

Minutes
Regular Meeting
February 22, 2021

On this 22nd day of February, 2021, at 6:00 p.m., the City Council of the City of Devine convened in a Rescheduled Regular Meeting, the same being opened to the public at their regular meeting place, thereof, 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 – (In Person)
Alderman Steve A. Lopez – (In Person)
Alderman David Espinosa – (In Person)
Alderwoman Debbie Randall – (In Person)
Alderman Rufino Vega – (In Person)
Alderwoman Kathy Lawler – (In Person)

Thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary (In Person); Denise Duffy, City Accountant (In Person); Tom Cate, City Attorney (In Person); Lieutenant Chris Andrews (In Person); Rob Flores, Interim Director of Public Works/Emergency Management Coordinator (In Person); Ismael Carrillo, Public Works Consultant; (In Person); Ruben Chapa, Code Compliance Officer (In Person); Alex Rivera; Wastewater Plant Operator (In Person); and Alma Rios-Flores, Municipal Court Clerk (In Person).

Others present: Stephen Horton, Auditor (In Person); Jerry Beck, Pct. 4 County Commissioner (In Person); Raul Garcia, Jr. and Iram Villa, Garcia & Wright Consulting Engineers (In Person); K.K. Calame, Devine News (In Person); Kevin Hicks (In Person); Kevin L. & April Stephens (In Person); Cindi Billebault (In Person); Angela O. Pichardo (In Person); and Zach & Debbie Beadle (In Person) of Devine, Texas.

Mayor Thompson, presiding, declared the meeting open.

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

The first order of business was Severe Weather Updates.

Interim Director of Public Works/Emergency Management Coordinator Rob Flores addressed Council and reported that they are having to manually change the well that is working, but the electronics in the well are all bad. Mayor Thompson inquired if samples were sent to find out if we still need to boil water. Rob said, yes, and said we should know between 8:00 and 9:00 a.m. tomorrow. Mayor Thompson also inquired about MRE's (Meals Ready to Eat). According to Interim Director of Public Works/Emergency Management Coordinator Rob Flores, three pallets are on their way now; however, he reported that we did not receive the three pallets of water that were supposed to come in but hopefully we will get them tomorrow.

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Mayor Thompson asked if we sustained any major damage that we're going to have to deal with as we move forward. Interim Director of Public Works/Emergency Management Coordinator Rob Flores reported that, yes, damage was done to the wells, specifically the Bain Well, and said it's going to need a lot of refurbishing. He said the L.C. Martin Well is not pumping water from the filters into the main tank; we have a guy coming in tomorrow to look at it. He explained that turning the power off/on the way they did, damaged a lot of stuff. He said they were able to get the circuitry part that does the "communicating" between the wells and the storage tank but it's still not reading. He told Council that they also have no idea how much water is in the Football Field Tower, but the Ingram Well is working fine. He added that the primary well that is functioning right now is the Edwards #1.

Mayor Thompson pointed out that none of our equipment failed in and of itself; it became a failure once the power went out. Interim Director of Public Works/Emergency Management Coordinator Rob Flores explained that whatever they were doing to that electrical grid is what damaged our equipment, but our equipment did not fail on our end.

Council thanked Interim Director of Public Works/Emergency Management Coordinator Rob Flores and his Public Works crew for all of their hard work and dedication.

Alderwoman Lawler addressed a Point of Personal Privilege regarding Water Distribution during the Winter Storm. Alderwoman Lawler stated that her understanding was that the purpose for this was to take care of the community, especially the school kids and the elderly. She said people were stopping by City Hall. She stated that there were some disgruntled people. This was done to serve the community and it was done under the Emergency Care Coordinator, which was his job to do. She said that what upset her were the texts that she received afterwards; the negativity about doing this, and the personal attacks. She told Council that this could've been our shining moment but the negativity took away from all of that.

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

Mayor Thompson announced that we are still operating under COVID regulations. He said residents are under the impression that people can't attend because we're doing "live" meetings. He stated that at the last meeting, only people who were on the agenda were allowed to speak.

City Attorney Tom Cate explained that the last legislation allowed people to speak on each item on the agenda, but with these new rules in place, it's up to the Mayor.

