

**Minutes  
Special Meeting  
February 3, 2009**

On this 3<sup>rd</sup> day of February 2009, at 7:00 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 thereof, being present:

Mayor Steve A. Lopez  
Alderman Frank Cortez, III  
Alderman David Espinosa  
Alderman Hal Lance

Absent being Alderman John Ramirez and Alderwoman Marina M. Antu; thus, constituting a quorum.

Personnel Present: Dora V. Rodriguez, City Administrator; Ofilia Pedroza, Assistant City Secretary; Rob Flores, Chief of Police; Billy Grote, Director of Public Works; Ismael Carrillo, Superintendent of Public Works; and Barbara Moore, Library Director.

Others present: Sandy Herrera, Devine News; Marshall Davis, Devine ISD; and Sonia Lance of Devine, Texas.

Mayor Steve A. Lopez, presiding, declared the meeting opened.

The first order of business was to discuss and consider for Council to set pay rates for various certification levels for city employees.

City Administrator Dora V. Rodriguez asked City Council for help in setting pay rates for employees who obtain various certification levels. She began with the Public Works employees who are able to reach four license levels (D-C-B-A) with the lowest level being a D License and the highest being an A License; however, in the City of Devine, the highest level required is a C License. This applies to Waste Water and Water Licenses. She explained that currently, no pay raise is given to an employee for getting his D License until that employee earns his C License, and the D License is only good for two years; it expires in two years if the employee does not get his C License.

Superintendent of Public Works Ismael Carrillo explained that the qualification for a D License is a High School Diploma and the completion of a 20 hour class; a C License requires two years experience plus 60 class hours. Mr. Carrillo explained to Council that before, they were giving a 25 cent pay raise for each level (D & C). He said the problem is that a lot of the times the employees would run out of time to get their C License and it was getting difficult for them to take away their 25 cents. He explained that in Devine, if you don't get your C License in two years, your D License expires per state law.

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Director of Public Works Billy Grote explained that now what they're doing is not giving them anything for the D License but once they get their C License, they are giving them a 50 cent raise which is 25 cents for each level.

City Administrator Dora V. Rodriguez told City Council that some employees don't make the effort to go the extra mile to further their education. She said that is their choice and we shouldn't fault them for that but she felt that the ones who do make the initiative to go to school and earn their licenses deserve to be rewarded with more pay; she doesn't think that 25 cents for each level is enough. She stated that we also have some employees who are trying but just haven't been able to pass the test.

City Administrator Dora V. Rodriguez asked Council if they are willing to set a specific rate for obtaining a D License, whether the employee goes for the C License or not, or whether we stipulate that they must obtain their C License during the two year period and pass their test. She told Council that Public Works is asking for guidance.

Superintendent of Public Works Ismael Carrillo explained to Council that some of the guys feel that it is unfair the way it is being handled right now and they expect the raise right from the beginning. He told Council that he and Billy would like some kind of input from Council because they are trying to work with their guys. Alderman Cortez inquired if the guys are told from the beginning that they won't get any pay raise for the D License until they get their C License. Ismael confirmed that the guys are told this from the beginning. Alderman Cortez stated that's fine as long as the guys are informed of this from the beginning but he feels that something needs to be documented in writing and to have the employees sign it. He said this is the only way we're going to stop all of this.

Discussion was held on the requirement of a C License. Superintendent of Public Works Ismael Carrillo explained that based on the number of water connections the city has, TECQ requires for them to get a C License in order to hold on to the D License, but explained that not everybody is required to have their C License. City Administrator Dora V. Rodriguez told City Council that they already have that.

Alderman Espinosa suggested rewarding the employees 50cents for passing the D License exam. He feels that if the employees know that their D License will expire in two years; this gives them ample time to upgrade to a C License. So, he agrees with Alderman Cortez to get something in writing with their signature stating that if they fail to pass the C License exam, they will lose their D License and the 50 cent pay raise they initially received. Alderman Espinosa feels that once they've been given that 50 cent raise for two years, they're going to think twice about the possibility of losing it, so it may give them that drive to strive for more and go for the C License.

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Alderman Cortez inquired about the qualifications for Darrell Rawlings in the Code Compliance Department. City Administrator Dora V. Rodriguez explained that Darrell had to pass an exam to become certified as a Code Compliance Officer, but then he would have to keep renewing his license with continuing education hours. Discussion was held on Darrell's qualifications being a little different compared to Public Works. City Administrator Dora V. Rodriguez said it would benefit the City to require Darrell to keep renewing his license. She also told City Council that Cassandra Maldonado, Municipal Court Clerk, is another employee who can go all the way to Level III. She explained that Cassandra just received her Level I, and is able to go for her Level II now.

