

**Minutes**  
**Regular Council Meeting**  
**February 16, 2010**

On this 16<sup>th</sup> day of February 2010, at 7:00 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 Jerry Beck  
Alderman John Ramirez  
Alderman Frank Cortez, III  
Alderman David Espinosa  
Alderman Hal Lance  
Alderwoman Marina Antu

Thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Ofilia H. Pedroza, Asst. City Secretary; Nancy Pepper, City Treasurer; Tom Cate, City Attorney; 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; James Lacombe, Medina Valley Times; Kari Campbell & Megan Caffall, TxDOT Aviation; Charles O. West, Sandy Beck, Phillip & Aileen Montgomery, Chris & Kari Davis, Debbie Randall, C.E. (Curly) & Eldora Brehm, Steve A. Lopez, Rick & Carol Campsey, Mickey Davis, Wayne Steen, J.C. Narramore, Jack Morris, Kathy Wilkins, Gina Champion, Fred Morales, Sonia J. Lance, Wanda Gardner, Linda Kreinhop, Mary Jane Balderrama, and Larry & Sunshine Hundley, of Devine, Texas.

Mayor Beck, presiding, declared the regular meeting opened and welcomed all visitors. Mayor Beck also delivered the Invocation, and Alderman Cortez led the Pledge of Allegiance.

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

Mary Jane Balderrama informed Council that the Current Events Club will be picking up trash on Allman Road and Ingram Road and inquired as to where they can throw the trash. She was advised to get with Dora V. Rodriguez, Interim City Administrator, on the next day.

The second order of business was to discuss and consider Airport Economic Development and Taxiway.

Megan Caffall and Keri Campbell addressed City Council. Megan Caffall is the TxDOT Aviation Planner for the airport. She explained the TxDOT Aviation Division takes care of all the small general aviation airports in Texas, and Ms. Kari Campbell manages our routine airport maintenance

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program. Both ladies looked at our airport which they said is a smaller airport; it could use a little asphalt, but it looks good. They stated that they have a few things in mind feasible for a 5-year development plan if we could acquire additional land, but asked Council what exactly we had in mind. Airport Manager C.E. (Curly) Brehm stated that his primary concern is putting a taxiway on the western side of the airport. Council reviewed a map of the airport. Ms. Caffall stated that we might consider doing a small terminal building with bathrooms. She said they have the ability in-house to draw up a small schematic plan of what could be possible, and she would get with Mr. Brehm so they can put some numbers to it and be able to present it to Council at a later date. Mayor Beck stated that Mr. Brehm and the Council are looking for some direction; we have a lot of ideas, and this 5-year plan is probably what we need to look at to be able to move forward with it. Interim City Administrator Dora V. Rodriguez asked to be kept in the loop and be informed of what is going on.

Ms. Megan Caffall also suggested that before we do anything with fuel, that we might consider putting together a Storm water Pollution Control Plan because she didn't think that we had one in place. She said that this is a requirement before we can install any fuel tanks at the airport, and there are grants for fuel facilities. She also suggested that it would be good for the airport to adopt rules and regulations which are done by ordinance.

Airport Manager C.E. (Curly) Brehm mentioned that the reason he is pushing this is because he wants some of the planes from the San Antonio International Airport which he has an opportunity to acquire due to NIAC Aviation's lease expiring with that airport. He explained that he cannot get any of these airplanes if we don't have a taxiway and fuel. He added that Devine's airport is about the only one in the world that does not have fuel. Ms. Caffall stated that this is not the case; she said there are many airports out there that do not have fuel.

Ms. Caffall told Mr. Brehm that this is a good but it will not be a quick process; it does take time and even if the City were to commit right now with matching funds, it would take at least 18 months to two years before they can do anything.

Mayor Beck suggested that Ms. Megan Caffall get together with Airport Manager C.E. (Curly) Brehm and Interim City Administrator Dora V. Rodriguez to put some plans together so they can bring it back before City Council at a later date.

The third order of business was to resume to the Visitor/Citizens Forum.

Ms. Debbie Randall addressed City Council about freedom and the right to vote, and told Council she took offense to their decision on not going forward with a Special Election allowing the citizens to vote for the mayor's position. Some of her comments were, "Who made you in charge of making this decision?" "You do not do what is best for the City!" She told Council that in her opinion, they have been in their seats for too long. No comments were made by City Council.

