

**Minutes
Regular Council Meeting
July 17, 2012**

On this the 17th day of July, 2012, at 5:30 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, TX. 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
Alderman David Valdez

Thus, constituting a quorum.

Personnel present: Tom Cate, City Attorney, Gary Pelech, City Administrator; and Ofilia H. Pedroza, Assistant City Secretary.

Others Present: Mary Badillo, City Financial Advisor; Robin Sisco, Langford Community Management Services; Sandy Herrera, Devine News; Pastor Keith Dennis, Redemption Baptist Church; Gerardo Guajardo, Brittany Kern, Kimi Kuykendall, Blaine Eaton, Chad A. Saunders, Lawton Beene and Sonia Lance all from Devine, TX.

PUBLIC HEARING:

At 5:30 p.m., Mayor Herring announced that the Public Hearing was open.

Robin Sisco with Langford Community Management Services addressed the Council regarding the Texas Community Development Block Grant Program. She explained grant eligible activities as well as procedures for applying for the grant. She stated that applications were due October 26, 2012.

There were no comments from the public.

At 5:35 p.m., Mayor Herring closed the Public Hearing to the Public.

At 6:00 p.m., Mayor Herring, presiding, called the meeting to order. Mayor Herring also delivered the Invocation and led the Pledge of Allegiance.

The first order of business was Recognition.

Mayor Herring thanked the Ministerial Fellowship and Devine FFA for attending the meeting.

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

No one signed up 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 FFA Chapter, their advancement through regional, state and national competition, their historic achievements attained in shooting contests, restoration contests, agriscience contest, and speaking contests, and their exemplary character both in and out of the classroom.

Mayor read proclamation aloud.

Students in attendance were introduced and congratulated.

Proclamation attached as Exhibit A.

Motion made by Alderwoman Champion, seconded by Alderman Valdez to adopt Proclamation proclaiming the accomplishments of the 2011-2012 Devine High School FFA Chapter.

Ayes	--	Five
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider Approval of Minutes: Regular Council Meeting, June 19, 2012 and Special Council Meeting, July 5, 2012.

Motion made by Alderwoman Champion, seconded by Alderman Lopez to approve the minutes for Regular Council Meeting June 19, 2012 and Special Council Meeting, July 5, 2012.

Ayes	--	Five
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider Management Proposals submitted and award a contract for HOME Management Services for the HOME HRA Program RSP No. 1001637.

Robin Sisco with Langford Community Management Services updated the Council on changes made to the Program. She also explained the new process for participating in the Program.

Alderwoman Champion asked if there were any other restrictions imposed other than a clear title to the property.

Mrs. Sisco stated the various qualifications required of the homeowners in order to participate in the Program, one of them being that applicants must reside within Devine city limits.

Alderwoman Champion asked if there was an inspection process.

Mrs. Sisco briefly explained the process for inspection of the homes. She also discussed the renovation process in the event that a home qualified for repairs.

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Alderwoman Champion asked if people who ever received code violations qualified for the program.

Mrs. Sisco confirmed that they were eligible; however, the City Council would have to amend the contract to disqualify those individuals who have ever received code violations. She stated that she would double check with the State to make sure that the City could make those changes. She emphasized that the changes would need to be made before applications were accepted.

Alderwoman Champion expressed to Council that this is a concern she would like addressed before the application process.

Gerardo Guajardo addressed the Council regarding his home. He stated that he has applied to the HOME Program before and he just wanted to explain that his house has since been condemned and he is only paying taxes on the land.

Mrs. Sisco advised him to return during the application process to submit an application.

Motion made by Alderman Lopez, seconded by Alderman Wilkins to award the contract for HOME Management Services to Langford Community Management Services.

Ayes	--	Five
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider status on the Skateboard Park Project.

Pastors Billy Morse, Robert Nixon and Keith Dennis were available for questions as Council reviewed a financial statement of the skate park. According to Alderman Lance, the total inflow was \$33,277.00 and the total outflow was \$30,136.00; leaving a Net Total Balance at \$3,141.

Mayor Herring assured Council that the Ministerial Alliance has receipts for all of this, and added that fundraisers were held, donations were given; \$6,000 by Fred Morales as well as \$5,000 from the City of Devine.

Council held discussion on the transactions.

Sonia Lance addressed the Council regarding various concerns and issues related to the Skateboard Park Project; namely:

- The Skateboard Project began in the Spring/Summer of 2005, and it is now the Summer of 2012.
- \$33,000 has been raised, and \$30,000 has been paid, leaving a \$3,000 balance. Where is the remaining \$3,000?
- \$23,758.50 has been paid to the American Ramp Co., and another \$24,000 is still owed.
- The ramps will not be shipped until the balance is paid.
- American Ramp Co. is being sued by the Dept. of Justice.

