

Minutes
Regular Meeting
June 15, 2021

On this 15th day of June, 2021, at 6:00 p.m., the City Council of the City of Devine convened in a 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. 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
Alderwoman Debbie Randall
Alderman Rufino Vega
Alderwoman Kathy Lawler
Alderwoman Angela Pichardo

Thus, constituting a quorum.

Personnel present: John F. Vidaurri, City Administrator; Dora V. Rodriguez, 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, Public Works Administrative Operations Supervisor; and Vickie Pumphrey, Airport Manager.

Others present: K.K. Calame, Devine News; Mark McLiney and Jack McLiney, SAMCO Capital Markets; Clay Binford, McCall Parker & Horton; Johnette Dixon, Medina County Appraisal District; Keith, EDE & Company, LLC, Auditor for Medina County Appraisal District; Nevayh Solano; Tammy Smith; Ruben & Brianne Alston; Tom Scott; Willie & Lynette DeSalme; Tracy Hubbard; Josie Pompa; George Valdemar; Glenn & Eva Thompson; Brandee Stacy; Heather Schultz; Kimberly Gallegos; Scott & Shirl Grego; Wendy Friesenhahn; Ron Richards; Billy Alvarado; Brent Haass; Shannon Rackley Rangel; Sabrina Rackley; Patti Hefley; Don & Kandi Darnell; Kara Navarro; Candice Solano; Angie Solano; Ted Solano; Sandy Herrera; Tim Bourcier; Jason & Michelle Berdeaux; Jeremy & Leslie Vail; Bill & Linda Kreinhop; Bill & Laura Sinclair; Josh Ritchey; Ken Nighswander; Susan Fernandez; Diane Bradford; Ellen Cumpian; John T. Real; Sandy Jopling; Scott Herring; Kevin Hicks; Doug Trott; Capt. Michael Saldana, Devine VFD; Doug & Margaret Greehey; Jerry Lee & Melissa Stevens; Kevin L. & April L. Stephens; Shelby Spivey; Jay Dishman; Cynthia Chalaire; Ricky Chapa; William Ott; Richard Covarrubia, Jr.; Nick West; Todd Summers; Eikar Woolsey; Rusty Jernigan; Matt Martinez; Mike Alvarado; Jeanene Burns; Butch Cook; Bryce Dishman; Tommy Weisinger; Mary Herrera; Michael Nicholson; Laura Erxleben; Kyleigh Delaney; Tristan Ortiz; Glenda Allen; Lucas Gordon; Nick Miller; Juan Zamora; Jim Lawler; TJ & Kasey, Enoch Hall; Lyle Leinweber; Marcyanna Nighswander; Brittany Ott; James Wilson; Joe Munoz; EJ & Debbie Dunford; Kiel Boehme; Brian Schergler; Victor Scwarten; Todd Grandjean; Chad Quisenberry; Martin Medina Jr.; Jason West; Eddie Centilli; Ramona Trouten; Christopher McGuairt; Corey Tsarvell; Sandra Smith; Lisa Belor; and Kammy McCall of Devine, Texas.

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Mayor Thompson, presiding, declared the meeting open.

Mayor Thompson delivered the Invocation and Alderman Espinosa led the Pledge of Allegiance to the United States flag, and Alderwoman Pichardo led the Pledge of Allegiance to the Texas flag.

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

- Billy Alvarado – Spoke to Council about being respectful. He talked about a flyer coming to his door at 10:00 p.m. on Sunday; he inquired what kind of people do this. He told Council to do an audit, stick to it and get it done. He said we still do not have a decent golf course. He told Council they need to stick to the agreements, and they need to follow the law.
- Candice Solano - She is new to the community and said she would like a community pool or splash pad. She went on to discuss the benefits of having a pool.
- J.C. Zamora – Said he spoke to Council about a year ago about the City doing a baseball/softball facility. He said there's no money for that, but there is money for the golf course. He inquired as to when the golf course became the center of attention. He asked, "When does it end for the golf course?" He knows that Alderwoman Randall is pushing for the golf course because it's in her district, and he told Council to abide by the local codes; he mentioned Chapter 272, and asked Council if we are abiding by that. He said it's a process we need to follow.
- Mayor Thompson – Announced that this is the last meeting with this forum on the agenda, and said that we will be going back to Mayor Herring's way of conducting the meetings. He said he's been very patient over the last two years. He said the purpose of the meeting is to conduct business.
- Tom Scott – Talked about the taxiway at the airport. He told Council that no one has been out there; it is getting worse. He asked Council what they plan to do.
- Cindy Chalaire - Addressed the golf course and said that it's in better shape than it has been in 20 years. She said that SG Management is doing a great job. She said that of the 10 advertising signs ordered, only one (1) sign is up. She told Mr. Alvarado that she is the one who put out the flyers, and she blamed Councilwoman Angela Pichardo for all the golf course being stirred up. She said that was very wrong of her.

