

Minutes
Regular Meeting
October 13, 2009

On this 13th day of October, 2009, at 7:00 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 Jerry Beck
Alderman John Ramirez
Alderman Frank Cortez, III
Alderman David Espinosa
Alderman Hal Lance
Alderwoman Marina Antu

Thus, constituting a quorum.

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

Others present: Sandy Herrera – Devine News; James LaCombe – Medina Valley Times; Robin Sisco-Langford Community Management Services; LaNell Phelps and Kelley Haney-Chamber of Commerce; Phillip Montgomery, Aileen Montgomery, Sandy Beck, and Steve Lopez of Devine, Texas.

Mayor Beck, presiding, declared the meeting opened and welcomed all visitors. Mayor Beck also delivered the Invocation; Alderman Cortez led the Pledge of Allegiance.

The first order of business was Recognition.

There was no recognition at this time.

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

No one signed up to speak under this item.

The third order of business was to discuss and consider approval of Minutes for Regular Meeting September 15, 2009 and Special Meeting September 22, 2009.

Council reviewed minutes.

Regular Meeting Minutes
October 13, 2009
Page 2

Motioned by Alderman Lance, seconded by Alderman Espinosa to approve the Minutes for Regular Meeting September 15, 2009 and Special Meeting September 22, 2009.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Antu)

Motion carried.

The fourth order of business was to discuss and consider adopting Proclamations for Chamber of Commerce Week and Municipal Court Week.

Council reviewed Proclamations.

Motioned by Alderman Ramirez, seconded by Alderman Lance to adopt the Proclamations for Chamber of Commerce Week and Municipal Court Week.

Proclamation for Chamber of Commerce Week attached as Exhibit A; Proclamation for Municipal Court Week attached as Exhibit B.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Antu)

Motion carried.

The fifth order of business was to discuss and consider approving the Ranking List for the Home Program Grant.

Ms. Robin Sisco from Langford Community Management Services addressed City Council and explained that out of the 13 applicants, five have been approved for new homes and most likely every one of the homes will be reconstructed. Ms. Sisco discussed in detail what the next steps will be in the program. When asked about relocation for the applicants, Ms. Sisco explained that there is no assistance for relocation. She told Council that it is explained to the applicants coming into the program that because this is a voluntary program, there is no assistance in the grant and they will have to relocate, at their expense, for a period of 4-6 months.

Council also held discussion on the inspections and permits with Ms. Sisco. Interim City Administrator Dora V. Rodriguez and Robin Sisco explained that it is all part of the City's match and we waive any permit and utility hookup fees. Ms. Sisco pointed out that even though the City has their own inspector, the HOME Program also has its own independent inspector who comes in and does the inspections that are required for the program making

Regular Meeting Minutes
October 13, 2009
Page 3

sure it's built to Texas minimum construction standards which are the standards that govern the program through TDHCA.

According to Ms. Sisco, they won't start tearing things down until after the first of the year. She will contact Interim City Administrator Dora V. Rodriguez the first part of next year.

Motioned by Alderman Espinosa, seconded by Alderman Cortez to approve the Ranking List for the Home Program Grant.

Ranking List attached as Exhibit C.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Antu)

Motion carried.

The sixth order of business to discuss and consider request by Margarita Evans for a waiver to have a family member reside in a Travel Trailer on weekends only at 601 1/2 Windy Knoll and use the existing utilities that are connected to a Mobile Home at this address.

Ms. Evans was not present at the meeting. Mayor Beck requested that this item be tabled for the next regular council meeting allowing Ms. Evans the opportunity to be present to answer any questions.

The seventh order of business was to discuss and consider request by Jerry Beck for the granting of a waiver from City Ordinance 98-7 for utilities for 1204 N. Windy Knoll.

Mayor Beck explained this was brought up at the last meeting without him realizing that there is an ordinance against doing what he was planning on doing. He found out that we do have an ordinance against running two residences off of one meter. Mayor Beck explained that the moving of the travel trailer is not in violation but what would be considered a violation is if the utilities are hooked up to it. He said the only thing that is not self contained in that travel trailer is a source of water and what that would entail is hooking up a garden hose to the trailer. He told Council that was the waiver he was asking for in this instance.

