

Minutes
Regular Council Meeting
March 15, 2016

On this 15th day of March 2016, at 6:00 p.m., the City Council of the City of Devine convened in a Regular Meeting; the same being opened to the public at their regular meeting place; thereof, at City Hall, 303 S. Teel Drive, Devine, Texas. Notice of said Meeting having been prescribed in Chapter 551, Government Code, and Vernon's Texas Codes, Annotated, and the following members being present:

Mayor William L. Herring
Alderman Hal Lance
Alderwoman Kathy Wilkins
Alderman Steve A. Lopez
Alderman David Espinosa

Absent being Alderman David Valdez, thus, constituting a quorum.

Personnel present: Joe Ramos, City Administrator; Dora V. Rodriguez, Assistant City Administrator/ City Secretary; Denise Duffy, City Accountant; Tom Cate, City Attorney; Mary Badillo, City Financial Advisor; Kandy Benavidez, Police Chief; Chris Andrews, Lieutenant; Marcus Alexander, School Resource Officer; Ismael Carrillo, Public Works Director; Barbara Moore, Library Director; and Ofilia Pedroza, UB Clerk.

Others present: Marly Davis, Devine News; Steven Santana, Medina Valley Times; Pastor Mike Barrera, First Baptist Church; Roland Ruiz, EAA; Rick Illgner, EAA; Bruce Alexander, EMCSUD; Anthony Rodriguez, San Antonio; Cindi Billebault, Devine Food Pantry; Margaret Koehler; Doug Trott; Scott Sostarich; Douglas Goodwell; Derrick Byrd, Devine High School; Sonia J. Lance; and Charles West, of Devine, Texas.

Mayor Herring presiding, called the meeting to order. Pastor Mike Barrera delivered the Invocation and Mayor Herring led the Pledge of Allegiance.

The first order of business was the Visitor/Citizens Forum.

Charles West addressed Council and expressed his concerns over Rossville Road still not finished. He and his neighbors would like to see it completely paved and not just done halfway.

The second order of business was Recognition.

Mayor Herring recognized Alderman Hal Lance for having had a birthday late last month.

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The third order of business was to discuss and consider Approval of Minutes: Regular Meeting, February 16, 2016.

Council reviewed minutes.

Motion by Alderman Espinosa, seconded by Alderman Lopez to Approve Minutes, Regular Meeting February 16, 2016.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The fourth order of business was Informational Items.

- Chief of Police Kandy Benavides addressed City Council and recognized Marcus Alexander, School Resource Officer, for doing an excellent job with the Shattered Dreams Program held at Devine High School on March 7, 2016, and expressed how the Devine Police Department and Devine ISD are very proud of him. Derrick Byrd, Principal of Devine High School, also added to the recognition and told Council that it's not just that the students and Officer Alexander put on a good program but it's about the kind of person that Officer Alexander is and how he is with the students at school. He stated, "He is good at what he does but the best thing about Officer Alexander is the way he is with kids. He cares and that's very evident in everything that he does. We're very blessed to have him."
- Chief Kandy Benavides also informed Council that they will be having a Warrant Roundup on March 24, 2016. She briefly explained her plan of action so that hopefully we can do as well as we did last year.

The fifth order of business was to discuss and consider authorizing the City Administrator to sign the application to amend the City's Acre Feet with the Edwards Aquifer Authority.

Mayor Herring announced we had representatives from the Edwards Aquifer Authority and East Medina County Special Utility District present and introduced Roland Ruiz, EAA General Manager; Rick Illgner, EAA Director, and Bruce Alexander, EMCSUD Superintendent, to the City Council, and thanked them for being here.

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City Administrator Joe Ramos then gave Council two Power Point presentations on our two Edwards Aquifer wells; the first one being about a cost savings program that we were made aware of and we would like to participate in, and the second one about a revenue maker.

Council held discussion with City Administrator Joe Ramos regarding leases; our water is not tied up to any leases. The only thing changing is the classification of the permits and not having to pay management fees on 230 acre feet of water.

Motion by Alderman Espinosa, seconded by Alderwoman Wilkins to authorize the City Administrator to sign the application to amend the City's Acre Feet with the Edwards Aquifer Authority.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The sixth order of business was to discuss and consider authorizing the City Administrator to apply for an EAA Aquifer Storage & Recovery (ASR) Lease Enrollment Application.