Mayor Thompson stated that Medina County has only vaccinated four thousand people in the entire county. Discussion was held on not having current statistics on COVID in Medina County. Mayor Thompson stated that COVID has not gone away, and we will continue with current COVID rules in place until we get the numbers in, and we will revisit this. He said that we do have a sign-in sheet for citizens to speak under the Visitors/Citizens Forum, so he will allow people only three minutes maximum to speak, but that is it.

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- Jerry Beck – County Commissioner, Pct. #4, spoke to Council about the 87th Legislature. He stated that since COVID restrictions have limited access to the Capitol, we need to increase our communications via text, email, phone, etc. He then updated Council on a few legislative bills, mandates and resolutions.
- Kevin Stephens (129 Malone Drive) – Told Council that he doesn't always agree with their decisions but he respects them. He stated that the Winter Storm was a week of need. He said we don't have time for bickering, and it's time for Council to stand up and become leaders who can communicate with each other. He told Council that he hoped we are looking at Colonial Parkway to be paved. He said he doesn't feel that the tow-away on Oakhill is a good idea because those truckers spend money at Walmart. As far as lowering the speed on W. Malone, it's not going to do anything unless we enforce it; he never sees Devine Police patrolling that area. He spoke about speed bumps and speeding on the Golf Course. Mr. Stephens concluded by telling Council that he does appreciate them and what they are doing, and said he would like to see more positives in our community.
- Kevin Hicks – 325 Sollock – Expressed concern over the occupancy capacity. He said we have the approval from the health department to have at least 70% capacity. Mr. Hicks told Council that his understanding is that visitors are going to be asked to leave after this item and then Council will continue with the meeting. He felt that we are not at that capacity. He said the City has approved for them to be here, and felt that Council would want the citizens to be here so they will know what's going on.

The third order of business was Public Recognition.

Mayor Thompson said he's trying to get together a list of people who have been helping City Hall through this past week. He said everyone at City Hall has been very busy. He thanked Devine News, Walmart, AEP, Fire Department, Food Pantry, and many others who have helped.

The fourth order of business was Employee Recognition.

Alderman Espinosa recognized our city and staff employees and told Council that we are lucky to have these folks on our side. Mayor Thompson agreed and said it's been a group effort. He said that Interim City Administrator/City Secretary Dora V. Rodriguez has been taking calls on her phone and Interim Director of Public Works/Emergency Management Coordinator Rob Flores, as well. Our Police Department distributed water today, and he thanked all of our employees.

Alderman Vega told Council he also wanted to recognize and thank Julio Gonzales and Chase Raush for their continuous hard work. He said that Julio and Chase are always seen mowing, cleaning, and picking-up around town non-stop. Alderman Vega stated that he is very impressed with these two employees because he has seen them working very hard not once, but on several occasions. Mayor Thompson thanked Alderman Vega for that recognition.

The fifth order of business was to discuss and consider Approval of Minutes: Regular Council Meeting Minutes, January 26, 2021.

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Interim City Administrator Dora V. Rodriguez reported that the minutes were not finished.

No action was taken.

The sixth order of business was to discuss and consider Audit Report/Management Letter by the Auditor.

Auditor Stephen Horton told Council that it's always a pleasure coming to the City of Devine. He said the city staff is very courteous, and the preparation documents are always top notch. Mr. Horton proceeded with presenting some highlights on several pages of the audit report for the period of October 1, 2019 thru September 30, 2020. He went over the different funds, departments and financial statements in detail. He said that the two biggest operations were the Golf Course and the Airport with the Fuel Farm.

Mayor Thompson stated that it was not fantastic but better than expected. Alderwoman Randall inquired if everything was accounted for (checks and balances). Mr. Horton said, yes, everything was accounted for, and he explained that he will always request, at the end, a list of accounts payable checks and a list of payroll checks to make sure everything is in balance. He told Council that everything was good.

Motion by Alderwoman Randall, seconded by Alderman Lopez to accept the Audit Report/Management Letter by the Auditor.

Audit Report/Management Letter attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider accepting Contract with Coleman, Horton & Company, LLP for Fiscal Year ending September 30, 2021.

Council held minor discussion with City Attorney Tom Cate.

Motion by Alderwoman Randall, seconded by Alderwoman Lawler to enter into a contract with Coleman, Horton & Company, LLP for Fiscal Year ending September 30, 2021.

Contract attached as Exhibit B.

