

Minutes
Regular Council Meeting
March 16, 2010

On this 16th day of March 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, Nancy Bales, Eric Smith-Devine News; James Lacombe, Medina Valley Times; Charles West, Larry & Sandra Stacy, Dave & Betty Morgan, Steve A. & Sofia R. Lopez, Bill Herring, Sonia J. Lance, Kathy Wilkins, Gina Champion, Aileen Montgomery-Devine Housing Authority; Ernest Ruston, Debbie Randall, Elsa R. Colunga, Sandy Beck, Betty Dishman, Adolph Chapa, Mike & Donna Eshleman, Mickey Davis, Wayne Steen, Kelley Haney, Wanda Gardner, Marlene Wells, Phil Montgomery, John Narramore, Fred Wells, M. Cheri Ramirez, and Linda Kreinhop, 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.

Mrs. Betty Morgan addressed City Council on behalf of the Current Events Club. She informed City Council that their first brush cleanup in the Colonial Oaks/Golf Course area was a big success, and she invited everyone to join them this Saturday at 9:30 a.m. for another cleanup, in the downtown area. She thanked Interim City Administrator Dora V. Rodriguez for getting a Public Works crew to help out. Mrs. Morgan encouraged Council members in Districts 1, 2, 3 & 4 to join in the cleanup (since Alderman Lance had already helped), and she challenged everyone "to give back to the City."

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Mr. Steve Lopez also addressed City Council about being bombarded with accusations of many things that they have done wrong in the past such as depriving people of their rights. He told council members that they have not done anything wrong. He said this propaganda which is being put out by the “good ol’ boys” is what is hurting our City because a lot of it is negative info about the Council. He told Council that they are doing a good job and not to let anyone deviate them from what they are doing. He told them to keep up the good work, and said he was proud of them.

Sonia Lance addressed her comments to Mayor Beck and compared the last city council meeting to an organized witch hunt. She was appalled at actions taken by Mayor Beck against allowing his councilmen to speak. She encouraged everyone to get out and vote and to quit whining. She ended by reading a poem to the public which was written to Alderman Hal Lance by the President of a Union.

The second order of business was to discuss and consider appointment for the Housing Authority Board.

Mayor Beck explained that due to the recent resignation of a Housing Authority Board Member, it is being recommended that Council appoint Betty Dishman to finish the unexpired term of Mercedes Loera. Mayor Beck appointed Ms. Dishman to serve the unexpired term and told her to report to city hall the next day so that she can be sworn into office. Ms. Dishman accepted the appointment.

The third order of business was to discuss and consider adopting Proclamation for Sexual Assault Awareness Month.

Motioned by Alderman Ramirez, seconded by Alderman Espinosa to adopt Proclamation for Sexual Assault Awareness Month.

Proclamation attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider approval of Minutes: Regular Meeting, February 16, 2010; and Special Meeting March 2, 2010.

City Council reviewed minutes.

Motioned by Alderman Espinosa, seconded by Alderman Lance to approve the Minutes for Regular Meeting, February 16, 2010; and Special Meeting March 2, 2010.

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Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider for Council to Appoint a Mayor to take office in April when the current Mayor steps down.

Mayor Beck announced that 17 names had been submitted for the Mayor's position, and five of the 17 accepted the nominations.

Council and Interim City Administrator Dora V. Rodriguez held discussion that although Mayor Beck had previously stated he would be stepping down in April, she officially does not have anything in writing from him.

Alderman Lance stated that he would like to see a resume and a list of accomplishments from all five nominees, and suggested we hold a special meeting to be able to review the documents and evaluate their background before making a decision for a new mayor.

Discussion was held on Mayor Beck resigning in April for sure; so the new mayor's appointment would take effect based on when Mayor Beck steps down.

Alderman Espinosa held discussion with the Council and commented that he feels we owe it to the citizens; he told Council "We need to make a decision this evening." Alderman Cortez agreed.

Motioned by Alderman Cortez, seconded by Alderman Espinosa to appoint William (Bill) Herring as the new Mayor to serve the remainder of Mayor Beck's term, and to take office effective when Mayor Beck resigns.

Ayes	--	Four
Nays	--	One (Alderman Lance)

Motion carried.

