

Minutes
Regular Council Meeting
October 18, 2016

On this 18th day of October 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
Alderman David Espinosa

Thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/ City Secretary; Kandy Benavides, Chief of Police; Ismael Carrillo, Director of Public Works; and Ofilia Pedroza, UB Clerk.

Others present: Isaac Anaya – G&K Services, San Antonio, Texas; Sean Thompson – TMRS, Austin, Texas; Marly Davis, Devine News; Brandi Sorrell, Sylvia Hawkins, Charles O. West, Lupe Fernandez and Sonia J. Lance of Devine, Texas.

Mayor Herring presiding, called the meeting to order. He also delivered the Invocation and led the Pledge of Allegiance.

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

No one signed up to speak under this item.

The second order of business was Recognition.

Mayor Herring recognized the following:

- Police Chief Kandy Benavides – for doing a great job with National Night Out. There were over 600 in attendance.
- Employee Anniversaries: Juanita Carrillo-10 years, Jenise Whitaker-13 years, Bobby Keylich-10 years, Julio Gonzales-2 years and Simon Davila-5 years.
- Congratulations to the Devine Warhorse Band for receiving a #1 at the UIL Marching Contest.
- According to Alderman Lopez, the VFW received a #1 in the State of Texas for community service. This is their fourth one; three in a row.

The third order of business was to discuss and consider Approval of Minutes: Regular Council Meeting Minutes, September 20, 2016 and Special Council Meeting Minutes, September 27, 2016.

Council reviewed minutes.

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Motion by Alderman Valdez, seconded by Alderman Lopez to approve the minutes for Regular Council Meeting Minutes, September 20, 2016 and Special Council Meeting Minutes, September 27, 2016.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider for Council to Approve the Airport Advisory Board Minutes for September 19, 2016.

Council reviewed the Airport Advisory Board Minutes and held brief discussion.

Motion by Alderman Espinosa, seconded by Alderman Lance to approve the Airport Advisory Board Minutes for September 19, 2016.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider drainage issues for Curtis Avenue.

Mayor Herring informed Council that Ms. Brandi Sorrell initially had met with ex-City Administrator Joe Ramos, himself, City Engineer Raul Garcia and Public Works on this drainage issue. He said that they asked for everything to be resubmitted, and when they met with Sylvia Hawkins, a neighbor down the street, City Engineer Raul Garcia went ahead and drew up plans with two options, which Council reviewed; however, City Engineer Raul Garcia was not available for the meeting.

Alderman Espinosa inquired what needed to be done to take care of this drainage issue.

Director of Public Works Ismael Carrillo addressed Council. He said that City Engineer Raul Garcia is recommending a swale, which is like a dip in the road, to get the water from one side to the other, instead of having a culvert underneath the road. He explained that the culvert that is there right now is a very small culvert so he is recommending a swale. Alderman Espinosa inquired if the problem is that the water is accumulating across the street on Curtis. Director of Public Works Ismael Carrillo explained that it accumulates on one side of the street and barely moves over to the opposite side of the street to Brandi's side, and then it just floods her yard because it doesn't have the correct drainage to end up at Burnt Boot Creek. He said this is all part of the plan that Raul drew up. He said City Engineer Raul Garcia is recommending Option 2, which is a little bit more expensive, but it gives the street a better transition where the cars won't feel that much of a dip in the road because the swale is a little longer; whereas, the swale is shorter with Option 1, and the cars can really feel the dip in the road. He explained that with Option 2, with the longer swale, water would be gradually going and gradually coming back up; it's a longer dip. He explained that this is only to get water from one side of the road to the other side. He said the drainage will have to be alongside the street; water would go up Jamison, in front of Curtis, then cross Judson into the creek.

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Director of Public Works Ismael Carrillo told Council he agreed with City Engineer Raul Garcia that Option 2 would be best way to go, and he recommended for Council to go with Option 2. He also added that by going with Option 2, the swale will be pretty wide. According to Interim City Administrator/City Secretary Dora V. Rodriguez, the budget will need to be amended.

Motion by Alderman Lopez, seconded by Alderman Espinosa to go with Option #2 and to amend the budget for \$11,149.32 in order to improve drainage on Curtis Avenue.

Option 2 attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider adopting an Ordinance authorizing and allowing, under the Act Governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are in the employment of the City of Devine; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; to increase the rate of deposits to the Texas Municipal Retirement System by the employees of the City; and establishing an effective date for the ordinance.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that this is already in the budget which Council approved on September 27, 2016; they approved 16.58% for TMRS. She stated that an ordinance has to be done anytime there is a change, and it's just a formality to make it legal.

