

Minutes
Special Council Meeting/Public Hearing
July 31, 2018

On this 31st day of July, 2018, at 6:00 p.m., the City Council of the City of Devine convened in a Special Meeting; the same being opened to the public at the Dr. George S. Woods Community Center, 202 E. Hondo Avenue, 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 Steve A. Lopez
Alderman David Espinosa
Alderman Cory Thompson
Alderwoman Jennifer Schott

Absent being Alderman David Valdez; thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Mary Badillo, City Financial Advisor; Tom Cate, City Attorney; Ismael Carrillo, Director of Public Works; Rob Flores, Superintendent of Public Works; and Ofilia Pedroza, UB Clerk.

Others present: Marly Davis, Devine News; Steven Santana, Medina Valley Times; Michael A. Larkin; Jeff Wisenbaker; Shannon Rackley Rangel; Sabrina Rackley; Larry Young; John White; Tony Alvarado; Mr. & Mrs. Ronnie Rackley; Diane Bradford; Collie Sliva; Jerry Strubbe; Alvin J. Gray; Jerel Beety; Joe Coleman; Lisa Belor; Jerry Dykowski; Mary Allison; Brent Haass; Marcelino Ambriz; Kandi Darnell; Don Darnell; Marilyn Robitzsch; Susan Wisenbaker; George M. Redus Jr.; Christina Radicke; Jody Ornelas; Day Ramp; Doug Grady; Doug Greehey; Ruben Chapa; Jeff Branam; Michael Nicholson; Jerry Beck; Debbie Dunford; Angel Dunford; Lucas Gordon; Laura Sinclair; Bill Sinclair; Reagan Stacy; E.J. Dunford; Jennifer Wofford; Kayla Busby; Shelby Spivey; Lilly Weyel; Tammy Morales; P.J. Wells; Debbie Randall; Kadi Randall; Robyn Teague; Carlos Talamantes, Jr.; Blalee Stacy; Chad Quisenberry; Ernie Morales; Eva Thompson; Robert Morales; Malea Morales; Korey Mangold; Laura Hardt; Justin Gordon; Eddie Newman; Doug Wright; Candy Maldonado; Jerry Busby; Preslee Quisenberry; Jack Merritt; Blake Caesar; Fred Morales; Jason Monreal; Justin Akers; Chris & Eliza McGuairt; Darrell & Sandy Harriman; Mr. Flues; Richard Gollrad; Eileen Woolsey; Mike & Tammy Smith; Willie Shelton; Christy Williamson; Kiel Boehme; Kristin Byrd; Charlie Talamantes; Barbara Moeller; Craig & Andrea Seal; Omar Alderman; Mike Riou; Ernest Munoz; Garland Boehme; Mark Downing; Connie Lewis Graham; John T. Real; Travis & Lauren Eichman; Barbara Moore; K.K. Calame; Ruben Alston; Larry & Sandra Stacy; Dale Williamson; James Wilson; Brian Navarro; Johnny Byrd; Paige Williamson; Devin Rotramel; Cynthia Gonzalez; Roberto O. Gonzalez; Christine Cude; Houston Hefley; Tommy Ramirez; Nicole LaFond; Phillip Fitch; Susan Schott; Butch Cook; David P. Rodriguez; and Loren Thurman.

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Mayor Herring, presiding, called the meeting to order.

The first order of business was a Public Hearing concerning the Devine Golf Course.

At 6:02 p.m., Mayor Herring announced that the Public Hearing was open. He announced that only the people who pay city property taxes on their home or business would be able to make comments.

- Jeff Wisenbaker – The Vice President of the Devine Golf Association, spoke of the Golf Course being here for 50 years (1968 – 2018), and how it's done very well. He spoke of the many tournaments and benefits that have helped numerous organizations in Devine. He was on the first golf team that went to State. The best thing the golf course has done, according to Mr. Wisenbaker, is that it has helped the economy in Devine because of people coming to the golf course, and it will continue if the golf course stays in operation. Mr. Wisenbaker asked City Council to do everything in their power to keep the golf course operating and functioning. He named the founding fathers of the golf course as: Joe Briscoe, John Ingram of Ingram Ready Mix, Sid Malone, John Ciavarra, John (Teaser) Sollock, Doug Downing, Howard Wallace, Blain Taylor, Paul Brieten, Maggie Woods and Charles Harding. He said these men were all outstanding citizens and business owners of Devine, and the pioneers of golf, and they would want the golf course to continue. Mr. Wisenbaker personally pledged to the City that he will do absolutely anything and everything within his power and resources to support our golf course, and said that he was not the only one who felt this way.

