

Minutes
Regular Council Meeting
May 17, 2016

On this 17th day of May 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 Valdez

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

Personnel present: Joe Ramos, City Administrator; Dora V. Rodriguez, Assistant City Administrator/ City Secretary; Denise Duffy, City Accountant; and Tom Cate, City Attorney.

Others present: Marly Davis, Devine News; Steven Santana, Medina Valley Times; Reverend Randall Wehmeyer, First United Methodist Church; Beth Schreiber, Langford Community Management Services; Nelda Nino, Wal-Mart Manager; Charles West and Sonia J. Lance, Devine, Texas.

Mayor Herring presiding, called the meeting to order. Reverend Randall Wehmeyer, of Divine Savior Lutheran Church, delivered the Invocation and Mayor Herring led the Pledge of Allegiance.

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

Mr. Charles West addressed Council regarding Rossville Avenue getting worse and worse, and inquired when the City plans to begin working on repairing this road all the way.

The second order of business was Recognition.

Mayor Herring recognized the following:

- Alderman Steve Lopez – for the VFW and Auxiliary receiving another national award on Community Service.
- Dillon Ricord of Devine High School – for placing 2nd place in the 200 meter dash and 3rd in the 100 meter dash at the 4A State Track Meet in Austin.

The third order of business was accepting Wal-Mart Community Grant Check presentation.

Regular Meeting Minutes
May 17, 2016
Page 2

City Administrator Joe Ramos explained he applied for a \$2,500.00 community grant from Wal-Mart. We received \$2,000.00 out of this grant and Nelda Nino, Wal-Mart Manager, was at the meeting to present the check for \$2,000.00. The money will be used towards two of our on-going projects: our Summer Movie Nights and the Welcome to Devine Signs.

The fourth order of business was to discuss and consider Approval of Minutes: Regular Meeting, April 19, 2016; Special Meeting, May 3, 2016.

Council reviewed minutes.

Motion by Alderman Lance, seconded by Alderman Valdez to approve minutes for Regular Meeting, April 19, 2016; and Special Meeting, May 3, 2016.

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

Motion carried.

The fifth order of business was to discuss and consider the Home Program for Rosa Castro at 306 N. Transportation from Grant No. 2013-0027 – Contract 1002109.

Beth Schreiber of Langford Community Management Services addressed Council. She explained this project has been in the works for four years now. This is the house that burned down and it involved a lot of paperwork, but it has been approved and the project is ready to begin. She explained there will be no match from the City for this house; any funds that we have expended for surveys or title work, or anything else, will be reimbursed by the grant; so this house is not costing the City anything.

Motion by Alderman Valdez, seconded by Alderman Lopez to approve the Home Program for Rosa Castro at 306 N. Transportation from Grant No. 2013-0027 – Contract 1002109.

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

Motion carried.

The sixth order of business was to discuss and consider a Resolution of the City Council of the City of Devine, Texas, authorizing the submission of a Texas Home Investment Partnerships Program application to the Texas Department of Housing and Community Affairs for participation in the Home Program Reservation System; and authorizing City Secretary to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Home Program Reservation System.

Regular Meeting Minutes
May 17, 2016
Page 3

Motion by Alderman Valdez, seconded by Alderwoman Wilkins to adopt Resolution 5-16A of the City Council of the City of Devine, Texas, authorizing the submission of a Texas Home Investment Partnerships Program application to the Texas Department of Housing and Community Affairs for participation in the Home Program Reservation System; and authorizing City Secretary to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Home Program Reservation System.

Resolution attached as Exhibit A.

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

Motion carried.

The seventh order of business was to discuss and consider authorizing expenditures of Wal-Mart grant funds and General Revenue Funds for the Welcome to Devine sign project and the Devine Drive-In Movie Night summer series.

City Administrator Joe Ramos informed Council that the \$2,000.00 check we received from Wal-Mart will be used towards the Devine Drive-In Movie Night summer series and for any materials that we may need to purchase for the updating of the two Welcome to Devine signs.

Council held brief discussion. If for some reason we need to fall back to the General Fund, it will be brought back before Council.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to authorize expenditures of Wal-Mart grant funds and General Revenue Funds for the Welcome to Devine sign project and the Devine Drive-In Movie Night summer series.

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

Motion carried.

The eighth order of business was to discuss and consider approving one of the Welcome to Devine sign designs submitted by the Devine High School Art Class.

Council reviewed designs.

City Administrator Joe Ramos explained that the students working on this project were all born and raised here in Devine and they grew up with these signs so they wanted to keep that sense of nostalgia. Therefore, the signs will pretty much stay the same instead of completely being re-designed. They will

Regular Meeting Minutes
May 17, 2016
Page 4

just be touched up a bit with maroon and gold color and will have a sunburst theme behind it. For the two signs, we will need to buy six sheets of plywood. He explained in detail how the signs will be constructed with plastic sheets and metal. Mr. Larry Arias of ZGRAFIXS is donating the plastic, is doing the artwork and will be laminating both signs. Council expressed approval of the signs.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to approve the Welcome to Devine sign design submitted by the Devine High School Art Class.

