

Minutes
Regular Council Meeting
January 24, 2017

On this 24th day of January 2017, 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
Alderman 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; Denise Duffy, City Accountant; Tom Cate, City Attorney; Ismael Carrillo, Director of Public Works; and Ofilia Pedroza, UB Clerk.

Others present: Marly Davis, Devine News; Juanita Carrillo, Natalia, Texas; Vickie Pumphrey, Airport Manager; Joe Munoz, Joey Munoz, Erich Ehlinger, Jim Meyer, Ron Dennis, Sonia J. Lance, Margaret Centilli and Charles O. West, 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:

- Our athletic teams, both high school, junior high, and youth leagues – for doing well.
- Roy Heyen – for cleaning up Bill Hope's place. Mayor Herring said we appreciate anyone who is cleaning up.

The third order of business was to discuss and consider adopting a Proclamation commemorating National School Choice Week.

Mayor Herring read the Proclamation aloud and then recognized January 22-28, 2017 as City of Devine School Choice Week.

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Motion by Alderman Lopez, seconded by Alderwoman Wilkins to adopt Proclamation commemorating National School Choice Week.

Proclamation attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider approval of minutes: Regular Council Meeting Minutes, November 15, 2016; Special Council Meeting Minutes, December 8, 2016; and Special Council Meeting Minutes, December 16, 2016.

Council reviewed minutes.

Motion by Alderman Lance, seconded by Alderman Valdez to approve the minutes for Regular Council Meeting Minutes, November 15, 2016; Special Council Meeting Minutes, December 8, 2016; and Special Council Meeting Minutes, December 16, 2016.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider ordering a City General Election to be held on May 6, 2017 for Mayor, District #2, and District #5. *(El quinto orden de negocio fue discutir y considerar ordenar una Elección General de Ciudad que se llevará acabo el día 6 de Mayo del 2017, con el propósito de elegir un Alcalde, y un Concejal para el Distrito #2 y un Concejal para el Distrito #5.)*

Motion by Alderwoman Wilkins, seconded by Alderman Espinosa to order a City General Election to be held on May 6, 2017 for Mayor, District #2, and District #5. *(Mociónado por Concejal Wilkins, segundado por Concejal Espinosa para ordenar una Elección General de Ciudad que se llevará acabo el día 6 de Mayo del 2017, con el propósito de elegir un Alcalde, y un Concejal para el Distrito #2 y un Concejal para el Distrito #5.)*

Ayes <i>(Si, voto afirmativo)</i>	--	All <i>(Todos)</i>
Nays <i>(Voto no afirmativo)</i>	--	None <i>(Ninguno)</i>

Motion carried. *(Moción aprobada.)*

The sixth order of business was to discuss and consider accepting the Notice of Election. *(El sexto orden de negocio fue discutir y considerar aceptar la Noticia de Elección.)*

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Motion by Alderman Lopez, seconded by Alderman Lance to accept the Notice of Election.
(Mociónado por Concejal Lopez, segundado por Concejal Lance para aceptar la Noticia de Elección.)

Ayes *(Si, voto afirmativo)* -- All *(Todos)*
Nays *(Voto no afirmativo)* -- None *(Ninguno)*

Motion carried. *(Moción aprobada.)*

The seventh order of business was to discuss and consider adopting a Resolution of the City Council of the City of Devine, Texas, authorizing the submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the City Administrator to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that we are shooting to get filters for the LC Martin Well to get it back on-line because it's not working.

Director of Public Works Ismael Carrillo also informed Council that City Engineer Raul Garcia says it can be fixed by installing in-line filters to remove the iron from the water system. Interim City Administrator/ City Secretary Dora V. Rodriguez added that we are also going to try to improve the electrical on it because, according to Director of Public Works Ismael Carrillo, there is one electrical panel that did burn out, and City Engineer Raul Garcia will be looking into that too.

Motion by Alderman Espinosa, seconded by Alderman Valdez to adopt Resolution 1-17 of the City Council of the City of Devine, Texas, authorizing the submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the City Administrator to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program.

Resolution attached as Exhibit B.

Ayes -- All
Nays -- None

Motion carried.

The eighth order of business was to discuss and consider request from Aviation Fuel, Inc. to sell fuel at the Airport.

