

Minutes
Special Emergency Session
April 30, 2019

On this 30th day of April, 2019, at 8:30 a.m., the City Council of the City of Devine convened in a Special Emergency Session; the same being opened to the public at the Dr. George S. Woods Community Center, 202 E. Hondo Avenue, 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 Espinosa
Alderman Cory Thompson
Alderman 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; Tom Cate, City Attorney; Ismael Carrillo, Director of Public Works; Rob Flores, Superintendent of Public Works; and City Engineer Raul Garcia.

Others present: Marly Davis, Devine News.

Mayor Herring, presiding, called the meeting to order.

The sole order of business was to discuss and consider a possible leak on SH-173.

Director of Public Works Ismael Carrillo briefed Council on the water leak. He informed Council that TxDOT started milling at the intersection of SH-173 and SH-132 and they found water underneath the pavement. He explained that Public Works was called to see if they could determine where the water was coming from and if we had any problems with utilities there. He told Council that to his knowledge we do not. He has asked several past Public Works employees and they don't have any knowledge of any water lines in that area. Director of Public Works Ismael Carrillo told Council that we had a sonar company come in last Monday night. He said they did find one line which they traced but when they uncovered it, it was an old gas line. The following day they went in and dug some more just to see if they could find where the water is coming from. Samples were taken to the lab and they came back showing no chlorine; they had a little bit of e-coli but they said that was normal when the water is dirty. He told Council they were there all last week uncovering holes. He said different departments have been helping out, and they still cannot find where the water is coming from. He added that no tests for chlorine have come back positive.

Alderman Espinosa inquired about the Sonar Company only finding the one gas line. Director of Public Works Ismael Carrillo confirmed that they only found the one old gas line. Mayor Herring explained that Director of Public Works Ismael Carrillo and the Sonar Company were out working on the situation for quite a long time. Alderman Espinosa questioned if there were any more water lines or lines in general in the area.

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Director of Public Works Ismael Carrillo clarified that the Sonar Company found no other lines. He then stated that Thursday they dug in the Alley way where there was an existing water line that had been killed out. He explained they went and drilled into it to make sure. Mayor Herring asked if the samples taken had chlorine in them. Director of Public Works Ismael Carrillo stated they took samples with their testing equipment. He explained that it did turn pinkish, indicating there was a small amount of chlorine; however when taken to the lab they ran a better test on it, and it came back as negative.

Council heard from City Engineer Raul Garcia. He told Council that when he first looked at the aerial, he noticed four green spots located one at each corner, and his first thought was that we were over-irrigating, but when they dug there, it was dry at the corners away from the pavement; there's no water. He said that when they took the water samples, he noticed that water was not coming in through the bottom; it was coming in through the base below the asphalt. Mr. Garcia confirmed that no chlorine was found in the samples taken, and he explained that the little e-coli that was found is about the standard e-coli that is found in storm runoffs. Mr. Garcia told Council that he remembers a time when water was backed up all the way to the carwash inlet and he remembers Johnny Davis complaining about it because that water goes into the wastewater treatment plant and causes problems there. He said that every time we have a heavy rain, water ponds in that area. He thinks that the problem is not with water/sewer lines; he said the problem is that water just ponds there. Eventually water goes down the drain or it seeps down into the base of the pavement and water ponds and stays there. He said that it's not water flowing or anything; the water is just there. Mr. Garcia said that when you dig a hole, the water will drain into the hole, instead of the base of the pavement.

Mayor Herring then mentioned how he, along with many others, conversed the issue with TxDOT; As well as, discussing the subject at numerous meetings, including the Preconstruction Meeting for ISRA. He clarified that he also talked to Mario Medina a while back. He then stated it has been nine years since the problem first occurred and that they've been looking. Mayor Herring then inquired, City Engineer, Raul Garcia for a remedy for the ongoing problem. Mr. Garcia then stated the solution is to put in a big enough storm drain, to be able to properly drain the area; however, he mentioned he hasn't done any calculations thus far. He then said he believes the problem is due to bad drainage. Either the inlet or storm chivalry (or both) is not big enough to properly rid of the water.

