

Minutes
Regular Council Meeting
November 19, 2013

On this 19th day of November 2013, 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 David Valdez
Alderman Steve A. Lopez
Alderwoman Gina Champion
Alderwoman Kathy Wilkins
Alderman Hal Lance

Thus, constituting a quorum.

Personnel present: Gary Pelech, City Administrator; and Ofilia Pedroza, Assistant City Secretary.

Others present: Sandy Herrera, Devine News; Linda McAnelly, DISD Superintendent; Kandi Darnell, DISD Tennis Coach; Sonia J. Lance and Mary Jane Balderrama of Devine, Texas.

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 the Visitors/Citizens Forum.

Mrs. Mary Jane Balderrama addressed City Council regarding the speed bumps on Allman Road which are now gone but the signs remain up. She mentioned that prior to those speed bump signs going up; there had been a sign about not throwing trash on the road. This sign is no longer there; it got knocked down by someone and never got replaced. They are frequently picking up trash along that road; she wishes that sign would go back up. She also mentioned the speed bump on West Malone (by the Cubriel home) going towards Jack Nicklaus as being damaged. It's been that way for approximately one year now and she feels it either needs to be fixed or taken down.

Mayor Herring thanked her for her comments.

The second order of business was Recognition.

- Congratulation to the Arabians! They are Regional Semi-Quarter Final Champions. They competed at Regional Playoffs and were four games away from State Playoff Competition. Arabian Mom, Alderwoman Gina Champion, expressed her thanks to Police Chief Rob Flores and Devine Police Department, and the Medina County Sheriff's office for escorting the team in and out of town, and also welcoming them home. She was very appreciative of their support of our athletes and students.

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- Lewis Stroud made the Texas Football Referees Hall of Fame! He is the second Devine resident to earn this honor.
- Alderman Steve A. Lopez announced he made the National AD Camp to the National Commander of the VFW. Congratulations went to Steve Lopez.

The third order of business was to discuss and consider approval of Minutes: Regular Council Meeting, October 15, 2013.

Council reviewed the minutes.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to Approve the Minutes for Regular Council Meeting, October 15, 2013.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider status on the Tennis Courts.

DISD Superintendent Linda McAnelly addressed City Council regarding the tennis courts. She informed them that she had previously met with Mayor Herring, Gary, Dora, Gina, Kathy and Jerry Beck to review the old master plan for the park. They reviewed agreements between the tri-communal groups (City-County-School) that actually started the tennis courts. Since that time, the City has continued to pay for the electricity to support community use of the courts. However, the tennis courts are in a state of disrepair. In 2000, Devine ISD re-topped them, and Coach Kandi Darnell has replaced the nets a couple of times since then. She told Council, "We want to show you what the tennis courts look like and need to determine if we can get the City to give us some support with that; if it's going to be a community project and we need some help from the City. And if it's not, if it's just a Devine ISD project; we need to know that." Her concern is the fact that we don't have parks for the older kids, and they do use the tennis courts. She thanked the City for paying the electricity for the tennis courts which are used by the School, the community and the County as well. When she approached the County, Commissioner Jerry Beck told the School that he didn't believe the County would be able to help them with that, so she really appreciated the City doing this.

A presentation was given by Coach Kandi Darnell basically to show Council what the tennis courts look like and the damage that they have acquired. She went over several slides showing City Council the damage done to the courts mainly by water and dirt. Coach Darnell told City Council that every time we get rain or any moisture, she needs to cut down on practice from four courts to two courts because it literally turns into mud. Practices normally run from January to mid-April but people use

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the courts all the time. The courts require cleaning all of the time from debris, sand, trash and even dog poop. Basically if we don't do something now, they're going to get worse and it's going to become more of a safety issue, not just for our kids but for anybody who is out there on the courts.

Discussion was held on the cracks not being level due to settling. According to Coach Darnell this is going to happen since the courts are built on sand; however, they are repairable. She added that if we don't do anything about it, the cracks will get bigger.

Mayor Herring inquired of Coach Darnell if she was sure that she wanted to open the courts to the public; he felt the school might want to close their facilities to the public like other facilities. Devine ISD Superintendent Linda McAnelly stated that they do not close down their facilities since we don't have parks. People use our facility all the time – Fusion has asked if they could use them, the home schooled kids use them; all we ask is that they clean up after themselves.

