

**Minutes**  
**Regular Meeting**  
**January 21, 2020**

On this 21<sup>st</sup> day of January, 2020, 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 Debbie Randall

Vacant Seats for District #1 and District #4, thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Tom Cate, City Attorney; Raul Garcia, City Engineer; Ismael Carrillo, Director of Public Works; and Vickie Pumphrey, Airport Manager.

Others present: Marly Davis, Devine News; Genevieve Flores, City of Hondo; Leonard Pompa; Jim & Kathy Lawler; Alma P. Keen; Mary Herrera; William Cole; Eva Thompson; Pete Billalobos; David Jordan; Hap Squires; Suzy Manning; Bonnie Manning; Judith Alfaro; and Christy Williamson, of Devine, Texas.

Mayor Thompson, presiding, called the meeting to order.

Mayor Thompson delivered the Invocation and Alderman Steve A. Lopez led the Pledge of Allegiance.

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

Suzie Manning addressed Council on the following two issues:

- a. Speed limit – She asked Council about lowering the speed limit all the way around the Briscoe Park for the safety of the children. City Attorney Tom Cate advised Council to let the Police Department know so that they can do a study. Interim City Administrator/City Secretary Dora V. Rodriguez advised that she will get with Police Chief Kandy Benavides to get the process going.
- b. Grass improvement at the Briscoe Park – She asked for an update on the grass improvement at the Briscoe Park since it's been several months that she heard about it. According to Council, we just started the emergent program in October, 2019 and we will be doing it again soon.

The second order of business was Recognition.

There was no recognition at this time.

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The third order of business was a Presentation by Genevieve Flores on the South Texas Regional Training Center. Ms. Flores spoke of the different opportunities offered for Medina County and surrounding downs through different partnerships with Alamo Workforce Solutions, Southwest Texas Junior College, Goodwill Academy and the ART Van with AACOG. She emphasized that these training opportunities are offered in Hondo, and there is no need to travel to San Antonio.

Ms. Flores emphasized that we are in need of welders, so they set up a Welding Technology Program with classes beginning on February 17, 2020 at the Hondo Campus. Comments and questions from the floor were made by Nick West and William Cole.

Council held discussion, and thanked Ms. Flores for her presentation. Brochures will be taken to the Driscoll Public Library to be handed out.

The fourth order of business was to discuss and consider Approval of Minutes for the TIRZ Meeting, November 12, 2019; Special Council Meeting, November 12, 2019; Emergency Meeting, November 14, 2019; Regular Council Meeting, November 19, 2019; Emergency Meeting, November 19, 2019; and Special Council Meeting, November 21, 2019.

Council reviewed minutes. Council was informed that Minutes for the Special Council Meeting on November 21, 2019 were not ready.

Motion by Alderman Lopez, seconded by Alderwoman Randall to approve the minutes for the TIRZ Meeting, November 12, 2019; Special Council Meeting, November 12, 2019; Emergency Meeting, November 14, 2019; Regular Council Meeting, November 19, 2019; and Emergency Meeting, November 19, 2019.

Ayes	--	Three – Aldermen Lopez & Espinosa and Alderwoman Randall
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider for Council to accept Councilwoman, District 4's resignation.

Mayor Thompson announced that Councilwoman Jennifer Schott has resigned and read an email which she sent to him on January 15, 2020. Mayor Thompson held discussion and said people are already aware of this, and it is already being advertised in the newspaper for two weeks. He is advising people who have reached out to him to just go ahead and pick up a candidate's packet as though they are running, and do it the right way.

Alderwoman Randall asked to be able to comment and said she wanted it on record that she feels it is shameful that Jennifer got bullied into resigning, and she is embarrassed with Council that it happened.

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Motion by Alderman Lopez, seconded by Alderman Espinosa to accept Councilwoman, District 4's resignation.

Ayes	--	Two – Aldermen Lopez & Espinosa
Nays	--	One – Alderwoman Randall

Motion carried.

The sixth order of business was to discuss and consider Ordering a City General Election to be held on May 2, 2020 for Mayor, District #1, District #3, District #4 and District #5. (*Discutir y considerar ordenar una Elección General de Ciudad que se llevará a cabo el día 2 de Mayo del 2020 con el propósito de elegir un Alcalde, y Concejales para Distrito #1, Distrito #3, Distrito #4 y Distrito #5.*)

Motion by Alderman Espinosa, seconded by Alderwoman Randall to order a City General Election to be held on May 2, 2020 for Mayor, District #1, District #3, District #4 and District #5. (*Mociónado por Concejal Espinosa, segundado por la Concejal Randall para ordenar una Elección General de Ciudad que se llevará acabo el día 2 de Mayo del 2020 con el propósito de elegir un Alcalde, y Concejales para Distrito #1, Distrito #3, Distrito #4 y Distrito #5.*)