Council went back to discussing the Public Works employees and inquired why they don't want to go for their C License. Director of Public Works Billy Grote informed Council that only one-third of his employees have their C License; he said most of them don't want to get it. Superintendent Ismael Carrillo explained that the reason a lot of them don't want the C License is because once they receive this license, they are given more responsibilities; for example, they are required to be on-call after hours and on weekends. (They are given \$1.00 raise for being on-call). And, they are required to be more dependable such as being available at all hours in case of a main water break. He said some of them don't want this responsibility. Ex-Director of Public Works Marshall Davis, who was present at the meeting, stated that his association with the City of Devine goes way back to 1966, and he said it's always been the same problem; only a few of them are willing to take responsibility. He said most of them are ready to leave at 5:00 p.m.; he said some even have second jobs.

Council continued to have more discussion on the D-C Licenses. It was mentioned that Ismael Carrillo was given a 50 cent raise a while back for getting a Waste Water C License, and he is in the Gas Department and has been with the City for 25 years. Alderman Cortez stated that he felt that the City should make it known in the job descriptions for all supervisors or even foreman positions, whether it be Gas, Water, or Sewer, that the City recommends for them to obtain a C License in order for them to be a foreman or supervisor. He said this way if anything should happen, we have something to fall back on. According to Alderman Cortez, everything needs to be on paper, even the on-call responsibility because that alone is a \$1.00 raise. He said the way he looks at it, if they get their C License, they're looking at a \$2.00 raise because they would get 50 cents for the D, another 50 cents for the C, and then another \$1.00 raise for being on-call. Mr. Carrillo told Council that the on-call responsibility is for one week only on a rotation basis.

Motioned by Alderman Espinosa, seconded by Alderman Lance that effective immediately, Public Works employees who pass their D exam and get their D License be rewarded with a 50 cent raise which will be good for two years, and within those two years must start working on their C exam to go for their C License to be given another 50

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cent raise with the understanding that added responsibilities will come with this license; everything will be put in writing with the understanding that if they don't pass their C exam, that their 50 cent raise will be removed; the City will require for any supervisory level to obtain their D and C Licenses; and, to approve 50 cent pay raises for the Code and Municipal Departments when they obtain their certification levels.

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|--------|----|--|
| Ayes   | -- | Three                                      |
| Nays   | -- | None                                       |
| Absent | -- | Two (Alderman Ramirez and Alderwoman Antu) |

Motion carried.

The second order of business was to discuss and consider allowing the Devine I.S.D. to re-align Warhorse Drive.

City Administrator Dora V. Rodriguez told City Council that Marshall Davis was present representing Devine I.S.D. She informed Mr. Davis that Darrell had researched the minute books all the way back to the 1950's, and he found out that there are no records in our possession or recorded in Hondo that Warhorse Street belongs to the City of Devine. She told Council that the City really has no say in this because it's really not our street but that maybe Marshall could shed some light on the situation.

Mr. Marshall Davis told Council that if their lawyer were here, he would probably say that it's been maintained and used as a road for over 50 years and so it's technically our road although it's not officially recorded in Hondo. He said the idea is that the school district wants to move that road over a little bit because they want to expand the cafeteria at the intermediate school. He said they don't want to lose any more parking than they have, so they would like to move the street closer to the creek, maybe 15-20 feet; he said he's not really sure at this point, but they would want to shift everything over to the east. However, he told Council, if they do it, it would only be done with Council's blessing.

Council inquired on some oak trees in that area but it was stated that they are further back. Discussion was also held about a water line being near there and a fire hydrant being there on the corner. Marshall said he's not really sure where the water line is, and he doesn't really know yet how far over the school wants to move. Superintendent of Public Works Ismael Carrillo told Council that he had talked to an engineer, Mr. Moye, and he had stated that he wants to move the street over by 50 feet. Mr. Davis was surprised to hear this and said he hadn't been aware of that. He told Council he wasn't here to make a proposal, he was only here to get Council's blessing before he tells their architect to start the plans.

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Council held discussion with Mr. Davis on moving the street over as they all reviewed a map. City Administrator Dora V. Rodriguez told Council that like Marshall said, the City has pretty much maintained this road for over 50 years, so he just needs Council's blessing.