Mr. Sean Thompson, TMRS representative, addressed Council. He explained that in TMRS, one of the provisions that they have is called the Updated Service Credit. It's a stand-alone provision, so the City can adopt it or not have it as part of their plan. He explained that this provision helps take a look back at employees' accounts and it updates their pension account based on what their current salary is; not only their current salary but also what the current city plan is. Mr. Thompson gave Council an example of the lowest plan which a city can have, which is 5% of the employees' pay with a 1:1 matching by the city. He explained that if the city ever increases that or improves that, then the Updated Service Credit can help retroactively give a portion of that to the employees as if they had it their entire career with the city.

Motion by Alderman Espinosa, seconded by Alderman Lance to adopt Ordinance 10-16, authorizing and allowing, under the Act Governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are in the employment of the City of Devine; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; to increase the rate of deposits to the Texas Municipal Retirement System by the employees of the City; and establishing an effective date of January 1, 2017.

Ordinance attached as Exhibit B.

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Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider drainage issue for Wedgewood Way.

Mayor Herring, briefing Council, stated the problem basically is that the water is running into his driveway and his yard.

Alderman Lance commented that he understands the problem and then asked if doing this would make it better. Mayor Herring, again, said there are no guarantees by City Engineer Raul Garcia or anyone else who has looked at this.

Mr. Lupe Fernandez then addressed the Council. He asked if there was any way to do a little grading in front of his driveway. He inquired if the guys can just use the backhoe to scrape the gravel right in front of his driveway 18 inches wide (the length of the bucket), six inches deep and then re-top it two inches; leaving a four inch dip which would be okay, just to get the water past his driveway. He said there's no traffic there other than the mail carrier.

Since neither City Engineer Raul Garcia nor City Attorney Tom Cate were available at the meeting, Interim City Administrator/City Secretary Dora V. Rodriguez requested for Council not to take any action until City Engineer Raul Garcia could be present at the meeting.

Motion by Alderman Lance, seconded by Alderman Lopez to postpone any action until we can have another meeting with Mr. Fernandez, and City Engineer Raul Garcia, along with Director of Public Works Ismael Carrillo.

Ayes	--	All
Nays	--	None

Motion carried.

The eighth order of business was to discuss and consider awarding Uniform Contract.

Director of Public Works Ismael Carrillo addressed Council. He said currently we are using Unifirst. He explained that the service started out real good but lately the guys have been experiencing problems with deliveries. He explained the guys start losing shirts/pants when they turn them in to get washed. He said the problem is with the dates. He has been told by the Unifirst delivery guys that because they automatically change routes on us, each delivery date has its own numbers per uniform. So when they switch dates like that, it really makes it difficult on our guys and they are having to use their own pants. Director of Public Works Ismael Carrillo told Council that he is wanting to try a different company; he wants to try G&K.

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Mr. Isaac Anaya, G&K Service Representative, addressed Council. He told Council he has identified why we are currently having problems with the system that Unifirst provides. They are using an older system that won't allow changes in the sorting process. He explained that G&K's system works a little differently. It's an accu-track bar code system which means that every single shirt and pant has its own identification bar code. He explained Unifirst is using an older system that won't allow changes to the sorting process in the plant, and those uniforms are being put on the wrong route. He told Council that the system G&K uses is an automated system where, in the sorting process, the system will know if a bar code has shifted to another route, if that were to ever take place; he explained that the sorting system is aware of the change and makes sure that the uniforms are placed on the right truck. Another thing that can alleviate the problem is that their laundry is washed two days prior to it being loaded and delivered. Mr. Anaya told Council that he is very confident that they can provide services to alleviate our current problem, and keep it alleviated by providing weekly reporting that will show what is being delivered and what is being picked, as well as their uniform journal which will keep track of any employee changes.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that this is a two year contract. She told Council that if they approve this, they need to state in the motion that the service must be paid in the current fiscal year and that we need to amend the budget because we need to pay for the two-year service in one year; it cannot go into the new fiscal year. She said that according to City Attorney Tom Cate, we cannot put a debt in the new fiscal year, which started in a previous year. She also said that we would need to give Unifirst a 30-day notice.

According to Mr. Anaya, it will take G&K 30 days to install and process the new uniforms, and it will take Unifirst 30 days to process their notice. He said they would then establish a date to bring in the new uniforms, and then their 30-day notice would end the day after, so our guys would never be without uniforms.

