

Minutes
Regular Council Meeting
June 15, 2010

On this 15th day of June 2010, 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, 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 – arrived @ 7:05p.m.
Alderman Hal Lance
Alderwoman Marina Antu
Alderwoman Kathy Wilkins
Alderwoman Gina Champion

Thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Nancy Pepper, City Treasurer; Tom Cate, City Attorney; Rob Flores, Chief of Police; Jose Pedroza, Police Officer; Billy Grote, Director of Public Works; Ismael Carrillo, Superintendent of Public Works; Barbara Moore, Library Director; Darrell Rawlings, Codes Compliance Officer; and Cassandra Maldonado, Municipal Court Clerk.

Others present: Nelda Juarez, Scott Doyle & Dennis Jandt of CenterPointEnergy; Richard Hatchett, J.J. King, Clifton Schmidt of West Texas Gas; Simon Peña, SRP & Associates; Sandy Herrera, Devine News; Steve A. Lopez, Ernest Ruston, Jerry Beck, Wanda Gardner, Bill Schneider, and Sonia J. Lance, of Devine, Texas.

The first order of business was a Workshop for Council to meet with the Companies on the Proposals for the Sale of the Gas System.

Mayor Herring, presiding, declared the meeting open and welcomed all visitors.

Mayor Herring thanked both companies for their time.

West Texas Gas Inc. was the first to be questioned by Council. Council held discussion with West Texas Gas in regards to their proposal. West Texas Gas expressed their interest in purchasing the City of Devine's Gas System.

CenterPointEnergy was next to be questioned by Council. Council held discussion with CenterPointEnergy and reviewed their proposal as well.

Mayor Herring then asked both companies if the Council could go into Closed Session to meet with the staff and discuss both proposals.

Regular Meeting Minutes
June 15, 2010
Page 2

Both companies agreed.

The second order of business was Executive Session. At 6:40 p.m. Mayor Herring announced to the public that the Council would go into Closed Session. At 6:58 Mayor reopened the meeting to the public.

No action was taken in Closed Session.

The third order of business was to discuss and consider taking action on Executive Session.

No action was taken at this time.

At this time the Mayor declared the regular meeting opened. Mayor Herring also delivered the Invocation and led the Pledge of Allegiance.

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

No one signed up to speak on this item.

The fifth order of business was to discuss and consider approval of minutes from Regular Meeting May 18, 2010 and Special Meeting on June 8, 2010.

Council reviewed the minutes. Interim City Administrator, Dora V. Rodriguez, informed council that changes had been made to the minutes for June 8, 2010.

Motion made by Alderman Ramirez, seconded by Alderwoman Wilkins to accept the minutes from May 18, 2010 and June 8, 2010 with corrections made to June 8, 2010.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider awarding proposal for the sale of the Gas System along with adopting an ordinance.

Mayor Herring informed both companies that a request had been made by a concerned citizen to consider a reduced rate for the elderly. He thanked CenterPointEnergy and West Texas Gas for their proposals and their time as well. He also thanked Interim City Administrator Dora V. Rodriguez and her staff, Director of Public Works Billy Grote, Superintendent of Public Works Ismael Carillo and City Attorney Tom Cate for their help in the sale of the gas system.

Mrs. Wanda Gardner addressed City Council in regards to the Summer Rate Program that the city currently has for its gas customers.

Mayor Herring acknowledged Mrs. Gardner and thanked her for her input.

Regular Meeting Minutes
June 15, 2010
Page 3

Mayor Herring called for motion to accept proposal from either company for the purchase of the City of Devine's Gas Distribution System.

Motion made by Alderwoman Champion, seconded by Alderman Lance to accept the proposal from West Texas Gas Inc. for the purchase of the City's Gas Distribution System subject to the following conditions:

- 1.) To authorize the Mayor and the City Secretary to enter into a Memorandum of Understanding with the accepted Proposer for the sale of the system based upon the proposal and contingent upon the agreement on a mutually acceptable Purchase Agreement and Gas System Franchise Agreement.
- 2.) Authorize the Mayor, City Secretary and staff to negotiate with the accepted Proposer for a mutually acceptable Purchase Agreement for the system.
- 3.) Authorize the Mayor, City Secretary and staff to negotiate with the accepted Proposer for a mutually acceptable Gas System Franchise Agreement.
- 4.) Directing the Mayor and the City Secretary to return to the City Council with a mutually acceptable Purchase Agreement and Gas System Franchise Agreement as soon as possible for final consideration and approval.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider status on project for restrooms at the park.

