

STATE OF TEXAS }
COUNTY OF UVALDE }
CITY OF UVALDE }

BE IT REMEMBERED, that the City Council of the City of Uvalde, Texas, met in a Regular Meeting at 6:00 p.m. on Tuesday, May 28, 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
Robert MacDonald	Chief of Police
Juan Zamora	Utility Director
Susan Anderson	Historic Preservation Officer
Olga Charles	Main Street Manager/Opera House Manager
Andrew Hagen	Municipal Court Judge

Agenda Item No. 1 – Call meeting to order

Mayor J Allen Carnes called the meeting to order at 6:00 p.m. Mayor Carnes took the opportunity to thank staff and everyone involved who helped and assisted the event for the rededication of the Willie De Leon Civic Center on Memorial Day.

Agenda Item No. 2 – Invocation

Councilman Stephen E. Balke, the led invocation.

Agenda Item No. 3 – Pledge of Allegiance

Mayor J Allen Carnes led the Pledge of Allegiance

Agenda Item No. 4 – Minutes

4A. Consider and act on the minutes of the Monday, May 13, 2013, Special City Council Meeting.

Mayor J Allen Carnes motioned to approve the minutes of the Monday, May 13, 2013, Special City Council Meeting. Councilman Stephen E. Balke, seconded the motion. Mayor Pro-Tem Rogelio M. Munoz abstained from the vote. Motion carried 5-1-0.

- 4B. Consider and act on the minutes of the Tuesday, May 14, 2013, Regular City Council Meeting.

Councilman Jesse Rodriguez motioned to approve the minutes of the Tuesday, May 14, 2013, Regular City Council Meeting. Councilman John H. Flores, Jr. seconded the motion. Mayor Pro-Tem Rogelio M. Munoz abstained from the vote. Motion carried 5-1-0.

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.

Chris Reyes Mendeke, former Mayor Roy Luevano, Domingo Rodriguez and former Mayor John Harrell will address Agenda Item 7A during the Public Hearing.

Agenda Item No. 6 - Bills

- 6A. Consider and act on payment of bills over \$5,000.00 from May 9, 2013 thru May 22, 2013.

City Manager, Jennifer Garver, recommended payment of bills from Pollution Control for PCS Sample Identification for the Sewer Department in the amount of \$5,499.00; payment to Merket Industries for repair and replacement of Baseball Kolinek Field Lighting System for the Parks Department in the amount of \$5,655.00; and Professional Turf Product for Hyd. Filter Hyd. Pump, and O-ring for the Parks Department in the amount of \$6,830.35. Motion made by Mayor Pro-Tem Rogelio M. Munoz. Councilman Stephen E. Balke seconded the motion. Motion carried 6-0.

Agenda Item No. 7 - Public Hearing

The City Council for the City of Uvalde, Texas, opened the public hearing at 6:05 p.m.

- 7A. Public hearing regarding the proposed location of the Humane Society of Uvalde to allow for the construction of a new animal shelter at Memorial Park.

Chris Reyes Mendeke, citizen, addressed Mayor and Council and explained that she is not against animals but she is 100% against having the proposed location for the Humane Society at Memorial Park. First, it would be an insult to veterans to have an animal shelter located across the street from the Civic Center. Secondly, property values in the neighborhood and direct abutters would be devalued.

Former Mayor Roy Luevano spoke next stating that there needs to be a better location for the Humane Society than next to the Civic Center and Memorial Park. He suggested the previous site on Highway 83 North. He went on to state that the location of Humane Society will not accept animals from citizens but only from animal patrol which will not reduce the number of roaming dogs and cats.

He fears that the Resolution adopted by City Council in February of this past year commits the City to "supporting" the Humane Society which may be interpreted to mean financial support.

Domingo Rodriguez, citizen, voiced his concern that the proposed location of the Humane Society will be a disgrace to the veterans represented at the Civic Center and the Memorial Park.

Former Mayor John Harrell addressed Mayor and Council on behalf of Lois Cap who is interested in offering once acre of land to the Humane Society for the proposed building which would offer more space than the downtown location. The land is situated north of Wintergarden Produce.

The City Council for the City of Uvalde, Texas, closed the public hearing at 6:15 p.m.

