

**Minutes**  
**Special Council Meeting**  
**May 3, 2016**

On this 3<sup>rd</sup> day of May 2016, at 12:00 p.m. the City Council of the City of Devine convened in a Special 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

Absent being Alderman David Espinosa and Alderman David Valdez; thus, constituting a quorum.

Personnel present: Joe Ramos, City Administrator; Dora V. Rodriguez, Asst. City Administrator/ City Secretary; Denise Duffy, City Accountant; Tom Cate, City Attorney; and Ofilia Pedroza, UB Clerk.

Others Present: Marly Davis, Devine News; Steven Santana, Medina Valley Times; Lance Elliott, TIF Consultant; and Connie Graham, of Devine Texas.

Mayor Herring, presiding, declared the meeting open.

The first order of business was to discuss and consider adopting a Proclamation for Municipal Clerks Week.

Council reviewed Proclamation as Mayor Herring recognized our very own Municipal Clerk, Alma Rios-Flores for all her hard work.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to adopt Proclamation for Municipal Clerks Week.

Proclamation attached as Exhibit A.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Espinosa Alderman Valdez

Motion carried.

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The second order of business was to discuss and consider adopting a Proclamation in Support of Lupus Awareness.

Council reviewed Proclamation.

Motion by Alderman Lance, seconded by Alderman Lopez to adopt Proclamation in Support of Lupus Awareness.

Proclamation attached as Exhibit B.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Espinosa Alderman Valdez

Motion carried.

The third order of business was to discuss and consider adopting an Ordinance approving a Final Finance and Development Plan for the City of Devine Tax Increment Reinvestment Zone #2.

Mr. Lance Elliott, TIF Consultant, addressed Council and explained the original plan was adopted on April 16, 2013 but we've recently annexed additional properties fronting SH-173. Council reviewed map. He explained this finance plan will be attached to the Inter-local Agreement which will be taken to the County Commissioners later this month to ask the County to participate with the City of Devine in this Tax Increment Reinvestment Zone.

Mr. Lance Elliott, TIF Consultant, further explained how public tax funding is collected under the TIRZ, but first gave Council a brief history of how the first TIRZ came about, in the Devine Oaks area by the Golf Course, which turned out to be a real jewel for the City of Devine. The City of Devine has received admiration from the entire region.

When we create a Tax Increment Reinvestment Zone, he explained that what happens is that we take the taxes that are currently being collected and continue to put that money in the General Fund. For any incremental increase in taxes due to development or redevelopment, that additional money goes into the Tax Increment Reinvestment Zone Fund.

According to Mr. Lance Elliott, TIF Consultant, we will be asking the County to participate at 90% rather than 100%. If they say "no," we will come back.

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City Administrator Joe Ramos added that for a city the size of Devine, doing a Tax Increment Reinvestment Zone is the best avenue we have to come up with additional funds to provide some incentive to help a developer kick-start a project.

Motion by Alderman Lance, seconded by Alderman Wilkins to adopt Ordinance 5-16 approving a Final Finance and Development Plan for the City of Devine Tax Increment Reinvestment Zone #2.

Ordinance attached as Exhibit C.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Espinosa Alderman Valdez

Motion carried.

The fourth order of business was to discuss and consider action to award bid for Water System Improvements, TXCDBG Contract No. 7215121.

Council reviewed bids and letter from City Engineer Raul Garcia recommending the contract be awarded to the lowest bidder, Wauters Engineering LLC, for a total of \$216,981.09.

Mayor Herring explained this project will extend the water lines coming from the two wells we have towards Castroville.

Motion by Alderman Lopez, seconded by Alderman Lance to award bid for Water System Improvements, TXCDBG Contract No. 7215121, to Wauters Engineering LLC, for an amount of \$216,981.09.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Espinosa Alderman Valdez

Motion carried.

The fifth order of business was to discuss and consider authorizing the City Administrator to proceed with the Community Project of updating the Welcome to Devine signs on State Highway 173 W. and State Highway 132 N. in coordination with the Devine High School Art Class and Mr.

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Larry Arias, owner of ZGRAFIXS. Sign design options will be brought to Council at the May 17<sup>th</sup> meeting for selection and approval of the final sign design.

City Administrator Joe Ramos informed Council that we are only looking at updating two signs at this time.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to authorize the City Administrator to proceed with the Community Project of updating the Welcome to Devine signs on State Highway 173 W. and State Highway 132 N. in coordination with the Devine High School Art Class and Mr. Larry Arias, owner of ZGRAFIXS.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Espinosa Alderman Valdez

Motion carried.

The sixth order of business was to discuss and consider for the Police Department to apply for a COPS Grant and amend the current budget, if required.

