

Minutes
Regular Council Meeting
September 20, 2011

On this 20th day of September 2011, 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
Aldерwoman Kathy Wilkins
Aldерwoman Gina Champion
Alderman Steve A. Lopez
Alderman David Valdez

Absent being Alderman Lance; thus, constituting a quorum.

Personnel present: Gary Pelech, City Administrator; Nancy Pepper, Retiring City Accountant; Adalberto Bosquez, City Accountant; Cassandra R. Maldonado, Municipal Court Clerk.

Others present: Jerry Beck, Medina County Commissioner Precinct #4; Sandy Herrera, Devine News; Coach Evan Eads, Devine ISD; Anthony Samarripa, Alejandro M. Samarripa, and Sonia Lance of Devine, Texas.

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 the Visitors/Citizens Forum. There was no one to speak under this forum.

The second order of business was to discuss and consider adopting a Proclamation proclaiming October 2 through October 8, 2011 as 4-H Week.

Motion made by Alderman Lopez, seconded by Aldерwoman Wilkins to adopt the Proclamation.

Proclamation attached as Exhibit A.

| | | |
|--------|----|----------------------|
| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

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The third order of business was to discuss and consider adopting a Proclamation proclaiming the Month of October as Domestic Violence Awareness Month.

Motion by Alderwoman Champion, seconded by Alderman Valdez to adopt the Proclamation.

Proclamation attached as Exhibit B.

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| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

The fourth order of business was to discuss adopting a resolution opposing the increase in Edwards Aquifer Authority Management Fees.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to adopt a resolution opposing the increase in Edwards Aquifer Authority Management Fees.

Resolution 9-11 attached as Exhibit C.

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|--------|----|----------------------|
| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

The fifth order of business was to discuss and consider the approval of the minutes.

Council reviewed the minutes.

Motion by Alderwoman Champion, seconded by Alderman Lopez to approve the minutes for Regular Meeting August 16, 2011; Special Budget Workshop August 23, 2011; Special Meeting August 30, 2011 and Special Meeting September 6, 2011.

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| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

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The sixth order of business was to discuss and consider Amending Current Budget for Fiscal Year 2010-2011.

Retiring City Accountant, Nancy Pepper, briefed council over budget amendments including:

- Sewer & Water Department
 - Expense from Water Conservation Kits
 - Revenue from sold water meters
 - Increase in utilities and fuel expenses
- General Fund
 - Revenue from Auction
 - \$13,000 in Capital Outlay to purchase roller was used by revenue from Auction
 - Total Projected deficit of \$90,000

Motion by Alderwoman Champion, seconded by Alderwoman Wilkins to amend the Current Budget for Fiscal Year 2010-2011.

Amended budget attached as Exhibit D.

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| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

The seventh order of business was to discuss and consider Adopting Budget for Fiscal Year 2011-2012 and Ordinance.

Retiring City Accountant, Nancy Pepper, stated that the reason the General Fund was balanced was due to \$46,000 transferred from the Sewer and Water Fund.

Motion by Alderman Lopez, seconded by Alderwoman Champion to Adopt Budget and Ordinance for Fiscal Year 2011-2012.

Ordinance 09-11A and Adopted Budget attached as Exhibit E.

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|--------|----|----------------------|
| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

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The eighth order of business was to discuss and consider Adopting 2011 Tax Rate and Ordinance.

Motion by Alderman Valdez, seconded by Alderwoman Wilkins to Adopt 2011 Tax Rate and Ordinance.

Ordinance 09-11B attached as Exhibit F.

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|--------|----|----------------------|
| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

The ninth order of business was to discuss and consider recommendation of the Planning & Zoning for meeting held on August 8, 2011:

- a. Discuss and consider request made by Alejandro M. Samarripa for a variance to be granted for the use of regulation at 414 Crouch Avenue, also known as Lot 3 (East 45' Part of), Block 3 (NCB) 107 of the Windy Knoll Addition, as required by Appendix A; Article 4: Class B Single Family Residence District, Section 1. Use Regulation to allow for construction of a new One-Family Dwelling without vacating and replatting.

Mayor Herring read over minutes from Planning & Zoning Commission.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to approve recommendation of Planning & Zoning to grant the variance.

| | | |
|--------|----|----------------------|
| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

The tenth order of business was to discuss and consider approving the Contract with the Greater Devine Chamber of Commerce.

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Motion by Alderwoman Wilkins, seconded by Alderman Lopez to approve the Contract with the Chamber.

Contract attached as Exhibit G.

| | | |
|--------|----|----------------------|
| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

The eleventh order of business was to discuss and consider approving the Inter-Local Agreement with Medina County.

Motion by Alderman Lopez, seconded by Alderman Valdez to approve the Inter-Local Agreement with Medina County.

Inter-Local Agreement attached as Exhibit H.

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| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

The twelfth order of business was to discuss and consider accepting the bid submitted by Iseler Demolition, Inc. for the removal of the Shaefer Well and Edwards Well ground storage tanks in the amount of \$9,200.00

City Administrator, Gary Pelech, briefed council over condition of the tanks.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to accept the bid submitted by Iseler Demolition.

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| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

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The thirteenth order of business was to discuss and consider Re-appointments for the Housing Authority Board.

Motion by Alderwoman Wilkins, seconded by Alderwoman Champion to approve re-appointing Jim Lawler and Ernest Ruston to serve another term on the Devine Housing Authority Board.

List of Local Housing Authority Board of Commissioners attached as Exhibit I.

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| Ayes | -- | Four |
| Nays | -- | None |
| Absent | -- | One – Alderman Lance |

Motion carried.

The fourteenth order of business was to discuss and consider signing the Annual Acknowledgement of Conflict of Interest and Code of Conduct.

Municipal Court Clerk, Cassandra Maldonado, informed City Council that it was that time of the year again to read, understand and acknowledge the annual Code of Conduct, Whistle Blower's Policy and Conflict of Interest. She explained that this auditing standard (SAS 99) was developed due to an increase in fraud discovered in the workplace, whether it be corporation, non-profit, or governmental. This was put in place by our auditors, and they will now be investigating if annual confirmation of all above policies were obtained. She discussed in detail and read some of the responsibilities to the City Council. City Council then signed their Code of Conduct and Conflict of Interest Policies.

The fifteenth order of business was Informational Items.

- a. Mayor Herring informed the council that Dora was now a grandmother and that mom and baby were doing fine.
- b. New Well – City Administrator, Gary Pelech updated council on this.
- c. Hester Park – City Attorney, Tom Cate, stated that at the pre-trial meeting on September 15, the continuance requested by the opposing attorney was granted until February 2012.
- d. Commissioner's Court – Jerry Beck said that their next meeting will be on September 26th.
- e. Neighbor's Helping Neighbors– next meeting will be on Tuesday September 27th in Natalia.
- f. Next Meeting regarding the Edwards Aquifer Authority Rate Increase will be on Wednesday September 28th.
- g. Coach Evan Eads from Devine High School asked council to speak during one of his Government Classes.

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

Mayor

City Secretary