Agenda Item No. 8 – New Business

- 8A. Consider and act on a Water Variance Application from Current Critical Period Stage Water Restrictions for F. A. McComas, Inc. for property situated at the Uvalde Plaza, 2300 E. Main Street Uvalde.
Jennifer E. Garver, City Manager said it is staff's recommendation to approve the Water Variance to enable the Uvalde Plaza to power wash and paint the plaza. Mayor Pro-Tem, Rogelio M. Munoz made a motion to approve the variance. Councilman Chip King seconded the motion. Motion carried 6-0.
- 8B. Consider and act on authorizing staff to publish a Request for Proposal for the leasing of unrestricted Edwards Aquifer groundwater rights.
Joe Cardenas, Assistant City Manager, explained that the City of Uvalde, Texas is interested in leasing for calendar year 2013 unrestricted and transferable Edwards Aquifer groundwater rights. Notice will be published on June 2 and June 9, 2013. Bids will be accepted up and until June 25, 2013.
- 8C. Consider and act on an Outside City Limit and first time utility services request by Carl Esser in regards to Uvalde County TCDP Project # 711315.
Joe Cardenas, Assistant City Manager and Carl Esser of Esser & Company addressed Mayor and Council recommending the approval of the Request for Outside City Limits first Time Water & Sewer Service for residents that will benefit from the TxCDBG #711315 Colonia Grant Project and Construction Fund which is part of a Texas Department of Agriculture Grant for \$500,000.00 for US Highway 90W. Sixteen (16) meter hookups will be approved with eight (8) families initially receiving services. Mayor Pro-Tem Rogelio M. Munoz made a motion to approve the Outside City Limit request for Uvalde County TCDP Project #711315. Councilman Stephen E. Balke seconded the motion. Motion carried 6-0.

- 8D. Consider and act on the execution of an agreement with the Texas Water Development Board for a regional groundwater resource development planning grant in the amount of \$44,000.
Jennifer E. Garver, City Manager recommended executing the final contract with the Texas Water Development Board for a regional groundwater resource development planning grant. Contract has been reviewed by City Attorney. Executing this contract will begin the secondary source study. Mayor J Allen Carnes made a motion to approve agenda item 8D. Councilman John H. Flores, Jr. seconded the motion. Motion carried 6-0.
- 8E. Consider and act on the request of Vicente Gonzales and Jamie Johnson permission to use the soccer field at the Sports Complex on Garner Field Road for the purpose of a fireworks display on July 4, 2013.
Withdrawn from Agenda by Applicant.
- 8F. Consider and act on a request by Debra Stifflemire of the Uvalde Convention & Visitors Bureau to waive the requirement of payment of a permit fee for vendors during the Hotter than Hell 100 mile yard sale along Highway 90 from Castroville to Brackettville during the weekend of August 2-4th.
Debra Stifflemire of the CVB made a request that the permit fee for vendors during the Hotter than Hell 100 mile yard sale along Highway 90 from Castroville to Brackettville during the weekend of August 2nd through 4th be waived in order to encourage visitors to downtown Uvalde, have local retailers stay open longer and benefit occupancy at local area hotels. Councilman Stephen E. Balke made a motion to approve waiving the permit fee. Mayor J Allen Carnes seconded the motion. Motion carried 6-0.
- 8G. Consider and act on a proposal from RPS Espey to perform water & wastewater cost of service and rate design study for the City of Uvalde.
Jennifer E. Garver, City Manager explained that there is \$20,000 in the budget for a utility rate study. A quote from RPS Espey has been received. Sanitation and Gas is not part of the study. Only water and wastewater rates will be studied to create a model for future rate changes. Ms. Garver will look into seeing if OCL data will be part of the study. Mayor J Allen Carnes made a motion to approve the proposal from RPS Espey. Councilman Jesse Rodriguez seconded the motion. Motion carried 6-0.
- 8H. Consider and act on the following project pay application:

Pay Application/ Invoice#	Contractor	Amount	Project	Budgeted Account
Ongoing	CDS MUERY ENGINEERS	\$39,085.00	Pavement System Assessment/Rehab Study	100-31-00-67-06

Jennifer Garver, City Manager read a statement into the minutes from CDS Muery Engineers status report. Councilman Jesse Rodriguez made a motion to

approve Agenda Item 8H pay application. Councilman Chip King seconded the motion. Motion carried 6-0.