City Administrator Joe Ramos explained this grant comes out of the U.S. Department of Justice which allows cities of different sizes to apply for dollars to pay for the salary and hiring of police officers. It only pays up to 75% of the officers' compensation. For a city of our size, we only qualify for the hiring of one police officer. If we get the grant, it will help us to hire an officer for next year's budget.

Discussion was held on the current and new budgets, not knowing how much money will be awarded, and possibly amending the current budget, if needed, depending on when we get the grant.

Motion by Alderman Lance, seconded by Alderman Lopez to approve for the Police Department to apply for a COPS Grant and amend the current budget, if required.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Espinosa Alderman Valdez

Motion carried.

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The seventh order of business was to discuss and consider recommendation of the Planning and Zoning Commission for Meeting held on April 25, 2016:

- a. Request made by Connie Graham for a waiver on the City of Devine's Subdivision Ordinance for her property located within the ETJ at 413 Malone in Devine, Texas.

Council reviewed the Planning and Zoning minutes from their April 25<sup>th</sup> meeting in which the Planning and Zoning Commissioners recommended that Council grant Ms. Graham's request for a waiver on the City of Devine's Subdivision Ordinance.

Ms. Connie Graham addressed Council and basically said that Mr. Hefley, the person who wants to buy her land, plans to use it for agricultural reasons, and wants to be able to utilize the BMA canals. She reiterated that it cannot be used for a subdivision; at the most maybe just one house can be built but that's it.

Motion by Alderman Lance, seconded by Alderwoman Wilkins to approve Planning and Zoning Commissioners' recommendation to grant request made by Connie Graham for a waiver on the City of Devine's Subdivision Ordinance for her property located within the ETJ at 413 Malone in Devine, Texas, with the stipulation of the restrictions placed on it by ordinance.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Espinosa Alderman Valdez

Motion carried.

- b. Request made by Lori Peery for a variance for 809 W. Hondo Avenue in Devine, Texas currently Zoned A. Single Family Residential and seeking permission to operate as a multi-family housing (duplex).

Council reviewed the Planning and Zoning minutes from their April 25<sup>th</sup> meeting in which the Planning and Zoning Commissioners recommended to take no action on this proposal at the present time.

Council held discussion. She cannot have a second meter under a Class A. Single-Family Residential District zone. City Administration will be working on re-zoning that entire area of SH-173 to Class F. Neighborhood Shopping Center within the next 90 days, which will allow Ms. Peery to fall under the new zone and be able to put a second meter at the apartment; then there would be no need for a variance.

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Motion by Alderman Lopez, seconded by Alderman Lance to postpone any action on request made by Lori Peery for a variance for 809 W. Hondo Avenue in Devine, Texas, currently zoned Class A. Single Family Residential and seeking permission to operate as a multi-family housing (duplex) until this area has been re-zoned correctly to Class F. Neighborhood Shopping Center within the next 90 days.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Espinosa Alderman Valdez

Motion carried.

The eighth order of business was to discuss and consider approving Proposal by Dude Solutions, Inc. for Code Enforcement and amend the Current Budget for FY 2015-2016.

City Administrator Joe Ramos addressed Council about a support system used for municipalities. He stated that the only portion we would be using is the portion that would help our Code Enforcement Officer when he is out in the field with GIS Mapping on our city system and to have access to different layers of information in our database, such as our water system and fire hydrants, so that when he's out in the field and sees another violation, he doesn't have to come back to the office to research; he can deal with it right then and there. He suggested we try this for a one year trial basis to see if it works, but added that it can also be utilized later on by the Public Works Department as well. The price we are looking at is \$3,826.67.

Council held discussion on wanting to see more proposals and asked what it would do to our current budget. City Secretary Dora V. Rodriguez commented that right now we do not know where we stand on the current budget. Aldermen Lopez and Lance suggested we wait for the new budget before doing this. According to City Administrator Joe Ramos, this company was on our Buy Board; they contacted us and gave us a proposal to look at their system, so he will contact other like companies that do the same thing, and check to see if they are on the Buy Board as well.

Motion by Alderman Lopez, seconded by Alderman Lance to postpone taking any action until other bids from other companies are submitted.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Espinosa Alderman Valdez

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Motion carried.

The ninth order of business was to discuss and consider approving for Municode to codify ordinances.

Council reviewed handout of ordinances that have been passed and approved by Council already. City Administrator Joe Ramos informed Council that they just need to be codified by Municode. The total estimate to have this done is \$3,949.00 which is already in the current budget. City Attorney Tom Cate added that it is very important to have a Code book that is up-to-date.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to approve for Municode to codify ordinances.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Espinosa Alderman Valdez

Motion carried.

There being no further business to come before the governing body, motion by Alderman Lopez, seconded by Alderman Lance.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Espinosa Alderman Valdez

Motion carried.

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Mayor

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City Secretary