

Minutes
Regular Council Meeting
January 15th, 2019

On this 15th day of January, 2019, 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 Steve A. Lopez
Alderman David Valdez
Alderman David Espinosa
Alderman Cory Thompson
Alderwoman Jennifer Schott

Thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Mary Rodriguez, City Financial Advisor; Tom Cate, City Attorney; Ismael Carrillo, Director of Public Works; Ruben Chapa, Superintendent of Devine Municipal Golf Course; Rob Flores; Superintendent of Public Works; and Stephanie Barker, Telecommunications Officer, Devine Police Department.

Others present: Marly Davis, Devine News; Matt Redding, Service Uniform, San Antonio, Texas; Lance Elliott, TIRZ Consultant; Hap Squires; George Valdemar; Jim Lawler; David Ehlinger, and Mary Allison of Devine, Texas.

Mayor Herring, presiding, called the meeting to order at 6:00 p.m.

Mayor Herring delivered the Invocation and Alderman Lopez led the Pledge of Allegiance.

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

No one signed up to speak under this item.

The second order of business was Recognition.

Mayor Herring announced that Wanda Gardner is turning 90 years old and wished her a Happy Birthday.

The third order of business was to discuss and consider Approval of Minutes: Special Council Meeting Minutes, July 11, 2018; Special Council Meeting Minutes, September 25, 2018; Special Council Meeting Minutes, October 9, 2018; Regular Council Meeting Minutes, October 16, 2018; Special Council Meeting Minutes, October 22, 2018; Special Council Meeting Minutes, November 13, 2018; Regular Council Meeting Minutes, November 20, 2018; and Special Council Meeting Minutes, November 27, 2018.

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Council reviewed minutes.

Motion by Alderman Thompson, seconded by Alderman Espinosa to approve: Special Council Meeting Minutes, July 11, 2018; Special Council Meeting Minutes, September 25, 2018; Special Council Meeting Minutes, October 9, 2018; Regular Council Meeting Minutes, October 16, 2018; Special Council Meeting Minutes, October 22, 2018; Special Council Meeting Minutes, November 13, 2018; Regular Council Meeting Minutes, November 20, 2018; and Special Council Meeting Minutes, November 27, 2018.

Ayes	--	Five
Nays	--	None

Motion carried.

The fourth order of business was the Presentation by Lance Elliott on TIRZ and Go Medina

Mr. Lance Elliott, TIRZ Consultant, passed out a Property Zoning Map showing the original TIRZ area in red and the areas in purple that have been added. Mr. Elliott also pointed out that the areas that need development the most are by the Golf Course, by the Devine High School and the sub-standard homes located near IH-35 and E. Hondo Avenue, coming down SH-173 from Triple-C into town. Mr. Elliott recommended that in the next 10-15 years when these properties begin to sell, the City of Devine should buy them and knock them down to clean up the entrance of the City. Mr. Elliott reminded Council that it took \$400,000 to clean up the sewer site and that no money has been spent from Grant. In reference to Go Medina, Mr. Elliott shared that over \$2 Million in value for Wal-Mart has been lost since it opened up. He would like for us to go back to the County to include the change from \$8.7 Million to \$6.1 Million, and change the base value year to the 2018 values. Mr. Elliott would like to add this to the Go Medina website and include the TIRZ map, and have a separate map for city property. Mr. Elliott told Council that the TIRZ money has to be used for infrastructure and 380 development or affordable housing.

No action was taken.

The fifth order of business was to discuss and consider for Council to renew membership with Go Medina.

Mr. Elliott believes that continuing the partnership with Go Medina with the County will become a tool for the City of Devine because the City will be able to expand the growth of the City using the Go Medina site. Mr. Elliott also shared that he would accompany Mayor Herring to meet with the Go Medina committee. He shared that the City of Devine is interested in renewing their membership with Go Medina with the changes that the City would like to add to their site and also renew the annual fee of \$4,350.00.

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Motion by Alderwoman Schott, seconded by Alderman Lopez to renew membership with Go Medina, and to amend the budget by \$4,350.00.

