSINESS OF THE CITY COUNCIL

SUBJECT: Lease with Lone Star Ag for house at Kirk Farm

AGENDA DATE: 11/27/18

SUBMITTAL DATE: 11/21/18

SUBMITTED BY: City Manager

REVIEWED BY:

ATTACHMENTS:

Budget Information

Expenditure amount: \$

Budget amount: \$

BACKGROUND INFORMATION

Following the discussion in closed session at the last council meeting, Lone Star AgriTech is still interested in leasing the house at the city's "Kirk Farm" and will pay our asking price of \$1200 per month.

The initial lease is proposed for one year, after which we can review the lease and renegotiate it, if need be, in light of the overall progress of the economic development project.

At the time of this writing, there's no draft lease document. We would contemplate drafting a standard residential lease document should council approve.

RECOMMENDED ACTION

Approve lease proposal.