Council heard other comments from many people, most of them in favor of keeping the golf course in operation. Some of the other speakers were:

- Shannon Rackley Rangel
- Mary Ruth Allison
- Kandy Darnell
- Jeff Brannon
- Laura Sinclair
- Reagan Stacy
- E.J. Dunford
- Jennifer Wofford
- Debbie Randall
- Laura Hardt
- Fred Morales

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- Darrel Harriman
- Eileen Woolsey
- Kiel Boehme
- Charlie Talamantes
- Omar Alderman
- Larry Stacy
- Paige Williamson
- Cindy Gonzalez
- Nicole LaFond
- Ernie Morales

The following comments are just a few that were made during the Public Hearing:

- “Devine has been on the map because of the golf course.”
- “We can use the club house and utilize it for many other things. We need to think out-of-the-box.”
- “Why can’t we host weddings at the club house?”
- “Young people need a place to go do something.”
- “A lot of people have moved to Devine because of the golf course.”
- “We don’t have the money to keep it up!”
- “Maybe we can get people to come back. We need to work on what we have and improve it.”
- “Our city will be on the road to dying if we get rid of the golf course.”
- “It is something that will make our city continue to prosper. We need the golf course in our city.”
- “I love that my house is on the golf course!”
- “I chose to live in Devine over Castroville because of our golf course.”
- “We have a jewel in Devine and it’s called the Devine Golf Course!”
- “The golf course is not just a place; it’s a community.”
- “I play golf because it leads to scholarships. What else are the kids going to do?”
- “If we lose the golf course, the City will lose a lot of tax revenue.”
- “Please keep an open mind to anybody who may come forward with a solution that won’t cost the city any money but could keep the golf course open and improve it for the whole entire city.”
- “Please keep the golf course!”

Many of the positive comments echoed throughout the meeting.

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Alderman Lopez addressed the public and spoke of the many fundraisers for the Crime Stoppers that he's been involved with at the golf course. He's been doing it for 26 years. Alderman Lopez announced that the Crime Stoppers have a tournament scheduled for September 22nd. He said they were going to go to Castroville but they decided to stick it out and have it in Devine. He said that the golf course is a great place to have tournaments, and said "Let's keep the golf course open!"

At 7:01 p.m., hearing no other comments from the public, Mayor Herring closed the Public Hearing, and thanked everyone who was associated with the Devine Golf Association for doing a great job.

The second order of business was to discuss and consider the City of Devine acquiring and operating the Devine Golf Course.

Alderman Espinosa told the public that we (the Council) are here for the citizens of our community, and we make our decisions based on what we hear from you. He said that it will be a challenge and there will be obstacles, and added "I'm on your side!"

Alderwoman Schott thanked everyone for their comments. She stated that she's not a golfer but would like for children to be one. She said that most importantly, she wants a brighter future for this community. She thinks it would be a shame to let go of the golf course, and said she is supporting this.

Alderman Thompson stated that his family moved to Devine because of the golf course and he also returned to Devine and lives on the golf course. He stated that this is all very important because of how badly it will affect the overall town if it ceased being a golf course. He told everyone that there's been a lot of talk and rumor about what we are going to do, but as far as it concerns him and representing his district, he is favor of doing whatever is necessary to keep the golf course – all 18 holes – open to the public.

Motion by Alderman Lopez, seconded by Alderman Espinosa for the City of Devine to take over the Golf Course for two years and operate it.

Lengthy discussion was carried after the motion.

City Attorney Tom Cate explained that the City has been talking about this situation for the last couple of weeks. He advised that we really need the Golf Association to stay as an organization until we can tie up loose ends if the City is going to acquire the golf course. He explained that in discussing this with members of the City staff, he feels that the best thing to do is to enter into a lease agreement with the Golf Association where the City would take over the operation, lease everything from the Golf Association for an unlimited amount of time until we can tie up those loose ends. This was his recommendation. He said it is critical that someone is out there now with the financial ability to keep the course in operation in order to keep the greens alive. If we lose the greens, we are in a lot of trouble.

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According to City Attorney Tom Cate, the City has not discussed this, but he mentioned that there are a couple of equipment leases that are outstanding and we have to figure out some way to deal with those leases. He explained that we've got to find some way to deal with the people who are currently employed at the golf course; issues like that which we need time to work on. In the interim period, if we enter into a lease with the Golf Association, the City would be able to do that.