This was the revenue maker part of Mr. Ramos' presentation. Mr. Bruce Alexander, EMCSUD Superintendent, addressed City Council again and discussed the EAA Aquifer Storage & Recovery (ASR) Lease, which would go towards the regional water supply used for times of drought. He explained that if the City of Devine were to do this, it would be a great investment and we would save up to \$61,000.00 for the year 2016.

City Administrator and Council discussed doing this as a one-year term agreement and renewing after each term.

Motion by Alderman Lopez, seconded by Alderman Lance to authorize the City Administrator to apply for an EAA Aquifer Storage & Recovery (ASR) Lease Enrollment Application.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

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Motion carried.

The seventh order of business was to discuss and consider Trends by the Financial Advisor.

City Financial Advisor Mary Badillo addressed City Council and briefly went over the following highlights of each page of the Trends:

- Page 1 – General Fund Revenue vs. Operating Expenses
- Page 2 – General Fund Operating Income
- Page 3 – General Fund Revenue Comparison
- Page 4 – General Fund Revenue by Source
- Page 5 – Property Tax Assessed Valuation
- Page 6 – Trend in Sales Tax Revenue
- Page 7 – Trend in Franchise Tax Revenue
- Page 8 – Trend in Municipal Court Revenue
- Page 9 – General Fund Operating Expenses
- Page 10 – General Fund Operating Expenses
- Page 11 – Water & Sewer Fund Revenue vs. Operating Expenses
- Page 12 – Five Year Summary of Operating Results

Ms. Badillo informed Council that due to the Sales Tax increase (thanks to Walmart), it caused the Property Tax decrease in the percentage of pie only.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to approve Trends by the Financial Advisor.

Trends attached as Exhibit A.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The eighth order of business was to discuss and consider Audit Report/Management Letter by the Auditor.

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Mr. Steven Horton addressed City Council and went over the Management Letter and discussed the Audit Report in detail, and gave the City of Devine an A+ rating. Following are some of the highlights he went over with Council:

- Pages 2-3 – Auditor’s Opinion Letter. Explained there are no qualifications, accessions or irregularities to report to Council.
- Pages 5-12 – Management’s Discussion & Analysis. Was able to compare dollars to dollars from 2014 to 2015; what goes on in various funds.
- Page 13, Exhibit A-1 – Statement of Net Position is the balance sheet of the City of Devine as September 30, 2015.
- Page 18, Exhibit C-3 – Statement of Revenues, Expenditures, and Changes in Fund Balance Governmental Funds for the year ended September 30, 2015.
- Page 21, Exhibit D-2 – Statement of Revenues, Expenses, and Changes in Fund Net Position Proprietary Funds for the year ended September 30, 2015.
- Page 41, Exhibit E-1 – Schedule of Revenues, Expenditures and Changes in Fund Balance Budget and Actual General Fund for the year ended September 30, 2015. This is based on the Budget presentation that is required to show Original Adopted Budget, Final Budget made after amendments, Actual Amounts and the comparison to see if the City went over or under budget.
- Federal Section – Recordings based on the Home Grant Money brought in. Because of the Home Program bringing in over \$500,000.00 in federal funds, it created additional audit procedures.

Motion by Alderman Lance, seconded by Alderman Espinosa to approve Audit Report/ Management Letter by the Auditor.

Audit Report/Management Letter by the Auditor attached as Exhibit B.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The ninth order of business was to discuss and consider accepting Contract with Coleman, Horton & Company, LLP for September 30, 2016 Audit.

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Council held brief discussion.

Motion by Alderman Espinosa, seconded by Alderman Lopez to accept Contract with Coleman, Horton & Company, LLP for September 30, 2016 Audit.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The tenth order of business was to discuss and consider request made by the Devine Food Pantry Ministry/Cindi Billebault.

Ms. Billebault, Devine Food Pantry Volunteer/Representative briefed City Council at length about the history and services of the Devine Food Pantry Ministry. She asked them if they would consider a \$5,000.00 donation.

