

Minutes
Regular Meeting/Budget Workshop
September 20, 2022

On this 20th day of September, 2022, 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 the Dr. George S. Woods Community Center, 200 E. Hondo Avenue, Devine, Texas 78016. 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
Aldерwoman Debbie Randall
Alderman Rufino Vega
Aldерwoman Angela Pichardo
Alderman Josh Ritchey

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; and Pete Sanchez, Field Operations Supervisor.

Others Present: Anton Riecher, Devine News; Donovan Rodriguez, Republic Services; Michael Wilkinson, DFMA Vending; George Gohment, LaCoste, Texas; Kathy Lawler and Jim Lawler of Devine, Texas.

Mayor Thompson, presiding, declared the meeting open.

Mayor Thompson delivered the Invocation. Aldерwoman Randall led the Pledge of Allegiance to the United States Flag, and Aldерwoman Pichardo led the Pledge of Allegiance to the Texas Flag.

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

No one signed up to speak under this item.

The second order of business was Public Recognition.

Alderman Vega thanked the Fire Department for handling the a gas leak this Sunday so efficiently. He commended them for doing a good job.

The third order of business was Employee Recognition.

Mayor Thompson thanked the Public Works guys for staying up all night working on a water leak. He also thanked the Police Department for handling a lot in one day, this previous Sunday. Aldерwoman Randall thanked Director of Public Works Rob Flores for helping to get the Golf Course Clubhouse completed. She said it is now open and has it's Certificate of Occupancy, thanks to him.

Regular Meeting-Budget Workshop Minutes
September 20, 2022
Page 2

The fourth order of business was the Public Hearing on the Proposed Budget for FY 2022-2023.

This agenda item was cancelled.

The fifth order of business was the Public Hearing on the Proposed Tax Rate for FY 2022-2023.

This agenda item was cancelled.

The sixth order of business was to consider approval of Council Minutes: Rescheduled Regular Council Meeting Minutes, June 30, 2022; and Rescheduled Regular Council Meeting Minutes, July 26, 2022.

Council reviewed minutes.

Alderman Ritchey pointed out corrections to the minutes for July 26, 2022. He stated that on Page 12, on the thirteenth order of business to discuss and consider for the Council to allocate future money received from the Devine Golf Group on their fees to the Parks & Recreation budget line – requested by District #5 Councilperson Randall, he said that he had voted “no” under the motion made to allocate future money received from the Devine Golf Group on their fees to the Parks & Recreation budget line. He said he had recommended for the money to be used to pay the debt incurred by the golf course. Also, on Page 13, on the fourteenth order of business to discuss and consider for Council to adopt the Food Truck Ordinance drafted by City Attorney Tom Cate, he said that he also voted “no” on the motion made to table this item until City Attorney Tom Cate can make changes by the next regular meeting, if possible.

Motion by Alderman Ritchey, seconded by Alderwoman Randall to approve the minutes for the Rescheduled Regular Council Meeting for June 30, 2022 and the Rescheduled Regular Council Meeting for July 26, 2022 with the corrections.

Ayes	--	Three – Aldermen Ritchey, Vega Alderwoman Randall
Nays	--	None
Abstain	--	One – Alderwoman Pichardo
Absent	--	One – Alderman Espinosa

Motion carried.

The seventh order of business was to consider and act upon the contract for Republic Services.

Council heard from Donovan Rodriguez with Republic Services regarding a contract extension language that he sent to the City on August 18, 2022. He explained that this language came from our feedback from previous meetings. He said they tried to include things such as eliminating the roll off franchise, putting non-profits and churches at a residential rate vs. a commercial rate, and removing the fuel pass-thru tax, to name a few. He told Council he felt confident that we can come to an agreement on this contract.

Regular Meeting-Budget Workshop Minutes
September 20, 2022
Page 3

Council reviewed contract.

Some of the items of discussion were:

- Roll offs/Dumpsters
- Fuel Surcharge
- Bulk dates
- Trash pickups
- Increasing yardage and frequency of brush pickups
- Extra cart rate
- A community box
- Sludge pickup at Waste Water Plant
- Doing extra pickups and charging customers directly
- No Fault Cancellation clause
- Litigation
- Having open dialog
- Letter from Republic's attorney

After lengthy discussion, there were still some things not clear to Council and with a lot of changes to be made, Republic Services agreed to come back before Council.

No action was taken.

The eighth order of business was to consider and act upon the Annual Report and PILOT Check from the Devine Housing Authority.

Council received an Annual Report from the Devine Housing Authority along with a check for \$4,000. City Attorney Tom Cate explained that the Housing Authority is exempt from paying property taxes so they volunteer their monies, and the check is for Payment in Lieu of Property Taxes (PILOT).

