

**Minutes
Special Meeting
August 4, 2020**

On this 4th 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 Chuck Guzman

Absent being, Alderman Rufino Vega; thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Tom Cate, City Attorney; and Vickie Pumphrey, Airport Manager.

Others present: Raul Garcia; John L. Simon; Eddie De La Garza; Kadi McKee; Randall Rodgers; Scott & Shirl Grego; David Ehlinger; and William Cole, of Devine, Texas.

Mayor Thompson, presiding, called the meeting to order.

The first order of business was to discuss and consider ordering a City General Election to be held on November 3, 2020 for a Mayor and an Alderman for District #3, District #4 and District #5. *(La primera orden de negocio fue discutir y considerar ordenar una Elección General de Ciudad que se llevará a cabo el día 3 de Noviembre del 2020 con el propósito de elegir un Alcalde, y un Concejal para Distrito #3, Distrito #4 y Distrito #5.)*

Council reviewed the Order of Election form. Interim City Administrator/City Secretary Dora V. Rodriguez reminded Council that the City General Election will continue to be held at City Hall, while the County will be at our Community Center this year, just down the street. They plan to help each other out by letting people know of the two separate elections going on so that people can go vote. *(El Consejo revisó el formulario de Orden de Elección. La Administradora Interina de la Ciudad/Secretaria de la Ciudad, Dora V. Rodriguez, recordó al Concejo que las Elecciones Generales de la Ciudad continuarán llevándose a cabo en el Ayuntamiento, mientras que el Condado estará en nuestro Centro Comunitario este año, justo al final de la calle. Planean ayudarse mutuamente para que la gente sepa de las dos elecciones separadas que se están llevando a cabo para que la gente pueda ir a votar.)*

Motion by Alderman Espinosa, seconded by Alderman Lopez to approve ordering the General Election to be held on November 3, 2020 for a Mayor and an Alderman for District #3, District #4 and District #5. *(Moción del Concejal Espinosa, secundada por el Concejal Lopez para aprobar ordenar una Elección General de Ciudad que se llevará a cabo el día 3 de Noviembre del 2020, para un Alcalde y para un Concejal en Distrito #3, Distrito #4 y Distrito #5.)*

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Ayes (<i>Si, voto afirmativo</i>)	--	Four (<i>Cuatro</i>) – Aldermen (<i>Concejales</i>) Lopez, Espinosa, Guzman and (<i>y</i>) Alderwoman (<i>la Concejal</i>) Randall
Nays (<i>Voto no afirmativo</i>)	--	None (<i>Ninguno</i>)
Absent (<i>Ausente</i>)	--	One (<i>Uno</i>) – Alderman (<i>Concejal</i>) Vega

Motion carried. (*Moción aprobada*).

The second order of business was to discuss and consider accepting the Notice of Election. (*La segunda orden de negocio fue discutir y considerer aceptar la Noticia de Elección.*)

Motion by Alderwoman Randall, seconded by Alderman Guzman to accept the Notice of Election. (*Moción de la Concejal Randall, secundada por el Concejal Guzman para aceptar la Noticia de Elección.*)

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

Ayes (<i>Si, voto afirmativo</i>)	--	Four (<i>Cuatro</i>) – Aldermen (<i>Concejales</i>) - Lopez, Espinosa, Guzman and (<i>y</i>) Alderwoman (<i>la Concejal</i>) Randall
Nays (<i>Voto no afirmativo</i>)	--	None (<i>Ninguno</i>)
Absent (<i>Ausente</i>)	--	One (<i>Uno</i>) – Alderman (<i>Concejal</i>) Vega

Motion carried. (*Moción aprobada*).

The third order of business was to discuss and consider review of:

- Rate A. Review of Effective and Rollback Tax Rates.
- Rate B. Review of Schedules A, B and C.
- Rate C. Review of Tax Rate.

Mayor Thompson went over the rates. Discussion was held on the Property Tax Calculations Worksheet. Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that this year, everything is incorporated together in this one worksheet. She explained the new language being used now: What used to be the Effective Tax Rate is now called the No-New-Revenue Tax Rate. She explained that the Rollback Tax Rate is now called the Voter-Approval Tax Rate. Also, Maintenance & Operations is now called the No-New-Revenue Maintenance & Operations (M&O) Rate. She explained that there are also two other new language changes, but they do not apply to us.

Mayor Thompson went over the rates and explained that basically in previous years, we've frozen the rates and have kept the same actual tax rate from year to year, and explained that we now have to deal with overall values and not just the tax rate itself. He told Council that this year, our tax rate will be \$.5298 but if we decide to keep that same rate, we will be subject to a tax election by the voters. This would give the City a revenue of \$1,055,825.00. He explained that to keep that

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approximate same amount without being subject to an election, the tax rate would be at \$.5298, and that would be our new tax rate.

Council held discussion on having stayed in this margin for the last four to six years within a penny.

Interim City Administrator/City Secretary Dora V. Rodriguez explained that right now this is just for council to review, and the next step will be on the levy. She explained that Council will be calling for Public Hearings. For the Budget, it will be one Public Hearing and for the Property Taxes, it can be up to two Public Hearings. She went over the calendar with Council and discussed all the due dates. She explained that if Council decides to go with a tax rate that requires an election, the election would be in November. Alderwoman Randall inquired if there was enough time to place this on the ballot for November, if they should go with a higher tax rate. City Attorney Tom Cate explained that the only time the election would go to the voters would be if they set the tax rate higher than the \$.5298.

Interim City Administrator/City Secretary Dora V. Rodriguez stated that she would contact Melissa Lutz. She said there is a timeline that needs to be followed, and she was not sure on what that would do to the budget; she stated that we have to adopt the budget before October 1, 2020.

