

**Minutes
Regular Meeting
October 20, 2020**

On this 20th day of October, 2020, at 6:00 p.m., the City Council of the City of Devine convened at the Medina County Annex, 317 N. Highway 132, 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
Alderwoman Debbie Randall
Alderman Rufino Vega
Alderman Chuck Guzman

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

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

Others present: Marly Davis, Devine News; Raul Garcia, City Engineer; Tom Nance, Gonzales De La Garza Contractors; Edward Garza & Raul Reyes, GRG Architects; Cynthia L. Chalaire; Angela Pichardo; Michelle Berdeaux; Sandy Herrera; Jose Pedroza; Carlos Garcia; Leslie Vail; Shirl & Scott Grego; Diane Bradford; Kate Rancher; Lynette DeSalme; Matt Martinez; Brandee Stacy; Linda & Bill Kreinhop; Christine & Omar Alderman; Laura Sinclair; Eva Thompson; Billy Alvarado; Aurora Hernandez; Jessica Ornelas; and Dale and Christy Williamson of Devine, Texas.

Mayor Thompson, presiding, declared the meeting open.

Mayor Thompson addressed Council and the public about the limited seating capacity in the room, of 22 people total.

Lengthy discussion was held. Meeting continued after people volunteered to step out.

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

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

- Billy Alvarado – Addressed Council regarding the Budget. He inquired as to an explanation of how employees have split percentages for their salaries under different departments. He also inquired about employees having dual positions and wanted to know if we are short-handed. He asked Council to look into this.
- Angela Pichardo – Spoke to Council regarding a Facebook post on human trafficking which hit close to home. She had wanted to bring in Sgt. Sanchez, DPS officer to speak, but informed Council that Sgt. Sanchez is willing to reschedule his presentation for November. She also wants to bring in a speaker from the National Parks Service who runs all the missions in San Antonio

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The second order of business was Recognition.

- There was no recognition at this time.
- Point of Personal Privilege – Alderwoman Randall spoke about several of mayoral candidate Angela Pichardo’s Facebook posts and using the Visitors/Citizens Forum for presentations not listed on the agenda under the Devine Community Outreach Initiative which hasn’t even been endorsed by City Council. She felt this is just a campaign strategy by this mayoral candidate.

The third order of business, moved up on the agenda per Mayor Thompson, was to discuss and consider request made by Sarah Martinez for a speed bump to be installed at 716 Jack Nicklaus Drive.

Motion by Alderman Guzman, seconded by Alderwoman Randall to table this item until the next meeting in November.

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

Motion carried.

The fourth order of business was Updates from De La Garza Contractors doing the water line replacement project.

Council heard from Mr. Bruce Moran and Mr. Tom Nance on where they are with the project and what they are planning on doing. According to Mr. Moran, they should be done with Colonial Parkway in 15 days. Lengthy discussion was held. Overall, they told Council that they are on schedule. Discussion was also held on the valves.

The fifth order of business was to discuss and consider Approval of Minutes: Regular Council Meeting Minutes, August 18, 2020; Special Council Meeting Minutes, August 25, 2020; and Special Council Meeting Minutes, September 8, 2020.

Council reviewed minutes.

Motion by Alderman Lopez, seconded by Alderman Guzman to approve the minutes for Regular Council Meeting, August 18, 2020; Special Council Meeting, August 25, 2020; and Special Council Meeting, September 8, 2020.

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

Motion carried.

The sixth order of business was to discuss and consider accepting Albert Garza’s resignation from the Parks & Recreation Advisory Board.

Council reviewed letter and held discussion.

Motion by Alderman Guzman, seconded by Alderman Vega to accept Albert Garza’s resignation from the Parks & Recreation Advisory Board.

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

Motion carried.

The seventh order of business was to discuss and consider recommendation from District 1 Councilman Rufino Vega on appointing a replacement for the Parks & Recreation Advisory Board.

Discussion was held that we are still looking for someone. City Attorney Tom Cate advised that they can still hold meetings, and their first meeting will be an organizational meeting.

Motion by Alderman Guzman, seconded by Alderwoman Randall to postpone until Alderman Vega can nominate a candidate.

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

Motion carried.

The eighth order of business was to Administer Oath of Office.

No action was taken.

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The ninth order of business was to discuss and consider adopting an ordinance appointing six members to the Board of Directors for the Tax Increment Reinvestment Zone #2 City of Devine Redevelopment Project.

Council reviewed ordinance.

Discussion was held that the six Councilmembers will be the TIRZ Board Members by district title/position. The seventh member who currently sits on the board is Jerry Beck, Commissioner Pct. #4. So, as changes happen, the new Councilperson/Commissioner will automatically be the new TIRZ Board Member.

