

Minutes
Regular Council Meeting
Aug 17, 2010

On this 17th day of Aug 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
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; Rob Flores, Chief of Police; Joe Pedroza, Police Officer; Nancy Pepper, City Accountant; Billy Grote, Director of Public Works; Ismael Carrillo, Superintendent of Public Works; Barbara Moore, Library Director; Cassandra Maldonado, Municipal Court Clerk; Darrell Rawlings, Code Compliance Officer; Maria Peña, Code Compliance Clerk; Celina Rodriguez, Utility Billing Clerk; Alma Rios-Flores, Utility Billing Clerk.

Others present: Annette Bargainer, Langford Community Management Services; Ernest Munoz, Frost Insurance; Carlton Groff, Royce Groff Oil Co.; Linda McAnelly, Superintendent of Devine ISD, Mike Lawson, Chad Saunders, Janell McMullan, Devine ISD; Sandy Herrera, Devine News; Sonia Lance, John & Terrie Barron, Betty Morgan, Denise Lawson, Chase Lawson, Lisa Vollmer, Lindsey Vollmer, Rodney Vollmer, J.C. Vollmer, Newell Summerlin, Tres Summerlin, Mary Jane Balderrama, Gary Schmidt, Pam Schmidt, Connor Schmidt, Elain & Charles Hoog, Laurie Patteson, Carl Patteson, Richard Lienweber, Debbie Randall, James Kramer, Tristan Kramer, Dalton Kramer, Andrew Briscoe, Nancy Briscoe, Cassie Mueller, Melissa Stevens and Larry Stacy, all of Devine, Texas.

6:00 p.m.

The first 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 Economic Development Negotiations and Personnel Matters).

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

At 6:00 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session. At 6:35 p.m., Closed Session was opened to the public.

Regular Meeting Minutes

August 17, 2010

Page 2

No action was taken in Closed Session.

The second order of business was to Reconvene into Regular Session and Consider Action, if any, on Items discussed in Executive Session.

There was not action taken.

7:00 p.m.

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.

Council first recognized Truett Barron, Connor Schmidt and Dalton Kramer for competing in the 9U and 10U World Series.

Next, Council recognized students for participating in various FFA events at the State Competition. A list of those students is attached as Exhibit A.

Council also recognized Devine's Complete Count Census Committee members for all of their hard work in the 2010 Census. Devine had the highest percentage of participation in the entire County with 75%.

A list of the committee members is attached as Exhibit B.

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

Larry Stacy addressed Council in regards to Jack Nicklaus Dr. He stated that something needed to be done about the speeding down this road. He requested that Council consider placing a speed bump to slow down traffic.

Mayor Herring thanked Mr. Stacy for his concerns and asked if he would like to be placed on the agenda for the Special Meeting to be held on August 23rd.

Mr. Stacy stated that he would like to be placed on the agenda for the August 23rd meeting.

The third order of business was to discuss and consider approval of Minutes: Special/Budget Workshop July 13, 2010; Regular Meeting July 20, 2010; Special/Budget Workshop July 27, 2010; Special/Budget Workshop August 3, 2010; Special/Budget Workshop August 10, 2010.

Council reviewed minutes.

Regular Meeting Minutes

August 17, 2010

Page 3

Motion made by Alderman Ramirez, seconded by Alderwoman Wilkins to accept the minutes for Special/Budget Workshop July 13, 2010; Regular Meeting July 20, 2010; Special/Budget Workshop July 27, 2010; Special/Budget Workshop August 3, 2010; Special/Budget Workshop August 10, 2010.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider for the City of Devine to enter into a Memorandum with Devine Independent School District and County for a Park Grant.

Devine ISD Superintendent, Linda McAnelly addressed Council and informed them that she was trying to get grant money for the possible construction of a Sports Complex for Devine. She was told that in order for the project to qualify for funding, she would have to partner with either the County or the City. She said that she had made contact with the Devine Little League and they seemed interested in the idea of the Sports Complex.

Annette Bargainer with Langford Community Management Services explained to Council that if the School could partner with the City and or County, it would make the grant process a lot easier and pretty much guarantee that they project get funded. She mentioned that the City would have to make a City Master Plan as part of the grant process.

