

Minutes
Regular Meeting
January 26, 2021

On this 26th day of January, 2021, at 6:00 p.m., the City Council of the City of Devine convened at the Dr. George S. Woods Community Center, 200 E. Hondo Avenue, Devine, Texas, for a Live Stream Meeting. 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
Alderwoman Kathy Lawler

Thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Tom Cate, City Attorney; Rob Flores, Interim Director of Public Works; Ruben Chapa, Code Compliance Officer; Eddie Diaz, Wastewater Plant Operator; and Alma Rios-Flores, Municipal Court Clerk.

Others present: Judy Langford, Langford Community Management Services (VIA PHONE); Mark McLiney, SAMCO Capital Markets, Inc.; Edward Garza, GRG Architecture; Michael Carson, Starson Investments, LLC ; Blake Stacy; Melissa Stevens; Aurora Hernandez; Angela O. Pichardo; Shirl Grego; Elsa Rodriguez; David Grego; Jerry Lee Stevens; Ken Nighswander; and Juan Billalobos Jr. of Devine, Texas.

Mayor Thompson, presiding, declared the meeting open.

Mayor Thompson delivered the Invocation and Alderwoman Randall led the Pledge of Allegiance.

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

No one signed up to speak under this item. Due to COVID, only people on the agenda were present for their item only, and they were asked to leave right afterwards.

The second order of business was Public Recognition.

There was no public recognition.

The third order of business was Employee Recognition.

There was no employee recognition.

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The fourth order of business was a Presentation by Judy Langford, Langford Community Management Services, on TXDOT's Sidewalk Project for the City of Devine.

Judy Langford addressed the Council, via telephone, about the TXDOT Grant. She told Council that the State Representative is encouraging cities to apply for this, and said that the applications are due in March. She explained that there is no maximum or minimum to ask for; it's usually \$500 to \$1 Million, and the grant is a 20% match. She said they have \$2.7 Million available for rural communities. It's not just a sidewalk, it's more.

Alderwoman Randall inquired as to how much sidewalks we can get done for \$500,000. Ms. Langford said that she had no idea. She said the first thing she needed to know was if Council wanted to proceed. Interim City Administrator/City Secretary Dora V. Rodriguez inquired if we need to have a Special Meeting since the application is due in March. Ms. Langford stated that we do need to have a special meeting if Council wants to proceed, so that we can get some rough figures.

Mayor Thompson inquired if the target zone would be primarily around the school. Ms. Langford explained this is not always the case; she said it's about connectivity. We want to keep pedestrians off the highway; it's about safer zones. Mayor Thompson said he wants numbers. Alderwoman Randall asked if a drawing would be needed. Ms. Langford said a drawing would need to be submitted with the application. She said this will give TXDOT an idea of what we want, and the action plans can cover easements and right-of-ways, but it has to be in the application.

Alderman Lopez talked about people walking on the highway towards Walmart. He expressed concern over their safety, especially with all the 18-Wheeler traffic.

Council held lengthy discussion on getting with engineer to put something together along with prices. Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that she will have a conference call with JR, with Garcia & Wright Consulting Engineers, and it will be discussed then. Mayor Thompson stated that we can set up a special meeting the first week of February after we get more information. Council seemed very interested in this project.

The fifth order of business was to discuss, consider and select a Grant Administration Services provider to complete a TDA TxCDBG Funding Application, and, in the event the City is selected for funding, to also administer the program.

Council reviewed the rating sheets which were scored by Interim City Administrator/City Secretary Dora V. Rodriguez, City Accountant Denise Duffy and Alderman Vega. The scoring showed that Langford Community Management Services is being recommended.

Motion by Alderman Espinosa, seconded by Alderman Lopez to approve for Langford Community Management Services, Inc. to complete the TDA TxCDBG Funding Application, and, in the event the City is selected for funding, to also administer the program.

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Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was an Executive Session: Pursuant to Section 51.072 Texas Government Code to deliberate the purchase, exchange, lease, or value of real properties.

- §551.072 – Airport

At 6:29 p.m., Mayor Thompson announced to the public that the Council would go into a Closed Session.

At 7:11 p.m., Closed Session was open to the public.

No action was taken.

The seventh order of business was to RECONVENE into Regular Session and consider action, if any, on items discussed in Executive Session.

No action was taken. Mr. Mark McLiney will be back with more information as he gets it.