The second order of business was Public Recognition.

There was no recognition at this time.

The third order of business was Employee Recognition.

This is not being done at this time per the City Administrator.

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The fourth order of business was consideration and action on an ordinance authorizing the issuance of the City's "Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2021"; providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said certificates by a lien on and pledge of the pledged revenues of the airport system; and authorizing other matters relating to the foregoing.

Mr. Mark McLiney, Financial Advisor for the City of Devine, addressed Council and talked about the airport bond, and provided Council with a chart showing a 13-year and a 15-year amortization schedule and the potential revenue on the purchase of four airport hangars. He recommended that we move forward with this.

Council heard comments from the public.

Mayor Thompson stated that we have never discussed this project being for the purchase of airport hangars in open session. Alderwoman Pichardo commented that the airport is an asset to the community, and it will bring in revenue if the airport is utilized correctly. Alderman Espinosa commented that we need this investment to make money at the airport. Alderwoman Lawler commented that since we now have fuel at the airport, it will help get business at the airport, so this is a good investment. Alderwoman Randall stated that she's still not sure, but it will benefit the City in the long-run.

Council heard comments from the citizens.

Mr. McLiney reminded Council about the grants that we may have to pay back if we do not take control.

Motion by Alderwoman Pichardo, seconded by Alderman Espinosa to adopt Ordinance 6-21 authorizing the issuance of the City's "Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2021," providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said certificates by a lien on and pledge of the pledged revenues of the airport system; and authorizing other matters relating to the foregoing.

Ordinance attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider Medina County Appraisal District's Audit.

Mayor Thompson said that this is their annual financial audit.

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Council reviewed the audit, as they heard from the Auditor with EDE & Company, LLC, Keith, who briefed Council on the audit they presented for the Medina County Appraisal District. He told Council that Page 10 shows the breakdown; 99% is revenue income from the various entities and 1% is revenue income from miscellaneous.

Discussion was held.

The auditor told Council that this was for their information only and no action was needed.

Alderwoman Pichardo commended their accounting practices.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to accept the Medina County Appraisal District's Audit.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider Proposed Budget for 2022 for the Medina County Appraisal District approved by the Board of Directors.

Johnette Dixon, Medina County Appraisal District's Chief Appraiser, addressed City Council. She informed them that they have a tentative public hearing set for the 2022 Budget for July 20, 2021, so this is just a preliminary budget. The final budget will be available after July 20, 2021.

Council reviewed the proposed preliminary budget. The pro-rata share for the City of Devine will be \$20,572.45, which is an increase of \$532 from last year. Ms. Dixon went over the values from last year and this year.

Discussion was held. According to Ms. Dixon, they will send the final budget after July 20, 2021.

Mayor Thompson told the audience that if anyone has a problem with this appraisal, they are to contact Medina County Appraisal District.

Motion by Alderman Espinosa, seconded by Alderwoman Lawler to table this item until we have the actual budget.

Ayes	--	All
Nays	--	None

Motion carried.

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The seventh order of business was to discuss and consider selling golf course City Property – requested by Scott Grego.

Mayor Thompson went over an email sent to City Administrator John F. Vidaurri from City Attorney Tom Cate, providing his legal opinion about the selling of the golf course city property, on the agenda for tonight’s meeting.

In his email, City Attorney Tom Cate stated that:

- The City needs to complete the renovations to the Clubhouse.
- The City needs to call for an election by the eligible City voters to decide FOR or AGAINST the selling of the golf course and related property.
- If the voters vote FOR the sale of the golf course, obtain an appraisal of the fair market value of the golf course to establish the minimum bid that the City would accept.
- If the voters vote FOR the sale of the golf course, conduct the sale of the golf course by either a sealed bid process or a public auction. If the council decides to go with a public auction, that process might result in a higher bid than the sealed bid process.
- The City should reserve the right to reject any and all bids.

In the email from City Attorney Tom Cate, he states that an election is required if the golf course is considered a “park.” He provided some definitions of a park in his email. The email also states that according to The Texas Municipal League (TML), they advise that if the City has any question that the golf course land could be considered a “park,” an election should be held.

Mr. Scott Grego wants Council to go out for a “vote” to sell the golf course.

