

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 11, 2013, with the following members present:

J Allen Carnes	Mayor
Rogelio M. Munoz	Mayor Pro-Tem
John H. Flores, Jr.	Councilmember
Jesse Rodriguez	Councilmember
Stephen E. Balke	Councilmember
Ernest W. “Chip” King	Councilmember

Also present:

Jennifer E. Garver	City Manager
Joe A. Cardenas	Assistant City Manager
Brian Smith	City Attorney
Barney Knight	Attorney, McKamie Krueger, LLP
Robert MacDonald	Chief of Police
Juan Zamora	Utility Director
Susan Anderson	Historic Preservation Officer
Andrew Hagen	Municipal Court Judge
Clint Baak	Director of Parks and Recreation

(Mayor, J Allen Carnes and Assistant City Manager, Joe A. Cardenas left the Regular City Council Meeting at 6:00 p.m. to attend a Special Meeting of the Uvalde County Underground Water Conservation District Board regarding the City of Uvalde’s request to drill a non-exempt well in the Buda Aquifer)

Agenda Item No. 1 – Call meeting to order

Mayor Pro-Tem Rogelio M. Munoz called the meeting to order at 6:00 p.m.

Agenda Item No. 2 – Invocation

Councilman John H. Flores, Jr., the led invocation.

Agenda Item No. 3 – Pledge of Allegiance

Mayor Pro-Tem Rogelio M. Munoz led the Pledge of Allegiance

Agenda Item No. 4 – Minutes

4A. Consider and act on the minutes of the Tuesday, May 28, 2013, Regular City Council Meeting.

Councilman Stephen E. Balke motioned to approve the minutes of the Tuesday, May 28 2013, Regular City Council Meeting. Councilman Jesse Rodriguez seconded the motion. Motion carried 5-0.

Agenda Item No. 5 - Citizen's Input

- 5A. Citizens are requested to sign up prior to council meeting if requesting time to address council. Presentations will be limited to no more than three (3) minutes. *Elsa Crawford, citizen, addressed the City Council concerning the police department investigation stating that "we need a police department founded on honesty and responsibility and accountability from the top to the bottom."*

Agenda Item No. 6 - Bills

- 1A. 6A. Consider and act on payment of bills over \$5,000.00 from May 23, 2013 thru June 5, 2013. *There were no bills over \$5,000 to consider.*

Agenda Item No. 7 – Public Hearing

The City of Uvalde Opened the public hearing on Agenda Item 7A at 6:06 pm.

- 7A. Public hearing on the request of Paul W. Pitts to re-plat a subdivison located at: 239 Myrtle, NCB 7, Kirby & Smith Addition, block 1, Lots 28 & 29, also parts of Lots 27 & 30 to straighten existing lot lines, City of Uvalde, Uvalde County Texas. *Mr. Paul W. Pitts stated he would address agenda item 7A during New Business Agenda Item 8I.*

The City of Uvalde Closed the public hearing on Agenda Item 7A at 6:09 pm.

The City of Uvalde Opened the public hearing on Agenda Item 7B at 6:09 pm.

- 7B. Public hearing on the request of Sergio Porras, Sr. to re-plat a subdivison located at 308 West Mill, NCB 66, Buris & Brown/Beecroft Subdivison, Block M, Lot 6 (south ½), into two lots, City of Uvalde, Uvalde County Texas. *Mr. Sergio Porras, Sr. addressed City Council and stated he would address Agenda Item 7B during New Business Agenda Item 8J.*

The City of Uvalde Closed the public hearing on Agenda Item 7A at 6:10 pm.

Agenda Item No. 8 – New Business

- 8A. Consider and act on an Outside the City Limits Application from Jimmy Chapoy, Jr., applicant, for water service at 438CR 105, Uvalde, Texas.

Jennifer Garver, City Manager, reports that staff recommends approval of this application with the condition that a septic tank system be installed, all plumbing work must be performed by a licensed plumber, a backflow prevention device must be installed and all work done be inspected and approved by the City. Motion made by Councilman Stephen E. Balke to approve the Outside the City Limits application from Jimmy Chapoy, Jr., for water service at 438CR 105, Uvalde, Texas. Motion seconded by Councilman Chip King. Motion carried 5-0.

