

**Minutes  
Special Meeting  
August 10, 2021**

On this 10<sup>th</sup> day of August, 2021, at 6:00 p.m., the City Council of the City of Devine convened in a Special 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. 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 David Espinosa  
Aldерwoman Debbie Randall  
Alderman Rufino Vega  
Aldерwoman Kathy Lawler  
Aldерwoman Angela Pichardo

Thus, constituting a quorum.

Personnel present: John F. Vidaurri, City Administrator; Dora V. Rodriguez, City Secretary; Tom Cate, City Attorney; Rob Flores, Director of Public Works/Emergency Management Coordinator; and Alma Rios-Flores, Municipal Court Clerk.

Others present: K.K. Calame and Marly Davis, Devine News; Billy Alvarado; Frederick P. Doubet; Kenneth Byers; Shirl Grego, SG Golf Management; Melissa Stevens; David Grego; Lisa Belor; Ellen Cumpian; Jerry Lee Stevens; and Patti Taitano of Devine, Texas.

Mayor Thompson, presiding, declared the meeting open.

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

No-New Revenue Tax Rate  
Voter-Approval Tax Rate  
No-New Revenue Maintenance & Operations (M&O) Rate  
De Minimis Rate  
Unused Increment Rate

Council held discussion on there being a mistake. This information was just submitted on Monday and Aldерwoman Pichardo stated that she doesn't think a decision should be made with a mistake. City Administrator John F. Vidaurri told Council that any questions they have on this should be submitted by August 17<sup>th</sup> for the next meeting. He will be reaching out to Johnnette Dixon.

No action was taken.

The second order of business was Review of 2021 Appraisal Roll Certified by Medina County Appraisal District.

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Mayor Thompson read a cover letter from Johnnette Dixon, Chief Appraiser for the Medina County Appraisal District regarding the 2021 Certified Totals in which she states that she is certifying a Total Market Value of \$240,137,692 and a Net Taxable Value of \$213,180,364 for the City of Devine. She also states that the Uncertified Total Market Value awaiting ARB consideration is \$15,608,216.

Alderman Randall had an inquiry regarding the \$15,608,216. City Administrator John F. Vidaurri told Council that he will get with the City Secretary regarding any questions, and told Council that Ms. Dixon will be here next week.

No action was taken.

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

Council discussed that we will be following the Governor's orders and his guidelines.

Alderman Pichardo inquired if there are any updates. According to Emergency Management Coordinator Rob Flores, no, there is nothing we can't do more than what the Governor has put in place. She said she just wanted to make sure the citizens are informed of any and all changes.

Alderman Randall stated that masks are not mandated. Emergency Management Coordinator Rob Flores stated that we have and will follow what the Governor's orders state. Mayor Thompson told Council that we will abide by the Governor's orders so as to not get caught up in lawsuits.

Motion by Alderman Randall, seconded by Alderman Pichardo to extend the Declaration for one month, until next month's regular council meeting.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider adopting COVID -19 Policies and Procedures.

Alderman Randall talked about Governor Abbott's executive order and stated that we can't mandate masks or social distancing; she said it's not legal. She does not like the masks and said we shouldn't mandate it for employees, it should be optional; this was her personal opinion.

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Council reviewed the current COVID-19 Policies and Procedures. City Attorney Tom Cate stated that the policy was proposed back in January before the new mandate. He explained that as an employer, you can mandate masks/social distancing for employees only; not the general public, and it's up to Council on whether they want to enforce it. He clarified that an employee is not general public, an employer can mandate.

Alderman Espinosa felt that we should mandate masks for city employees which includes council members; he's recommending to wear the masks.

City Attorney Tom Cate asked for guidance from Council, and for suggestions, to create this policy.

Council held lengthy discussion on their being a COVID outbreak at City Hall and how employees should get paid. City Administrator John F. Vidaurri stated that employees will be reimbursed through the Care's Act for those who become ill with COVID-related issues. He said that paying an employee is not a burden on the City. Council felt that we need an updated policy before a decision is made and to revisit it in two months. Alderwoman Pichardo recommended to update the policy for only inside the building; outside is optional.

Motion by Alderman Espinosa, seconded by Alderwoman Pichardo to mandate masks for city employees and anyone related to the City and to revisit this issue in two months in case adjustments are needed and to watch the spikes, and to allow City Attorney time to update the policy.

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

Motion carried.

The fifth order of business was to discuss and consider adopting a Resolution authorizing approval of the Building Contractor Award for the HOME Program through the Texas Department of Housing and Community Affairs.

The only bid received was from RM Quality Construction, LLC dba Randy Malouf. Council held discussion with City Secretary Dora V. Rodriguez regarding this company. Mayor Thompson said we've used this company for many years.