Interim City Administrator Dora V. Rodriguez informed Council that Ordinance 98-7 does not define what a dwelling is, so this is in Mayor Beck's favor. Code Compliance Officer Darrell Rawlings also explained to Council that the ordinance is vague and that is why it is brought before Council on a case by-case-basis because it is not specifically addressed in the ordinance. He explained that RV's are generally intended to be used on a temporary basis; however, there is no definition of "temporary."

Regular Meeting Minutes
October 13, 2009
Page 4

Motioned by Alderman Cortez, seconded by Alderman Ramirez to grant Jerry Beck a waiver from City Ordinance 98-7 for utilities at 1204 N. Windy Knoll for six months.

Discussion was held after the motion between Alderman Lance and Mayor Beck over personal issues. Discussion was also held by Alderman Espinosa on his suggestion of installing a sub meter to monitor the consumption of both parties. It was pointed out that that would be between Jerry Beck and the property owner, of which Mayor Beck stated that it could be a possibility. Code Compliance Officer Darrell Rawlings stated that he didn't see any reason for a sub meter, unless they needed to work something out.

Ayes	--	Three
Nays	--	One (Alderman Lance)
Absent	--	One (Alderman Antu)

Motion carried.

The eighth order of business was to discuss and consider request made for a Street Light to be installed on Kempf Street.

Interim City Administrator informed City Council that the request for a street light was received by Sandra Borjas, who owns the house at 606 W. Davis, because the street is very dark at night and they really need a street light. Ms. Borjas was not present for the meeting. Council reviewed a diagram made by Public Works and held discussion. It was noted that there are no residences that carry a Kempf address; the street is the backyard for all the houses on West Davis.

Superintendent of Public Works Ismael Carrillo informed Council that there are several power poles on Kempf Street, and there is one behind 606 W. Davis (on Kempf Street), but the power poles are actually all leaning and they do not have any lights except for the one closest to Windy Knoll. He said that there actually is a power pole in front of Ms. Borjas' house (on W. Davis) which does have a street light on it.

Discussion was held over a garage in the back yard which has a security light hanging on it which could be inoperable. Alderman Espinosa felt that the homeowner should try to get that light fixed first (which is a private light) and then decide how much more lighting they need. Alderman Cortez would like to get the poles that are leaning fixed up also. Interim City Administrator Dora V. Rodriguez said we would contact Hazel Flores with AEP regarding the leaning poles.

Motioned by Alderman Espinosa, seconded by Alderman Ramirez to deny request for a street light to be installed on Kempf Street.

Regular Meeting Minutes
October 13, 2009
Page 5

Ayes	--	Four
Nays	--	None
Absent	--	One – (Alderwoman Antu)

Motion carried.

The ninth order of business was to consider request made by Ruth Garcia for a Street Light to be installed by 502 N. Teel Drive.

Interim City Administrator Dora V. Rodriguez informed Council that Ms. Garcia could not be present for the meeting and had requested that Council consider her request. She told Council that she, along with Director of Public Works Billy Grote and Superintendent of Public Works Ismael Carrillo, had met with Carl Friesenhahn with TxDOT because of the fact that there is no light pole on Bright Street. The only existing pole is on the corner of N. Teel Drive and E. Dilley Street. Mr. Friesenhahn informed them that he has no problem if we want to have a street light installed there since there is already a pole, as long as it is only a regular light and not one of those bright ones. Clarification was made that AEP would provide the lighting (not TxDOT) but we had to call TxDOT because it is near their right-of-way and we needed to get their approval.

Council held discussion on there being no lighting behind the building. Interim City Administrator Dora V. Rodriguez informed Council that the City would incur more of an expense because we would need to have a pole installed. She also informed Council that the reason Ms. Garcia is making this request is because she's had several burglaries at the parking lot. Alderman Espinosa told Council that if he owned this business, for insurance purposes, he would provide his own general lighting initially for this facility. After doing that, if he didn't have enough lighting, then he would pursue asking the City for more lighting.

