

**Minutes**  
**Regular Council Meeting**  
**April 20, 2010**

On this 20<sup>th</sup> day of April 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; Kandy Benavides, Lieutenant; Joe Pedroza, School Resource Officer; 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; Esmeralda (Mela) Perez-Texas Organ Sharing Alliance; Curly & Eldora Brehm, Blake Caesar, Larry Stacy, Wayne & Erma Steen, Bill Herring, Kathy Wilkins, Gina Champion, Dave D. & Betty Morgan, Richard Leinweber, Debbie Randall, and Charles West.

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.

Mr. Charles West addressed City Council and thanked whoever was responsible for placing the barrier at the end of Rossville Road at IH-35; he said it looked good. He also thanked the City for allowing him to plant a tree at the park in honor of Ms. Beverly Thompson Marr. He told Council he ordered a plaque and wants to mount it on a rock in concrete in front of the tree, but he wants the City to look at it for approval. He thanked the City and all the people who have done benefits in her honor.

Ms. Betty Morgan also addressed City Council to remind everyone that they would be having another trash bash this Saturday at 9:30 a.m. since they were rained out last time. She encouraged everyone to come out and join them by water tower. She advised that Blake from ACI would be there also to help pick up some items.

**Regular Meeting Minutes**  
**April 20, 2010**  
**Page 2**

Mr. Richard Leinweber also addressed City Council to thank the City of Devine's Police Department for doing some excellent work a while back. He explained he had some golf clubs stolen on Halloween night and he found them at a pawn shop in San Antonio. He said Officer Chris Andrews picked up his clubs and later notified him that the thief had been apprehended and was in jail. He wanted to show his appreciation by commending the Devine Police Department and thanking Officer Andrews for doing an excellent job.

The second order of business was to discuss and consider adopting Proclamation declaring April – Donate Life Texas Month.

Mayor Beck read the Proclamation out loud and then introduced Ms. Esmeralda Perez who represents Texas Organ Sharing Life. Mrs. Perez addressed City Council on the importance of organ donation. She explained that Texas Organ Sharing Life is federally designated for South and Central Texas to educate the communities and to address families at a time when their loved ones have been declared brain dead, to ask them to donate the organs. She clarified that organs are taken only from people who have been declared brain dead, which is less than 2% of the population. If you have ever wanted to save a life, she encouraged everyone to consider being an organ, eye and tissue donor and to think about registering and to talk to their families about making the decision. Ms. Perez spoke briefly about the Glenda Dawson Donate Life – Texas Registry form, which is a legal and binding document. She informed the public that many people think that they are already registered through the Department of Motor Vehicles, but they're not and it dropped off of the back of the driver's licenses. She said that five years ago, the State of Texas said they were going to have a registry (database) that now has the names of everyone who is registered, which is a State Texas Registry. So if you haven't renewed your driver's license in the last five years, you're probably not registered. Ms. Perez advised to still fill out these forms even if you thought you were already registered. She explained that your driver's license, this form and the new Texas State Registry are all binding and legal; no one can override you. She explained that you can also register on their website at [www.donatelifetexas.org](http://www.donatelifetexas.org) or [www.donevidatexas.org](http://www.donevidatexas.org) and once you register, you are the only one who has access to your record, and the only one who can make changes if you change your mind and want to opt out.

Ms. Perez answered a few questions, and left some forms from the Glenda Dawson Donate Life – Texas Registry in case anyone was interested. She advised that there was no pressure but encouraged everyone to think about it and talk it over with their families, as it can also be a healing process for the families of the donors.

Council thanked Ms. Perez for her presentation.

Motioned by Alderman Espinosa, seconded by Alderman Lance to adopt Proclamation declaring April – Donate Life Texas Month.

Proclamation attached as Exhibit A.

**Regular Meeting Minutes**  
**April 20, 2010**  
**Page 3**

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|------|----|------|
| Ayes | -- | All  |
| Nays | -- | None |

Motion carried.

The third order of business was to discuss and consider approval of Minutes: Regular Meeting March 16, 2010; and Special Meeting April 6, 2010.

Council reviewed minutes.

