

**Minutes
Special Meeting
April 6, 2021**

On this 6th day of April, 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 Steve A. Lopez
Alderman Debbie Randall
Alderman Rufino Vega
Alderman Kathy Lawler

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

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Tom Cate, City Attorney; Rob Flores, Director of Public Works/Emergency Management Coordinator; Ismael Carrillo, Public Works Consultant; Ruben Chapa, Code Compliance Officer; and Alma Rios-Flores, Municipal Court Clerk.

Others present: Marly Davis, Devine News; John F. Vidaurri, San Antonio; Mark McLiney, SAMCO; Clay Binford, Bond Lawyer; and Kevin Hicks; David Ehlinger; Hap Squires and Angela Pichardo of Devine, Texas.

Mayor Thompson, presiding, declared the meeting open.

Mayor Thompson announced that he wanted to go straight to the Executive Session on Interviewing for a City Administrator and asked Mr. John F. Vidaurri to come up and give a brief introduction of himself.

Mr. Vidaurri introduced himself briefly; he said he is from the west side San Antonio, Texas, and he told Council that he has had employment contracts outside of San Antonio and also outside of the state of Texas.

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

- §551.074 – Personnel Matters – Interviewing for a City Administrator.

At 6:04 p.m., Mayor Thompson announced to the public that the Council would go into a Closed Session.

At 7:41 p.m., Closed Session was opened to the public.

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No action was taken.

The second 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 Lopez to hire John F. Vidaurri as the new City Administrator, at a \$100,000 yearly salary, to be evaluated after the budget is set, with a possible raise at that time. Employment will be at-will with a City telephone, vehicle and working normal office hours and normal employee benefits, with a start date of May 3, 2021.

Ayes	--	Four – Alderwomen Randall, Lawler, Aldermen Vega, Lopez
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

The third order of business was to discuss and take any necessary action on Resolution authorizing the submission of an application for the 2020-2021 TxCDBG Community Development Fund competition.

Council reviewed resolution and held discussion on the CDBG Grant to apply for a new Carrizo Well.

Motion by Alderwoman Randall, seconded by Alderman Vega to adopt Resolution 4-21 authorizing the submission of an application for the 2020-2021 TxCDBG Community Development Fund competition.

Resolution attached as Exhibit A.

Ayes	--	Four – Alderwomen Randall, Lawler, Aldermen Vega, Lopez
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

The fourth order of business was to discuss, consider and take action on a Resolution authorizing publication and posting of Notice of Intention to Issue Certificates of Obligation to finance airport improvements.

Council heard from Mark McLiney of SAMCO and Mr. Clay Binford, Bond lawyer. They are looking into talking to the banks regarding a 13-15 year note. According to Mr. Binford, if people want to do nothing, we would need a petition of 5% against this in order to reject it.

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Motion by Alderwoman Randall, seconded by Alderman Vega to adopt Resolution 4-21A authorizing publication and posting of Notice of Intention to Issue Certificates of Obligation to finance airport improvements.

Resolution attached as Exhibit B.

Ayes	--	Four – Alderwomen Randall, Lawler, Aldermen Vega, Lopez
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

The fifth order of business was to discuss and consider and take action on a Resolution authorizing posting of Notice of Public Hearing Regarding Issuance of Certificates of Obligation to finance airport improvements.

Mr. Clay Binford talked to Council about tax-exempt bonds. He talked about the maximum debt and what it is going to be used for. He told Council that we will need to post the public notice on the website, and the public hearing could be done by phone. Mayor Thompson stated that he prefers to have a public hearing, and not done over the phone.

Motion by Alderman Lopez, seconded by Alderwoman Randall to adopt Resolution 4-21B authorizing posting of Notice of Public Hearing Regarding Issuance of Certificates of Obligation to finance airport improvements.

Resolution attached as Exhibit C.

Ayes	--	Four – Alderwomen Randall, Lawler, Aldermen Vega, Lopez
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

The sixth order of business was to discuss and consider amending the Code of Ordinance Chapter 78 Signs of Ordinance.

Council reviewed the Sign Ordinance and Exhibit A.

Mayor Thompson explained that this is for us (Devine) trying to become a certified city.

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City Attorney Tom Cate told Council that there are not a lot of changes. He explained that under the old Ordinance 78-4, an off-premise sign was prohibited; it eliminated off-premise and prohibited portable signs.

Mayor Thompson inquired as to how this will affect the Fall Festival. According to City Attorney Tom Cate, someone will have to complain. He said that the biggest change in Exhibit A is that we have to adopt it and tell TXDOT that we are enforcing it. He said that once we approve it, TXDOT has to review and approve it, and once they've approved it, they will send it to the federal highway people for approval.

Alderwoman Randall stated that once approved, QT can do their sign. Mayor Thompson added that not only QT, but other businesses will benefit as well.

City Attorney Tom Cate informed Council that, in researching this ordinance, courts are striking down sign ordinances a lot.

Motion by Alderwoman Randall, seconded by Alderwoman Lawler to adopt Ordinance 4-21C and Exhibit A.

Ordinance and Exhibit A attached as Exhibit D.

Ayes	--	Four – Alderwomen Randall, Lawler, Aldermen Vega, Lopez
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

The seventh order of business was to discuss and consider to approve the Street selected by each Council's District and Cost.

Council reviewed the lists of streets selected by each council member, and held lengthy discussion.