Motioned by Alderman Cortez, seconded by Alderman Espinosa to deny request made by Ruth Garcia for a Street Light to be installed by 502 N. Teel Drive.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderwoman Antu)

Motion carried.

The tenth order of business was to discuss and consider request from the Greater Devine Chamber of Commerce for a Noise Variance for the Fall Festival Street Dance, November 7, 2009.

Regular Meeting Minutes
October 13, 2009
Page 6

Motioned by Alderman Ramirez, seconded by Alderman Espinosa to grant request to the Greater Devine Chamber of Commerce for a Noise Variance for the Fall Festival Street Dance, November 7, 2009.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Antu)

Motion carried.

The eleventh order of business was to discuss and consider request from the Greater Devine Chamber of Commerce for a contribution for the Fall Festival.

Kelley Haney addressed City Council and introduced LaNell Phelps as the Chairman of the Fall Festival this year. She told Council they were back to request the additional \$1,500.00 that had already been approved by Council, out of the Hotel/Motel tax money. LaNell Phelps spoke briefly to Council about what the Fall Festival Committee is doing to get this year's Fall Festival up and running.

Motioned by Alderman Ramirez, seconded by Alderman Lance to contribute \$1,500.00 to the Greater Devine Chamber of Commerce for this year's Fall Festival.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Antu)

Motion carried.

The twelfth order of business was to discuss and consider Status on Comments & Appeal Period on New Flood Insurance Rate Maps (FIRMS) and council calling for Town Hall Meeting to inform the citizens of the process.

Code Compliance Officer Darrell Rawlings addressed City Council and informed them that the Floodplain maps have been revised for Medina County. He explained that more accurate elevation data was put in which has changed the boundaries of the floodplain maps. He stated that FEMA has made publication of this. He told Council that he is aware of their interest in holding a town hall meeting, open to the public, in case anyone has any questions or concerns, and they can review the maps. There is a 90 day period for comments and appeals to be made to FEMA. If someone feels that the map is incorrect or if there is an error that needs to be addressed, FEMA will consider it but they need to have technical data, which means they have to have engineering data.

Code Compliance Officer Darrell Rawlings discussed the maps in detail. He told Council that before the maps take effect, policy owners would be able to buy flood insurance at a

Regular Meeting Minutes
October 13, 2009
Page 7

cheaper rate (at the rate without being in a floodplain), and he discussed in detail. Mayor Beck stated that a town hall meeting would be good.

City Council directed Code Compliance Officer Darrell Rawlings to coordinate with City Engineer Raul Garcia to schedule and set up a town hall meeting.

The thirteenth order of business was to discuss and consider approving the update for the Devine Police Department Policy & Procedures.

Chief Flores addressed City Council on the updates. Alderman Espinosa inquired if Council had requested Chief Flores to do the updates. Mayor Beck explained that he had looked at the policy manual and noticed that it seemed vague; it was not specific to Devine and he had asked Chief Flores to update the Policy & Procedures to be more specific to Devine. He told Council Chief Flores was working on this. Alderman Espinosa stated that he respected Mayor Beck's request because it was a good idea, but stressed that we need to follow the chain of command. He said it should've come to Council's attention first so that they could've addressed it with Chief Flores. Council advised Chief Flores to take care of other business first because they understood his department is understaffed at the moment, but at the same time to work on the Policy & Procedures when he has time.

The fourteenth order of business was to discuss and consider appointing Evelyn Barbutti to serve on the Board of Managers of the Medina County 911 Emergency Communications District.

Mr. Robert Rothe addressed City Council and clarified that Evelyn Barbutti was resigning and it is actually Mrs. Stacey Cross who is being considered for the position. Council held discussion with Mr. Rothe.

Motioned by Alderman Lance, seconded by Alderman Espinosa to nominate Mrs. Stacy Cross as the municipal appointee to serve on the Board of Managers of the Medina County 911 Emergency Communications District.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderwoman Antu)

Motion carried.

The fifteenth order of business was to discuss and consider approving the 2009-2010 Budget for the Medina County 911 Emergency Communications District.