Ayes	--	All
Nays	--	None

Motion carried.

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The eighth order of business was to discuss and consider Cost for Street, Water & Sewer Extension for Dixon Drive Subdivision – Michael Carson.

This is for the development by Tractor Supply. Mayor Thompson stated that at the last meeting we had asked for Garcia & Wright Engineers to give us figures on the cost.

Raul Garcia, Jr. (J.R.) of Garcia & Wright Consulting Engineers, Inc. introduced himself to Council. He told Council that he worked with his father at Garcia & Wright as a professional engineer for over 35 years so he understands the needs of the City of Devine. He told Council that his father, who recently passed away, loved the City of Devine, and he promised that he will take care of us as well. Mayor Thompson added that J.R. is also our point of contact for the Water Project as well, and said that we will look forward to working with him.

Council reviewed a map showing the proposed improvements on Dixon Drive and an estimated construction cost estimate for these improvements totaling \$95,847.79.

Mayor Thompson asked J.R. that if Council accepts this, if there is anything else he would be adding to it. J.R. said, no, that it's pretty clear cut; this is only the portion behind Tractor Supply. Mayor Thompson stated that we may have to double up for both sides. He said that \$96,000 is only about 310 linear feet of the actual 850 linear feet that was requested by Michael Carson. According to J.R., the property lines are only up to there, so he's waiting for more information from the developer. Mayor Thompson added that if we add the entire 850 linear feet, we're looking at \$260,000.

Director of Public Works Consultant Ismael Carrillo told Council that he had taken J.R. out there, and his understanding was that it was from Enterprise to the property line, and from there it would be up to the contractor. Code Compliance Officer Ruben Chapa talked about the subdivision ordinance and said it's up to the developer.

Mayor Thompson added that Michael Carson is not thinking of starting until next year's budget anyway. So, he said we'll keep a copy of this and it will be discussed at budget time, the end of July or early August, unless Mr. Carson comes back before that time. J.R. told Council that his price would stay as is but said that the engineering fees will be 10-12% of the overall project. Mayor Thompson added that, of course, there are always variables and cost of materials to be considered.

Motion by Alderman Lopez, seconded by Alderman Vega to table the Cost for Street, Water & Sewer Extension for the Dixon Drive Subdivision until we start budget meetings which will probably be in August.

Ayes	--	All
Nays	--	None

Motion carried.

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The ninth order of business was to discuss and consider for Council to select streets for the Street Paving Project.

J.R. inquired as to what streets Council wants done. Mayor Thompson stated that we have gotten an offer from Pct. 4 County Commissioner Jerry Beck to help with reconstructing the streets. He will be supplying the manpower, so the only thing the City will need to pay for is the material. He stated that the County wants to start this project in the spring and, as far as he knows, that is still the plan.

Each council person talked about the streets in each of their districts that they have noticed will need improvements, as they've driven around their districts. Colonial Parkway will be divided between District 4 and District 5. According to City Attorney Tom Cate, he is still working on an appraisal for the house on Colonial Parkway, which takes around 60 days and then the process begins after that (this is where the drainage problem is). He explained that the family has been fussing in probate court for around three years. He has put in a call to their attorney, and is waiting on him. City Attorney Tom Cate mentioned that there is another faster option, and that would be if we were to make them an offer and they accept it, to acquire the property so we can put in proper drainage. Alderwoman Lawler pointed out that it really won't help to do part of Colonial Parkway if we can't do the worst part because that's what needs it the most. Alderman Vega held discussion on Karen Kourt, Loraine, Anderson and Transportation with Public Works Consultant Ismael Carrillo.

Mayor Thompson told Council that we need to get a list together and get it to Dora this week, to be able to give it to Commissioner Jerry Beck. He told Council that each one of them should be able to get a mile since we budgeted for five miles.

Motion by Alderwoman Randall, seconded by Alderman Vega to have each council member select their streets for the Street Paving Project and to give it to Interim City Administrator/City Secretary Dora V. Rodriguez to pass on to Garcia & Wright so they can mark the distances for us.

Ayes	--	All
Nays	--	None

Motion carried.

The tenth order of business was to discuss and consider recommendation of the Planning & Zoning Commission Meeting held on January 25, 2021.