Motion by Alderwoman Randall, seconded by Alderwoman Lawler to adopt Resolution 8-21A authorizing approval of the Building Contractor Award for the HOME Program through the Texas Department of Housing and Community Affairs, to RM Quality Construction, LLC dba Randy Malouf.

Resolution attached as Exhibit A.

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Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider awarding Administrative Service to Langford Community Management Services for EDA PWEAA Project.

Council reviewed the sole proposal received from Langford Community Management Services. This is for the 28 acre industrial park. City Administrator John F. Vidaurri told Council that Langford Community Management Services does a lot of work for the City and they always do a good job. He said the City is recommending for Council to consider awarding the Administrative Contract to Langford Community Management Services.

He added that the engineering company that was appointed by Council is working on the plans to present to Council within the next 30 days.

Motion by Alderwoman Randall, seconded by Alderman Vega to award the Administrative Service contract to Langford Community Management Services for the EDA PWEAA Project.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider an Election for the sale of the Golf Course Property. (*Discutir y considerar una elección para la venta de la propiedad del Campo de Golf.*)

Council heard from each councilmember. Alderman Vega stated that his district stands 50/50 on this issue. Alderwoman Pichardo feels that since the golf course property was gifted to the City, it's an asset for the City. She feels it should be profitable if managed by the right company. Alderman Espinosa stated that we need to discuss and consider an election for November or May, and inquired why it can't be on the November election.

According to City Attorney Tom Cate, we will be getting new election equipment and it will not be ready by the November 2, 2021 Election. City Secretary Dora V. Rodriguez added that we've had our voting machines since 2006. She's surprised that they've lasted this long, and she told Council that if they don't have the parts, they can't be serviced.

City Administrator John Vidaurri told Council that this is something that is very necessary, and he told Council that they will be getting a partial budget and it will show \$27,000 for this purpose.

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Alderman Espinosa stated that the election for the sale of the golf course will just be to find out whether we want to sell it. Alderwoman Lawler told Council that the people she spoke to in her district didn't have enough information, so they were feeling negative about selling it.

Mayor Thompson said, "That's what we're here for, to decide whether to sell it." City Attorney Tom Cate clarified that if we have the election to sell but they do not meet the requirements, the City does not have to sell.

Alderwoman Randall stated that her district is saying to sell but they want deed restrictions.

According to City Attorney Tom Cate, the vote to sell will give us direction, but we would still need to get an appraisal, and we have to get everything going. He told Council that we do not need to call for an election tonight; we can wait until February for the May Election.

Motion by Alderman Espinosa, seconded by Alderman Vega to go to the public and put the sale of the golf course property on the ballot for the May Election.

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

Motion carried.

The eighth order of business was to discuss and consider award of RFP No. 6-2021 Kitchen Equipment for the Devine Golf Course Clubhouse.

City Administrator John F. Vidaurri explained to Council that the City went out with Request for Proposals and only two bids were received; one from 1<sup>st</sup> Choice Restaurant Equipment & Supply, LLC and one from Mission Restaurant Supply, both out of San Antonio. The low bidder was 1<sup>st</sup> Choice Restaurant & Supply, LLC for \$105,052.44.

Council held lengthy discussion on the two companies that submitted bids and also discussed the budget. Council also heard comments from Jerry Stevens.

Alderwoman Randall stated that she thought the contractor was going to install as part of his contract. City Administrator John F. Vidaurri said not according to his architect.

City Administrator John F. Vidaurri recommended to award the bid to 1<sup>st</sup> Choice Restaurant Equipment & Supply, LLC whose bid includes: delivery, uncrating, assembly inside the kitchen, connection of equipment to utilities and disposal of crating debris. He said the City will be responsible for purchasing hoses and connecting gas powered equipment to the gas supply lines provided for in the construction contract.

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Motion by Alderman Espinosa, seconded by Alderwoman Pichardo to go with City Administrator John F. Vidaurri's recommendation and award the RFP No. 6-2021 Kitchen Equipment for the Devine Golf Course Clubhouse to 1<sup>st</sup> Choice Restaurant Equipment & Supply, LLC., and to amend the budget for the difference.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider request made by the Devine Chamber of Commerce for \$5,000 for the 60<sup>th</sup> Annual Cactus Fall Festival.

Council reviewed a letter from the Chamber of Commerce, requesting a \$5,000 donation from the Hotel/Motel Tax Funds to support their festival.

Alderwoman Lawler motioned to do it. However, Alderman Espinosa stated that he supports the Chamber in any way we can but, he said, we've requested financial paperwork before and we haven't received anything from them. He said he would like to see this paperwork before we can support them.

Mayor Thompson held discussion that the City provides a lot of man hours. According to City Secretary Dora V. Rodriguez, we contributed \$2,500 in 2019 and paid out approximately \$15,000 which included payroll for police officers and public works, shutting down roads and working all day.

