

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

J Allen Carnes	Mayor
Stephen E. Balke	Councilmember
Todd G. Dorris	Councilmember
Jesse Rodriguez	Councilmember

Also present:

Jennifer E. Garver	City Manager
Joe A. Cardenas	Assistant City Manager
Brian Smith	City Attorney
Robert MacDonald	Chief of Police
Joe Jarosek	Director of PW Facilities & Planning
Clint Baack	Director of Parks and Recreation
Juan Zamora	Utilities Director

Agenda Item No. 1 – Call meeting to order

Mayor J Allen Carnes called meeting to order at 6:03 p.m.

Agenda Item No. 2 – Invocation

Councilman Todd G. Dorris led invocation as Councilman John H. Flores, Jr. was absent.

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, February 26, 2013, Regular City Council Meeting.

Councilman Jesse Rodriguez motioned to approve the minutes of the Tuesday, February 26, 2013, Regular City Council Meeting. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.

Agenda Item No. 5 – Citizen’s input

5A. *Margaret Palermo, citizen, said she was here to address the Animal Ordinance. She said that she inquired and applied for the adoption of a dog from the Humane Society of Uvalde. Ms. Palermo stated that she received a letter declining her application due to the various articles she wrote regarding the Humane Society of Uvalde.*

Elsa Crawford, citizen, voiced her concern on the increase in traffic within the city. She said she has spoken with the Uvalde Police Department regarding the issue but added that more visibility is needed by the department. Ms. Crawford added that she has spoken to city officials as well as her councilman but is unaware of what else could be done.

Rhonda Vigil, citizen, said she was here regarding the City of Uvalde Ordinance regarding Carnivals within the city limits. She added that she is interested in having a carnival within the city limits and would like to have council possibly make an exception.

Agenda Item No. 6 – Bills

- 6A. Consider and act on payment of bills over \$5,000.00 from February 21, 2013 thru March 6, 2013.

Jennifer E. Garver, City Manager, requested payment to Pollution Control Services in the amount of \$5,530.00 for PCS Samples for the Sewer Department, payment to McKamie Krueger, LLP in the amount of \$5,660.39 for Professional Services and payment to Highland Products Group in the amount of \$24,032.00 for the purchase of trash receptacles and planters for the Main Street Department. Also requested was payment to Vulcan Materials in the amount of \$10,930.90 for the purchase of premix material for the Street Department, payment to HD Supply Waterworks in the amount of \$5,465.27 for the purchase of pipe, adapters and pulling heads for the Sewer Department, and payment to Fagile Construction, LLC in the amount of \$5,500.00 for paving service for the Parks Department. Mrs. Garver added that all bills are budgeted items and a part of the regular operating budget. Councilman Todd G. Dorris motioned to approve payment of bills over \$5,000.00 from February 21, 2013 thru March 6, 2013. Councilman Jesse Rodriguez seconded the motion. Motion carried 4-0.

Agenda Item No. 7 - Report

- 7A. Report by CDS Muery Services on the Pavement System Assessment and Rehabilitation Project proposal.

Report was made by CDS Muery Services on the Pavement System Assessment and Rehabilitation Project proposal. Kenny Rothe stated that the CDS Muery Services Pavement System Assessment and Rehabilitation Project include an existing condition evaluation of the pavements using historical records and a data collection effort for the creation of a city wide pavement database. He added that CDS Muery Services will present a summary of the study evaluation and results to City Staff and Council once the data has been collected. Discussion took place regarding the scope of services, fee proposal and the allotted funds towards the project.

- 7B. Report by Mayor J Allen Carnes on the contract work done by John Pitts, Harry McAdams and Toni Luttrell during the legislative session in regards to water issues related to the City of Uvalde.

Report was led by Mayor J Allen Carnes on the contract work done by John Pitts, Harry McAdams and Toni Luttrell during the legislative session in regards to water issues related to the City of Uvalde. He stated that the main issue that both Mr. Pitts and Mr. McAdams are focusing on is the possibility of a water pipeline as presented in HB 822. He added that Ms. Luttrell is focusing on the marketing side during this legislative session by releasing press releases as well as working on the design of a more serviceable website. Mayor Carnes expressed that the M. Pitts, Mr. McAdams and Ms. Luttrell are working hard to benefit the City of Uvalde and he was pleased to see such great representation form the community during the Uvalde County Day in Austin, Texas.