Ayes	--	Five
Nays	--	None

Motion carried.

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

At 6:21 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session.

At 6:44 p.m., Closed Session was open to the public.

No action was taken in the Executive Session.

Motion by Alderman Espinosa, seconded by Alderman Lopez for Mayor Herring to move forward to gain information in reference to the properties discussed in Closed Session.

Ayes	--	Five
Nays	--	None

Motion carried.

At 6:47 p.m., Alderman Espinosa dismissed himself from the Council Meeting.

The seventh order of business was to discuss and consider Approving Uniform Proposal.

Mr. Matthew Redding, representative for Service Uniform, delivered a short presentation to Council showing the company's process along with a Cost Analysis and Suggested Program Options for Council to review. Mr. Redding shared that they offer an RFID Tracking System – no one else does it. They also have a Proactive Garment Replacement policy where each uniform is micro-chipped and all uniforms are checked to see if they need to be repaired or replaced.

Motion by Alderman Valdez, seconded by Alderman Thompson to approve the uniform proposal from Service Uniform, and to amend the budget.

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

Motion carried.

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The eighth order of business was to discuss and consider the following on the Golf Course:

A. Creating a Business Plan

Mr. Chapa, Superintendent of the Devine Municipal Golf Course, informed Council that he started the ball rolling with creating a business plan. He told Council that he's met with Mr. Ray Garza from On Par Golf. He said that Mr. Garza is familiar with the history of our golf course. Mr. Chapa told Council that he has seen Mr. Garza's Business Plan and he liked it. Mr. Garza has a tentative plan right now, and he would like to help us create our own business plan. He talked about a 3-5 year plan and a 6-8 year plan. Mr. Chapa also mentioned that Mr. Mike Ratchman with Texas Golf Insider is willing to help, so Mr. Chapa feels that between the both of them, they should be able to come up with a good business plan for the Devine Municipal Golf Course. Interim City Administrator/City Secretary Dora V. Rodriguez told Council that this is what they do; this is what they specialize in; companies like On Par Golf help golf courses with things like this. Mr. Chapa shared that right now, On Par Golf is charging us \$1,800.

Motion by Alderman Lopez, seconded by Alderwoman Schott to approve for Ruben Chapa, Superintendent of Devine Municipal Golf Course, to move forward with creating a Business Plan for the Devine Municipal Golf Course, and to bring it back to Council for approval, and to amend the budget by \$1,800.

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

Motion carried.

B. Authorizing to pay off loan balance at Lytle State Bank

Council discussed that the City of Devine would be saving on interest fees by paying off the loan balance at Lytle State Bank. According to Interim City Administrator/City Secretary Dora V. Rodriguez, our auditors are recommending that we pay this off. This is the last loan that we have, and the payoff amount is \$10,639.60. She explained to Council that we will be getting a cashier's check from Lytle State Bank for \$155.

Alderman Thompson inquired if we know what the total is on everything that we've paid out for previous golf course expenses. Interim City Administrator/City Secretary Dora V. Rodriguez provided information showing what we've collected from September 1, 2018 to January 10, 2019 under different things, which totaled over \$40,000, but she told Alderman Thompson that we're probably looking at close to \$60,000.

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Mr. Ruben Chapa also informed Council that most of our money is going to come from outside tournaments, outside play and our beer sales. He explained that we've got the TABC License in process already so hopefully by mid-February, we'll have it. He told Council that his plan is to recruit memberships so he would like to have a table set up with membership applications at the tournaments. Mr. Chapa also shared that there are currently thirty-nine active due-paying members who come to play at the Devine Municipal Golf Course on a daily basis.

Motion by Alderwoman Schott, seconded by Alderman Valdez to approve paying off the loan balance of \$10,639.60 at Lytle State Bank, and to amend the budget by same amount.

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

Motion carried.

C. Approving Membership Application

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that City Attorney Tom Cate reviewed the application and made some changes to it. Council reviewed the membership application.

