

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, February 12, 2013, with the following members present:

J Allen Carnes	Mayor
Stephen E. Balke	Councilmember
Todd G. Dorris	Councilmember
John H. Flores, Jr.	Councilmember

Also present:

Jennifer E. Garver	City Manager
Joe A. Cardenas	Assistant City Manager
Robert MacDonald	Chief of Police
Joe Jarosek	Director of PW, Facilities & Planning

Agenda Item No. 1 – Call meeting to order

Mayor J Allen Carnes called meeting to order at 6:00 p.m.

Agenda Item No. 2 – Invocation by Councilman Todd G. Dorris

Councilman Todd G. Dorris led invocation.

Agenda Item No. 3 – Pledge of Allegiance

Mayor J Allen Carnes led Pledge of Allegiance.

Agenda Item No. 4 – Minutes

4A. Consider and act on the minutes of the Tuesday, January 22, 2013, Regular City Council Meeting.

Councilman Todd G. Dorris motioned to approve the minutes of the Tuesday, January 22, 2013, Regular City Council Meeting. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.

Agenda Item No. 5 – Citizen’s Input

No public comment.

Agenda Item No. 6 – Bills

6A. Consider and act on payment of bills over \$5,000.00 from January 17, 2013 thru February 6, 2013.

Jennifer E. Garver, City Manager, requested payment to Roll Offs USA in the amount of \$13,174.00 for the purchase of roll offs and side loaders for the Collection Department, payment to National Business Furniture in the amount of \$26,408.90 for the purchase of tables and chairs for the Civic Center and

payment to Cardinal Tracking in the amount of \$15,079.50 for the purchase of a badge program software for the Police Department. Also requested was payment to Professional Turf in the amount of \$5,325.01 for the cost of an engine and labor for the Golf Department and payment to McKamie Krueger, LLP in the amount of \$8,556.77 for professional services. Councilman Todd G. Dorris motioned to approve payment of bills over \$5,000.00 from January 17, 2013 thru February 6, 2013. Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.

Agenda Item No. 7 – Report

- 7A. Report regarding the settlement of litigation styled Jesus Villarreal, as Next Friend for Autumn Villarreal, Timothy Villarreal, and Jesus Villarreal Jr., Minor Children vs. City of Uvalde, No. 2012-11-28924-CV (38th Judicial District Uvalde County, Texas).

Report was given by Brian Smith, City Attorney, regarding the settlement of litigation styled Jesus Villarreal, as Next Friend for Autumn Villarreal, Timothy Villarreal, and Jesus Villarreal Jr., Minor Children vs. City of Uvalde, No. 2012-11-28924-CV (38th Judicial District Uvalde County, Texas). He stated that this lawsuit resulted in the death of an individual and part of a Texas Municipal League (TML) in which the liability fell under the Texas Tort Claims Act as the City of Uvalde has Sovereign Immunity. He added that the lawsuit was settled for the maximum amount of \$250,000.00, which was covered by TML and not by city funds.

- 7B. Report by Clint Baack, Director of Parks and Recreation, regarding year end results and current and upcoming projects for his departments.

Report was given by Clint Baack, Director of Parks and Recreation, regarding year end results and current and upcoming projects for his departments. He reported that the appearance of the City of Uvalde Municipal Golf Course has improved which may factor to the increased revenue last year. He added that improvements have been made to the cart paths as well as the cart sheds and thanked golf course staff for all of their hard work. Mr. Baack also reported on the conditions of the Parks Department, Civic Center and Swimming Pool. He stated that the automatic irrigation systems have been placed at the parks which will save water but improve aesthetics. He added that the Civic Center landscaping is near completion which will be mimicked at the Swimming Pool as well so that both areas look uniform. Mr. Baack further reported that he would also like to enhance the appearance at the Kiwanis Sports Complex and that steps have been implemented to improve the aesthetics at the cemeteries.

- 7C. Report by Chief Robert MacDonald regarding year end results and current and upcoming projects for the police department.

Report was led by Chief Robert MacDonald regarding year end results and current and upcoming projects for the police department. He reviewed the Uvalde Police Department's accomplishment from October 2011 – September 2012. He

added that he would like to see the officers accountable and increase their effectiveness within the department and ensure that they have the proper training needed to perform their duties. Mayor J Allen Carnes commended Chief MacDonald and the Uvalde Police Department on a job well done.