- 7C. Report by Joe Jarosek, Director of PW, on the status of the Facilities and Planning Grant Application #00003648 submitted to the Texas Water Development Board.
Report was led by Joe Jarosek, Director of PW, on the status of the Facilities and Planning Grant Application #00003648 submitted to the Texas Water Development Board. He stated that the Texas Water Development Board approved the City of Uvalde's grant application request in an amount not to exceed \$44,000.00. He added that he is still awaiting the contract to see what stipulations are set forth as he is unaware of what will be requested by the TWDB.
- 7D. Report by Jennifer E. Garver, City Manager, regarding the Quarterly Investment Report.
Report was led by Jennifer E. Garver, City Manager, regarding the Quarterly Investment Report. She reviewed the Cash & Investment activity from July 1, 2012 to September 30, 2012 as well as the Cash & Investments from October 1, 2012 to December 31, 2012. . She informed council that the benchmarks are being met.
- 7E. Report by Jennifer E. Garver, City Manager, regarding Retail Trade Area Profile prepared by The Retail Coach.
Report by Jennifer E. Garver, City Manager, regarding Retail Trade Area Profile prepared by The Retail Coach. She reviewed the License Plate Study Map that was submitted by The Retail Coach which indicated the Retail Trade Area Demographics as well. Mrs. Garver added that a report will be presented by Aaron Farmer at the upcoming council meeting regarding their findings.

Agenda Item 8 – Public Hearing

The City Council of the City of Uvalde, Texas, opened the public hearing at 6:35 p.m.

- 8A. Public Hearing on a request from Paul A. Zepeda, applicant, for a re-zoning of the property located at 125 West Mill from Residential-1(R-1) to Residential-4 (R-4).
No public comment

The City Council of the City of Uvalde, Texas, closed the public hearing at 6:35 p.m.

The City Council of the City of Uvalde, Texas, opened the public hearing at 6:35 p.m.

- 8B. Public Hearing on a request from Joe Elder, applicant, to close and abandon a subdivision on the property west of North Grove between West Oppenheimer and West Pecos.
No public comment

The City Council of the City of Uvalde, Texas, closed the public hearing at 6:35 p.m.

The City Council of the City of Uvalde, Texas, opened the public hearing at 6:36 p.m.

- 8C. Public Hearing on a request from Carlos Lopez, dba Laughlin Ventures, LLC, to re-subdivide the property located on the north side of the 900 block of West Ft. Clark between Benson Road and Cooks Slough, Abstract 0496, Survey 1062A-496, currently zoned R-3.
No public comment

The City Council of the City of Uvalde, Texas, closed the public hearing at 6:36 p.m.

The City Council of the City of Uvalde, Texas, opened the public hearing at 6:36 p.m.

- 8D. Public Hearing on a request from Maria Elena Lara, applicant, to re-zone the property located at 3019 Highway 90 East from Residential-1 (R-1) to Business-2 (B-2).
Rodolfo R. Flores, Attorney for the applicant, said he would like to wait for the agenda item to address council.

The City Council of the City of Uvalde, Texas, closed the public hearing at 6:37 p.m.

Agenda Item No. 9 – New Business

- 9A. Consider and act on an Outside the City Limits Application from Rawlyn Richter, applicant, for water service at 2508 Garner Field Road Uvalde, Texas.
Jennifer E. Garver, City Manager, said it is staff's recommendation to approve the Outside the City Limits application from Rawlyn Richter for water service. Councilman Todd G. Dorris motioned to approve the Outside the City Limits Application from Rawlyn Richter, applicant, for water service at 2508 GarnerField Road Uvalde, Texas. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.
- 9B. Consider and act on a request from Paul A. Zepeda, applicant, for a re-zoning of the property located at 125 West Mill from Residential-1(R-1) to Residential-4 (R-4).
Jennifer E. Garver, City Manager, explained that the request was presented and addressed by the Planning & Zoning Committee on March 5, 2013, at which time

it was approved. Councilman Todd G. Dorris motioned to approve the request from Paul A. Zepeda, applicant, for re-zoning of the property located at 125 West Mill from Residential-1 (R-1) to Residential-4 (R-4). Councilman Jesse Rodriguez seconded the motion. Motion carried 4-0.

