

Minutes
Regular Council Meeting
June 19, 2012

On this the 19th day of June, 2012, 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 Hal Lance
Alderwoman Kathy Wilkins
Alderwoman Gina Champion
Alderman Steve A. Lopez

Absent being Alderman David Valdez, thus, constituting a quorum.

Personnel present: Gary Pelech, City Administrator; Dora V. Rodriguez, City Secretary; Denise Duffy, City Accountant; Rob Flores, Police Chief and Tom Cate, City Attorney, and Mary Badillo, Financial Advisor.

Others present: Sarah Gutierrez, Tamera Owen, Ava Pratt, Brice Champion, Andres Martinez, David Reyes, Jackie Reyes, Lenora Peper, Austin Wooldridge, Jennifer Wooldridge, Candice Prouty, Nayeli Kohl, Whitney Haywood, Loy Pugh, Larry Wooldridge, Mary Jane Balderrama, and Sonia Lance; Sandy Herrera, Devine News.

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 the staff for the late nights working on the Budget. He recognized Mary Badillo, our Financial Advisor. He also welcomed Loy Pugh, father of Alderwomen Kathy Wilkins and Gina Champion. He then congratulated Alderwoman Kathy Wilkins and her husband, Doug, for their 36th wedding anniversary. Then he thanked Alderman Hal Lance for attending the STPOG meeting in Pearsall concerning water issues and for doing a great job as the Mayor Pro-Tem.

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

No one signed up to speak under this item.

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The third order of business was to discuss and consider adopting Proclamation proclaiming the accomplishments of the 2011-2012 Devine High School FCCLA Chapter.

Mayor Herring read aloud the FCCLA Proclamation recognizing their achievements. They will be going to nationals in Orlando, Florida this July. Many of the students were present.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to adopt Proclamation proclaiming the accomplishments of the 2011-2012 Devine High School FCCLA Chapter.

Proclamation attached as Exhibit A.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The fourth order of business was to discuss and consider Approval of Minutes: Regular Council Meeting, May 22, 2012.

Council reviewed minutes.

Motion by Alderman Lopez, seconded by Alderwoman Champion to approve minutes for Regular Council Meeting, May 22, 2012.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The fifth order of business was to discuss and consider amending the Budget for Fiscal Year 2011-2012.

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Financial Advisor Mary Badillo addressed the City Council by discussing the budget. She requested from Council that they look into purchasing a vehicle and radios/handhelds for the police department. In amending the budget we allocated enough money for the police department to be able to purchase a vehicle and radios/handhelds under this current budget. The cost we are looking at is \$57,007.

Motion by Alderman Lance, seconded by Alderman Lopez to amend the Budget for FY 2011-2012 by transferring \$57,007 from Sewer Water Fund to the General Fund.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The sixth order of business was to discuss and consider for the Police Department to purchase three Tahoe's.

Financial Advisor Mary Badillo also asked Council to consider that the vehicles for the Police Department are very old and there are only so many repairs that can be done for the vehicles. She told Council that the Police Department is requesting to purchase a total of three vehicles. She asked Council to consider leasing and said they are trying to get some figures. She told council to take into consideration that with leasing, there is imputed interest in that amount and the other thing is that the offers that we receive are good for 45-90 days only, and are usually void after that. She said we are looking into purchasing one vehicle and putting the other two for next year's budget when we will have a better number.

Council held discussion on setting up a purchase schedule for the Police Department and for Public Works as well, to replace these vehicles. City Administrator Gary Pelech told Council this item should read "to purchase two Tahoe's"; not three, because we are already taking care of one.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to purchase two Tahoe's for the Police Department.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

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Motion carried.

The seventh order of business was to discuss and consider adopting a Resolution regarding a Finance Contract for the Purpose of Procuring “Vehicles and Related Equipment”.

Mayor Herring read aloud the Resolution Regarding a Finance Contract for the purpose of procuring “Vehicles and Related Equipment.” City Administrator Gary Pelech explained that this is basically a formality to be able to work with Government Capital Corporation (GCC) for the purpose of purchasing vehicles. The benefit to this is that we have somebody to finance our vehicles since most banks don’t like working with government-type arrangements. He explained that we may or may not use this; we’ll look at other options, but we need to have it in place just in case.

Motion by Alderman Lance, seconded by Alderwoman Champion to adopt Resolution Regarding a Finance Contract for the purpose of procuring “Vehicles and Related Equipment.”

