

Minutes
Regular Council Meeting
May 16, 2017

On this 16th day of May 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
Alderwoman Kathy Wilkins
Alderman Steve A. Lopez
Alderman David Espinosa

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

Personnel present: Interim City Administrator/City Secretary Dora V. Rodriguez; Mary Badillo, City Financial Advisor; 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; Vickie E. Pumphrey, Airport Manager; Linda & Jim Howell; Robert Cappella; Doug Trott; Maria Rodriguez; Jim Lawler; Jerry Beck; Glen & Eva Thompson; Beth Thircken; James Spurgers, Michael Spurgers; James R. Spurgers; Bob Barron; David Ehlinger; Marla Cappella; Mary Jane Balderrama; Linda Kreinhop; Hap Squires; Beth Choelers; Kim Lance; and Sonia J. Lance of Devine, Texas.

Mayor Herring presiding, called the meeting to order. He also delivered the Invocation and Alderman Lopez 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 to discuss and consider adopting a Proclamation for Lupus Awareness Month.

Mayor read proclamation aloud.

Motion by Alderman Espinosa, seconded by Alderwoman Wilkins to adopt the Proclamation for Lupus Awareness Month.

Proclamation attached as Exhibit A.

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

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The third order of business was to Canvass Election Returns for the May 6, 2017 General Election for District #5. *(La tercer orden de negocio fue para escrutinar los resultados de la Elección General del 6 de Mayo del 2017 para Distrito #5.)*

Council reviewed the election results for the May 6, 2017 General Election for District #5. *(El Concejo Municipal verificó los resultados de la Elección General del 6 de Mayo del 2017 para Distrito #5.)*

Motion by Alderman Lance, seconded by Alderman Lopez to approve the election results for the May 6, 2017 General Election for District #5. *(Moción hecha por Concejal Lance, segundado por Concejal Lopez de aprobar los resultados de la Elección General del 6 de Mayo del 2017 para Distrito #5.)*

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| Ayes <i>(Voto a Favor)</i> | -- | Four <i>(Cuatro)</i> |
| Nays <i>(Voto en Contra)</i> | -- | None <i>(Ninguno)</i> |
| Absent <i>(Ausente)</i> | -- | One <i>(Uno)</i> – (Alderman <i>(Concejal)</i> Valdez) |

Motion carried. *(Moción aprobada.)*

The fourth order of business was the Certificate of Election. *(La cuarta orden de negocio fue el Certificado de Elección.)*

Mayor Herring read and presented the Certificate of Election to Cory Thompson. *(El Alcalde Herring leyó y le presentó el Certificado de Elección a Cory Thompson.)*

The fifth order of business was Recognition.

Mayor Herring recognized the following:

- Mary Badillo – Was welcomed as the new full-time Financial Advisor who came on board with the City of Devine on Monday. She’s been a Consultant for the City for many years.
- Hal Lance – Was recognized for his 10 years of service as Alderman for the City of Devine as Mayor Herring presented him with a plaque in appreciation for his outstanding dedication and service. Mayor Herring also recognized his wife, Sonia J. Lance, for her support, and thanked them both. In his farewell speech, Mr. Lance thanked the City employees because they made his job so much easier and stated that he only hoped that he made their jobs better. He commented that the City tax rate is lower than it was in 1994 and said “Let’s keep it that way.”

The sixth order of business was to administer the Oath of Office to newly Elected/Appointed Officers. *(La sexta orden de negocio fue administrar el Juramento de Oficina a los funcionarios recién Elejidos/Nombrados.)*

City Attorney Tom Cate administered all three Oaths of Office individually, beginning with Cory Thompson for Alderman for District #5, William L. Herring for Mayor and Steve A. Lopez for

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Alderman District #2. (El Abogado Municipal Tom Cate administró los tres Juramentos de Oficina a cada uno, empesando con Cory Thompson para Concejal, Distrito #5; William L. Herring para Alcalde y Steve A. Lopez para Concejal, Distrito #2.

The seventh order of business was to discuss and consider Approval of Minutes: Regular Council Meeting Minutes, April 18, 2017; and Special Meeting Minutes, March 3, 2017.

Council reviewed minutes.