The eighth order of business was to discuss and consider Approval of Minutes: Regular Council Meeting Minutes , November 17, 2020; Special Council Meeting Minutes, November 24, 2020; and Regular Council Meeting Minutes, December 15, 2020.

Council reviewed minutes.

Alderwoman Randall stated that she found multiple errors on the minutes. Council held discussion.

Motion by Alderwoman Randall, seconded by Alderman Vega to postpone approving the minutes until after they have been reviewed again and corrected.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth 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.

Alderwoman Randall reported that she was told that there are businesses that are kicking out people who refuse to wear a mask. According to Alderwoman Lawler, they have the right to refuse service.

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Alderwoman Randall felt that it's alright for people to not have to wear a mask if they have health issues that prevents them from doing so. Alderman Espinosa's feelings on this was that they need to have proof of their health issues such as a prescription on hand; if they don't present one, then there's no proof. Alderwoman Randall was not sure who they would need to call. Would they call the Police Department? It was discussed that this can be handled on a case-by-case basis. Mayor Thompson added that if they have a prescription, they can call the City.

Interim Director of Public Works Rob Flores told Council he would like to extend the date for a couple of months. Mayor Thompson suggested to extend it to March 17, 2021, and bring it back to the March Regular Meeting or a Special Meeting if something changes.

Motion by Alderman Espinosa, seconded by Alderwoman Lawler to extend the Declaration date to March 17, 2021.

Ordinance and Exhibit attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

The tenth order of business was to discuss and consider for Council to set a date and time for a Workshop/Public Hearing on Chapter 14 Animal Control Ordinance.

Mayor Thompson informed Council that Dr. Richard Neel, the City's Local Health Authority suggested postponing this. Alderwoman Randall said we could table this for the March Regular Meeting.

Council held discussion.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to table for Council to set a date and time for a Workshop/Public Hearing on Chapter 14 Animal Control Ordinance until our March Regular Council Meeting.

Ayes	--	All
Nays	--	None

Motion carried

The eleventh order of business was to discuss and consider ordering a City General Election to be held on May 1, 2021 for Mayor, District #2 and District #5. (Discutir y considerar ordenar una Elección General de la Ciudad que se llevará a cabo el día 1 de Mayo del 2021 con el propósito de elegir un Alcalde, y un Concejal para Distrito #2 y Distrito #5.)

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Motion by Alderwoman Randall, seconded by Alderman Lopez to order a City General Election to be held on May 1, 2021 for Mayor, District #2 and District #5. (*Mociónado por La Concejal Randall, segundado por Concejal Lopez para ordenar una Elección General de la Ciudad que se llevará acabo el dia 1 de Mayo del 2021 con el propósito de elegir un Alcalde, y un Concejal para Distrito #2 y Distrito #5.*)

Ayes (<i>Voto afirmativo</i>)	--	All (<i>Todos</i>)
Nays (<i>Voto no afirmativo</i>)	--	None (<i>Ninguno</i>)

Motion carried. (*Moción Aprobada.*)

The twelfth 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 Alderwoman Lawler to accept the Notice of Election. (*Mociónado por La Concejal Randall, segundado por La Concejal Lawler para aceptar la Noticia de Elección.*)

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

Ayes (<i>Voto afirmativo</i>)	--	All (<i>Todos</i>)
Nays (<i>Voto no afirmativo</i>)	--	None (<i>Ninguno</i>)

Motion carried (*Moción aprobada.*)

The thirteenth order of business was to discuss and consider recommendation from the Parks & Recreation Advisory Board:

A. Devine Garden Club, Mayor Thompson and Others donating/planting trees at city parks.

No one from the Parks & Recreation Advisory Board was present at the meeting. Elsa Rodriguez, President of the Devine Garden Club, addressed Council. She already went before the Parks & Recreation Advisory Board, and is now wanting permission from Council to be allowed to plant a tree at the Joe E. Briscoe Park on Windy Knoll in recognition of Arbor Day. Ms. Rodriguez told Council she plans to plant a Desert Willow, which is drought tolerant. Once it takes, it will not have to be watered that often. The next step is to pick a spot that the Parks & Recreation Advisory Board will need to recommend.

Lengthy discussion was held.

Motion by Alderwoman Randall, seconded by Alderman Vega to allow the Devine Garden Club to plant a tree at the Joe E. Briscoe Park in honor of Arbor Day.

Ayes	--	All
Nays	--	None

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Motion carried.

