

Minutes
Regular Meeting
October 15, 2019

On this 19th day of October, 2019, 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 at their regular meeting lace 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 Cory Thompson
Alderman Steve A. Lopez
Alderman David Espinosa
Alderwoman Jennifer Schott
Alderwoman Debbie Randall

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

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Tom Cate, City Attorney; Ismael Carrillo, Director of Public Works; and Rob Flores, Superintendent of Public Works.

Others present: Marly Davis, Devine News; David McLennan, San Antonio, Texas; Angela Pichardo; Shannon Rangel; Juan C. Zamora; Grace Zamora; Jeremy & Leslie Vail; Mary Allison; George Valdemar; Shirl & Scott Grego; David Grego; Greg Boyd; and Dale & Christy Williamson, of Devine, Texas.

Mayor Thompson, presiding, called the meeting to order.

Mayor Thompson delivered the Invocation and Alderman David Espinosa led the Pledge of Allegiance.

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

Council heard from the following:

- Juan C. Zamora – Mr. Zamora (J.C) addressed Council. As the new Little League President, he informed Council he was coming before them to get status of changes to the contract; he asked when we can review the contract and possibly have follow-up conversations about getting additional services at the Little League to try to improve the facilities and infrastructure of the Little League field.

Mayor Thompson stated that we will put the Little League on the agenda for a future meeting so that we can discuss the contract and any progress on the Little League.

The second order of business was Recognition.

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There was no recognition at this time.

The third order of business was to discuss and consider Approval of Minutes: Special Council Meeting Minutes, September 10, 2019; Special Council Meeting Minutes, September 12, 2019; Regular Council Meeting Minutes, September 17, 2019; Special Council Meeting Minutes, September 21, 2019; and Special Council Meeting Minutes, October 8, 2019.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that the minutes for September 17, 2019, September 21, 2019 and October 8, 2019 were not ready. Council reviewed the minutes available – September 10, 2019 and September 12, 2019.

Alderswoman Randall noted that the fourth, fifth and sixth orders of business for the September 10, 2019 minutes, (Pages 3 and 4) had Alderswoman Schott making the motions and also voting “Nay”. Interim City Administrator/City Secretary Dora V. Rodriguez stated that this will be corrected. Alderswoman Randall also noted that Page 5 of the same minutes also had Alderswoman Schott inquiring about the Parks Board budget being less, and she was actually inquiring about the Golf Course budget being less. This will also be corrected according to Interim City Administrator/City Secretary Dora V. Rodriguez.

Motion by Alderman Espinosa, seconded by Alderman Lopez to approve only the minutes for September 10, 2019 and September 12, 2019 with the corrections noted.

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

Motion carried.

The fourth order of business was to discuss and consider for Council to accept the resignation of Municipal Court Judge Mark P. Haby.

Motion by Alderswoman Randall, seconded by Alderman Espinosa to accept the resignation of Municipal Court Judge Mark P. Haby.

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

Motion carried.

The fifth order of business was to discuss and consider for Council to appoint a Municipal Court Presiding Judge.

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According to City Attorney Tom Cate, both Prosecutor Bobby Jack Rushing and Judge Haby are recommending Anna Whorton for the job. He spoke highly of Ms. Whorton and recommended that Council appoint her as the Municipal Court Presiding Judge. Council held discussion.

Motion by Alderman Espinosa, seconded by Alderwoman Schott to appoint Anna Whorton as the Municipal Court Presiding Judge.

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

Motion carried.

Discussion was held after the motion. City Attorney Tom Cate informed Council that Ms. Whorton could not attend tonight's meeting, but she will be taking her oath of office before the next court date.

The sixth order of business was to discuss and consider recommendation from District 5 Councilwoman Debbie Randall on appointing her replacement for the Parks & Recreation Advisory Board.

Alderwoman Randall nominated Leslie Vail as her replacement from District 5.

Motion by Alderman Espinosa, seconded by Alderwoman Schott to appoint Leslie Vail to the Parks & Recreation Advisory Board, from District 5.

