

Minutes
Regular Council Meeting
August 15, 2017

On this 15th day of August 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
Alderwoman Kathy Wilkins
Alderman Steve A. Lopez
David Valdez
Alderman David Espinosa
Cory Thompson

Thus, constituting a quorum.

Personnel present: Interim City Administrator/City Secretary Dora V. Rodriguez; Denise Duffy, City Accountant; Mary Badillo, City Financial Advisor; Tom Cate, City Attorney; Ismael Carrillo, Director of Public Works; and Ofilia Pedroza, UB Clerk.

Others present: Marly Davis, Devine News; Sarah Martinez, Medina Valley Times; Billy Alvarado, Aiden & Andrew Zapata, Charles & Elaine Hoog, Caden Hanson, Brandon Jasso, Gabriel Esquibel, Katherine Hanson, Rosie Garza, Briane Alston, Albert Obaya, Sam Guardiola, Bill & Lauren Sinclair, Ramiro & Mary Jane Balderrama, Mary Cadenhead Allison, Kevin & Georgia Hicks, Jennifer Schott, Sandy Lawler, Hal & Sonia Lance, John & Elia Merritt, Jeremy & Leslie Vail, Cindy Breiten, Jaieden Burford, Juliann Castro, Melissa Stevens, Cindy Esquibel, Patti Richard, Troop 72; Joseph Hernandez, Troop 72; C. Richard, Troop 72; Matthew Richard, Troop 72; Draye Miller, Troop 72; R. Hernandez, Troop 72; Richard Morris, Troop 72; Chris Morris, Troop 72; Melissa Still, Troop 72; Robert Still, Troop 72; Jerry Lee & Melissa Stevens; Fasal Kamal; and Ernest Munoz Jr., of Devine, Texas.

Mayor Herring, presiding, declared the meeting open at 6:00 p.m. He also delivered the Invocation and Alderwoman Valdez led the Pledge of Allegiance.

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

Mrs. Elia Merritt wanted an update from Council on the asbestos grant funding with the water pipes. She got upset when told that Council could not comment under the Citizens Forum. City Attorney Tom Cate advised that the Mayor could explain something under Informational Items if she could wait, but explained that he could not have a deliberation under the Citizens Forum. He further explained that City Council follows the Open Meetings Act, which is a State act.

Regular Meeting Minutes
August 15, 2017
Page 2

The second order of business was Recognition.

- Mayor Herring recognized the Devine Rangers Team again for their outstanding accomplishments and a great season which ended in Florida. They won two games and lost one. We are all proud of them. The Team took pictures showing off their rings.
- Alderman Lopez, as Vice Commander of VFW Post 3966, recognized Matthew Richard for Eagle Scout of the Year. A second award was presented to Matthew Richard by Mayor Herring on behalf of the VFW State Commander, for Scout of the Year Runner-Up. His brother, Zachary Richard, was recognized as the 1st Place Winner of the Patriot's Pen for the Voice of Democracy with the VFW.
- Zachary Richard then presented the Yearly Charter Award from Troop 72 to Devine VFW Post 3966, and thanked VFW Vice Commander Steve Lopez for supporting all that they do.
- Interim City Administrator Dora V. Rodriguez accepted recognition from Mayor Herring on behalf of the City for her son, Ruben Rodriguez Jr. (who was not present), for being awarded the Daisy Award, for extraordinary nursing performance. He's an Oncology RN at the Northeast Baptist Hospital.

The third order of business was to discuss and consider Approval of Minutes: Regular Council Meeting Minutes, July 18, 2017; Special Meeting Minutes, July 24, 2017 and Special Meeting Minutes, August 8, 2017.

Council reviewed all the minutes.

Motion by Alderman Espinosa, seconded by Alderman Valdez to approve the minutes for Regular Council Meeting Minutes, July 18, 2017; Special Meeting Minutes, July 24, 2017 and Special Meeting Minutes, August 8, 2017.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider allowing the formation of a Park Advisory Board for the Parks and Recreation for the City of Devine.

Mayor Herring commented that this is a good idea. He explained the stipulations that need to be followed to stay in line with our other three advisory boards which are the Airport Advisory Board, Library Advisory Board and the Planning & Zoning Commission.

Mayor Herring stated that in order to form a Park Advisory Board, we must do the following:

- Have each of the Council pick someone from his or her district or go with what is presented to Council.
- City Attorney Tom Cate must write an ordinance and then Council will adopt it.