A. Request made by Zachary Beadle for a Variance.

Mr. Zach Beadle addressed Council and told them that he's running his business from home and said that he's been parking his trailer for the past 30 years on his property; he told Council that he understands that the city has right-of-ways, but it's not parked in the street and it's not on the curb. He told Council that he can't afford to park his trailer anywhere else. He told Council that he stays busy, especially in March. He said he keeps his things in shape, and he takes pride in what he does.

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Mayor Thompson stated that this variance request is different because he is on the right-of-way and that is the issue that we are having. If it were fully parked on the property, then we would not have a problem.

Lieutenant Andrews stated that in all his years here, he's only heard of one complaint, and that is the one from Mr. DeLeon. Mr. Beadle said he was unaware that his variance had expired.

Council held discussion.

Mayor Thompson stated that the variance can only be done for one year. City Attorney Tom Cate told Council that the P&Z Commissioners had wanted to make it for longer than a year and had recommended to Council to amend the ordinance for the future to extend it for longer periods.

Alderwoman Randall informed Council of two complaints she's received from residents who live near Mr. Beadle, and she expressed concern of possible accidents because you cannot see around the trailer, and said she doesn't think it looks good to have a trailer on the easement.

Motion by Alderman Espinosa, seconded by Alderwoman Lawler to grant the request made by Zachary Beadle for a variance, for one year only.

Ayes	--	Four – Aldermen Espinosa, Lopez, Vega, Alderwoman Lawler
Nays	--	One – Alderwoman Randall

Motion carried.

The eleventh order of business was to discuss and consider recommendation from the Parks & Recreation Advisory Board for meeting held on November 19, 2020.

A. Park lights for Joe E. Briscoe Park under the Pavilion.

Mayor Thompson briefed Council on the need of lighting at the Joe E. Briscoe Park. He informed Council that Lieutenant Andrews receives a lot of calls/complaints about people hanging out at the pavilion at night. He suggested installing motion-sensor lights from Q-Technology.

According to Alex Rivera, Wastewater Plant Operator, the motion-sensor lights at the wastewater treatment plant are working well; the lights are widespread, but they do dim to 50% when not in use.

Council held discussion on needing the lights. Mayor Thompson stated that he would like to cap this at \$1,500 and, if it's more, we can bring it back before Council since we didn't budget for this.

Motion by Alderman Lopez, seconded by Alderwoman Randall to purchase and install two lights at both ends of the pavilion, to amend the budget and cap it at \$1,500, and if it's more, to bring it back before Council.

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Ayes	--	All
Nays	--	None

Motion carried.

The twelfth order of business was to discuss and consider adopting an ordinance creating a Tow Away Zone on Oak Hill Drive near Walmart.

Lieutenant Andrews addressed Council and informed them that they are getting a lot of calls on trucks parking on the wrong side of the street, which is the east side of Oakhill. They just want to be able to legally remove them if they need to.

Alderman Lopez agreed with Mr. Kevin Stephens, who spoke earlier, that these truck drivers spend a lot of money at Walmart.

Council held discussion on needing to change the wording on the Ordinance to include towing because right now towing is not included in the ordinance. Lieutenant Andrews discussed giving the truckers 30 minutes from the time they see the trucks. Interim City Administrator/City Secretary added that we need to try to educate the truckers first before we tow away.

Mayor Thompson said he would like us to give our Police Department the tools that they need to be able to enforce this ordinance.

Motion by Alderman Espinosa, seconded by Alderwoman Randall to Adopt Ordinance 2-21 creating a Tow Away Zone for the east side of Oak Hill Drive and all of the cul-de-sac of Oak Hill Drive near Walmart.

Ordinance attached as Exhibit C.

Ayes	--	All
Nays	--	None

Motion carried.

The thirteenth order of business was to discuss and consider reviewing and updating the Agreement to Conduct Joint Elections between Devine ISD and the City of Devine.

Interim City Administrator/City Secretary told Council that we've reached out to the school on whether they are wanting to do a joint election, or not; but they were still waiting on a write-in deadline and we haven't heard anything from them yet. She said that no action was needed; she just wanted Council to review the agreement because it hasn't been reviewed since 2008. Mayor Thompson added that the school is wanting for the City to handle it 100%. Interim City Administrator/City Secretary Dora V. Rodriguez said she will reach out to the school tomorrow.

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Council held discussion.