Resolution 6-12 attached as Exhibit B.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The eighth order of business was to discuss and consider for Public Works to purchase Radios and Handhelds to meet requirements set by the Sheriff’s Office on the new frequency.

Chief Flores explained that we have two bands (a wide band frequency and a narrow band frequency); we are currently on the wide band frequency, and we will be changing from the wide band frequency station to a narrow band frequency station. He said this is an FCC (Federal Communications Commission) thing; it has nothing to do with us. Chief Flores explained that county levels and state levels are federally mandated and this is something we have to do. The Sheriff’s Office will be switching over in August and their infrastructure is going to be based on this system. He told Council we have no choice but to move over to this system by December 31, 2012; we have to be converted by January 1, 2013. He also discussed grants.

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City Administrator Gary Pelech clarified that the handhelds are already in the new budget for the Police Department, so this item should read "...for Public Works to purchase Radios and Handhelds..." Council held discussion on Public Works needing six handhelds, at a cost of \$1800.00 each. Chief Flores told Council the Police Department will be getting six handheld units and six mobile units that go in the vehicles which have already been budgeted. The programming and installation of these radios will be done by the Sherriff's Office.

Motion by Alderwoman Champion, seconded by Alderwoman Wilkins to purchase Six Radios and Handhelds for the Public Works Department to meet requirements set by the Sheriff's Office on the new frequency.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The ninth order of business was to discuss and consider for the City of Devine to move forward on the Judgment for Michael Brown to clean his property; in alternative, consider for the City of Devine to clean Michael Brown's property.

Mayor Herring gave a brief background on the situation which has been going on for a long time. He then directed Council to review all the legal court documents that we have on Michael Brown, especially the Plaintiff's (City's) Original Petition which he was served with on September 1, 2011. Under V. Causes of Action, it states: "Pursuant to Sections 54.016 and 54.018 of the Texas Local Government Code, Plaintiff (City) requests temporary and permanent injunctive relief ordering Defendant (Mr. Brown) to remedy the condition on the Property to be in compliance with the Code of Ordinances of the City of the Devine. If Defendant is unwilling or unable to comply, Plaintiff requests approval to enter the Property, remove all rubbish and unsightly material, and, to the extent allowed by law, place a lien on the Property for the costs of removal." Mayor Herring informed Council that Mr. Brown did not show up to court and he has failed to comply. City Attorney Tom Cate discussed the Permanent Injunction and Final Judgment, specifically where it reads:

"It is therefore ordered that pursuant to Sections 54.016 and 54.018 of the Texas Local Government code, Defendant shall:

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a. Cease, desist and/or refrain from allowing rubbish and/or unsightly material to accumulate on the property located at 109 E. College, Devine, Medina County, Texas.

It is further ordered that should Defendant fail to cease, desist and/or refrain from allowing rubbish and/or unsightly material to accumulate on the Property that the City of Devine may enter the Property and remove all rubbish and/or unsightly material on the Property and to dispose of the rubbish and/or unsightly material.

Mayor Herring and Council held discussion on how patient the City has been with Mr. Brown because this goes way back to 2010. He asked City Attorney Tom Cate on what can be done now. According to Mr. Cate, the determination has been made, and he still has rubbish and unsightly material on his property, so the City can go in and remove it and dispose of it.

Council held discussion on following up with a letter to Mr. Brown giving him a deadline on one more chance to take care of this. Mayor Herring advised that everything so far has been handled properly, and he wants to continue the same way; he feels that the City would have more power in this rather than the County. According to Mayor Herring, Mr. Brown is supposed to appear in Court on Thursday. City Attorney Tom Cate advised that the last thing we want to do is put someone in jail who can't afford to pay, especially on a Class C Misdemeanor. City Administrator Gary Pelech expressed concern that he would like to give Mr. Brown the opportunity to clean up, so discussion was held on having a Police Officer hand-deliver a letter on Friday to Mr. Brown and giving him until Monday to clean up. City Attorney Tom Cate will draw up the letter.

Mayor Herring pointed out that this is nothing personal on Mr. Brown, but enough is enough.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins for the City of Devine to move forward on the Judgment for Michael Brown to clean his property; in alternative, consider for the City of Devine to clean Michael Brown's property.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The tenth order of business was to discuss and consider Skate Park Project.

