

Minutes
Special Council Meeting
July 24, 2017

On this 24th day of July 2017, at 6:00 p.m., 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
Alderwoman Kathy Wilkins
Alderman Steve A. Lopez
Alderman David Valdez
Alderman David Espinosa
Alderman Cory Thompson

Thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Mary Badillo, City Financial Advisor; Ismael Carrillo, Director of Public Works; Rob Flores, Superintendent of Public Works; Chris Andrews, Lieutenant; Alma Rios-Flores, Municipal Court Clerk; Celina Rodriguez, UB Clerk; and Ofilia Pedroza, UB Clerk.

Others Present: Marly Davis, Devine News; Amy Koch, Vortex; Laura Sinclair, Brianne Alston, Albert Obaya, Eva Thompson, Doug & Donna Trott, Phillip Fitch, Melissa Stevens, Jeremy & Leslie Vail, Ramiro & Mary Jane Balderrama, Jerry Lee Stevens, Gayle Hamilton, Juan C. Zamora, and Jennifer Schott, of Devine, Texas.

Mayor Herring, presiding, called the meeting to order.

The first order of business was to discuss and consider Council duties.

Mayor Herring gave out handouts to Council and informed the public about the rights to speak and participate in public meetings. He informed everyone that although it is a common practice (or a courtesy) that comments be heard from the general public during public meetings, the Open Meetings Act does not actually provide the public a right to participate or comment at public meetings. He explained that a "Public Hearing" (which we've already had) is one where the public is entitled to comment, and a "Public Meeting" (such as tonight) is one where the public is entitled to attend, not one in which they are entitled to participate.

City Attorney Tom Cate also addressed the powers and duties of the City Administrator. He pointed out that Council has no administrative duties; they deal solely through the City Administrator and they cannot give orders to any subordinate of the City Administrator; and we need to let our City Administrator do her job. All of this is because we are governed as a General Law A city.

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The second order of business was to discuss and consider for the City of Devine to apply for a grant, for our City Park on Windy Knoll/Colonial Parkway, with the Texas Parks and Wildlife.

Alderman Lopez commented that he's been talking to people in his district and said that if the people on the north side do not want the splash pad at the Briscoe Park on Windy Knoll, the people on the south side will gladly welcome the splash pad at the John Curcio Park.

According to City Attorney Tom Cate, tonight we are limited to discussing only the north side park on Windy Knoll.

Mayor Herring announced that he would be addressing Alderman Thompson's questions from the last council meeting and would be answering each one. He informed the public that he would allow them to pick their spokesperson and they can give him/her the questions to ask Council.

Mayor Herring then proceeded to answer all 26 questions submitted by Alderman Thompson. Hearing no appointments from the floor and hearing the first question come from Mr. Phillip Fitch, Mayor Herring appointed him as the spokesperson for the public, with there being no objections.

Lengthy discussion was carried by Mayor, Council and spokesperson Phillip Fitch in answering all of Alderman Thompson's questions.

Motion was made by Alderman Thompson to change our policy and allow everyone in the audience a chance to speak; there was no second. City Attorney Tom Cate advised that we can't take any action on an item that is not on the agenda; he said this is only to apply for a grant.

Mayor Herring and Council held lengthy discussion with Mr. Phillip Fitch.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to approve for the City of Devine to apply for a grant, for our City Park on Windy Knoll/Colonial Parkway, with the Texas Parks and Wildlife.

Ayes	--	Four
Nays	--	One – Alderman Thompson

Motion carried.

The third order of business was to discuss and consider Adopting Resolution revising Master Park Plan and approving with updates.

Mayor Herring read resolution aloud.

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Motion by Alderman Espinosa, seconded by Alderman Valdez to Adopt Resolution 7-17A revising Master Park Plan and approving with updates.

Resolution and Master Park Plan attached as Exhibit A.

Ayes	--	Four
Nays	--	One – Alderman Thompson

Motion carried.

The fourth order of business was to discuss and consider for the City of Devine to become a member of the NPPGov for public cooperative procurement solutions.

Mayor Herring explained that this is where we're going to get a lot of our equipment; it's like a buy board. He said the school uses this, and he told Council that this will give us access to a list of companies that have park equipment. These are companies that have already submitted proposals; we don't negotiate with them, we just choose them, and there is no fee.

