

Minutes
Special Council Meeting
March 30, 2017

On this 30th day of March 2017, 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 Valdez
Alderman David Espinosa

Thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Kandy Benavides, Chief of Police; Chris Andrews, Lieutenant; Ismael Carrillo, Director of Public Works; Tom Cate, City Attorney, and Ofilia Pedroza, UB Clerk.

Others Present: Kathleen Calame and Marly Davis, Devine News; Steven Santana, Medina Valley Times; Laura Mason – Cardinal Tracking, Lewisville, Texas; Pastor Mike Barrera, First Baptist Church; Pastor Robert Nixon, Bethel Assembly of God; Butch Cook and Sonia J. Lance, Devine, Texas.

Mayor Herring, presiding, called the meeting to order.

Motion by Alderman Valdez, seconded by Alderman Lance to go to Item #6 – Executive Session.

Ayes	--	All
Nays	--	None

Motion carried.

The first order of business was the Executive Session: Pursuant to Section 551.072 Texas Government Code to deliberate the purchase, exchange, lease, or value of real property:

- a. Shawnee Investments, LLC – Property 0.62 of an acre being all of Lots 9 and 12 and part of Lots 7, 8, 10 and 11, Block 16, J.M. Bright Addition, New City Block 40, City of Devine, Medina County, Texas.

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- b. Tara Hanner Barry – Property 0.83 of an acre being all of Lots 1, 4, and 5 and part of Lots 2, 3, 6, 7, and 8, Block 16, J.M. Bright Addition, New City Block 40, City of Devine, Medina County, Texas.

At 12:01 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session.

At 12:33 p.m., Closed Session was opened to the public.

No action was taken in Closed Session.

Motion by Alderman Lance, seconded by Alderman Espinosa to take no action on Item 6 a. and 6 b.

Ayes	--	All
Nays	--	None

Motion carried.

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

Mayor Herring announced that he wanted to call for a Public Hearing to be held on April 11, 2017 at 7:00 p.m. at the Community Center to discuss the idea of building a new city hall.

Motion by Alderman Valdez, seconded by Alderman Lopez to call for a Public Hearing to be held on April 11, 2017 at 7:00 p.m. at the Community Center to discuss the idea of building a new city hall.

Ayes	--	All
Nays	--	None

Motion carried.

Mayor Herring then asked for comments from the floor on Items 6 a. and 6 b.

Mike Barrera, pastor of the First Baptist Church, briefed Council on a few facts, namely:

- The Briscoe property has been in the family-designated for First Baptist Church for approximately 100 years.
- The First Baptist Church bought the Whitfield land (in the back) for \$100,000 roughly; they had been trying to buy it for years, and it finally became available.

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- The First Baptist Church bought the Briscoe property (in the front) for more than \$185,000; so, the First Baptist Church will be the owner of both adjacent properties.
- The First Baptist Church heard word of the City wanting to build a new city hall, and he asked for the City to consider all the lands in Devine that we can possibly use for a new city hall because the First Baptist Church is landlocked; they have no other land that they can buy.
- He understands that eminent domain by a city is legal but inquired if it was really ethical to do something like that; neighbors hurting neighbors.

Pastor Barrera asked for Council to take all this into consideration; he said they understand the legality that the City can take the land, but would like for the City to look at the ethical part of what's best for Devine – neighbors helping neighbors, neighbors loving neighbors, working together as city and church, and still respecting the separation of church and state. He closed by saying that they are pulling for City Council to pull for them.

Council heard from Pastor Robert Nixon, pastor at Bethel Assembly of God, who told Council that he supports all the churches in the area, and he is proud of our community. He suggested for Council to have the City buy Bill Hope's property next to his church and build a beautiful new city hall in downtown Devine.

The third order of business was to discuss and consider for the City of Devine to re-install speed bump on Fullerton Drive.

Mr. Butch Cook addressed City Council and held discussion over speed bump but said the real issue is FM 3176. Interim City Administrator/City Secretary Dora V. Rodriguez stated that TxDOT will not be doing another traffic study because they've concluded that it's not the vehicles speeding but rather the drivers not paying attention.