Mayor Thompson gave a statement on problems with an independent audit of the Medina County Appraisal District. He spoke of the frustration of people possibly being overtaxed or undertaxed. He told Council that this year, the Medina County Appraisal District was not bringing us their budget to approve; their own board approved it in-house. He then went over information that Chief Appraiser Johnette Dixon submitted.

Mayor Thompson held discussion on our representative who sits on the board and possibly reaching out to that person to listen to our concerns and take those concerns back to their board.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that our representative is Mamie Navarro. Discussion was held about some health issues with Ms. Navarro. According to Interim City Administrator/City Secretary Dora V. Rodriguez, she will call Chief Appraiser Johnette Dixon about having someone come down to speak to our Council.

Interim City Administrator/City Secretary Dora V. Rodriguez told Council that since this is all new with the Schedules, she told Council to write down any questions they might have, and when Johnette Dixon comes down, she can go over this with them. She will also be calling Melissa Lutz, Tax Assessor-Collector to come down as well to answer any questions.

No action was taken.

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

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Council reviewed the 2020 certified totals and all the exemption breakdowns, for net taxable amount of \$207,891,221.00. Again, Interim City Administrator/City Secretary told Council they can ask Johnette Dixon questions when she comes down for the next meeting.

No action was taken.

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

City Attorney Tom Cate addressed Council over his concerns with the contract, namely:

- They want us to agree to be governed by other state laws: North Carolina, Florida, Minnesota, and Kansas. He prefers to stay with Texas Law if possible.
- The contract has an indemnification clause – He has a problem with this.
- Interest rate clause – In Texas, it's 2% over Prime Rate; they want 18% over Prime Rate if we are going to pay them interest.
- Branded Fuel – If we go with Titan, they want us to participate in a Branded Fuel Program, and they also want us to go with their credit card processing company; not the credit card that the City currently uses.

Airport Manager Vickie Pumphrey addressed Council on branded fuel vs. unbranded fuel. She explained that going with branded fuel helps with the advertisements and guidance with quality control; unbranded fuel – we brand it ourselves (it would be the City of Devine), and that is the only difference. There are no additives in the fuel; it's the same thing. If we're branded, we're either Phillips66/Shell, AvFuel or Titan; there's not much difference in the fuel and not much difference in the price rate.

Council heard from Mr. Randall Rodgers who is our contractor. Mr. Rodgers informed Council that there is no difference in the fuel for branded vs. unbranded, other than the advertising and marketing that goes along with the branded fuel.

Council held lengthy discussion on some of the issues of concern brought up earlier by City Attorney Tom Cate, and continued discussion on branded vs. unbranded and marketing it ourselves.

Interim City Administrator/City Secretary Dora V. Rodriguez reminded Council that they had discussed making Airport Manager Vickie Pumphrey a full-time employee after the Fuel Farm is set up. She told Council that if we should go with unbranded fuel, this would allow Ms. Pumphrey more time for marketing and advertising; that would be part of her job. Council held discussion.

Motion by Alderman Guzman, seconded by Alderman Espinosa to move forward on the contract with Titan Aviation Fuels and convince them to remove the indemnification clause, to negotiate on the credit card processing, and to give City Attorney Tom Cate direction to go with branded fuel, if they remove the indemnification clause.

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

Motion carried.

The sixth order of business was Informational Items.

Council discussed the following:

- Update on status of the removal of asbestos lines. City Engineer Raul Garcia briefed Council on a pre-construction conference that was held with the contractors last week and went over the Asbestos Project. He said the Notice to Proceed was issued and went into effect on August 3, 2020 for Phase 1 of the project which includes the removal and replacement of asbestos lines from Colonial Parkway, south. He said the project was awarded to Gonzales De la Garza Contractors, out of San Antonio. Mr. Garcia went into detail over the description of the project for Phase 1, and said they are also working on preparation of plan specifications for Phase 2 which will be north of Colonial Parkway. He briefly touched on Phase 3 (replacement of transmission lines from the water wells coming in to town) and Phase 4 (replacement of any other lines). Council also heard from Mr. John Simon, the Project Manager for Gonzales De la Garza Contractors. He discussed the area in which they will be starting and provided information on what they will be doing. Discussion was held on how the customers will be notified of work being done, and explained that they will follow TxDOT requirements for lane closures. According to Interim City Administrator, City Engineer Raul Garcia will have an inspector on site at all times and a Public Works employee will be with the contractors at all times. Discussion was also held on truck traffic and also on their office location being close to the school. Mayor Thompson discouraged them from using Warhorse Drive at all for access. According to Mr. Simon, they will access entry to their location from Faye Drive. The contractors will be coming to monthly meetings to give updates on what is going on.
- Trash contract – Alderwoman Randall inquired about the possibility of Council looking into another trash company, and held discussion on how to go about providing proper notification; she asked for clarification on termination of the contract. Discussion was held on the 120-day notice. City Attorney Tom Cate explained that even if the City were to give proper notice of termination, this contract would continue for another four-year period, unless we find reason that the company has broken the contract. Council held discussion. Interim City Administrator/City Secretary Dora V. Rodriguez will contact Republic Service about having a representative come before Council at our next meeting.

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- Updates on Golf Course Architects – Mr. Ruben Chapa informed Council that the architects will be coming down next week to meet with Scott and Shirl Grego regarding the club house renovations. Discussion was held. Mayor Thompson requested to have the architects come for the next meeting; he wants Council to see plans on what they are doing. Interim City Administrator/City Secretary Dora V. Rodriguez stated that she and Ruben Chapa will be contacting the contractors tomorrow.

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

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

Motion carried.

Mayor

City Secretary