

**Minutes
Special Meeting
May 14, 2019**

On this 14th day of May, 2019, 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 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 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 Rodriguez, City Financial Officer; Tom Cate, City Attorney; Ismael Carrillo, Director of Public Works; Rob Flores, Superintendent of Public Works; Raul Garcia, City Engineer; and Ofilia Pedroza, UB Clerk.

Others present: Marly Davis, Devine News; Attorney Bobby Jack Rushing, and Architect Lindsay Thorn.

The first order of business was to Canvas the Election Returns for the May 4, 2019 General Election for District 2. *(El primer orden de negocio fue escrutinar los resultados de la Elección General de día 4 de Mayo del 2019 para Distrito 2.)*

Council reviewed the election results. The two candidates tied 25 to 25. Discussion was held on having close to 500 registered voters in District 2 and only 50 people voted. Mayor Herring reported that no problems were noted. *(El concejo municipal verificó los resultados de la elección. Los dos candidatos empataron 25 a 25. Hubo discusión de que en Distrito 2 hay cerca de 500 votantes registrados pero unicamente 50 votaron. Alcalde Herring reportó que ninguna problema fue notable.)*

Motion by Alderman Thompson, seconded by Alderwoman Schott to certify that Council did canvass the Election Returns for the May 4, 2019 General Election for District 2, and that it's still tied. *(Mocionado por Concejal Thompson y apoyada por Concejal Espinosa a certificar que el Concejo Municipal si examinaron los resultados de la Elección General el día 4 de Mayo del 2019 para Distrito 2, y que todavía esta empatado.)*

Ayes (<i>Voto a Favor</i>)	--	Three (<i>Tres</i>)
Nays (<i>Voto en Contra</i>)	--	None (<i>Ninguno</i>)
Absent (<i>Ausente</i>)	--	One – (<i>Uno</i>) Alderman (<i>Concejal</i>) David Valdez
Abstain (<i>Abstenerse de</i>)	--	One – (<i>Uno</i>) Alderman (<i>Concejal</i>) Steve A. Lopez

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Motion Carried. (*Moción aprobada.*)

The second order of business was to Administer Oaths of Office to the newly Elected/Appointed Officers. (*El segundo orden de negocio fue administrar el juramento de oficio a los oficiales recién elegidos/nombrados.*)

Attorney Bobby Jack Rushing administered the Oath of Office to Mayor Herring and Alderman Thompson. (*Abogado Bobby Jack Rushing administró el juramento de oficio al Alcalde Herring y Concejal Thompson.*)

The third order of business was to Order an Automatic Recount for the Council District 2 Race. (*El tercer orden de negocio fue ordenar un Recuento Automático para la Carrera de Concejal en Distrito 2.*)

Mayor Herring read aloud the Petition Requesting a Recount. (*Alcalde Herring leyó en voz alta la Petición Para Pedir un Recuento.*)

Motion by Alderman Espinosa, seconded by Alderwoman Schott to order an Automatic Recount for the Council District 2 Race. (*Mocionado por Concejal Espinosa y apoyada por la Concejal Schott para ordenar un Recuento Automático para la Carrera de Concejal en Distrito 2.*)

Petition Requesting a Recount attached as Exhibit A. (*La Petición Para Pedir un Recuento adherida como Exhibición A.*)

Ayes (<i>Voto a Favor</i>)	--	Three (<i>Tres</i>)
Nays (<i>Voto en Contra</i>)	--	None (<i>Ninguno</i>)
Absent (<i>Ausente</i>)	--	One – (<i>Uno</i>) Alderman (<i>Concejal</i>) David Valdez
Abstain (<i>Abstenerse de</i>)	--	One – (<i>Uno</i>) Alderman (<i>Concejal</i>) Steve A. Lopez

Motion Carried. (*Moción aprobada.*)

The fourth order of business was to discuss and consider ordering another Election for Council District 2 in the event that the Recount results in a tie. (*El cuarto orden de negocio fue discutir y considerar ordenar otra elección para el Distrito 2 del Consejo en el caso de que el Recuento todavía resulte en un empate.*)

Interim City Administrator/ City Secretary, Dora V. Rodriguez informed Council that we need three counters for the Recount. One will be selected by Kristabel, one by Steve and one by the City. (*Dora V. Rodriguez, Administrador Interino de la Ciudad/Secretario de la Ciudad, informó el Concejo Municipal que necesitamos tres contadores para el Recuento.*)

Motion by Alderman Thompson, seconded by Alderwoman Schott to order another election for Council District 2 in the event that the Recount results in a tie. (*Mocionado por Concejal Thompson y apoyada por la Concejal Schott para ordenar otra Elección para el Distrito 2 del Consejo en el caso de que el Recuento todavía resulte en un empate.*)

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Ayes (<i>Voto a Favor</i>)	--	Three (<i>Tres</i>)
Nays (<i>Voto en Contra</i>)	--	None (<i>Ninguno</i>)
Absent (<i>Ausente</i>)	--	One – (<i>Uno</i>) Alderman (<i>Concejal</i>) David Valdez
Abstain (<i>Abstenerse de</i>)	--	One – (<i>Uno</i>) Alderman (<i>Concejal</i>) Steve A. Lopez

Motion Carried. (*Moción aprobada.*)

The fifth order of business was to discuss and consider Council approving the construction cost proposal of \$330,902 presented by Wells Construction for the renovation of the City of Devine Golf Clubhouse.