Motion by Alderman Thompson, seconded by Alderman Lopez to approve the Membership Application as presented.

Membership Application attached as Exhibit A.

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

Motion carried.

D. Approving Golf Cart Shed Rental Agreement

Council reviewed Golf Cart Shed Rental Agreement. City Attorney Tom Cate told Council that he found two typographical errors that need to be made to the text inside the box of Page 2. In paragraph 1, the first "officers" word needs to be deleted and the letter "s" needs to be added to the word "representative" to make it plural.

Motion by Alderman Lopez, seconded by Alderwoman Schott to approve the Golf Cart Shed Rental Agreement with the corrections.

Rental Agreement attached as Exhibit B.

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

Motion carried.

E. Approving setting a fee for schools to use our course for practices and tournaments.

Ruben Chapa, Superintendent of Devine Municipal Golf Course, held discussion with Council regarding schools using our course for practices and tournaments. He suggested to charge \$500 per school, per year, including Devine ISD, to practice Tuesday – Friday, and for tournaments. He told Council that other courses charge a lot more (up to \$1,000) but our course is not at that level right now. Devine ISD used to pay \$1,000 also, so he felt that \$500 was very reasonable, and we could make money off of the concessions. According to Mr. Chapa, Devine ISD already has four tournaments scheduled. Superintendent of Public Works Rob Flores told Council that he agreed with Mr. Chapa and he is good with charging \$500. Alderman Thompson held discussion that this would be for this year until our course gets better, making the price very competitive.

Motion by Alderwoman Schott, seconded by Alderman Valdez to approve setting the fee at \$500 per year for schools to use our course for practices and tournaments.

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

Motion carried.

F. Approving Proposal for SMITHCO Tournament Ultra Greens Roller

Mr. Ruben Chapa, Superintendent of Devine Municipal Golf Course, informed Council that when Mr. John Daniels, with USGA, was here, he recommended that we get these two pieces of equipment to help our greens, the roller and the bunker & field rake.

Council held discussion with Mr. Chapa. Council reviewed the quote for the Ultra Greens Roller at \$20,774. Mr. Chapa explained that the roller he picked out has spikes on it so it will give the greens a quick aerification at the same time. This is like a combo piece of equipment so we're saving about \$5,000 on this. He informed Council that he has a deep tine aerification scheduled for March 18th. He told Council that this hasn't been done in about seven or eight years on that golf course, and it is something that is very important to do especially because of the compaction and clay on the greens. He told Council that most golf courses do this two or three times a year if they are financially able to do so. He told Council that the greens are our "bread & butter." He said everything else can be immaculate but if the greens aren't good, we're not going to get any play.

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Alderman Thompson expressed concerns over the greens. He's had people comment to him about not wanting to come back until the greens are fixed. Mr. Chapa shared that this equipment will be used year-round and it will benefit the golf course for the long-term. He told Council that once the greens are fixed to where they need to be, this is a machine that he would still continue using. Interim City Administrator/City Secretary Dora V. Rodriguez stated that this upkeep hadn't been done in seven or eight years. She explained that the City barely took over the golf course in August, yet we've done more than they ever did in the past four or five years, so people need to understand that it's not something that's going to happen overnight. Discussion was held on the warranty and labor.

Motion by Alderman Lopez, seconded by Alderman Valdez to approve the Proposal for SMITHCO Tournament Ultra Greens Roller in the amount of \$20,774, and to amend the budget by that amount

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

Motion carried.

G. Approving John Deere 1200A Bunker & Field Rake

Mr. Chapa, Superintendent of Devine Municipal Golf Course, told Council that this is the other piece of equipment that was recommended by Mr. Daniels, from USGA. Alderman Lopez inquired about a discount. Mr. Chapa stated that he had not asked for a discount; however, it was noted that the suggested list price on the quote was for \$17,806.23 and we were given a selling price of \$14,430. City Attorney Tom Cate advised Council that they can go ahead and approve this amount for now.