Motion by Alderwoman Randall, seconded by Alderman Vega to accept the PILOT Check and Annual Report from the Devine Housing Authority.

Ayes	--	Two – Alderwoman Randall, Alderman Vega
Nays	--	None
Abstain	--	Two – Alderwoman Pichardo and Alderman Ritchey
Absent	--	One – Alderman Espinosa

Motion carried.

The ninth order of business was to consider and act upon approving all church festivals to be exempt under the Mobile Food Unit Ordinance.

Regular Meeting-Budget Workshop Minutes
September 20, 2022
Page 4

Mayor Thompson talked about the previous Mobile Food Truck ordinance that Council passed. He said that they realized that the Fall Festival and Farmer's Market are not the only city-approved events to be exempt from the Food Truck ordinance.

According to City Attorney Tom Cate, we need to include church festivals in the exemption; otherwise, all churches will be coming to the City, individually, every time they have a festival, asking to be exempt from the Food Truck Ordinance.

Council held lengthy discussion with Alderman Ritchey on different wordings on making a motion in addressing the exemption of churches and festivals.

City Attorney Tom Cate explained that festivals are already in the food truck ordinance now so we need to do a blanket exemption to add church festivals; he explained that this applies only to food trucks and not to plate sales. He explained that we're not going to change the ordinance; we're just going to make a blanket approval.

After much discussion, Council talked about approving the exemption for church festivals tonight but bringing the ordinance back before Council to actually amend the ordinance, but then decided to add the exemption to the ordinance for church festivals to be exempt and not requiring permits, effective immediately.

Motion by Alderman Ritchey, seconded by Alderwoman Randall to adopt Ordinance 9-22 to amend the existing Food Truck Ordinance (No. 8-22) to include church festivals as exempt status in conjunction with City-approved events and festivals, effective tonight.

Ordinance attached as Exhibit A.

Ayes	--	Four – Aldermen Ritchey, Vega Alderwomen Randall, Pichardo
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

The tenth order of business was to consider and act upon request from Michael Wilkinson, D.F.M.A. Vending, for permission to install a Coke Vending Machine at the Briscoe Park.

Mr. Michael Wilkinson talked to the Council about the benefits of having a Coke machine at the Briscoe Park. He explained that his company would even put in their own electric meter for the Coke machine.

According to Mayor Thompson, the rule of thumb is that we do not allow other businesses to operate on city property.

Council held lengthy discussion on contracts, vandalism and going out for bids.

Regular Meeting-Budget Workshop Minutes
September 20, 2022
Page 5

Motion by Alderwoman Pichardo, seconded by Alderman Ritchey to reject the request from Michael Wilkinson, D.F.M.A. Vending, for permission to install a Coke Vending Machine at the Briscoe Park.

Ayes	--	Four – Aldermen Ritchey, Vega Alderwomen Randall, Pichardo
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

The eleventh order of business was to consider and act upon amending Chapter 14 Animal Ordinance – Fowl – requested by Alderman Ritchey.

Alderman Ritchey informed Council that his request would benefit him because of what he wants to do on his acreage. He was advised by City Attorney Tom Cate that he would not be able to participate in the conversation because of a conflict of interest.

Alderwoman Randall read Alderman Ritchey's request in which he is proposing to have 10 chickens/rooster/peacocks per acre of land within the city limits. He did have facilities and sanitation listed. His proposal also included requiring neighbors to agree in writing to this. However, City Attorney Tom Cate advised that we cannot ask the neighbors to allow this. He said we cannot delegate regulation to residents, and Council would have to make the decision.

Motion made by Alderwoman Pichardo to change domestic fowl to 10 per acre. No one seconded the motion.

Motion failed.

Mayor Thompson talked about being curious as to how Devine wants to move forward – how do we want Devine to look in the future. He talked about people making decisions to live in the country to be able to enjoy having animals, or moving inside city limits to avoid all of the noise that comes along with this.

After discussion, Council decided on tabling this until we get more information and to allow Alderman Ritchey to have someone bring his request with a write-up for Council to review.

Motion by Alderwoman Pichardo, seconded by Alderman Vega to table amending Chapter 14 until we get more information/paperwork from Alderman Ritchey.

Ayes	--	Three – Alderwomen Pichardo, Randall Alderman Vega
Nays	--	None
Abstain	--	One – Alderman Ritchey
Absent	--	One – Alderman Espinosa

**Regular Meeting-Budget Workshop Minutes
September 20, 2022
Page 6**

Motion carried.

