

**Minutes**  
**Regular Meeting**  
**August 18, 2020**

On this 18<sup>th</sup> day of August, 2020, at 6:00 p.m., the City Council of the City of Devine convened 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 Cory Thompson  
Alderman Steve A. Lopez  
Alderman David Espinosa  
Alderwoman Debbie Randall  
Alderman Rufino Vega  
Alderman Chuck Guzman

Thus, constituting a quorum.

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

Others present: Raul Garcia, City Engineer, Garcia & Wright; Tom Nance, Gonzalez De la Garza Contractors; Xavier Gonzalez and Edward Garza, GRG Architecture; Glenn & Eva Thompson; Scott Grego; Sandy Herrera; Trudy Alger; Olga Bazan; Sofia R. Lopez; David Ehlinger; William Cole; Kadi McKee; Barbara Moore; Christen Longoria; Jules Zinsmeyer; Mary Uhl and Zach Faubel, of Devine, Texas.

Mayor Thompson, presiding, declared the meeting open.

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

Before the meeting began, the following Points of Personal Privilege were delivered:

- Point of Personal Privilege by Alderwoman Debbie Randall - Alderwoman Randall read a statement aloud addressing a comment made by Alderman Lopez at the last meeting: "you know how women are, they are mean." She stated that she found this to be pure age-old sexism at its best and she took extreme offense to his conduct. She concluded with saying that Alderman Lopez owed everyone an apology.
- Point of Personal Privilege by Alderman Steve A. Lopez – Alderman Lopez also read a statement aloud addressing his comment. He stated that Bingo at the VFW has been closed due to COVID-19, and he has women who want to play Bingo, so he had asked Emergency Management Coordinator Rob Flores if Bingo was still closed because "I have angry women, and we know women when they are angry." He stated that everyone who knows him knows that he likes to kid around, and said that he is not sexist or disrespectful towards women. Alderman Lopez stated that he wished the Mayor or whoever was offended would've contacted him that night to clear things up. Instead, the Mayor just posted things

## Regular Meeting Minutes

August 18, 2020

Page 2

on Facebook. He said this is why he doesn't like Facebook – because people are quick to post things and judge people without knowing all the facts. Alderman Lopez apologized if he offended anyone and said that this was not his intent. He concluded by saying that this is why we need a social media policy for employees and the Council so that we don't have things like this happen.

- Point of Personal Privilege made by Mayor Thompson – Mayor Thompson stated he would also do a Point of Personal Privilege since it was all directed at him. He said his statements are already part of public record and he did not use anybody's names. He said it is out there, and anyone can view it if they want to view it. He stated that he's going to get ahead of these things because we do live in a world where anything that is said wrong can and will be used against you, even if you did not say it and you simply sat at the table and listened to it. He said he was not going to let himself be taken down by other people's words.

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

No one signed up to speak under this item.

The second order of business was Recognition.

Alderman Espinosa stated that he still would like to recognize the Public Works employees, and would like this to be put back on the agenda.

The third order of business was to discuss and consider Approval of Minutes: Regular Council Meeting Minutes, June 16, 2020.

Minutes were not ready for Council to review.

The fourth order of business was to discuss and consider installation of the Tuff Curb Delineator for State Hwy. 173.

Ms. Christen Longoria, Medina County Engineer for TxDOT, addressed Council, and also introduced Mr. Jules Zinsmeyer, the Project Engineer for TxDOT who did the State Highway 173 Improvement Project here in town.

Ms. Longoria explained to Council that initially at the intersection of Jamison and State Highway 173, there was just a nonstandard metal rail which you can see through. When the project came in, they decided to put in a concrete barrier at the bridge cross culvert which had to meet certain specifications of a bridge rail; it had to be taller, and it was installed for safety reasons. She explained that once they installed it, they realized that we had some sight distance issues when you're trying to make a left turn coming onto Highway 173. The solution they are proposing to prevent any potential crashes are the following two options: Option 1 is to use another intersection – find another way to enter Highway 173 when you turn left there. Option 2 is to install a Tuff Curb, which is using little delineators which are flexible; if you should run over them with your car, they do

**Regular Meeting Minutes**  
**August 18, 2020**  
**Page 3**

minimal damage. They act as a curb and prevent people from turning left. Ms. Longoria told Council that they have a preliminary design ready to go and, should Council decide to go with this, they are ready to install the Tuff Curbs. She added that obviously if crashes happen there and they identify it as a safety need, that decision will go away and this is something that they will have to do there. However, at this point, there haven't been any, so she left it up to Council to decide if they want to have that installed now.

Ms. Longoria went over the pros and cons. The pros are that it's safer; no one can make a left turn there at the S. Jamison intersection. The cons are that sometimes the delineators get hit and it can be a maintenance problem, which would be a TxDOT problem and they would continue to maintain them. Also, the movement is restricted, so if there are no cars there at the intersection and you're wanting to go left, now you're going to have to make a right turn and make a U-turn and then go back.

Lengthy discussion was held on whether there have been any accidents there.