Ms. Wanda Gardner stated that she had heard that the reason we are not having a special election was because it was too expensive. No comments were made by City Council.

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Mr. Jack Morris expressed his disappointment in the Council's decision to take away the citizens' right to vote. No comments were made by City Council.

The fourth order of business was to discuss and consider approval of Minutes: Regular Meeting, January 19, 2010; Special Meeting, January 28, 2010; and Special Meeting, February 4, 2010.

City Council reviewed the minutes.

Motioned by Alderman Cortez, seconded by Alderman Ramirez to approve the Minutes for Regular Meeting, January 19, 2010; Special Meeting, January 28, 2010; and Special Meeting, February 4, 2010.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider request made by Deacon Luis P. Villanueva for a Noise Variance for the St. Joseph Parish Festival for March 5<sup>th</sup> and 6<sup>th</sup>.

Deacon Luis P. Villanueva addressed City Council in regards to the church festival which is a fundraiser normally held in October but will now be held on March 5<sup>th</sup> and 6<sup>th</sup>. He explained that a dance will be held on Friday, March 5<sup>th</sup> from 8:00 p.m. to 12:00 midnight and requested a variance to begin a couple of hours before that. He also requested a variance for Saturday from 11:00 a.m. to 6:00 p.m. to have music throughout the day.

Motioned by Alderman Ramirez, seconded by Alderman Cortez to approve request made by Deacon Luis P. Villanueva for a Noise Variance for the St. Joseph Parish Festival for March 5<sup>th</sup> and 6<sup>th</sup>.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider allowing for a Tree to be planted in Memory of Beverly A. Thomason Marr at the Joe E. Briscoe Park – requested by Charles West.

Mr. West addressed City Council about planting a tree in memory of Ms. Beverly A. Thomason Marr at the city park. He spoke highly about Ms. Marr and how much she loved kids and how much kids loved her, and said that several people have asked him to come before Council for this request. He said he is looking at getting a Texas Red Oak donated, if Council approves, and he would later like to have a tree planting ceremony at the park along with a plaque in her honor.

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Motioned by Alderman Ramirez, seconded by Alderman Espinosa to approve for a Tree to be planted in Memory of Beverly A. Thomason Marr at the Joe E. Briscoe Park – as requested by Charles West.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider request made by Charles West for Speed Bumps to be placed on Rossville Road.

Mr. Charles O. West addressed City Council again. He thanked the Devine Police Department for going up and down Rossville Road and Covey Lane; it makes them feel more secure and safe. He explained that at the stop sign on Live Oak Street, they did start slowing down some but he feels that a speed bump on both sides (one on Rossville and one on Live Oak) would slow them down even more.

Discussion was held on whether Covey Lane is in the city limits or not. Mayor Beck informed Mr. West that according to our city map, Covey Lane is inside the city limits. Discussion was also held on people having to pay for speed bumps out of their pockets. Mayor Beck advised that in 2005, Erma Steen had requested a speed bump and she offered to pay for one-half of the cost.

Alderman Lance mentioned that in San Antonio, speed bumps are actually painted with reflector paint. He said this is one way they would get noticed.

Item was tabled to give Public Works a chance to meet with Mr. West to find out location and cost for the speed bump.

The eighth order of business was to discuss and consider for Council to approve work to be done on Bluebonnet for the drainage problem.

Chris and Kari Davis both addressed City Council as Kari Davis read a letter to the Council. In the letter, Kari stated that Bluebonnet was a dirt road and the City decided to pave the part of it that is in the city limits; their house is located outside of city limits. Concerns were expressed to the Council about paving the street with the correct slope and slant or it would be sure to cause drainage issues. She stated that as soon as the road was paved, the issues began. She explained in detail the problems they are having with the water still running down their road and into their property, damaging their private road. Kari Davis told Council that they are asking the City of Devine to do what they know to be right, and to correct the problem and damage they have caused. She said it is the City's job to decide how this issue needs to be handled and resolved correctly; she said that what matters is that the City caused the problem. They also requested that the City repair damages done to their private road due to the City's water flow issue.

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Council held discussion with City Engineer Raul Garcia on surveying the road and on what can be done. It was mentioned that 65 cubic yards of asphalt would take care of it. Discussion was held over having another company come in and do the work as the Director of Public Works Billy Grote and the Superintendent of Public Works Ismael Carrillo do not feel comfortable in doing the work themselves; they preferred that someone else does the work, and does it right.