Mr. Davis told Council that the school just needs to know if the City would be opposed to them doing anything with the road. He said if they discover that there is a water line there and they encroach upon the water line, they would need to come back to Council when that time comes. He said basically what the school would like to know is that if the City is not in favor of them doing anything with the road, then why spend any money on engineers. But, he told Council, that if the City doesn't mind that the school straightens the road out and that it won't impact the City, they can go ahead and proceed with the blueprints, and then he can come back and meet with Council or Billy and Ismael and City Administrator Dora V. Rodriguez and whoever else to discuss what would need to be done. He said they could also discuss the water line and the creek. Council inquired about resurfacing the street. They discussed that it had been done the year before. Marshall said something would have to be done, but all that would be addressed later if they make the decision to move it over. Council held discussion that they're in favor of the school going ahead in re-aligning Warhorse but just to make sure that our water lines and the creek is all looked at before starting. It was decided that there would be a pre-construction conference with everyone involved.

Motioned by Alderman Cortez, seconded by Alderman Espinosa to allow Devine I.S.D. to re-align Warhorse Drive, with the approval of both engineers.

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|--------|----|--|
| Ayes   | -- | Three                                      |
| Nays   | -- | None                                       |
| Absent | -- | Two (Alderman Ramirez and Alderwoman Antu) |

Motion carried.

The third order of business was to discuss and consider the Consumer Product Safety Improvement Act of 2008 – Driscoll Public Library.

Library Director Barbara Moore addressed City Council and told them that she received an email regarding some concern with lead in books. She said the Consumer Product Safety Commission (CPSC) wants to protect children under the age of 12 from lead. Due to regulations, publishers have tested the components of the books and found that the levels of lead in children's books were very low but they still need to be tested. Barbara stated that the concern was that they would need to do something; either remove all the

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books off the shelves before they were tested, or prevent all children from entering the libraries. She said that was the main concern.

Ms. Moore told Council that she just received notification on January 30, 2009 of an update that there is going to be a one-year stay of enforcement on having to test for lead in children's books. She said this extension will last until February 10, 2010, and at that point they may either drop it completely or will address it again. This would affect academic and public libraries. Barbara informed Council that the American Library Association (ALA) is considering a lawsuit to prevent this law from going into effect.

Alderman Lance stated that he finds this to be shocking. Alderman Cortez inquired as to how the testing would work and asked Barbara if she would be providing a list of all her books to whoever is heading this, and if she would be removing books from the library shelves. Barbara stated that according to the email she received, there was no testing lab available, so they're not even sure how they're going to implement it. It was discussed that all of this came about because of lead in toys coming from China. Barbara told Council they don't have to take any action right now; she just wanted them to be informed of what was going on and wanted to bring it to their attention. Barbara said she will keep Council updated.

The fourth order of business was to discuss and consider adopting Resolution strongly Opposing the Use of a Pipeline or any other means to convey or transport water out of Uvalde County.

Mayor Lopez informed City Council that he and Director of Public Works Billy Grote have been attending the Winter Garden meetings in Uvalde for about one and one-half years now. He said the San Antonio area is forming a coalition to pump water out of Uvalde County and back to San Antonio into a reservoir. It would affect everyone on Highway 90 going up to Uvalde. Mayor Lopez stated that the Winter Garden people in Uvalde are highly against it; he said the ranchers and farmers are united in this effort.

Director of Public Works Billy Grote informed Council that two people have been hired to research this and to help fight it in Austin. Billy stated that they're thinking it's going to affect all the springs and everything south. He said they're going to be pulling so much water that they don't know how far out it will affect the aquifers and springs. Mayor Lopez also informed Council that San Antonio is trying to buy water from all over east, south and west Texas, and they want to be sure that they control most of it. He said this is the reason the coalition was formed – to oppose transporting water out of Uvalde County.

Alderman Lance stated that he was in favor of this resolution but wanted to know how much weight it would carry. Mayor Lopez stated the resolution would be sent to

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Governor Rick Perry, the Lieutenant Governor, Senators and Representative of the State of the Texas, including Representative Tracy O. King.

Motion by Alderman Lance, seconded by Alderman Espinosa to adopt Resolution 02-09 strongly opposing the use of a pipeline or any other means to convey or transport water out of Uvalde County to San Antonio.

Resolution 02-09 attached as Exhibit A.

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|--------|----|---|
| Ayes   | -- | Three   |
| Nays   | -- | None  |
| Absent | -- | Two (Alderman Ramirez and<br>Alderwoman Antu) |

Motion carried.

There being no further business to come before the governing body, motion was made by Alderman Cortez to adjourn the meeting.

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Mayor

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City Secretary