The twelfth order of business was to consider and act upon for Council to place their vote for the Medina Electric Cooperative, Inc. 2022 Director of Election.

Council held discussion that this election has already passed.

No action was taken.

The thirteenth order of business was consider and act upon TML Ballots.

Council reviewed the official ballot.

Motion by Alderman Ritchey, seconded by Alderwoman Randall to vote for Kimberly Meismer for Place 6 of the TML Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

Ayes	--	Four – Aldermen Ritchey, Vega Alderwomen Randall, Pichardo
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

The fourteenth order of business was to consider and act upon for Council to approve the 2023 Routine Airport Maintenance Program (RAMP) Grant.

Mayor Thompson explained this is a 50/50 grant, for \$100,000; \$50,000 of which is from the State and \$50,000 being the City's share. He explained that we have two options. We can use it to buy hangars, or we can use it to take care of the drainage issue at the airport.

Council held discussion and confirmed that we can complete the drainage issue this year with this grant.

Alderman Ritchey inquired if this is a grant that renews our requirement to maintain the airport for 20 years every time we accept the grant. City Attorney Tom Cate confirmed this to be correct.

Motion by Alderwoman Randall, seconded by Alderman Vega to approve the 2023 Routine Airport Maintenance Program (RAMP) Grant.

Ayes	--	Three – Alderman Vega Alderwomen Randall, Pichardo
Nays	--	One – Alderman Ritchey
Absent	--	One – Alderman Espinosa

Motion carried.

Regular Meeting-Budget Workshop Minutes
September 20, 2022
Page 7

At 7:32 p.m., City Attorney Tom Cate left the meeting.

At 7:32 p.m., Mayor Thompson announced Council would be taking a 10 minute break.

At 7:42 p.m., Council resumed the meeting.

The fifteenth order of business the Budget Workshop.

Council received an updated budget for the current and future year. This will be finalized on September 30, 2022.

Interim City Administrator/City Secretary Dora V. Rodriguez gave Council a quick breakdown. She addressed Alderman Ritchey's questions regarding AT&T and advised that she will be having a virtual meeting with AT&T tomorrow to go over our different plans and to see how we can cut down on costs on our phone bills. She told Council that First Net is only the mobile phones, and explained that we will be getting rid of two phones and four hotspots.

IT James Evans also addressed Council and explained the necessity of landlines being more secure than cell phones. He also explained that we cannot cut out the fax lines; they are required due to HIPPA and other regulations. Regarding the firewall for City Hall and the Police Department, Mr. Evans explained that this is for the protection of both City Hall and the Police Department and we cannot reduce our security. We have to have the firewall per our auditors.

Other topics of discussion were:

- Increase in General Fund.
- Bond payment has been moved to Debt Service.
- City Administrator
- COLA – 4% - 6% still in the budget.
- The Sweeper is still in the budget.
- Budget for City Secretary after a City Administrator gets hired. It will be reduced.
- Shaver Drive – We should be able to afford to do work on Shaver Drive with the 2021-2022 Budget, around \$35,000. Interim City Administrator/City Secretary Dora V. Rodriguez will get with our City Engineer and bring back an updated cost to Council.

Mayor Thompson talked about the changes with Administration and changes with the phones, and asked Council if they were okay with moving forward with this budget.

Interim City Administrator/City Secretary Dora V. Rodriguez reminded Council about having to keep up with the deadline dates on the Budget Calendar, and explained that on September 30, 2022, will be having public hearings, amending the current budget, adopting the new budget and setting a tax rate.

The sixteenth order of business was the Annual Acknowledgement of Conflict of Interest and Code of Conduct.

Regular Meeting-Budget Workshop Minutes
September 20, 2022
Page 8

Mayor Thompson went over the SAS-99 forms with Council. These are Statement of Auditing Standards used by auditors to uncover fraud in the workplace. He told Council to read over the forms, complete and sign them, and return them to Interim City Administrator/City Secretary Dora V. Rodriguez no later than this Friday, September 23, 2022.

Interim City Administrator/City Secretary Dora V. Rodriguez briefly talked about how the reports are handled, and talked about following the chain of command, and the hotline number.

No action was taken.

The seventeenth order of business was Informational Items.

- Republic Services – Interim City Administrator/City Secretary Dora V. Rodriguez explained to Council that because of the attorney letter received from the Republic Services attorney, we had to stop any meetings or conversations with them over the contract, because now our attorneys need to be involved in handling matters. Council felt this is a good policy.

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

Ayes	--	Four – Aldermen Ritchey, Vega Alderwomen Randall, Pichardo
Nays	--	None
Absent	--	One – Alderman Espinosa

Motion carried.

Mayor

City Secretary