

**Minutes  
Special Meeting  
September 22, 2009**

On this 22<sup>nd</sup> day of September 2009, at 7:00 p.m., 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 thereof, being present:

Mayor Jerry Beck  
Alderman Frank Cortez, III  
Alderman David Espinosa  
Alderman Hal Lance

Absent being Alderman Ramirez and Alderwoman Antu; thus, constituting a quorum.

Personnel Present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Ofilia Pedroza, Assistant City Secretary; Nancy Pepper, City Treasurer; Rob Flores, Chief of Police; Billy Grote, Director of Public Works; Ismael Carrillo, Superintendent of Public Works; and Barbara Moore, Library Director; and Darrell Rawlings, Code Compliance Officer.

Others present: Sandy Herrera-Devine News; Jiwani Pyarali, Steve A. Lopez, and Sonia J. Lance, of Devine, Texas.

Mayor Jerry Beck, presiding, declared the meeting opened.

The first order of business was to discuss and consider request by Jerry Beck for the granting of a waiver for a travel trailer to be placed at 1204 N. Windy Knoll.

Alderman Lance held discussion on several possible options and inquired how many options Mayor Beck had pursued. Mayor Beck stated he had only pursued one option.

Motioned by Alderman Lance to deny request by Jerry for granting waiver of a travel trailer to be placed at 1204 N. Windy Knoll.

Interim City Administrator Dora V. Rodriguez told Council that nothing could be found on the ordinance that addresses this. Code Compliance Officer Darrell Rawlings addressed City Council and explained that there is nothing in the ordinance that addresses it specifically. He said the only place that RV's are even mentioned is in the manufactured home park ordinance where you have RV Parks and Mobile Home Parks that RV's are allowed to be installed in. He said you have people who want to use the RV's as rental properties or want to live in them. He said they can always come back to Council to make a decision if they will be allowing them to live in the RV on a permanent or temporary basis, or whatever the case might be; each one has separate circumstances. Code Compliance Officer Darrell Rawlings informed Council that to his knowledge there have been two occasions where the RV was requested to be used as a rental or permanent dwelling. He said that as

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far as temporary dwellings, he tells them to come before Council to ask for permission to occupy the travel trailer temporarily. This usually happens when family comes over, but because they normally have to wait to the next council meeting, they usually don't do it.

Interim City Administrator Dora V. Rodriguez told Council that she is aware of one incident where Council did grant the request; however, it was a long time ago and she can't find any records of this. Darrell Rawlings stated that each one stands individually and each one has different circumstances.

Alderman Espinosa inquired if the drainage has to be separate from the dwelling on the property. According to Code Compliance Officer Darrell Rawlings, right now we allow people who have RV's parked along their property to connect water and power to it in a maintenance sense to keep the battery charged up, so it's connected to services on that home but it is not to be occupied while it is there on the property without getting approval from City Council. He said that there is an ordinance that says that each dwelling has to have a separate water meter and separate water connection, but given the circumstance of temporary use; it's taken on a case by case measure to City Council since there is nothing in the ordinance that specifies the length of time for temporary use.

Interim City Administrator Dora V. Rodriguez informed Council that City Attorney Tom Cate had advised that this is a Council decision. She said that's why it doesn't go before Planning and Zoning; Planning and Zoning can only recommend but Council is the actual decision maker when it comes to waiving.

Mayor Beck told Council that there was an incident where this family moved in for a short period of time while they located a house to live in and they did move into it.

Motioned died for lack of a second.

Motioned by Alderman Cortez to grant a waiver to Jerry Beck for a travel trailer to be placed at 1204 N. Windy Knoll for six months.

Motioned died for lack of a second.

The second order of business was to discuss and consider request made by Jiwani Pyarali for City to install a drain line from grease trap to building sewer line or sewer tap for new business at 410 W. Hondo.

Mr. Jiwani Pyarali addressed City Council. He inquired why the City is asking him to put a grease trap at his place of business when, he claims, the restaurant businesses before him did not have to do this and they were allowed to run their businesses. He told Council he was not trying to be rude at all or be a bad person in Devine; he wants to beautify the City, and was here to get some support from the Council.

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Code Compliance Officer Darrell Rawlings addressed City Council and informed them that there are actually several restaurants that he's discovered recently that had operated before without grease traps in spite of the City having an ordinance that grease is prohibited from being discharged into the sewer system. He said it was brought to his attention because of repeated drain line problems at this location. When he asked if there was a grease trap installed, he was told there was not. Code Compliance Officer Darrell Rawlings told City Council that he was not working with the City when the last business opened at this location, so he was not aware of what the circumstances were on why they didn't have a grease trap. He's not sure if it was overlooked or if it was an oversight. He explained to Council, as an example, that when the restaurant next door to the City office, opened back up (originally The Spot), they had to install a grease trap to comply. He also mentioned several other businesses that have had to comply with grease traps as they re-open for business.