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

Motion carried.

The seventh order of business was to discuss and consider for Council to accept the resignation of Lauren Moore from the Parks & Recreation Advisory Board.

Mayor Thompson announced that Lauren Moore has moved away to San Antonio and; therefore, had to resign her seat.

Motion by Alderman Espinosa, seconded by Alderwoman Randall to accept the resignation of Lauren Moore from the Parks & Recreation Advisory Board.

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

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Motion carried.

The eighth order of business was to discuss and consider recommendation from District 4 Councilwoman Jennifer Schott on appointing the replacement of Lauren Moore for the Parks & Recreation Advisory Board.

Alderwoman Schott informed Council that she did not have anyone to recommend at this time; she will continue to reach out for a replacement.

No action was taken.

The ninth order of business was to administer the Oaths of Office.

City Attorney Tom Cate administered the Oath of Office to Leslie Vail, only, at this time.

The tenth order of business was to discuss and consider proposal submitted by Landscape & Design for the Chamber of Commerce.

Mayor Thompson explained that the Chamber of Commerce is wanting to re-do the planters in front of the Community Center parking lot and possibly install some kind of irrigation system.

Director of Public Works Ismael Carrillo informed Council that there is already a sprinkler system but it is only around the trees, and there is a faucet nearby to use. The drip system came in at \$540.31 and the Replanting came in at \$946.46, for a total of \$1,486.77. Council held discussion.

Mayor Thompson stated that the Chamber is just struggling in finding volunteers to help with this.

Alderman Espinosa suggested to table this until after the Fall Festival. Interim City Administrator/City Secretary Dora V. Rodriguez stated that the Chamber probably wanted it to look nice before the Fall Festival but with all the traffic that will be around there, including the carnival, it may be a good idea to wait. Alderwoman Schott offered to get with Marcus Buckner on this and possibly with the Garden Club. Council held discussion.

Motion by Alderman Espinosa, seconded by Alderman Lopez to table considering proposal submitted by Landscape & Design for the Chamber of Commerce until after the Fall Festival to give Alderwoman Schott time to meet with Chamber President Marcus Buckner and until we have more information.

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

Motion carried.

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The eleventh order of business was an Update on the Asbestos Project from Judy Langford, Langford Community Management Services.

Judy Langford reported to Council on where we are with the Water Board Project. She reminded Council that this project was broken up into three phases: Phase 1 – for the asbestos lines inside the city; Phase 2 – for the transmission line to complete the secondary line out to the water wells; and Phase 3 – for the remaining cast iron lines in the City, depending on how much money is left after the first two phases are bid out. Ms. Langford reported that we received clearance from the Water Development Board last week on the Environmental Survey to be able to move forward with Phase 1, to get bids for the asbestos lines. She will be getting with City Engineer Raul Garcia on setting up dates and times for the bidding process; she anticipates a bid opening in November and possibly starting construction in January or February. This is a large project so it will be a lengthy process. Council held discussion.

Ms. Langford told Council that for Phase 2, because a portion of this land has never been turned over before, the Historical Commission wants a large archeological study done on several spots along the highway and behind fence lines; and this will take a while to do. She asked City Attorney Tom Cate to report on the Rights of Entry (ROE's). According to City Attorney Tom Cate, he's got those prepared and the easements are ready. He and City Engineer Raul Garcia are going to try to get both surveys done at the same time. Ms. Langford explained that when those are signed and ready, Texas State students can come in and do the archeological survey on the properties. They are ready to go; they are only waiting on the Rights of Entry. City Attorney Tom Cate explained that if the study shows that there is something there that we are going to have to avoid, then we'll need to back up and start again. Judy Langford told Council that although we don't anticipate them finding anything, it's just something that has to be done. She told Council that she's hoping that by next spring we may go out to bid on completing the secondary line to the water wells. So, depending on how much money is left over after the biddings for Phase 1 and Phase 2, will determine what we can spend on the cast iron lines for Phase 3. Ms. Langford is hoping to go out for bids on the cast iron lines by Summer/Fall of 2020.