Architect Lindsay Thorn, of Thorn & Graves Architects, PLL, addressed Council and stated he has been in contact with Wells Construction and he was pleased that we came in under at \$330,902 saving \$20,000 that they had predicted to spend. He explained that they sent them a contract agreement and small works agreement, which will be easier and quicker for the council to review. He then clarified that it is a standard form agreement that they use on a lot of construction projects. He said Wells Construction is looking at no more than 4 months and 12 days to complete the Club House, and they can start whenever the City wishes. Mr. Thorn then briefed Council on the following allowances:

Mr. Thorn stated they have set \$10,000 for signage. He then explained the signage will be outside at the front and general restroom signage. He explained they already have two line items of \$5,000 and \$7,500 for a structural engineer to come out and do some sketches of things they will encounter. Mr. Thorn then clarified he does not want the City to spend money that isn't necessary. He then stated that the budgets and allowances will not be exceeded, and that he is looking forward to saving money in various places.

Mr. Thorn stated they budgeted \$10,000 for the roof framing supports. He explained that once they take off the front lodge canopy, they know there is going to be some structural bracing that will be needed. So, they budgeted \$10,000 just so they are prepared for some incidental bracing and framing work they will need to do. He stated that within this budget is \$5,000 set out for landscaping. Mr. Thorn detailed that they have come up with a unique way of dropping the ramp down inside of the entry, instead of having a 12-inch drop to get into the building. He mentioned that he discussed with the general contractor how they can cut the concrete, including the curb, and replace it with a steel plate so you can go straight into the front door. Interim City Administrator/City Secretary, Dora V. Rodriguez, asked if that change would affect the drainage in that area. Mr. Thorn responded that he doesn't believe it will but he can double check all that. He stated that he has already talked to City Engineer Raul Garcia, and he has already agreed to coming and checking it out. He then explained that the worse situation would be them having to put a tiny drain north of the concrete that is on the upper level to alleviate excess water. From there, they can decide what they want to do with the parking lot, if they want to regrade it or whatever. Mr. Thorn then mentioned that with some of the money we save, we can place some native plants in the front and help tidy it up.

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Mr. Thorn told Council that he is actually working with this construction company on another project and held some discussion on that.

Mr. Thorn then announced to Council that they are going to set up a preconstruction meeting at the site with the construction group and project manager. He said the City is more than welcome to meet and hold a discussion with them. This can also be another opportunity to discuss the decor.

Alderman Thompson then asked what our total cost is now for the clubhouse renovation, including what the City has already done, and the architect's fees. Interim City Administrator/ City Secretary, Dora V. Rodriguez, commented that she did not bring that information with her. She said she did not have a total of what we've done construction-wise before Mr. Thorn started, but she does have a folder on that and can provide it later. She did; however, have copies of minutes. Alderman Thompson then questioned Mr. Thorn what his total fees are. Mr. Thorn responded that he was not sure to be honest. Mr. Thorn offered to get a handle on real numbers during the break they have before construction. He and Interim City Administrator/City Secretary, Dora V. Rodriguez, both stated they would have all the wanted information by the next meeting, Tuesday, May 21, 2019.

Mayor Herring looked back at the minutes provided by Interim City Administrator/City Secretary Dora V. Rodriguez, and it was recorded that without furniture the City is predicted to spend in between \$300,000 and \$315,000. Alderman Thompson was curious as to what the architectural fees are costing us. Mayor Herring announced, that after looking back at the minutes, with furniture, signage, and the parking lot expenses, Alderman Thompson predicted the City would be spending a total of \$515,000. Alderman Thompson asked for the actual cost of the complete remodeling of the clubhouse. Mr. Thorn asked Thompson if he meant where we are paid today. Alderman Thompson agreed. Alderman Thompson then stated that everyone thinks we are only spending \$350,000; however, we are going to end up at around \$400,000. Alderwoman Schott explained there is no point giving the ending amount today because we are likely to exceed that amount. She then added that the City would constantly be editing and posting different amounts, causing confusion and misunderstanding amongst the citizens.

Mr. Thorn then offered to put a spread sheet together by the next meeting on May 21, 2019, and he will also include all the prices for the interior of the Club House. He explained that he believes it will help give a total estimate of the finished product.

