

**Minutes  
Special Meeting  
March 1, 2022**

On this 1<sup>st</sup> day of March, 2022, 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 the Medina County Annex, 317 N. Highway 132, 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; Rob Flores, Director of Public Works/Emergency Manager Coordinator; Eddie Diaz, Waste Water Treatment Plant Foreman; Pete Sanchez, Field Operations Supervisor; Clint Schmelzer, Devine Police Officer; Michael Alvarado, Devine Police Officer; and Alma Rios-Flores, Municipal Court Clerk.

Others present: Marly Davis, Devine News; Ron Richards, Natalia, Texas; Brian Navarro; Willie Marquez; Billy Alvarado; Jay Dishman; Kara Navarro; Ken Nighswander; David Romano; Frances Navarro; Heather Schultz; Lisa Belor; Steven Schultz; Josh Ritchey; Diane Bradford; Cynthia Chalaire; Richard W. Chalaire; Laura & Bill Sinclair; Aubrey & Rich Sereno; Richard L. Malone; Cassandra Maldonado; Kimberly Madrid; Juan Zamora; and Melissa & Jerry Lee Stevens of Devine, Texas.

Prior to opening the meeting to order, Mayor Thompson announced that there was an incorrect posting by someone on Facebook that this was an Emergency Meeting. He clarified that an Emergency Meeting is very different from a Special Meeting, and this is a Special Meeting that we are having tonight.

Mayor Thompson, presiding, declared the meeting open.

The first order of business was to discuss and consider accepting receipt of Certification of Unopposed Candidates. *(La primera orden de negocio fue discutir y considerar aceptar recibo de Certificado de los Candidatos Sin Oposición.)*

Mayor Thompson read the Certification of Unopposed Candidates. The unopposed candidates are Alderman Rufino Vega, District 1 and Alderman David Espinosa, District 3. *(El Alcalde Thompson leyó el Certificado de los Candidatos Sin Oposición. Los candidatos sin oposición son el Concejal Rufino Vega, Distrito 1 y el Concejal David Espinosa, Distrito 3.)*

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Motion by Alderwoman Pichardo, seconded by Alderwoman Randall to accept receipt of Certification of Unopposed Candidates. *(Mocionado por la Concejal Pichardo, secundada por la Concejal Randall para aceptar el recibo de Certificado de los Candidatos Sin Oposición.)*

Ayes <i>(Voto a favor)</i>	--	All <i>(Todos)</i>
Nays <i>(Voto en contra)</i>	--	None <i>(Ninguno)</i>

Motion carried. *(Moción aprobado.)*

The second order of business was to discuss and consider ordering Cancellation of Election for Alderman District #1 and Alderman District #3. *(La segunda orden de negocio fue discutir y considerar ordenar la Cancelación de Elecciones para las carreras electorales de el Concejal Distrito #1 y el Concejal Distrito #3 declarando candidatos elegidos.)*

Motion by Alderwoman Lawler, seconded by Alderwoman Pichardo to order Cancellation of Election for Alderman District #1 and Alderman District #3. *(Mocionado por la Concejal Lawler, secundada por la Concejal Pichardo para ordenar la Cancelación de Elecciones para las carreras electorales de el Concejal Distrito #1 y el Concejal Distrito #3.)*

Ayes <i>(Voto a favor)</i>	--	All <i>(Todos)</i>
Nays <i>(Voto en contra)</i>	--	None <i>(Ninguno)</i>

Motion carried. *(Moción aprobado.)*

The third order of business was to discuss Implementing a Cyber Security Policy requested by our Computer/Network Administrator, James Evans.

Council reviewed Cyber Security Policy.

James Evans addressed City Council and went over the Cyber Security Policy with them. He told Council that the policy they are looking at is the bare minimum required, and we can always add to it but advised not to cut corners. Mr. Evans told Council that the firewalls are going fast and they cost approximately \$800, and then we are looking at \$250 - \$300 monthly for managing the system. He suggested that we do something as soon as possible.

Council held discussion with James Evans. Interim City Administrator/City Secretary Dora V. Rodriguez advised that we have the Cyber Program. Alderwoman Pichardo inquired if we are protected with Rackspace. According to Mr. Evans, this is for traffic in and out of the offices and it cannot get into the emails, so we are protected with Rackspace. She also inquired about on-line payments. Mr. Evans stated that those payments are done through "their portals, their payment system," so it has nothing to do with this.

Mayor Thompson suggested that we all need to sit down and review it. He said we need to put it on the agenda for the next regular meeting to bring it back to the table.

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No action was taken.

The fourth order of business was to discuss and consider request made by Actalent Company to use our 29.188 acres off of State Highway 173/Gutierrez to do a Resistivity Test for AEP Substation.

Code Compliance Officer Eddie Diaz explained to Council that this is for an extension of the AEP Substation on Oakhill Drive/State Highway 173. He told Council that they are needing to do ground testing of the soil and need the City’s approval to use our property to do this. He explained that it will only involve 4 pins, 1 foot in the ground, on a 990 foot radius (fenced-in area), and the test will only take about 2-4 hours. It will be on a vacant lot on Gutierrez Drive.

Interim City Administrator/City Secretary Dora V. Rodriguez told Council it will only involve one vehicle and one crew. She asked Council if they would like a copy of the report on what was done. Council said, yes, and they were all good with this.

Motion by Alderman Espinosa, seconded by Alderwoman Randall to allow Actalent Company to use our 29.188 acres off of State Highway 173/Gutierrez to do a Resistivity Test for AEP Substation, and to ask for a report for the City.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider Devine Golf Group, LLC Contract.