Alderwoman Randall wanted to know if we have the money to fund this. Mayor Thompson said we have around \$5,600 in the Hotel/Motel Tax. He reminded Council that the City also pays for our Go Medina membership out of this same fund as well. Alderwoman Pichardo said she'd like to know what and how these funds are going to be used.

Mayor Thompson recommended to Council that they table giving the Chamber any money and to ask for their financials. City Attorney Tom Cate advised that the Council can authorize City Administrator John F. Vidaurri to send them a letter.

Motion by Alderwoman Pichardo, seconded by Alderwoman Lawler to table any donations to the Chamber of Commerce until our regular meeting on August 17<sup>th</sup>, and have the City Administrator send a letter requesting previous financial statements that we did not get along with what the funds are going to be used for this time around, for 2021, and to have Administration find out the amount that the City spends or invests in this.

Ayes	--	All
Nays	--	None

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Motion carried.

The tenth order of business was the Budget Workshop.

City Administrator John F. Vidaurri told Council that the General Fund information of the budget is what is being provided to them. He said Council may want to do a Water/Sewer study to cover the \$9 Million. Council reviewed budget and held lengthy discussion.

Alderwoman Pichardo inquired how we compare to other cities and suggested doing a study and letting the citizens be informed. City Secretary Dora V. Rodriguez stated that Texas Rural Water Association (TRWA) did a survey in 2018.

Mayor Thompson stated that we have a deficit of \$106,670; however, he said this is just a preliminary and we'll have a lot more after that.

City Administrator John F. Vidaurri pointed out that the 1 ½% COLA suggested is not in the budget yet. Council also discussed Capital Outlay and other things that need to be purchased.

Council also held discussion on Grants. Mayor Thompson stated that we can get those grants but we need matching funds and we don't have those funds. City Administrator John F. Vidaurri stated that he will be researching to see what is out there; he said there are things out there, and we will be going for things that we need to keep the City going. He said we will get an itemized list from Public Works. Alderwoman Pichardo wants us to look into receiving 100%.

The eleventh order of business was Informational Items.

Council discussed the following, namely:

- Updates from City Administrator – Mayor Thompson asked for updates from John F. Vidaurri. He will get the updates for Council; especially on:
  - Status on where Jerry Beck is on the roads
  - Status on water lines from Garcia & Wright
  - Status on water leaks/roads patched/bored holes from water lines (Libold & East Davis) – need to know where we're at on this so people can drive around, or a kid not fall in the hole.
  - Where are we on the extension of John Curcio Park – Is the land in our name yet? Not in our name? Need to know what legal stuff Tom is working on so that the Parks Board knows what they are doing.
  - Status on lights at Briscoe Park – did they ever get fixed? According to Alderwoman Randall and City Secretary Dora V. Rodriguez, yes, they're up.

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- Need to spray parks for fleas. However, no one available right now; Ruben Chapa was the only one licensed.
- Status on Animal Control – Interviewing going on.
- Status on Airport Hangars that Council already approved – City Administrator John F. Vidaurri will get with City Attorney Tom Cate on this.
- Short staffed – How is the hiring process going?
- Status of sewer tap hole on E. Davis – The hole is not filled. This is a safety hazard.
- Street projects – Alderwoman Lawler inquired about the status on this. Per Mayor Thompson, they're still having equipment issues at the County; nothing has been done. City Administrator John F. Vidaurri will get with Jerry Beck, County Commissioner Pct. #4, tomorrow regarding if he got a new machine.
- Paint for Crossings – Alderman Espinosa inquired on the status of ordering white traffic paint for the school zone crossings and at St. Joseph's. – Per Public Works Director/Emergency Management Coordinator Rob Flores, they already have it, but are waiting on more personnel; should be done before school starts.
- Status on St. Joseph's security lights – They haven't been done.
- Status on signs for 18-Wheelers – Need to check on that (the Breaking) – Per the Mayor Thompson, we need to talk to TXDOT, hopefully schedule a meeting with them.
- Status on signs for Golf Course – Per Mayor Thompson, we also need to talk to TXDOT.
- Status on junk yard behind Bushel and a Peck – Alderman Espinosa asked City Administrator John F. Vidaurri for an update on this. According to City Secretary Dora V. Rodriguez, she had Code Compliance Officer Marco Solis reach out to TCEQ for an inspector to come down.
- Status on person in district 2 with all the car collections – Alderwoman Pichardo said to call TCEQ.
- Calls on pot holes – Alderman Espinosa said we're getting a lot of calls on pot holes (due to the rains) so we need to look at that.
- Courtesy Calls – Alderwoman Pichardo requested courtesy calls to customers regarding water main breaks – if we can let them know immediately.
- Felipe's Tire Shop – They are moving to a new location. Tires have not been picked up which is a fire hazard. Code Compliance Officer Marco Solis will take pictures.

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

Ayes	--	All
Nays	--	None

Motion carried.

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Mayor

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City Secretary