Scott Grego held discussion on deed restrictions; to stay as a golf course and keep it as an 18-hole golf course.

Alderman Pichardo commented that she is not against the golf course or Scott Grego. Alderman Espinosa stated that he has no problems with an election; he said, “Let the citizens decide.” Alderman Randall said it would have to be a November or May Election, and added that she has not asked her district on their opinion.

According to City Attorney Tom Cate, Council will make the decision but it has to be made very quickly, and said that it’s possible that it could get on the November ballot.

Discussion was held to have City Staff call the Secretary of State regarding an election to sell the golf course.

Council heard various comments from the citizens.

Mayor Thompson advised Council that if they want to move forward to allow citizens to have a vote, they have that option.

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Motion by Alderwoman Pichardo, seconded by Alderwoman Lawler to table the selling of the golf course City Property – requested by Scott Grego, until the July Council Meeting.

Ayes -- Three - Alderwomen Pichardo, Lawler,
Alderman Espinosa
Nays -- Two - Alderwoman Randall,
Alderman Flipper

Motion carried.

The eighth order of business was to discuss and consider request by Councilwoman Pichardo to declare a breach of agreement of SG Golf Management.

Alderwoman Pichardo informed Council of her concerns with SG Management’s negligence in their accounting practices. She stated that they have not turned in any monthly or annual statements for the last 18-19 months. She said Scott Grego needs to follow his contract. She also mentioned governmental code 21.4 of fraud and false statements; therefore, declaring a breach of contract. She addressed Council to allow Scott Grego time to submit those records so he can rectify his negligence of record-keeping.

Mr. Scott Grego told Council that he had the minutes for November 21, 2019, in which City Attorney Tom Cate and Interim City Administrator Dora V. Rodriguez both stated that all the auditors needed to see were copies of receipts for the \$32,536 that SG Management is receiving from the City. He said he does that; he is not in breach of his contract, and this is why he wants his contract amended.

Alderwoman Randall read a statement outlining the history of the golf course from the time that the City originally took over the golf course to the time that the City contracted with SG Management and he was told that the auditors only required receipts for the \$32,536 of the City money. She explained that the City has a right to request, in writing, any information that may be lacking, but there has been no such request made by the City. So, calling for a breach of contract for this reason is a total waste of Council’s time. She added that it turns out that the City of Devine is in breach of contract. She stated that according to Section 5.0A, 10 directional signs have not been set up in a designated location as stipulated and, also, the City had a verbal commitment of six months’ time frame to have a fully functional Clubhouse.

Council heard comments from numerous angry citizens.

City Attorney Tom Cate explained that Alderwoman Pichardo is looking at reports that are required in the contract, and if we don’t have those reports, then we have to get those reports. He added that Scott Grego does have the right to cure. He said that we need to send him a letter to submit those reports in 30 days.

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Alderman Espinosa asked Scott Grego if he had a problem in submitting the reports. According to Scott Grego, he has all the reports and does not have a problem turning them in, on the condition that they are kept confidential; he does not want it open to the public. City Attorney Tom Cate stated that he couldn't guarantee that because of the Public Information Act. For this reason, Scott Grego refused to submit his financial reports. He said everyone wants to see his Balance Sheet, Income Statement and Profit & Loss Statement, but he will not turn them in.

After hearing more angry comments from the citizens, Mayor Thompson gave a long speech reminding people of the golf course situation when he became mayor. He said that right now we collect basically \$1.1 Million per year from property taxes in Devine, and we would need to double our current city tax rate if the City were to take back the golf course and run it in-house without a management company. He said that his understanding at that time was that the City was only seeking receipts regarding the \$32,536 that we pay to SG Management.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to not find SG Golf Course, Management Company, sorry, in breach of contract, and that maybe we can find a way to amend the contract with them, if they so desire.

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

Motion carried.

The ninth order of business was to discuss and consider for the City to request an independent audit to audit the financial activities of the Golf Course under Section 20 of the Golf Course Management Agreement, requested by Pastor Stephens.

Pastor Stephens addressed Council and requested for an independent audit to be done in executive session so that the City can know where they stand and for the privacy of Scott Grego.

Council heard comments from the citizens.

Mayor Thompson stated that the City has an audit done yearly. The auditors reviewed the information on the golf course and they noted nothing in their notes that there were any issues with the golf course.

Alderwoman Pichardo kept asking if there was ever an audit done for the golf course. According to City Secretary Dora V. Rodriguez, no, the only thing our auditors reviewed were a TWC and a 941.

Lengthy discussion was held.