- 9C. Consider and act on a request from Joe Elder, applicant, to close and abandon a subdivision on the property west of North Grove between West Oppenheimer and West Pecos.
Jennifer E. Garver, City Manager, stated that the property was zoned as a subdivision but was never developed. She added that Mr. Elder would like to close the property as he does not have any plans to develop the subdivision. Discussion took place regarding the property as well as the City of Uvalde's easements. Mayor J Allen Carnes motioned to approve the closing and abandoning of the proposed subdivision on the property west of North Grove between West Oppenheimer and West Pecos on the condition that the City of Uvalde retain ownership of the utility and drainage easements. Councilman Jesse Rodriguez seconded the motion. Motion carried 4-0.
- 9D. Consider and act on a request from Carlos Lopez, dba Laughlin Ventures, LLC, to re-subdivide the property located on the north side of the 900 block of West Ft. Clark between Benson Road and Cooks Slough, Abstract 0496, Survey 1062A-496, currently zoned R-3.
Carlos Lopez, dba Laughlin Ventures, LLC, requested to re-subdivide the proposed property to develop a subdivision to meet the need for the growing housing market. He added that it is their plan to develop the first ten (10) initial lots at this time. Mayor J Allen Carnes motioned to approve the request from Carlos Lopez, dba Laughlin Ventures, LLC, to re-subdivide the property located on the north side of the 900 block of West Ft. Clark between Benson Road and Cooks Slough, Abstract 0496, Survey 1062A-496, currently zoned R-3. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.
- 9E. Consider and act on a request from Maria Elena Lara, applicant, to re-zone the property located at 3019 Highway 90 East from Residential-1 (R-1) to Business-2 (B-2).
Rodolfo R. Flores, Attorney for applicant, said that the request to re-zone the property located at 3019 Highway 90 East for a general business. He added that the building has been completed as the owner was unaware that the property was located within the city limits as the City of Uvalde failed to meet the basic amenities. Jennifer E. Garver, City Manager, added that the City of Uvalde has met the required amenities for that area. Councilman Todd G. Dorris motioned to approve a request from Maria Elena Lara, applicant, to re-zone the property located at 3019 Highway 90 East from Residential-1 (R-1) to Business-2 (B-2). Mayor J Allen Carnes seconded the motion. Motion carried 4-0.

- 9F. Consider and act on a proposal from CDS Muery Services for the Pavement System Assessment and Rehabilitation Project.
Jennifer E. Garver, City Manager, said the proposal, which is a budgeted item, is the first step for the Pavement System Assessment and Rehabilitation Project. Mayor J Allen Carnes motioned to approve the proposal from CDS Muery Services for the Pavement System Assessment and Rehabilitation Project. Councilman Jesse Rodriguez seconded the motion. Motion carried 4-0.
- 9G. Consider and act on the presentation by the City Attorney regarding proposed recommendations to procedures which could be implemented to make newly plated burial plots available to the general public.
Brian Smith, City Attorney, presented proposed recommendations to procedures which could be implemented to make newly plated burial plots available to the general public. He recommended that a fair procedure would be to allow the general public to place a sealed bid on the available plots. Discussion took place regarding the process and procedure needed to start the process and would allow time for the plots to be surveyed. Mario Cruz, citizen, addressed his concern regarding the proposed recommendations. Councilman Jesse Rodriguez stated that he was not comfortable with the proposed changes as it may lead to future discussions. Councilman Todd G. Dorris said he believes that the cemetery should remain the same. Councilman Jesse Rodriguez motioned to deny the proposed recommendations to the procedures leaving all dedicated green area in their current condition as plotted. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.
- 9H. Consider and act to adopt an ordinance creating procedures and setting fees for the sale of land at the cemetery currently designated for landscaping.
Councilman Todd G. Dorris motioned to table Agenda Item 8H. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.
- 9I. Consider and act on the proposed cost estimates for exterior signage at the SSGT Willie De Leon Civic Center.
Jennifer E. Garver, City Manager, said that she received a proposed cost estimate in the amount of \$5,000.00 for the exterior signage at the SSGT Willie De Leon Civic Center from KNR Architects. She added that city staff spoke with a local architect. Discussion took place regarding the various image options. Councilman Stephen E. Balke motioned to a approve image 4 and image 8 for the exterior signage at the SSGT Willie De Leon Civic Center with the contingency that the letters are painted black with the addition that wiring be added to light both structures. Councilman Jesse Rodriguez seconded the motion. Motion carried 4-0.