Alderman Espinosa inquired as to who made the decision that this was outdated and needed to be brought up-to-date. Ms. Longoria explained it was done by TxDOT's Bridge Division. Alderman Espinosa stated he is the one who has a bigger issue with this because it is in his district, and he feels this is just putting a Band-Aid on a bad engineering decision that was made to go this route. He's not happy with this, and does not feel that it is going to work now that we're trying to correct the problem, and it is an inconvenience. Ms. Longoria stated that she felt his pain and understood the inconvenience but explained that with the natural progression and growth of our town, at some point, State Highway 173 will become a divided roadway. She explained that the bridge rail that was installed was non-negotiable for safety reasons. If someone would've flown off that bridge, it could've been catastrophic. But now, this sight distance issue is a secondary reaction to that happening. She told Council that this is their solution now; it does solve a problem but it also brings an inconvenience.

Mayor Thompson suggested postponing this item for now until Alderman Espinosa can work on this and then be able to bring it back with public comments.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that TxDOT was also looking at another area to install a Tuff Delineator, by the school. Alderman Espinosa stated that he feels we really do need that one.

Ms. Longoria stated that Devine ISD has already contacted them about putting the same flexible delineators at the intersection of Highway 173 and FM 2200. Mr. Jules Zinsmeyer explained that the school is having issues which deal more with their internal traffic control. He pointed out that during non-school peak hours, it will still be there. Ms. Longoria reiterated that the people on Freedom will have the same inconvenience all the time, as the people on S. Jamison; so it's inconveniencing two different streets at two different locations. Mr. Zinsmeyer went over some of the concerns the school had with traffic back-up on Freedom. Council held discussion with Jules Zinsmeyer.

**Regular Meeting Minutes**  
**August 18, 2020**  
**Page 4**

Motion by Alderman Espinosa, seconded by Alderman Vega to postpone the installation of the Tuff Curb Delineator for State Hwy. 173 and S. Jamison until we get a petition and public input.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was Informational Items, per Mayor Thompson.

- Signage for Golf Course – Christen Longoria said she and Interim City Administrator/City Secretary Dora V. Rodriguez talked about the signage for the Golf Course. She stated that they will allow for the placement of signs on the right-of-ways, but emphasized that there are a lot of caveats to that. They have to meet and be installed per TxDOT's standards. She offered to provide design information on how they should be displayed. However, she told Council they would like pre-approval before we fabricate them so that we can all be on the same page, and also pre-approval before we install them; they need to make sure that they are break-away signs. Interim City Administrator/City Secretary Dora V. Rodriguez told Council that Director of Public Works Director Ismael Carrillo will be in contact with Ruben, from TxDOT, on the signs.
- TxDOT Construction – Christen Longoria informed Council of other construction that is going on with TxDOT due to a major accident on southbound IH-35, and having a lane closed for three weeks to allow them time to repair a damaged rail. So, we need to be prepared for traffic back-up.
- Update on Asbestos Water Lines – Council heard from Tom Nance, with Gonzalez De la Garza Contractors. He briefed Council on where they are with the Asbestos Water Line Project. Lengthy discussion was held.
- Update on Property Taxes – Mayor Thompson discussed some corrected information provided by Melissa Lutz, Tax Assessor-Collector, who was off on the figures she had provided to Council at a previous meeting; he said it wasn't off by much. Discussion was held.

The sixth order of business was to discuss and consider improvements at the Golf Course Club House.

**Regular Meeting Minutes**  
**August 18, 2020**  
**Page 5**

Xavier Gonzales, Architect with GRG Architecture, presented Council with a Power Point presentation with respect to the Golf Course Club House improvements and renovations, and gave Council a summary of the background history of the building. He discussed an assessment overview of the facility with Council, and then went over improvement goals and objectives for a new bar, new kitchen, pro shop, and discussed different finishes. He also held discussion on the original budget being \$250,000.00, and provided different budget options and recommendations.

Lengthy discussion was held. Council opted to go with the recommended priorities and to do the kitchen on our own.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to go with the recommended list minus the restaurant equipment.

Presentation attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

At 8:05 p.m., Mayor Thompson announced Council would take a Break.

At 8:15 p.m., Council reconvened to regular session.

The seventh order of business was to discuss and consider amending Chapter 94 of the Code of Ordinances, Article V Stopping, Standing and Parking, establishing No Parking on the East side of Oakhill Drive from its intersection with SH-173, and remove the No Parking on the West side for its entire length with the exception of the cul-de-sac area, and No Parking Overnight on Oakhill Drive – at the request of Councilwoman Randall.

Council held discussion. The No Parking will be on the store side of the road; not the field side of Oakhill Drive.

Motion by Alderwoman Randall, seconded by Alderman to approve amending Chapter 94 of the Code of Ordinances and adopt Ordinance 8-20A, establishing No Parking on the East side of Oakhill Drive from its intersection with SH-173, and have Public Works do the signage and paint the red curbs.

Ordinance attached as Exhibit B.