Motioned by Alderman Cortez, seconded by Alderman Espinosa to approve Minutes for Regular Meeting March 16, 2010; and Special Meeting April 6, 2010.

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| Ayes | -- | All  |
| Nays | -- | None |

Motion carried.

The fourth order of business was to discuss and consider request made by Erma Steen on Speed Bumps.

Mrs. Erma Steen addressed City Council regarding the high number of recent requests for speed bumps from the City of Devine. She reminded Council that she herself paid for one-half of the cost of a speed bump that she requested, and she feels that everyone else should pay one-half also. She told Council that we don't have enough police officers in this town to be patrolling all these areas. Ms. Steen added that if the citizens want a speed bump, it's only fair that they pay for one-half of the cost. She told Council that she doesn't want to hear that the City paid for the whole thing, or she will sue the City, and she told the citizens to quit whining.

The fifth order of business was to discuss and consider authorizing for the Interim City Administrator and Public Works to apply for the Edwards Aquifer Authority's Groundwater Conservation Grant Program.

Council reviewed letter from the Edwards Aquifer. Mayor Beck stated his understanding from the Edwards's Aquifer letter is that they want to provide grant moneys for water conservation efforts. Superintendent of Public Works, Ismael Carrillo addressed City Council and explained that this is a grant that the Edward's Aquifer is offering. He told Council it's a 50% match, and it can be used for leak surveys, distribution of water conservation kits, or plumbing fixtures to conserve water, to name few. Ismael told Council that he had contacted several cities. He said Castroville used the grant to install water meters at a small trailer park; East Medina applied for it last year and got \$25,000 for leak surveying their system. City of Uvalde used the grant for plumbing fixtures; he said this is the

**Regular Meeting Minutes**  
**April 20, 2010**  
**Page 4**

second year that they are trying to get the grant. He went online to get prices on some conservation kits; he priced them at \$19-20 per conservation kit.

The deadline to apply for this grant is April 30, 2010. The amount we apply for would have to be used for some kind of conservation plan.

Superintendent of Public Works, Ismael Carrillo, held discussion with Council and informed them that East Medina had opted to use their grant money for leak detection. He said they did 110 miles which cost them \$50,000; so they were granted \$25,000 and their matching amount was \$25,000. Alderman Cortez held discussion that the type of equipment we have makes a big difference. He suggested first trying for the leak survey but, if not, to go for the fixtures to help out our citizens.

Motioned by Alderman Espinosa, seconded by Alderman Ramirez to authorize Interim City Administrator Dora V. Rodriguez and Public Works to apply for the Edwards Aquifer Authority's Groundwater Conservation Grant Program, with a deadline of April 30, 2010.

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| Ayes | -- | All  |
| Nays | -- | None |

Motion carried.

The sixth order of business was to discuss and consider Restrooms for the Joe E. Briscoe Park requested by Mayor Beck.

Interim City Administrator Dora V. Rodriguez advised Council that only one person has picked up a plan but hasn't returned it yet, and the bid opening is scheduled for April 30<sup>th</sup>.

Mayor Beck informed Council that we have found a way to transfer funds if we can only find somebody who knows how to do the work. He suggested that we try to contact a brick layer person. Council held discussion on getting a volunteer work force if no bids are turned in. Alderman Espinosa offered to do the plumbing at no cost to the City; there would be no lighting and no electrical.

Council held discussion on the cost and just getting the project started. They all agreed it's something they would like to see get done; Mayor Beck is hoping it will get done by this summer. It was discussed that a plan had already been approved at the last meeting, and Council held discussion on making a few modifications to the plan as long as it is ADA compliant. Discussion was held on getting a list of materials and cost.

Interim City Administrator advised that if we're going this route it should be a lot cheaper, and if the cost is less than \$50,000, we don't have to open bids. She said she would need to contact the person who picked up a plan. If no bids are received, we are still moving forward with this.

**Regular Meeting Minutes**  
**April 20, 2010**  
**Page 5**

The seventh order of business was to discuss and consider approving the Public Utility Commission of Texas 2010 Consumer Price Index Adjustment to Municipal Telecommunications Right-of-Way Access Line Rates.