Discussion was held after the motion by Mr. Bill Herring who told everyone that he did not seek the position but he would be happy to serve the remainder of Mayor Beck's term. He told Council "I do appreciate the honor that you've bestowed upon me, and I will try to do my very best to work with the City in every way that I can." Mayor Beck then informed Mr. Herring that he would be sworn in on the night of May 18, 2010. He then proceeded to announce the five men who had accepted the nomination for Mayor, being Dave Morgan, Steve Lopez, Mickey Davis, Bill Herring and Mike Eshleman.

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The sixth order of business was to discuss and consider to accept plans submitted by the City Engineer, Raul Garcia, and to go out for Proposals for restrooms at the Joe E. Briscoe Park.

Mayor Beck informed the public that this has been an item of discussion and of interest for some time. Mayor Beck had thought of using the money from the budget for the Animal Control Officer we no longer have; however, after more discussion was held with Chief Flores, this money was left in the budget for a second Animal Control Officer, as they are having a hard time now.

Council discussed ballpark figures and types of funding. Interim City Administrator Dora V. Rodriguez told Council that we have a simple plan for right now. She said the restrooms will need to be ADA compliant, but we need to go out for proposals; this is a start. She told Council that figures can be put in during the budget workshops, and explained that there are things in the plan that we can do without to be able to cut costs down. She then explained how points are given when trying to qualify for grants.

Motioned by Alderman Ramirez, seconded by Alderman Cortez to accept plans submitted by the City Engineer, Raul Garcia, and to go out for Proposals for restrooms at the Joe E. Briscoe Park, to be able to move forward.

Plan submitted by City Engineer attached as Exhibit B.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider Status on Home Program Homes and total Houses that qualify to move forward.

Interim City Administrator Dora V. Rodriguez provided Council with an update from Robin Sisco, our Home Program Consultant with Langford and Associates. According to Ms. Sisco, out of the five homes that qualified, she is having problems with two of the homes in trying to get a clear title. Ms. Sisco is trying her best to get this cleared but if it can't get cleared in time, we will have to move forward with the grant program, and the money for each home that doesn't qualify will have to be given back to the State. She informed us that we are not the only city faced with these problems.

The eighth order of business was to discuss and consider request made by Charles West for a Speed Bump to be placed on Rossville Avenue.

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Mr. Charles West addressed City Council regarding several speed bumps in the areas of Live Oak, Covey Lane and Rossville Avenue. He told Council that due to increased police patrolling in the areas, vehicles have slowed down a lot.

Mayor Beck agreed that speed bumps are needed but explained that they are becoming a burden on the City's budget. Our Financial Advisor, Phil Sagebiel, is cautioning that we are spending money that we have not budgeted for in the General Fund. Even though we have money in the Street Department, it was meant to be used for repairing streets. Council reviewed some cost figures turned in by the Public Works Department, and discussed looking into a standard design that meets all the proper specifications. Alderman Espinosa stated that we cannot go wrong with a rubber speed bump because it meets all of the specifications. Mayor Beck stated that we're not saying we can't approve for a speed bump, but that we need to budget for it.

Council held discussion on problems with current speed bumps and complaints we have received.

Interim City Administrator Dora V. Rodriguez told Council that with the help of Public Works, she would like to poll other surrounding cities of our size to find out if they have an ordinance for speed bumps and find out what guidelines they use to determine which streets get speed bumps. Council agreed that the research is needed.

Alderman Cortez felt that Council could discuss this topic during their budget workshops, along with how many speed bumps they would be approving per year. Alderman Espinosa felt that we can use the input of citizens to help determine which streets need a speed bump.

Motioned by Alderman Cortez to table this item until we begin our workshops to see if there is money available to create a line item for speed bumps, to determine how many speed bumps can be budgeted for the year, and to set guidelines for approving a speed bump to be installed.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider request for a Speed Bump to be placed on Jack Nicklaus – requested by Alderman Lance.

Mr. Larry Stacy addressed City Council about a much needed speed bump on Jack Nicklaus Drive on one of the blind spots on that street. Alderman Lance discussed the speed factor on Malone and Jack Nicklaus, and agreed that Mr. Stacy has a very legitimate argument for the need of a speed bump; however, he will wait until the budget workshops to discuss further.

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Motioned by Alderman Lance, seconded by Alderman Espinosa to table this item until the budget workshops.

Ayes	--	All
Nays	--	None

Motion carried.

The tenth order of business was to discuss and consider adopting Pressure Test Policy.

Council reviewed the current city's procedures for pressure testing of gas lines which states that all pressure tests must be witnessed by the City of Devine; the City requires that testing be done by the specification of the Southern standard gas code; and inspections will be done from 2:45 – 3:45 p.m. Monday through Friday only.