Motion by Alderman Lopez, seconded by Alderman Espinosa to approve the minutes for Regular Council Meeting, April 18, 2017 and Special Council Meeting, March 3, 2017.

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

Motion carried.

The eighth order of business was to discuss and consider request from Maria Rodriguez, MROD Co., LLC, on damages to parking lot on personal property during construction of sidewalk on Bright Drive.

Mayor Herring and Council reviewed before and after pictures.

Maria Rodriguez addressed City Council and said she really appreciated that the City took over and that the sidewalk has been replaced; she said they did a great job. She explained that her reason for coming before Council is because as a contractor and business owner, she's always had to provide a certificate of insurance for liability coverage to cover any damages that her company has caused. She told Council that she has pictures of the contractor's skids breaking away the asphalt that was there. She told Council that she cannot lease this building without now liability on her end. She told Council that cars cannot be parked there because it's muddy. Ms. Rodriguez requested for the general contractor to come back and do a soft cut and fill in what has been damaged.

City Attorney Tom Cate advised Council that we just need to present it to the contractor, Maldonado Construction, and at the same time we need to put our insurance company on notice too.

Motion by Alderman Espinosa, seconded by Alderman Thompson to postpone any decision on request from Maria Rodriguez, MROD Co., LLC, on damages to parking lot on personal property during construction of sidewalk on Bright Drive until we have contacted the contractor (Maldonado Construction) and given notice to our liability insurance company.

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

Motion carried.

The ninth order of business was to discuss and consider request from Carolyn White for City to fix an area of Jack Nicklaus Drive.

Council reviewed an estimate they received from City Engineer Raul Garcia showing that the cost to do this would be \$9,000.

Director of Public Works Ismael Carrillo addressed City Council and told them this consists of hiring a contractor to come in and work on the section in front of her place which has a low spot in the street itself. He explained to Council that the City does not have the equipment to do the hot mix so the work would need to be contracted out, and this is the rough estimate of what the engineer thinks it would cost. He also told Council that Jack Nicklaus is a city street, which was put in by Tommy Ramirez, so it is the City's responsibility.

Mary Jane Balderrama spoke to City Council and expressed her concern over the request from Carolyn White to have the low spot in front of her house repaired. She told Council that if anyone drives down Jack Nicklaus Drive, there are many low spots in the street, and she cautioned drivers to watch their tires because they might get a flat. She wanted to know what reason Ms. White gave that was good enough for her to get her spot fixed if the City is not going to fix all of Jack Nicklaus.

Mayor Herring explained that at this time Council is only concerned with Ms. White's request because it is only her name on the agenda and we can answer only for her. He explained that Ms. White had requested that the City go out and look at the low spot. He said City Engineer Raul Garcia went out to look at it, along with himself (mayor), Interim City Administrator/City Secretary Dora V. Rodriguez, Director of Public Works Ismael Carrillo and Superintendent of Public Works Rob Flores, and they all determined that, yes, they could see why it needed to be fixed.

Ms. Balderrama told Council that she will be turning in her request next week to her new city alderman and added that she felt Ms. White should've been present for the meeting tonight.

Mayor Herring explained that in June of every year, Director of Public Works Ismael Carrillo and Superintendent of Public Works Rob Flores turn in a list of streets that need re-paving to Council. He explained that each council person reviews the list and then decides which streets in their districts need to be re-paved as a first priority.

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Mayor Herring then inquired if this could wait until June. Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that this can wait until June when we get the list of streets from Public Works so Council can decide which streets they want re-done in their districts. She explained that money has already been allocated in the budget to work on the streets (recommended in June), so it would come out of that fund, and we would not need to bypass any other projects.

Motion by Alderman Thompson, seconded by Alderman Espinosa to put Jack Nicklaus Drive on the list, presented by Public Works in June, of streets to be repaired.

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

Motion carried.

The tenth order of business was to discuss and consider for Council to become members of Go Medina.

Mayor Herring told Council that this is a big decision because of the cost, it would be \$1.00 per person which based on our last 2010 Census comes out to \$4,350. His recommendation to Council was for us to join in with the idea that if we get anything out of it, let's stay in; and if we don't, we can treat it like we did with the South Texas Regional Water Consortium which we ended up pulling out of after a couple of years.

