

**Minutes**  
**Regular Council Meeting**  
**February 18, 2014**

On this 18<sup>th</sup> day of February 2014, 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 Hal Lance  
Alderdwoman Gina Champion  
Alderdwoman Kathy Wilkins  
Alderman Steve A. Lopez

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; Mary Badillo, City Financial Advisor and Cassandra R. Maldonado, Municipal Court Clerk.

Others present: Stephen Horton, Coleman, Horton & Company, LLP.; Gary Reece, Park Place Recreation Designs, Inc.; Scott Sostarich, Asst. Superintendent at Devine ISD; Khera Vay, Coach with Devine ISD; Celestino Guzman, Irma Guzman, Josie Guzman and Sonia Lance of Devine, TX.

Mayor Herring, presiding, called the meeting to order. Mayor Herring also delivered the Invocation and 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 recognized the following:

- Mayor read over list of achievements and presented Josie Guzman with a certificate for placing 7<sup>th</sup> at the 2013 State Cross Country Meet.

The third order of business was to discuss and consider approval of minutes: Regular Council Meeting, January 21, 2014; Special Meeting, January 27, 2014 and Special Meeting, February 10, 2014.

Council reviewed the minutes.

**Regular Meeting Minutes**  
**February 18, 2014**  
**Page 2**

Motion by Alderwoman Champion, seconded by Alderman Lance to Approve the Minutes for Regular Council Meeting, January 21, 2014; Special Meeting, January 27, 2014 and Special Meeting, February 10, 2014.

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

Motion carried.

The fourth order of business was to discuss and consider Proposal submitted by Park Place Recreation Designs, Inc. for the Briscoe Park in the amount of \$48,327.00.

Gary Reece with Park Place Recreation Designs, Inc. addressed the Council regarding the Proposal. He stated that his company has already done an evaluation and safety inspection on the Park.

Mr. Reece also mentioned the following regarding the Briscoe Park Project:

- Old wooden structure to be removed and since the spiral slide is ADA compliant, it will remain, along with the swing-set.
- The unit is on sale so an extra climbing device, saddle seat and surfer (balance beam) were to be included free of charge.
- Total price included demo of old structure, site work to get new unit ready, new surfacing underneath existing swing set and spiral slide.
- Modifications would be made to the swing-set to make sure it will be ADA compliant.
- City would have to provide sidewalk to the area where the unit is to be installed
- Prep-work would be done around picnic table to make it ADA compliant
- Equipment has 100 year warranty on poles, 15 year warranty on deck slides and 1 year warranty on moving parts (steering wheels, etc.)
- Engineered wood surfacing is put underneath the unit to protect children in the event they fall
- Engineered wood surfacing should not have to be replaced for at least 3-5 years. Raking would need to be done at times to maintain it.
- Warranty on engineered wood surfacing is void if other materials are used instead of the engineered wood surfacing.
- Engineered wood surfacing is sold by truckload. Company does charge to spread it unless the City has capability to do so.
- He will come by periodically to check on the unit and see if any repairs need to be made or if the engineered wood surfacing needs to be replenished; if, so he will be getting with the City Administrator so that the repairs or maintenance can be done
- Equipment is rated for children 2-12 years of age

**Regular Meeting Minutes**  
**February 18, 2014**  
**Page 3**

Motion by Alderwoman Wilkins, seconded by Alderman Lance to accept the Proposal submitted by Park Place Recreation Designs, Inc. for the Briscoe Park in the amount of \$48,327.00.

Proposal for Briscoe Park attached as Exhibit A.

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

Motion carried.

The fifth order of business was to discuss and consider for Council to authorize the City Administrator to negotiate the financing for this project.

Council held brief discussion regarding the financing for the project.

Alderman Lance asked what financing options the City had to choose from.

Mayor Herring explained that the Council could budget \$10,000 every year, borrow from bonds or borrow from the bank.

Interim City Administrator/City Secretary, Dora V. Rodriguez, said that Mark McIney with Southwest Securities, the City's bond specialist, suggested that if the City had the available money to fund the project, it was best to use it versus borrowing the money which would cause the City to obtain a certificate of obligation.

City Attorney, Tom Cate, agreed and added that if the money was borrowed it would be too expensive.

Motion made by Alderman Lance, seconded by Alderman Lopez to authorize the City Administrator to negotiate the financing for this project.

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

Motion carried.

The sixth order of business was to discuss and consider Proposal submitted by Park Place Recreation Designs, Inc. for the Hester Park in the amount of \$17,412.00

**Regular Meeting Minutes**  
**February 18, 2014**  
**Page 4**

Gary Reele reviewed the following regarding the Hester Park Project:

- Unit is smaller than Briscoe Park
- Price includes ADA ramp, engineered fiber and borders
- City would have to provide walkway to meet up with ADA ramp
- Swingset, merry-go-round and see-saw that are already there are not ADA compliant right now, company will put engineered wood fiber underneath them to make sure they comply
- Brief discussion over location of unit, City would have to decide where everything needs to be located so that it will not need to be moved later
- Unit can be added onto due to clamp system used

Alderman Lopez asked if a jack-pack from Briscoe Park unit could be used at Hester Park instead.

