

Minutes
Regular Council Meeting
August 21, 2012

On this the 21ST day of August, 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
Aldерwoman Kathy Wilkins
Aldерwoman Gina Champion
Alderman Steve A. Lopez
Alderman David Valdez

Thus, constituting a quorum.

Personnel present: Tom Cate, City Attorney, Gary Pelech, City Administrator; Dora V. Rodriguez, City Secretary and Denise Duffy, City Accountant.

Others Present: Annette Bargainer with Langford Community Management Services; Mary Badillo, City Financial Advisor; Jerry Beck, County Commissioner Pct. 4; Sandy Herrera, Devine News; Robyn Teague, Chamber President; Doug Wilkins, P&Z Chairman; Carl Brown, School Board member; Ira & Donna Keown, Sonia J. Lance; Lorenzo Morales, Dave & Betty Morgan; Cindy Gonzalez and Alex Gonzalez, all of Devine, Texas.

PUBLIC HEARING:

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

Annette Bargainer with Langford addressed City Council regarding a survey that was conducted on a park plan project. She stated they had a very good response considering a town of our size, and now she wanted to hear from the citizens on this item.

Mayor Herring announced that there are four entities involved in this project: the City, County, School and the Devine Little League. Jerry Beck was present representing the County and Carl Brown was present representing the School. Carl Brown inquired into the comments that people made on the surveys. Ms. Bargainer informed the public and City Council that the School also conducted their survey on-line as well. She said most of the comments were people asking for trails of all kinds, hiking and bicycling were very popular, as well as playgrounds for children, and picnic areas. Sport fields were chosen by about 25% of the responders.

Mayor Herring asked what our next step is. According to Ms. Bargainer, the next step will be to compile all of the information and document everything. She said a large part of it is to write down all the priorities from 1 to 10 and documenting those, so Council would need to approve the priorities. She said that as we go forward and start writing applications, those become very important in our applications, scoring-wise.

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Mayor Herring added that this has to be a multi-use park. We can't just have baseball fields; we have to have baseball, soccer/football, walking trails and maybe some green areas. Ms. Bargainer told Council that it can be whatever park you want but in order to make it more fundable, they need more recreational activities and diversity for the scoring to be higher on the applications.

Council and some of the public present held brief discussions on estimates of other city parks, and talked about matching funds and in-kind labor. She also pointed out that the City can use donated land to build the park on; however, the land itself would not count as part of the match. It would still require extra cash. The School is donating the land to the City. Council also held discussion on sources of coming up with money; even possibly getting a Sewer/Water Bond and bringing it up for election.

Ms. Bargainer told City Council that in order to put this park plan together, they would compile all of the survey results, do an inventory of all existing facilities, and then try to cross-reference what we want with what we have and we try to come up with a 10-year plan of short-term goals and long-term goals, taking the priorities of the plan into consideration.

City Council held further discussion on the property intended for the park and the minimum amount of fields needed just to start; the intention is to put four fields.

Ms. Bargainer further commented that needs input from senior citizens on what they want from this grant; it will also give us extra points to help in the scoring of the applications. Mrs. Betty Morgan, who was in the audience, suggested walking trails, picnic tables, restrooms, and pavilions. Everyone agreed. Annette suggested that we also contact our state representative or state senator to request that they fund parks again. She will be back 2-3 months.

There were no further 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 recognized Jerry Beck, County Commissioner-Pct. #4, and his workers for coming through to help us with our paving projects around the school and around Renfro Street. Mayor Herring also recognized Alderman Steve A. Lopez and the V.F.W. Post 3966 and the Ladies Auxiliary of Devine, Texas for their outstanding community service achievements in winning a 2012 National Post Award; they were Number 1 in the State of Texas. The Mayor also recognized Mr. Lopez as being the local Commander for Post 3966 many times before and reported that he now presides as the V.F.W. Commander for District 13, which is a very large area. Mr. Lopez spoke briefly on how proud he is of all his men and, in turn, congratulated a young girl from Natalia, Felicia Walker, for winning 1st place in the State of Texas for the Patriot Pen Essay.

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

Mr. Jerry Beck, Commissioner-Precinct #4, addressed City Council. He brought up the Inter-local Agreement between the City and County in which they cooperate and help one another. Due to the County's lack of equipment, he expressed his appreciation and thanks to the City of Devine for their help with some of the County's projects; we have a great working relationship.

The third order of business was to discuss and consider Approval of Minutes: Regular Council Meeting, July 17, 2012 and Special Council Meeting, August 14, 2012.

Council reviewed minutes.

Motion by Alderman Lopez, seconded by Alderman Lance to Approve the Minutes for Regular Council Meeting, July 17, 2012 and Special Council Meeting, August 14, 2012.

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| Ayes | -- | All |
| Nays | -- | None |

Motion carried.

The fourth order of business was to discuss and consider awarding proposals for Engineering and Management Services for the CDBG 2012 Project.