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

Motion carried.

The ninth order of business was to discuss and consider authorizing City Administrator to proceed with appraisal of the City's 42 acres on IH-35.

According to City Administrator Joe Ramos, we do have a survey on it that has been updated but he needs to get it appraised to find out what it's valued at in case developers start calling about it.

Council held lengthy discussion on the market value of this land. City Administrator Joe Ramos informed Council that we will be reaching out to several appraisers. According to City Attorney Tom Cate, just to get started, we at least need to get qualifications and a resume from each appraiser.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to authorize City Administrator to proceed on getting an Appraiser for the appraisal of the City's 42 acres on IH-35.

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

Motion carried.

The tenth order of business was to discuss and consider approving and authorizing City Administrator to coordinate with AEP to install a flood light at the John Curcio City Park and on Allman Street in the area of the cemetery property.

City Administrator Joe Ramos explained to Council he's received several emails complaining that it is too dark around the park area. Instead of putting a street light, they decided to put a flood light that will shine onto the John Curcio City Park since there was already an existing pole, and there won't be any construction cost to the City at all. As far as Allman Street and, again, in trying to save money and not incur any costs to the city, we are going to put a street light on an existing pole right before it turns into a curve, to see if it makes a difference. So there won't be any construction costs to the City, except for the monthly electricity usage, which is around \$15.71 per lamp, per month.

Regular Meeting Minutes
May 17, 2016
Page 5

Council held discussion.

Motion by Alderman Lance, seconded by Alderman Lopez to authorize City Administrator to coordinate with AEP to install a flood light at the John Curcio City Park and a street light on Allman Street in the area of the cemetery property.

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

Motion carried.

The eleventh order of business was to discuss and consider authorizing City Administrator to coordinate submitting a grant application for a FEMA Hazard Mitigation Grant Program (HMGP) and a General Land Office CDBG – Disaster Relief (DR) Grant that includes releasing RFPs for Engineering and Grant Writing and Management Services.

Joe Ramos spoke briefly to Council about a drainage project that the City has been trying to deal with for a long time in the area of Windy Knoll, Crouch and Fay streets and down towards the creek, but we never seem to have enough money to repair the whole thing at one time. He told Council that he became aware of some state funds that we may qualify to receive.

Beth Schreiber of Langford Community Management Services addressed Council regarding FEMA Mitigation funds that are available to anyone in the state of Texas as long as they are in a Hazard Mitigation Plan. The City of Devine is in an authorized, approved Hazard Mitigation Plan which doesn't expire until 2017; through AACOG. She explained that being in this plan is just one of the criteria to be eligible and stated that we do not have to have the declaration disaster in our city but because there were presidentially declared areas (we've had some flooding in that area), it makes the money available to us. She went on to explain in detail how the public assistance works and how it is calculated.

Ms. Schreiber also mentioned that the funds from the other Community Development Block Grant (CDBG) are the only federal funds that are allowed to match other federal funds. She told Council that if we want to apply for the FEMA dollars, it would be for 75% with a 25% match, so to apply for the FEMA grant for 75% and apply for the General Land Office CDBG-DR grant for the other 25% would be a very nice thing for the City, especially for projects that improve situations.

Council held discussion and felt there is no harm in applying for this. Ms. Beth Schreiber added that applications are due on July 22, 2016 for the HMGP but an application date has not been announced yet the General Land Office CDBG-DR grant funds, but they anticipate it to be soon. She suggested we try to submit our applications soon.

Regular Meeting Minutes
May 17, 2016
Page 6

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to authorize City Administrator to coordinate submitting a grant application for a FEMA Hazard Mitigation Grant Program (HMGP) and a General Land Office CDBG – Disaster Relief (DR) Grant that includes releasing RFPs for Engineering and Grant Writing and Management Services.

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

Motion carried.

The twelfth order of business was to discuss and consider adopting a Resolution of the City of Devine, Texas, appointing the City Administrator as the Chief Executive Officer and authorized representative to act in all matters in connection with the FEMA Mitigation Project and committing the City to provide matching funds to secure and complete the FEMA Mitigation Grant.

Ms. Beth Schreiber advised Council that if it makes them more comfortable, the resolution can always be tailored to say that the City is committed to the 25% match contingent upon receipt of CDBG funds. So, the words “contingent upon receipt of CDBG funds” will be added to the end of the caption of the resolution. Discussion was held that the City Administrator would be the authorized representative and the City would be committed to matching funds only if we receive both of the grant funds.