Mr. Reele said that the City could choose to put one or two jack-packs to Hester if they wanted to at no additional cost to the City. He said that they prefer not to break the actual unit up but the extra items such as the jack-pack could be moved around as needed.

Council held brief discussion over future plans for Hester Park.

Motion by Alderman Lopez, seconded by Alderman Lance to accept the Proposal submitted by Park Place Recreation Designs, Inc. for the Hester Park in the amount of \$17,412.00.

Proposal for Hester Park attached as Exhibit B.

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

Motion carried.

The seventh order of business was to discuss and consider for Council to authorize the City Administrator to negotiate the financing for this project.

Motion made by Alderman Lopez, seconded by Alderman Lance to authorize the City Administrator to negotiate the financing for this project.

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

Motion carried.

The eighth order of business was to discuss and consider Trends by the Financial Advisor.

Mary Badillo, Financial Advisor, briefed the Council on the Trends.

**Regular Meeting Minutes**  
**February 18, 2014**  
**Page 5**

Motion made by Alderwoman Champion, seconded by Alderman Lopez to Adopt the Trends by the Financial Advisor.

Trends attached as Exhibit C.

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

Motion carried.

The ninth order of business was to discuss and consider Audit Report/Management Letter by the Auditor.

Stephen Horton, Auditor with Coleman, Horton & Company, LLP., presented the Council with the Audit Report/Management Letter. He also commended City Secretary, Dora V. Rodriguez, City Accountant, Denise Duffy and Financial Advisor, Mary Badillo, for their hard work during the Audit. He added that the City received the highest level opinion possible as a result of the Audit.

Motion made by Alderwoman Wilkins, seconded by Alderwoman Champion to accept the Audit Report/Management Letter by the Auditor.

Audit Report/Management Letter attached as Exhibit D.

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

Motion carried.

The tenth order of business was to discuss and consider entering into an Interlocal Agreement between the Devine ISD for the Tennis Courts.

Mayor Herring said that he presented the Interlocal Agreement to the Commissioner's Court. He read over the response letter which stated that "the Court opted not to offer a motion to approve the Interlocal Agreement regarding the tennis courts".

Mayor Herring mentioned that the County does have an Interlocal Agreement with Devine ISD.

Alderwoman Champion, acting as a representative of the County for Precinct 4, stated that the County could help with materials, labor and equipment as well as hauling of materials to help reduce the costs for the school.

Mayor Herring asked if the City had any Interlocal Agreement with Devine ISD at this time.

**Regular Meeting Minutes**  
**February 18, 2014**  
**Page 6**

City Attorney, Tom Cate, mentioned the agreement for the School Resource Officer.

Alderman Lance read over Council Meeting Minutes from April 21, 2009 which said that the City was to pay for half of the costs for paving the parking lot at the Tennis Courts. He added that in 2009 the City gave Devine ISD a twenty percent discount on their permits. He also mentioned that the City paid to run the water line across Hwy 132 to the school due to sprinklers needed for the Gym.

Mayor Herring informed the Council that the agreement did allow for the Public to use the Tennis Courts except during practices or tournaments held by Devine ISD.

Council held discussion over who uses the Tennis Courts.

Sonia Lance approached the Council and voiced her concerns regarding funding the Tennis Courts.

Alderwoman Champion stated she felt that the schools are good schools and bring in a lot of people to live in the Community.

Motion made by Alderman Lance, seconded by Alderman Lopez to Table the Item.

Ayes	--	Two – Aldermen Lopez, Lance
Nays	--	Two – Alderwomen Champion, Wilkins
Absent	--	One – Alderman Valdez
Mayor	--	To Break Tie Motioned with the Nays

Motion died.

Motion made by Alderwoman Champion, seconded by Alderwoman Wilkins to have City Attorney, Tom Cate draft an Interlocal Agreement between the City and Devine ISD stating the City shares one-third of the cost to include maintenance and electric bill and that the City must approve of any funding for any projects before the School agrees to a project.

Commissioner's Court response letter and certification of meeting letter attached as Exhibit E.

Ayes	--	Two – Alderwomen Champion, Wilkins
Nays	--	Two – Aldermen Lance, Lopez
Absent	--	One – Alderman Valdez
Mayor	--	To Break Tie Motioned with the Ayes

Motion carried.

The eleventh order of business was to discuss and consider the City of Devine Police Department Racial Profiling Statistical Report 2013.

Council reviewed the report.

**Regular Meeting Minutes**  
**February 18, 2014**  
**Page 7**

Motion made by Alderman Lopez, seconded by Alderwoman Champion to accept the City of Devine Police Department Racial Profiling Statistical Report 2013.

Devine Police Department Racial Profiling Statistical Report 2013 attached as Exhibit F.

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

Motion carried.

The twelfth order of business was Informational Items.

- New Police Officer Clinton Schmelzer
- Stephen Flores has left the City and we are still in need of 2 Officers
- City still needs a School Resource Officer
- Early Voting is going on until February 28<sup>th</sup>
- Alderman Hal Lance's Birthday on February 26<sup>th</sup>
- VFW District 13 Post 8552 Ladies Auxiliary in Del Rio donated \$7,500 in scholarship money
- Thanks given to Dora, Denise and Mary for their hard work on the Audit

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

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

Motion carried.

---

Mayor

---

City Secretary