

**Minutes
Special Council Meeting
August 6, 2013**

On this 6th day of August 2013, at 12:00 noon. 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 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: Dora V. Rodriguez, Asst. City Administrator/City Secretary; Denise Duffy, City Accountant; and Tom Cate, City Attorney.

Others present: Sandy Herrera, Devine News; Joseph P. Appelt Sr., Boerne TX; Joseph P. Appelt and Gladys Appelt, San Antonio TX; Mark P. Haby, Castroville TX; Charles T. Cate, San Antonio TX; Johnathan Dixon and James A. Garcia, Medina CAD, Hondo TX; and John Warp of Devine TX.

Mayor Herring, presiding, declared the meeting open.

The first order of business was to discuss and consider for the Council to appoint a Presiding Judge and an Alternate Judge.

Mayor Herring announced that Mr. Mark P. Haby will be our new Presiding Municipal Court Judge and Mr. Joseph P. Appelt will be the Alternate Municipal Court Judge. Council reviewed the background information provided on both judges and commented they were pleased with both.

Motion by Alderman Lopez, seconded by Alderman Lance to appoint Mark Haby as the Presiding Judge and Joseph P Appelt as Alternate Judge for a salary of \$200.00 per hour.

Ayes	--	All
Nays	--	None

Motion carried.

The second order of business was the Oath of Office.

Mayor Herring administered the Oath of Office to both Judges.

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The third order of business was to discuss and consider awarding bid for the TxCDBG Contract No. 712 089 – Wastewater Treatment Plant-Sludge Dewatering Beds Rehabilitation in the amount of \$361,741.67.

Mayor Herring reminded City Council that that they have held discussion on this before. He informed them that City Engineer Raul Garcia is recommending that the bid be awarded to Hoover Construction Co. with various combination options subject to fund availability.

City Council reviewed the bid information and letter submitted by Raul Garcia, City Engineer. Mayor Herring also informed Council that in meeting with Raul Garcia further, including City Administrator Gary Pelech, Asst. Administrator/City Secretary Dora V. Rodriguez, City Accountant Denise Duffy, Director of Public Works Billy Grote and Superintendent of Public Works Ismael Carrillo, they are recommending for Council to consider the last combination listed as Base Bid plus Additive Bid No. 2 for \$361,741.67, which is the amount recommended for that combination by Raul Garcia, City Engineer.

Alderman Lance inquired if the City has money to cover the difference since the grant budget from TxCDBG is only for \$244,550.00. He was informed that we do have the money. Alderwoman Champion also inquired as to how soon they would start. Asst. City Administrator/City Secretary Dora V. Rodriguez explained that there is always a pre-construction meeting held with Raul Garcia, our Public Works, and the contractor, at which time they decide when to start and how long the job will take; it normally takes approximately 120 days, and then management signs off on it.

Motion by Alderman Valdez, seconded by Alderman Lopez to award bid to Hoover Construction Co. for the Base Bid plus Additive Bid No. 2 for the amount of \$361,741.67.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider adopting a Resolution for the denial of the Medina County Proposed Appraisal Budget for 2014.

Mayor Herring discussed with Council that since they had denied the proposed Medina County Appraisal District Budget for 2014 at their last regular city council meeting, they would need to pass this resolution to make it official.

Mr. John Ward, board member of the Medina County Appraisal District, addressed City Council and presented them with a handout. The handout showed figures for this year compared to last year's figures for Taxable Value, Taxes (Income), Appraisal District Budget, and the Pro-Rated Share for the City of Devine. Mr. Ward went over these figures with the Council. He stated that the first line shows last year's Taxable Value for the City of Devine was at \$131,777,427 whereas this year it is at \$135,873,655 (an increase of +4,100,000). The second line, Taxes (Income), shows what the City of

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Devine could expect to raise at the present tax rate on the taxable value, based on last year's figure of \$749,813.56 compared to this year's figure of \$773,121.10, an increase of +23,307.54 that the City can expect to receive assuming that all taxes are collected. The third line is the Appraisal District's Budget that we would've been looking at last year at \$1,001,795, and the one for this year which we are voting on right now is at \$1,030,150. It is an increase of +28,355.00 or +2.83% this year. He explained that when this budget gets administered across the 25 entities in Medina County which also includes the County, the Pro- Rated Share for the City of Devine comes out to \$17,304.46 for this year. Last year's Pro-Rated Share was \$16,930.34 so we have an increase of +374.12 or +2.21%.