City Council reviewed letter from the Public Utility Commission of Texas notifying us that our City's 2010 maximum access line rates have decreased by approximately .2% due to a reduction in the Consumer Price Index (CPI). Default Rates for 2010: Based on a choice made by our City in April 2009, our City's preferred 2010 rate will remain the same as our 2009 rate, and will not increase or decrease.

Interim City Administrator Dora V. Rodriguez explained to Council that the default rates are actually lower, and if they accepted the default rates (\$1.08 for Residential and \$1.10 for Non-Residential), no action would need to be taken. City Attorney Tom Cate confirmed this to be correct. He said they figure it for us and every year we accept the default rates.

Motioned by Alderman Ramirez, seconded by Alderman Cortez to approve the Public Utility Commission of Texas 2010 Consumer Price Index Adjustment to Municipal Telecommunications Right-of-Way Access Line Rates and to accept going with the default rates for 2010.

Consumer Price Index Adjustment attached as Exhibit B.

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| Ayes | -- | All  |
| Nays | -- | None |

Motion carried.

The eighth order of business was to discuss and consider the extension of the City of Devine Solid Waste Contract with Alamo One.

Blake Caesar addressed City Council and provided a brief history of what his company has done since they first came to Devine. He feels the City is looking a lot better now. He mentioned that he wants to improve on the Recycling Pickup. Of the 1700 homes they pick up, only about 107 participate with Recycling, yet he's willing to continue that service at no charge, and hopes it improves by way of educating the younger citizens. Mr. Caesar discussed the leaves and brush pickup service. He has never said "no" to any church or any special project that has asked for assistance, and he is always there to assist the elderly.

Mr. Caesar asked Council for a 4-year extension on their contract. He said in return his company is willing to roll back prices. He explained the reason they are able to do this is because after being here almost three years, they've been able to pay their capital down. He explained that the biggest expense when you start a business is your initial capital cost, and they've been able to pay that down, and they want to give it back to the City. By doing this; they are able to roll back the prices to \$18.75 per residential home and freeze the prices on commercial as of this year effective April 1<sup>st</sup>.

**Regular Meeting Minutes**  
**April 20, 2010**  
**Page 6**

He told Council that with over a year left on the existing contract that would be a savings of approximately \$100,000 to the City. He wants to remain in the community and wants to make it a long term relationship.

City Council held discussion with Tom on the CPI rate adjustment. According to Blake Caesar, yearly increases would be limited to a minimum increase of 2% per year and a maximum increase of 4% per year; that way it would protect them but it also protects the City. Blake told Council that for the last 10 years, it's been an average of 2.6%.

Motioned by Alderman Cortez, seconded by Alderman Ramirez to extend the City of Devine Solid Waste Contract with Alamo One for another four years, effective October 1, 2010.

Contract attached as Exhibit C.

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| Ayes | -- | All  |
| Nays | -- | None |

Motion carried.

The ninth order of business was to discuss and consider approving the Proposed Amended Budget for the Year Ending September 30, 2010.

Ms. Nancy Pepper addressed City Council and explained that at mid-year, the budget percentage should be at 50% or better. She went over budget amendments with the Council. She discussed the financial summary in the General Fund, which explains what the increases to the Revenues is going to be and the increases and decreases to the different departments in the General Fund. She told Council that our Financial Advisor, Phil Sagebiel, is concerned with going into a deficit when we had started off with a balanced budget. She said we can hope that we don't spend our entire budget and come in still balanced at the end of the year even though we're projecting over a \$20,000 loss.

Council held lengthy discussion over Animal Control Facility. We had to budget a lot more in electrical costs mainly because of the heating temperature requirements. Chief Flores explained that they're dealing with a lot of issues right now. He said it takes a lot of money to have a "no kill" facility, which we're not, but we'd like to be. However, they try to do everything possible to adopt the animals. He told Council that Michael is working 7 days a week; Monday through Friday 7:00 – 4:00, and after 4:00 p.m. on Saturday and Sunday maintaining the shelter. Lieutenant Benavides told Council that Michael is getting burnt out. When they have two officers, they can alternate their schedules. She said they are looking at two locals who have applied.