Alderman Thompson said he is just curious and people will want to know. Alderman Thompson stated that the Club House renovation is a hard sell in his district. Alderwoman Schott commented that ironically it should be the easy sell in his district. Alderman Thompson explained that the regular golfers do not want the Club House remodeled; they solely want the Greens fixed. He's heard comments that they'd be happy with just a portable building as long as it had restrooms and sold beer. Alderwoman Schott commented, "That's just what they say now to your face!" Alderman Thompson inquired if anyone has actually gone out and played the course. Interim City Administrator/City Secretary Dora V. Rodriguez added that at the last tournament the City held, many of the participants happened to be from out-of-town. She mentioned they were very complimentary of the golf course, and they commented on the difference they've seen between now and prior years of playing the

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Course. She told Alderman Thompson that some of the golf members we currently have are a constant problem because they are always complaining. They actually tell Golf Superintendent Ruben Chapa when to mow and when to do everything else, when Ruben already knows what to do. She then clarified that the people from out-of-town are happy and spending money; that's what we need. According to Interim City Administrator/City Secretary Dora V. Rodriguez, some of our golf members are also boycotting the way the City is handling the books as well because they want us to do it the way they used to do it.

Alderman Thompson agreed that the Golf Course is significantly better from last year. Council agreed. Mayor Herring explained that the golfers have to realize that the City of Devine Golf Course has to have a second source of income, they cannot be our only customers. Alderwoman Schott said that many of them don't realize that the remodeling of the Golf Course, including the greens and roads, is a process; we are working on getting the greens fixed.

Alderman Thompson stated he is here representing his District, and that the citizens in his district view the clubhouse as a problem. He stated their main priority is to fix the greens and fix the roads to get to the clubhouse. He then explained he knows that the clubhouse needs to be fixed, but he believes the greens are the priority.

Mayor Herring then suggested making this an agenda item for setting goals for the golf course. Alderwoman Schott offered the idea of making it a round table discussion. She explained, doing so, Officials can then offer individual ideas, wants, and needs for the Golf and what we envision it to be; we need to set goals and timelines. Interim City Administrator/City Secretary, Dora V. Rodriguez, stated she believes the Council can incorporate this throughout the Budget Workshop. Council agreed. Alderman Thompson suggested each official can represent their District's wants/needs. Alderman Espinosa stated we should do this for the entire city not the just the golf course, but to keep in mind one thing at a time.

Mr. Thorn commented that the Council should create goals for the Club House once it is complete as well. He then explained that the Golf Course can become a huge venue for weddings, parties, etc. and is an easy profit. Interim City Administrator/ City Secretary, Dora V. Rodriguez, stated some people have already asked about renting out the Club House once renovated.

Motion by Alderman Espinosa, seconded by Alderman Lopez to approve the cost of \$330,902 to Wells Construction and Renovation of the City of Devine Golf Course.

Ayes	--	Three
Nays	--	One – Alderman Cory Thompson
Absent	--	One – Alderman David Valdez

Motion Carried.

The sixth order of business was Informational Items.

The following was discussed:

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- Recognition- Mayor Herring brought it to Council's attention that Quentin Zapata placed first in the 110m Hurdles at State. Mayor Herring then stated that Preslee Quisenberry placed first in Editorial Writing at State, along with Abby Kohlleppel who got first in State and went to Nationals for FCCLA, last year she won Nationals.
- Golf Course
 - Form 941, Employer's Quarterly Federal Tax Return:
 - 4th Quarter 2017 did not get filed.
 - 1st, 2nd, and 3rd Quarters for 2018 not filed or paid.

Mayor Herring asked if we've paid the full sum of \$22,000. Interim City Administrator/City Secretary, Dora V. Rodriguez, replied we have only paid \$13,000. Council held discussion.

- Form 940, Employer's Annual Federal Unemployment (FUTA) Tax Return has not been filed and paid for 2017 and 2018:

Council held discussion.

- Form 1120, U.S Corporation Income Tax Return for 2018 has not been filed:

Council held discussion.

- Alderman Thompson inquired about the timeline on the Recount. Interim City Administrator/City Secretary Dora V. Rodriguez explained that once the petition is approved, we will have 7 days for the recount, and so many days for the election. She then further explained that once the recount is done, the date for the election will be determined.
- Alderman Lopez stated that the VFW donated \$300 to Abby Kohlleppel, for her National FCCLA competition in Sacramento, California. Mayor Herring applauded him. He then stated we needed to find out how she did, so she can be honored.
- Alderwoman Schott then asked about the house on Colonial Parkway. Interim City Administrator/City Secretary Dora V. Rodriguez stated that City Attorney Tom Cate has been keeping the City updated. She told Council he said it's still under the Attorney's control. Interim City Administrator/City Secretary Dora V. Rodriguez added that City Attorney Tom Cate will inform the City when we should go to the Court House.
- Alderwoman Schott also brought it to Council's attention that she needed to add some things to the agenda for the Chamber. She then stated she would call Interim City Administrator/City Secretary Dora V. Rodriguez tomorrow.
- Mayor Herring wished City Accountant Denise Duffy a Happy Birthday.

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

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

Motion carried.

Mayor

City Secretary