

Minutes
Regular Council Meeting
April 19, 2011

On this 19th day of April 2011, 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 William L. Herring
Alderman John Ramirez
Alderman Hal Lance
Alderwoman Marina Antu
Alderwoman Kathy Wilkins
Alderwoman Gina Champion

Thus, constituting a quorum.

Personnel present: Gary Pelech, City Administrator; Dora V. Rodriguez, City Secretary and Nancy Pepper, City Accountant.

Others present: Curly & Dora Brehm, Devine Airport; Russ Pumphrey, Devine Airport; Nikki Gaylor, DISD; Ally Harrell, Kristi, Tres & Newell Summerlin, Casey & Bridget Heising, Dave & Betty Morgan and Cheri Ramirez, Devine; Sandy Herrera, Devine News and Jerry Beck, Commissioner Precinct #4.

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 Recognition.

Mayor Herring recognized Russ Pumphrey for being an Airport Manager for 14 years.

Mayor Herring recognized Casey Heising for 2nd Team All-State 3A Texas Sports Writers Association and 1st Team 3A Texas Girls Coach's Association.

Mayor Herring recognized Ally Harrell for Wendy's High School Heisman Award.

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Mayor Herring recognized Tres Summerlin for becoming a member of the TABC Academic All-State Basketball Team.

The second order of business was the Visitor/Citizen Forum.

Mrs. Wanda Gardner addressed the Council on the paving needs for Harralton Circle. She also asked the council when they start their Budget Workshops that they consider an exemption for the senior citizens.

The third order of business was Approval of Minutes.

Motion was made by Alderman Ramirez, seconded by Alderwoman Wilkins to approve the Regular Meeting Minutes of March 15, 2011.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider an extension of the Financial Advisory Contract between the City of Devine, Texas and Southwest Securities, Inc.

Mark McLiney with Southwest Securities informed the council that when he and Ryan Cunningham were preparing all the documents for the bond, they realized that the contract between their company and the city had expired and that it needed to be updated in accordance by the Securities and Exchange Commission Rules. Mr. McLiney advised the council that no changes have been made to the contract and explained that where they are making the term, it will state that the contract can be terminated by any party at anytime with a 30 day notice.

Contract attached as Exhibit A.

Motion by Alderman Ramirez, seconded by Alderman Lance to extend the Financial Advisory Contract between the City of Devine, Texas and Southwest Securities, Inc.

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Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider authorizing the City Administrator to enter into an energy contract up to 5 years with Direct Energy or the next lowest cost Retail Electric Supplier if necessary to obtain the most favorable energy price and contract for the City. Marco Arredondo, our representative for electricity, addressed the council and explained that our contract with our current electric provider is expiring in May so we advertised for bids. We received a total of five bids. He advised that he tried to get one of our local people to submit a quote and they did not submit. He advised that their bid would have been a variable rate and the city does not want that because you cannot budget with a variable rate. He advised that out of the five companies, Direct Energy came in with the lowest quote and of which they are currently the city's provider. He explained that at 3:00 o'clock the daily rates changed, so this is why it is worded on the agenda to go with the cost. He will be checking tomorrow to make sure the cost held; if not, then he will go with next lowest cost.

Spreadsheet attached as Exhibit B.

Motion by Alderman Ramirez, seconded by Alderwoman Antu to authorize the City Administrator to enter into an energy contract up to 5 years with Direct Energy or the next lowest cost Retail Electric Supplier, if necessary, to obtain the most favorable energy price and contract for the City.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider accepting Contract for Collections of Delinquent Municipal Court Fines and Fees and Delinquent Accounts Receivable.

City Administrator Gary Pelech informed the council that all we are trying to do is consolidate all the different contracts to one.

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City Attorney informed the council that the only changes that needed to be made to this contract is No Waiver of Immunity, Performable in Medina County, Texas and changing the name of the City Administrator.

Contract attached as Exhibit C.

Motion by Alderwoman Champion, seconded by Alderman Ramirez to accept Contract for Collections of Delinquent Municipal Court Fines and Fees and Delinquent Accounts Receivable with the changes stated by our City Attorney.

Ayes	--	All
Nays	--	None

Motion carried.

At 6:19 p.m. Alderwoman Wilkins excused herself from the meeting.

The seventh order of business was to discuss and consider accepting receipt of Certification of Unopposed Candidates. (*Discutir y considerar aceptar recibo de Certificado de los candidatos sin oposiciòn.*)

Motion by Alderman Lance, seconded by Alderwoman Antu to accept receipt of Certification of Unopposed Candidates. (*Mociónado por Concejal Lance, segundado por Concejala Antu para aceptar recibo de Certificado de los candidates sin oposición.*)

Ayes (<i>si, voto afirmativo</i>)	--	Four (<i>cuatro</i>)
Nays (<i>voto no afirmativo</i>)	--	None (<i>ninguno</i>)
Absent (<i>ausente</i>)	--	One – (<i>uno</i>) Alderwoman Wilkins (<i>Concejala Wilkins</i>)

Motion carried. (*Moción aprobado.*)

The eighth order of business was to discuss and consider Ordering Cancellation of Election for the Mayor's Race and Alderman District #2 declaring Candidates Elected. (*Discutir y considerar ordenar la Cancelaciòn de Elecciòn para las carreras electorales de Alcalde y Concejal Distrito #2 declarando candidatos elegidos.*)

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Motion by Alderman Lance, seconded by Alderwoman Champion to order the Cancellation of Election for the Mayor's Race and Alderman District #2 declaring Candidates Elected. (*Mociónado por Concejal Lance, segundado por Concejala Champion ordenar la Cancelaciòn de Elecciòn para las carreras electorales de Alcalde y Concejal Distrito #2 declarando candidatos elegidos.*)

Ayes (<i>si, voto afirmativo</i>)	--	Four (<i>cuatro</i>)
Nays (<i>voto no afirmativo</i>)	--	None (<i>ninguno</i>)
Absent (<i>ausente</i>)	--	One – (<i>uno</i>) Alderwoman Wilkins (<i>Concejala Wilkins</i>)

Motion carried. (*Moción aprobado.*)

At 6:22 p.m. Alderwoman Wilkins came back to the meeting.