Jerry Beck addressed City Council. He stated he had received a bid for the concrete in the amount of \$2,880 based on the diagram that he had received. He also received a bid for the laying of the cinder blocks in the amount of \$10,944 for eight foot tall walls, all the way around. The amount for labor only would be \$8,064. A local man along with himself and others would donate their time for the roof. The amount for the materials is \$1487.48 plus approximately \$200 worth of nails.

Jerry Beck informed Council that Joe T. Garcia would be doing the concrete work. He also informed council that the man that would be helping with the roof was Ricardo Alaniz. He said he was unsure of the name of the man that was doing the cinder block work. He also mentioned that Wade Carroll was going to be submitting a bid as well. He stated that Mr. Carroll informed him council wanted to go with a different plan, something more like Castroville's. Mr. Beck said that he told Mr. Carroll to use the current plan for now.

Regular Meeting Minutes
June 15, 2010
Page 4

Mr. Cate stated that a signed proposal from each contractor would be needed. Mr. Cate told Mr. Beck that if the contractors did not have the appropriate documents, the City would have them available.

Interim City Administrator Dora V. Rodriguez stated that the current plan was the one that was approved by council when proposals were requested. She informed the Council that they could make changes if they wanted to cut costs.

Alderman Lance requested that a final design be decided upon first.

Council held a brief discussion regarding the matter of changing the plan for the restrooms.

Alderman Ramirez suggested that the City Engineer create a new plan which would include one water fountain, one urinal and one toilet on the men's side and two toilets on the women's side, one being ADA compliant.

Motion made by Alderman lance seconded by Alderman Ramirez to progress with the project based upon the changes made to the plan.

Ayes	--	All
Nays	--	None

Motion carried.

The eight order of business was to discuss and consider entering into an agreement/lease with Mr. Jose Luis Mora to use our pasture near our Waste Water for their cattle.

Motion made by Alderman Lance, seconded by Alderwoman Champion to table the item due to the fact that the City Attorney has been busy with the sale of the gas system and has not been able to work on the lease.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider adopting an ordinance for weeds and vegetation.

Interim City Administrator, Dora V. Rodriguez, advised council that the staff contacted other cities in regards to how they keep their cities clean of trash and limbs.

Code Compliance Officer, Darrell Rawlings, held a discussion with Council regarding amending the current ordinance.

Regular Meeting Minutes
June 15, 2010
Page 5

Motion made by Alderman Ramirez, seconded by Alderwoman Wilkins to table the matter until further questions could be answered by the City Attorney and Darrell Rawlings.

Ayes	--	All
Nays	--	None

Motion carried.

The tenth order of business was to discuss and consider going out for Proposals for the Purchase of 87Octane Unleaded Gasoline and #2 Diesel Fuel.

Council held brief discussion.

Motion made by Alderman Ramirez, seconded by Alderwoman Antu to allow the City Secretary to send out proposals for the fuel bids.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was to discuss and consider going out for Proposal for the Uniform Contract.

Interim City Administrator, Dora V. Rodriguez, informed council that the Public Works Department had some concern with the current company, UniFirst.

Motion made by Alderwoman Champion, seconded by Alderman Lance to allow the City Secretary to send out proposals for the uniform contract.

Ayes	--	All
Nays	--	None

Motion carried.

The twelfth order of business was to discuss and consider going out for Proposals for Major Medical and Life Insurance.

Interim City Administrator, Dora V. Rodriguez, stated that the City has an Insurance Committee that reviews all of the proposals. The committee tries to find an insurance company that will best benefit the city.

Alderman Ramirez requested that he be placed on the Insurance Committee.

Interim City Administrator, Dora V. Rodriguez stated that Cassandra Maldonado was going to head the Insurance Committee. She stated that the committee would update Council after they have met.

Regular Meeting Minutes
June 15, 2010
Page 6

Motion made by Alderman Lance, seconded by Alderwoman Antu to allow the City Secretary to go out for proposals for Major Medical and Life Insurance for the employees of the City of Devine.

