

**Minutes
Special Meeting
June 1, 2009**

On this 1st day of June 2009, at 5:00 p.m., the City Council of the City of Devine convened in a Special 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 thereof, being present:

Mayor Jerry Beck
Alderman John Ramirez
Alderman Frank Cortez, III
Alderman David Espinosa
Alderman Hal Lance

Absent being Alderwoman Marina M. Antu; thus, constituting a quorum.

Personnel Present: Dora V. Rodriguez, City Administrator; Ofilia Pedroza, Assistant City Secretary; Nancy Pepper, City Treasurer; and Darrell Rawlings, Code Compliance Officer.

Others present: Sandy Herrera, Devine News; James Caldwell, Chamber of Commerce V.P.; John Williams-Architect (Pfluger Associates), Linda McAnelly, Devine ISD Superintendent; Marshall Davis, Devine ISD; Eva N. Marquis, Carl Brown, Cynthia Morales, Devine ISD School Board; Troy Martin, City Inspector; and Jesse Ramirez of Devine.

Mayor Jerry Beck, presiding, declared the meeting opened.

The first order of business was to discuss and consider Cost of Permits for School Project on all DISD Campus Renovations.

Linda McAnelly addressed City Council regarding the cost of permits for the school project. She told Council she appreciates the partnership between the School and the City, and she appreciates the support of the City. She told Council she was not here to gripe but was here to ask for consideration on the cost of the permits.

Ms. McAnelly proceeded to present Council with a project overview of what they are proposing at each school.

Ms. McAnelly discussed in detail all the proposed changes for each school: classroom additions; classroom renovations; cafeteria renovations; restroom renovations, additional toilets; and removal of stages or walls for increased seating or storage spaces. Some renovations, she said, will require no major changes; no additional plumbing; and will use the same footprints. The majority of the project will be renovations.

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Ms. McAnelly presented Council a list of School Projects Comparison which showed different cities and schools partnering on school projects. She pointed out that in many cases the permit fees charged by the Cities were either waived or negotiated down tremendously.

In speaking with people who have worked with both commercial and school districts, they've informed her that they felt there should be two fee structures: a commercial structure and an ISD project structure. Again, she pointed out that most of the cities that she listed had either waived or negotiated an ISD fee. With most of the school districts that she called, the renovation fees were lower than new construction fees. She noted that with the City of Devine, our fee cost is the same whether it's new construction or renovations. Ms. McAnelly also looked at the commonality of fee structures for both small and large cities. She found that the common fee structure for most cities on a \$500,000 + project was at \$1.00 or \$1.25 (\$1.50 was rare); however, for Devine ISD it's at \$2.00. She explained this would be \$2.00 per \$1000 after the initial \$500,000. Ms. McAnelly asked Council to consider looking into this as we look at our fee structure.

Some of her concerns were the redundancy of inspections. Code Compliance had stated that we needed 90 inspections for DISD. She stated they're trying to open up the school by August 24th, and just that number alone may cause some delays and impede their progress.

Ms. McAnelly told Council that they are trying to work with the City to promote progress; the School already partners with a police officer, the tennis courts, and DISD also tries to provide a green space for the kids, like DYSA. She said they try to keep those spaces cared for and maintained because we don't have parks and that is another way of partnering with the City.

Ms. McAnelly told Council that the school is willing to work with the City in any way they can, but asked for consideration with the permit fees. She stated they already paid \$9,000 to be able to get the meter loops connected at the Middle School.

Mayor Beck inquired about the fees paid by the School when they did the renovations at the old high school by the Ciavarra Elementary School, which is now the Devine Intermediate School. According to Darrell Rawlings, Code Compliance Officer, the building permit alone for that work was a total of \$8,505.00 for a \$2.5 Million project. Darrell, Codes Compliance Officer, told Council this was done under our current fee schedule and the permit was issued on June 27, 2007. He told Council that the two permits that have been issued and paid to date, at the Middle School, are the Electrical Permit for \$248.00 and the Building Permit for \$9,264.00, which will be offset.