Motion by Alderwoman Randall, seconded by Alderwoman Lawler to table this item until the next regular meeting.

Ayes	--	All
Nays	--	None

Motion carried.

The fourteenth order of business was to discuss and consider lowering the speed limit on W. Malone Drive from 25 mph to 15 mph.

Alderwoman Randall told Council that the speed limit used to be 15 mph a while back but somehow it got bumped up to whatever it is now. She said there is a big problem with speeders and she is getting a lot of calls in regards to this. She said they are requesting to have the speed limit lowered to 15 mph and to ask our Police Department to be a little more vigilant around that area.

Alderman Lopez suggested that it would be more helpful if we could get a letter request from the actual resident(s) requesting the speed limit change. Mayor Thompson said that would help but also a petition from the residents would have more sway. He then asked if a traffic study has been done. According to Lieutenant Andrews, they've not done one yet, but said that one can be done by the end of the week. He told Council that that area gets patrolled 1-2 times a day. Mayor Thompson stated that as long as the traffic study is done by the next meeting, he's okay with that.

Council held discussion with Lieutenant Andrews.

Alderman Espinosa suggested doing a traffic study first and then revisit this item.

Motion by Alderwoman Randall, seconded by Alderwoman Lawler to have the Police Department do a traffic study, and revisit this at the next meeting on March 16, 2021.

Ayes	--	All
Nays	--	None

Motion carried.

The fifteenth order of business was to discuss and consider Adopting a Resolution of the City of Devine approving cooperation with the cities served by AEP Texas Inc.'s Requested Final Reconciliation of Advanced Metering Costs; hiring legal and consulting services to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to legal counsel.

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City Attorney Tom Cate explained that before the AEP rates can be raised, they have to go through the Public Utility Commission. AEP is seeking to recover \$13.9 Million from its customers. City Attorney Tom Cate explained the process involved in contesting this. He said the City of McAllen is willing to pay the initial \$4,000 to contest this, so other cities will not have to pay anything. So, they are just asking that we sign on saying that we contest this.

Motion by Alderman Lopez, seconded by Alderwoman Lawler to Adopt Resolution 2-21A.

Resolution attached as Exhibit D.

Ayes	--	All
Nays	--	None

Motion carried.

The sixteenth order of business was to discuss and consider for the Council to set a Date and Time for a Special Council Meeting for IT Tech James Evans to do a presentation on Creation of Departments for the Social Media Policy.

Council held discussion and reviewed calendar. Interim City Administrator/City Secretary Dora V. Rodriguez told Council this should take anywhere from 45 minutes to one hour.

Motion by Alderwoman Lawler, seconded by Alderman Espinosa to schedule a Special Meeting for March 30, 2021, for IT Tech James Evans to do a presentation on Creation of Departments for the Social Media Policy.

The seventeenth order of business was Informational Items.

The following was discussed:

- Fulcrum Construction – Code Compliance Officer Ruben Chapa talked to Council about the time frame to tie in a new line on LC Martin Drive, for Quik Trip. He met with Jose Luis, our Engineering Inspector, and they got with the contractors; they said it should take 3-4 weeks. He also said that according to Jesse with Fulcrum Construction, no work orders should be turned in for April. Mr. Chapa told Council that J.R. and Iram, with Garcia & Wright Engineering, will help out with that line. He reported that the contractors will not be digging until Wednesday to allow the wells a chance to fill up. However, they worked on things that needed to be repaired.
- Meeting with Mayors – Mayor Thompson reported that he had met with the mayors from Lytle and Natalia, County Judge, County Commissioner, Pct. #4, and Representative Tony Gonzales at the Community Center. They discussed things that were planning by other cities, and what we're going to do in the event something like this (winter storm) were to happen again. Discussion was held on generators, and reaching out to the school.

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- Public Hearing – Alderwoman Randall reported that she is getting a lot of calls/texts from people asking for a public forum. She told Council that we need to listen to them and allow them to vent. She said we need to set up a plan for the future in the event another emergency happens. City Attorney Tom Cate told Council that we could do a Public Hearing, and would need 72 hours to post, but Council would not be able to take any action. Mayor Thompson said he would like for it to be in a central location, like the Community Center. He suggested for Council to shoot some dates to Interim City Administrator/City Secretary Dora V. Rodriguez, to see what works for everyone.

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