Mayor Beck stated that the reason this is being brought up is because of an accident incident that occurred over a weekend, and the customer was upset that she could not be reconnected that same day.

Ismael Carrillo, Superintendent of Public Works, explained to Council that someone hit the customer's gas meter, they responded to the call, and the gas was shut off. He explained that because of our policy procedures, the customer contacted a plumber but we did not witness the pressure test until Monday morning because of our current procedures.

Council held discussion on having the on-call worker witness the pressure testing whenever we have incidents on weekends or after hours. Superintendent of Public Works, Ismael Carrillo told Council that this could be done; however, they were abiding by our pressure test procedures that they only do this during the week; and, the other problem he pointed out is that the employees need to be qualified, and, as it is, we only have two employees in the Gas Department.

Other topics of discussion were:

- What is considered an emergency – for them to have to go out and witness the pressure test?
- Changing or adding wording to the policy procedures.
- How often does this occur? It only happened three times last year.
- Leave it as is and handle on a case by case basis.

Because it only happened three times last year, no action was taken by City Council at this time, so the policy will stay as is, and incidents will be handled on a case by case basis.

The eleventh order of business was to discuss and consider Equipment that needs to be purchased for the John Curcio Park (Hester Park).

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Interim City Administrator Dora V. Rodriguez informed Council that she's met with our grant consultants, Langford and Associates, and because of the legal problems we have encountered, they are suggesting that we not wait, and that we go ahead and order the playground equipment now (it takes 4-6 weeks for delivery) and get reimbursed from Parks & Wildlife after all legal issues have been resolved.

Council held discussion on the cost of the equipment. They're looking at approximately \$3,500.00. Interim City Administrator Dora V. Rodriguez told Council we would need to amend our budget.

Discussion was held on the legal situation with the park. City Attorney Tom Cate informed Council that things are going like they're supposed to with the lawyers.

Motioned by Alderman Ramirez, seconded by Alderman Lance to purchase the playground equipment now to allow for delivery time and to amend the budget.

Ayes	--	All
Nays	--	None

Motion carried.

The twelfth order of business was the Reports, namely:

- City Secretary's Report – City Administrator Dora V. Rodriguez informed Council that one of our Utility Billing computers crashed down due to a virus.
- City Treasurer's Report – Council reviewed report. According to City Accountant Nancy Pepper, we are still holding our own and doing okay. She told Council that we always get more money the first six months which is our challenge to have enough to pay our bills for the next six months. She explained that for property taxes, we only put in about 95% of what our tax roll collections should be, because we never collect all of it. Right now, we're a little bit ahead of normal.
- Public Works – Council reviewed report. Director of Public Works Billy Grote informed Council that they've already received the plans from City Engineer Raul Garcia for utility work to be done in the alley between Wedgewood and Hickory. They are going to review them so he can go out for bids. Regarding the status of new well grant, City Administrator Dora V. Rodriguez informed Council that according to Margaret, they should be getting paperwork on this sometime in September, and they will want to do an inspection.
- Police Chief's Report – Council reviewed report. Alderman Espinosa thanked Chief Flores again for seeing the numbers go up on the stop sign tickets. They also discussed that having the police car by the golf course has been working out very well. Chief Flores told Council that on the part of Emergency Management that was the last page for the year that we need to update. He said this makes us eligible for

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any 2010 grant. He said we're still in an advanced status. Chief Flores also reported that for county emergency management, they held an anthrax exercise which turned out very well for a county of our size. Alderman Ramirez inquired about fines. City Administrator Dora V. Rodriguez explained that there is a set fee schedule as to how much the City retains and how much goes to the State; she explained that we don't create it, it's already set. The City only keeps like 10%; it's a very low amount. All truancy cases go through JP Court.

- Driscoll Public Library – Council reviewed report.
- Chamber of Commerce – No report. Sandy Herrera reported that LaNell Phelps resigned from the Vice President position, so the Chamber is still looking to fill that position.

The thirteenth order of business was Information Items.

Mayor Beck informed Mr. Charles West that he and Dora spoke to Mr. Carl Friesenhahn, in Hondo, regarding the traffic from TxDOT on Rossville Road. He told him that that is not supposed to be happening, and they are going to see to it that the traffic off of I-35 does not go on to Rossville.

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

Mayor

City Secretary