The twelfth order of business was to discuss and consider awarding bid for the TxCDBG Contract No. 721811 – Water/LC Martin Well Project.

Judy Langford informed Council that we had a bid opening on October 11, 2019, and the City received bids from two qualified contractors. Ms. Langford went over the bids with Council. She told Council that we have four construction in grant funds; we have \$247,250. She told Council that the lowest bid for the base bid items was \$384,000 from TTE. They also bid on the alternative but their bid was higher on the alternative. The other bidder from Shannon Mock was lower on the base bid plus the alternative; their bid for the alternative with the bid additive was \$476,550. Ms. Langford explained that the difference is that if we go with just the base bid alone, the filters have to be manually washed (somebody has to wash them); if we go with the other bidder with the additive alternative, it washes the filters automatically.

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Council inquired how often the filters would need to be cleaned. Director of Public Works Ismael Carrillo told Council that according to City Engineer Raul Garcia, hopefully, once a week but he is really hoping that it's once every two weeks. He also told Council that the task would take about 30 minutes. Council held lengthy discussion with Judy Langford and Director of Public Works Ismael Carrillo. Council consensus was to lean towards the base bid only, with TTE being the lowest bidder, and going with washing the filters manually or mechanically. Council held more discussion with Director of Public Works Ismael Carrillo. Ms. Judy Langford explained in detail how the membranes in the water system would need to be cleaned out.

Council then heard additional comments from Angela Ortiz, William Cole and David McLennan.

After hearing comments, Ms. Langford explained that this was a 12-month grant project and unfortunately, we are at the end of that time period which ends this month. She explained that we could postpone it but after the 12-month ruling, we'll get a nasty letter from TDA. With the 12-month rule, we will lose a point or two in the next round of funding for the Community Development Block Grant program; it will just affect a few points in the future on the scoring.

Alderman Espinosa stated that he feels we should move forward with this but he would like to go with the manual system from TTE. Discussion was held on possibly adding the automatic feature later.

Motion by Alderman Espinosa, seconded by Alderman Lopez to award the bid for the TxCDBG Contract No. 721811 – Water/LC Martin Well Project, to TTE for a base bid of \$384,000, and going with the manual system.

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

Motion carried.

The thirteenth order of business was to discuss and consider request from Angela Pichardo for a partnership of a non-profit entity with the City of Devine for municipal grant purposes.

Angela Pichardo addressed Council and mentioned that there had been discussion at the October 21, 2019 meeting about possible grant developments. She explained that in the establishing of the Devine municipal recreational grant projects, she is looking at a mission, and that mission is for a non-profit foundation to work with the City of Devine through a partnership to seek and acquire funding for municipal purposes and projects, and to keep the entities of Devine in the citizens' hands for our children's future. Ms. Pichardo stated that she wanted to have Council's permission to proceed with these grants before she submits anything for the municipality. She explained she didn't want to go in as an individual since the money will be used for city projects. Currently they are working with Kaboom which is a safe playground equipment company for the John Curcio Park.

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Ms. Pichardo discussed at length different projects, programs and grants available for parks, airport and golf course, where the city would not have to spend a single penny.

Angela Pichardo introduced David McLennan who spoke to Council about what he's done for the City of San Antonio Municipal Golf Association and the Parks & Recreation. He told Council that Angela is on the right track and he wanted to bring credibility to what she is doing, and this would be a huge asset to the community. He also offered his services. Mr. McLennan spoke in detail of a non-profit foundation and how it will work for the City.

Alderwoman Schott asked Judy Langford if this is something that would be feasible. Ms. Langford explained that what they are trying to say is that when we talk about making applications to foundations, foundations don't like to fund taxing entities. She stated that cities are much better applying for foundations through a non-profit. She stated that it depends how they are setting this up and partnering with the City as to whether it's something that the City would like to move forward with.

Lengthy discussion was held. Mayor Thompson commented that he sees no way that Council can give their blessings on this until it has gone before the Parks Board.