Motion by Alderwoman Wilkins, seconded by Alderman Lance to adopt Resolution 5-16B of the City of Devine, Texas, appointing the City Administrator as the Chief Executive Officer and authorized representative to act in all matters in connection with the FEMA Mitigation Project and committing the City to provide matching funds to secure and complete the FEMA Mitigation Grant contingent upon receipt of CDBG funds.

Resolution attached as Exhibit B.

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

Motion carried.

The thirteenth order of business was to discuss and consider approving City Administrator to utilize assigned city vehicle full time including taking vehicle home daily.

Alderman Lance inquired what the policy is on this. City Attorney Tom Cate commented that the current City of Devine personnel policy states that no city vehicles can be used for personal use; only for city business. He said the agenda item states full-time but he wasn't sure what full-time meant. He assumed that it means full-time – personal use and everything.

Regular Meeting Minutes
May 17, 2016
Page 7

City Administrator Joe Ramos then commented that he wasn't sure about that. He said "I'm not the one to ask." He said he thought it was just full-time while he was on company business; like take it home and drive to meetings from the house. Mayor Herring added, "Things like going to sewer breaks, water lines, stuff like that; it doesn't mean you'll do personal stuff, like go on vacation." City Administrator Joe Ramos stated, "It could be a meeting in Hondo or San Antonio." Mayor Herring said it would all be city business and told Council they could change the motion if they want.

Council held more discussion on full-time use because the agenda did state full-time. City Attorney Tom Cate stated, "Anything less than full-time, I think you could say, yeah, as long as it's just for city business." Alderwoman Wilkins stated that if he has it at the house and gets called for a water break or something, it makes sense for him to have the vehicle at home so that he wouldn't have to take his personal vehicle. Mayor Herring stated that we allow Ismael Carrillo, Public Works Director, to take a city truck home because it's ridiculous for him to have to come to the Yard, open the gate to get a city vehicle and then go check it out; the same is done with the Police Chief. Discussion was held that we were talking about the Dodge Journey which is also used by other employees during the day, and the Mayor uses it for delivering Meals on Wheels on Fridays.

Alderman Lance inquired if this was a hardship. Mayor Herring commented that it just wastes time. He said that, for example, as in the case of Public Works Director Ismael Carrillo, it's crucial for him to get to the job rather than have to come to the Yard to pick up the vehicle. We also have our on-call workers take vehicles home with them. Mayor Herring added that, again, he's only going to use it for city business only; he's not going to go on a vacation trip.

Motion by Alderman Lance, seconded by Alderwoman Wilkins to approve for City Administrator to utilize assigned city vehicle for city business only.

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

Motion carried.

Further discussion was held with City Attorney Tom Cate after the motion was made. He informed Council that according to the Department of Transportation Code, all city vehicles must have a city decal. He said he wasn't sure if that vehicle has a decal or not. According to City Administrator Joe Ramos, we do not, so discussion was held that we need to put one on it. Discussion was also held with City Secretary Dora V. Rodriguez regarding other company vehicles used by city employees. According to City Attorney Tom Cate, a city emblem or decal is needed on the vehicles; he said the unmarked police vehicles are exempt from this and so is the Code Compliance vehicle. He said; however, the Administrative vehicles are not exempt, and as long as other employees use these vehicles, a city emblem or decal is needed on these vehicles. According to Mayor Herring, decals will need to be placed on these Administrative vehicles.

The fourteenth order of business was Informational Items.

Regular Meeting Minutes
May 17, 2016
Page 8

The following items were discussed:

- VFW – Mayor Herring announced the VFW will have a Memorial Day Celebration on Monday at 9:30 a.m.
- Movie Nights – City Administrator Joe Ramos announced that the first one will be on Saturday, May 28th, 2016, at the Devine Football Field starting at dusk. Water and popcorn will be provided. There will be a movie showing on the last Saturday of May, June, July and August.
- Handicap Ramp – Alderman Lopez inquired about the status on the handicap ramp by Dynamics Physical Therapy on E. College Avenue. City Administrator Joe Ramos informed him that we will need to come back before Council with the cost of the ramp.
- Complaints on sewer water – Alderman Valdez has been getting a lot of calls from neighbors complaining the water smelling like sewer when people turn on their water first thing in the morning. According to Alderman Valdez, this is happening at Valdez Restaurant also, so right now it seems to be in his district. This will be checked out according to Mayor Herring.

The fifteenth order of business was Executive Session: Pursuant to provision of the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.071, 551.072, 551.073, 551.074, 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).

At 6:55 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session.

At 7:31 p.m., Closed Session was opened to the public.

No action was taken in Closed Session.

The sixteenth 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 Lopez to approve for City Administrator Joe Ramos to proceed with requesting qualifications for an appraiser.

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

Motion carried.

Regular Meeting Minutes
May 17, 2016
Page 9

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 Espinosa

Motion carried.

Mayor

City Secretary