Order of Election attached as Exhibit A. (*La Orden del Elección adherida como Exhibición A.*)

Ayes ( <i>Si, voto afirmativo</i> )	--	Three – Alderman Lopez & Espinosa and Alderwoman Randall ( <i>Tres</i> ) – <i>Concejales Lopez, Espinosa y Randall</i>
Nays – ( <i>Voto no afirmativo</i> )	--	None <i>Ninguno</i>

Motion carried. (*Moción aprobada.*)

The seventh order of business was to discuss and consider accepting the Notice of Election. (*Discutir y considerar aceptar la Noticia de Elección.*)

Motion by Alderwoman Randall, seconded by Alderman Espinosa to accept the Notice of Election. (*Mociónado por la Concejal Randall, segunado por Concejal Espinosa para aceptar la Noticia de Elección.*)

Notice of Election attached as Exhibit B. (*La Noticia de Elección adherida como Exhibición B.*)

Ayes ( <i>Si, voto afirmativo</i> )	--	Three – Aldermen Lopez & Espinosa and Alderwoman Randall ( <i>Tres</i> ) – <i>Concejales Lopez, Espinosa y Randall</i>
Nays – ( <i>Voto no afirmativo</i> )	--	None ( <i>Ninguno</i> )

Motion carried. (*Moción aprobada.*)

The eighth order of business was to discuss and consider request to Vacate/Replat 623 Webb.

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Council reviewed plat. City Attorney Tom Cate told Council that the reason for the replat is that it was all under one lot. He told Council that what they are not seeing is Lot 11. He explained that the owners want to sell part of the property but they could not comply exactly with our subdivision regulations. Therefore, a meeting was held with himself, their surveyor, and our city engineer, and the lady who wants to purchase Lot 11. He explained that one of the things she couldn't do to replat was to widen the street to 50 feet. He told Council that if we're going to approve the replat, there are a number of things that we're going to have to waive. So, the first one is to waive the width of the street. The second is the paving of the street and curbing of the street. Also, our subdivision requirement to show the drainage in this area is going to cost quite a bit of money to show that on the survey. This property lies in a low area but there is drainage off of Highway 173; however, this property itself is higher and is not in the 100 Year Floodplain. Considering the cost that would be incurred to show that on the survey, that's another thing they want to ask Council – to waive showing the drainage situation there.

City Attorney Tom Cate explained that City Engineer Raul Garcia would not sign off on this because it does not comply with all the requirements of our subdivision ordinance. He told Council that since this is a small subdivision, Interim City Administrator/City Secretary Dora V. Rodriguez has the right to either present this to the Planning & Zoning Commission; she can present this to the Planning & Zoning Commission and Council for waivers, or present it only to Council for waivers.

City Attorney explained that the potential buyer is applying to have a manufactured home placed on the property, but she's been struggling with this for some time. He explained that this will be Lot 10 and a portion of another lot, making it Lot 11 and 12.

Council held further discussion with City Attorney Tom Cate on the lot sizes, and utilities being already available. City Engineer Raul Garcia held discussion on the right-of-way.

Motion by Alderman Espinosa, seconded by Alderman Lopez to refer this to the Planning & Zoning Commission and then back for Council to take action based on their recommendation.

Ayes	--	Three – Aldermen Lopez & Espinosa and Alderman Randall
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider request by Leonard Pompa for Council to grant him a waiver to temporarily reside in a travel trailer at 713 King Avenue while remodeling his home.

Council heard from Mr. Pompa on his reason for the request.

Council held discussion on giving him a six month waiver. According to City Tom Cate, he can come back before Council to ask for an extension if he needs more time, before his initial six months run out so that he doesn't get fined.

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Motion by Alderman Lopez, seconded by Alderman Espinosa to grant a six month waiver to Leonard Pompa to allow him to temporarily reside in a travel trailer at 713 King Avenue while remodeling his home.

Ayes -- Three – Aldermen Lopez & Espinosa and  
Alderman Randall  
Nays -- None

Motion carried.

The tenth order of business was to discuss and consider approving Agreement between the City of Devine and Devine Little Association.

Council reviewed the contract and discussed the following changes:

Section 4 – The term of the contract – January 1, 2020 to December 31, 2020, which will automatically renew on the anniversary dates; either party can terminate the contract upon a 30-day written notice. We had been operating under the old contract that expired January 1, 2020

Section 7 – The Devine Little League will maintain the grounds inside the fence the whole time during the term of this lease as required by city ordinance. The City will maintain the grounds outside the fence only during the off-season.

Section 9 – During the Devine Little League’s off-season, the fields may be used by the general public on a first come, first served basis.