Interim City Administrator explained to Council that she is the one who had told the Police Department to hold off on the hiring because she's been waiting to see what Council wanted to do. Aldermen Espinosa and Cortez felt that we need to hire someone before we lose Michael. Mayor Beck told council that this is a priority and we need to get it done; the position is still open. He said

**Regular Meeting Minutes**  
**April 20, 2010**  
**Page 7**

this was just an example of where we could get the money for the restrooms because the money wasn't being used. He said this Animal Control Officer is definitely a priority and we need to get it done.

Interim City Administrator Dora V. Rodriguez informed Council that as far as money for the restrooms goes, we have money in Reserves; we'll need to do an amendment.

According to Ms. Nancy Pepper, there's not much in Debt Service, and there should be a \$10,000 increase in property taxes coming in. Sewer & Water Fund is standing good. There are only two amendments to Revenue, for interest and sewer tapping fees. There are several budget amendments in the Water Department but the overall affect is only a \$600 increase. She told Council that some of the biggest costs going up that we're finding are the analysis fees to have water & sewer samples tested. The increase in this department is \$8,300. We had an increase in revenue in the Gas Fund because of a colder winter. There are budget amendments; however, these expense amendments are not as great at the expected revenue change, and the original budgeted loss of \$38,085 is reduced to a loss of \$19,335. Ms. Pepper stated that because we've gone through half a year without hiring an administrator like we had anticipated, all funds show an adjustment against payroll for half of the city administrator's salary.

Motioned by Alderman Ramirez, seconded by Alderman Cortez to approve the Proposed Amended Budget for the Year Ending September 30, 2010.

Proposed Amended Budget attached as Exhibit D.

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| Ayes | -- | All  |
| Nays | -- | None |

Motion carried.

The tenth order of business was to discuss and review Quarterly Investment Report.

City Council reviewed report. City Accountant Nancy Pepper informed City Council that we are getting a little bit of interest, but we had budgeted so low on our interest that we were able to increase all our interest lines in the Revenue. She mentioned that in the Sewer & Water we had projected \$15,000 and we've already got \$15,000. We moved \$425,000 out of the Operating Funds for Sewer & Water and made another CD so we could get more interest on it. She said interest rates are still not great but they're a whole lot better at the local bank than they are in Lone Star.

The eleventh order of business was the Reports, namely:

- City Secretary's Report – Council reviewed report.
- City Treasurer's Report – This report was combined with the others.

**Regular Meeting Minutes**  
**April 20, 2010**  
**Page 8**

- Public Works – Alderman Cortez inquired about the status on Bluebonnet Street. Interim City Administrator told Council that Billy and Ismael are still checking on some prices, and she is going to be contacting the Davis's. Mayor Beck announced that the rotating beacon at the airport is not rotating; it's stationary, so we have to close the airport at nights. Billy and Ismael will be looking into it.
- Police Chief's Report – Alderman Espinosa told Chief Flores to continue issuing tickets on running the stop signs. He said in his neighborhood, they keep doing it. Ms. Betty Morgan mentioned that she's noticed beer cans by Tony's Grill and down the cemetery road. She said in some places it looks like the cans have just been tossed; in other areas looked like there had been some congregation there. She inquired how many officers are on patrol on the weekends and if they patrol that area. According to Chief Flores, he has one to two officers over the weekend. He explained that some of these vehicles are tossing out the beer cans before coming in to town because the likelihood of getting stopped in town is higher. Ms. Morgan asked Chief Flores if they can keep an eye out, especially if they are congregating in that area.
- Driscoll Public Library – Council reviewed report. Library Director Barbara Moore pointed out to Council that she mixed up two figures on her report. She said the computer usage count and the door count were switched; she apologized. She reported they had just had a performance by the Ringling Brothers clown that we sponsored at the elementary school a couple of weeks ago.
- Chamber of Commerce – No report

The twelfth order of business was Informational Items.

Mayor Beck announced that we will be having another Town Hall Meeting on April 27<sup>th</sup>. It will be at the Community Center at 7:00 p.m. Interim City Administrator announced that notices were sent out to everyone this time.

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 Administrator