

Minutes
Regular Meeting
May 19, 2009

On this 19th day of May, 2009, 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 M. Antu

Thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, City Administrator/City Secretary; Ofilia Pedroza, Assistant City Secretary; Nancy Pepper, City Treasurer; Rob Flores, Tom Cate, City Attorney; Chief of Police; Billy Grote, Director of Public Works; Ismael Carrillo, Superintendent of Public Works; and Barbara Moore, Library Director.

Others present: Sandy Herrera – Devine News; Blake Caesar – ACI; Robin Sisco – Langford Community Management Services; James Caldwell – Chamber of Commerce; Charles O. West, C. Young, Brenda Langlely, Shelly Langlely, C.E. (Curly) Brehm, Cheryl Tozano, Jacob Torans, Ernest Ruston, Wanda Gardner, Sonia Lance, Steve A. and Sofia Lopez.

Mayor Beck, presiding, declared the meeting opened and welcomed all visitors. Mayor Beck also delivered the Invocation; Alderman Cortez led the Pledge of Allegiance.

The first order of business was Presentation of Plaque.

Mayor Beck presented a plaque of appreciation to outgoing Mayor Steve A. Lopez on behalf of the City for his untiring years of service, loyalty and dedication to the City of Devine as Mayor. He served from October 29, 1996 to May 19, 2009.

Mayor Beck then introduced a special guest and recognized Jacob Torans as the State Champion 3-A Golfer. He thanked him and announced that we are very proud of his achievement.

The second order of business was the Visitors/Citizens Forum.

Mr. Charles O. West addressed City Council about a light pole with a broken glass globe which is by his house. He expressed concern that it sparks and makes a lot of noise especially when it rains or a heavy fog comes in. He explained that he's talked to a few people. He said the City claims it

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belongs to AEP, and AEP says they don't know. He told Council he would like to get it fixed because it's dangerous but he doesn't feel it's his job to do so; he just wanted to bring it up before the Council.

Superintendent of Public Works Ismael Carrillo explained to Council that it is an insulation transmission line; it's not a regular light pole. He explained that he had called AEP. He said they came out to look at it but they pretty much said they couldn't do anything about it.

Mayor Beck thanked Mr. West for bringing this matter to our attention. He told him that we would contact someone higher in the chain of command at AEP and would keep him informed of what happens.

The third order of business was to discuss and consider the approval of Minutes: Regular Meeting April 21, 2009 and Special Meeting May 12, 2009.

City Council reviewed the minutes.

Motion by Alderman Cortez, seconded by Alderman Espinosa to approve the Minutes for Regular Meeting April 21, 2009 and Special Meeting May 12, 2009.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider the award of the Management Contract for the 2009 HOME Owner Occupied Rehabilitation/Reconstruction Project.

Ms. Robin Sisco of Langford Community Management Services addressed City Council on the 2009 HOME Program. She explained that last fall the City of Devine was awarded a \$390,000.00 grant for this HOME Project to rehabilitate/reconstruct five homes. In the previous HOME project, four homes were completed in December but we have enough money this time to do five homes. She said this grant will be very similar to the last one. Assistance will be made in the form of forgivable loans rather than grants to the home owners. The City will have a match of \$37,500.00 on this grant. She told Council they are proposing \$15,000.00 in administration fees and a 12% fee in soft costs, all of which will be covered in the grant. Ms. Sisco explained the HOME program in detail.

Mayor Beck stated that one of his concerns is with the site preparation. He mentioned one of the homeowners having a problem with some of the existing trees and in the way the power lines are laid. In his opinion, the trees should have been removed before. He suggested being able to go out to check the sites next time. Ms. Sisco explained that once they select the homeowners that score at the top of the list, they can certainly go out to the sites before they have their pre-construction conferences to look for any potential issues on the lots that need to be addressed. Ms. Sisco

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mentioned that there could still be an issue, after the fact, which we didn't recognize at that time that might present itself later. She suggested we may need to go back and look at the site before we turn the houses over. She said the City could still come in and bring a crew in to deal with the tree, for example, and it could still count as part of our match.

Motioned by Alderman Espinosa, seconded by Alderwoman Antu to award the Management Contract for the 2009 HOME Owner Occupied Rehabilitation/Reconstruction Project to Langford Community Management Services.