Alderman Espinosa asked Darrell, Codes Compliance Officer, if he had any feedback or response to Ms. McAnelly's presentation. Darrell, Codes Compliance Officer, stated that he has called several cities, including San Antonio, on how they calculate their permit fees. He

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said Castroville is very close to ours and they have talked about trying to find some type of prorated amount for school districts, but in talking to their code compliance officer, he told Darrell, Codes, that a few years ago they weren't charging the school district anything; but now they are charging them the same as anybody else. Darrell, Codes, said that most of the cities he called, except for Jourdanton, are charging the schools the same as anyone else, unless it goes to Council and they decide differently. Darrell, Codes Compliance Officer, discussed in detail what other cities charge for their permits. He said some cities even charge by the hour/per person for preliminary plan review meetings, but a lot depends on the different services that each city offers.

Mr. Rawlings, Codes Compliance Officer, told Council that the school needs these renovation inspections. He said we do everything we can to work with the school. He told Council that the City has in the past waived fees or negotiated the permit costs for different projects, but it is still a cost that the City incurs as far as the inspections or the time spent on reviewing the plans. He said it's all up to whatever the Council decides.

Alderman Cortez stated that we have a balance of approximately \$10,000.00 but understands we want to negotiate on the whole amount. He mentioned that if the City doesn't get the permit money, he would like to see the money is put back in to the school, such as in landscaping. Ms. McAnelly informed him that by law, the money has to go towards building, renovating or equipping classrooms in the schools, but it cannot be used in landscaping.

Alderman Espinosa stated that we need to work together with the school and told Ms. McAnelly that the school project will not be delayed due to our city inspector not meeting any deadlines.

Mayor Beck told Council that Ms. McAnelly was here to try to negotiate and save the school money so that they can reinvest it in furnishings and in equipping the classrooms rather than spending the money on permits. He stated that the City of Devine is only going to be out the City Engineer's Plan Review fee of \$525.00, plus the \$3600.00 which is the cost of the inspections to be done by Troy Martin.

Alderman Ramirez stated that he wants to help but also wants to be fair with the school. He stated that he's not trying to make up the difference with the school but he does want to make sure we give them a good rate. He mentioned how we've invested so much in our Codes Department with software, training and personnel.

Mayor Beck spoke about Codes Compliance Officer Darrell's salary being budgeted and said that it is not dependent on the amount of fees that the City collects from these construction projects, so he talked about giving the school a break. He also said he did not have a problem with their plans or engineers. Darrell, Codes Compliance Officer, said he didn't either.

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Motioned by Alderman Ramirez, seconded by Alderman Espinosa to give the school a 20% discount of \$4,254.10 off the total cost of \$21,270.50 for the permits.

Ayes	--	Three
Nays	--	One (Alderman Lance)
Absent	--	One (Alderman Antu)

Motion carried.

Darrell Rawlings, Codes Compliance Officer, clarified that “90” is the number of inspections. He said these are for the permits for the work specified in those plans. He stated that if there are any changes or amendments to those plans; they would have to be considered at a later time as far as other permits that would be required for changing the work that is currently approved. For example, if they come back because they want to add another room, it would have to be separate because this permit is for the work that is specified in those plans.

The second order of business was the Executive Session: Pursuant to Provision of the Open Meeting Law §551.071 through §551.076, §551.086, §551.087 Texas Government Code, (Consultation with Attorney, Deliberation regarding Real Property, Deliberation regarding Prospective Gift or Donation, Deliberation regarding Economic Development Negotiations and Personnel Matters).

- §551.074 Personnel Matters – City Administrator Position

At 6:00 p.m., Mayor Beck announced to the public that the Council would go into a Closed Session. At 6:18 p.m., Closed Session was opened to the public.

No action was taken in Closed Session.

The third order of business was to Reconvene into Regular Session and consider action, if any, on items discussed in Executive Session.

Mayor Beck informed the public that Dora V. Rodriguez, City Administrator/City Secretary has announced that she will be stepping down as City Administrator for personal reasons, and Council is allowing her to do that, pending the hiring of a new City Administrator. She will be the Interim City Administrator until we hire a new one and will remain as the City Secretary.

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

Mayor

City Secretary