Mayor Herring commented that the reason for the two-year period is to give the administration of the city time to tie up any loose ends, and to try to run it. If after the two years it is not running the way we want it to be, then we'll do it again.

Council then heard more comments as follows:

- Ernie Morales – Wants to remain flexible because this is like an evolving process. He doesn't think the City has the funds it needs to get the golf course back to where it needs to be. If the motion passes as stated, we're taking away all the flexibility for outside capital to come in, with or without the City, but keeping all 18 holes intact. He respectfully asked Council to reconsider the motion because basically the City has it for two years.
- Tommy Ramirez – Expressed his concern over the motion as stated. If the motion passes as stated and we're not certain if loose ends can be tied up, then nobody is going to be able to invest monies into this knowing that things may never get tied up. And, he said, if they never get tied up, then any monies that would've gone into it are flushed down a rat hole. He said it's going to be a very difficult situation if we have to wait two years to get something done. As it is, with every day that goes by, especially with the heat we're having this summer, that golf course is falling slowly and slowly further down; something needs to be done fast.
- Collie Sliva – Asked Council if the City is able to put up \$1 Million now into the golf course to fix it up and run it. She said that if the City is not able to do this, it'll be like putting a band aid on a cut throat. Her thought is that we need an outside firm to come out here that has some money to spend.
- Mayor Herring commented that as a City, we can apply for grants.
- Ernest Munoz – He echoed some of the comments made regarding the two years and, with all due respect, he asked Council to reconsider the motion or perhaps make an amendment to the motion. He commended the City for stepping up but said he doesn't think it's feasible.
- Eileen Woolsey – Said that it's binding all of us for two years. She said something needs to happen now. Let's get moving and get things done. "City Council, it's on ya'll." "Let us get it wrapped up and work with Mr. Cate. The faster the better, and it will be an easier transition for everyone."
- Alderwoman Jennifer Schott – Doesn't think it's the best option right now.
- Alderman Thompson – Said he doesn't have enough options on the table for him to make a decision at the moment. He's not sure of what the budget looks like. He's all in favor of going ahead and making a lease to get the equipment rolling, and maybe re-assess the
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situation in six months. He stated that the last thing he wants is to end up in another airport situation.

- Debbie Randall – We can get grants but the Parks and Recreation Advisory Board has other things on their plate. She told Council this hasn't even been brought before the Parks & Recreation Board to ask if they want to take this on, which she said they would. However, she stated that she doesn't want to see her grants that she personally wanted to get for our community for our parks that they were planning on getting, to go towards the golf course instead. She feels that the City can afford to keep the golf course going for a while and fix the greens without touching the grants for the Parks & Recreation Advisory Board.
- Mayor Herring commented that the City can't assign the golf course to the Parks & Recreation Advisory Board until we acquire it ourselves.

Alderman Lopez requested to go into Closed Session.

The third order of business was an Executive Session: Pursuant to Section 551.072 Texas Government Code to deliberate the purchase, exchange, lease, or value of real property.

At 7:19 p.m., Mayor Herring announced to the public that the Council would go into a Closed Session.

At 7:50 p.m., Closed Session was opened to the public.

No action was taken in Closed Session.

The fourth order of business was to RECONVENE into Regular Session and consider action, if any, on items discussed in Executive Session.

Motion by Alderman Espinosa to withdraw his seconding the motion, so the motion made by Alderman Lopez was dead.

Motion by Alderman Thompson, seconded by Alderman Lopez for the City of Devine to enter into a six month lease with the Devine Golf Association for the City of Devine to operate the Devine Golf Course with the intent for the City to acquire all of the assets of the Association. The day-to-day operation of the golf course will be the sole responsibility and discretion of the departments under the Council. This six-month period will allow the City sufficient time to explore all options for the operation of the golf course, including discussions with outside management groups; also to include giving the Interim City Administrator/City Secretary Dora V. Rodriguez the authority to work out the details of the lease with the Devine Golf Association.

Lengthy discussion was held after the motion.