Regular Meeting Minutes
August 15, 2017
Page 3

- The Board would then select a Chairman and a Secretary.
- All Advisory Board meetings are held in the Council Chambers except for the Library Advisory Board which meets at the Library, and that is City property.
- We must have Director of Public Works Ismael Carrillo and Superintendent of Public Works Rob Flores be a part of this board, with not decision-making, since this is their department.
- We will need to post agendas like we do for all boards, with a 72-hour notice.
- Minutes will need to be taken at the meetings.
- We will need to do an oath of office for each board member.
- The new board members will need to be added to the Council Appointments list that Council approves.

Mary Jane Balderrama expressed her disagreement with this and stated that it sounded to her like Council would be selecting the Board and made it clear that she did not want the Council to select the board members; she wanted the people to have a say in this, and she wanted every district to be represented.

Mayor Herring explained that each Council member will nominate someone and the Council as a whole would approve the five members.

City Attorney Tom Cate explained that Council appoints all members to the Advisory Boards that the City has. He reminded Mrs. Balderrama and all the people present that they all elected the representatives sitting on the Council, so when talking about having a right to vote for somebody, their representative is going to make the choice.

Mrs. Balderrama expressed that she was tired of being surprised and handed Council a signed petition.

Council then heard comments from Mary Cadenhead Allison who was concerned about eligibility requirements of who gets selected, Mr. Kevin Hicks brought up term limitations and was told this would be discussed later on, and Mr. Ernest Munoz commented that it seemed like we have an overload of just one district. Mayor Herring informed him that in order for this to work, every district must be represented. Mr. Munoz also brought up budget issues.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to proceed with creating a Park Advisory Board for the Parks and Recreation for the City of Devine.

Ayes	--	All
Nays	--	None

Motion carried.

Regular Meeting Minutes
August 15, 2017
Page 4

The fifth order of business was to discuss and consider for the City to take back the Swimming Pool.

Mayor Herring announced that since we now have a Parks Advisory Board, Council must postpone this item because it now goes to the Parks Advisory Board.

Chaos broke out in the audience, and Council heard comments from Jennifer Schott who read a letter from Fred Morales giving a 60-day offer to the City to take the pool back. Council also heard from Billy Alvarado, Cindy Esquibel, Kevin Hicks, Sandy Lawler and Mary Jane Balderrama, who all basically asked for the Council to be open-minded about the swimming pool.

Motion by Alderman Valdez, seconded by Alderman Espinosa to postpone the decision of the City to take back the Swimming Pool until a recommendation is made by the newly formed Parks Advisory Board.

Ayes	--	Four
Nays	--	One – Alderman Thompson

Motion carried.

The sixth order of business was to review the Library Advisory Board Minutes for July 25, 2017.

Council reviewed.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins that Council did review the Library Advisory Board Minutes for July 25, 2017.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was Informational Items.

- Asbestos Update – Mayor Herring announced we've been to meetings in Austin twice regarding the grant for the asbestos pipes. We ranked #20 out of 58 with the Texas Water Development Board, and the entire grant for \$25 Million was awarded to the City of Brady – big disappointment. Later met the same group for Green Money but it's only for \$1 Million; we rank #8 on this but by the time they get to us there won't be much money left. Mayor Herring, City Engineer Raul Garcia, Director of Public Works Ismael Carrillo and Superintendent of Public Works, went back Friday and met with a three-member board to let them know that we will be persistent and will keep going back because this is priority #1 in the City of Devine; we've got to remove these asbestos pipes. Our next step is to

Regular Meeting Minutes
August 15, 2017
Page 5

go to Temple and apply for federal money from the United States Department of Agriculture, whenever we can set up a meeting.

- Bad News – If we don't get any money at all, we will need \$9 Million (\$6.5 Million for the asbestos pipes and \$2.5 Million for the cast iron pipes) to replace the pipes and that means the citizens will be paying for that; we would need to have a bond election. If we don't go that route, we can issue Certificates of Obligation or Certificates of Anticipated Tax Property Money coming in. Mayor Herring told everyone that eventually whatever we do, we're going to pay for it, so he asked everyone to wish us well with the United States Department of Agriculture. Mayor Herring added that if we have to fund this ourselves, we are looking at 20 years with a huge increase in water bills or a huge increase in property taxes. He said we'll probably do water bills and it can be done two ways: 1) raise the rates considerably, or 2) put a surcharge every month on our water bills for 20 years.
- Devine no longer a Disadvantaged City – How can we not be? According to Mayor Herring, we are appealing that to our grant writers.

There being no further business to come before the governing body, motion made by Alderman Valdez, seconded by Alderman Espinosa

Ayes	--	All
Nays	--	None

Motion carried.

Mayor

City Secretary