

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 12, 2013, with the following members present:

J Allen Carnes	Mayor
Jesse Rodriguez	Councilmember
John H. Flores, Jr.	Councilmember
Stephen E. Balke	Councilmember

Also present:

Jennifer E. Garver	City Manager
Joe A. Cardenas	Assistant City Manager
Paige Saenz	McKamie Krueger & Knight, City Attorney (via Video Conference)
Andrew Hagan	Municipal Court Judge
Juan Zamora	Director of Utilities and Sanitation
Joe Jarosek	Director of Public Works
Steve Pike	Streets Supervisor
Rick Lara	Building Official
Mariano Pargas	Uvalde Police Department
Clint Baack	Director of Parks and Recreation
LeeAnn Ortiz	Director of Finance
Susan Anderson	Historic Preservation Officer
Olga Charles	Main Street Manager/Opera House Manager

Agenda Item No. 1 – Call Meeting to Order

Mayor J Allen Carnes called the meeting to order at 6:05 p.m.

Agenda Item No. 2 - Invocation

Councilman Jesse Rodriguez led the 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 Tuesday, October 22, 2013, Regular City Council Meeting.

Councilman Stephen E. Balke motioned to approve the Minutes of the October 22, 2013 Regular City Council Meeting. Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.

Agenda Item No. 5 - Award

- 5A. Acknowledge that the City of Uvalde, Texas has received the Distinguished Award of Financial Reporting Achievement from the Government Finance Officers Association (GFOA). The Distinguished Award of Financial Reporting Achievement has been presented to the Finance Department, City of Uvalde.
Mayor J Allen Carnes presented the award to LeeAnn Ortiz, Director of Finance and the entire Finance Department congratulating them on earning the Distinguished Award of Financial Reporting Achievement from the Government Finance Officers Association

Agenda Item No. 6 – Citizen’s Input

- 6A. 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.
There was no public comment.

Agenda Item No. 7 – Bills

- 7A. Consider and act on payment of bills over \$5,000.00 from October 17, 2013 thru November 6, 2013.
Motion made by Mayor J Allen Carnes to approve payment of bills over \$5,000.00 from October 17, 2013 thru November 6, 2013. Motion seconded by Stephen E. Balke. Motion carried 4-0.

Agenda Item No. 8. - Proclamation

- 8A. A proclamation for the Girl Scouts Troop 4199 service project naming December 6, 2013 “Pissog Day”, a day to turn gossip around.
Mayor J Allen Carnes presented a Proclamation to Girl Scouts Troop 4199 naming December 6, 2013 Pissog Day.
- 8B. A proclamation to acknowledge participation by Southwest Texas Junior College in “Accelerate Texas Week” commencing November 11, 2013.
Mayor J Allen Carnes presented a Proclamation to Southwest Texas Junior College naming Accelerate Texas Week commencing November 11, 2013.

Agenda Item No. 9 – Public Hearing

- 9A. Public Hearing concerning the draft Vision Statement and Strategic Priorities for the City of Uvalde discussed at the Strategic Planning Retreat held on August 26 and 27th, 2013 at River Rim Resort in Concan Texas.
There was no public comment during the Public Hearing.

Agenda Item No. 10 – Appointments

Mayor J Allen Carnes made the following appointment to the Historic Preservation Board. Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.

Historic Preservation Board

Chad Foster to fill the unexpired term of Bobby Studer

Mayor J Allen Carnes made the following appointment to the Planning and Zoning Board Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.

Planning and Zoning Board

Kelly Faglie
Kelly Love
Joe Suarez

Mayor J Allen Carnes made the following appointment to the Main Street Board. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.

Main Street Board

Marlow Downey
Roland Garcia
Kanani Gutierrez
Melissa Martinez

Agenda Item No. 11 - Report

- 11A. Report by Tom Gaff from Texas Department of Transportation, with an update and timeline for work being completed along Highway 55.