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- There has been no request towards anybody to ask for any assistance or information of any kind to make the park a reality.
- Why is there a lack of information regarding the status of the park?
- Why have there been no additional requests for grant writing?
- Is the Devine Ministerial Fellowship going to join the law suit to get the \$24,000 back?

Pastor Billy Morse, Vice Chairman of the Devine Ministerial Fellowship, addressed City Council on behalf of Pastor Ed Dougherty, Chairman, who was on vacation for the month of July. He thanked everyone for their support and interest in the skate park.

In response to the comments made by Mrs. Lance, he stated that it's not that anything has been left alone or set to the side. He told Council they have been working and trying to get grants. They applied for seven grants last year and were turned down by all of them; one of them was through the Tony Hawk Foundation but they declined because they won't do it until you pay them first. A few other comments made by Pastor Morse:

- They're just as concerned about this as we are.
- They are looking into American Ramp Co. and the law suit.
- A lot of the groundwork was done before he came on board.
- They went to four or five different municipalities to take a look at their skate parks, and this was the information they came up with. They had already signed the agreement with American Ramp Co. by the time he came on board, so that is locked in and there's no way to get out of that one.
- They continue to move forward to getting funds.
- He doesn't know why information hasn't gotten out because they've published in the newspaper.

Pastor Nixon also addressed City Council and recommended that this item be tabled because he felt that we need to bring in Pastor Ed Dougherty to get an accurate history of all accounts, and so that he could answer questions.

Mrs. Lance inquired if there was any way of getting our \$24,000 back, and she was told we couldn't because of the contract. Alderman Lance then inquired if the Devine Skate Park could be added to the list of suits. City Attorney Tom Cate informed Council that he would need to check into this.

Council thanked everyone for their comments.

Motion made by Alderman Lance, seconded by Alderman Lopez to table the item for next month.

Ayes	--	Five
Nays	--	None

Motion carried.

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The seventh order of business was to discuss and consider adopting a Resolution for the AACOG Regional Hazard Mitigation Plan Update.

Resolution 7-12 attached as Exhibit B.

Motion made by Alderwoman Wilkins, seconded by Alderman Lopez to Adopt Resolution 7-12 for the AACOG Regional Hazard Mitigation Plan Update.

Ayes	--	Five
Nays	--	None

Motion carried.

The eighth order of business was to discuss and consider adopting a Resolution for the City of Devine to authorize approving the terms and conditions of an Internal Agreement by and between the City of Devine and the Texas Department of Motor Vehicles (TXDMV) for participation in the Scofflaw Program in accordance with Section 702.003 of the Texas Transportation Code for the Collection of outstanding Warrant Fees; authorizing its execution by the City Administrator, or his designee; and providing an effective date.

Councilwoman Wilkins explained that if anyone goes in to pay for their vehicle registration, they will be required to pay for any outstanding tickets, if any, before they can get their sticker. City Attorney Tom Cate explained the OMNI Program which is connected with the Texas Department of Motor Vehicles.

Resolution 7-12A attached as Exhibit C.

Motion made by Alderman Lopez, seconded by Alderman Valdez to adopt the Resolution 7-12A between the City of Devine and the Texas Department of Motor Vehicles.

Ayes	--	Five
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider for the Council to renew our Audit Contract for the 2011-2012 year with Coleman, Horton & Company, LLP.

Ms. Mary Badillo, our Financial Advisor, stated that she is okay with this firm.

Motion made by Alderwoman Champion, seconded by Alderwoman Wilkins to renew our Audit Contract for the 2011-2012 year with Coleman, Horton & Company, LLP.

Ayes	--	Five
Nays	--	None

Motion carried.

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The tenth order of business was to discuss and consider Proposed Budget for 2013 for the Medina County Appraisal District.

Council reviewed budget and held brief discussion.

Motion made by Alderman Lance, seconded by Alderman Lopez to approve the Proposed Budget for 2013 for the Medina County Appraisal District.

Ayes	--	Five
Nays	--	None

Motion carried.

The eleventh order of business was to review Quarterly Investment Report.

Council reviewed the report as City Administrator Gary Pelech pointed out the changes made.

The twelfth order of business was Informational Items.

Mayor Herring thanked Mission Devine for all of the work done this year.

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

Ayes	--	Five
Nays	--	None

Motion carried.

Mayor

City Secretary