Council heard from Alderwoman Randall as she read a Point of Privilege. She stated that each district votes for one person to be their representative at the council table, and our residents entrust the council members to handle and take care of the business needs of our city.

Alderwoman Randall stated that over the weekend, a Councilperson posted information on Facebook prior to any discussion or negotiation with an entity. This same councilperson gave the item for review to another citizen who also posted it. WHY? This was confidential information! According to Alderwoman Randall, what company or entity would approach the City knowing that EVERYTHING is posted on-line prior to any discussion or negotiation taking place? Alderwoman Randall discussed in detail other situations presented by Alderwoman Pichardo which she said fall under “Misuse of Power” and “Dictatorship”. She said that Alderwoman Pichardo is causing damage to the City of Devine with her actions, and that she should resign from City Council immediately.

Alderwoman Pichardo responded with a statement of her own. She stated that shaming is upon each individual, She said that we have a management company wanting to come in, and she spoke of accountability and transparency. She said that she will work for not only one district but for all the districts. She hopes Council will work together; she said she will be working with Council.

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Alderman Pichardo brought up comments on Facebook and said she won't stoop down to their level. She added that no one made SG Golf Management quit. She concluded by saying that she will stay professional and will not degrade anyone, and told Council to stop wasteful spending.

Alderman Espinosa stated that Devine Golf Group, LLC's contract was posted on Facebook by one of our councilmembers. He added that she violated law and oath, and said he wanted it to go on record to have her suspended with an investigation.

Mayor Thompson inquired if we can go on with this without any bids. Alderman Randall read 252 LGG which states that bidding does not apply to lease of property. City Attorney Tom Cate advised that this is his opinion also. He asked Council what they want to do: Lease? Or go out for bids, for professional services? Mayor Thompson added that their contract was made public and if we go out for bids, it wouldn't be fair because their personal contract is known. Alderman Pichardo added that their contract wasn't posted as "Confidential". She said this is transparency, and her understanding is that this is a lease. City Attorney Tom Cate advised that he's gotten two more proposals after this incident.

Alderman Randall and Lawler proceeded to ask Mr. Brian Navarro questions about the contract regarding marketing and the reason for the 10-year lease. He explained that if there's ever a problem such as with the greens, they can't get a return on their investment in a lesser time. Mr. Navarro agreed with Alderman Randall that they can do an assessment every 3-4 years, and they can put it in the contract.

Council held discussion on other contract issues such as:

- Restaurant – Change the wording to “workable” rather than turn-key.
- Certificate of Occupancy
- Working closely with Jerry & Melissa Stevens
- Walk-in cooler – Jerry & Melissa Stevens can work with this until the new one arrives.
- Plumbing issues – Director of Public Works Rob Flores told Council that everything is working currently. He said the line that's tied in to the pool is flowing and currently working, but we'll need to wait and get lots of people in to see what happens. Mayor Thompson added that we'll need to take care of this and fix it, re-route it or get an easement. According to Director of Public Works Rob Flores, we need to keep it as straight as possible. He will get with Scott Grego on the easement for the sewer.
- Restaurant
- Condition of property
- Punch list
- Equipment – Alderman Randall prefers that a list of equipment be added to the contract to cover all parties.
- Turf carts – There are two carts that the City bought; we own them.
- Wells – City property; negotiable.

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- Taxes – Per Interim City Administrator/City Secretary Dora V. Rodriguez, the City doesn't pay taxes; this needs to be stricken from the contract.
- Insurance
- Vandalism
- Security
- Tax Returns – City Attorney Tom Cate suggested deadline of October 15<sup>th</sup>, or whichever is earliest; 30 days after filing or 30 days after October 15<sup>th</sup>.
- Event coordinators – There will be an event coordinator, a tournament coordinator and Lisa Belor and someone from the pro-shop will be the day-to-day coordinators.
- Accounting Reporting to City – It will be a monthly report and paid on a quarterly basis. Alderwoman Randall wants monthly reports added to the contract. City Attorney Tom Cate advised to also add the 940, 941 and TWC reports to the contract.
- Audit – Per Alderwoman Lawler, the City reserves the right to audit.
- Term – Update first page of contract to read 3-5 years.
- Staff – According to Jay Dishman, if they're able to keep the staff, they won't have any issues.
- Sublease Restaurant – City Attorney Tom Cate advised to add "Sublease Restaurant" to the contract.

Alderwoman Pichardo commented that she is in agreement with this contract. She added that she would like to see the City stay out of the golf course business. She said it's created a lot of negativity, and she appreciates them stepping up.

Alderman Espinosa thanked everyone for being here and said he was ready to put it for a vote. Alderwoman Lawler inquired if we can do the changes before voting, or would it take long to have the changes made. City Attorney Tom Cate asked if someone could send him the lease as a Word document. He advised that if everyone submits the edits, it'll be done. Alderwoman Randall said she will change the document to "Word" and will send it to City Attorney Tom Cate.

Council discussed two options. Mayor Thompson stated that he doesn't want to have another special meeting. He said Council (Option 1) could vote on it tonight with the changes and he can sign it later, or (Option 2) we could make the changes first and look at it again on March 15<sup>th</sup> and do all of this again on the 15<sup>th</sup>. Brian Navarro asked that if we bring it back on the 15<sup>th</sup>, when can they get in? He was told they would take it over on March 16, 2022. Council decided on the first option.

Motion by Alderman Espinosa, seconded by Alderwoman Pichardo to move forward with Devine Golf, LLC Contract and approve it with the changes discussed tonight, and have the Mayor sign it, and allow them to take possession effective March 16, 2022, with the understanding that we still have the punch list.

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Ayes	--	All
Nays	--	None

Motion carried.

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.

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Mayor

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City Secretary