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Alderman Lance held discussion on what we have so far. According to Alderman Lance, they received \$33,000; have spent \$30,000 and have a \$3,000 balance. He brought up that American Ramp Company (the company they bought the ramps from) is under investigation by the federal government for two infractions. Alderman Lance had several concerns over the ramps:

- Are they in the original boxes?
- Are they assembled? He's not sure how they got here or if they will be assembled
- What are the dimensions?
- Who is responsible for the money in the account?
- He wants answers on where the money went to.

Council held discussion on researching whether the City donated any money for the park. Mayor Herring stated that we would research this more to gather information and bring back to council. He emphasized that it will not be an accusation meeting; just a fact-finding, friendly meeting. He pointed out that they have been forthcoming with everything and have been very cooperative in supplying everything he has requested.

Motion by Alderman Lance, seconded by Alderman Lopez to put this item on the July Regular Meeting Agenda to have a discussion with the Skate Board Park.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The eleventh order of business was to discuss and consider appointing Loraine Neuman to calculate and publish 2012 Effective Tax Rate and all necessary required notices for the City of Devine.

City Secretary Dora V. Rodriguez informed Council that once we have the calculations from Loraine Neuman, Josie Campa (City Secretary of Lytle) has offered to verify the calculations for us, since she used to be a tax assessor-collector. Council was very appreciative of this.

Motion by Alderwoman Champion, seconded by Alderman Lance to appoint Loraine Neuman to calculate and publish 2012 Effective Tax Rate and all necessary required notices for the City of Devine.

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Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The twelfth order of business was to discuss and consider hiring a Certified Plumbing Inspector and modifying our inspection fees to offset cost for inspector.

Mayor Herring informed Council that our current Plumbing Inspector is not certified by the state to do the job, so we are looking for a new one. He said we have someone who has come to us before (Mr. Bill Smith) and we have checked out his certifications. City Administrator Gary Pelech added that we will also be working with one of our neighboring cities and will be sharing their inspector on a regular basis to help offset some of the cost. He will be charging us \$137.50 for each week and he will be coming to the office on Thursdays.

Motion by Alderman Lopez, seconded by Alderman Lance to hire a Certified Plumbing Inspector and modifying our inspection fees to offset cost for inspector.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Valdez)

Motion carried.

The thirteenth order of business was Information Items.

Mayor Herring discussed the following:

- TxDOT Meeting on June 21, 2012 from 4:00 to 6:00 p.m. at the Community Center. TxDOT will be there with their maps. He explained this is Phase I of extending the entry ramp by Triple C. (3.3 Million). Mayor Herring thanked Devine News on the publicity and great write-up in the newspaper. He said what we need now is Phase II to go all the way to 3176 to make way for development. Phase III will be to put exit ramps. He asked for public support to make this happen.
- Zig Zag was paved by Mike Alvarado. He saved the City money and with the money saved; we plan to pave part of Renfro and Judson.
- Park Project survey is to go out as an insert in the utility bills this month.

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- City Park restrooms at the City Park now have a new steel gate; we did away with the wooden doors. Great job by Robert Reyna.
- New water well behind Triple-C is on schedule.
- Clean up at city well yard is on schedule with John Barron and Alamo 1.
- Thanks to the Mello family to all who attended the WOG grand opening.
- Kyle Saathoff wants to construct a volleyball court in the City Park. He was told it needs to be addressed at a regular council meeting or special meeting when all council members can be present.
- Budget process is starting in July. City Administrator Gary Pelech, City Secretary Rodriguez, City Accountant Duffy and Financial Mary Badillo have all been doing a great job with this. We should be cutting down to about four meetings.
- The county-wide Elected officials meeting tentatively scheduled for September 12th at the Community Center; all Council invited.
- FFA is going to Nationals in July. We will have a proclamation at the July Regular Meeting.
- Mayor Herring informed Council they are being provided with Department Reports they had requested to review. If they have any questions, they are to contact him, City Administrator or City Secretary.
- There will be a Devine Chamber of Commerce luncheon on Wednesday, June 20th at Triple-C, at noon.
- Lion's Club Golf Tournament is this Saturday, June 23rd at 1:30 p.m.
- Mission Devine kick-off is this Sunday, June 24th at 6:00 p.m. at the Devine First United Methodist Church.
- Congressman Francisco (Quico) Conseco is coming Sunday, to the First Baptist Church for the 11:00 a.m. services.
- Alderman Hal Lance reported on the water issues addressed at the STPoG meeting in Pearsall, and discussed wells and aquifers.

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

Mayor

City Secretary