Motion by Alderman Espinosa, seconded by Alderwoman Wilkins to award uniform contract to G&K with the understanding that it must be paid in the current budget and we need to amend the budget.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider appointing someone to serve on the District Education Improvement Committee for Devine ISD.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that she received an email from Glenda Allen explaining that this is a planning committee and they are just needing someone from the City to serve on it.

Council held brief discussion and nominated Alderwoman Wilkins to serve on this committee.

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Motion by Alderman Lopez, seconded by Alderman Valdez to approve for Alderwoman Wilkins to serve on the District Education Improvement Committee for Devine ISD.

Ayes	--	All
Nays	--	None

Motion carried.

The tenth order of business was to discuss and consider for Council to move forward with the Texas Department of Aviation Grant for the airport runway.

Council held brief discussion on cost being a 90/10 split for \$600,000, with the City's share being \$60,000. We will be paying \$6,000 this year just to get started.

Motion by Alderman Espinosa, seconded by Alderman Lopez to approve for Interim City Administrator/City Secretary Dora V. Rodriguez to move forward with the Texas Department of Aviation Grant for the airport runway.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was to discuss and consider for Council to approve request from Dr. Richard Tanguam of UTSA for a no-cost extension of the Planning Study for the City of Devine, Texas (100001186) from a completion of December 31, 2016 to March 31, 2017.

Mayor Herring explained this is something that our former city administrator contracted us to do. It is a study to prepare a vision plan for downtown Devine, from Hondo Avenue (past the high school) to IH-35. Mayor Herring read aloud a press release announcing a public meeting to hear community input regarding issues affecting downtown East Hondo. The meeting will be held on November 10th at the Community Center at 6:00 p.m.

Motion by Alderman Lopez, seconded by Alderman Lance to approve the request from Dr. Richard Tanguam of UTSA for a no-cost extension of the Planning Study for the City of Devine, Texas (100001186) from a completion of December 31, 2016 to March 31, 2017.

Ayes	--	All
Nays	--	None

Motion carried.

The twelfth order of business was to review the Quarterly Report.

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Council reviewed report, and had no comments or questions. Mayor Herring praised City Administrator/City Secretary Dora V. Rodriguez on doing an exemplary job in keeping Council informed.

The thirteenth order of business was Informational Items.

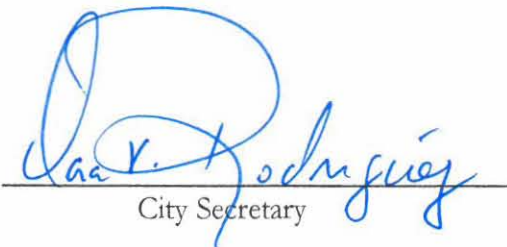
The following items were discussed:

- Parade – Mayor Herring announced the parade is coming up and Council will be riding on a trailer with bales of hay. Alderman Espinosa said he will be going solo this year, with this family.
- Election – Marly Davis, Devine News, reported that people from Natalia are very upset about not having a polling place this year; she stated there are only six polling places this year for the entire Medina County.
- Fall Fun Day @ Library – Marly Davis, President of Friends of the Library, invited everyone to a Fun Day this Saturday at the Library from 4:00 – 6:00 p.m. They will be having a pumpkin decorating contest.
- Murphy's Gas – Will be opening soon in about two weeks.
- Economic Development – City Administrator/City Secretary Dora V. Rodriguez informed Council that Ms. Joan Spear is still hard at work trying to get projects for us.

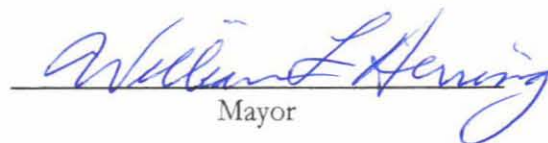
There being no further business to come before the governing body, motion made by Alderman Lance, seconded by Alderman Lopez to adjourn the meeting.

Ayes	--	Five
Nays	--	None

Motion carried.



City Secretary



Mayor

EXHIBIT A

Garcia & Wright Consulting Engineers, Inc.
 Statement of Probable Cost
 City of Devine, Texas
 Project: Street and Drainage Improvements

Registration No. F-1802
 Project No.: DE1602
 Revised: 30-Aug-16
 Date: 10-May-16