Alderman Ramirez asked Ms. Bargainer how much money the project may be granted.

Ms. Bargainer explained that the most they could get would be \$500,000.00. She said that the final amount would have to be matched by those involved in the project. For example, in-kind labor may be used as part of those matching funds.

Mrs. McAnelly asked that Council approve the Memorandum so that way all entities involved could start brainstorming ideas for the project. She mentioned that several changes needed to be made to the memorandum before it could be signed.

Motion made by Alderman Ramirez, seconded by Alderwoman Antu to enter into a Memorandum of Understanding with Devine ISD, Medina County and the Devine Little League for a Park Grant.

Memorandum is attached as Exhibit C.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider awarding Proposal for the Purchase of 87 Octane Unleaded Gasoline and #2 Diesel Fuel.

Carlton Groff with Valley Mart Inc. briefly discussed his bid. He explained how the final price was determined.

Regular Meeting Minutes

August 17, 2010

Page 4

Motion made by Alderman Ramirez, seconded by Alderman Lance to award the Proposal for the Purchase of 87 Octane Unleaded Gasoline and #2 Diesel Fuel to Valley Mart Inc.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth 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 Economic Development Negotiations and Personnel Matters).

- a. §551.074 Personnel Matters – Code Compliance and Utility Department Complaint.

At 7:40 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session. At 6:35 p.m., Closed Session was opened to the public.

No action was taken in Closed Session.

The seventh order of business was to reconvene into Regular Session and Consider Action, if any, on Items discussed in Executive Session.

No action was taken.

The eighth order of business was to discuss and consider awarding Management Services for the Implementation of the Texas Community Development Program.

Interim City Administrator, Dora V. Rodriguez, informed Council that only one bid was submitted and that was from Langford Community Management Services.

Mayor Herring mentioned that the City has used them in the past.

Motion made by Alderman Ramirez, seconded by Alderwoman Wilkins to award the bid to Langford Community Management Services.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth item of business was to discuss and consider awarding Engineering Services to prepare all Preliminary and Final Design Plans and Specifications, and to Conduct all necessary interim and Final Inspections required by the City of Devine for Implementation of the Texas Community Development Program.

Regular Meeting Minutes

August 17, 2010

Page 5

Interim City Administrator, Dora V. Rodriguez informed Council that the City received three proposals. The three companies were rated and Garcia & Wright received the highest score of 100. Dora stated that she spoke with Director of Public Works, Billy Grote, and Superintendent of Public Works, Ismael Carrillo, and they mentioned that they felt comfortable working with Raul Garcia since he knows the City's systems and has done numerous projects for the City in the past.

Motion made by Alderman Ramirez, seconded by Alderman Lance to award the bid for Engineering Services to Garcia & Wright Consulting Engineers Inc.

Ayes	--	All
Nays	--	None

Motion carried.

The tenth order of business was to discuss and consider accepting recommendations for Major Medical and Life Insurance from the Insurance Committee.

Ernest Munoz, Insurance Agent for the City of Devine, addressed Council and informed them that he shopped the market for the City and found several carriers with competitive rates. He felt that the Insurance Committee had made a good decision on the plan that they chose.

Interim City Administrator, Dora V. Rodriguez, explained to Council that the Insurance Committee had met and reviewed all of the proposals not just Mr. Munoz's. She mentioned that after the proposals are received, the Insurance Committee reviews all of the plans and narrows down their choices.

Insurance Committee Member, Cassandra Maldonado, briefed Council on the plan that the Committee was proposing. She stated that the plan was a 100% plan through Humana at an employee-only rate of \$331.29. She also told Council that the Committee was proposing to switch from Guardian to Humana for Basic Life coverage. She mentioned that by switching from Guardian to Humana, the City was eligible for a .5% discount on the Medical Insurance.

Motion made by Alderwoman Champion, seconded by Alderwoman Antu to accept the recommendation of the Insurance Committee and award Humana the bid for Major Medical and Life Insurance.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was to discuss and consider awarding Proposal for Uniforms.