Tom Gaff from Texas Department of Transportation reported on the State Highway 55 project, storm drains and sidewalks will be constructed, 2 lane traffic will be rebuilt with a middle turn lane. Project went to bid in July and Ray Ferris will be the contractor from San Antonio. The contract was signed in September with a start dated usually 60 days from the signing to commence November 19th. However, Mr. Ferris has stated that he has had issues with the subcontractors and wants to suspend commencement of the work until January 2, 2014. The project will last 12 to 14 months. The scope of the project will initially include widening towards the northside of the road and building the south side of the road and building a trunk line and then switching sides to build the opposite side; finishing up with sidewalks on both sides. This is a job that has some utility adjustments with AEP, AT&T and Time Warner. The engineer's estimate was \$3.3million and bids came in around \$3 million so we are under budget. Engineers estimate on the City's portion was around \$45,000 and the bids that came in on the City's portion were around \$33,000.00.

- 11B. Report from Debra Stifflemire, Executive Director, of the Uvalde Convention & Visitors Bureau regarding 4th Quarter Reports.

Debra Stifflemire, Executive Director, of the Uvalde Convention & Visitors Bureau presented the 4th Quarter Reports. The hotel motel tax collections came in at \$91,074.73 which was down by last year's 3rd quarter collections by \$26,467.44 which included the months of April through June. Hotel occupancy rate averages shown to be 56% for this quarter. Our profit and loss report for the 4th quarter of this year shows income in the amount of \$91,246.25; expenses in the amount of \$68,124.51 with a net income in the amount of \$23,126.74. As of September 30, 2013, total liabilities and equity on the balance sheet is \$374,870.37.

- 11C. Report from Brittany Kennedy, Civic Center Manager, with 4th Quarter Reports *Brittany Kennedy with the Uvalde Convention & Visitors Bureau and Willie de Leon Civic Center reported on the 4th Quarter Civic Center Income Collections. For the 4th Quarter, the Civic Center Income Collections came in at \$23,810. The collections were from business beginning in July and ending September 30th. There were 25 income generating events, 46 non-income generating events and 12 city sponsored events for a total of 71 events held.*

Agenda Item No. 12 – New Business

- 12A. Consider and act on a Resolution adopting the Vision Statement and Strategy Priorities for the City of Uvalde discussed at the Strategic Planning Retreat held on August 26 and 27th, 2013 at River Rim Resort in Concan Texas.
Francisco Gonima from Arquero Consulting, LLC recommended to Council moving forward with adopting the Resolution and to continually involve the citizens of Uvalde and to have public input in order to have the statement be validated by the community. Mayor J Allen Carnes agreed that this was the process in order to move forward. Mayor J Allen Carnes made a motion to adopt the Resolution for the Vision Statement and Strategy Priorities for the City of Uvalde discussed at the Strategic Planning Retreat held on August 26 and 27th, 2013 at River Rim Resort in Concan Texas. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.
- 12B. Consider and act on an Ordinance creating a Strategic Planning Committee.
Jennifer E. Garver, City Manager in working with the City Attorney, felt that there should be a platform for community involvement once the vision statement was in place. This is an ordinance to create a Strategic Planning Committee which would be composed of one City Councilmember and then one representative from each of the districts with Mayor having a vote for an appointment. It would be ideal to have each Councilmember appoint one person from their district to create community involvement. The next step would be for one of the Councilmembers to volunteer to head the Committee and then also to have names of citizens willing to serve from each district. Mayor J Allen Carnes made a motion to approve the Ordinance creating the Strategic Planning Committee. Councilman Jesse Rodriguez seconded the motion. Motion carried 4-0.
- 12C. Consider and act on a Resolution creating a Finance Committee.
Jennifer E. Garver, City Manager explained that the Finance Committee would be different in that it would require three City Councilmembers, two staff members and the City Manager as an ex-officio member to make recommendations on the budget. It would be more of a working group and not a citizens committee. The mayor would appoint the three City Councilmembers. The vacancies would be refilled after elections as needed. Motion made by Councilman Jesse Rodriguez to adopt the Resolution to create a Finance Committee. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.
- 12D. Consider and act on an Outside the City Limits Application for Utility Service (OCL) for Robert Sanchez for water services at 2375 FM 117, Uvalde.
Jennifer E. Garver, City Manager said it was staff's recommendation for approval of the application of Robert Sanchez for water services at 2375 FM 117, Uvalde. Councilman Jesse Rodriguez made a motion to approve the OCL application for Robert Sanchez for water services at 2375 FM 117, Uvalde. Mayor J Allen Carnes seconded the motion. Motion carried 4-0.

