

**Minutes**  
**Special Council Meeting**  
**December 8, 2016**

On this 8<sup>th</sup> day of December 2016, at 12:00 Noon, 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  
Alderman David Espinosa

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

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

Others Present: Marley Davis, Devine News; and Ahluwalia Manjit of Devine, Texas.

Mayor Herring, presiding, called the meeting to order.

The first order of business was to discuss and consider recommendation of the Planning & Zoning Commission for Meeting held on November 14, 2016.

- a. Request made by Ahluwalia Manjit for a 25 feet front setback requirement of 40 feet from the property line to the front of the building for 604 Crouch Avenue, which bears the following legal description of Windy Knoll, Block 1 (NCB 105), Lot 12, .206 Acres.

Mayor Herring explained to Council that Mr. Manjit came before the Planning & Zoning Commission to request a 25 feet front setback on a requirement of 40 feet from the property line in order for his house to be in line with the existing houses. He referred Council to look at the Planning & Zoning Minutes and their recommendation to City Council to approve his request.

Motion by Alderwoman Kathy Wilkins, seconded by Alderman Espinosa to approve Planning & Zoning's recommendation to grant the request made by Ahluwalia Manjit for a 25 feet front setback requirement of 40 feet from the property line to the front of the building for 604 Crouch Avenue, which bears the following legal description of Windy Knoll, Block 1 (NCB 105), Lot 12, .206 Acres.

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

Motion carried.

The second order of business to discuss and consider offer of Alamo One to sponsor a portion of the City's Christmas Dinner.

Mayor Herring informed Council that this offer must be turned down, and asked City Attorney Tom Cate to explain.

City Attorney Tom Cate explained that he doesn't want Council to give the appearance of impropriety. He said that Alamo One is a contractor with the City; they pick up our garbage, and he just doesn't think that it looks right. He said there would also be the question about the bribery statute, and he doesn't want the City to come under any scrutiny under the bribery statute. He explained that the Council will make the decision whenever this garbage contract comes back up, and he understands that the members on this Council would not do this, but he doesn't want to even give the appearance of some type of impropriety, so he recommended that Council not allow this.

Council understood.

Motion by Alderman Lopez, seconded by Alderman Lance to deny the offer of Alamo One to sponsor a portion of the City's Christmas Dinner.

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

Motion carried.

The third order of business was CLOSED SESSION: Pursuant to Section 551.072 Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

At 12:09 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session.

At 12:34 p.m., Closed Session was opened to the public.

No action was taken in Closed Session.

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The fourth order of business was to RECONVENE into regular session and discuss and consider action, if any, on item discussed in Closed Session.

Motion by Alderman Lopez, seconded by Alderman Espinosa to allow the Interim City Administrator/City Secretary, Dora V. Rodriguez, and the City Attorney, Tom Cate, to acquire the services of a public appraiser to appraise the property discussed, with the understanding that fees are not to exceed \$2,500.00.

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

Motion carried.

The fifth order of business was Informational Items.

- Mayor Herring reminded Council of their Christmas Dinner tonight at 6:30 p.m.
- Alderman Lopez announced there is Bingo tonight at the VFW.
- City Engineer Raul Garcia announced that a final inspection for the walk-thru was done today by Wauters Engineering on the transmission line. He said they did a fine job, and discussed some very minor details that should be taken care of by the end of next week. Mr. Garcia explained that there is an area on County Road 5710 (by Calame Store) that holds water, and he told Council that he is sure that area used to hold water before. Mr. Garcia informed Council that the Contractor did not haul any dirt off; they just replaced what was there. He said this is the reason he is saying that that area used to hold water even before construction. He said he doesn't feel that it's the contractor's responsibility to do that; he feels that the City can do that, and next year that road and the drainage will be re-done anyway. Public Works Director Ismael Carrillo added that they (Public Works) can just add about three to four inches of dirt just to keep it from ponding, and to keep people from complaining about mosquitos.

Interim City Administrator/City Secretary Dora V. Rodriguez told Council that we should be getting the paperwork for the final payment, so everyone will sign off on that.

- Public Works Director Ismael Carrillo addressed Council about the asbestos contamination of the water being all over social media. He told Council that we had received a violation letter from TCEQ and explained that in this last third quarter, the lab showed a spike in asbestos and, according to TCEQ, once it goes over the contaminant level which is anything above a 7, we are required to notify our residents through their billing statements. According to the TCEQ letter, the readings are at 14 to 17, but Public Works Director Ismael Carrillo assured Council that the report which he just received for the last quarter shows the highest reading

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to be at .5 which is considerably lower. He told Council that the water is not contaminated; we just happened to have a spike in the asbestos.


Council and Interim City Administrator/City Secretary Dora V. Rodriguez held discussion with City Engineer Raul Garcia over the possibility of having a rainy season at the beginning of the year having any effect on this. Mr. Garcia told Council that this has never happened before and all of a sudden we have a tremendous spike. He said that in his opinion, it was more of a sampling problem because in the past, we have gotten a lot of rain, and this has never happened before. Public Works Director Ismael Carrillo added that he had tried questioning if it was a lab error, but said that they won't admit it.

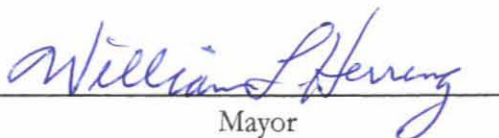
Public Works Director Ismael Carrillo told Council that the City does not collect the water samples for this. He explained that TCEQ uses a third party company to collect the samples and they handle everything. He explained that they use Crisp Analytical Labs, which is the same lab that the City uses to send out other samples. According to Public Works Director Ismael Carrillo, they charge us \$130.00 per sample. He also explained how you need to be very careful in obtaining the sample because anything like a drop of water or something from the faucet can contaminate the sample. Interim City Administrator/City Secretary Dora V. Rodriguez told Council that it's possible that this could've happened with them but they won't admit it. She suggested that maybe the City needs to get our own samples, just like they do; that way we'll have our own records of the samples we collected in case their readings come back high. She told Council that she feels it is worth spending the money because as it stands now, we are unable to fight this since we have no records of anything.

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

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

Motion carried.

  
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City Secretary

  
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Mayor