Mayor Herring mentioned the City had found a cooperative agreement on cost sharing for the tennis courts between the three entities but it was never signed. He pointed out that one of the paragraphs read: *The purpose of this meeting and negotiation is to share cost as close to 33.3 percent as possible.* But, Mayor Herring said, the way that the political entities are, it's going to be virtually impossible to do that because, as Jerry Beck, County Commissioner Pct. #4, said, the County doesn't pay for anything in any city as far as parks go. We all pay school taxes and everyone in Devine ISD pays county taxes but the people around Big Foot pay county taxes to Frio County. So, he said, while the idea of sharing costs at 33.3 percent is a noble idea, we don't know that we'll ever be able to do that. The agreement also gives a breakdown of which entity would be responsible for certain operations and maintenance. Even though the County is listed as being responsible for the repair of courts, fences and parking lot maintenance, County Commissioner, Precinct #4, Jerry Beck has already stated that, unfortunately, the County cannot pay any direct money but they can do an inter-local agreement.

Mayor Herring also stated that we're not opposed to helping out or sharing but since we can't find a signed agreement and some of the signatories have since passed away, we would just like a new agreement drawn up. He mentioned also that it needs to be spelled out that the school gets first priority and then take it from there.

City Administrator Gary Pelech brought up that the he and Linda McAnelly both signed a Memorandum of Understanding back in 2011 but they never expanded on it as far as doing an inter-local agreement like they should have, so he suggested that they go ahead and do that now. It would not only set precedence for the tennis courts but also with anything that we get involved in, like with Natalia, or whoever. So he suggested that they put together an inter-local agreement that the Council and the School Board can sign off on, vote for, and approve. That way we won't have any more inconsistencies with "this one's not signed," "this one is signed but it's outdated." He said we need to just update it and re-do the whole thing and get something new.

City Administrator Gary Pelech said he feels some sort of equity needs to be done with the electricity. We do have people that use it but the City is the only one paying for it. He thinks that

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we can somehow work out that inter-local agreement where everybody is on the same page; whether or not the City continues to pay for it ourselves only or whether there is some sort of participation.

Brief discussion was held on this needing to be done as soon as possible and what to do about practices starting in January due to the inclement weather during this time of year. Coach Darnell said she would still continue with her practices but she would just use the two courts as she always has. She told Council she would need to get with the company that will be doing the resurfacing but she was told it may only take one week to get it done. The school is already looking at bids, with the lowest one at \$20,800.00.

City Administrator Gary Pelech and the City Council felt that we first need to talk to our City Attorney, Tom Cate, about this. Devine ISD has a board meeting on December 16, 2013. The intent of the City Council is to help out the school but as to exactly how much the City will be helping the school with, will be determined by City Council.

Alderman Lance inquired how much the City budget was as compared to the School's budget. He was told the City budget was approximately \$4.2 Million whereas the School's budget was \$14 Million, so it costs the School more to run than it does the City.

Alderman Lance and Alderwoman Champion felt this item needs to be tabled until we can speak to legal counsel on how we can work up an agreement for that.

City Administrator Gary Pelech said his suggestion would be to have the School go ahead and do it; something needs to be done before somebody gets hurt, and then we can reimburse whatever portion that we need but whether or not we can do one-half or one-quarter, we don't know yet until we take a look at our budget.

Alderman Valdez voiced his opinion to help the School but also suggested that we table this item first to be able to put an inter-local agreement together and do all the updates.

Motion by Alderman Lance, seconded by Alderwoman Champion to table this item for a special meeting in December.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider the transfer of part of Warhorse Drive that Devine ISD still owns, after an engineer survey has been completed, to the City of Devine.

Mayor Herring inquired as to what the City actually owned.

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City Council reviewed map handed out by Mayor Herring. According to City Administrator Gary Pelech, the City owns Warhorse Drive all the way up to just past Atkins so pretty much all of Warhorse Drive belongs to the School. He said the School would first need to do a survey to determine what they want to give to the City, then they will need to do a Special Warranty Deed; the City will have to do an ordinance accepting it, and the School will need to hold a School Board Meeting to do a resolution deeding it over to the City. City Administrator Gary Pelech said he personally saw no reason why the School should continue owning Warhorse because that is a street. He said he would more than happily recommend to City Council that we accept whatever parts of Warhorse that the School wants to give us, with the understanding that it will be put into our system as to how we are going to re-do it and when we are going to re-do it.