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
	Option No. 1				
1	MOBILIZATION	LS.	1	8%	\$528.90
2	PREPARING RIGHT OF WAY	LS.	1	4%	\$264.45
3	CHANNEL EXCAVATION	CY.	33	20.00	\$660.00
4	STREET EXCAVATION	CY.	84	17.50	\$1,470.00
5	EMBANKMENT	CY.	11	12.75	\$140.25
6	FLEXIBLE CALICHE BASE (8" COMPACTED BASE)	SY.	168	13.50	\$2,268.00
7	PRIME COAT	GAL.	31	5.25	\$162.75
8	TACK COAT	GAL.	15	5.75	\$86.25
9	HOT MIX ASPHALTIC PAVEMENT TYPE D (1.5" COM.)	SY.	152	12.00	\$1,824.00
	Total				\$7,404.60
	Option No. 2				
10	MOBILIZATION	LS.	1	8%	\$796.38
11	PREPARING RIGHT OF WAY	LS.	1	4%	\$398.19
12	CHANNEL EXCAVATION	CY.	33	20.00	\$660.00
13	STREET EXCAVATION	CY.	126	17.50	\$2,205.00
14	EMBANKMENT	CY.	15	12.75	\$191.25
15	FLEXIBLE CALICHE BASE (8" COMPACTED BASE)	SY.	267	13.50	\$3,604.50
16	PRIME COAT	GAL.	48	5.25	\$252.00
17	TACK COAT	GAL.	24	5.75	\$138.00
18	HOT MIX ASPHALTIC PAVEMENT TYPE D (1.5" COM.)	SY.	242	12.00	\$2,904.00
	Total				\$11,149.32



TEXAS MUNICIPAL RETIREMENT SYSTEM

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM ON AN ANNUAL BASIS FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO AT THE EFFECTIVE DATE OF THE ALLOWANCE ARE IN THE EMPLOYMENT OF THE CITY OF DEVINE; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; TO INCREASE THE RATE OF DEPOSITS TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEVINE, TEXAS:

Section 1. Authorization of Updated Service Credits.

- (a) On the terms and conditions set out in Sections 853.401 through 853.404 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS ACT"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "System") who has current service credit or prior service credit in the System in force and effect on the 1st day of January of the calendar year preceding such allowance, by reason of service in the employment of the City, and on such date had at least 36 months of credited service with the System, shall be and is hereby allowed "Updated Service Credit" (as that term is defined in subsection (d) of Section 853.402 of the TMRS Act).
- (b) On the terms and conditions set out in Section 853.601 of the TMRS Act, any member of the System who is eligible for Updated Service Credits on the basis of service with this City, who has unforfeited credit for prior service and/or current service with another participating municipality or municipalities by reason of previous service, and was a contributing member on the 1st day of January of the calendar year preceding such allowance, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in said Section 853.601, both as to the initial grant hereunder and all future grants under this ordinance.
- (c) The Updated Service Credit hereby allowed and provided for shall be **100%** of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 853.402 of the TMRS Act).
- (d) Each Updated Service Credit allowed hereunder shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.
- (e) In accordance with the provisions of subsection (d) of Section 853.401 of the TMRS Act, the deposits required to be made to the System by employees of the several participating departments on account of current service shall be calculated from and after the effective date of this ordinance on the full amount of such person's compensation as an employee of the City.

Section 2. Increase in Retirement Annuities.

(a) On terms and conditions set out in Section 854.203 of the TMRS Act, the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of the City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of the annuity increase under this Section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by 70% of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this Section.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.

(e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of the City and of its account in the benefit accumulation fund of the System.

Section 3. Dates of Allowances and Increases. The initial allowance of Updated Service Credit and Increase in Retirement Annuities hereunder shall be effective on **January 1, 2017**, subject to approval by the Board of Trustees of the System. An allowance of Updated Service Credits and an increase in retirement annuities shall be made hereunder on January 1 of each subsequent year until this ordinance ceases to be in effect under subsection (e) of Section 853.404 of the TMRS Act, provided that, as to such subsequent year, the actuary for the System, has made the determination set forth in subsection (d) of Section 853.404 of the TMRS Act.

BE IT FURTHER ORDAINED:

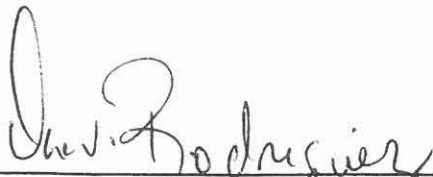
Increased Deposit Rate: All employees of the City, who are members of the Texas Municipal Retirement System, shall make deposits to the System at the rate of 6% of their individual earnings effective **1st day of January , 2017.**

Effective Date. Subject to approval by the Board of Trustees of the System, this ordinance shall be and become effective on the **1st day of January 2017.**

Passed and approved this the 18th day of October, 2016.

ATTEST:

APPROVED:



City Secretary or Clerk



Mayor