Ayes	--	All
Nays	--	None

Motion carried.

Robin Sisco told Council that she will get a contract for the City to sign. She said they would be doing an overall environmental assessment in the next 5-6 weeks, and by mid-summer they will advertise and will start taking applications.

The fifth order of business was a presentation by Beverly Gruber on the Medina County Hospital District.

Beverly Gruber, the Hospital Administrator at Medina Regional Hospital in Hondo addressed City Council and presented Council with a slide presentation on the proposed hospital district. She talked about how the hospital district benefits the County, how the hospital is doing in general, and why we would want a hospital district, and how the hospital district would work. The way the hospital benefits the County is through healthcare which is their mission and primary goal. In Devine, they've had the Devine Medical Clinic for the past 20 years and a Physical Therapy Clinic for about 10 years. Ms. Gruber spoke briefly on the hospital being an economic benefit to the County. Ms. Gruber informed Council of how they built their new hospital facility through USDA funding, and she presented Council with many statistics. She also spoke of the rising cost of uncompensated care which is not covered by any programs, giving them some financial challenges.

Why do we need the hospital district? Ms. Gruber told City Council that the obvious reason would be to provide financial stability by establishing a permanent funding source. She stated that the hospital has been in operation since 1945. She said that according to their auditor, they are the only critical access hospital and the only hospital of its size in the State of Texas that operates without the benefit of outside funding, i.e. tax support, or any other support. Ms. Gruber wanted us to know that this is not the way most hospitals are run. If they can get the tax money, it will stabilize the tax flow which will help them to promote future capital expansion and maybe more projects into the county. Ms. Gruber said they want to continue to grow and expand their services into the county, and they want to make sure their new technology stays current.

Ms. Gruber told Council that another reason to consider establishing a Medina County Hospital District is because it can block other hospital districts from being able to come in to Medina County.

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She mentioned that in the last two legislations in the State of Texas, there have been bills introduced that would allow for the regionalization of indigent health care. She explained this would mean that the urban areas would be able to move in to surrounding counties and take them in to be part of their base for indigent health care. According to Ms. Gruber Judge Barden has already been approached by the University Health System in San Antonio to come in to Medina County for this very reason. Even though he rebuked the idea, she said it is still a possibility. If legislature passes those bills, Bexar County could be looking at Medina County to expand their tax base.

Ms. Gruber went into detail on how the hospital district would work. She explained the boundaries would be same as Medina County boundaries. It would be governed by a 7-member board representing the whole county. The election will be on June 16th, with early voting to be held in Hondo from June 4th to the 12th. The tax cap is set at \$.10 per \$100 valuation. As a hospital district, they would become responsible for the indigent health care program; currently the County is responsible for this program.

Mayor Beck suggested doing a public forum for the citizens so that a lot of their questions can be answered; he asked Ms. Gruber if there were any plans to accommodate this. Ms. Gruber stated that they didn't have any scheduled right now but felt this was a good idea and told Council she would certainly take this back to the board to consider. Mayor Beck offered the use of the community center for this.

Ms. Wanda Gardner spoke out against the hospital district for the reason that "we have been soured by tax districts in the past." Ms. Gruber's response to that was that it is unusual for districts to tell you what their initial tax rate is going to be but, she said, the hospital already knows that the tax rate is going to be set at \$.05; this is something that the Board has already pledged.

Mayor Beck and Council thanked Ms. Gruber for her presentation.

City Attorney Tom Cate arrived at 7:50 p.m.

The sixth order of business was to discuss and consider electing a Mayor Pro-Tem.

Mayor Beck announced that he was going to stay out of this one. He also talked to Council about the necessity to cancel prior meetings due to a lack of a quorum, and he told Council he would hate to see that happen again. He stated that the only time he plans to be out will be in the case of an emergency, and he will need someone to fill in. He told Council he would leave "electing a Mayor Pro-Tem" up to them.

City Administrator Dora V. Rodriguez told Council that Mayor Beck can recommend but it's pretty much up to Council. Alderman Lance stated that he would like to be excluded due to the fact that he is a Disaster Reservist with FEMA and if they call on him he can be gone for two to three months.