The ninth order of business was to consider Appointment of Election Judges and Clerks for the May 14, 2011 General Election. (*Discutir y considerar el nombramiento de los juezes y secretarias para la Elecciòn General el dia 14 de Mayo del 2011.*)

Motion by Alderman Ramirez, seconded by Alderwoman Antu approve the Appointment of Election Judges and Clerks for the May 14, 2011 General Election. (*Mociónado por Concejal Ramirez, segundado por Concejala Antu para considerar el nombramiento de los juezes y secretarias para la Elecciòn General el dia 14 de Mayo del 2011.*)

Ayes (<i>si, voto afirmativo</i>)	--	All (<i>todos</i>)
Nays (<i>voto no afirmativo</i>)	--	None (<i>ninguno</i>)

Motion carried. (*Moción aprobado.*)

The tenth order of business was to consider amending Chapter 98 Utilities of the Code of Ordinance.

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City Administrator Gary Pelech informed the council of the following changes to the ordinance:

- Gas Rates – Taken out since we no longer own the gas system.
- Payment of Services – Administrative fee will be assessed if a disconnect work order has already been created.
- Meter Testing – Gas meter wording was removed.
- Other Charges – Line locate- a fee will be assessed to locate lines.
- Other Charges – A fee will be assessed for on or off work orders if the customer does not have a gate valve.
- Other Charges – A fee will be assessed for a water or sewer problem on the customer’s side.
- Other Charges – Customers tampering or damaging a water meter will incur a charge.
- Deposits – To allow for an Active Military deposit of \$100. Council advised about reviewing this from time to time.
- Deposits – To allow for a Home Owner (non-city resident) deposit of \$100.

Ordinance attached as Exhibit D.

Motion by Alderwoman Champion, seconded by Alderwoman Wilkins to amend Chapter 98 Utilities of the Code of Ordinance to be effective in 30 days.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was allowing the City Administrator to purchase a Double Wheel Roller for the Street Department with the proceeds from the Auction we had on April 18, 2011.

City Administrator Gary Pelech informed the council that we received \$50,000 for the surplus we auctioned. He also informed them that the last paving job we did cost us about \$1,500 to rent a roller. He advised if we want to continue doing streets we are going to need a roller. He has priced some rollers and the cost for them run about \$15,000 or more. He advised that we could get a good used one.

Motion by Alderman Ramirez, seconded by Alderman Lance to purchase a Double Wheel Roller for the Street Department with the proceeds from the Auction we had on April 18, 2011 with the limit of \$20,000.

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Ayes	--	All
Nays	--	None

Motion carried.

The twelfth order of business was approving Proposed Amended Budget for the Year Ending September 30, 2011.

City Accountant Nancy Pepper informed the council that the amendments to the General Fund show that it is necessary that we do not spend all the money because we are now in a \$87,000 deficit for the year and that is a dangerous place to be. She advised that we typically do not spend our whole budget. She advised that last year we came out to the good of not having a deficit. She advised that in the Capital Outlay we have already spent \$57,000. She also explained that we had an employee in the Water & Sewer Department that needed to be in the General Fund-Street Department because all his time is spent in this dept., so this also hurt General Fund since we could not bring the money over from the Water & Sewer Dept. She advised that some of the auction proceeds will be helping General Fund. She advised that if council wants to purchase things they need to think about reducing a line item to offset the purchase.

City Accountant Nancy Pepper informed the council that the Water & Sewer Fund is doing fine.

Amended Budget attached as Exhibit E.

Motion by Alderwoman Antu, seconded by Alderman Ramirez to approve amending Budget for the Year Ending September 30, 2011.

Ayes	--	All
Nays	--	None

Motion carried.

The thirteenth order of business was to Review Investment Report.

Council reviewed report.

The fourteenth order of business was Informational Items.

Mayor Herring informed everyone present that Nancy Pepper celebrated a Birthday.

Mayor Herring informed everyone present that Tom Cate celebrated a Birthday.

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Mayor Herring informed everyone present since the last regular meeting that Dora Rodriguez celebrated a Birthday.

Alderman Lance advised that he was endorsing his council check for his part on the speed bump on Jack Nicklaus.

Mayor Herring gave a “good luck” to Alderwoman Wilkins on the birth of her first grandbaby.

Mayor Herring reminded everyone present about Early Voting starting May 2 through May 8 with hours of 8 a.m. to 5 p.m. and for May 9 and May 10 with the hours of 7 a.m. to 7 p.m., with the Day of Election being May 14.

Mayor Herring asked our City Attorney Tom Cate for an update on Hester Park. City Attorney Cate advised that we have a court date on April 26. He advised that all it is, is a docket control hearing which means setting up the different dates that we will have things accomplished by.

Mayor Herring advised the council of the Elected Officials Meeting for April 28, 2011.

Mayor Herring advised that our Library Employee Debra DuBose lost her son and informed them of the services that will be held tomorrow.

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

Mayor

City Secretary