Mr. Cook informed Council that if the City plans on re-installing the bump, he and his adjacent neighbors would like it pushed back further down the street.

Chief Benavides informed Council that she is okay with whatever Council decides; she stated that she believes it's just the drivers who are not paying attention, and said it's unfortunate that Mr. Cook lives on the corner, and his house has been struck twice.

Director of Public Works Ismael Carrillo informed Council that he is required to order four speed bumps at a time, so he is looking at a cost of \$664 for four speed bumps; the breakdown is \$110 for each speed bump plus \$224.25 for shipping. According to Mr. Carrillo, Fullerton will take three speed bumps. Discussion followed on the speed bumps being made of rubber and certain requirements that need to be met.

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Motion by Alderman Lopez, seconded by Alderwoman Wilkins to re-install speed bump on Fullerton and to amend the budget for the cost of \$664.25, at the locations where needed.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider request made by Rusty Nixon for Bethel Assembly of Good for a waiver on the permit cost for the church.

Pastor Robert Nixon addressed Council on behalf of Rusty Nixon and requested for Council to give them a waiver on the cost of the permit, if possible.

Mayor Herring explained the City can waive the permit on the City's portion of the permit but we cannot waive the inspection fee which is done by Bureau Veritas.

Motion by Alderman Valdez, seconded by Alderman Lopez to approve request to waive the City's fee of the permit but not the inspection fee for Bureau Veritas.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider for the City of Devine to purchase a ticket writer program.

Council heard from Chief Benavides and Lieutenant Andrews who both explained that currently citations are passed through many hands before they get to the Municipal Court Clerk, and there is so much room for error. According to Lieutenant Andrews, Devine is the only police department in Medina County that writes all their tickets by hand.

Ms. Laura Mason, with Cardinal Tracking, Inc., addressed Council and explained that the City is looking at a hand-held ticket writer. She explained what the officers will be able to do with this program. It will help minimize mistakes and it is user-friendly.

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Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that the cost estimate they were provided does not include the cost of the court-side; we are still waiting to hear from Incode, and suggested that if council approves this, they can put a cap in the motion.

According to Lieutenant Andrews, they are wanting to purchase two hand-held units which will be portable, until we can get to the point where we can outfit each and every vehicle. Discussion was held on the warranty.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to approve for the City of Devine to purchase two ticket writer hand-held units from Cardinal Tracking, Inc. for \$18,708.30 with the stipulation that the cost of Incode will not exceed \$3,000, and to amend the budget by both of these amounts.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider the change submitted by the Public Utility Commission of Texas on right-of-way access lines.

City Attorney Tom Cate explained to Council that about every two years, the Public Utility Commission audits their system and cities get paid a certain amount on the franchise, and this is all passed on to the consumer. He explained to Council that in the past, we've told them that we do not want to go with the increase. He advised Council that they need to make a decision today to go with the increase or keep it the way it's been.

According to City Attorney Tom Cate, last year the rates went down. Council held discussion and decided to stay with the default.

Motion by Alderman Espinosa, seconded by Alderman Lance to go with the default rate for 2017.

2017 Consumer Price Index (CPI) Adjustment attached as Exhibit A.

Ayes	--	All
Nays	--	None

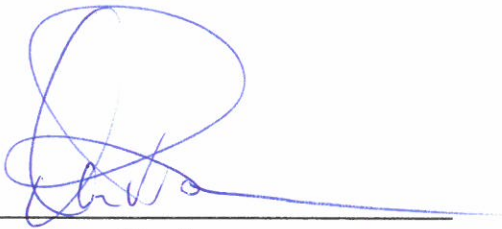
Motion carried.

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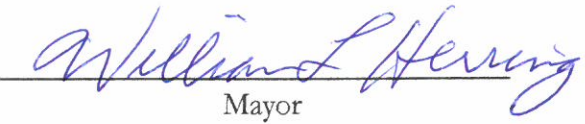
There being no further business to come before the governing body, motion by Alderman Lance, seconded by Alderman Lopez to adjourn the meeting.