Regular Meeting Minutes

August 17, 2010

Page 6

Director of Public Works, Billy Grote, briefed Council on the meeting that his Department had with Unifirst. He stated that employees were being charged for broken zippers and holes, and that they felt they shouldn't have to pay for those fees. He explained that Paul with Unifirst stated he would be getting with the driver to make sure that the employees weren't incurring any charges they shouldn't be.

Municipal Court Clerk, Cassandra Maldonado informed Council that at the meeting with Unifirst, Paul also mentioned that the employee that was charged would be getting reimbursed.

Council held brief discussion.

Motion made by Alderwoman Champion, seconded by Alderwoman Antu to table the matter until it was confirmed in writing by Unifirst that the employees would be reimbursed for any frivolous charges.

Ayes	--	All
Nays	--	None

Motion carried.

The twelfth order of business was to discuss and consider hiring the Structural Engineer to allow him to prepare cost for the council to know the cost we are looking at to fix the wall at the Library and Community Center.

Interim City Administrator, Dora V. Rodriguez, informed Council that the invoice provided from James Ryan was only to identify the cause of the problem and see what needed to be done to fix the wall. She stated that City Engineer, Raul Garcia, affirmed that the building was safe to occupy but that the wall did need to be fixed.

Motion made by Alderman Ramirez, seconded by Alderwoman Wilkins to amend the current budget in the amount of \$2,850 and hire James V. Ryan, Structural Engineer to assess the needed repairs at the Library/Community Center.

Ayes	--	All
Nays	--	None

Motion carried.

The thirteenth order of business was to discuss and consider Tax Rate for 2010 and the scheduling for Public Hearings.

Interim City Administrator, Dora V. Rodriguez, stated that was informed by Loraine Neuman that if the City stayed at the current Tax Rate, that would put the City over the rollback rate; therefore, Public Hearings would need to be done and the Public would have to be informed that the City was proposing to increase the Tax Rate. She stated that if the Council decided to go with a Tax Rate of .5690 then that would be ok and the City would actually be lowering the Tax Rate.

Regular Meeting Minutes

August 17, 2010

Page 7

Motion made by Alderwoman Champion, seconded by Alderwoman Wilkins to inform Loraine Neuman that the City was going to go with the .5690 Tax Rate.

Ayes	--	All
Nays	--	None

Motion carried.

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

- City Secretary's Report – Council Reviewed Report. Interim City Administrator, Dora V. Rodriguez, updated Council on the Utility Report since changes had been made since the report was given to her. She mentioned that next door to Bernice Hunter Realty, an office building was being constructed. She also informed Council that the Code Compliance Department was staying very busy and making a lot of contacts with citizens.
- City Treasurer's Report – City Accountant, Nancy Pepper updated Council on the Budget. Interim City Administrator, Dora V. Rodriguez mentioned that a 2% COLA and longevity pay was figured into the Budget.
- Public Works – Director of Public Works, Billy Grote, informed Council that August 20th should be the last day for the Integrity Test. He also mentioned that due to the dry weather, main breaks may occur; one occurred just last week. Interim City Administrator, Dora V. Rodriguez, informed Council that due to the new Gas Company taking over on September 1st, utility bills were going to be calculated on August 31st and mailed September 1st. She stated that it would be published in the paper also so that way the customers would be prepared when they received their final gas bill from the City.
- Police Chief's Report – Chief Rob Flores stated that the Police Department was staying very busy. He mentioned that his staff gave several presentations at the Devine Middle School. He mentioned that the Health Fair that was recently held at the Community Center was a success.
- Driscoll Public Library – Library Director, Barbara Moore, stated that they were going to cancel their last scheduled movie night due to scheduling conflicts with school starting. She updated the Council regarding Marly Davis' condition. She stated that she would be having surgery soon and be out for some time.
- Chamber of Commerce – No report provided. Sandy Herrera stated that they were working on the Fall Festival. She mentioned that Gabe Garcia would be playing at the Fall Festival.

The fifteenth order of business was Information Items.

- a. Thank you letter from the First Baptist Church to the Devine Police Dept.

Regular Meeting Minutes

August 17, 2010

Page 8

The First Baptist Church submitted a thank you letter for participating in their forum on safe practices for seniors.

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