- 9J. Consider and act on the Uvalde City Council Visioning Retreat to reschedule the date(s) and determine a location.

Mayor J Allen Carnes said that due to a scheduling conflict the Uvalde City Council Visioning Retreat was rescheduled. He added that he would like to have the retreat take place in Uvalde with the possibility of a 1 to 2 day seminar in May. Discussion took place regarding possible dates and locations. Mayor Carnes motioned to schedule the Uvalde City Council Visioning Retreat for April 24, 2013 in Uvalde. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.

- 9K. Consider and act on the following project pay applications:

Pay Application/ Invoice#	Contractor	Amount	Project	Budgeted Account
Dated: February 28, 2013	John S. Graves & Associates, Inc.	\$9,708.00	CBP Uvalde Air Branch Phase I & Phase II	733-00-85-6706

Joe A. Cardenas, Assistant City Manager, said it is staff's recommendation to approve Pay Application dated February 28, 2013, from John S. Graves & Associates, Inc. in the amount of \$9,708.00. Councilman Todd G. Dorris motioned to approve Pay Application dated February 28, 2013, from John S. Graves and Associates, Inc. in the amount of \$9,708.00 for the CBP Uvalde Air Branch Phase I & Phase II project. Councilman Jesse Rodriguez seconded the motion. Motion carried 4-0.

Agenda Item No. 10 – Appointments

- 10A. Consent to the appointment of the following individuals to the Historic Preservation Board established under Chapter 18.01 of the Uvalde Municipal Code.

- i. Hal Harrell
- ii. Elaine Rodriguez
- iii. Tommy Tait

Mayor J Allen Carnes appointed Hal Harrell, Elaine Rodriguez and Tommy Tait to the Historic Preservation Board established under Chapter 18.01 of the Uvalde Municipal Code. Councilman Todd G. Dorris motioned to approve the appointment. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.

Agenda Item No. 11- Discussion

- 11A. Discussion regarding modifications to the current ordinance related to one-way traffic on Mueller Street as requested by Uvalde Consolidated Independent School District.

Discussion was led by Robert MacDonald, Chief of Police regarding modifications to the current ordinance related to one-way traffic on Mueller Street as requested by Uvalde Consolidated Independent School District. He stated that John Harrell, UCISD Acting Superintendent, requested that proposed modifications be made to the current ordinance related to one-way traffic on Mueller Street. Mayor J Allen Carnes said that he would like to get input from UCISD as well as the residents in the area before any modifications are imposed.

- 11B. Discussion regarding the scheduling of a re-dedication of the Willie de Leon Civic Center.

Discussion was led by Jennifer E. Garver, City Manager regarding the scheduling of a re-dedication of the Willie De Leon Civic Center. She stated that she would like to schedule the re-dedication to be held on Memorial Day, Monday, May 27, 2013.

- 11C. Discussion regarding the City's stage restrictions, status of our J27 monitoring well, and search for an alternate source of water.

Discussion was led by Mayor J Allen Carnes regarding the City's stage restrictions, status of our J27 monitoring well, and search for an alternate source of water. He stated that the Water Optimization Review Board Panel met regarding the current stage restrictions and the status of the monitoring well in which discussions were made regarding the addition of another tier to the current ordinance. He said that in doing so it would be more costly if citizens continue to water through the drought. Discussion took place regarding the enforcement of the water schedule as well as the search for an alternate source of water.

- 11D. Discussion regarding the submission of letter to the Texas Department of Transportation for the purpose of identifying options to address the City's traffic congestion.

Discussion by Jennifer E. Garver, City Manager, took place regarding the submission of a letter to the Texas Department of Transportation for the purpose of identifying options to address the City's traffic congestion. She said that she met with Phil Wilson, Director of the Texas Department of Transportation, regarding the city's traffic congestion. She added that Mr. Wilson suggested that the city submit a letter or a resolution stating that a bypass is a priority for the community. Discussion took place regarding other TxDot concerns as well as the Anderson Lane lighting project which was approved but not funded.

Adjournment

Councilman Todd G. Dorris motioned for adjournment. Councilman Stephen E. Balke seconded the motion. Meeting adjourned at 8:17 p.m. Motion carried 4-0.

J Allen Carnes, Mayor

Larissa Rodriguez, City Secretary