- 12E. Consider and act on a Water Variance Application from Current Critical Period Stage Water Restrictions for Elsa M. Crawford at 116 E. Bluebonnet, Uvalde to be able to power wash home and patio.
Jennifer E. Garver, City Manager said it was staff's recommendation to approve the Water Variance Application for Elsa M. Crawford at 116 Bluebonnet, Uvalde to power wash her home and patio. Mayor J Allen Carnes made a motion to approve the Water Variance Application. Councilman Stephen E. Balke seconded the Motion. Motion carried 4-0.
- 12F. Consider and act on a Resolution by the City of Uvalde Opposing Exportation of Groundwater Resources from the Region.
Councilman John H. Flores made a motion to approve the Resolution by the City of Uvalde Opposing Exportation of Groundwater Resources from the Region. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.
- 12G. Consider and act on appointing a spokesperson regarding the Groundwater Resolution and setting parameter for the spokesperson.
J Allen Carnes, Mayor stated that there is a meeting next week at SAWS with regional partners. Along with Raul Flores Commissioner from the County, John Yeakel has received approval from Commissioner's Court to speak at the meeting. Mayor would like to appoint John Yeakel as spokesperson for the City of Uvalde solely for purposes of the Resolution with the upcoming meeting with SAWS. Motion made by Councilman Stephen E. Balke to appoint John Yeakel as spokesperson for the Groundwater Resolution meeting with SAWS. Councilman Jesse Rodriguez seconded the motion. Motion carried 4-0.
- 12H. Consider and act on an Amending Ordinance 2012-08 to correct the speed limit along Highway 90.
This is an ordinance correcting a mile point designation along Highway 90. Mayor J Allen Carnes made a motion to approve the Ordinance Amending Ordinance 2012-08. Councilman Stephen E. Balke seconded the motion. Motion carried 4-0.
- 12I. Consider and act on an Advance Funding Agreement for Voluntary construction & Maintenance between the City of Uvalde and Texas Department of Transportation for Trail Maintenance along US 90 and FM1023.
This advance funding agreement allows the City to build over the Texas Department of Transportation's right-of-way along US 90 and FM1023 for the construction and the maintenance of the trail. J Allen Carnes, Mayor made a motion to approve the Advance Funding Agreement. Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.
- 12J. Consider and act on 90 West Contractors, Ltd. Change Order Request #5 for the Kiwanis Park & Recreational Trail System.
The architect John Williams and Joe Jarosek, Director of Public Works explained the project and change order #5 which calls for the redesign of the drainage apron to make it ADA compliant. J Allen Carnes, Mayor made a motion to approve 90 West Contractors

Change Order Request No. 5 for the Kiwanis Park & Recreational Trail System. Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.

12K. Consider and act on the following project pay application(s):

Pay Application/ Invoice#	Contractor	Amount	Project	Budgeted Account
1310126	CDS Muery	\$6,125.00	Pavement System Assessment Rehab Study	
3	90 West Contractors, LTD	\$107,716.85	Kiwanis Park & Recreational Trail System	
6	Frontera Construction, LLC	\$104,191.02	CBP Uvalde Air Branch Phase II	

Motion made by J Allen Carnes, Mayor to approve pay application to CDS Muery in the amount of \$6,125.00. Motion was seconded by Councilman Jesse Rodriguez. Motion carried 4-0.

Motion made by Councilman Stephen E. Balke to approve pay application to 90 West Contractors in the amount of \$107,716.85. Councilman John H. Flores, Jr. seconded the motion. Motion carried 4-0.

Motion made by Councilman John H. Flores, Jr. to approve pay application to Frontera Construction, LLC in the amount of \$104,191.02. J Allen Carnes, Mayor seconded the motion. Motion carried 4-0.

Agenda Item No. 13 – Discussion

13A. Discussion by Councilman Jesse Rodriguez regarding proposed changes to update Chapter 12.28 Civic Center Ordinance.

