

Minutes
Regular Meeting
November 16, 2021

On this 16th day of November, 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 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: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Tom Cate, City Attorney; and Rob Flores, Director of Public Works/Emergency Management Coordinator.

Others Present: K. K. Calame and Marly Davis, Devine News; Josh Ritchey; Bill Herring & Gay Ann Herring; Kevin L. Stephens; Debra DuBose and Jerry Lee Stevens of Devine, Texas.

Mayor Thompson, presiding, declared the meeting open.

Mayor Thompson delivered the Invocation. Alderwoman Randall 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.

Council heard comments from:

- Josh Ritchey – Commented on golf course and tax incentives.
- Kevin L. Stephens – Commented on reducing the speed limit on W. Malone Drive to 25 mph and on installing speed humps.

The second order of business was Public Recognition.

- Alderman David Espinosa – Recognized former Mayor Bill Herring with a plaque for his services. He also stated that maybe we can recognize the cross-country team in the near future.
- Alderwoman Angela Pichardo – Recognized Alderman David Espinosa's wife and Alderman Rufino Vega's daughter and Alderwoman Kathy Lawler for helping decorate the float. They received 1st Place at the Cactus Fall Festival.
- Alderwoman Debbie Randall – Stated that she was not able to help decorate this year, but she expressed her appreciation and thanked Council for decorating the float.

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- Marcus Buckner, Chamber President, stated that they outdid themselves this year. Friends from San Antonio thought it was a wonderful festival.

The third order of business was Employee Recognition.

- Mayor Thompson – Thanked Interim City Administrator/City Secretary Dora V. Rodriguez for everything she is doing and also thanked her staff.
- Alderwoman Randall – Also thanked Interim City Administrator/City Secretary Dora V. Rodriguez for taking care of things that they don't even know about.

The fourth order of business was to consider approval of Council Minutes: Regular Council Meeting Minutes, September 21, 2021.

Council reviewed minutes.

Motion by Alderman Espinosa, seconded by Alderwoman Randall to approve the Regular Council Meeting Minutes, September 21, 2021.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss the Golf Course Clubhouse – requested by Alderwoman Randall.

- A. Sewer Line/Drainage Issue
- B. Punch Line Items
- C. Status/Plans for AEP Transformer/Temporary Power for the Outside Buildings.

A – Sewer Line Drainage Issue – Council reviewed a quote from Greco Construction based on what they think the problem is. Mayor Thompson played a video for Council to view on how the water is backing up. According to Mayor Thompson, this has been known since August, 2021 and it's actually on our punch list. Some discussion was held on a piece of pipe from the grease trap that needs to be changed out.

Mr. Scott Grego addressed Council and said this is on the slab where the old air conditioning units used to sit on; it's underneath. Discussion was held on what was causing the clog. In looking at the drawings, Scott Grego explained that behind the bar area, they have floor drains which they know are connected to the sewer drain but don't go through the grease trap. He expressed concern that over a course of 10-15 years, there's going to be grease built-up that is not going through the grease trap and is just going to end up in the city sewer drain. Discussion was held on inspections. A rough-in inspection was done but a final inspection has not been done for the actual plans themselves.

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Alderwoman Pichardo held lengthy discussion on the fact that we've not had problems before until now and suggested that there's a possibility that someone may have done the damage.

Scott Grego told Council that this is not an issue that they created but something happened when they brought in a crane that drove over the area.

Alderwoman Pichardo agreed that we need to fix the problem because it is a city facility. Alderman Espinosa inquired if this problem is isolated to this area or is it going to be any further? Scott Grego said he will keep an eye on it for now and on the damage done from this.

According to Mayor Thompson, the construction company is saying that if they replace this section, we should be okay. He asked City Attorney Tom Cate what we will be able to do if this does not fix the problem. City Attorney Tom Cate pointed out that if others come in to fix it, the contractors cannot warranty the work.

Scott Grego also pointed out that it takes several hours for the area outside of the restrooms before it starts backing up.

Council held lengthy discussion on what and where the problem could be. According to Alderman Espinosa, there is so much involved to pinpoint to one thing. He stated that it not being properly installed could also be the problem.

Council also held lengthy discussion on the pipe being cast iron. Alderwoman Pichardo suggested to review the change order.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to approve to have the sewer line/drainage issue fixed pending a review by Interim City Administrator/City Secretary Dora V. Rodriguez of the actual motion that was made and the change order that was signed regarding the piping; and, if it specifies it's inside only, then we need to fix it, and to amend the budget for \$7,810 to replace this piece of cast iron piping.

Ayes	--	All
Nays	--	None

Motion carried.

B – Punch List Items – Council reviewed the punch list. Mayor Thompson informed Council that all answers on the punch list were provided by John Vidaurri, former City Administrator, on issues addressed during the walk-thru.