Ayes	--	All
Nays	--	None

Motion carried.



City Secretary



Mayor



Public Utility Commission of Texas

1701 N. Congress Ave., PO Box 13326, Austin, TX 78711-3326

2017 CONSUMER PRICE INDEX (CPI) ADJUSTMENT TO MUNICIPAL TELECOMMUNICATIONS RIGHT-OF-WAY ACCESS LINE RATES

March 13, 2017

PURPOSE

This letter is to notify you that your city's 2017 maximum access line rates have increased by 0.5529% due to inflation, as measured by the CPI. This adjustment has been made pursuant to Chapter 283 of the Local Government Code (House Bill 1777).

DEFAULT RATES FOR 2017: NO CHANGE

Based on the choice made by your city in April 2016, your city's 2017 rate will either be adjusted for inflation, or will remain the same as your 2016 rate. According to our records, when similar CPI adjustments were made in April 2016, you opted not to adjust your rates for inflation, i.e. you chose LESS than the maximum allowable CPI-adjusted rates. Therefore, your 2017 rates will REMAIN at your 2016 level and your rates will NOT increase. You have the option to refuse this default rate and request an increase in rate by taking the action explained below.

ACTION BY CITY: TO REQUEST AN INCREASE

(1) You do not have to respond if you desire to keep your 2017 rates at the 2016 levels. (2) Respond ONLY if you want an INCREASE from the 2016 rates. (3) To request an increase, notify the PUC using page 2 of this letter no later than April 30, 2017. (4) The PUC does not require City council authorization; however, if your city charter requires it, please do so immediately. (5) Verify your contact information and highlight any changes. (6) Make a copy of this document.

WHAT HAPPENS IF A CITY DOES NOT RESPOND BY APRIL 30, 2017?

If a city does not respond by April 30, 2017, the rates for your city will remain at the 2016 levels. The next opportunity to adjust your rates will be September 1, 2017.

WHAT HAPPENS NEXT?

The PUC will notify telephone companies of your desired rates and you will be compensated accordingly no later than July 1, 2017.

FUTURE REVISIONS TO CPI

The access line rates will be revised annually in March depending on whether the CPI changes for the previous year. If the CPI changes for the year 2017, you will receive a similar letter in 2018.

See over...

City of Devine

SECTION 1: Your new 2017 CPI adjusted maximum rates are as follows:

Residential: \$1.19 **Non-Residential:** \$1.22 **Point-to-Point:** \$1.22

SECTION 2: Your default rates for 2017 are as follows and are the same as your 2016 rates.

Note: This is lower because you have chosen to do so previously.

Residential: \$1.13 **Non-Residential:** \$1.15 **Point-to-Point:** \$1.15

To increase your default rates up to your 2017 maximum rates, notify the PUC by completing the section below. You can mail or fax this page to the PUC. To accept rates in SECTION 2, no action is required.

I _____, Title _____, am an authorized representative for the City/Town/Village of _____. The City declines to accept the default rates indicated in SECTION 2 above. Instead, we choose the following rates: Residential _____; Non-Residential _____; Point-to-Point _____.

Date: _____

Signature: _____

Other Comments:

HOW TO RESPOND

Mail: Stephen Mendoza
Public Utility Commission
P.O. Box 13326
Austin, TX 78711-3326

INQUIRIES

Inquiries only. NOT for sending your response.
HB1777@puc.texas.gov
Phone No: 512-936-7394

OR FAX TO Stephen Mendoza at: 512-936-7428

CITY CONTACT INFORMATION

Please notify us if the contact information we have on file for your city has changed. Thank you.

Phone No. 1 (830) 663-2804
Phone No. 2 (830) 665-4817
Fax No: (830) 663-2208
Email: administrator@cityofdevine.com

Address

GARY PELECH CITY ADMINISTRATOR
or current city official responsible for right-of-way issues
CITY OF DEVINE
303 S TEEL DRIVE
DEVINE TX 78016