Lengthy discussion was held by Mayor and Council about postponing this request until they've looked at the financial situation.

City Attorney Tom Cate informed Council that they cannot donate any money to any organization. He stated that if they were to enter into a contract with the Devine Food Pantry, it wouldn't exactly be a donation but they can't just give money; public tax dollars cannot be donated. He said he will also look into the fact that the Devine Food Pantry is a 501 C3 organization and how it would impact them by accepting a contractual amount from the City of Devine being a non-profit organization. There are many questions to be answered.

Motion by Alderwoman Wilkins, seconded by Alderman Lance to postpone a decision until legal questions are answered by City Attorney Tom Cate regarding the request made by the Devine Food Pantry Ministry for the sum of \$5,000.00

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

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The eleventh order of business was to discuss and consider authorizing the City Administrator to sign Letter of Agreement for the Driscoll Public Library and the Southwest Texas Junior College for the provision of adult education and to ratify and confirm prior acts concerning this item.

City Administrator Joe Ramos spoke to Council about a GED education program at the Driscoll Public Library through Southwest Texas Junior College out of Uvalde, Texas.

Council reviewed the agreement. City Attorney Tom Cate informed Council that there needs to be a change in the agreement; he said the last two sentences, Page 3 under Roman numeral I, need to be deleted from the agreement.

Motion by Alderman Espinosa, seconded by Alderman Lopez to authorize the City Administrator to sign Letter of Agreement for the Driscoll Public Library and Southwest Texas Junior College for the provision of adult education and to ratify and confirm prior acts concerning this item, with the deletion of the last two sentences on Page 3 under Roman numeral I.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The twelfth order of business was to discuss and consider authorizing the City Administrator to sign a services agreement with EDT Best Practices, LCC for economic development services.

City Administrator Joe Ramos talked to Council about Mr. Greg Last with EDT Best Practices, LCC. He is a consultant with many years of experience and has a lot of contacts with developers and perspective developers. He would like to use him when needing marketing plans for the land on IH-35.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to authorize the City Administrator to sign a services agreement with EDT Best Practices, LCC for economic development services and budget will be amended for any cost incurred.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

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Motion carried.

The thirteenth order of business was to discuss and consider approval of a \$5,000.00 local match for a \$30,000.00 IH-35 to Devine Downtown Economic Revitalization Study by UTSA School of Architecture.

City Administrator, Joe Ramos addressed council and discussed having been contacted by the Dean of the Architectural School at UTSA over some new grant dollars that have become available to do a new Economic Development Revitalization Study of IH-35 to downtown Devine.

Mayor Herring held discussion on the previous IH-35 Coalition which was from San Antonio down to Laredo. He inquired if this one would only be done on Devine.

City Administrator, Joe Ramos stated that this one is only based on City of Devine. Now that they have grant dollars; they're coming back to the communities asking if they want to participate. Our city's local match would be \$5,000.00. It will take them around four to five months to get the study completed. It will be a vision of what the City of Devine could look like if they were to do the steps in the study.

Motion by Alderman Lopez, seconded by Alderman Espinosa to approve a \$5,000.00 local match for a \$30,000.00 IH-35 to Devine Downtown Economic Revitalization Study by the UTSA School of Architecture and to amend the budget for the amount of \$5,000.00.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The fourteenth order of business was to discuss and consider accepting Certification of Unopposed Candidates. *(El decimocuarto orden de negocio fue discutir y considerar aceptar el Certificado de los Candidatos Sin Oposición.)*

City Council held brief discussion. *(Los miembros del Concejo Municipal tuvieron un breve discusión.)*

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Motion by Alderman Lance, seconded by Alderwoman Wilkins to accept Certification of Unopposed Candidates. (*Mociónado por el Concejal Lance, segundado por la Concejal Wilkins para aceptar el Certificado de los Candidatos Sin Oposición.*)

Certification of Unopposed Cadidates attached as Exhibit C. (*Certificado de los Candidatos Sin Oposición adberido Exhibición C.*)

Ayes (<i>Voto a favor</i>)	--	Four (<i>Cuatro</i>)
Nays (<i>Voto en contra</i>)	--	None (<i>Ninguno</i>)
Absent (<i>Ausente</i>)	--	One (<i>Uno</i>) – Alderman Valdez (<i>el Concejal Valdez</i>)