Lengthy discussion was held on the use of the fields during the off-season and for the general public to register with the City, like we do for the Community Center.

Motion by Alderman Randall, seconded by Alderman Espinosa to approve the Agreement between the City of Devine and Devine Little Association with the change to add wording to Section 9: The general public will register with the City Office.

Little League Contract attached as Exhibit C.

Ayes -- Three – Aldermen Lopez & Espinosa and  
Alderman Randall  
Nays -- None

Motion carried.

Discussion was held after the motion regarding the insurance. City Attorney Tom Cate added that the City needs to be listed as an additional insured on the Certificate of Liability Insurance form.

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The eleventh order of business was to discuss and consider Amending the Code of Ordinances.

Mayor Thompson and City Council held very lengthy discussion on the Animal Ordinance, Vacant Buildings, Yard Sales, etc.

City Attorney Tom Cate recommended to Council that as they look through the Code and see things that they think need to be changed, we can always come back with a workshop to discuss it. He said we can take a couple of sections of the Code at a time and do a workshop to discuss those specific sections. Discussion was held.

No action was taken.

The twelfth order of business was to discuss and consider repair of sewer line at State Highway 173 (W. Hondo Avenue) west of FM 2200.

City Engineer Raul Garcia addressed Council. He informed them that the process has been very slow. He explained that we had requested a permit to dig several weeks ago and the actual permit from TxDOT can take anywhere from two to six weeks. He told Council that we did not receive a written permit but after calling them, we received a verbal authorization today to go ahead and start digging in the area to find out what the problem is. Mr. Garcia explained that this is an old sewer line and it needs to be completely replaced; it's about 427 feet of line, and he estimates the cost to be approximately \$45,000 if we get a contractor to do the work.

Discussion was held on a 3-4 week time frame to do the actual work. Alderman Espinosa commented that this has been a problem area and it's getting worse and worse, so he recommended to move forward with this.

Council heard comments from the floor.

Discussion was held on going out for bids. City Engineer Raul Garcia recommended that we can go out for bids and see what happens. He added that he can also get a couple of quotes; he said getting quotes would be faster. City Attorney Tom Cate stated that the \$45,000 is lower than the bid requirement.

Mayor Thompson suggested we get quotes from the contractors. He said that if it comes back above the \$45,000, then we can go out to bid.

Motion by Alderman Espinosa, seconded by Alderwoman Randall to go out for quotes for the repair of sewer line at State Highway 173 (W. Hondo Avenue) west of FM 2200.

Ayes	--	Three – Aldermen Lopez & Espinosa and Alderwoman Randall
Nays	--	None

Motion carried.

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The thirteenth order of business was to discuss and consider replacing the water line at Sayers Drive for the Devine Little League.

Council held discussion on installing a 2 inch water service line on Sayers Drive to feed the restrooms at the Devine Little League baseball field. Council reviewed an estimate for \$9,000. City Engineer Raul Garcia suggested to go out for quotes since this is not a big enough job to go out for bids.

Motion by Alderman Espinosa, seconded by Alderwoman Randall to move forward with getting quotes to install a 2 inch water line at Sayers Drive to service the Devine Little League restrooms.

Ayes	--	Three – Aldermen Lopez & Espinosa and Alderwoman Randall
Nays	--	None

Motion carried.

The fourteenth order of business was to discuss and consider approving minutes of the Parks & Recreation Advisory Board Meeting held on November 13, 2019.

Council reviewed minutes.

Motion by Alderman Lopez, seconded by Alderwoman Randall to approve the minutes of the Parks & Recreation Advisory Board Meeting held on November 13, 2019.

Ayes	--	Three – Aldermen Lopez & Espinosa and Alderwoman Randall
Nays	--	None

Motion carried.

The fifteenth order of business was to discuss and consider approving the Racial Profiling Statistical Report.

Council reviewed the report, which will be submitted to the State.

Motion by Alderman Lopez, seconded by Alderman Espinosa to approve the 2019 Racial Profiling Report.

Racial Profiling Report attached as Exhibit D.

Ayes	--	Three – Aldermen Lopez & Espinosa and Alderwoman Randall
Nays	--	None

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Motion carried.

The sixteenth order of business was to Review the Quarterly Report.

Council reviewed the report.

No action was taken.

Council took a short break from 7:41 p.m. to 7:50 p.m.

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

At 7:50 p.m., Mayor Thompson announced to the public that the Council would go into a Closed Session.

At 8:22 p.m., Closed Session was open to the public.

No action was taken.

The eighteenth order of business was to RECONVENE into Regular Session and consider action, if any, on item(s) discussed in Executive Session.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to authorize the City Attorney to proceed as discussed in Closed Session.