Motion by Alderman Guzman, seconded by Alderman Lopez to Adopt Ordinance 10-20, appointing six members to the Board of Directors for the Tax Increment Reinvestment Zone #2 City of Devine Redevelopment Project.

Ordinance attached as Exhibit A.

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

Motion carried.

The tenth order of business was to discuss and consider Golf Club House:

- A. Preliminary recommendations from two structural engineers regarding the existing Golf Club House porch structure.

Council held discussion with Edward Garza and Raul Reyes with GRG Architecture regarding the porch needing to be repaired or replaced. Mayor Thompson felt that our City Engineer, Raul Garcia should take a look at it first, before pursuing anything further. According to Mr. Garcia, he can do that in another two weeks and will try to get us estimates.

Council also held discussion with Scott Grego, SG Golf Management.

Motion by Alderwoman Randall, seconded by Alderman Vega to authorize City Engineer Raul Garcia to take a look at the Club House porch structure to let us know about pursuing further, yes or no, and to give us a general idea on an estimate to replace it.

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

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Motion carried.

B. Final design layout for the Golf Course Club House.

Council reviewed handouts and held lengthy discussion with Architect Edward Garza on the preliminary plans before full construction. He went over the demolition, new layout and everything else. Discussion was held on kitchen/bar area, restrooms, and plumbing, to name a few. According to Mr. Garza, they are trying to stay conservative with what they are doing, and they are focusing more on the infrastructure.

Lengthy discussion was held on how long it would take for construction to start once approved. According to Mr. Garza, it normally takes 30 days. Discussion was held on the advertising and bidding process, and the next steps with the mechanical engineers.

Mayor Thompson foresees a start date of January 19, 2021 but in reality, more like February 1, 2021.

Motion by Alderwoman Randall, seconded by Alderman Vega to postpone the final design layout for the Golf Course Club House until next Tuesday's meeting to give Council more time to review this.

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

Motion carried.

The eleventh order of business was to discuss and consider Street Paving Project.

City Engineer Raul Garcia handed out a color-coded map to Council and explained he categorized the streets into five categories. The streets in blue means they are good streets and don't need paving. Green means the streets have been milled and appear to be in good shape at this time. Yellow means streets that need overlaying; they are relatively good but need protection before they get damaged. Orange are streets that need to be scarified; the base looks to be in good condition but the pavement is gone. Red means the streets are in bad shape and need to be reconstructed from scratch.

City Engineer Raul Garcia held lengthy discussion on the streets and went over some estimates, and talked about working together with the County. According to County Commissioner Jerry Beck, the County can't do anything until the spring. Discussion was held with Mr. Garcia on streets that are missing on the map. Mr. Garcia requested a list of the missing streets and he will get them on the map.

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Mayor Thompson suggested that each council person drive through their districts to check out which streets need to be worked on, and so they can come up with a list to provide to Commissioner Jerry Beck in the spring.

Motion by Alderman Lopez, seconded by Alderman Vega to table this item until Council can get together with the maps.

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

Motion carried.

The twelfth order of business was Informational Items.

Mayor Thompson requested the following to be discussed:

- 28 Acres – City Engineer Raul Garcia informed Council about his survey. He said the total area is 28.49 acres. Mr. Garcia spoke about the minuses on the property. He pointed out that he found three gas lines running north to south, and he found power lines which are outside of the 100 ft. electric easement. He said the frontage on Highway 173 is very small, only 50 feet. There are also two manholes which are outside of the utility easement, on private property. If the area is to be developed, Mr. Garcia told Council that we would need to put in a detention pond because of the low swale. Discussion was held. Council thanked City Engineer Raul Garcia for the survey information.

The thirteenth order of business was to discuss and consider request made by Juan A. and Lorraine Velasquez on extremely high water bill (12 days).

No one was present for this item.

No action was taken.

The fourteenth order of business was to discuss and consider Devine Little League contract.

Aurora Hernandez addressed Council. She informed them that their new board just met last week and they still do not have a signed contract. She explained that the new board decided to table the contract until their next meeting on November 10, 2020. She asked Council if they could get an extension until November.

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Lengthy discussion was held over confusion of the contract. Ms. Hernandez spoke to Council about changes they are wanting on the contract; namely, the Little League wants to have it from December to August, and the City can have it from August to December. Discussion was held on insurance issues which were addressed by City Attorney Tom Cate. Ms. Hernandez told Council that if they're granted an extension; hopefully, they can bring back a signed contract at the next November Council meeting.