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Erich Ehlinger addressed Council and informed them that he had met yesterday with City Attorney Tom Cate and everyone involved. He explained that they are in negotiations but are not quite ready to create a presentation yet.

Motion by Alderman Espinosa, seconded by Alderman Lance to postpone any action at this time on the request by Aviation Fuel, Inc. to sell fuel at the Airport.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider for City of Devine to send a letter to Devine ISD on disconnecting from the temporary water meter on W. Warhorse Drive.

Mayor Herring informed Council that this has already been taken care of. Public Works Director Ismael Carrillo also informed Council that the water meter has already been removed. No action was needed on this.

The tenth order of business was to discuss and consider complaint on the Airport restrooms.

Airport Manager Vickie Pumphrey addressed Council about some issues at the Airport. The first one is a urinal issue in the men's restroom. She told Council they would like to put in a new urinal because they are unable to get parts for the current urinal, and it just doesn't work anymore. She said the second issue is that the septic tank needs to be pumped; it is overdue. The last issue is that the restrooms have no lighting. She told Council that if they are there at night, they have to use flashlights.

Interim City Administrator/City Secretary Dora V. Rodriguez told Council she had met with Airport Manager Vickie Pumphrey over the Airport Budget. She explained that the budget expense for the airport is \$14,000, and the money we get from the property leases that the hangars sit on is only a little over \$3,000. She explained that that money gets put aside in another fund that we have to use for the grants, so we actually lose money at the airport. She told Council that we can't afford much; we want to replace the urinal but don't want to spend too much money because as it is, we already lose money at the airport every year.

Motion by Alderman Lopez, seconded by Alderman Valdez to authorize Director of Public Works Ismael Carrillo to get prices for the improvements at the men's restroom at the Devine City Airport.

Ayes	--	All
Nays	--	None

Motion carried.

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The eleventh order of business was to discuss and consider a handicap ramp to be installed on the corner of E. College Avenue and S. Bright Drive on the city property.

Mayor Herring addressed Council and informed them that it is a much needed ramp on the old movie theatre slab (behind the Community Center) by Dynamic Physical Therapy. Council reviewed designs. The cost we are looking at is \$5,540 and the budget will need to be amended. Director of Public Works Ismael Carrillo informed Council that Public Works will be doing the work, with the help of City Engineer Raul Garcia, and Council reviewed a map of where the railings will be installed.

Motion by Alderman Lance, seconded by Alderman Lopez to approve for a handicap ramp to be installed on the corner of E. College Avenue and S. Bright Drive on the city property, and to amend the budget by \$5,540.

Ayes	--	All
Nays	--	None

Motion carried.

The twelfth order of business was the status on 308 E. Park Avenue – Extension request for cleanup by Alfred and Lisa Gallegos.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that according to Code Compliance Officer Eddie Diaz, Mr. and Mrs. Gallegos have been complying by cleaning up so the status is good on this; it's already been six months. No action was taken.

The thirteenth order of business was to discuss and consider approving Agreement between the City of Devine and the Devine Little League Association.

Margaret Centilli addressed Council and told them that they started sign-ups on January 7th, and will be having sign-ups every weekend in February; their starting date will be April 1st. Ms. Centilli informed Council that they will be having a meeting tomorrow to discuss Bylaws. There will also be a district meeting with Barbara Lisurgeon, District Administrator, this coming Sunday.

Discussion was also held on the \$1.00 payment to the City.

Motion by Alderman Valdez, seconded by Alderman Espinosa to approve the Agreement between the City of Devine and the Devine Little League Association.

Agreement attached as Exhibit C.

Ayes	--	All
Nays	--	None

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Motion carried.

The fourteenth order of business was the Executive Session: Library Use Policy – Consultation with City Attorney. The Executive Session will be held during this agenda item pursuant to Section 551.071(2) of the Texas Government Code for the City Council to consult with the city attorney because this item involves a matter in which the duty of the city attorney to the Devine City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

At 6:24 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session.

At 6:45 p.m., Closed Session was open to the public.

No action was taken in Closed Session.

The fifteenth order of business was to RECONVENE into Regular Session and consider action, if any, on items discussed in Executive Session.

No action was taken.

The sixteenth order of business was to review Quarterly Report.

Council reviewed report; we are doing well.