Ayes	--	Three – Aldermen Lopez & Espinosa and Alderwoman Randall
Nays	--	None

Motion carried.

The nineteenth order of business was Informational Items.

- a. Interlocal Cooperation Contract Failure to Appear (FTA) Program - City Attorney Tom Cate explained that this has to do with the OMNI Program which is a third party vendor that enters the names of people, who have not shown up in court or who owe fines, into a system that will prohibit these people from renewing their driver's licenses. He told Council they used to charge us \$30.00 and it's gone down to \$20.00. They sent the contract on October 13, 2019 but since that time, it was returned that they were charging us too much. They sent out another contract with the correct amount, so this is just on the agenda to let Council know that the change has been made.

- b. Signatures for Easements – Mayor Thompson inquired how we’re coming along with this. Interim City Administrator/City Secretary Dora V. Rodriguez said that she and Director of Public Works Ismael Carrillo will be starting on that as soon as the auditors are done, so they will probably start next week. There are about 55-60 that they need signatures from.
- c. Libold Drive – Alderwoman Randall inquired if City Engineer Raul Garcia has gone out yet to check Libold Drive to see what we need to do about the flooding. Director of Public Works Ismael Carrillo commented that Mr. Garcia needs a full blown survey done. But, according to Interim City Administrator/City Secretary Dora V. Rodriguez, there are no grants available right now. She said that this is for the drainage issue in the Libold/Mockingbird area. Discussion was held. Director of Public Works Ismael Carrillo will be contacting Mr. Garcia tomorrow.
- d. Sidewalks on SH-173 – Alderwoman Randall inquired about the sidewalks on SH-173 that Alderman Lopez had requested. Interim City Administrator/City Secretary Dora V. Rodriguez said she had called Ruben with TxDOT, but she will be contacting him again.
- e. Bridge at SH-173 – Alderman Espinosa inquired about a bridge at Burnt Boot Creek and SH-173 due to blockage of view. Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that a TxDOT engineer came down to look at it but they were going to go back and meet, and they should be calling her back on this. Discussion was held.
- f. Jim Lawler – Presented the following complaints to Council:
  - Speeding on Warhorse Drive – Jim Lawler complained about a problem with vehicles speeding on Warhorse Drive.
  - Flooding – He also spoke to Council about the flood zone area near Colonial Parkway, behind his house. He told Council he would like to see this on the agenda at some time for some kind of action to get something done about this. Interim City Administrator/City Secretary Dora V. Rodriguez explained that we had gone out for a FEMA grant but that’s when we got bumped during Hurricane Harvey. Council held discussion and agreed to have FEMA check and see if they can do a study, and then try to apply for another grant.
  - Mr. Lawler also complained about the road going from Harrison’s Supply Store to Colonial Parkway. He told Council he knows that it doesn’t belong to the City and it doesn’t belong to the County, but it sure needs some attention. Mayor Thompson commented that it belongs to Fred Morales. Even though the City can’t do any work on it, Alderwoman Randall inquired if it can at least be blocked off from being used. According to City Attorney Tom Cate, we can do this. No further discussion was held.
  - Vacant properties – Mr. Lawler also complained about vacant properties not being mowed or shredded. Mayor Thompson explained that a lot of letters are being sent out but it’s a lengthy process and we just need to keep pushing to stay on top of it. He explained that our new Code Compliance Officer is going out patrolling, like we used to do; so hopefully with his patrolling and people calling in to complain, things will get better.

- g. Street signs – Someone complained about a lot of streets around the Webb area that don't have street signs, and some of these street signs are also very faded. Interim City Administrator/City Secretary Dora V. Rodriguez mentioned that this is something that she and Public Works Director Ismael Carrillo have been talking about being on a program where they go out and check out all these street signs. She stated that we also need this for EMS, Fire Department and our Police Department. According to Director of Public Works Ismael Carrillo, they started on SH-173 but they need to get back on track. Mayor Thompson suggested to have Code Compliance Officer Ruben Chapa take note of these signs while he's already driving around doing this rounds, and then he can let Public Works know. More discussion was held.
- h. St. Joseph's crosswalk – Alderman Espinosa inquired about the status on the crosswalk. Director of Public Works Ismael Carrillo stated that they've ordered the signs and are waiting on them.
- i. Volleyball Court – Alderwoman Randall inquired about the status of the volleyball court for the Parks. Interim City Administrator/City Secretary Dora V. Rodriguez stated that City Engineer Raul Garcia had just given her the plans (specs) and is ready to go out for proposals.

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

Ayes -- Three – Aldermen Lopez & Espinosa and  
Alderwoman Randall  
Nays -- None

Motion carried.

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Mayor

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City Secretary