Ayes	--	All
Nays	--	None

Motion carried.

The thirteenth order of business was to discuss and consider the review of the Curfew Ordinance for the City of Devine.

Interim City Administrator Dora V. Rodriguez informed the Council that the Curfew Ordinance had to be reviewed every three years, by law.

Council held discussion with Police Chief Flores regarding the current ordinance.

Police Chief Flores stated that he felt the current ordinance was solid and needed no changes.

Motion made by Alderman Ramirez, seconded by Alderwoman Wilkins to review and accept the Curfew Ordinance as is.

Ayes	--	All
Nays	--	None

Motion carried.

The fourteenth order of business was the Executive Session.

- a. §551.074 – Personnel Matters – Interviews for the City Administrator Position.

At 7:45 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session. At 8:10 p.m., Closed Session was opened to the public.

No action was taken in Closed Session.

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

Motion made by Alderman Lance, seconded by Alderwoman Antu to allow the City Secretary to schedule interviews for the position of City Administrator.

Ayes	--	All
Nays	--	None

Motion carried.

Regular Meeting Minutes
June 15, 2010
Page 7

The sixteenth order of business was to discuss and consider National Night Out.

Police Chief Flores held discussion regarding last year's National Night Out as well as ideas for National Night Out 2010.

Sandy Herrera advised that advertising was ok but it would have to be up to the neighborhood.

Police Chief Flores informed Council that he would be willing to help each neighborhood organize the event. He suggested that each neighborhood be divided by Council District.

No action was taken.

The seventeenth order of business was to discuss the calendar for Budget Planning for FY 2010-2011.

Council held discussion.

No action was taken.

The eighteenth order of business was to discuss the Reports, namely:

- City Secretary's Report – Interim City Administrator Dora V. Rodriguez advised Council that Municipal Court was busy with numerous citations issued by the Police Department.
- City Treasurer's Report – City has over \$240,000 in cash reserves for the year. \$20,000 is budgeted for this year. Garbage Revenue is lower due to the Garbage Company lowering rates. Water usage is down due to the wet year. Gas System is showing a profit this year.
- Public Works – City received \$12,000 rebate from Edward's Aquifer for conserving. Beacon at the Airport is down and a new one is needed. Cost is approximately \$12,000. Interim City Administrator, Dora V. Rodriguez, is to ask Texas Dept of Transportation Aviation Division, for assistance.
- Police Chief's Report – New employee in Animal Control. Influx in Animal Control calls.
- Driscoll Public Library – Library busy since school is out. Summer Program Success.
- Chamber of Commerce – No report provided.

Regular Meeting Minutes
June 15, 2010
Page 8

The nineteenth order of business was Information Items:

- a. TML Audit on the Gas System

The City received a score of 95% - Excellent Rating. Mayor congratulated employees Ismael Carrillo, Billy Grote and Rufino Vega for receiving a great rating.

- b. Census – 2010 Census Participation Rate Report for Medina County

Devine had the highest participation rate in the County of 75% compared to the last Census at 68%. Mayor Herring thanked the Census Complete Count Committee: Sandy Herrera, James Caldwell, Barbara Moore, Ofilia Pedroza, Cassandra Maldonado, Ed Dougherty, Dora V. Rodriguez, Devine ISD, Medina Valley State Bank and Bank of Texas.

Mayor ended discussion by thanking City Gas Consultant, Simon Peña; City Attorney, Tom Cate; Interim City Administrator, Dora V. Rodriguez; City Accountant, Nancy Pepper; Director of Public Works, Billy Grote; Superintendent of Public Works, Ismael Carrillo; City Staff: Cassandra Maldonado, Celina Rodriguez, Alma Rios-Flores, Maria Peña and Darrell Rawlings for helping with the sale of the gas system.

Sandy Herrera added that the Chamber of Commerce would be holding their quarterly meeting on June 23, 2010 at 12 noon at Triple C.

Interim City Administrator Dora V. Rodriguez advised council to inform her if they plan to attend just in case a notice of possible quorum would be needed.

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

Ayes	--	All
Nays	--	None

Motion carried.

Mayor

City Secretary