

**Minutes
Special Meeting
August 13, 2020**

On this 13th 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; Tom Cate, City Attorney; Ismael Carrillo, Director of Public Works; Rob Flores, Superintendent of Public Works; Vickie Pumphrey, Airport Manager; and Ofilia Pedroza, UB Clerk.

Others present: Johnette Dixon, Chief Appraiser -Medina County Appraisal District; Melissa Lutz, Medina County Tax Assessor-Collector; Jerry Beck, Precinct #4 County Commissioner; and David Ehlinger of Devine, Texas.

Mayor Thompson, presiding, called the meeting to order.

The first order of business was to discuss and consider and Act Upon Declaration of Public Health Emergency Issued by Mayor on March 25, 2020 Including Possible Changes and Extensions.

Council reviewed Exhibit A, Public Health Emergency Rules and Regulations.

Mayor Thompson showed concern over Item #18 on the Exhibit which states: City Advisory Boards and Committees – All meetings of the City advisory boards or committees are canceled until further notice. He said some of the boards haven't met in a long time and suggested possibly having the Airport, Library and Parks Advisory Boards start meeting by the 1st of September.

Interim City Administrator Dora V. Rodriguez talked to Council about Bronson Wilburn wanting to sit on the Parks Advisory Board. She told Council that she will give his contact information to Alderman Guzman since he is in District 4, so he can contact him.

Alderwoman Randall inquired about Item #5 on the Exhibit which states: Municipal Court – Due to the fact that Municipal Court is conducted in City Hall, court dockets for March, April, May and June 2020 shall be rescheduled.

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Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that court was held earlier today at the Community Center.

Council held discussion on leaving everything with the Library as is; it will continue operating the same.

Council held discussion on whether to open up the Community Center at 50% capacity or to continue keeping is closed. Council's decision was to keep the Community Center closed.

Interim City Administrator/City Secretary Dora V. Rodriguez inquired about Item #2 on Exhibit A which states: Utility Cut-Offs and Late Fees – Utility cut-offs and late penalties will be suspended for the duration of the pandemic. She mentioned that other cities that are waiving penalties are looking at starting penalties in September, but only for the current bills.

City Attorney Tom Cate advised that we need to give customers a 30-day notice so we need to start in October if we are going to do this. Customers would still have usage for the month of September.

Interim City Administrator explained the billing process. She told Council that this is what other cities are doing but Council can set it for another month. Discussion was held on the 63 delinquent letters that were sent out.

Motion by Alderwoman Randall, seconded by Alderman Vega to approve the Declaration and Exhibit A, and extend the date to September 16, 2020.

Exhibit attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

The second order of business was Review of 2020 Governing Body Summary #1A Benchmark 2020 Tax Rates for the City of Devine.

Melissa Lutz, Medina County Tax Assessor-Collector, addressed Council. She explained that the roll back rate is the highest rate you can set without requiring an election. She told Council that once you go over that rate, it's an automatic election.

Mayor Thompson held discussion about bringing in new revenue. Ms. Lutz explained to Council that we do not have a Debt Service right now. She explained how we would be able to adjust the rates, and then talked to Council about different rules and stipulations.

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Interim City Administrator/City Secretary Dora V. Rodriguez gave Council a timeline on adopting the Budget, and told Council that Ms. Lutz would be publishing a notice in the newspaper.

Council thanked Melissa Lutz for her time.

The third order of business was Review of 2020 Appraisal Roll Certified by Medina County Appraisal District.

Johnette Dixon, Chief Appraiser, addressed Council. Ms. Dixon informed Council that this applied to the city limits of Devine only. A lengthy discussion was carried between Ms. Dixon and Mayor Thompson on a series of questions mostly to do with market values. Ms. Dixon talked about an increase in value due to market value, infrastructure, etc.

This was for review only.

The fourth order of business, Mayor Thompson announced that he would combine Agenda Item #5 – Discuss and consider Budget for 2021 for the Medina County Appraisal District, Agenda Item #6 – Discuss and consider Adopting a Resolution Disapproving the Budget for 2021 for Medina County Appraisal District, and Agenda Item #7 – Discuss and consider Medina County Appraisal District's Audit.

Mayor Thompson asked Ms. Dixon a series of questions about the audit. He said he wondered if people in Devine are getting their fair share. He said he doesn't know how accurate this is. Lengthy discussion was held.

Alderman Lopez asked Ms. Dixon how many times she's ever been questioned about the accuracy of her work. According to Ms. Dixon, her work has never been questioned, except by Devine.

Mayor Thompson continued lengthy discussion with Ms. Dixon. And, Alderwoman Randall stated that it just doesn't sit well with her. She said she was having a problem with their 2021 Budget on a year that they failed an audit.

Alderman Guzman inquired about bonuses. According to Ms. Dixon, they do not get bonuses or longevity; they only get COLA, but she stated that their budget also included a new employee.