Motion carried. (*Moción aprobado.*)

The fifteenth order of business was to discuss and consider ordering Cancellation of Election for Alderman District #1, Alderman District #3 and Alderman District #4. (*El decimoquinto orden de negocio fue discutir y considerar ordenar la Cancelación de Elección para las carreras electorales del Concejal Distrito #1, Concejal Distrito #3 y Concejal Distrito #4.*)

Motion by Alderman Espinosa, seconded by Alderwoman Wilkins to order Cancellation of Election for Alderman Valdez, District #1; Alderman Espinosa, District #3 and Alderwoman Wilkins, District #4. (*Mociónado por el Concejal Espinosa, segundado por la Concejal Wilkins para ordenar la Cancelación de Elección para las carreras electorales del Concejal Valdez, Distrito #1; el Concejal Espinosa, Distrito #3 y la Concejal Wilkins, Distrito #4.*)

Cancellation of Election attached as Exhibit D. (*La Cancelación de Elección adberida Exhibición D.*)

Ayes (<i>Voto a favor</i>)	--	Four (<i>Cuatro</i>)
Nays (<i>Voto en contra</i>)	--	None (<i>Ninguno</i>)
Absent (<i>Ausente</i>)	--	One (<i>Uno</i>) – Alderman Valdez (<i>el Concejal Valdez</i>)

Motion carried. (*Moción aprobado.*)

The sixteenth order of business was to discuss and consider adopting an Ordinance to allow our Code Compliance Officer/Animal Control Officers to issue citations.

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City Attorney Tom Cate addressed Council and explained that this Ordinance will give our Code Compliance Officer and our Animal Control Officers the authority to issue citations even though they are not police officers.

Brief discussion was held.

Motion by Alderman Espinosa, seconded by Alderman Lance to adopt an Ordinance to allow our Code Compliance Officer/Animal Control Officers to issue citations.

Ordinance 3-16 attached as Exhibit E.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The seventeenth order of business was to discuss 2016 City of Devine Cleanup Roundup.

City Administrator Joe Ramos addressed Council with a presentation over the Cleanup Roundup. This is his second top priority for the City of Devine which goes hand in hand with the Economic Development efforts. He's been looking over our Ordinances since he first got here with the help of City Attorney Tom Cate, and they are trying to clean them up to make sure that they say what we want them to say and do.

They're hoping the residents of the City of Devine will voluntarily clean up their properties by June 1st. If not, Code Compliance Officer Javier Midobuche will begin a city wide campaign effective June 1st to identify violators and send out violations and issue citations for not complying.

Lengthy discussion was held on the ordinances that we will be concentrating on for this cleanup. The City of Devine will be working hand-in-hand with City Attorney Tom Cate over this process; making sure things are being done correctly.

City Administrator Joe Ramos stated that we will not be covering the whole City of Devine but will be concentrating on the two main corridors; SH-173 & SH-132. Then we will be expanding to each council district at a time and will work with that specific district council member. We want to get the worst parts taken care of as soon as possible.

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No action was taken; this was discussion only.

The eighteenth order of business was Executive Session: Pursuant to Provision of the Open Meetings Act, Chapter 551, Texas Government Code. Sec. 551.071, 551.073, 551.076, 551.087, and Section 418.183(f) of the Texas Government Code (Texas Disaster Act.)

- Executive Session to deliberate about real property (Texas Government Code Section 551.072).
- Executive Session to discuss alleged AT&T Contract with City Attorney. This item involves a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.

At 7:50 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session.

At 7:52 p.m., Closed Session was open to the public.

No action was taken in Closed Session.

The nineteenth order of business was to Reconvene into regular session and consider action, if any, on item(s) discussed in Executive Session.

Motion by Alderwoman Wilkins, seconded by Alderman Espinosa to ratify and confirm the AT&T Contract signed by ex-City Administrator, Gary Pelech.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The nineteenth order of business was to discuss Informational Items.

Mayor Herring congratulated Alderman Lance once again for his birthday.

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There being no further business to come before the governing body, motion made by Alderman Lance to adjourn the meeting.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

Mayor

City Secretary