Councilman Jesse Rodriguez recently met with Ms. Brittany Kennedy, Civic Center Manager and Debra Stifflemire, Executive Director, of the Uvalde Convention & Visitors Bureau to review the Civic Center Ordinance. They made notations and suggestions to correct the ordinance addressing matters that were out of date or no longer applied. Staff will take the comments under review with City attorney and make the necessary changes to correct the ordinance and bring it back to City Council for review and action.

13B. Discussion by Uvalde Police Lieutenant Mariano Pargas regarding Principal James Butler’s request for a one-way traffic control off Old Carrizo Road in front of Robb Elementary and a 4-way stop at the corner of Geraldine and Old Carrizo Road.

Uvalde Police Lieutenant Mariano Pargas spoke to City Council concerning the traffic concerns in front of Robb Elementary. He discouraged the idea of using a four-way stop but suggested no parking and no-loading zones along West Geraldine as well as one way traffic on Old Carrizo Road between the hours of 7:00 a.m. to 8:15 a.m. and then from 3:00 p.m. to 4:00 p.m. would help address the schools traffic safety needs that would benefit the students enrolled at the school. Staff agreed to work on drafting an ordinance to address the traffic needs at Robb Elementary.

- 13C. Discussion by Assistant City Manager, Joe Cardenas, regarding updating the current City Ordinance regarding Dangerous Buildings and Substandard Buildings.
Rick Lara, City Building Official and Assistant City Manager, Joe Cardenas discussed the current city ordinance with City Attorney. A few comments were presented to include the addition of the Fire Marshal as part of the enforcement process, the addition of time limitation regarding the boarding up of structure to include 90 days and permitting to include mechanical work. This ordinance will be brought back before City Council for action at the next meeting.
- 13D. Discussion by Susan Anderson, Historic Preservation Officer, regarding tax incentives for local downtown historic landmarks.
Susan Anderson, Historic Preservation Officer would like the City to adopt what the County is currently offering as a tax incentive for the downtown historic district. The County offers a tax incentive in the amount of 25% off the appraised value of improvements of Registered Historical Landmarks. Mrs. Anderson would like to propose the City match this by using the criteria that the property must be a local landmark. Ms. Anderson agreed to draft a proposed Ordinance for review and consideration by the City Council
- 13E. Discussion by Joe Cardenas, Assistant City Manager, regarding use of motorized vehicles on sidewalks and in parks.
Joe Cardenas addressed City Council concerning Mr. Hector Olivarez's use of the City's trailways and Memorial Park paths for his motorized train for children's birthday rides. Specifically, questions concerning right of way issues with pedestrians and liability issues for the City were discussed with City Attorney. City Attorney advised stopping the use of the trails for motorized vehicles. City Attorney suggested having lease or license agreements between the City and the Vendors as an added protection to governmental immunity. Mayor felt that the City should have guidelines but not to make them so restrictive as to prevent Mr. Olivarez' or others use of the park and trail ways. Having the City named as an additional insured on vendors insurance would benefit the City.
- 13F. Discussion regarding the Skatepark (requested by J Allen Carnes, Mayor).
J Allen Carnes, Mayor wanted to discuss how we spend the money that we have appropriated for the project and give city staff direction as to time guidelines and decisions about moving forward. There is an existing slab at Memorial Park that could be retrofitted with concrete elements. The extra money could be used to lay down asphalt for a basketball court over near the Sahawe Indian building. The location suggested was the skate park over on the west park at the old volley ball courts. Discussion on the skate park will be continued at the next City Council meeting.

Agenda Item No. 14 – Executive Session

The City Council for the City of Uvalde convened into Executive Session at 7:42 p.m.

- 14A. 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 Sections §551.074 (Personnel Matters).

Agenda Item No. 15 – Reconvene from Executive Session

The City Council for the City of Uvalde reconvened from Executive Session at 8:05 p.m.

Agenda Item No. 16 - Adjournment

Motion by Councilman John H. Flores, Jr. for adjournment. Motion seconded by Councilman Stephen E. Balke. Motion carried 4-01. City Council meeting was adjourned at 8:05 p.m.

City of Uvalde

J Allen Carnes, Mayor

Attest:

Susan M. Conley, City Secretary