- 8B. Consider and act on an Outside the City Limits Application from Malcolm Richey applicant, for water service at Rural Road 105, Lot 440, Uvalde, Texas.
Jennifer Garver, City Manager, reports that staff recommends approval of this application with the condition that a septic tank system be installed, all plumbing work must be performed by a licensed plumber, a backflow prevention device must be installed and all work done be inspected and approved by the City. Motion made by Councilman Jesse Rodriguez to approve the Outside the City Limits application from Malcolm Richey for water service at Rural Road 105, Lot 440, Uvalde, Texas. Motion seconded by Councilman John H. Flores, Jr. Motion carried 5-0.
- 8C. Consider and act on an Outside the City Limits Application from James R. Dickerson applicant, for water service at 436 CR 105, Uvalde, Texas.
Jennifer Garver, City Manager, reports that staff recommends approval of this application with the condition that a septic tank system be installed, all plumbing work must be performed by a licensed plumber, a backflow prevention device must be installed and all work done be inspected and approved by the City. Motion made by Mayor Pro-Tem Rogelio M. Munoz to approve the Outside the City Limits application from James R. Dickerson for water service at 436 CR 105, Uvalde, Texas. Motion seconded by Councilman John H. Flores, Jr. Motion carried 5-0.
- 8D. Consider and act on an Outside the City Limits Application from Victor Santos, Jr., applicant, for water service at CR 105, Uvalde, Texas.
Jennifer Garver, City Manager, reports that staff recommends approval of this application with the condition that a septic tank system be installed, all plumbing work must be performed by a licensed plumber, a backflow prevention device must be installed and all work done be inspected and approved by the City. Motion made by Councilman Chip King to approve the Outside the City Limits application from Victor Santos, Jr. for water service at CR 105, Uvalde, Texas. Motion seconded by Councilman Stephen E. Balke. Motion carried 5-0.
- 8E. Consider and act on an Outside the City Limits Application from American Legion Post, applicant, for water service at 540 Highway 481, Uvalde, Texas.
Application withdrawn by applicant.
- 8F. Consider and act on an Outside the City Limits Application from Vivian Jones, applicant for water service at 1620 N. Camp Street, Uvalde, Texas.

Jennifer Garver, City Manager, reports that staff recommends approval of this application with the condition that a septic tank system be installed, all plumbing work must be performed by a licensed plumber, a backflow prevention device must be installed and all work done be inspected and approved by the City. Motion made by Councilman Jesse Rodriguez to approve the Outside the City Limits application from Vivian Jones for water service at 1620 N. Camp Street, Uvalde, Texas. Motion seconded by Councilman John H. Flores, Jr. Motion carried 5-0.

8G. Consider and act on an Outside the City Limits Application from Vivian Jones, applicant for water service at 1622 N. Camp Street, Uvalde, Texas.

Jennifer Garver, City Manager, reports that staff recommends approval of this application with the condition that a septic tank system be installed, all plumbing work must be performed by a licensed plumber, a backflow prevention device must be installed and all work done be inspected and approved by the City. Motion made by Councilman Jesse Rodriguez to approve the Outside the City Limits application from Vivian Jones for water service at 1622 N. Camp Street, Uvalde, Texas. Motion seconded by Councilman Chip King. Motion carried 5-0.

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

Pay Application/ Invoice#	Contractor	Amount	Project	Budgeted Account
1	RKW Irrigation & Landscaping, LLC	\$13,500.00	Civic Center Signage	604-00-50-6706
1	Frontera Construction, LLC	\$12,150.00	Additions & Renovations for the Customs & Border Protection Uvalde Air Branch Phase III	733-00-85-6706

Jennifer Garver, City Manager, recommend approval for payment of the RKW Irrigation & Landscaping LLC pay application in the amount of \$13,500.00 and payment of Frontera Construction, LLC pay application in the amount of \$12,150.00. Councilman Chip King made a motion to approve payment of the RKW Irrigation & Landscaping LLC and Frontera Construction LLC pay applications. Councilman Jesse Rodriguez seconded the motion. Motion carried 5-0.

8I. Consider and act on the request of Paul W. Pitts for a re-subdivision at 239 Myrtle, NCB 7, Kirby & Smith Addition, block 1, Lots 28 & 29, also parts of Lots 27 & 30 to straighten existing lot lines, City of Uvalde, Uvalde County Texas.

Motion made by Councilman Chip King to table Agenda Item 8I until Mayor J Allen Carnes returns later in the meeting for action. Councilman John H. Flores, Jr. seconded the motion. Motion carried 5-0.

- 8J. Consider and act on the request of Sergio Porras, Sr. for a re-subdivision at 308 West Mill, NCB 66, Buris & Brown/Beecroft Subdivision, Block M, Lot 6 (south ½), into two lots, City of Uvalde, Uvalde County Texas.
Motion made by Councilman John H. Flores, Jr. to table Agenda Item 8J until Mayor J Allen Carnes returns later in the meeting for action. Councilman Stephen E. Balke seconded the motion. Motion carried 5-0.