Alderman Espinosa stated that this was a turnkey project and inquired why, then, are we worrying about this? Mayor Thompson responded that the reason is because the contractors are not fixing certain things.

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Mayor Thompson talked about a 10% retention. But then, Interim City Administrator/City Secretary Dora V. Rodriguez informed Council about a check that was written on September 22, 2021 for a payment in the amount of \$37,555.38 which was authorized by John Vidaurri, former City Administrator. Council wanted to know why he didn't get with them.

According to Mayor Thompson, he was the City Administrator and he was the one handling it. Council discussed City Administrators having a spending cap of \$50,000.

No action was taken.

At 7:10 p.m., Mayor Thompson announced that Council would be taking a 10-minute break.

At 7:22 p.m., Council returned from break.

C – Status/Plans for AEP Transformer/Temporary Power for the Outside Buildings – Council held discussion with Director of Public Works/Emergency Management Coordinator Rob Flores regarding the transformer. He pointed out that AEP initially was going to change that transformer. He said there's no power on the outside of the building to plug in Charlie's Daughter or the temporary club house; so, that has been put on hold. They discussed getting electricity from the pool power but it's all with the same transformer. The idea now is to put a small transformer inside the club house, run electricity out, have them change the transformer, and then they can plug in. Scott Grego told Council that in talking to Dustin, his electrician, he just placed an order today for a transformer, so a secondary transformer will be installed inside the club house.

No action was taken.

The sixth order of business was to consider and act upon Contract Revision between the City of Devine and SG Golf Management.

Council was given a contract with the revisions which are in line with what Council had discussed back in June.

Alderwoman Pichardo asked if we could table this item being that they just received the revised contract and this would allow them to make an informed decision.

City Attorney Tom Cate pointed out that all changes on the contract are in italics.

Motion by Alderwoman Pichardo, seconded by Alderwoman Lawler to table this item until the next meeting, whether it's a Special or Regular meeting.

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

Motion carried.

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The seventh order of business was to consider and act upon transferring funds from the K-9 Account to the Police Forfeiture Account.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that the total amount to transfer is \$2,730.44.

Motion by Alderwoman Pichardo, seconded by Alderman Vega to approve to transfer funds from the K-9 Account to the Police Forfeiture Account.

Ayes	--	All
Nays	--	None

Motion carried.

The eighth order of business was to consider and act upon Council reviewing Churches and Non-Profit Organizations' Garbage Rates and whether Council wants Administration to reach out to Republic on Amending the Contract for Council's Approval – requested by Alderwoman Randall.

Alderwoman Randall talked to Council about Churches and Non-Profits using the same waste wheeler as residential users, but are charged commercial rates instead of residential rates. She read a letter to Council from the Divine Savior Lutheran Church asking for Council to reconsider these charges. Alderwoman Randall explained that they are asking if Interim City Administrator/City Secretary Dora V. Rodriguez can get with Republic Services to see if we can get their commercial rate changed to residential.

Motion by Alderwoman Pichardo, seconded by Alderwoman Randall to authorize Interim City Administrator/City Secretary Dora V. Rodriguez to work with Republic Services on allowing Churches/Non-Profits up to 2 regular waste wheelers at residential rates rather than commercial rates.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business was to consider and act upon Moving/Cancelling the December Regular Council Meeting.

Mayor Thompson suggested to not have a meeting on the third Tuesday, December 21, but to have one on the second Tuesday, December 14, 2021. According to Alderman Espinosa, Coach Thompson and the Cross-Country Team can be here on December 21st. Mayor Thompson asked Alderman Espinosa if he can talk to the school about being here on December 14, 2021 instead, or wait until January.

Motion by Alderwoman Randall, seconded by Alderwoman Pichardo to move December's Regular Council Meeting date to December 14, 2021.

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Ayes	--	All
Nays	--	None

Motion carried.

The tenth order of business was to consider and act upon for the City to pay the BMA 2022 Flat Rate Assessment.

Council held discussion. Mayor Thompson informed Council that if we pay it right now, it's \$155.

Motion by Alderwoman Pichardo, seconded by Alderwoman Lawler to approve for the City to pay the BMA 2022 Flat Rate Assessment, and to amend the budget by \$155.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was to consider and act upon the Election of the Board of Directors for the Medina County Appraisal District using the Official Ballot and Resolution of the Medina County Appraisal District.

Council reviewed information given and held discussion on being comfortable with Mamie Navarro. Mayor Thompson informed Council that we have a total of 79 votes.

Motion by Alderwoman Lawler, seconded by Alderwoman Randall to cast all 79 votes for Mamie Navarro.

Ayes	--	All
Nays	--	None

Motion carried.

The twelfth order of business was to consider and act upon allowing Departments of the City of Devine to start using Facebook.