Motion by Alderman Valdez, seconded by Alderman Lopez to approve the purchase of a John Deere 1200A Bunker & Field Rake in the amount of \$14,430 pending a discount, and to amend the budget by same amount.

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

Motion carried.

H. Approving Proposal for AmeriTurf chemicals

Council reviewed the quote from AmeriTurf. Ruben Chapa, Superintendent of Devine Municipal Golf Course, explained that this would be for all the fertilizers, herbicides, and pesticides that we would need for the upkeep of the golf course. The total price is \$59,197. He explained that the reason he brought it before Council is because if we agree to pay this quarterly, in six months or even in one

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payment, we can get a locked-in price of \$54,808.60 for a 12-month period, giving us a discount over \$4,000, and they won't go up in price.

Motion by Alderman Lopez, seconded by Alderwoman Schott to approve the Proposal for AmeriTurf chemicals in the amount of \$54,808.60, and to amend the budget by same amount.

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

Motion carried.

The ninth order of business was to discuss and consider transferring the 300 acre feet of water that we were leasing to the Edwards Aquifer Authority, to Irrigation or Municipal.

Mayor Herring explained that the City will not be leasing the 300 acre feet anymore to the Edwards Aquifer Authority because they want a five year lease, and there is no way we can do that. He explained that we came up short this year by 30 acre feet. He suggested that we put 270 acre feet in Irrigation and the remaining 30 acre feet in Municipal. Council held discussion on getting a little more cushion due to the drought season. Alderman Thompson suggested we move over 40 feet to Municipal. Director of Public Works Ismael Carrillo agreed with Alderman Thompson.

Motion by Alderman Thompson, seconded by Alderwoman Schott to approve the transfer of 260 acre feet of water to Irrigation and 40 acre feet of water to Municipal with the Edwards Aquifer Authority.

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

Motion carried.

The tenth order of business was to discuss and consider for the Police Department to be a part of the state grant for free Narcan and training for our police officers.

Interim City Administrator/City Secretary Dora V. Rodriguez advised Council that we would be getting the actual spray and the training for our police officers at no charge. She told Council that our police department is very interested in this. There are more agencies that have applied for this; it's not just law enforcement, it's also EMS agencies. Superintendent of Public Works Rob Flores also added that they would be providing Narcan (a nasal spray) or Naloxone to reverse the effects of Opioids. He said this a nationwide incentive that is going on right now.

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Motion by Alderwoman Schott, seconded by Alderman Lopez to authorize the Police Department to be a part of the state grant for free Narcan and training for our police officers.

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

Motion carried.

The eleventh order of business was to discuss and consider approving Minutes of the Library Advisory Board Meeting held on November 13, 2018.

Council reviewed minutes, and held discussion on how well the Library is doing.

Motion by Alderman Lopez, seconded by Alderman Valdez to approve the Minutes of the Library Advisory Board Meeting held on November 13, 2018.

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

Motion carried.

The twelfth order of business was to discuss and consider Approving Minutes of the Airport Advisory Board Meeting held on November 28, 2018.

Council reviewed minutes.

Alderman Lopez inquired as to who will be doing the inspections on the hangars at the airport. City Attorney Tom Cate advised that this will be done by Airport Chairman Hap Squires and Airport Manager Vickie Pumphrey. He added that he and Interim City Administrator/City Secretary Dora V. Rodriguez have been added to the list since there have been some concerns about privacy issues at the hangars. He explained that he was asked to participate in these inspections to make sure that we do not violate anyone's privacy rights.

Motion by Alderman Thompson, seconded by Alderwoman Schott to approve the Minutes of the Airport Advisory Board Meeting held on November 28, 2018.

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

Motion carried.

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The thirteenth order of business was to discuss and consider Floodplain Administrator and/or Designee.