Mr. Gary Pelech, City Administrator, informed City Council that only one proposal was turned in from Langford for the Management Services, and there were four turned in for the Engineering Services. He suggested that Council approve Langford Community Management Services, and stated he preferred to stay with Garcia & Wright because they are more familiar with the projects we are working on. Council reviewed.

Motion by Alderman Valdez, seconded by Alderman Lopez to award the Engineering Services to Garcia & Wright Consulting and the Management Services to Langford Community Management Services for the CDBG 2012 Project.

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| Ayes | -- | All |
| Nays | -- | None |

Motion carried.

The fifth order of business was to discuss and consider request made by the Devine Chamber of Commerce for a Noise Variance for the Fall Festival on November 3, 2012.

Motion by Alderwoman Wilkins, seconded by Alderwoman Champion to grant request made by the Devine Chamber of Commerce for a Noise Variance for the Fall Festival on November 3, 2012.

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| Ayes | -- | All |
| Nays | -- | None |

Motion carried.

The sixth order of business was to discuss and consider request made by the St. Joseph Catholic Church for a Noise Variance for the Church Festival on October 6, 2012.

Mr. Lorenzo Morales was present to represent St. Joseph's. He spoke briefly about the 2-day church activities planned. He said he appreciated all the help they've received in the past from the City and Council. He inquired about the road closure and was told that would be handled through the Police Department.

Motion by Alderman Lopez, seconded by Alderman Lance to grant request made by the St. Joseph Catholic Church for a Noise Variance for the Church Festival on October 6th and 7th, 2012.

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| Ayes | -- | All |
| Nays | -- | None |

Motion carried.

The seventh order of business was to discuss and consider allowing for the City Administrator, Gary Pelech, to purchase a vehicle for Animal Control.

City Administrator Gary Pelech told City Council that we are having a lot of problems with this vehicle and we just need to buy a new one. He explained he was informed by our City Accountant, Denise Duffy, that someone from the City had not paid their sales taxes and we have received a lump sum payment of \$40,000 from the State. He said this is a one-time deal and not something we can look forward to every year. He said they've decided to use this money to purchase this vehicle. They've looked into some prices already and would like to stay under \$20,000. He recommended that we buy a new vehicle for Animal Control; something that has a good warranty. When asked what would happen with the current Animal Control truck, he said he preferred to not include it in the upcoming auction for now and to keep it as a spare truck for Animal Control.

Motion by Alderwoman Champion, seconded by Alderman Valdez to allow City Administrator Gary Pelech to purchase a vehicle for Animal Control and to amend the current budget.

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| Ayes | -- | All |
| Nays | -- | None |

Motion carried.

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The eighth order of business was to discuss and consider recommendation of the Planning & Zoning Commission for Meeting held on August 13, 2012:

- a) Request made by Doug Trott for a variance to Article 3, Section 1 (Use Regulation) of the Zoning Ordinance to allow one room of an existing one-family dwelling located at 401 Mockingbird Lane which is described as Colonial Oaks Subdivision, Block 4 (NCB 130), Lot 12, to be used for a business venture with Brandon Sneed of South Texas Arms to provide for custom gun-smith, firearm manufacturing and retail sales.

City Council was provided with the minutes from the P&Z meeting held on August 13, 2012. Mayor Herring briefly summarized the P&Z meeting to Council. He mentioned that the P&Z Commission was sympathetic to Mr. Sneed but at the very end they voted unanimously to deny his request. He explained Mr. Sneed wanted to rent one room from Mr. Trott to sell custom made AR-15's and assemble kits only.

Mr. Doug Wilkins, P&Z Chairman, addressed City Council and said he had rifle kits and he was going to assemble them and that would make him a manufacturer of assault rifles. He explained Mr. Sneed was losing his lease and he needed a new address or he would lose his Federal Firearm License. He explained P&Z denied his request because they had enough objections to the whole thing, plus the fact that he wanted to run this as a business in a residential area.

Alderman Lance voiced his opinion of being against this. This would've been in his district and his house is only about one mile away, but he did not approve of a business in a residential area.

Motion by Alderman Lance, seconded by Alderman Lopez to accept the recommendation of Planning & Zoning to deny request made by Doug Trott for a variance to Article 3, Section 1 (Use Regulation) of the Zoning Ordinance to allow one room of an existing one-family dwelling located at 401 Mockingbird Lane which is described as Colonial Oaks Subdivision, Block 4 (NCB 130), Lot 12, to be used for a business venture with Brandon Sneed of South Texas Arms to provide for custom gun-smith, firearm manufacturing and retail sales.

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| Ayes | -- | All |
| Nays | -- | None |

Motion carried.

The ninth order of business was Informational Items.

- Alderman Lance gave a report on the meeting with the Devine Ministerial Fellowship which was held on August 6, 2012. He stated that the reason the Devine Ministerial Fellowship is in limbo is because basically they have run out of money. Some of the things he pointed out were:
 - There is still \$24,000 needed to pay for the ramps at American Ramp Co.
 - The estimated cost of the 50' x 100' concrete pad is \$25,000.