Motioned by Alderman Espinosa, seconded by Alderwoman Antu to approve for the City to fix the problem at Bluebonnet and allow for PublicWorks, City Engineer and Interim City Administrator to find a company that will do the work. Council also requested for city staff to keep Mr. and Mrs. Chris Davis posted.

Ayes	--	All
Nays	--	None

Motion carried.

Discussion was held after the motion where City Engineer pointed out that there is a ditch on the south part of the road where we will still have water coming in. The Davis's said they were aware of this.

The ninth order of business was to discuss and consider request made by Sunshine & Larry Hundley for a waiver for utilities for lot off of Transportation adjacent to the Devine Trailer Park.

Sunshine & Larry Hundley addressed City Council. They explained they bought a mobile home next door to the trailer park, and they had a letter allowing them to tie in to their line. Interim City Administrator Dora V. Rodriguez explained to Council that normally they connect to city utilities, but the Hundley's would be connecting to privately owned utilities, and they would be doing all the maintenance. She explained that the only thing the City owns is the meters; she said they are only coming before Council to ask for a waiver because of our ordinance.

Motioned by Alderman Cortez, seconded by Alderwoman Antu to approve waiver for utilities for lot off of Transportation adjacent to the Devine Trailer Park.

Ayes	--	Three
Nays	--	Two (Alderman Espinosa and Alderman Ramirez)

Motion carried.

The tenth order of business was to discuss and consider for Council to approve for the City to pay for three fences that will be affected by the Wedgewood/Hickory Project to be torn down and relocated.

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City Council reviewed several bids. City Engineer Raul Garcia told Council that they found the iron pins and the area curves. He explained that the fences did not follow the curves. He said that even though they were correct at the corners, the middle of the lots were not correct; they were 4 ft. off at the middle. He said we just need more space.

Interim City Administrator Dora V. Rodriguez told Council that all the property owners are in agreement as long as the City does the relocating of the fences. She said she spoke with Mark McLIney of Southwest Securities about this, and he is advising that we can use our bond money to pay for this.

Motioned by Alderman Espinosa, seconded by Alderman Ramirez to award bid to Garcia Fence Construction for \$1,156.00 to pay for the three fences.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was to discuss and consider Preliminary Re-districting of Council Member Districts for Pre-Census Analysis.

City Council reviewed map. This is preliminary only.

The twelfth order of business was to discuss and consider the correction of the City's Contribution Rate for the Pension Plan.

City Council reviewed letter from TMRS. Interim City Administrator Dora V. Rodriguez explained that the contribution rate should've been 10.62% instead of 10.61%. According to City Accountant Nancy Pepper, we are looking at \$80-\$100 more, and a difference of \$8 to \$10 a month now.

Motioned by Alderman Ramirez, seconded by Alderman Espinosa to approve correcting the City's Contribution Rate for the Pension Plan from 10.61% to 10.62%.

Ayes	--	All
Nays	--	None

Motion carried.

The thirteenth order of business was the Reports, namely:

- City Secretary's Report – Interim City Administrator Dora V. Rodriguez reported that Incode will be coming down tomorrow to help with getting us set up for the delinquent accounts. She also informed Council that everything is okay now with AEP; they accepted our contract.

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- Treasurer's Report – City Accountant Nancy Pepper informed Council that she wrote a check to pay Sewer/Water for \$50,000; the rest of the money was put in the Gas Fund.
- Public Works – Director of Public Works Billy Grote announced that we've had no busted pipes. He informed Council that we did have a water main break on Friday, but it was nothing unusual. Also, it should be 6-9 weeks before they get their backhoe.
- Police Chief's Report – Alderman Espinosa thanked Police Chief Rob Flores for showing an increase in the number of tickets issued. He said he appreciated their efforts.
- Driscoll Public Library – Library Director Barbara Moore informed Council that she gets an average of 130-170 people that come to the library daily. She also reported that they are starting adult computer classes.
- Chamber of Commerce – There was no monthly report.

The fourteenth order of business was Information Items.

Mayor Beck read a letter from the Divine Lutheran Savior Church inviting Council to a ground breaking ceremony on February 21<sup>st</sup> at 11:30 a.m. Alderman Lance announced that there will be a Homeland Security Conference next week in San Antonio. He will bring information from the conference.

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