Alderwoman Randall commented that it would be nice if Mamie Navarro could come down and talk to Council since she is our representative.

Mayor Thompson told Council to do what they want to do.

Discussion was held.

City Attorney Tom Cate advised Council that they needed to take affirmative action to be able to disapprove the budget.

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Motion by Alderwoman Randall, seconded by Alderman Espinosa to Disapprove the Budget for 2021 for the Medina County Appraisal District, and to adopt Resolution 8-20, disapproving the budget.

2021 Budget for Medina County Appraisal District attached as Exhibit B, and Resolution attached as Exhibit C.

Ayes	--	Two – Alderwoman Randall, and Alderman Espinosa
Nays	--	Two – Aldermen Guzman and Lopez
Abstain	--	One – Alderman Vega
Mayor’s vote to break tie	--	One Aye

Motion carried.

The sixth order of business was to discuss and consider contract for Aviation Fuel.

City Attorney Tom Cate pointed out that there is no indemnification clause in the contract, so that is good. He told Council that he had also asked Titan to make the contract subject to the laws of Texas, and they complied with that. He told Council that there are a lot of documents to sign on the credit card processing agreements. He talked about his discussions with Titan over this, and explained they have no control over that and we have no control over that. He said we have no bargain power so if we want to use their system, we’ve got to sign those agreements. He explained that this is one of those deals where you weigh the benefits with the risks. The benefit is that we’re going to start selling aviation fuel. He said the risk exists in getting into a dispute with the credit card processing company, but it’s a very small risk. Based upon this and if we want to sell fuel, the only way we’re going to do this is to approve the contract and all the credit card processing agreements; this was his recommendation to Council. City Attorney Tom Cate told Council that this would be a five-year contract, and it is for branded fuel.

Motion by Alderwoman Randall, seconded by Alderman Vega to authorize Interim City Administrator Dora V. Rodriguez to sign the contract with Titan Aviation Fuels and all the associated credit card processing agreements.

Contract attached as Exhibit D.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was Informational Items.

The following was discussed:

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- Social Media Policy – Alderman Espinosa suggested that we bring it back on the agenda for August 18th. He said he feels it's important for the City to have our own Facebook page, especially with all these projects we have going on. Mayor Thompson agreed that we need this. Discussion was held. City Attorney Tom Cate advised that we need to put it on the agenda first.
- City Administrator position – Alderman Espinosa wants to get back on track with this. Interim City Administrator Dora V. Rodriguez said she is ready to begin the processing again. Discussion was held.
- Order of Name Plates – Alderman Lopez suggested putting this item on the agenda. He suggested having seating arrangements based on council district order, with the Mayor sitting in the center. Alderman Espinosa suggested that maybe the Mayor and Mayor Pro-Tem should sit together.
- Delineators – Alderwoman Randall inquired about the status of the delineators on SH-Hwy. 173 by the school and by Jamison. Interim City Administrator/City Secretary Dora V. Rodriguez offered to reach out to Ruben with TxDOT. She will ask them about coming down to meet.
- Republic Services – Alderman Espinosa inquired about status on the garbage situation. Interim City Administrator/City Secretary Dora V. Rodriguez said that will be on the agenda for August 18, 2020, and they are already aware.
- Golf Course – Alderman Espinosa inquired how the contractor is coming along at the golf course. This will also be on the next meeting.
- Request from Contractors – Public Works Director Ismael Carrillo handed out maps to Council for review. He pointed to a designated square area on the map where the water contractors are asking for permission to park their equipment. This way they don't have to be going back and forth thru town to where they have their main yard – on Warhorse and Fay. He showed Council where he has the proposed sand available for usage. He explained the contract calls for the use of a lot of sand for their piping and trenching, and the contractors noticed that we have a lot of sand, and they are wanting to buy some sand from the City. He told Council that City Engineer Raul Garcia will help us figure out a good price for sand. Discussion was held on the scraping of the sand. Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that a while back, the City had R.L. Jones come down to do a Remediation on the 40 acres, so all this was cleared by the State back then. Mayor Thompson asked if this could be on the agenda for next week, to find out how much sand they are needing.
- Easements – Alderwoman Randall inquired on the status of the easements. City Attorney Tom Cate said we are doing good. He said they are still negotiating with some landowners but we will get them signed. According to Interim City Administrator/City Secretary Dora V. Rodriguez, this will be for Phase 3 of the project. She told Council that we are also meeting with the school next week to go over

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- Map of Streets (for Asbestos Project) – Council reviewed a street map that City Engineer Raul Garcia provided to Council for the Asbestos Project. Public Works Director Ismael Carrillo went over the Street Map for the benefit of our newest councilmember, Alderman Chuck Guzman, so he could understand the project. He pointed out that the streets in red are the ones that will actually be affected by the replacement of the asbestos lines. Discussion was held on the three phases.

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

Ayes	--	All
Nays	--	None

Motion carried.

Mayor

City Secretary