Mayor Herring added that (as Council well knows), we are also going to have to solve the flooding on Crouch Street which means that we'll need to do some engineering at the end of Fay where it meets Warhorse. He said we are going to have to divert that underground channel to keep Crouch from flooding. And then, if we are planning to put in a new water line up Rossville Road, we will have to re-pave all the way from SH-173 to the end of Rossville road. Then, we have the Harralton situation where if we expand that area around Harralton at the end of Transportation, we are going to have to expand the sewer line which means that we will have to re-do Harralton. So, we have three major street projects plus the usual ones that we come up with. Pretty much each councilman has a few in each of their districts. So, Mayor Herring wants it understood that if the City does take control of this, it will be at the end of our list right now as far as major projects go.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to accept the transfer of part of Warhorse Drive that Devine ISD still owns, after an engineer survey has been completed, to the City of Devine.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider adopting an Ordinance authorizing the Mayor to execute deed conveying 987.9 square feet of land out of Lot 65, Block 33, of the San Antonio Trust Subdivision of land in Medina County, Texas to Fred Morales.

Mayor Herring informed City Council that when Mr. Fred Morales bought the swimming pool from the City back in 2008, he did not buy enough land to put his utilities in. He needed another strip of land the width of the swimming pool, around 8-10 feet. He went ahead and put his utilities in and now wants to pay the City for it. As far as the cost, City Administrator Gary Pelech said he thought City Attorney Tom Cate was going to put this together but it will be based on the appraisal that was done on the pool itself. It will be divided out based on that cost by the 987.9 square feet. It's not going to be much.

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Motion by Alderman Lance, seconded by Alderman Valdez to approve and adopt Ordinance authorizing the Mayor to execute deed conveying 987.9 square feet of land out of Lot 65, Block 33, of the San Antonio Trust Subdivision of land in Medina County, Texas to Fred Morales.

Ordinance 11-13 attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider adopting a Resolution nominating a Candidate for the Election of the Medina County Appraisal District Board of Directors for the Year 2014-2015.

Mayor Herring informed City Council that Mrs. Mamie Navarro has accepted this position. She worked for the tax office and the school for several years.

Motion by Alderman Lopez, seconded by Alderman Lance to adopt a Resolution nominating Mrs. Mamie Navarro for the Election of the Medina County Appraisal District Board of Directors for the Year 2014-2015.

Resolution 11-13A attached as Exhibit B.

Ayes	--	All
Nays	--	None

Motion carried.

The eighth order of business was to discuss and consider canceling the Regular Council Meeting for December, 2013.

Mayor Herring announced that there will still be a special meeting held in December during the noon hour.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to cancel the Regular Council Meeting for December, 2013.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business was Informational Items.

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Mayor Herring made the following announcements:

- The Community Thanksgiving Dinner will be on Thursday, November 28th (Thanksgiving Day) at St. Joseph's Hall. The meal is free and everyone is invited. The Thanksgiving meal will be prepared by Mr. Roger Pedroza.
- The Methodist Church is also having a Community Thanksgiving Dinner this Sunday evening.
- Mr. Albert Garza, custodian/maintenance person at the Medina County Annex Building in Devine, has put up boxes for food pantry donations. Other churches in the community are doing this as well.
- Congratulations to Josie Guzman for placing 7th at the State Cross Country Meet. The Cross Country Boys won 2nd and Tristan Wood missed going to State by one even though his time was faster than some going to state last year. The whole team will be returning next year with the exception of senior John Hernandez; we hate lose him.
- Congratulations to the Chamber of Commerce for a great job at the Fall Festival and Parade; it's been the best one we've ever had. No more throwing candy!
- Mary Jane Balderrama announced that November and December are awareness months for Texas Organ Alliance. You can register on-line and now your driver's license will show a red heart if you are a donor.

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

Ayes	--	All
Nays	--	None

Motion carried.

Mayor

City Secretary