

Minutes
Regular Council Meeting
April 17, 2012

On this the 17th day of April, 2012, 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, TX. 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
Aldерwoman Kathy Wilkins
Aldерwoman Gina Champion
Alderman Steve A. Lopez

Absent being Alderman David Valdez; thus, constituting a quorum.

Personnel present: Tom Cate, City Attorney, Gary Pelech, City Administrator; Dora V. Rodriguez, City Secretary and Denise Duffy, City Treasurer/Accountant.

Others Present: Reagan Scott, Beeville, TX; David and Kelly Tumbarello, Glenda Velasquez and Wade Gibson, Devine, TX; Sandy Herrera, Devine News; Mary Badillo, San Antonio, TX.

Mayor Herring, presiding, declared the meeting opened and welcomed all visitors. 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 under this item.

The second order of business was to discuss and consider approval of Minutes: Regular Council Meeting, March 20, 12 and Special Council Meeting, March 29, 2012.

Motion made by Alderman Lopez, seconded by Alderman Lance to approve the Minutes for Regular Council Meeting, March 20, 2012 and Special Council Meeting, March 29, 2012.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The third order of business was to discuss and consider hiring Mary Badillo to be the Financial Advisor for the City of Devine.

City Secretary, Dora V. Rodriguez informed the Council that Ms. Badillo previously worked with Phil Sagebiel and is familiar with how the City operates.

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Motion made by Alderwoman Champion, seconded by Alderman Lopez to hire Mary Badillo as the Financial Advisor for the City of Devine.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The fourth order of business was to discuss and consider accepting Proposal from Alamo One for the purchase of the property located at 327 W Malone.

Mayor Herring stated that the house was built in the 1990's, construction was stopped and the house had been vacant ever since. He mentioned that the house was built on two lots and that when it was sold at auction, the lots were sold separately. He also said that nobody purchased the lot with the house on it, but someone did purchase the other lot which also had eight feet of the attached garage on it. He went on to say that all three entities (Devine ISD, Medina County and the City of Devine) met and agreed to demolish the house.

Mayor Herring stated that the City contacted Alamo One, their current garbage collector, and asked them to take a look at the property and provide the City with an estimate for demolition. He informed Council that Alex Salas with Alamo One contacted the City and said that he was interested in purchasing the property.

Mayor Herring said that Mr. Salas contacted Mr. Brieden, the owner of the lot with the garage on it, and Mr. Brieden was okay with demolishing the house, however, if Mr. Salas wanted to buy the house versus tearing it down, then he (Mr. Brieden) was going to ask \$25,000 for his lot.

Mayor Herring stated that Mr. Salas presented a purchase price of \$10,000 for the lot. Mayor Herring said that the School and County were not satisfied with the offer. He informed the Council that Medina County Judge Jim Barden wanted to have another meeting or phone conference with the three entities involved.

Mayor Herring mentioned that a few interested individuals contacted the City and stated that they were interested in the property.

Mayor Herring requested that Council table the item until the three entities could meet and make a decision on the property.

Motion made by Alderman Lance, seconded by Alderman Lopez to table the item.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

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The fifth order of business was to discuss and consider Water Supply Agreement between Alpha Reclaim Technology, LLC and the City of Devine.

Reagan Scott, a representative of the company, explained to the Council that they were interested in purchasing the City's effluent water (treated wastewater) from the City.

City Attorney, Tom Cate stated that the venue in the agreement would need to be changed from Travis County to Medina County.

City Attorney, Tom Cate said that the law said that governmental bodies cannot use Eminent Domain to aide private companies, therefore Section 6b would need to be removed from the agreement.

Mr. Scott stated that Section 6b would be removed.

Discussion was held regarding the terms of the contract.

Alderman Lance inquired as to how much money the City would be receiving from the sale of the water.

City Administrator, Gary Pelech stated that the City discharges approximately 232,000 gallons of effluent water per day which equaled around \$400 per day.

Mayor Herring asked if the City was obligated to provide this effluent water to property owner's downstream.

Mr. Scott explained that in order to divert the effluent water, the City as well as the property owner would have to obtain additional permits from TCEQ.

City Attorney, Tom Cate and Mr. Scott discussed Section 2 in the agreement and the proper wording was agreed upon.

Agreement attached as Exhibit A.

Motion made by Alderwoman Wilkins, seconded by Alderwoman Champion to accept Water Supply Agreement, as amended, between Alpha Reclaim Technology, LLC and the City of Devine.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The sixth order of business was to discuss and consider action to award bid for Water Well Improvements Part B – Well Pump & Motor, Pump Station and Chlorination Facilities.

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City Administrator, Gary Pelech informed the Council that six bids were received, Ram II was the lowest bidder, and that City Engineer, Raul Garcia recommended them for the job.

Motion made by Alderman Lopez, seconded by Alderman Lance to award bid to Ram II for Water Well Improvements Part B – Well Pump & Motor, Pump Station and Chlorination Facilities.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The seventh order of business was to discuss and consider action to award bid for Water Well System Improvements for Part C – 100,000 gallon ground storage tank.

City Administrator, Gary Pelech informed the Council that only one bid was received. He stated that City Engineer, Raul Garcia recommended them for the job.

Motion made by Alderwoman Champion, seconded by Alderwoman Wilkins to award bid to BullDog Steel for Water Well Improvements Part C – 100,000 gallon ground storage tank.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The eighth order of business was to discuss and consider recommendation of the Planning & Zoning Commission for meeting held on April 9, 2012:

- a) Request made by Wade Gibson to approve submitted plat vacating Adams National Bank, Block 3 (NCB 141), Portion of Lots 8 & 9, and re-subdividing as Adams National Bank, Block 3 (NCB 141), Lot 35-39; said property being located along in the 900 Block of Teel Drive North, between the street and Railroad Right of Way, and to remain zoned Class I. Light-Industrial District.

Council held discussion with Wade Gibson regarding location of property.

Motion made by Alderwoman Wilkins, seconded by Alderman Lopez to approve the recommendation of the Planning & Zoning Commission to grant request made by Wade Gibson.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

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- b) Request made by Simon and Glenda Velasquez to approve submitted plat vacating Breezy Hill Addition, Block 6 (NCB 192), Lot 1, and re-subdividing as Breezy Hill Addition, Block 6 (NCB 192), Lot 7; said property being located along at 315 Loraine Drive, between Loraine Drive and Bailey Boulevard, and to remain zoned Class B. Single – Family Residence District.

Motion made by Alderman Lopez, seconded by Alderman Lance to approve the recommendation of the Planning & Zoning Commission to grant request made by Simon and Glenda Velasquez.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The ninth order of business was to review Investment Report.

Council reviewed the report.

City Accountant, Denise Duffy held discussion with the Council regarding interest rates.

The tenth order of business was Informational Items.

Mayor Herring updated the Council on the Water Line Extension Project with Devine ISD.

Mayor Herring informed the Council that he had met with a structural engineer regarding the leaning wall at the Library. Council held brief discussion.

Mayor Herring briefed the Council regarding the Edwards Water Tank.

City Attorney, Tom Cate provided the Council with an update on the Hester Park Project.

Mayor Herring informed the Council that Election Day will be May 12th and that Early Voting was April 30th – May 8th.

Mayor Herring stated that “Devine Day” at Mission’s Stadium will be May 12th. He explained that the City of Devine will be honored on this day and that the Chamber has been given 500 free tickets to hand out.

Mayor Herring recognized Alderwoman Wilkins birthday.

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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 Valdez)

Motion carried.

Mayor

City Secretary