Interim City Administrator/ City Secretary, Dora V. Rodriguez, then brought attention to a previous situation. She then questioned Director of Public Works, Ismael Carrillo, about a drainage issue located where SH-173 and SH-132 connect. She mentioned that after a heavy rain, there was a significant amount of standing water. Director of Public Works, Ismael Carrillo, then clarified that after the current project, that TxDOT would address the issue. Alderman Lopez inquired if we had the minutes from a previous meeting with TxDOT. He then explained that we could fall back on them if necessary. Mayor Herring stated that we should have. Mayor Herring confirmed that at one of our meetings with TxDOT, it was stated they would look at the problem once they begin the project for SH-132, which is scheduled for Early next year. Council then discussed possibly looking back on the minutes from the previous meeting held with TxDOT, in order to be certain.

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Alderman Espinosa asked how many storm drains are in the area. City Engineer, Raul Garcia, then stated there is only the one little strip drain. Mayor Herring asked where the water flows once it goes into the drain. Director of Public Works, Ismael Carrillo, answered the path of the drain starts at SH-132, goes past the culvert then it goes behind the Gulf warehouse, crosses SH-132 and ends up at Burnt Boot Creek. Mr. Garcia asked what size the pipe is. Director of Public Works, Ismael Carrillo, stated he believes it's either a 12in or 16in pipe. Council agreed that it is not big enough.

Mayor Herring announced that TxDOT already stated that this entire situation would be looked at and dealt with once they start the project on SH-132, which is early next year.

Mayor Herring then asked the Council for any comments.

Alderman Thompson asked if there was any possibility of a spring being under the road. He mentioned that in the Hill Country, they have to take in to consideration naturally occurring springs. He then stated that he believed that water was being held somewhere since it keeps reappearing. City Engineer, Raul Garcia, then replied that it is not the case in this situation. He then clarified that the water is clearly coming in through the base level. Mayor Herring agreed. Mayor Herring then explained that once the holes are dug you can see the water flow between the base and the pavement. But after an extended period of time, it dries out. Director of Public Works, Ismael Carrillo, then stated that when creating the roads, Bull Rock (4-5 inches in diameter) is placed then it is covered with asphalt. He then mentioned that every time they dig a ditch in that area water floods the Bull Rock in every direction like a cavity. It goes for a little bit, then dries up.

Mayor Herring expressed his gratitude for Director of Public Works, Ismael Carrillo, Superintendent of Public Works, Rob Flores, and the overall Department of Public Works for the time that was put into trying to find and solve this problem. He then thanked both the Devine Police Department, and Sheriff Randy Brown including the Medina County Sheriff's Department, for lending as many officers as possible and supplying traffic control on multiple days and nights.

Alderman Espinosa asked if the solution would be to install more drains into that area and if the City would be fixing this problem or would be TxDOT. City Engineer, Raul Garcia, then stated the City has done everything that they can. He then stated they will meet with TxDOT, to discuss the situation and how it will be fixed. Mr. Garcia then explained the lab reports show that the water is not City water or sewage, that it is storm water. He then briefed, that as we know, the water ponds at the base for an extended period of time, until found. He continued with stating that the draining is endless, and that it originates at the base, but sometimes it comes through the pavement.

Alderman Espinosa asked where the car wash drains. Director of Public Works, Ismael Carrillo, explained that the car wash should drain into the sewer. Alderman Espinosa then inquired about the drain pits. Director of Public Works, Ismael Carrillo, stated that there is a sewer line there in between the Exxon and the car wash. Alderman Espinosa stated that he noticed the car wash has been inoperable for 2-3 months now. Mayor Herring agreed.

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Alderwoman Schott then question is the drainage issue is going to affect TxDOT finishing the road. Mayor Herring then answered that the drainage is considered to be a big hold up, as TxDOT is finishing the side strips of the road. Mayor Herring then asked Raul Garcia about the solution. City Engineer, Raul Garcia, then stated they needed to write a letter to TxDOT concerning they have proven the water leak is not from the city. He explained that we need to tell them that the water is not from our distribution or our sanitary sewer. Mayor Herring inquired if there was e-coli in the water. City Engineer Raul Garcia responded that yes it does contain a small amount of e-coli, but not above the normal amount that you would find in a storm drain. Mayor Herring then asked Council if we should set up a meeting with TxDOT. Interim City Administrator/ City Secretary, Dora V. Rodriguez, responded that she believed TxDOT did not want to meet with us. She stated that she has been conversing with, TxDOT Engineer, Roy Mummy. She then mentioned to the Council that the City had offered to dig at a soft spot that TxDOT had located. Interim City Administrator/ City Secretary, Dora V. Rodriguez, then explained that even though the City has told TxDOT numerous times that the leak is not chlorinated, TxDOT has already decided they are going to move forward with their project. Mayor Herring then asked for any comments.