Discussion was held after the motion.

Ms. Elsa Rodriguez said she will contact Leslie Vail and Mary Allison from the Parks & Recreation Advisory Board about picking a location. Interim City Administrator/City Secretary Dora V. Rodriguez added that Interim Director of Public Works Rob Flores will need to know the area they select so he can do line locates.

Ms. Elsa Rodriguez said she invited the District Director to the ceremony which will be on February 25, 2021. Their meetings are usually at 3:00 p.m. but she said they can meet at whatever time is convenient for Mayor Thompson and the Council. It was decided to meet around 11:30-ish.

The fourteenth order of business to discuss and consider request from Michael Carson/Starson Investments, LLC for Extension of Dixon Drive and unopened dedicated street, Sewer/Water.

Michael Carson addressed Council regarding his request to extend Dixon Drive. He talked about wanting to bring in multi-family homes neighboring Tractor Supply. These would be affordable homes with yards, and they would be inside city limits. He went over statistics with Council.

Council held discussion on this being similar to the development of Shaver Street, from Davis to Kempf road extension, costing the City \$32,000 for 100 yards. Discussion was held that this might be more.

According to Interim City Administrator/City Secretary Dora V. Rodriguez, the water and sewer lines are 6-inch lines. Mayor Thompson stated that extending the water/sewer lines from Enterprise would come from the Water/Sewer Fund.

Council discussed that we have many unfinished roads. According to Alderwoman Randall, we do not have the money to do roads, but suggested that if we extend the water/sewer lines, maybe we can budget next year to extend the road. According to Michael Carson, it's still 10-12 months before breaking ground.

Mayor Thompson and Alderwoman Randall reviewed map and held discussion on needing costs and this having to go before the Planning & Zoning Commission.

Motion by Alderman Vega, seconded by Alderwoman Randall to recommend for Michael Carson/Starson Investments, LLC to go before the Planning & Zoning Commission, and to get cost estimates from our engineering firm on extending the water/sewer lines and the road.

Ayes	--	All
Nays	--	None

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Motion carried.

Mayor Thompson announced there would be a 10 minute break.

The fifteenth order of business was to discuss and consider awarding Golf Course Renovation Contract, with addendums, to Greco Construction.

Council reviewed Letter of Recommendation and addendums.

Mr. Edward Garza, with GRG Architecture, informed Council that of the seven bids received, Greco Construction was the lowest with a Base Bid of \$357,000. He said they were all very well qualified. Mr. Garza met with contractors on site, at the club house, to see if they could get more cost savings, and reported that they found places to cut costs without compromising the project. He went over some Value Engineering Deductions. If Council approves all the deductions, the original bid of \$357,000 could drop to \$311,000.

Council and Mr. Edward Garza went over everything. Lengthy discussion was held.

Motion by Alderwoman Randall, seconded by Alderman Vega to go ahead and move forward and award contract to Greco Construction, with deductions of Revised Alternate #2 and Value Engineering (VE) Items 1, 3, 4 & 6, and to authorize the Mayor to sign the contract.

Contract, Letter of Recommendation and Addendums attached as Exhibit C.

Ayes	--	All
Nays	--	None

Motion carried.

Discussion was held after the motion. Architect Edward Garza thanked Council and asked about direction from Council on the proposed changes to the kitchen area. City Attorney Tom Cate advised that he will need to come back before Council with change orders on that.

The sixteenth order of business was to discuss and consider Devine Little League Contract.

Council reviewed the new contract. City Attorney Tom Cate told Council that basically Item #9 was removed from the old contract.

Aurora Hernandez, Devine Little President, addressed Council. She told Council that the only difference with the new contract is that Item #7 is now date specific as to maintaining the grounds with “during season” being January 2 – July 31 and “off-season” being August 1 – January 1. She told Council that they will be having a season this year.

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Discussion was held on Item #3 of the contract in which the City will provide up to 50,000 gallons of water in a calendar month. In the event the Little League uses more than 50,000 gallons of water in any calendar month, the City will bill them for excess amount of water used at the “per gallon rate” set for regular service within the City.

Ms. Hernandez told Council that she will be submitting a copy of their insurance to the City.

Motion by Alderman Lopez, seconded by Alderman Espinosa to approve the Devine Little League Contract as is.

Contract attached as Exhibit D.

Ayes	--	All
Nays	--	None

Motion carried.