Council held lengthy discussion on how the City of Devine would benefit from this membership. They talked of this being a countywide economic development – advertisements. Councilmembers expressed their opinions; some were not in favor of this and others were not too familiar with the organization but were aware that the Cities of Hondo, Castroville and Natalia are on board, and wanted to know if it's benefitting them any.

Interim City Administrator/City Secretary Dora V. Rodriguez mentioned TIF. She informed Council that she and City Attorney Tom Cate have been talking about this. She explained that the City has been working on other projects with the County like the TIF, for example, which they didn't want to participate in because they want us to build \$300,000 homes. She told Council that the only thing she sees we will be getting out of it, is the advertising.

Mayor Herring said we definitely need the County to participate on our TIF if we plan to develop the 40 acres; he said we cannot do the TIF on our own. He suggested that we can use that as leverage.

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City Attorney Tom Cate explained that according to our TIF Consultant Lance Elliott, the County didn't want to participate in the TIF unless they were guaranteed a certain value on the houses going into the TIF. He said the problem is that the area we're talking about is mainly commercial and we don't see very many residential developments going in; we're re-zoning it now for commercial, so the \$300,000 residential homes are not going to happen.

Alderman David Valdez arrived at 6:29 p.m.

Alderman Thompson informed Council that being in the real estate business, they know they can sell between \$150,000 to \$250,000 homes all day long, but \$300,000 homes don't sell. He said that even in the Jack Nicklaus area, it doesn't sell; not quick enough to justify making that the bottom line for the TIF.

Alderman Lopez commented that he's been here longer than anybody on Council. He said we've had other economic development programs develop. He said they sound good and then they fizzle out. He said we've put money in it but got nothing in return.

Mayor Herring noted that Commissioner Jerry Beck, who was present, has always been a big supporter for the City of Devine with the TIF project. Commissioner Beck told Council that in his opinion, he feels that the \$300,000 requirement from the County is a little high, and he is in agreement that the \$150,000 to \$200,000 would sell every day; he thinks that would be something to shoot for. He explained that he's only one vote with the Commissioners, but he explained to Council that the main thing that concerned the County Commissioners is the lot size of the houses. He added that he doesn't think it should be a stumbling block for the County joining in on the TIF.

Motion by Alderman Espinosa, seconded by Alderman Thompson to postpone decision for Council to become members of Go Medina until after the Mayor, Interim City Administrator/City Secretary Dora V. Rodriguez, and City Attorney Tom Cate have talked to the County Judge.

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| Ayes | -- | All |
| Nays | -- | None |

Motion carried.

Discussion was held after the motion by Commissioner Jerry Beck. He informed Council that the next Commissioner's Court Meeting is Monday, so he suggested that we contact Judge Schuchart's secretary, Jennifer, tomorrow or the next day in order to get on the agenda.

The eleventh order of business was to discuss and consider for Council to host the next meeting for Go Medina on July 13, 2017.

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Motion by Alderwoman Wilkins, seconded by Alderman Espinosa to postpone any decision to host the next meeting for Go Medina on July 13, 2017.

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| Ayes | -- | All |
| Nays | -- | None |

Motion carried.

The twelfth order of business was to discuss and consider compensation for Airport Manager.

Interim City Administrator/City Secretary Dora V. Rodriguez explained to Council that in all the years that we've had an Airport Manager, we have never compensated them. She told Council that she and the Mayor and City Attorney Tom Cate have discussed that the Airport has always been "off the stove;" the Airport pretty much ran itself. She explained that now that they recently attended a TxDOT Aviation meeting because we were awarded a grant, they want cities to start bringing the Airport back "on the stove," so to speak. She said that they also found out that a lot of things were not in compliance.

Interim City Administrator/City Secretary added that Vickie has been doing a lot, especially now that the airport is more active and we've gotten new people and she uses her personal cell phone and personal vehicle while conducting City business. She told Council that we need to compensate the airport manager, whether it's her or any future airport manager because the airport is not going to be "off the stove" anymore.