Motion by Alderman Thompson, seconded by Alderman Espinosa to approve for the City of Devine to become a member of the NPPGov for public cooperative procurement solutions.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider selection of streets to be done from each council district.

Mayor Herring informed Council that the street selections will be forwarded to City Engineer Raul Garcia so he can calculate the cost and come back to Council. He added that this is by no means the final say on the streets. We have \$80,000.00 to spend but we can amend the budget, according to Interim City Administrator/City Secretary Dora V. Rodriguez.

Council made the following selections:

District 1

- Fernandez Avenue (from N. Teel to Dead End) – Reconstruct

District 2

- Ross Drive (from S. Transportation to FM 3176)
- Curtis Drive (from Judson to Griffin)
- S. Commercial Drive (from SH-132 to Herring)

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District 3

- McAnnely Avenue (from SH-173 to Renfro)
- Dille Avenue (from N. Teel to Washington)

District 4

- Devine Drive (from 718 Devine Drive to E. Davis Avenue)
- Coker Avenue (from SH-173 to Sayers Drive)

District 5

- Sollock Drive (between Howard Wallace and Downing) – Chip Seal
- Mockingbird Lane (between Libold Drive and Mt. Vernon) – Chip Seal
- Ingram Road (between Howard Wallace and Downing Drive) – Chip Seal
- Jack Nicklaus Drive – Reconstruct (from 501 to 506). Per Cory: From Mary Jane Balderrama's that goes down and around to Malone (from Mary Jane Balderrama's house to the first cul-de-sac)
- Howard Drive – Reconstruct
- Bain Drive – Reconstruct (Allman to Dead End)
- Intersection of Malone/Ingram/Libold – Reconstruct
- Ingram Road (between W. Malone and E. Malone) – Fix edges of road
- Ingram Road (between W. Malone and Downing) – Fix edges of road
- Oakridge Avenue – Fix edges of road

List for Devine 2017 Overlay Street Program attached as Exhibit B.

The sixth order of business was to discuss and consider adopting an ordinance decreasing the maximum speed on Jack Nicklaus Drive to 20 mph.

Mayor Herring read the ordinance aloud.

Motion by Alderman Thompson, seconded by Alderwoman Wilkins to adopt Ordinance 7-17B decreasing the maximum speed on Jack Nicklaus Drive to 20 mph.

Ordinance attached as Exhibit C.

Ayes	--	Four
Nays	--	One – Alderman Lopez

Motion carried.

The seventh order of business was Informational Items.

The following was discussed:

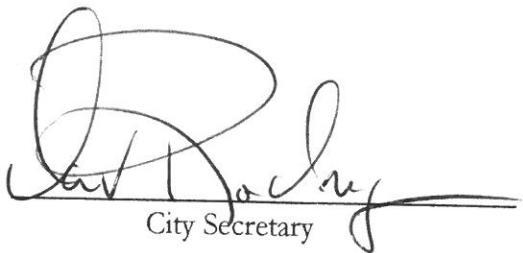
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- Mayor Herring wished "Good Luck" to the Devine Rangers, going to Tampa, Florida.
- Mayor Herring announced Administration would be going to Austin tomorrow to get help with applying for the city grant for the asbestos problem.
- Interim City Administrator/City Secretary Dora V. Rodriguez brought it to Council's attention that in February of 2014, Past Administrator Gary Pelech came before Council to spend almost \$70,000 to buy new equipment for the park; it was passed, but we never used the grant.

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

Ayes	--	All
Nays	--	None

Motion carried.



City Secretary



Mayor

RESOLUTION NO. 7-17A
MASTER PARK PLAN
CITY OF DEVINE

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEVINE, TEXAS
ADOPTING THE REVISED FACILITY PRIORITY LIST AND UPDATE FOR THE
MASTER PARK PLAN;**

WHEREAS, the City of Devine wishes to protect its natural resources and beauty through the use of Parks, open space and greenbelts;

WHEREAS, the City of Devine adopted a Master Park in 2013 through resolution from City Council;

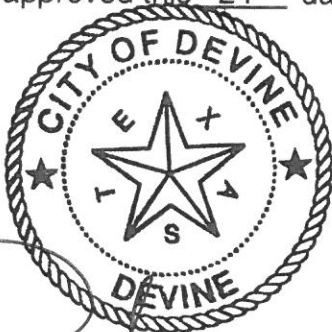
**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
DEVINE, THAT:**