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- Ernest Munoz – Thanked Council for amending the first motion, and mentioned going out for an RFP for outside groups; he asked if it wasn't too premature, and if not now maybe at the end of the six month period. Mayor Herring responded that the six month period will allow the City sufficient time to explore all options for the operation of the golf course, including discussions with outside management groups.
- Butch Cook – Told Council he appreciated what they are doing, and inquired if outside management groups would include outside investment groups – people actually buying the property. Mayor Herring responded that everything is open on the table.
- Kiel Boehme – Told Council he didn't think he heard what happens after the six months. Mayor Herring stated that hopefully we'll get through six months before tying up all loose ends, take care of all these leases and bank loans that the Golf Association has and everything else, and then after that, we'll explore on. Mr. Boehme asked if there was any possibility that if the loose ends get tied up earlier than the six months that the City would take it over before the six months expires. Mayor Herring responded, yes. He said the main thing that City Council wants is to have a golf course. He stated, "We must have a golf course. Without it, it would separate the City, so we're going to do everything possible to keep the golf course."
- Larry Stacy – Inquired if it is the Council's full intention to maintain an 18-hole golf course. Mayor Herring's response to that was, yes.
- Kiel Boehme – Inquired if Council would entertain deed restrictions if the land is sold, to remain an 18-hole golf course, if sold. Mayor Herring responded that this is our primary duty. He said we would like to have it open with the golf course operated by someone or an entity knowing that it is always going to be an 18-hole golf course.
- Jeff Wisenbaker – Thanked Council for what they are doing. He talked about the Association dissolving and how it takes time to get through some things. Regarding dues and since August 1st is coming up, he inquired if the City is going to decide now what to charge members for their monthly dues during the six month period, or if we want them to continue doing this. He told Council that he feels that the City should collect the dues. He said he was only throwing this in because there are some people who owe dues, and they just want to be sure how we're going to do that from this day forward. Mayor Herring responded that the motion includes giving the Interim City Administrator/City Secretary Dora Rodriguez the authority to work out the details of the lease with the Golf Association. Mr. Wisenbaker was okay with this, and thanked Council.
- Shannon Rackley Rangel – Told Council that they have a Devine Golf Association Board Meeting scheduled for tomorrow at the club house at 6:30 p.m. and invited Council to attend. She said that maybe they can work out the first part of the details tomorrow.
- Tommy Ramirez – Had a question and a comment. He asked Council, "If you have an entity that comes to you tomorrow and makes an offer that the City Council finds acceptable, is the City Council ready to move that fast, or is the City Council looking to move this thing a little bit longer?" Then he made the following comment: "Anytime entities are acquired between corporations (it doesn't matter what the entities are), whenever there is a suit that comes later on, one of the first things that the lawyer looks at is whether

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you took all the assets and all the liabilities.” He told Council, “You don’t have to take the bad debt.” He explained that it’s going to be a defunct corporation. He said defunct corporations go down with their debt all the time, so there are certain debts that the City does not have to take. City Attorney Tom Cate responded that these are all issues that we are going to address when we’re dissolving it. Mr. Ramirez added that when he made his offer eight months ago, he said that he would pay up to “this amount” in debt, but you’re going to have to renegotiate on these other debts because I’m not taking those. He told Council that this can be ironed out so that the City can make some money and tie up the ends faster. City Attorney Tom Cate added that just for clarification, the City was not involved eight months ago.

Mayor Herring called for the vote.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman David Valdez

Motion carried.

At 8:01 p.m., Mayor Herring announced that Council would be taking a 10 minute recess.

At 8:08 p.m. Mayor Herring announced that the meeting was open to the public after the recess.

The fifth order of business was to:

- A. Discuss and consider selecting proposals for constructing the picnic table concrete slabs, concrete sidewalks, paving parking lots and paving and striping for handicap parking for the parks.
- B. Discuss and consider authorizing Interim City Administrator to enter into contract(s) with contractor(s) selected for Concrete work discussed in the fifth order of business – Item A.

Council reviewed three bids received on concrete work as follows:

- Solis Concrete – turned in the lowest bid for \$18,800
- Jesse Oranday with Double J Asphalt - \$18,950
- Gilbert’s Utility & Concrete Work - \$19,510.50

Public Works Director Ismael Carrillo informed Council that we have worked with Solis before. He stated that he is the one who did the drainage work on King Avenue, and he was very satisfied with his work and so was our City Engineer Raul Garcia. Mr. Carrillo recommended that Council award the bid to Solis Concrete since we have worked with them before.

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Motion by Alderman Espinosa, seconded by Alderman Lopez to select the concrete proposal of Solis Concrete for relocating the concrete table, three 15x18 picnic table concrete slabs, one 17x17 picnic table concrete slab, one 12x12 picnic table concrete slab, new sidewalks totaling 853 square feet, and to remove and haul off existing concrete for a total of \$18,800, and to amend the budget by \$18,800.

Proposal attached as Exhibit A.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman David Valdez

Motion carried.

Council reviewed two bids received on paving work from:

- Gilbert's Utility & Concrete Work – For a base bid of \$19,340. He included an alternative driveway for \$2,850 which Council was not interested in.
- Jesse Oranday with Double J Asphalt – Total bid of \$7,656.