The sixteenth order of business was Informational Items.

Mayor Herring discussed the following:

- Administration Department needs help – Mayor Herring stated he would like for the City to get extra help as soon as we are financially able to do so because Interim City Administrator Dora V. Rodriguez and City Accountant Denise Duffy have been working a lot of extra hours. Mayor Herring stated he appreciates all that they do and he appreciates all the other employees.
- Janet Zamora – Is our new employee who replaced Eddie Diaz' position in the Utility Department.
- Alma Rios-Flores – Has been out for surgery.
- Go Medina – Alderman Lopez discussed attending the meeting at City of Natalia. He informed Council that he was given an application and was told that if we didn't have the \$4,350 now, we could just submit the application and wait until May to work it into our budget. Mayor Herring stated that he had told them we did not have the money budgeted for this year and we would have to wait until next budget year. Council held discussion.
- Food Pantry – Is looking for a new building, according to Mayor Herring. They need to be out by March 1st. They serve over 450 families.

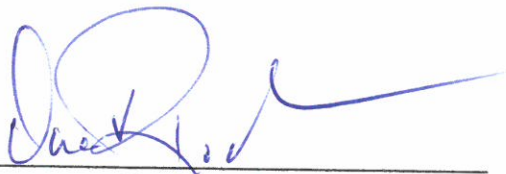
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- Alderman David Espinosa – Informed Council he has been getting all his preliminary testing done to prepare him for his stem cell transplant. He thinks he will be admitted to the hospital within one to two weeks to proceed with the transplant, so he wanted Council to know he will be out of commission for about one month. Council and everyone expressed their get-well wishes and prayers for his recovery.

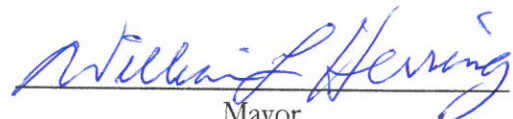
There being no further business to come before the governing body, motion made by Alderman Lance, seconded by Alderman Lopez to adjourn the meeting.

Ayes	--	All
Nays	--	None

Motion carried.



City Secretary



Mayor



A Proclamation Commemorating City of Devine School Choice Week

WHEREAS all children in the City of Devine should have access to the highest-quality education possible; and,

WHEREAS the City of Devine recognizes the important role that an effective education plays in preparing all students in the City of Devine to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of the City of Devine; and,

WHEREAS the City of Devine is home to a multitude of excellent education options from which parents can choose for their children; and,

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS our area has many high-quality teaching professionals who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, William Herring do hereby recognize January 22-28, 2017 as **CITY OF DEVINE SCHOOL CHOICE WEEK**, and I call this observance to the attention of all of our citizens.

Proclaimed and signed on this the 13TH day of January, 2017.



William L. Herring
 William L. Herring, Mayor

ATTEST:

Dora V. Rodriguez
 Dora V. Rodriguez, City Secretary

RESOLUTION 1-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEVINE, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE CITY ADMINISTRATOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the City Council of the City of Devine desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

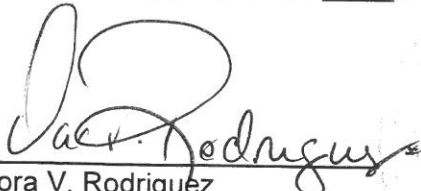
WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

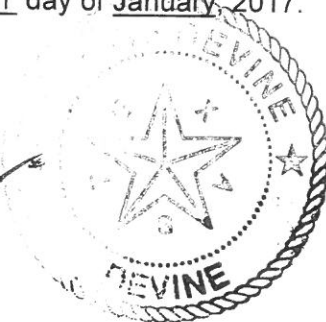
WHEREAS, it is necessary and in the best interest of the City of Devine to apply for funding under the Texas Community Development Block Grant Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEVINE, TEXAS:

1. That a Texas Community*Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture.
2. That the City's application be placed in competition for funding under the Community Development Fund.
3. That the application be for \$275,000.00 of grant funds to carry out water system improvements.
4. That the City directs and designates the City Administrator as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.
5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
6. That it further be stated that the City of Devine is committing \$41,250.00 from its Water and Sewer Fund as a cash contribution toward the activities of this water system improvements project.

Passed and approved this 24th day of January, 2017.