- 7D. 2012 Annual Racial Profiling Report by Chief Robert MacDonald.
Robert MacDonald, Chief of Police, said the 2012 Annual Racial Profiling Report was compiled with the information that included all documented traffic stops which included all tickets, issued warnings, and arrests that were made. He reports there are no violations related to racial profiling.
- 7E. Report by Jennifer E. Garver, City Manager, regarding the StarTex Power Discount Program.
Report was led by Jennifer E. Garver, City Manager, regarding the StarTex Power Discount Program. She said that the StarTex Power Discount Program will offer benefits such as a low residential electric rate and price protection for the term of the agreement.

Agenda Item No. 8 – New Business

- 8A. Consider and act on an Outside City Limits request from Shane Hunter, applicant, for water services at 361 S. Acacia Dr., Uvalde, Texas.
Jennifer E. Garver, City Manager, said it is staff's recommendation to approve an Outside City Limits request from Shane Hunter, applicant, for water services. Mayor J Allen Carnes added that the applicant wishes to have the meter set in the middle of subdivision as others may wish to come together and tie into the meter as well. Discussion took place regarding the additional costs and the distance of the extension. Mayor J Allen Carnes motioned to approve the Outside City Limits request from Shane Hunter, applicant for water services at 361 S. Acacia Dr., Uvalde, Texas and allow staff to measure the distance of the proposed meter as well as set out the revenue neutral costs for the meter. Councilman Todd G. Dorris seconded the motion. Motion carried 4-0.
- 8B. Consider and act on an Outside City Limits request from Nathan Morgan, applicant, for water services at 422 CR 105, Uvalde, Texas.
Jennifer E. Garver, City Manager, said it is staff's recommendation to approve an Outside City Limits request from Nathan Morgan for water services. Councilman Todd G. Dorris motioned to approve the Outside City Limits request from Nathan Morgan, applicant, for water services at 422 CR 105, Uvalde, Texas. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.
- 8C. Consider and act on a request from the Rotary Club of Uvalde for use of the space next to the Opera House for a fundraising event on Friday, April 12, 2013.
Jennifer E. Garver, City Manager, said she received a request from the Rotary Club of Uvalde for use of the space next to the Opera House. Discussion took place regarding the use of space for possible future rentals as well as a rate

schedule. Mrs. Garver proposed a rental fee of \$150.00 for non-profit organizations and a \$250.00 rental fee for other organizations. Mayor J Allen Carnes stated he would like to allow temporary rentals on a case by case basis until a decision for the space is made. Mayor Carnes motioned to approve the request from the Rotary Club of Uvalde for use of the space next to the Opera House for a fundraising event on Friday, April 12, 2013. Councilman John H. Flores seconded the motion. Motion carried 4-0.

- 8D. Consider and act on the renewal of a drainage easement agreement located at the Texas AgriLife Research center between the City of Uvalde and the Texas A&M University System easements.
Mayor J Allen Carnes motioned to approve the renewal of a drainage easement agreement located at the Texas AgriLife Research center between the City of Uvalde and the Texas A&M University System easements. Councilman Todd G. Dorris seconded the motion. Motion carried 4-0.
- 8E. Consider and act on the renewal of a sanitary sewer easement agreement located at the Texas AgriLife Research center between the City of Uvalde and the Texas A&M University System easements.
Mayor J Allen Carnes motioned to approve the renewal of a sanitary sewer easement agreement located at the Texas AgriLife Research center between the City of Uvalde and the Texas A&M University System easements. Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.
- 8F. Consider and act on a proposed amendment to the facility deposit agreement for the SSGT Willie De Leon Civic Center as requested by the Convention and Visitors Bureau.
Jennifer E. Garver, City Manager, said that the proposed amendments to the facility deposit agreement for the Civic Center were requested by the CVB due to the fact that past events have left the center in disarray. Discussion took place regarding the condition of the Civic Center and the proposed deposit rates. Councilman Todd G. Dorris motioned to approve the proposed amendment to the facility deposit agreement for the SSGT Willie De Leon Civic Center as presented. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.
- 8G. Consider and act on entering into a Government Product Lease Agreement with Meter Rental Agreement with Neopost for an IS480 Mailing System with Scale.
Jennifer E. Garver, City Manager, said that the current meter agreement with the Pitney Bowes has expired in which a recommendation has been made to enter into a lease agreement with Neopost. She added that the monthly rental fee will be reduced per month as well as the cost of supplies. Mayor J Allen Carnes motioned to approve on entering into a Government Product Lease Agreement with Meter Rental Agreement with Neopost for an IS480 Mailing System with Scale. Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.