The seventeenth order of business was to discuss and consider request made by St. Joseph’s Catholic Church (Juan Billalobos) for a street light.

Alderman Lopez addressed Council. He said that now that this street light item is on the agenda, he wanted to remind Council that he had brought it up before for a street light on Rossville Road which was requested by Lucy Pompa. He told Council nothing was ever done about it and Ms. Pompa keeps asking him about it.

Mr. Juan Billalobos addressed Council. He said a street light is needed at St. Joseph’s Catholic Church on 108 S. Washington Drive and State Highway 173. He explained that on Saturday nights, it’s very dark, and they have a lot of elderly and CCD students walking the area.

Mayor Thompson inquired as to what side, the church or the classrooms. According to Mr. Billalobos, it is needed on the church side and he said that there is an existing pole there.

Alderman Espinosa stated that he and his wife had walked the area around 6:15 p.m. He said the pole is by the handicap parking, so he is familiar with the area needing lighting.

Alderwoman Randall inquired about the cost. Interim City Administrator/City Secretary Dora V. Rodriguez stated that if Council approves, it gets submitted to AEP for a quote. Mayor Thompson added that we need to check out quotes for Rossville Road (for Alderman Lopez) and for S. Washington Drive (for the church).

Alderman Espinosa inquired as to how long this will take. Eddie Diaz told Council that it can take AEP up to 3-4 weeks depending on their workload. Mayor Thompson stated that hopefully this will be ready by the next council meeting.

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Motion by Alderman Espinosa, seconded by Alderman Lopez to submit to AEP for quotes on street lights for Rossville Road and for 108 S. Washington Drive for St. Joseph's Church.

Ayes	--	All
Nays	--	None

Motion carried.

The eighteenth order of business was to discuss and consider amending budget for the Capital Lease for the Devine Golf Course (John Deere), per Auditor.

Alderwoman Randall reported that SG Management is paying for the John Deere and Scott Grego has been trying to get it in their name.

Council was informed that according to our Auditor, the City is liable for the Capital Lease for the Devine Golf Course (John Deere), so we need to amend our budget for that. City Accountant Denise Duffy told Council that we need to amend the budget this year for \$51,126.84. She told Council that we have to keep doing this as long as the lease is an active lease. According to Mayor Thompson, we're not technically paying it but we have to show it as a liability.

Alderman Espinosa inquired if we've kept records. According to City Accountant Denise Duffy, it's on paper now but before, SG Management had to pay for it. She said that next year, it will be included in the budget.

Motion by Alderwoman Randall, seconded by Alderwoman Lawler to amend the budget for \$51,126.84 for the Capital Lease for the Devine Golf Course (John Deere), per Auditor.

Ayes	--	All
Nays	--	None

Motion carried.

The nineteenth order of business was to discuss and consider Accepting the 2020 Racial Profiling Report.

Council reviewed the report.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to accept the 2020 Racial Profiling Report.

Report attached as Exhibit E.

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Ayes	--	All
Nays	--	None

Motion carried.

The twentieth order of business was to discuss and consider adding Mayor Pro-Tem's Signature to the Bank's Signature Cards, per Auditor.

Motion by Alderman Lopez, seconded by Alderman Espinosa to approve adding Mayor Pro-Tem's Signature to the Bank's Signature Cards, per Auditor.

Ayes	--	Four – Aldermen Lopez, Espinosa, Vega and Alderwoman Lawler
Nays	--	None
Abstain	--	One – Alderwoman Randall

Motion carried.

The twenty-first order of business was to Review Quarterly Report.

Council reviewed the report.

The twenty-second order of business was an Executive Session: Pursuant to Provision of the Open Meeting Law Texas Government Code.

- §551.074 – Personnel – Interim Director of Public Works/Pay

At 9:22 p.m., Mayor Thompson announced to the public that the Council would go into a Closed Session.

At 9:34 p.m., Closed Session was open to the public.

No action was taken in Closed Session.

The twenty-third order of business was to RECONVENE into Regular Session and consider action, if any, on items discussed in Executive Session.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to increase the Interim Director's hourly pay to meet the Director of Public Works' pay rate, and make it retroactive to the date he assumed duties.

Ayes	--	All
Nays	--	None

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Motion carried.

The twenty-fourth order of business was to discuss and consider approving the Uniform Proposal.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that we do this every two years. Interim Director of Public Works Rob Flores told Council that this is the best company we've had, and he added that they are very attentive. City Accountant Denise Duffy stated that items are going up one penny.