Dora V. Rodriguez
City Secretary
City of Devine



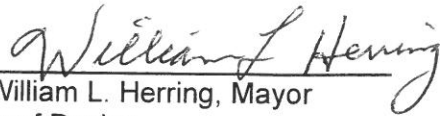

William L. Herring, Mayor
City of Devine

EXHIBIT C

THE STATE OF TEXAS §
 §
COUNTY OF MEDINA §

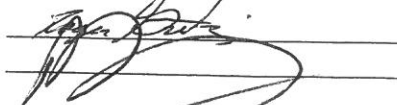
KNOW ALL MEN BY THESE PRESENTS:

This agreement made this 24th day of January, 2017, between the City of Devine, acting by and through its duly authorized Mayor and City Council, and Devine Little League Association of Devine, Medina County, Texas is to witness the following:

1. That the City of Devine, for and in consideration of covenants and agreement hereinafter mentioned, has demised and leased to the Devine Little League Association the property known as Block 57, Devine, Medina County, Texas. The City of Devine recognizes the improvements made on this property over the years and acknowledges the many contributions of time and money by the Devine Little League Association and the citizens of Devine to pay for these improvements.
2. It is agreed that all fixtures and present improvements placed on said park shall remain the property of the City of Devine. It is understood between the parties that any improvements or other structures that the Devine Little League wishes to place on the property may be so installed at their expense provided, however, that the matter is discussed with the Lessor and approved by the Lessor.
3. City will provide the Water & Sewer, up to the maximum of 50,000 gallons of water in any calendar month. In the event the Little League uses more than 50,000 gallons of water in any calendar month, the City will bill the Little League for the excess amount of water at the per gallon rate set by the City for regular service within the City. Failure to pay a water bill within 30 days for usage above the maximum amount allowed herein shall constitute a default under this agreement. Little League must comply with all voluntary measures during drought conditions.
4. The term of this contract shall commence on January 1, 2017 and shall continue in full force and effect until December 31, 2017. However, either party to this lease may terminate this lease at any time after providing the non-terminating party 30 days written notice of the termination at the address herein provided. Upon early termination of this lease, neither party shall be liable to the other party for the termination. Written notice to be addressed to the following:

City of Devine
Attn: City Secretary
303 S. Teel
Devine, Texas 78016

Devine Little League Association
Attn: President



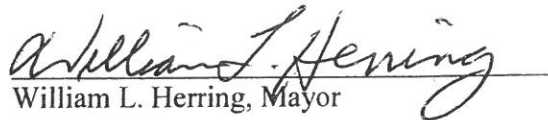
5. The Devine Little League Association in consideration of the leasing of the premises aforesaid by the City of Devine does agree to pay as rent for said premises the sum of One Dollar (\$1.00)

cash. The receipt of which is hereby acknowledged as full payment for the entire term of this lease.

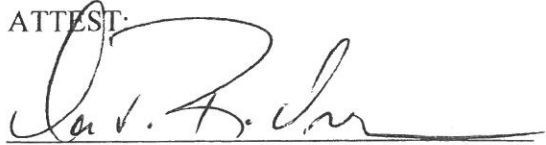
6. The Devine Little League Association agrees that it will peaceably give up to the City of Devine the said land upon the termination of this lease, and that it will not in any way abuse the property during the term of this lease.
7. The Devine Little League Association must keep the ground and buildings maintained throughout the year, as required by City Ordinance.
8. The Devine Little League Association must provide the City of Devine with proof of General Liability Insurance each year prior to January 1, with the minimum amount of insurance of \$500,000.00 per occurrence and \$1,000,000.00 in the aggregate. The insurance certificate shall list the City of Devine as an additional insured.
9. The Devine Little League hereby agrees to indemnify the City of Devine, its officers, agents, and employees, and hold harmless said City of Devine, its officers, agents, and employees from any and all causes of action arising out of the performance of said League duties under this contract.
10. By signing on behalf of the Devine Little League Association, the undersigned represents he or she has been given full authority to bind the Devine Little League Association to the covenants and agreements contained herein.

Witness our signature this the 24th day of January, 2017.

City of Devine


William L. Herring, Mayor

ATTEST:


Dora V. Rodriguez, City Secretary

Devine Little League Association


President