City Attorney Tom Cate stated that we are a General Law A Type City and not charter-ruled. Mr. McLennan commented that this would be entering into an agreement with the City but with our blessings. City Attorney Tom Cate recommended it would be good for them to work with our Parks & Recreation Board because there is too much information overload. We've got the basic framework but we don't know what they're going to put on that framework.

Lengthy discussion was held.

According to City Attorney Tom Cate, the main thing is for them to get legally organized as a non-profit.

Motion by Alderman Espinosa, seconded by Alderman Lopez to approve for Angela Pichardo to start the process in legally setting up the non-profit for our City Attorney's evaluation, and then to get in touch with the Parks & Recreation Advisory Board and the Airport Advisory Board and proceed from there.

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

Motion carried.

At 7:26 p.m., Mayor Thompson called for a five minute break.

At 7:42 p.m., Mayor Thompson called for meeting to be back in session.

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The fourteenth order of business was an update on the new water meters.

Interim City Administrator/City Secretary Dora V. Rodriguez and Director of Public Works went over the Harmony program, and discussed the two meters that we had tested. They went over what is actually pumped or metered at the wells versus the actual bill. Interim City Administrator/City Secretary Dora V. Rodriguez mentioned that our auditors look at all this, and everything has to match, so we have to make sure that what we pump and what we bill has to be in sync. Water meters are reading more accurately now, even if people have the same routine.

Mayor Thompson moved on to the fifteenth order of business since it was on the same topic: to discuss and consider request from David Pell regarding accuracy of new water meters.

Mr. Pell could not attend the meeting. Interim City Administrator/City Secretary Dora V. Rodriguez talked to Council about Mr. Pell's complaint with his water bill. Council held lengthy discussion on the meters.

No action was taken.

The fifteenth order of business was to discuss and consider progress of SG Golf Management lease/management of Devine Municipal Golf Course.

Discussion was held with City Attorney Tom Cate on what he is needing from Scott Grego. Lengthy discussion was held on Scott's contract, the budget and revenue being generated. Council also discussed the clubhouse, employees, and Scott's responsibilities.

Motion by Alderwoman Randall, seconded by Alderwoman Schott to accept report and discuss the other information that is needed at a future meeting.

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

Motion carried.

The sixteenth order of business was to discuss and consider approving Minutes of the Parks & Recreation Advisory Board Meeting held on September 4, 2019 and October 2, 2019.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that only the minutes for September 4, 2019 are ready for approval.

Council reviewed minutes.

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Motion by Alderwoman Randall, seconded by Alderwoman Schott to approve only the minutes for September 4, 2019.

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

Motion carried.

The seventeenth order of business was to discuss and consider approving continued receipt of share of bingo prize fee funds.

Council reviewed letter. City Attorney Tom Cate explained that this is a new legislation and we have to go ahead and agree to the City's portion of the bingo fee; if we don't do that, we're going to lose it, and we do want to continue getting money. Council held discussion on charity bingo.

Motion by Alderwoman Schott, seconded by Alderman Espinosa to approve continued receipt of share of bingo prize fee funds.

Bingo Letter attached as Exhibit A.

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

Motion carried.

The eighteenth order of business was to discuss and consider Rescinding Interlocal Cooperation Contract with the City of Hondo.

Council reviewed contracts. Interim City Administrator/City Secretary Dora V. Rodriguez explained to Council that the current contract that we have is the shorter one, and the one that Hondo did is a better contract; it's more detailed. She advised that whenever we do any interlocal agreements, we need to start doing them this way.

Motion by Alderwoman Schott, seconded by Alderman Espinosa to rescind the Interlocal Cooperation Contract with the City of Hondo.

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

Motion carried.

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The nineteenth order of business was to discuss and consider approving Interlocal Agreement for Governmental Services between the City of Devine and the City of Hondo.

Motion by Alderwoman Randall, seconded by Alderwoman Schott to approve Interlocal Agreement for Governmental Services between the City of Devine and the City of Hondo.

Interlocal Agreement attached as Exhibit B.

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

Motion carried.