The City Council of the City of Uvalde went into a Standing Recess at 6:20 p.m. to await the return of Mayor J Allen Carnes.

The City Council of the City of Uvalde returned from a Standing Recess at 6:49 p.m. Mayor J Allen Carnes had not yet returned to City Hall.

- 8I. Consider and act on the request of Paul W. Pitts for a re-subdivision at 239 Myrtle, NCB 7, Kirby & Smith Addition, block 1, Lots 28 & 29, also parts of Lots 27 & 30 to straighten existing lot lines, City of Uvalde, Uvalde County Texas.
Mayor Pro-Tem Rogelio M. Munoz asked if Mr. Paul Pitts wanted to wait on this agenda item for a vote since a supermajority would be required. Mr. Paul Pitts agree to have City Council move forward for a vote on his application. Councilman Stephen E. Balke motioned to approve the request of Paul W. Pitts for a re-subdivision at 239 Myrtle Street. Councilman John H. Flores, Jr. seconded the motion. Motion carried by a supermajority 5-0.
- 8J. Consider and act on the request of Sergio Porras, Sr. for a re-subdivision at 308 West Mill, NCB 66, Buris & Brown/Beecroft Subdivision, Block M, Lot 6 (south ½), into two lots, City of Uvalde, Uvalde County Texas.
Mayor Pro-Tem Rogelio M. Munoz asked if Mr. Sergio Porras, Sr., wanted to wait on this agenda item for a vote since a supermajority would be required. Applicant Sergio Porras, Sr., agreed to have City Council move forward on his application. Councilman Chip King motioned to approve the request of Sergio Porras, Sr. for a re-subdivision at 308 West Mill Street. Councilman Jesse Rodriguez seconded the motion. Motion carried by a supermajority 5-0.

The City Council of the City of Uvalde, Texas convened into Executive Session at 7:04 p.m.

Mayor J Allen Carnes arrived at City Hall Council Chambers at 7:05 p.m. and entered into the Executive Session.

11. EXECUTIVE SESSION

The City Council of the City of Uvalde, Texas, will convene into executive session in accordance with the purposes permitted by the Open Meetings Act, Sections §551.071 (Consultations with Attorney) and §551.074 (Personnel Matters), and Rule 1.05, Texas Rules of Professional Conduct, to consider the following:

- 11A. To receive a report of results to date of an on-going investigation by the City Attorney, of actions by certain employees and personnel of the Uvalde Police Department that may result in a complaint or charge against an officer or employee; and
- 11B. Consult with, and receive the advice of, the City Attorney regarding legal issues arising from the investigation, and recommendation for further investigation.

The City Council of the City of Uvalde, Texas reconvened from Executive Session at 8:08 p.m.

12. RECONVENE FROM 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, Sections §551.071 (Consultations with Attorney) and §551.074 (Personnel Matters), and Rule 1.05, Texas Rules of Professional Conduct.

Mayor Pro Tem Rogelio Munoz moved that the City Council publicly support and agree with the recommendations of the City Manager regarding the personnel identified in the City Attorney's investigation, and the City Manager and Chief of Police take appropriate action to terminate those employees identified in Executive Session. Motion was seconded by Mayor J Allen Carnes. Motion carried 6-0.

Mayor ProTem Rogelio Munoz moved that the City Manager and the City Attorney continue the investigation as discussed in executive session. Motion was seconded by Mayor J Allen Carnes. Motion carried 6-0.

City Council returned to Agenda Item 9 Appointment/Re-Appointment

9. APPOINTMENT/RE-APPOINTMENT

Uvalde Housing Authority

Oscar Garcia	Commissioner	Appointment
Juan Gonzales	Commissioner	Appointment
Irene Perez	Resident Commissioner	Appointment

Mayor, J Allen Carnes approved the appointments of Oscar Garcia, Juan Gonzales and Irene Perez as Commissioners to the Uvalde Housing Authority.

10. DISCUSSION

- 10A. Discussion by Mayor J Allen Carnes concerning the issuing of Outside the City Limits Applications (OCL)
Agenda Item 10A was tabled by Mayor J Allen Carnes until next City Council Meeting.

13. ADJOURNMENT

Agenda Item No. 13 Adjournment

Councilman Chip King motioned for adjournment. Councilman Stephen E. Balke seconded the motion. Meeting adjourned at 8:12 p.m. Motion carried 6-0.

J Allen Carnes, Mayor

Susan M. Conley, City Secretary