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After no one came forward with any nominations, Alderwoman Antu asked if we could just keep it the same. Alderman Cortez then stated that he would like to remain as the Mayor Pro-Tem, but that it would be up to Council.

Motioned by Alderwoman Antu, seconded by Alderman Espinosa to approve that Alderman Cortez remains as the Mayor Pro-Tem.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider Council Appointments. City Council reviewed the list of Council Appointments. Mayor Beck announced that we haven't heard from anyone that they don't want these positions, so the assumption is that they don't mind continuing. Alderman Espinosa then advised that he wanted to make a change in the Airport Advisory Board because he was informed that they wanted a new airport manager. He said Mr. C.E. (Curly) Brehm says he can do a better job and he wants the airport manager position. He told Council that Mr. Brehm was present and available for any questions. Mayor Beck told Council that Mr. Russ Pumphrey was appointed the Airport Manager back when he was Mayor before, and it was done at the suggestion of C.E. Curly Brehm at that time. He said that now Curly seems to want the airport manager position, and he doesn't have a problem with changing and appointing Curly as the Airport Manager. Mayor Beck informed Council that Curly is very active at the airport and he has a good business out there, and probably brings in a lot of tax money. He said Curly has a lot of new ideas for the airport. He also said we need to keep Russ Pumphrey on the advisory board.

Motioned by Alderman Espinosa, seconded by Alderman Cortez to accept the council appointments with the change in airport manager from Russ Pumphrey to Curly Brehm, with Russ Pumphrey remaining on the board.

List of Council Appointments attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

Mr. Curly Brehm held discussion with Council after the motion. He addressed Council about revenue that we are missing out on. He said many of the airports in San Antonio charge a 5% flowage on 100 gallons of gasoline. He told Council that currently we don't sell gasoline at the airport but it's something that he would like to do; he said he has the facilities to do so. Curly told City Council that he would like to get started looking into self-serve gasoline. He said there are probably (1) grants available or (2) oil companies that would come in and build this infrastructure

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for us if we give them all the business. Curly told Council that he will check into getting fuel at the airport. He said he will put something together and will bring it back before Council.

Alderman Lance also held lengthy discussion with Council about the need for a fire truck to be at the airport. He also has some concerns with the re-appointment of Judge Taylor. City Attorney Tom Cate advised that if he has some concerns with Judge Taylor; he can always approach him and talk to him. Mayor Beck also suggested that we can also ask him to come to the next council meeting.

The eighth order of business was to discuss and consider approving and entering into an Inter-local Animal Control Service Agreement with the City of Natalia.

Mayor Beck informed City Council that this means we will be providing an animal control officer to work in Natalia; he will be called in to work only when we have him available to go over there. The Mayor and Council reviewed the agreement. There was discussion over some of the numbered sections, especially 4.1 under Consideration, having to do with the use of the truck and the cages.

City Administrator Dora V. Rodriguez told Council that they only need help once or twice weekly. Mayor Beck also said he had a problem with section 2.2 under Terms, and said he would like to bring in Beth and Ruby for discussion.

Motioned by Alderman Cortez, seconded by Alderman Lance to table this item to be able to talk to Beth Leonesio, City Administrator, and Ruby Very, Mayor of Natalia, about the contract.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider request made by the House Committee of the VFW Post 3966 for a Street Light to be installed at the following locations:

- a. W. College Ave. between the U.S. Post Office and the DISD Administrative Building.
- b. S. Upson Dr., between the Bingo Hall entrance and W. College Ave.
- c. W. College Ave. west of Upson Dr.

Council reviewed a letter submitted by the VFW Post 3966 House Committee and a map drawn up by Public Works.

Alderman Espinosa voiced his opinion because this is in his district. He said that as much as he would like to see this happen, he remembers our Financial Advisor strongly recommending that we cut down on our spending and to tighten our belts. City Accountant Nancy Pepper told Council that we have money that is there for street signs but not for street lights. Council held discussion.

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Motioned by Alderman Espinosa, seconded by Alderman Ramirez to deny the request made by the House Committee of the VFW Post 3966 for Street Lights to be installed at the requested locations.

Ayes	--	All
Nays	--	None

Motion carried.