Mr. Robert Rothe addressed City Council and explained in detail some of the line items, especially the GPS addressing system.

Regular Meeting Minutes
October 13, 2009
Page 8

Motioned by Alderman Lance, seconded by Alderman Ramirez to approve the 2009-2010 Budget for the Medina County 911 Emergency Communications District.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Antu)

Motion carried.

The sixteenth order of business was to review Quarterly Report.

City Accountant Nancy Pepper informed Council that we've pulled almost all of our money out of Lone Star. She pointed out that the average return for the month of September was .23% (less than a quarter of a percent). She said the CD's that we put it into are earning an interest rate of 1.75% at Medina Valley State Bank. The Gas and Sewer & Water Funds are doing well and holding their own.

Interim City Administrator Dora V. Rodriguez informed Council that she and Director of Public Works Billy Grote and Superintendent of Public Works Ismael Carrillo had all met with our City Engineer Raul Garcia to discuss our next project on Hickory Highway, and he has already submitted the plans to our Public Works personnel for them to review. She stated that these projects take time.

Alderman Antu arrived at 7:58 p.m.

The seventeenth 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 Real Property, Deliberation Regarding Prospective Gift or Donation, Deliberation regarding Economic Development Negotiations and Personnel Matters).

- §551.074 – Personnel Matters – Hiring a new City Administrator

At 8:00 p.m., Mayor Beck announced to the public that the Council would go into a Closed Session. At 8:05 p.m., Closed Session was opened to the public.

No action was taken.

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

Mayor Beck informed everyone that in regards to the City Administrator position, Council has decided we will start the hiring process all over again in January 2010.

Regular Meeting Minutes
October 13, 2009
Page 9

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

- City Secretary's Report – Council reviewed report.
- City Treasurer's Report – Accountant Nancy Pepper reported that she is busy preparing for the Auditors.
- Public Works – Director of Public Works Billy Grote informed City Council that both Carrizo Wells are up and going. He also reported that he is short on manpower by two employees and is currently accepting applications. However, he does have a couple of employees taking classes right now.
- Police Chief's Report – Chief Flores reported that in regards to his part with Emergency Management, the 2010 NimsCast was completed which is basically an update from last year's. The deadline was September 30th. This means that any federal or state grants that we are eligible for or we applied for, we would be able to get. He explained that if this had not been completed, we would not even be eligible to apply for anything. Chief Flores reported that his department is also short in manpower by two officers, and he is in the process of interviewing.
- Driscoll Public Library – Council held discussion with Library Director Barbara Moore on the parking problem that she encounters each year during the Fall Festival and Carnival. Chief Flores discussed the Railroad even getting stricter with the 50 foot right-of-way on each side. He will be coordinating with her on roping off a section designated for Library parking.
- Chamber of Commerce – Council reviewed report.

The twentieth order of business was Informational Items.

Mayor Beck reported that the Current Events Club had approached him with their concerns over the condition of the flags inside the Community Center which need to be replaced or cleaned. They also expressed concern over our street signs not being legible; some are faded and hard to read; some are unmarked. Director of Public Works Billy Grote reported that he had already ordered some street signs but had been waiting on more money with the new budget.

Interim City Administrator Dora V. Rodriguez advised him that he can go ahead and order more street signs now that we are in the new budget year, and if we have to amend the budget, we would bring it before City Council. She advised Public Works to make a list of all the signs needed along with the cost to replace the signs, and to bring it before City Council so that we can get something going.

Mayor Beck said he had encouraged the Current Events Club to come before City Council to address these matters.

Alderman Espinosa inquired about the mowing at the airport. He was concerned that we are wearing out our mowing tractor. Interim City Administrator Dora V. Rodriguez

Regular Meeting Minutes
October 13, 2009
Page 10

explained that the City used to contract out the mowing but it got costly and it was affecting the budget; then Council decided to go ahead and have Public Works do the mowing. She told Council that if they wanted to switch back again, it would be up to them. No action was taken; it was only an information item per Alderman Espinosa.

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

Mayor

City Secretary