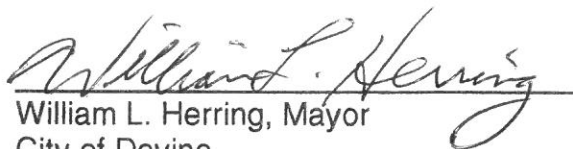
The City Council of Devine adopted the Master Park Plan for the purpose of directing the City Council and staff in rendering actions and resolutions relating to the utilizations of all of the available resources in the City and its planning area for the purpose of developing and conducting the parks and recreation programs of the City of Devine. After review of the facilities list through the City Staff and Public Hearing and City Council, the Master Park Plan Facility Priority List is amended as set forth in "Attachment A."

All resolutions, or parts of resolutions, in conflict with this resolution are hereby repealed, and are no longer of any force or effect.

The Mayor is hereby authorized to sign this resolution and the City Secretary to attest.

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




William L. Herring, Mayor
City of Devine

ATTEST:



Dora V. Rodriguez, City Secretary
City of Devine

EXHIBIT A

ATTACHMENT A

City of Devine Master Park Plan Priority Facility List

- 1) Playground
- 2) Trails
- 3) Splash Pad
- 4) Pavilion
- 5) Basketball Court
- 6) Native Landscaping/Xeriscaping
- 7) Picnic Tables/Benches
- 8) Shade Structures
- 9) Educational Signage
- 10) Exercise Stations
- 11) Amphitheater
- 12) Multi-purpose/open play fields
- 13) Baseball/softball fields
- 14) Community Garden
- 15) Camping areas

EXHIBIT C

ORDINANCE NO. 7-17B

AN ORDINANCE OF THE CITY OF DEVINE ESTABLISHING THE *PRIMA FACIE* MAXIMUM SPEED LIMIT ON JACK NICKLAUS DRIVE AT 20 MILES PER HOUR; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS IN THE CODE OF ORDINANCES; PROVIDING THE VIOLATION OF SUCH ORDINANCE SHALL BE A MISDEMEANOR PUNISHABLE UPON CONVICTION BY FINE OF NOT LESS THAN \$10.00 NOR MORE THAN \$200.00; AND PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS: The City of Devine is a Type A General-Law city organized under the laws of the State of Texas; and,

WHEREAS: Section 545.356 of the Texas Transportation Code authorizes any General-Law city to establish *prima facie* speed limits for highways in the city; and,

WHEREAS: The citizens living on Jack Nicklaus Drive have requested that the City of Devine lower the *prima facie* maximum speed limit on Jack Nicklaus Drive, a highway in the City of Devine, to 20 miles per hour; and,

WHEREAS: Section 51.001 of the Texas Local Government Code authorizes the governing body of a municipality to adopt, publish, amend or repeal an ordinance, rule or police regulation that is for the good government, peace or order of the municipality or for the trade and commerce of the municipality and is necessary or proper for carrying out a power granted by law to the municipality;

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

Section 1. Prima Facie Speed Limit. The *prima facie* maximum speed limit on Jack Nicklaus Drive is hereby established as 20 miles per hour.

Section 2. Penalty. Each violation of this ordinance shall be punished by a penalty of a fine of not less than \$10.00 or more than \$200.00 for each offense.

Section 3. Code of Ordinances. It is the intention of the City Council that this Ordinance shall become a part of the Code of Ordinances of the City of Devine and may be renumbered and codified therein accordingly.

Section 4. Repeal. Any provision in the Code of Ordinances of the City of Devine that conflicts with this ordinance is hereby repealed.

Section 5. Effective Date. This ordinance shall take effect immediately upon its passage, approval and official publication as provided by law, but not before speed limit signs are erected to advise the traveling public of the maximum speed limit.

Section 6. Severability. If any section, provision, subdivision, clause or part of this ordinance shall be adjudged or held unconstitutional or invalid, it shall not affect the validity of this ordinance as a whole or any other part or provision contained herein.

PASSED, APPROVED AND ADOPTED at the special meeting of the Devine City Council held on the 24th day of July, 2017.



William L. Herring
WILLIAM L. HERRING, MAYOR

ATTEST:

Dora V. Rodriguez
DORA V. RODRIGUEZ, CITY SECRETARY