Alderman David Espinosa inquired if the Airport is considered a department of the City to which Interim City Administrator/City Secretary Dora V. Rodriguez replied that it is. He inquired if we should provide a vehicle for this department. Ms. Rodriguez said that would be something for Council to decide but said we could do that later, and then asked Director of Public Works Ismael Carrillo if Public Works had any extra vehicles available. He informed Council that they were pretty close to nothing available. Interim City Administrator/City Secretary Dora V. Rodriguez said that we can look at that when working on the budget. She said she and the Mayor and City Attorney Tom Cate had been talking about compensating her for something. Some of the figures thrown out were \$100/week or \$150/week but it is Council's decision.

Council held discussion on compensating Ms. Pumphrey. Figures thrown out were \$300 bi-weekly or \$150 per week; \$600 a month, and having to amend the budget or even waiting for it to be in effect for the new budget. Interim City Administrator/City Secretary Dora V. Rodriguez told Council that this could "bite us" if we don't compensate her now because she's already doing the work.

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City Attorney Tom Cate told Council that the one of the main things we are concerned about is that everything is going on out at the airport now. He said that at the last meeting, Council voted on getting the lease areas surveyed, a few have changed hands, and we've been talking about getting fuel out at the airport, so he said we really need to get someone who's involved in the airport on a day-to-day basis. He said that if Ms. Pumphrey is a department of the City, we could pay her a salary, if we want, of \$150 a week/\$600 a month, but we do need somebody out there, and she's been doing the job. He told Council that Interim City Administrator/City Secretary Dora V. Rodriguez is satisfied with Ms. Pumphrey's work and her recommendation is to compensate Ms. Pumphrey.

Alderman Thompson commented, "Don't we take the risk of getting in trouble because the City has an unpaid employee working?" "So we have to compensate her something or else once the FAA starts cracking down, we run the risk of getting into trouble." According to Interim City Administrator/City Secretary Dora V. Rodriguez, he is correct.

Mayor Herring stated that it sounded like Council is in agreement that we are going to pay Ms. Pumphrey \$150 a week which is \$300 bi-weekly or \$600 monthly, and that we will be discussing in our budget workshops about getting her a vehicle.

Interim City Administrator/City Secretary Dora V. Rodriguez wanted to know from Council if her salary will be after taxes or before taxes. City Financial Officer Mary Badillo told Council that the question is Net? Or Gross? She explained that if we pay her gross, she'll get less on her paycheck. Council held discussion and felt it would be better to go with after taxes and to pay her a gross salary just all the other employees, but she would be considered a part-time employee with no benefits.

City Accountant Denise Duffy told Council to consider the issue of the new TMRS rule about having to pay an employee TMRS pension if they work over 1000 hours per year. Discussion was held with Ms. Pumphrey on her hours. Interim City Administrator/City Secretary Dora V. Rodriguez used our part-time library staff as an example. She told Council that they are all part-timers but do not work over 1000 hours per year.

Motion by Alderman Lopez, seconded by Alderman Valdez to approve compensation for the Airport Manager at \$150 gross per week.

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| Ayes | -- | All |
| Nays | -- | None |

Motion carried.

The thirteenth order of business was to discuss and consider the Airport.

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Interim City Administrator/City Secretary Dora V. Rodriguez addressed City Council and told them that she, City Accountant Denise Duffy and Airport Manager Vickie Pumphrey had all attended the TxDOT Aviation workshop in San Marcos. She told Council that the Airport really needs to be in compliance because we don't have rules and regulations; we don't have minimum standards. She explained that starting in July, the FAA will be looking at every hangar and we need to make sure that we are doing everything correctly. She stressed that we have to make sure that we are in compliance. She told Council that in talking to City Attorney Tom Cate, they both agreed that we probably need to get a consultant to help Ms. Pumphrey and us to make sure that we can get a list of everything that we need to be in compliance and to stay on track. She said that we are not pilots and we don't know all the laws when it comes to the FAA. She said although Ms. Pumphrey had done a good job in trying to get samples of things for us, she went ahead and called Megan with the Texas Department of Aviation to ask for her help. She said that Megan put her in contact with someone named Charlotte with TxDOT-Aviation, who is willing to help us out and is willing to come out to the Airport to look at everything. She is willing to share everything that she has with us because her airport is in compliance.