- 8H. Consider and act on the Approved Rank order of Engineering Firms for Professional Engineering Services for a Pavement System Assessment and Rehabilitation Study and authorize staff to negotiate with the firms in the rank order as listed.

Jennifer E. Garver, City Manager, said that the city received several proposals for Professional Engineering Services for a Pavement System Assessment and Rehabilitation Study. She added that presentations were scheduled with four (4) qualified firms in which the proposals were later ranked. She further added that it is staff's recommendation to approve the rank order which lists CDS Muery as the top ranking firm so that the City of Uvalde can therefore enter into a negotiation with the firm. Councilman John H. Flores, Jr. motioned to approve the rank order of engineering firms for Professional Engineering Services for a Pavement System Assessment and Rehabilitation Study and authorize staff to negotiate with CDS Muery. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.

- 8I. Consider and act on refunding the City's Series 2005 Certificates of Obligation for Debt Service Savings, authorizing City Staff and Financial Advisor to proceed with the refunding and determining the method of sale.

Jennifer E. Garver, City Manager, said that the 2005 Certificates of Obligation for Debt Service Savings will be refunded February 2014 but would be favorable to the City of Uvalde to be refunded sooner. She added that it was advised by the city's financial advisor as it would allow them to start the competitive bidding or negotiation of sale process. She said it is staff's recommendation to enter into the negotiation of sale process due to city's size. Mayor J Allen Carnes motioned to approve the refunding the City's Series 2005 Certificates of Obligation for Debt Service Savings, authorizing City Staff and Financial Advisor to proceed with the refunding and determining the method of sale. Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.

- 8J. Consider and act on a proposal from Strategic Government Resources for Executive Search Services for a Finance Director.

Mayor J Allen Carnes motioned to table Agenda Item 8 J. Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.

- 8K. Consider and act on the following project pay applications:

Pay Application/ Invoice#	Contractor	Amount	Project	Account Budgeted for
1	Frontera Construction	\$14,130.00	Uvalde Swimming Pool Project	100-55-00-6706
10- Final	Lansford Company, Inc.	\$60,217.66	Southstar Aircraft Interiors	733-00-87-6706
11	SpawGlass Contractors, Inc	\$290,573.30	SSGT Willie DeLeon Civic Center Project	604-00-50-6706

Joe Jarosek, Director of PW Facilities & Planning, stated that the project is nearing 40% completion and it is staff's recommendation to approve payment to Frontera Construction. Councilman Todd G. Dorris motioned to approve payment to Frontera Construction in the amount of \$14,130.00 for the Uvalde Swimming Pool Project. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.

Joe A. Cardenas, Assistant City Manager, said it is staff's recommendation to approve payment to Lansford Company, Inc. Councilman Todd G. Dorris motioned to approve payment to Lansford Company, Inc. in the amount of \$60,217.66 for Southstar Aircraft Interiors. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.

Joe A. Cardenas, Assistant City Manager, stated that the pay application for SpawGlass Contractors, Inc. was a final pay application for the Civic Center Project. He added that it is staff's recommendation to approve payment with the conditions that the approval is given by US Department of Agriculture (USDA). Mayor J Allen Carnes motioned to approve payment to SpawGlass Contractors, Inc. in the amount of \$290,573.30 for the SSGT Willie DeLeon Civic Center Project. Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.

Agenda Item No. 9 - Discussion

- 9A. Discussion regarding the Shell Oil Municipal Capacity Building program by Jennifer E. Garver.
Discussion was led by Jennifer E. Garver, City Manager, in regards to the Shell Oil Municipal Capacity Building program. She encouraged staff to attend the Shell Oil Municipal Capacity Building program as possible grants may be disbursed at the end of the seminar.
- 9B. Discussion regarding code enforcement and clean-up of vacant and abandoned properties in West Uvalde and hiring additional code enforcement staff.
Discussion was led by Councilman John H. Flores, Jr. in regards to code enforcement and clean-up of vacant and abandoned properties in West Uvalde and hiring additional code enforcement staff. Councilman Flores, Jr. said that he has been approached by several citizens who are concerned with the vacant and abandoned properties in West Uvalde. He further stated that he would like to see additional code enforcement staff hired as he feels it would benefit the community. Councilman Todd G. Dorris added that the properties could be a possible code issue that could be inspected by the Fire Marshal.

Adjournment

Councilman Todd G. Dorris motioned for adjournment. Councilman John H. Flores, Jr. seconded the motion. Meeting adjourned at 7:53 p.m. Motion carried 4-0.

J Allen Carnes, Mayor

Larissa Rodriguez, City Secretary