Code Compliance Officer Darrell Rawlings told Council that in regards to Mr. Jiwani Pyarali's restaurant and it being opened before, it may be possible to consider allowing him temporary occupancy to allow him time to install the grease trap. Mr. Rawlings stated that in talking to Mr. Jiwani Pyarali, he understood that Mr. Pyarali was asking the City to help him out in this matter by installing a drain line from the grease trap to the building sewer or a separate tap because of the cost involved in cutting the concrete and installing the line.

It was noted that the line on Mr. Pyarali's property is very clogged up. Council held discussion on grease traps with Code Compliance Officer Darrell Rawlings. There are several older businesses in Devine that have been operating without grease traps without any problems; however, as the businesses change, they are required to have in-ground grease traps.

Interim City Administrator Dora V. Rodriguez told Council that according to our Public Works Director and Supervisor, they normally do not go in to private property and do what Mr. Jiwani Pyarali is requesting. Council held lengthy discussion on Mr. Pyarali's situation with his lines.

Alderman Espinosa explained to Jiwani Pyarali that the City cannot install a drain line for him for the grease trap. Jiwani Pyarali then requested that Council allow him six months time to take care of things and to give him time to apply for permits on opening his business. He explained what he planned on doing. City Council informed him that he would need to come back before Council with another request for certificate of occupancy to open his business.

Motioned by Alderman Espinosa, seconded by Alderman Cortez to deny request for City to install sewer line or sewer tap.

Ayes	--	All
Nays	--	None

Motion carried.

Code Compliance Officer Darrell Rawlings held discussion after the motion that Mr. Jiwani Pyarali's next step would be to come back before Council to request for an exception to be allowed to

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operate without a grease trap. Council agreed that they were willing to have a special meeting next Tuesday to help Mr. Jiwani Pyarali get going with his business.

The third order of business was to discuss and consider amending Ordinance 09-04 on Water, Sewer and Gas Rates.

Interim City Administrator Dora V. Rodriguez informed City Council that we've had this ordinance since 2004 when it was adopted. She explained that before it didn't give us much freedom; the ordinance stated that every October the rates would increase 5% for Water, 5% for Sewer and 6% for Gas. She explained that because we are doing well on our Water and Sewer rates and we don't have to go up that much on our rates, City Attorney Tom Cate put a clause in the ordinance to help with future utility rates. The clause states "Future utility rates, including, but not limited to, water, sewer and gas rates, may be adjusted from time to time as determined by the Devine City Council." The ordinance shows a 2% annual increase but depending on how we're doing next year, it could change. She told Council that this gives us a little more flexibility.

Motioned by Alderman Espinosa, seconded by Alderman Lance to approve amending Ordinance 09-04 on Water, Sewer and Gas Rates and to adopt Ordinance 09-09.

Ordinance 09-09 attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss amending Current Budget for Fiscal Year 2008-2009.

City Accountant Nancy Pepper informed Council that before we pass and adopt a new budget, we must first amend any items in the current budget that are over or out of budget. She held discussion with Council in detail on some of the changes made, namely:

- The General Fund had an increase in revenue of \$17,500.00; with a projected loss to the General Fund being \$133,833.00.
- In Debt Service, she reported that we collected \$8,000.00 more in property taxes.
- In Sewer and Water, the revenue came in higher at \$111,000.00. Some adjustments were made in the expenses, which were down by \$13,000.00, giving us an increase in cash of \$124,000.00. She explained that this is the reason why we knew we didn't have to go with the 5% increase in our rates.
- The only adjustment in the Gas Fund was in the Actual Cost of Gas (ACG). The revenue and the expenses both went down by \$180,000.00; mostly because we expected the gas to be so much higher and it was a lot lower this year.
- In overall amendments, there was a difference of approximately \$125,000.00.

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Motioned by Alderman Espinosa, seconded by Alderman Lance to approve the final budget amendments for Fiscal Year 2008-2009.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider adopting Budget for Fiscal Year 2009-2010 and Ordinance.

Council reviewed budget.

Motioned by Alderman Cortez, seconded by Alderman Espinosa to approve the Budget for Fiscal Year 2009-2010 and to adopt Ordinance 09-09A.

Budget for FY 2009-2010 attached as Exhibit B; Ordinance 09-09A attached as Exhibit C.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider adopting 2009 Tax Rate and Ordinance.

Council reviewed ordinance. Interim City Administrator Dora V. Rodriguez advised Council that we need to separate what goes into the General Fund versus what goes into Debt Service.

Motioned by Alderman Cortez, seconded by Alderman Espinosa to adopt the 2009 Tax Rate of .5900 for the maintenance and support of the general government (General Fund) in the amount of \$.4871 on each \$100.00 valuation of property; and for the Interest and Sinking Fund (Debt Service) of \$.1029 on each \$100.00 valuation of property; and to adopt Ordinance 09-09B.

Ordinance 09-09B attached as Exhibit D.

Ayes	--	All
Nays	--	None

Motion carried.

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

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Mayor

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City Secretary