Motion by Alderman Espinosa, seconded by Alderman Vega to approve the Uniform Proposal with Service Uniform.

Proposal attached as Exhibit F.

Ayes	--	All
Nays	--	None

Motion carried.

The twenty-fifth order of business was Informational Items.

The following was discussed:

- Pedestrian Crossing – Alderman Espinosa requested a pedestrian crossing at Hurley's Funeral Home. Mayor Thompson stated that we will need an ordinance, and we will need pricing. Interim Director of Public Works Rob Flores mentioned that they had done the pedestrian crossing at the church but it didn't last long; the material they used melted into the road. Alderman Espinosa inquired about the school crossing; he said it was there one day and gone the next. Mayor Thompson wants pricing for the church and for Hurley's.
- I-Info – Alderwoman Randall inquired how we can get the public to know about the pamphlets. Emergency Management Coordinator Rob Flores stated that Medina County Emergency Management Coordinator Keith Lutz will be bringing him pamphlets to have at City Hall and also information for the newspaper.
- Speed Humps – Alderwoman Randall inquired about the speed humps. According to Interim Public Works Director Rob Flores, we are doing line locates for the speed hump on Jack Nicklaus; then, we will replace the other ones.
- Flags at Post Office – Alderman Lopez announced that they are in the process of putting up flags at the Post Office.
- Sidewalks – County Commissioner Pct. #4 Jerry Beck informed Council that he and County Employee Albert Garza have found a way to do sidewalks much cheaper. He said he spoke to Alderwoman Debbie Randall about it, but he needs approval from TXDOT. Mayor Thompson recommended to follow up on this because we could save lots of money on sidewalks, but he still wants to know what costs it will incur.

- Appraisal on Colonial Parkway – Alderwoman Randall inquired about the appraisal on Colonial Parkway. City Attorney Tom Cate reported that we haven't gotten it yet because he is still trying to find a good appraiser. Alderwoman Randall commented that at least it hasn't fallen through the cracks.
- Social Media Policy – Alderwoman Lawler inquired about the Social Media Policy. Mayor Thompson stated that we don't have one yet. Interim City Administrator/City Secretary Dora V. Rodriguez stated that we need to have a special meeting with IT Tech James Evans, for him to go over the Social Media Policy.
- 502 Crouch – Alderwoman Lawler inquired about the status on 502 Crouch. Mayor Thompson asked if the City has reached out to 502 Crouch. Interim City Administrator/City Secretary Dora V. Rodriguez stated that she will look into this and will let them know. She will be getting with Code Compliance Officer Ruben Chapa on this.
- Certified City – Alderwoman Lawler inquired about the certified city status. Interim City Administrator/City Secretary Dora V. Rodriguez told Council that she is working on this; she said it's a priority because QT wants to turn over the contract in April.
- Animal Control Ordinance – Alderwoman Lawler inquired about the Animal Control Ordinance (Fowl). Mayor Thompson stated that this will be addressed in March and it will be part of the public hearing.
- City Parks – Interim Director of Public Works Rob Flores reported that the "Jax" (playground equipment) has been removed from the Briscoe Park. He told Council that they've also set up posts at the John Curcio Park and cleaned up the front road. They've set up the orange mesh for now but it's temporary.
- Devine Drive – Interim Director of Public Works Rob Flores informed Council that they're having an issue with a tree on Devine Drive which is halfway in the right-of-way and halfway on the property line. He got it in writing to pull the tree so that the contractors could continue working.
- QT & Contractors – Interim Director of Public Works Rob Flores informed Council about issues going on with the contractors and QT on the way the water lines run into the sewer lines. They're doing a "45" to go around but the contractors did not let QT touch the line, so the contractors will need to do what QT needs. According to Interim Director of Public Works Rob Flores, a change order with the specifics will need to be done. He told Council that there are two contractors in town; the ones working on the AT&T fiber optic line and the ones working on the water lines. Alderman Espinosa inquired if the contractors are responsible for their cleanup. According to Mr. Flores, they are responsible for their own cleanup. He said they have a sweeper and they will be cleaning up. Alderman Lopez inquired if the driveways will be fixed, and he was told by Interim Director of Public Works Rob Flores that per the contractors, everything will be how it was before. He said the City will make sure of it.

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

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Ayes	--	All
Nays	--	None

Motion carried.

Mayor

City Secretary