

Minutes
Special Council Meeting
November 13, 2018

On this 13th day of November, 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, Announced, and the following members being

Mayor William L. Herring
Alderman Steve A. Lopez
Alderman David Espinosa
Alderman Cory Thompson
Alderwoman Jennifer Schott

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

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

Others present: Marly Davis, Devine News; Billy Patrick; and Cindy Gonzalez; and Elaine Patrick.

Mayor William L. Herring, presiding, called the meeting to order.

The first order of business was to discuss and consider the slab located at 502 N. Teel encroaching into the Right-of-Way of Dilley Avenue.

City Council held a lengthy discussion which was an overview of Section 18 of the Code of Ordinance and the following are a few topics that were discussed:

- Code Compliance Officer, Eddie Diaz spoke about the concern the new buyers had in reference to the slab that is encroaching into the right-of-way of Dilley Avenue. Mr. Diaz shared the following concerns:
 - Buyers requesting a letter stating the City approves or does not approve to hold the new owners liable for repairs
 - In the event there would be any water drainage issues, TxDot has not been consulted and may need to gain access and break the slab that is encroaching into the right-of-way.
 - In the event there is a gas leak the pipes need to be located per Mr. Diaz's conversation with Joey Pace, West Texas Gas. Mr. Pace shared that West Texas Gas wouldn't be responsible for the repair if they need to break the slab to obtain access to gas lines.

Special Meeting Minutes
November 13, 2018
Page 2

- In the event repairs are needed to be completed, who would be financially responsible for the removal of the slab that is encroaching into the right-of-way?
- Director of Public Works, Ismael Carrillo informed Council that he visited the location with City Engineer Raul Garcia. Raul shared with Mr. Carrillo that 1 to 2 feet of encroachment is workable but didn't feel comfortable with the 10 feet of slab that is encroaching into the right-of-way on Dilley.
- Cindy Gonzalez shared that she wanted to go on record that City permits were "applied for" and approved for the current owner when the slab was originally built by Bobby Rangel in 2013-2014, and inspections were completed. She shared this because of the lenders' request of a new survey to be completed prior to purchase. Mrs. Gonzalez shared that the new buyer just wants the City's approval in writing. Mrs. Gonzalez informed Council that Mr. and Mrs. Patrick were present for the meeting and she doesn't think it is an issue if the City wants to take it off of their right-of-way. Mrs. Gonzalez shared that they didn't want the expense to fall on the owners because the original built was approved.
- City Attorney, Tom Cate shared that the City is not held liable for the work that is completed by a contractor nor if work is completed by an employee of the City. The City, as an entity, will not be held liable.
- Mayor Herring recapped that City Engineer Raul Garcia stated that 9.2 feet of slab encroaching the right-of-way is too much and needs to be removed.
- City Attorney, Tom Cate confirmed with Cindy Gonzalez that the title company will provide an exception to the buyers' title policy that will have an exclusion to their coverage of anything that doesn't belong to their property line. If the City engineer needs to remove the slab at any time in the future the new buyers will not be held financially responsible because the new buyers are not buying the encroachment.

Motion by Alderman Espinosa, seconded by Alderman Lopez to authorize Mayor Herring to sign a letter saying the City will not hold the owners responsible for removing the concrete slab.

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

Motion carried.

Discussion was held after the motion regarding additional inspections within the building due to asbestos. Dora V. Rodriguez, Interim City Administrator/City Secretary, informed Cindy Gonzalez that they would try to have an answer for her tomorrow.

Special Meeting Minutes
November 13, 2018
Page 3

The second order of business was the Executive Session: Pursuant to Provision of the Open Meeting Law Texas Government Code.

- §551.074 Personnel Matters – Golf Course Superintendent

At 6:26 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session.

At 6:54 p.m., Closed Session was open to the public.

No action was taken in the Executive Session.

The third order of business was to Reconvene into Regular Session and consider action, if any, on item(s) discussed in Executive Session.

Motion by Alderman Espinosa, seconded by Alderman Lopez to appoint Ruben Chapa as the Superintendent of The Devine Municipal Golf Course.

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

Motion carried.

Motion by Alderman Thompson, seconded by Alderwoman Schott to raise the salary of Ruben Chapa from \$20.60 per hour to 24.03 per hour.

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

Motion carried.

Motion by Alderwoman Schott, seconded by Alderman Espinosa to authorize Ruben Chapa to begin the process of recommending two individuals for permanent positions at the Devine Golf Association Club House.

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

Motion carried.

Special Meeting Minutes
November 13, 2018
Page 4

The fourth order of business was Informational items.

Alderman Lopez informed Council that the VFW had the judging for the Patriot's Pen and voice of Democracy and Teacher's awards at the Post level. He announced that we had a great turnout for Devine; we had eight voice of Democracy, 32 Patriot's Pen and one Teacher's awards. On the 26th, they will have judging for the District level with all 12 posts attending.

Mayor Herring shared the City Parade and Fall Fest were a great success and gave thanks to all those that worked with the Chamber of Commerce.

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

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

Motion carried.

Mayor

City Secretary