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Alderwoman Randall told Council that personally she doesn't see a need for an audit, and added that our Budget can't handle paying for an audit right now.

Scott Grego asked City Administrator John F. Vidaurri what he wanted him to turn in.

City Administrator John F. Vidaurri told Scott Grego that he wants him to turn in \$32,536 worth of expenses (not payroll) every month.

A heated discussion was held between City Administrator John F. Vidaurri and Scott Grego. Discussion was held on questioning various bills – whether they qualified as expenses or not.

Alderwoman Pichardo wanted to address some receipts that were questionable. Chaos broke out.

Motion by Alderwoman Randall, seconded by Alderman Espinosa, not to have an audit for the golf course at this time.

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

Motion carried.

The tenth order of business was to discuss and consider approval of Council Minutes: Emergency Meeting, February 19, 2021; Special Meeting, April 6, 2021; Special Meeting, April 15, 2021; Regular Meeting, April 20, 2021; Special Meeting, May 11, 2021; and Regular Meeting, May 18, 2021.

Council reviewed the minutes.

Council noted the following corrections needed for Regular Council Meeting, April 20, 2021: Pages 5 and 6 referenced Angela Pichardo as Alderwoman Pichardo. We need to delete the Alderwoman title as she had not been elected yet. For Regular Council Meeting, May 18, 2021, the following correction was needed: We need to add Steve Lopez' name to the 'Others Present'.

Motion by Alderman Espinosa, seconded by Alderwoman Pichardo to accept and approve all the minutes with the above corrections.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was to discuss and consider recommendations of each council member's selection to represent their District for the Emergency Management Committee.

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Council recommended the following people to represent their districts for the Emergency Management Committee:

- District 1 (Alderman Vega): Susan Fernandez
- District 2 (Alderwoman Pichardo): Steve Lopez
- District 3 (Alderman Espinosa): Mrs. Margaret Greehey
- District 4 (Alderwoman Lawler): Nick West
- District 5 (Alderwoman Randall): Sandy Herrera

Public Works Director/Emergency Management Coordinator Rob Flores is the City representative for this board. The new board members will be sworn in at the meeting whenever the board is created and City Attorney Tom Cate creates an ordinance to adopt.

No action was taken.

The twelfth 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.

According to City Administrator John F. Vidaurri, TRWA is interested in holding their District Meeting here on August 18, 2021 from 11:00 a.m. to 2:00 p.m. Council did not have a problem with this.

Council discussed renting the community center. Mayor Thompson suggested opening it back up for public agency meetings only but not for fun parties. Director of Public Works/Emergency Management Coordinator Rob Flores said that most cities are letting their declarations expire; it's pretty vague.

Mayor Thompson stated that we will amend the use of the community center for meetings only and leave everything else in place, and review in one month.

City Attorney Tom Cate suggested the wording: "except as herein provided, all activities at this location are hereby cancelled unless they are approved by the city administrator." He said this would give us the flexibility to schedule.

Motion by Alderman Espinosa, seconded by Alderwoman Pichardo to adopt Ordinance 6-21B and to move forward with renewing this for one more month, and except as herein provided, all activities at this location are hereby cancelled unless they are approved by the city administrator.

Ordinance attached as Exhibit B.

Ayes	--	All
Nays	--	None

Motion carried.

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The thirteenth order of business was to discuss and consider request from Joe Munoz for Renewal of Mowing Contract for Devine Municipal Airport 2021.

Council reviewed the mowing contract. According to Joe Munoz, there are no changes, and Council was okay with this.

Motion by Alderman Espinosa, seconded by Alderwoman Lawler to approve renewing the Mowing Contract for the Devine Municipal Airport 2021.

Ayes	--	All
Nays	--	None

Motion carried.

The fourteenth order of business was to discuss and consider recommendation of committee to award contract for engineering services for Road and Utility Infrastructure Improvements to the City's 28.66 acre Property.

The City of Devine received bids from Garcia & Wright out of San Antonio and from KSA out of Austin.

After evaluating both proposals, the committee is recommending to award the contract to KSA out of Austin, Texas.

Motion by Alderman Espinosa, seconded by Alderwoman Randall to award contract to KSA for engineering services for Road and Utility Infrastructure Improvements to the City's 28.66 acre Property.

Ayes	--	All
Nays	--	None

Motion carried.

The fifteenth order of business was to discuss and consider recommendation of Councilwoman Pichardo for the Council to appoint Joshua Ritchey to fill the vacant position under the Planning and Zoning Commission.