City Attorney, Tom Cate, stated that, concerning the leak, the City has been using TxDOT's advice and instructions every step of the way. He then went into detail about how TxDOT wanted the City to dig at the location of the soft spot. Alderwoman Schott asked how the soft spots would affect the road. City Engineer, Raul Garcia, responded that with water in our base there will be soft spots throughout the asphalt. City Attorney, Tom Cate, then clarified that the issue is with TxDOT's drainage system not the City's; therefor, TxDOT must fix the problem. Alderwoman Schott said that the situation would continuously worsen. She then asked if TxDOT is going to fix the problem before finishing the road. City Attorney, Tom Cate, responded he does not believe TxDOT will fix it. He then explained TxDOT, including the contractor, has decided they are ready to move on. City Attorney, Tom Cate, and Interim City Administer/ City Secretary, Dora V. Rodriguez, both stated the City has done everything they could do including: digging in over 5 locations, doing multiple labs, placing all the available workers in the field, and even bringing out Sonar experts. She then stated that the reason the City has been doing everything TxDOT asks, because she doesn't want the situation to fall back onto the City. She clarified that TxDOT keeps claiming that the City has a leak; even though, we are continuously proving to them it's not the City.

Alderman Espinosa inquired if TxDOT would consider putting in another drain. Mayor Herring then stated that TxDOT said they would look into the issue when they are done with SH-132. He then mentioned that the City is stuck with the situation until TxDOT addresses the leak in 2020. City Engineer, Raul Garcia, then explained that if TxDOT does pavement over the current base, it is subject to failure. Council agreed. Interim City Administrator/ City Secretary, Dora V. Rodriguez, then discussed a past situation with the sinkhole on HW-90, and that the City does not want a similar experience. Mayor Herring stated that this issue is costing them a lot of money and time. He explained that they are doing a great job, they just want to move onto their next project.

Alderwoman Schott then mentioned the extensive amount of time and money it will take to fix this the problem in the future.

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City Attorney, Tom Cate, responded the City has done everything they can, so it is up to TxDOT to fix the problem. He then mentioned the most we can do at this point is what City Engineer, Raul Garcia, advised, which is to write a letter to TxDOT. He clarified that TxDOT will get to it when they can.

Alderman Thompson then inquired how much this situation has cost us financially. Mayor Herring stated it has cost the City a lot in overtime alone. City Accountant, Denise Duffy, then mentioned the multiple times the City has paid for the workers to eat. She explained the guys worked 22 hours straight and came right back the next day. She later noted that they had to pay \$4,500 for the leak detection. Mayor Herring and Director of Public Works, Ismael Carrillo, stated that the leak detection company the City used was highly recommended. They later mentioned that the Company only found the one old gas pipe. Mayor Herring clarified that when doing so, they dug all the way across.

Interim City Administrator/ City Secretary, Dora V. Rodriguez stated she just finished talking to TxDOT Engineer, Roy Mummy. She talked to him about what City Engineer Raul Garcia had stated and the issues with the carwash; however, she clarified that TxDOT still believes the City has a leak and that we haven't found it yet. She then stated that TxDOT Engineer, Roy Mummy, stated that it's not in the budget to fix the problem until SH-132 is completed.

Alderwoman Schott asked how they keep denying the fact that we tested the water and that it doesn't match the City water. Interim City Administrator/ City Secretary Dora V. Rodriguez explained that TxDOT states that they still feel that we have a leak somewhere, and we just haven't found it. She stated she brought up the issue with the drainage and TxDOT Engineer, Roy Mummy, told her to talk to his supervisor. Mayor Herring inquired who the supervisor is. Interim City Administrator/ City Secretary clarified his supervisor is Christian Longoria.

Motion made by Alderman Lopez, seconded by Alderwoman Scott to write a letter to TxDOT informing them everything we've done, what we believe the problem is, and a proposed solution.

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

Motion Carried.

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

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

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Motion carried.

Mayor

City Secretary