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- Due to the Eagle Ford Shale oil boom, concrete is at a premium, so no discounts are available.
- It is unknown if there will be any freight cost to get the steel ramps delivered
- The estimated cost to bring the skate board park to a reality is a minimum of \$50,000.
- The City is working to see if they can get grants.
- The companies that are involved with Eagle Shale should be contacted to see if monies can be obtained from them.
- It was mentioned that perhaps they should look at a bigger scale rather than only a skate park; they should be looking at a multi-purpose park, one that would include a walking trail, picnic benches, volleyball area and a skate park.
- There needs to be a master plan for this park to maximize the land that is available.

Mayor Herring commented not to rely too much on the City because the chance of getting a grant is slim.

Hal thinks there should be communication with the City whenever they meet. He also stated that he felt Alderwoman Wilkins should sit on the Ministerial panel since the skate park is in her district. Mayor Herring stated he that appreciated Alderman Lance and his wife, Sonia, being a part of this committee and agreed Alderwoman Wilkins should also sit on this committee.

Mayor Herring also mentioned that he's hoping the volleyball court that Kyle Saathoff is working on will jumpstart this park. He said the bottom line is that they need money.

Other information items:

- The Natalia Centennial Celebration is coming up on September 29th. There will be a Parade and the Mayor asked the council members to let him know if they wanted to be part of it. There will also be a fireworks display in the evening.
- We have three police cars coming in September.
- Public Works will be getting 3 new trucks from Brown Chevrolet. The City appreciates that they even included 3 new tool boxes to go along with the trucks.
- We are planning on having a Proclamation for the DHS Power Lifting Team, and Coach Gomez is working on that information. We will have something for them in September.
- Everything is ready for the Well at Triple C other than we are waiting on AEP to hook up the electrical part. This will be the third Carrizo Wilcox Well.
- Edwards Well needs a valve and we are waiting on that.
- Reminder that Chamber of Commerce meetings begin at 5:15 p.m. at State Farm.

The tenth order of business was the Budget Workshop.

Mary Badillo, Financial Advisor, went over the budget in detail with Council and discussed anything new or unusual, page by page; namely:

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- Page 1: Is a summary of the overall operating General Fund
- Page 2: Property Taxes – Same rate as prior year
- Page 3: 2012-13 Budget Request – Total Operating Revenue is at \$2.2 Million
- Page 4: Expenses. She pointed out that a lot of new line items have been added. For example, Public Notices; a lot of departments did not have a line item for this. Legal fees, Accounting fees, Telephone Expense and Miscellaneous Expense line items are just a few that were not being allocated correctly. Therefore, total operating expenses changed quite a bit because of the variances.
- Page 7: Streets – We added a Telephone Expense line item.
- Page 8: PD – A new police officer was added, and three new line items were added.
- Page 9: Police Grant (SRO) – This previously only had the payroll expense of the officer; not the expenses that we asked the City to fund.
- Page 10: Health & Sanitation – Has one new line item.
- Page 11: Animal Control – Has three new line items.
- Page 12: Parks & Recreation – Has four new line items.
- Page 13: Library – Added five new line items.
- Community Center – Will be getting a facelift; just a few changes to make it nicer.
- Debt Service Fund - Property Taxes will be staying at the same rate.
- Water/Sewer Fund – We're looking at the CDBG Grant for revenue for next year.
- Sewer Expenses – Added new line items. In the past all expenses were put under Water.

Gary talked about wanting to add \$10,000 later for a Comprehensive Plan under Capital Outlay. He said we do have a Master Plan but it's not very efficient for us, and Joe Ramos, with AACOG, has highly recommended someone who can come up with a 40-50 page Comprehensive Plan. He said this is something we need and he'll have him come in one day to do a presentation for Council.

Mayor Herring inquired how much we were allocating for Street Maintenance. City Administrator Gary Pelech stated that we are back to \$80,000. He said he originally wanted to do \$110,000 but we're still looking at that and we're still adjusting. Public Works is doing a tremendous job with their budget.

City Administrator Gary Pelech asked Mary Badillo if this Budget included any rate increases yet, for Water and Sewer. According to Ms. Badillo, no, it does not but Garbage is already in there. Mr. Pelech is suggesting a 3 to 5% increase for Water and Sewer. He said a 3% Water increase comes out to \$.59 and a 5% Water increase comes out to \$.98. For Sewer, a 3% increase would be \$.49; and a 5% increase would be \$.81. These increases would be added to the total bill, and it would be up to Council to decide how much to increase. He said his concern is that if we don't go up a little bit every year, then we'll get hit with having to go up a lot in one year. These figures will be plugged in next time for Council's review; both at 3% and 5% increases

Further discussion was held on ACI going up 2% for the Garbage, which is in the contract, and already in the budget.

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Employee Longevity pay has been added back, along with 2% pay increases for all employees who are eligible.

The Budget needs to be adopted by September 25th.

There being no further business to discuss, motion by Alderwoman Champion, seconded by Alderwoman Wilkins to adjourn meeting.

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| Ayes | -- | All |
| Nays | -- | None |

Motion carried.

Mayor

City Secretary