Council reviewed list of streets as Public Works Consultant Ismael Carrillo gave Council a presentation of the streets selected. He let Council know up front that there may be some boring across certain streets and if there are problems, they may need to cut the road. He went over the list of streets for each district. District 1 will have Transportation Drive and N. Bright Drive; District 2 will have Live Oak Drive, Watson Avenue, S. Tilley Drive, Fullerton Drive and Ross Avenue; District 3 will have McAnelly Avenue, Washington Avenue and Upson Drive; District 4 will have Kempf Avenue, Parker Drive, Crouch Avenue, Faye Drive and Hermitage Loop; and District 5 will have DuBose Drive, Jack Nicklaus Drive, W. Malone Drive (Ingram to Jack Nicklaus) and Howard Drive.

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Public Works Consultant Ismael Carrillo told Council he will be meeting with Commissioner Pct. #4 Jerry Beck on Monday to go over the streets.

Motion by Alderman Vega, seconded by Alderwoman Randall to approve the streets on the list.

Ayes	--	Four – Alderwomen Randall, Lawler, Aldermen Vega, Lopez
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

The eighth order of business was to discuss and consider policy for reducing speed on City streets.

Alderwoman Randall told Council that we need to do a policy across-the-board because every time that District 5 wants something done, it needs to be a policy.

City Attorney Tom Cate explained that when you want to reduce the speed, you need to have a traffic study. He stated that with speed bumps, he has a concern about the liability. Mayor Thompson added that if the people who live in the area do a petition, then they would be aware of the speed bump/hump.

City Attorney Tom Cate clarified that a petition only gives the Council an idea of what the people are wanting, but Council would still have to make a decision whether to do it, not based on the petition but rather on the traffic study.

Alderwoman Randall inquired if this policy would apply for all the districts and not just for district 5.

Council heard comments from Mr. Kevin Stephens who told Council he disagreed with the speed bumps, but he agreed that we do need them and said we need something on Malone. He said he's tired of the delay tactics going on.

City Attorney Tom Cate explained that his job as the city attorney is to tell us what the law is but, he said, it is up to Council to make the decisions.

Alderwoman Randall stated that two humps will do, but three would be great.

Angela Pichardo inquired whether the speed humps are really going to slow down traffic and help with the speeding. She talked about alcohol and whether the city would be liable. City Attorney Tom Cate explained that if a vehicle gets damaged from a speed bump/hump, then they can make a claim against our city insurance.

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Mr. Juan Billalobos agreed with City Attorney Tom Cate on the traffic study. He said that changing the speed limit signs are a big expense, and that we need more police officers instead of signs and speed bumps/humps.

Mr. Kevin Hicks commented that he doesn't see the City spending a whole lot of money in the other city districts for speed bumps/humps. He doesn't believe the agreements in litigation because of damage to vehicles. Interim City Administrator/City Secretary Dora V. Rodriguez reminded Council that residents on Covey Lane and Jack Nicklaus actually helped pay for some of the cost of the speed bumps on those streets.

Alderwoman Randall told Council that she has a petition but she will not bring it if we are not going to have a policy. Mayor Thompson advised her to bring it just to show support for it.

This will be put on the agenda for the next regular council meeting.

No action was taken.

The ninth order of business was to discuss and consider approving costs submitted by AEP for the following street lights:

- A. 601 Rossville Road
- B. 107 S. Washington – St. Joseph's Catholic Church

Council reviewed AEP Agreement and held discussion on the cost for both lights. If approved, we'll submit it and get these lights.

Motion by Alderman Lopez, seconded by Alderman Vega to approve the costs submitted by AEP and to install street lights at 601 Rossville Road and 107 S. Washington, and to amend the budget for \$1,245.44.

Ayes	--	Four – Alderwomen Randall, Lawler, Aldermen Vega, Lopez
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

The tenth order of business was to discuss and consider placing Engine Brake Signs on W. Hondo Avenue starting at the City Limits to FM 2200, at the intersection of FM-2200/SH-173.

Mayor Thompson told Council that after approval, he got a request for signs at the other end of town. He said we'll also need extra patrol in the area to help with the speed and engine brakes. Regarding the engine brakes, he asked Interim Director of Public Works/Emergency Management Care Coordinator Rob Flores if he's gotten with TXDOT to get them installed. Rob Flores responded that he still needs to get with TXDOT regarding the placement of the signs.

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Interim City Administrator/City Secretary Dora V. Rodriguez explained that we have an ordinance so it can be done just by telling us to do a work order.

City Attorney Tom Cate explained that the ordinance covers all the City. Council ordered signs for all the entrances into the City. City staff will make the work orders to do the brake engine signs.

No action was taken.

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

- §551.074 – Personnel Matters – Public Works Director Position.

At 8:43 p.m., Mayor Thompson announced to the public that the Council would go into a Closed Session.

At 9:10 p.m., Closed Session was opened to the public.

No action was taken.

The twelfth 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 Lopez to appoint Rob Flores as the new Public Works Director, effective immediately.

Ayes	--	Four – Alderwomen Randall, Lawler, Aldermen Vega, Lopez
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

The thirteenth order of business was Informational Items.

The following items were discussed:

- Police Department – Interim City Administrator/City Secretary Dora V. Rodriguez announced that our police officers were involved in a pursuit which started in Devine and ended on IH-35 by Splashtown.
- Go Medina – Mayor Thompson announced that we are supposed to get \$1,000,000 from the CARES Act around mid-May. He said a lot of strings were pulled to get this allowable usage.
- TML – Mayor Thompson also announced that we are doing away with TML HB 749.

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

Ayes	--	Four – Alderwomen Randall, Lawler, Aldermen Vega, Lopez
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

Mayor

City Secretary