The twentieth order of business was to discuss and consider Rescinding Resolution 9-19 nominating a candidate for the election of Medina County Appraisal District Board of Directors for the Years 2020-2021.

Motion by Alderwoman Schott, seconded by Alderman Espinosa to rescind Resolution 9-19 nominating a candidate for the election of Medina County Appraisal District Board of Directors for the Years 2020-2021.

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

Motion carried.

The twenty-first order of business was to discuss and consider adopting a Resolution nominating a candidate for the election of Medina County Appraisal District Board of Directors for the Years 2020-2021.

Council discussed that Mamie Navarro is the person we need to nominate.

Motion by Alderman Espinosa, seconded by Alderman Lopez to adopt Resolution 10-19 nominating Mamie Navarro as the candidate for the election of Medina County Appraisal District Board of Directors for the Years 2020-2021.

Resolution attached as Exhibit C.

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

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Motion carried.

The twenty-second order of business was to discuss and consider Interlocal Agreement with Devine ISD on a School Resource Officer.

Interim City Administrator/City Secretary Dora V. Rodriguez announced that the job description for this Agreement has been reviewed by everyone – the school, the Chief of Police and our City Attorney, so now we have what the duties are for School Resource Officer.

Motion by Alderwoman Schott, seconded by Alderman Lopez to approve the job description for the Interlocal Agreement with Devine ISD on a School Resource Officer.

Job Description for SRO attached as Exhibit D.

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

Motion carried.

The twenty-third order of business was to discuss and consider entering into an Interlocal Agreement with the Texas Department of Public Safety on the Failure to Appear Program.

City Attorney Tom Cate explained how the Omni Program works through the State.

Motion by Alderwoman Randall, seconded by Alderwoman Schott to approve entering into an Interlocal Agreement with the Texas Department of Public Safety on the Failure to Appear Program

Interlocal Agreement attached as Exhibit E.

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

Motion carried.

The twenty-fourth order of business was to discuss appointment of City Administrator. CLOSED SESSION pursuant to Section 551.074 (a) (1), to deliberate the appointment of a public officer or employee, Texas Government Code.

At 8:41 p.m., Mayor Thompson announced to the public that the Council would go into a Closed Session.

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At 8:58 p.m., Closed Session was opened to the public.

No action was taken in Closed Session.

The twenty-fifth order of business was to discuss and consider appointment of City Administrator.

No action was taken.

The twenty-sixth order of business was to Review the Quarterly Investment Report.

Council reviewed report.

The twenty-seventh order of business was Informational Items.

The following was discussed:

- Harrison Well – Marly Davis, Devine News, inquired about how things are going with the well, behind the school bus barn. Interim City Administrator/City Secretary Dora V. Rodriguez stated that City Engineer Raul Garcia is working on this. According to Public Works Director Ismael Carrillo, Mr. Garcia is debating whether to move a sewer line onto the property that we own now or purchase the back property and put it there.
- Jeff Martin – Alderman Espinosa inquired about the junkyard he has on Teel Drive (behind formerly Country Hugs) and if he is in compliance and has met all regulations to have a junkyard in town. City Attorney Tom Cate will help in getting information on this.
- Sewer Rate – Alderman Espinosa inquired about how the sewer rate is charged. Interim City Administrator/City Secretary Dora V. Rodriguez explained to Council how we charge for sewer based on the three winter months of water consumption. She explained that for new customers, they are told to watch their water consumption for the first three months.
- Mr. Rodriguez – Alderman Espinosa inquired about his junk. Discussion was held. City Attorney Tom Cate stated that the problem with Mr. Rodriguez is that as soon as you clear his junk out, he goes and gets more.
- Financial Report – Alderwoman Schott inquired about the Investment Report. Discussion was held with City Accountant Denise Duffy and Interim City Administrator/City Secretary Dora V. Rodriguez on the interest.

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There being no further business to come before the governing body, motion made by Alderwoman Randall, seconded by Alderwoman Schott to adjourn the meeting.

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

Motion carried.

Mayor

City Secretary