Interim City Administrator Dora V. Rodriguez explained that our ordinance states that a city administrator or designee can be a floodplain administrator. She added that all engineers can also be floodplain administrators. City Attorney Tom Cate added that City Engineer Raul Garcia is highly qualified to do this. Interim City Administrator/City Secretary Dora V. Rodriguez added that this will help us with the asbestos project and also with people who are building in the floodplain. She recommended City Engineer Raul Garcia for the Floodplain Administrator and said Mr. Garcia did not have a problem with this.

Motion by Alderman Lopez, seconded by Alderwoman Schott to designate City Engineer Raul Garcia as the Floodplain Administrator.

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

Motion carried.

The fourteenth order of business was to discuss and consider authorizing the Interim City Administrator to approve the cost of the extra material and labor that will be in addition to the amount that we received from TML on the Non-Directional Beacon claim.

Mayor Herring asked for the definition of a Non-Directional Beacon. Airport Manager Vickie Pumphrey explained that a Non-Directional Beacon is a radio device that transmits a frequency which aircrafts can pick up to be guided.

Mayor Herring explained that we received a check from TML for \$49,000 but we need another \$10,000.

Motion by Alderman Thompson, seconded by Alderman Valdez to approve authorizing the Interim City Administrator to approve the cost of \$10,000 for the extra material and labor that will be in addition to the amount that we received from TML on the Non-Directional Beacon claim, and to amend the budget by \$10,000.

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

Motion carried.

The fifteenth order of business was to Review Quarterly Report.

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Council reviewed.

No action was taken.

The sixteenth order of business was to discuss and consider Adopting a Resolution authorizing designated signatories to sign contractual documents and requests for payment vouchers for the 2018 CDBG contract #7218111.

Mayor Herring explained we would be authorizing him and the Interim City Administrator to sign documents, when we apply for grants.

Motion by Alderman Lopez, seconded by Alderwoman Schott to Adopt Resolution 1-19 authorizing designated signatories to sign contractual documents and requests for payment vouchers for the 2018 CDBG contract #7218111.

Resolution attached as Exhibit C.

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

Motion carried.

The seventeenth order of business was to discuss and consider Adopting a Civil Rights Resolution and accompanying plans and policies for the CDBG Program.

Council reviewed.

Motion by Alderman Valdez, seconded by Alderman Thompson to Adopt Civil Rights Resolution #1-19A and accompanying plans and policies for the CDBG Program.

Resolution attached as Exhibit D.

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

Motion carried.

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The eighteenth order of business was to Discuss and consider Adopting a Resolution of the City Council of the City of Devine, Texas, authorizing the submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the Mayor to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program.

Council reviewed resolution. Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that the resolution references funds to provide water and/or sewer system improvements. She explained that it had to be worded that way because our City Engineer Raul Garcia and Director of Public Works Ismael Carrillo still need to determine if they're wanting to apply for water or sewer improvements. They will be getting together to decide what they want to apply for.

Motion by Alderman Thompson, seconded by Alderwoman Schott to Adopt Resolution 1-19B of the City Council of the City of Devine, Texas, authorizing the submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Community Development Fund; and authorizing the Mayor to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program.

Resolution attached as Exhibit E.

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

Motion carried.

The nineteenth order of business was Informational Items.

- Update on George Valle property on Colonial Parkway – City Attorney Tom Cate briefed Council on the history of this case. George Valle passed away and his brother was going to probate the estate but he also passed away. The brother's two daughters were then going to probate the estate but encountered problems. They finally just got an administrator appointed to the estate this past November. City Attorney Tom Cate told Council that they also got a delinquent tax lawsuit filed on them for \$12,000. He is not sure what the estate is going to be. His thoughts are that they will probably sell the property but if they don't do it voluntarily, they will be forced to sell because of the taxes. It's possible that the case might be set for March 2019. Discussion was held that if it comes up for sale at the court, the City could take advantage to buy it out, which is something that we've done in the past. City Attorney Tom Cate will be looking into this. Mayor Herring added that it would be worth it to buy the property so that the City can fix the drainage problem on Colonial Parkway which happens to be a major thoroughfare to the golf course, to the football field and to the schools.

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

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

Motion carried.

Mayor

City Secretary