Mr. Ward stated that he felt this is a good deal to pay an extra \$374.12 to get an expected income of \$23,307.54 on the new budget that they are asking us to approve. Mr. Ward added that even if we do not approve the budget, the City of Devine would still get the expected Taxes income. He explained that according to State law, in order for the Appraisal District Budget to not be approved, over half of the taxing entities would have to vote to disapprove the budget which means that 13 out of 25 would have to vote to disapprove it.

Alderwoman Champion stated that it would've been helpful if they could've had all this information when they were first presented with the Appraisal District Budget for approval.

Mr. Ward then held a lengthy discussion on state regulations on appraisal districts.

Mayor Herring then read the resolution out loud.

Motion by Alderman Lance, seconded by Alderman Valdez to approve Resolution 8-13 for the denial of the Medina County Proposed Appraisal Budget for 2014.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider Sub-leases for the Devine Airport.

Council reviewed Renter Agreements from Mr. Glen Dale Estep. Mayor Herring stated that these are standard renter agreements, and asked City Attorney Tom Cate if he saw any problem with them.

City Attorney Tom Cate stated that the main thing is that it should state that these are subject to our ground lease, for Mr. Estep, and he didn't see that anywhere. Council held discussion on Curly Brehm's and Vicky Pumphrey's subleases. Curly's had a \$500 monthly sublease amount according to City Attorney Tom Cate.

City Secretary Dora V. Rodriguez stated that Ms. Vicky Pumphrey's and Glen Dale Estep's leases were totally different from Curly's lease.

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Discussion was held on getting all the leases re-done, re-signed and modified to where they are all consistent with the same amounts for the rental agreements. City Attorney Tom Cate stated that he liked the form that Mr. Curly Brehm is using (from the State Bar), and he recommended that if the City is going to approve a standard sublease, that we use Mr. Curly Brehm's. He also stated that the main thing is that they have to comply with our ground lease and he didn't think there was a clause giving the City control over the subrental amount; he said they're renting hangars out there but we're just leasing the ground.

Motion by Alderwoman Champion, seconded by Alderwoman Wilkins to deny sub-leases for the Devine Airport until they are all consistent in accordance with the other sub-leases that we have and that they have a dollar amount.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider recommendation of the Planning & Zoning Commission for meeting held on July 29, 2013:

- a. Request for changing the zoning classification of property consisting of approximately 31 acres of land located along the north side of Hondo Avenue W. in the City of Devine, from Class A. Single Family Residence District to Class H. Commercial Business District, which is proposed to include any or all properties with the following addresses: 1030 CR 7610 (R52335); 1324 Hondo Ave. W. (R6972); 1230 Hondo Ave. W. (R6978, R80053); 1250 Hondo Ave. W. (R59526, R80261); 1270 Hondo Ave. W. (R59599); 1304 Hondo Ave. W. (R57169); 1284 Hondo Ave. W. (R57147); 1280 Hondo Ave. W. (R67854) and 1240 Hondo Ave. W (R65725).

Mayor Herring stated that all of these addresses are businesses, so we are making legal what is already there.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to approve the recommendation of the Planning & Zoning Commission for meeting held on July 29, 2013, and grant request for changing the zoning classification of property consisting of approximately 31 acres of land located along the north side of Hondo Avenue W. in the City of Devine, from Class A. Single Family Residence District to Class H. Commercial Business District, which is proposed to include any or all properties with the following addresses: 1030 CR 7610 (R52335); 1324 Hondo Ave. W. (R6972); 1230 Hondo Ave. W. (R6978, R80053); 1250 Hondo Ave. W. (R59526, R80261); 1270 Hondo Ave. W. (R59599); 1304 Hondo Ave. W. (R57169); 1284 Hondo Ave. W. (R57147); 1280 Hondo Ave. W. (R67854) and 1240 Hondo Ave. W (R65725).

Ayes	--	All
Nays	--	None

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Motion carried.

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

Ayes	--	All
Nays	--	None

Motion carried.

Mayor

City Secretary