Mayor Herring requested an explanation on the huge difference in Mr. Oranday's bid.

Director of Public Works Ismael Carrillo, informed Council that Mr. Oranday walked the project with him and he understood what needed to be done, and this is what he quoted. According to Mr. Carrillo, he also said that he would seal coat some of the cracks. He is not interested in making money but is more interested in getting involved with the City for other projects. Mr. Carrillo clarified that the paving is for one of the parking lots at the John Curcio Park and the painting is for the handicap parking lots at both parks.

Council held more discussion on Gilbert's bid on the use of hot mix. According to Public Works Director Ismael Carrillo, our City Engineer Raul Garcia did not specify the use of hot mix or cold mix, but Mr. Garcia is okay with just going with cold mix.

Council also held more discussion with Public Works Director Ismael Carrillo on whether Mr. Jesse Oranday fully understands all that is involved with this project and the fact that his bid is so low.

Interim City Administrator/City Administrator Dora V. Rodriguez asked City Attorney Tom Cate if what Mr. Oranday is doing is alright, in bidding so low. City Attorney Tom Cate advised that this is why we go out for bids, and we need to award the bid to the lowest responsible bidder. However, if he's not going to be responsible, he suggested that we not accept this low bid. He said that he may be lowest bidder, but he may not be the most responsible contractor.

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Council held discussion on Mr. Oranday.

Alderwoman Schott suggested that we look into this further. Alderman Espinosa also suggested that we need more information – more details. Mayor Herring commented that none of the local contractors want to bid on this job, and this guy is willing to do it. Alderman Thompson inquired if there's a way to send someone out to at least investigate some of the projects he's already done, just to make sure that he meets our specifications. He also suggested to have Commissioner Jerry Beck or the County do the paving only, since they're already working on Warhorse. Alderman Espinosa suggested that we contact Jesse Oranday and try to get a more itemized quote like the one we got from Gilbert's Utility & Concrete Work, Inc.

Director of Public Works Director Ismael Carrillo reminded Council that all of this is being done to be compliant with ADA specifications, and he's not sure if Commissioner Jerry Beck is aware of that. Interim City Administrator/City Secretary Dora V. Rodriguez stated that Mr. Beck would need to be given the designs created by City Engineer Raul Garcia so he can follow them.

Motion by Alderman Espinosa, seconded by Alderwoman Schott to postpone any decision on the paving work until further information is obtained.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman David Valdez

Motion carried.

- B. Discuss and consider authorizing Interim City Administrator to enter into contract(s) with contractor(s) selected for concrete work discussed in the fifth order of business – Item A.

Motion by Alderman Lopez, seconded by Alderman Thompson to authorize Interim City Administrator/City Secretary Dora V. Rodriguez to enter into a contract with Solis Construction for concrete work discussed in the fifth order of business – Item A, for a total of \$18,800 and to amend the budget by same amount.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman David Valdez

Motion carried.

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

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman David Valdez

Motion carried.

Mayor

City Secretary

SOLIS CONCRETE

•DRIVEWAY • SIDEWALKS
•FOUNDATIONS & MORE
210-371-0533

JAVIER SOLIS *Owner / Operator*



San Antonio, TX

C

INVOICE

PROPOSAL NO. _____
SHEET NO. _____
DATE _____

PROPOSAL SUBMITTED TO:

WORK TO BE PERFORMED AT:

NAME CITY OF DEVINE	ADDRESS
ADDRESS	CITY, STATE
CITY, STATE	DATE OF PLANS
PHONE NO.	ARCHITECT

DESCRIPTION	AMOUNT
Relocate concrete table ①	
③ 15'x18' Picnic table concrete slabs.	
① 17'x17' Picnic table concrete slab.	
① 12'x12' Picnic table concrete slab.	
New side walks total sq ft. 853	
Remove. n. HAUL off existing concrete	
Picnic table slab total sf. 1,799	total: \$18,800
side walk total sqft. 853	
beam total 459	
total = eighteen thousand eight hundred ⁰⁰ / _{xx}	
	\$ 18,800

ACCEPTANCE OF WORK

CUSTOMER MUST INSPECT THE JOB BEFORE THE NEW CONCRETE, THE WARRANTY IS TO USE THE MATERIAL SPECIFIED ON THIS CONTRACT. SOLIS CONCRETE IS NOT RESPONSIBLE FOR ANY CRACKS.

DATE **7/26/18**

SIGNATURE *[Signature]*
SIGNATURE _____