The tenth order of business was to discuss and consider Streets to be Paved/Resurfaced/Seal Coated.

Ms. Nancy Pepper, City Accountant, informed Council that currently there is \$103,898.00 left in the Street line item of the Budget. She said the \$6,000.00 for the tennis courts has not yet been taken out; so that leaves approximately \$97,000.00 left for Streets.

Council reviewed list of streets which included Webb, Benton, N. Bright, S. Bright, Galbreath, Hester, Tilley, E. Wallace, Zig Zag, Crouch, Colonial Parkway, Gutierrez, and Virginia Street. Council held discussion. Alderman Cortez wants dirt and rock streets done first. There are still six streets in the city that are dirt streets. Alderman Lance told City Council that even though he feels that the dirt and rock streets listed should be done first, there are people pushing to have part of Colonial Parkway re-done also. Mayor Beck agreed with Alderman Lance that the dirt and rock streets need to be addressed first and said that his opinion on paving is that we need to do it right, with paving and curbing, even if it's one block at a time. City Administrator Dora V. Rodriguez informed Council that the total to pave all the streets listed is \$136,998.00; however, according to our city engineer, if we were to pave all the streets listed the right way, with curbs and all, it would cost a total of \$1,015,835.00, based on \$95.00 per linear foot. Council held discussion on this and agreed that some improvement will be better than none.

After lengthy discussion on certain streets such as Colonial Parkway (Oakridge to Libold); Hester (Ross to Gutierrez); and Zig Zag (Projects to City Limits); Council decided to have Public Works start with all the dirt and rock streets first, then the base streets. Then they will see where that leaves us with the Budget so they can consider which paved streets can be worked on next. Discussion was also held on doing normal maintenance on some streets. City Administrator Dora V. Rodriguez mentioned that the \$103,000.00 in the budget will also cover fixing potholes and normal street maintenance.

Superintendent of Public Works Ismael Carrillo explained to Council that streets listed as "dirt" and "rock" will require base and asphalt; if it's listed as "base" it will require only asphalt.

Motioned by Alderman Ramirez, seconded by Alderman Espinosa to base and asphalt all the streets that are dirt and rock, and asphalt the base streets; and to exclude any paved roads for now until we can see how much money is left to work with.

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List of streets attached as Exhibit B.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was to discuss Calendar and Budget Planning for FY 2009-2010.

Council reviewed 2009/2010 Budget Calendar. City Administrator Dora V. Rodriguez informed Council that we do not necessarily need to have all of these budget workshops. She explained that we have to schedule them just in case we need to have a budget workshop. She also explained that having department head meetings will depend on what Council wants us to do. This was for review only.

The twelfth order of business was the Reports, namely:

- City Secretary's Report – Council reviewed report.
- City Treasurer's Report – City Accountant Nancy Pepper informed Council that the Gas Fund is our serious area of concern because we've already passed our winter season when most of our revenue comes in; she stated that we need to get better cash flow. She said the good news is that we've already paid for the gas meters and should not have any other large expenditure for the rest of the year.
- Public Works – Alderman Lance wanted to know how many gallons of water are in one acre foot. According to Billy Grote, Director of Public Works, there are 325.857 gallons of water in an acre foot. City Administrator Dora V. Rodriguez informed Council that we will be contacting Tammy at the Chamber of Commerce to have her announce Stage I Water Restrictions on the marquee.
- Police Chief's Report – Council reviewed report.
- Driscoll Public Library – Council reviewed report.
- Chamber of Commerce – Council reviewed report.

The thirteenth order of business was Informational Items.

- a. Brush Pickup and Recycling by Mayor Beck.

Mayor Beck announced that his idea on the brush pickup is to have our city workers do the brush pickup. His idea is to divide the city into four parts and have a once-a-week pickup. He wants to have in-house brush pickup, a place to deliver the chippings and turn it into compost, which we can in turn use in our community. Mayor Beck said he's already talked to Blake Caesar about this. He feels this will take a burden off of Blake, and the City of Devine will be cleaner. Mayor Beck said he wants to make this his project.

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City Administrator Dora V. Rodriguez also informed Council that Public Works had received a 95 on their Gas Audit – Good Job, thanks to Billy and Ismael.

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

Mayor

City Secretary