Ayes	--	All
Nays	--	None

Motion carried.

**Regular Meeting Minutes**  
**August 18, 2020**  
**Page 6**

The eighth order of business was to discuss and consider Amending Chapter 14 of the Code of Ordinances – Animal and Fowl – at the request of Councilwoman Randall.

Discussion was held on bringing registration back into Code, and whether to tag or microchip the animals. Lengthy discussion was held on deer at the airport. City Attorney Tom Cate will make changes to the ordinance and bring it back to Council.

Motion by Alderman Lopez, seconded by Alderwoman Randall to table this item until City Attorney Tom Cate brings the ordinance back with corrections.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider Amending Chapter 18 of the Code of Ordinances – Buildings and Building Regulations, Article VIII Unsafe Buildings – at the request of Councilwoman Randall.

Mayor Thompson talked about our City not being large enough population-wise to go inspect abandoned buildings; we still operate under a General Law Type A City. According to City Administrator/City Secretary Dora V. Rodriguez, we've done administrative search warrants in the past. Mayor Thompson stated that we can only enforce what we already have. Council held lengthy discussion.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to table this item.

Ayes	--	All
Nays	--	None

Motion carried.

The tenth order of business was to discuss and consider Amending Chapter 86 of the Code of Ordinances – Streets, Sidewalks, and Other Public Property – at the request of Councilwoman Randall.

Mayor Thompson informed Council that the reason for this is because when people mow grass, the clippings go into the street and then you have grass and flowers growing in the street. Council held lengthy discussion with City Attorney, and whether it also applied to alleys and other right-of-ways.

Motion by Alderman Guzman, seconded by Alderman Vega to approve Amending Chapter 86 of the Code of Ordinances – Streets, Sidewalks, and Other Public Property and adopt Ordinance 8-20B.

**Regular Meeting Minutes**  
**August 18, 2020**  
**Page 7**

Ordinance attached as Exhibit C.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was to discuss and consider Adopting the Amendments to Chapter 66 of the Code of Ordinances – Offenses and Miscellaneous Provision, Article VIII Temporary Sales – at the request of Councilwoman Randall.

Currently we allow 2 garage sales per year. Council held discussion on allowing four garage sale permits per year (whenever they want), plus one city-wide garage sale.

Motion by Alderman Guzman, seconded by Alderman Lopez to approve the amendments and adopt Ordinance 8-20C, allowing four garage sale permits per year, plus one city-wide garage sale that will not require a permit.

Ordinance attached as Exhibit D.

Ayes	--	All
Nays	--	None

Motion carried.

The twelfth order of business was to discuss and consider Amending Chapter 42 of the Code of Ordinances – Environment, Article II Noise, to include Engine Brakes and Altered Muffler System – at the request of Councilwoman Randall.

Council held discussion on engine braking, and putting up signage. Once signs are up, our Police Department will be able to enforce this.

Motion by Alderman Guzman, seconded by Alderman Lopez to approve Amending Chapter 42 of the Code of Ordinances – Environment, Article II Noise, to include Engine Brakes and Altered Muffler System, and adopt Ordinance 8-20D.

Ordinance attached as Exhibit E.

Ayes	--	All
Nays	--	None

Motion carried.

**Regular Meeting Minutes**  
**August 18, 2020**  
**Page 8**

The thirteenth order of business was to discuss and consider Adopting an Ordinance to deny rate increase by West Texas Gas, Inc.

Council held discussion on the proposal by West Texas Gas, Inc. City Attorney Tom Cate recommended for Council to pass the ordinance to disapprove the rate increase.

Motion by Alderman Randall, seconded by Alderman Guzman to Adopt Ordinance 8-20E to deny the rate increase by West Texas Gas, Inc.

Ordinance attached as Exhibit F.

Ayes	--	Four – Aldermen Guzman, Espinosa Lopez, Alderwoman Randall
Nays	--	None
Abstain	--	One – Alderman Vega

Motion carried.

The fourteenth order of business was to discuss and consider Adopting a Social Media Policy.

Council held discussion on other 29 Sections of the Personnel Policy that they did not have. City Attorney Tom Cate stated that, if adopted, this Social Media Policy would be the next sections added to the Personnel Policy; he stated that Texas Municipal League (TML) has reviewed this and has no problems with it.

Lengthy discussion was held by Mayor Thompson and Alderwoman Randall on the intent of the policy by different departments, and about an organizational policy.

Motion by Alderman Espinosa, seconded by Alderman Lopez to approve the Social Media Policy for Employees/Council.

Social Media Policies attached as Exhibit G.

Ayes	--	Two – Aldermen Espinosa, Lopez
Nays	--	One – Alderwoman Randall
Abstain	--	Two – Aldermen Vega, Guzman

Motion carried.

The fifteenth order of business was to Review Quarterly Investment Report.

Council reviewed.

**Regular Meeting Minutes**  
**August 18, 2020**  
**Page 9**

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

Ayes	--	All
Nays	--	None

Motion carried.

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Mayor

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City Secretary