Mayor Thompson informed Council that his thinking is to just go back to the original contract; the way it was two years ago, and the City not use it at all. Lengthy discussion was held on this, along with discussion that it should go before the Parks & Recreation Advisory Board.

Motion by Alderman Vega, seconded by Alderman Guzman to table the Devine Little League contract until our November Regular Council Meeting.

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

Motion carried.

The fifteenth order of business was to discuss and consider request from Devine VFW Post 3966 for the road closure of College Avenue, between Upson Drive and Sayers Drive on November 7, 2020.

Council held discussion.

Motion by Alderman Guzman, seconded by Alderwoman Randall to approve request from Devine VFW Post 3966 for the road closure of College Avenue, between Upson Drive and Sayers Drive on November 7, 2020.

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

Motion carried.

The sixteenth order of business was to discuss and consider replacement of Election Judge due to the current judge having to step down because of unforeseen circumstances.

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Interim City Administrator/City Secretary Dora V. Rodriguez explained that Mr. Bill Schneider had to step down due to a prior commitment. She said she reached out to Glenda Allen who is retired from Devine ISD, and she has expressed interest in the position.

Motion by Alderwoman Randall, seconded by Alderman Guzman to approve replacing Glenda Allen as the Election Judge for the City Election.

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

Motion carried.

The seventeenth order of business was to discuss and consider and act upon retaining Carrington Coleman to complete City's CRF Funding Reimbursement Application.

City Attorney Tom Cate explained that some of the legislation passed because of the Coronavirus has provided funds for cities. The distribution of these funds is being managed by the Texas Division of Emergency Management, and is based upon population. If we meet all of the category requirements, the City of Devine can receive a total reimbursement of \$269,225.00, and we've already received \$53,845.00.

City Attorney Tom Cate explained that the firm of Carrington Coleman was recommended by Texas Municipal League. It is a law firm based in Dallas, and they've come up with a plan where cities can submit this application to get reimbursed for all of their Police Departments' salaries that were incurred during this time period which runs from March 1, 2020 thru the end of December 2020. Mr. Cate explained that if we try to get reimbursed through each category, he didn't think we'd be able to do that. However, if we seek reimbursement for our Police Department salaries, this law firm is telling him that's it's almost a sure thing. He explained that the money we get would go to the General Fund and we can use the money in a manner in which Council decides. He told Council that the Texas Division of Emergency Management does not want any money left on the table.

Council held discussion with City Attorney on the use of the funds. The fee for this will be \$5,000.00. City Attorney Tom Cate recommended for Council to move forward with this firm.

Motion by Alderwoman Randall, seconded by Alderman Vega to move forward with retaining Carrington Coleman to complete the City's CRF Funding Reimbursement Application, and to amend the budget by \$5,000.00.

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

Motion carried.

The eighteenth 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 held discussion with Emergency Management Coordinator Rob Flores on how the State supersedes anything we do. Discussion was held on the mask coverings and that we're still under the governor's orders.

City Attorney Tom Cate recommend that we extend the deadline and follow the governor's guidelines.

Emergency Management Coordinator Rob Flores briefly talked about bar issues and added that they are just keeping an eye on the spiking going on in North Texas and El Paso.

Motion by Alderwoman Randall, seconded by Alderman Vega to extend the Declaration date to November 18, 2020.

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

Motion carried.

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

Council reviewed report.

The twentieth order of business was Informational Items.

Council discussed the following:

- Trick-or Treating – Council discussed steps to take when trick-or-treating. Basically, to follow the CDC guidelines of the six feet social distancing; avoiding direct contact with trick-or-treaters; give out treat outdoors, if possible; set up a station with individually bagged treats for kids to take; wash hands before handling treats; and to wear a mask. Information on this will be placed in our newsletter, and an actual link to the CDC guidelines will be put on the city website.

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- Spraying at the Parks – Council discussed that the City of Devine will be closing both parks for one day only, on October 26, 2020, to spray pre-emergent for weed control. This will be published in the newspaper and put in our newsletter and city website.
- Brush & Bulky Pickup – Council held discussion on the Bulky Pickup for the first week of November and the Fourth Quarterly Brush Pickup for the following week of November. The dates will also be in the newsletter. According to Interim City Administrator/City Secretary Dora V. Rodriguez, Republic Services will also be putting a notice on the trash cans.
- City Wide Yard Sale – Council held discussion on wanting to have a city-wide yard sale and agreed on letting the staff decide on the date. This will be posted on the website also.
- Wearing masks – Billy Alvarado told Council that they are our leaders and should be setting a good example for everyone else. He said he’s ashamed that Council does not practice the wearing of masks or the social distancing of six feet. He told them they need to address this.

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

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

Motion carried.

Mayor

City Secretary