Agenda Item No. 9 - Discussion


- 9A. Discussion regarding request from Edwards Aquifer Authority to place telemetry antennae on the City of Uvalde Water Tower.
Jennifer E. Garver, City Manager reviewed Edwards Aquifer Authority's request to rent in consideration of placement of a telemetry antennae on the City of Uvalde Water Tower in order to obtaining readings for exempt well owners. Juan Zamora, Utility Director, explained that there is currently 5 antennae in place on the tower. Additional antennas on the tower will affect City communications. The maintenance of the antennae are another issue to consider since City employees need to recheck the City's antennae after third party maintenance work is completed on the towers. Brian Smith, City Attorney, explained that the City may be stepping out of its propriety function by renting the tower and could in fact be waiving its governmental immunity. Other proposed locations would be the tower on the north side of town near the Honey Bowl or private locations in town.
- 9B. Discussion on the Historic Preservation Board's Bed & Breakfast Ordinance.
Susan Anderson, Historic Preservation Officer, addressed Mayor and Council with the revisions to the Bed and Breakfast Ordinance. Ms. Anderson stated the revisions made to the Ordinance state that management in the R1 residential zones shall be "owner occupied" and may be "manager occupied" in all other zoning districts. Language restricting only overnight guests as being able to receive meals has been deleted as well as the requirement for weddings to be pre-approved by the Planning Director or the Assistant City Manager. Bed & Breakfasts are good for Uvalde and help property owners make income off their property as well as giving them the incentive to fixing up their properties and increasing property values. This has had the same affect in the residential areas as well making it economically feasible to keep up the larger residences. In addition, tourists that stay in Bed & Breakfasts stay longer and spend more money versus hunters or river tourists. Bed & Breakfasts will be charging hotel and motel taxes to give the City more tax dollars, increase property values, and increase tourism.
- 9C. Discussion regarding nominations to fill vacancies as voting members of the South Central Texas Regional Water Planning Group for the following interest areas: River Authorities, Water Districts, Water Utilities, Counties, Industries, Agricultural Small Business and Public.
Jennifer E. Garver, City Manager received the notice of vacancies in the regional planning group and, in light of the secondary source of water planning, this group is the one that makes the decisions and planning in the water cycle and advises the Texas Water Development Board. Mrs. Garver suggested that the Council may want to make nominations to the South Central Texas Regional

Water Planning Group so that we have representation. Mayor J Allen Carnes explained these regional planning groups will be having a lot of authority and would like Ms. Garver to get more information regarding pending vacancies.

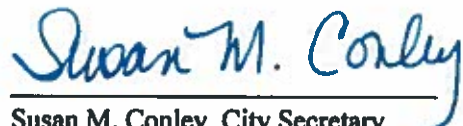
- 9D. Discussion regarding the status of the City's application to the Uvalde Underground Water Conservation District to drill a nonexempt Buda Limestone well.
Joe Cardenas, Assistant City Manager, to date the City has provided all information requested in-hand to the Conservation District to enable them to make a determination or call a special meeting.
- 9E. Discussion regarding the proposed location of the Humane Society of Uvalde to allow for the construction of a new animal shelter at Memorial Park.
Mayor J Allen Carnes restated that he brought the idea of the proposed site to the Humane Society of Uvalde. Councilman John H. Flores, Jr. spoke with over 80 constituents and only had 3 positive responses after his query of the idea of the new location for the shelter. Councilman Stephen E. Balke spoke with over 20 constituents and received only negative comments. Mayor Carnes stated Council cannot consider going forward on the Memorial Park site when factoring in the public response.
- 9F. Discussion by Kaity Kelsey of the Uvalde Convention & Visitors Bureau regarding a policy change to require non-profits to provide proof of their exemption status at time of application for booking at the Willie De Leon Civic Center.
Kaity Kelsey from the CVB addressed Mayor and Council and stated that it was the Uvalde Convention & Visitors Bureau Board's expectation that a form be produce by non-profits to prove their exemption status when booking facilities at the Willie De Leon Civic Center. City Attorney, Brian Smith, suggested that the word "documentation" could be used as a less narrow interpretation to enable long standing groups that may not have proper 501-C exempt paperwork from being foreclosed from using the facility for free. Mayor Pro-Tem Rogelio M. Munoz, was in favor of this idea as well.
- 9G. Discussion by Kaity Kelsey of the Uvalde Convention & Visitors Bureau regarding a policy change to prohibit baby showers and bridal shower celebrations from the Cactus Room at the Willie De Leon Civic Center.
Kaity Kelsey from the CVB addressed Mayor and Council and explained the need for the policy change to prohibit baby shower and bridal shower celebrations from the Cactus Room at the Willie De Leon Civic Center. The cost of staff for clean-up and wear and tear on the room is not covered by the current deposit fee. The original intent of the Cactus room was business oriented meetings. Councilman John H. Flores, Jr. and City Attorney Brian Smith suggested that the deposit fees be increased to cover costs of clean-up and hopefully discourage damage by parties that rent the facility.

Agenda Item No. 10 Adjournment

Councilman John H. Flores, Jr. motioned for adjournment. Mayor Pro-Tem Rogelio M. Munoz seconded the motion. Meeting adjourned at 7:20 p.m. Motion carried 6-0.



J Allen Carnes, Mayor



Susan M. Conley, City Secretary