Mayor Thompson explained that the new boards, such as the Parks & Recreation Advisory Board and the new Emergency Board to which we just appointed members – those have five members, where each council member appoints a representative from each of their districts.

He stated that; however, the other pre-existing Boards, like the Library and Airport, including the Planning & Zoning Commission, are supposed to be with the Mayor.

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Council heard comments from Joshua Ritchey.

Mayor Thompson explained that according to our code of ordinances, vacancies on the commission shall be filled within 60 days for the unexpired term by appointment by the Mayor, with the advice and consent of the Council. He said he wasn't aware that this was a seven-member board, and said he will have something together by next month's agenda.

Alderwoman Lawler inquired if we could just keep the Planning & Zoning Commission as a five-member board since the other boards have five members. Mayor Thompson explained that we would have to re-do ordinances. He explained that he would like to fulfill what he has to do as Mayor, and then we can work towards changing the ordinances so that as people resign or retire from these boards, we can go back to five-member boards.

Council held discussion that they've talked about eventually taking all our boards down to five members.

No action was taken.

The sixteenth order of business was to discuss and consider adopting a Resolution of the City Council of the City of Devine, Texas authorizing the City of Devine to submit a grant application to the United States Department of Agriculture Rural Development Office for a matching loan/grant for the purchase of two police vehicles for the City of Devine and authorizing the Mayor to sign and execute the grant agreement on behalf of the City of Devine.

Council discussed that this is for the purchase of two vehicles for the Police Department.

Motion by Alderwoman Lawler, seconded by Alderman Espinosa to adopt Resolution 6-21A authorizing the City of Devine to submit a grant application to the United States Department of Agriculture Rural Development Office for a matching loan/grant for the purchase of two police vehicles for the City of Devine and authorizing the Mayor to sign and execute the grant agreement on behalf of the City of Devine.

Resolution attached as Exhibit C.

Ayes	--	All
Nays	--	None

Motion carried.

The seventeenth order of business was to discuss and consider for Council to go out for bids for kitchen equipment for the Golf Course Clubhouse Renovation.

Council heard comments from the citizens as to why this is delaying the Clubhouse.

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According to City Administrator John F. Vidaurri, on May 18, 2021, City Council authorized for him to handle the process to procure kitchen equipment for the Devine Golf Course Clubhouse Kitchen.

Council reviewed a Request for Proposal showing a timeline for the bid process, and a list of kitchen equipment.

Council held discussion.

Motion by Alderman Vega, seconded by Alderwoman Pichardo to authorize the City Administrator to go out for bids and advertise for the purchase of kitchen equipment for the Devine Golf Course Clubhouse Kitchen.

Ayes	--	All
Nays	--	None

Motion carried.

The eighteenth order of business was to discuss and consider Request for Information (RFI Number 6 – Soda Dispensers) for the Golf Course Clubhouse Renovation and Improvements – requested by Scott Grego and Charlie's Daughter.

Council held discussion.

Motion by Alderwoman Pichardo, seconded by Alderman Espinosa to have the architect add the soda lines at their expense.

Ayes	--	All
Nays	--	None

Motion carried.

The nineteenth order of business was Informational Items.

Council reviewed and held discussion on several updates by City Administrator John Vidaurri; mainly:

- Mosquito Fogging - Due to the recent rain, the mosquito population has increased. The intended date to spray is June 23, 2021 from 6:00 a.m. to 9:00 a.m. and again from 6:30 p.m. to 9:00 p.m.

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- Bulk & Brush Pickup - Due to recent weather conditions, Republic experienced delays in service. Alderwoman Pichardo inquired if Code Compliance can help by going around town to see what needs to be cleaned up because there is a large amount of trash/debris in our city, and that is the cause of breeding grounds for the mosquitos. Mayor Thompson suggested for Council to get with City Administrator John Vidaurri on what needs cleaning-up in each of their districts.
- Softball Press Box Improvements - Alderwoman Randall inquired on the clarification of baseball or softball field since we don't own a softball field; the school does, and the City only takes care of the Little League field on certain periods. City Administrator John Vidaurri will get with City Engineer JR Garcia, Jr. with Garcia & Wright for clarification on this.
- Speed Hump Projects - Prior to installing the speed humps approved by Council, an ordinance needs to be prepared and approved by Council. City Attorney Tom Cate is in the process of preparing these ordinances. Alderwoman Pichardo inquired about the City's liability and safety and possibly putting up notifications at each location. Mayor Thompson stated that there will be signs posted on either side of each speed hump.

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

Ayes	--	All
Nays	--	None

Motion carried.

Mayor

City Secretary