Airport Manager Vickie Pumphrey briefed Council a little bit on Charlotte's background. She said that she is from Cleburne. She's been around aviation for a while and has been an airport manager for 21 years. She told Council that Charlotte is willing to lay it out and tell us what we need, how we need to fix it and what we need to do. Ms. Pumphrey told Council that she will basically help us stay on the right track because the FAA is going to crack down. She explained that in the worst case scenario, they can come in and make us pay back the grants that we have gotten in the past, and the City of Devine couldn't do that.

Some comments from Council were, "I think it's a good idea," "We need it," and "We don't want to have to pay back grants."

Council held discussion on our latest grant being \$400,000 for the runway. According to Airport Manager Vickie Pumphrey it was right under the \$600,000 that they had, and they made it to \$445,000. Mayor Herring inquired on the timeline of construction on that; and when we would be starting. Ms. Pumphrey told Council that they still don't know; they haven't picked our engineers yet so we're still waiting on that, but as soon as we hear from Megan, she will let us know.

Motion by Alderman Espinosa, seconded by Alderman Valdez to postpone any decision on hiring someone to be an airport consultant

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| Ayes | -- | All |
| Nays | -- | None |

Motion carried.

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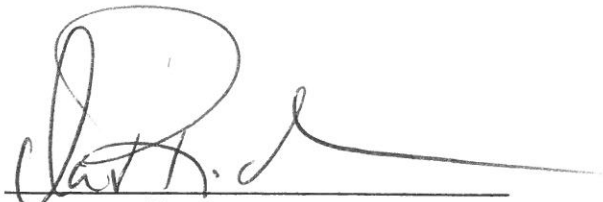
The fourteenth order of business was Informational Items.

- Mayor Herring announced there will be a Devine VFW District #13 Convention on Sunday, May 21, 2017.
- Mayor Herring announced Devine VFW will also have a Memorial Day Ceremony on May 29, 2017. The Boy Scouts will also be retiring some flags.
- City Financial Officer Mary Badillo went over the SAS-99 Policy with Alderman Cory Thompson and Airport Manager Vickie Pumphrey. She discussed the Whistle Blower's Policy, Conflict of Interest and Code of Conduct policies for the City of Devine.
- Mayor Herring announced the Devine Warhorse Golf Team is going to State on Monday and Tuesday. Bryce Champion (son of former Councilwoman Gina Champion) will be going.
- Mayor Herring announced that a Warhorse and an Arabian participated in the State Track Meet. Jack Zimmerle placed 4th in the Shotput event, and Stephanie Campos placed 7th in the Discus event.
- Mayor Herring announced Council Training will be sometime in June, hopefully in the first week. It will take approximately two hours to view the video. Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that this is a mandatory training, and a Certificate will be issued.

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

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

Motion carried.



City Secretary



Mayor

EXHIBIT A

**Proclamation
Lupus Awareness Month
May 2017**

WHEREAS, each year, the Lupus Foundation of America designates May as National Lupus Awareness Month to show support for the estimated 1.5 million Americans who have lupus; and

WHEREAS, lupus is an unpredictable and misunderstood autoimmune disease that ravages different parts of the body. It is difficult to diagnose, hard to live with and a challenge to treat; and

WHEREAS, lupus can affect any part of the body, including the skin, lungs, heart, kidneys and brain. No organ is spared. The disease can cause seizures, strokes, heart attacks, miscarriages and organ failure; and

WHEREAS, lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences of lupus. More than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis; and

WHEREAS, while lupus strikes mostly women of childbearing age, no one is safe from lupus, African Americans, Hispanics/Latinos, Asians and Native Americans are two to three times more likely to develop lupus – a disparity that remains unexplained; and


WHEREAS, 120,000 citizens diagnosed in Texas are affected by lupus.

NOW, THEREFORE, I, William L. Herring, by virtue of the authority vested in me as Mayor of the City of Devine, Texas, do hereby proclaim the month of May 2017, as

LUPUS AWARENESS MONTH

In the City of Devine, Texas, and encourage citizens to observe this month by educating themselves on the symptom and impact of lupus, and to join with the Lone Star Chapter of the Lupus Foundation of America in supporting programs of research, education and community service.

Passed and approved by the Devine City Council on this 16th day of May, 2017.

ATTEST:


Dora V. Rodriguez, City Secretary





William L. Herring, Mayor