Debbie DuBose, Head Librarian, addressed Council on the advantages for the Library to have Facebook, and said it is the best way to get out all of their information. She talked about Facebook and Instagram. According to Mayor Thompson you can link Instagram with your Facebook.

Discussion was also held on Animal Control needing Facebook to help get the animals adopted. According to Interim City Administrator/City Secretary Dora V. Rodriguez, Chief Kandy Benavides would be responsible for Animal Control's Facebook page.

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City Attorney Tom Cate pointed out that Debbie DuBose and Chief Kandy Benavides would each have the responsibility of posting on Facebook for their departments and, if there is a problem, Interim City

Administrator/City Secretary Dora V. Rodriguez would have to handle it, but there would always need to be communication.

Mayor Thompson inquired about live streaming. According to Debbie DuBose, she will have the ability to do that because she will have a camera-equipped computer as part of a grant, to help with live streaming/tele help. Council was all good with this.

Motion by Alderman Vega, seconded by Alderwoman Pichardo to approve participation of the Social Media Policy for the city employees, and allow the Library and Animal Control Departments to start using Facebook.

Ayes	--	All
Nays	--	None

Motion carried.

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

- §551.074 – Personnel Matters – Compensation for the Interim City Administrator/City Secretary while performing the interim duties of the City Administrator

At 8:01 p.m., Mayor Thompson announced to the public that the Council would go into a Closed Session.

At 8:38 p.m., Closed Session was open to the public.

No action was taken.

The fourteenth 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 Dora V. Rodriguez's compensation as discussed in Executive Session during the time that she is performing as Interim City Administrator, City Secretary and Code Compliance Officer for the City of Devine.

Ayes	--	All
Nays	--	None

Motion carried.

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The fifteenth order of business was Informational Items.

The following was discussed:

- List – This was a follow-up to a question from the last meeting regarding appliances. Mayor Thompson went over a chart which listed dates as to when they are expecting to get appliances in their own warehouses. He pointed out that he is not expecting anything to be installed by January.
- Walk-in Cooler – Alderwoman Randall talked about the walk-in cooler possibly not coming in until March. She wanted to point out that the restaurant can function without a walk-in cooler if they could bring in their own refrigerator/freezer temporarily, and we can get a certificate of occupancy, until the walk-in cooler comes in. This way, the whole kitchen and club house could be utilized if everything else gets put in by February or March. Interim City Administrator/City Secretary Dora V. Rodriguez will call to find out when the walk-in cooler can be installed. The kitchen equipment is in the warehouse.
- Emergency Management Advisory Board – Council went over the list of who the Board has come up with to be partners with the Committee.
- Park – Interim City Administrator/City Secretary Dora V. Rodriguez talked about Double J working on the walking path at the Briscoe Park. Mayor Thompson held discussion on the costs for 2 inches of asphalt overlay, crack sealing seal coat, and on re-stripping the handicap parking spots. He wants this on the agenda at the next meeting to have more discussion.
- Vendors – Alderman Espinosa talked about vendors for hand sanitizer, pepper spray and handheld Tasers. Interim City Administrator/City Secretary Dora V. Rodriguez commented that she thinks our police department has already made contact with them.
- Chamber of Commerce – Mayor Thompson will be getting with the Chamber of Commerce on a list of various things that he is working on regarding concerns that we have.
- Fire Hydrants – Alderwoman Randall inquired about the fire hydrants for the Fire Department. City Attorney Tom Cate will call the Fire Department.
- Certifications – Alderwoman Pichardo talked about getting with Interim City Administrator/City Secretary Dora V. Rodriguez about certifications not being met with employees in the City. She wants to make sure that certifications and everything is up-to-date. She wants this item placed on the next agenda.
- Golf Club House Kitchen Turn Key – Alderwoman Lawler talked about the refrigerator/freezer being brought in and if it needs to be an agenda item. She also inquired what happens to the turnkey. City Attorney Tom Cate stated that it does not need to be an agenda item and this is something that Interim City Administrator/City Secretary Dora V. Rodriguez can handle. Alderwoman Lawler said it is not in the contract and inquired when we would stop paying the management fee. City Attorney Tom Cate stated that we would stop paying the management fee when we comply with the terms of the contract that it is turnkey.
- Use of Golf Club House Kitchen – Alderwoman Pichardo inquired who gave the authorization to use it. City Attorney Tom Cate responded that former City Administrator John Vidaurri gave the authorization. Scott Grego stated that John Vidaurri gave the authorization to use the facility when we did the final walk-thru on August 13, 2021.

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- Micromanaging – Mayor Thompson talked to Council about asking questions and said there is a fine line on what they can do. Basically, he explained that they cannot put deadlines on city staff or make demands to staff. He said that Council cannot micromanage or reach out to department heads; everything needs to go through the Interim City Administrator/City Secretary Dora V. Rodriguez.

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

Ayes	--	All
Nays	--	None

Motion carried.

Mayor

City Secretary