

Minutes
Rescheduled Regular Meeting
July 26, 2022

On this 26th day of July, 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; and Rob Flores, Director of Public Works/Emergency Management Coordinator; Pete Sanchez, Field Operations Supervisor; and Eddie Diaz, Waste Water Treatment Plant Foreman.

Others Present: Raul H. Garcia, Jr., City Engineer, Garcia & Wright; Donovan Rodriguez and Terry Gawlik, Republic Services; Lupe C. Torres, Medina County Elections; Juan Ludwic, CDS Muery; Steve A. Lopez; Regina Vega; Jordan Crain; Tracy Summers; Debbie Houston; Steve Smith; Brian Navarro; Misty Thompson; Thomas; Braelyn; Laura Long; Phillip Long; Jessica & Travis Spain; Leah Valera; Lorenzo Morales; Jerry Lee Stevens; Bonnie Manning; Jay Dishman; and Frances Navarro, 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.

Council heard from the following:

- Aldерwoman Angela Pichardo – Addressed Council and expressed concern over questions on the responsibility of Council/Administration. She talked about having a question on a property which was not in her district so she directed it to the correct council person. She wanted to clarify the difference between a question and an order or demand. She told Council that we get a lot of questions on Code Compliance and our last Code Compliance Officer did not last very long. She was thankful and grateful for the employees stepping up to help when other positions are vacant. She stated that, as Council, we are not ordering or demanding from anyone that something be done or delivered, and said that it's very difficult to be effective and efficient when there is an overwhelming overlapping and co-mingling of positions. She said we need people who are certified/qualified for the vacant positions.

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- Lorenzo Morales – Talked to Council about a sports complex. He told Council he has children and grandchildren who play for select teams, and said that our children don't have to go to San Antonio or Southwest High School to get on their leagues to play. He would like to see baseball and softball fields, tennis courts, basketball courts, soccer and possibly a water park. He said the fields would be able to turn into different types of fields, just by moving around the mounds. He suggested that the fields could be used by DYSA, Little League and the Devine ISD schools. He would also like for the fields to have turf which would require no mowing or watering. He talked to Council about recreational grants to cover the cost; we would just need the fields, and he said he knows where the fields are available. Mr. Morales said he would like to be on next month's agenda when he can bring in more people to talk about the sports complex.

The second order of business was Public Recognition.

- Alderman Josh Ritchey thanked Steve Smith and Heather Schultz for doing a great job with the First Saturday Market Days. He said that it's a really nice community event.

The third order of business was Employee Recognition.

- Mayor Thompson thanked the city employees for setting up the Community Center for the Go Medina Meeting this morning.
- Alderman Ritchey also thanked city employees for keeping him informed and updated.
- Alderwoman Randall thanked Interim City Administrator/City Secretary Dora V. Rodriguez for managing to get the water transmission lines from being stopped, while she was on a much deserved vacation. She explained that she took time from her vacation for us, for our community.
- Alderwoman Randall also thanked Director of Public Works Rob Flores for continuing to be the pit bull for the Club House because we are so close to getting things done ever since he took over.

The fourth order of business was to discuss and consider recommendation of the Planning and Zoning Commission Meeting held on June 6, 2022.

- a. Request made by Sean and Tracy Summers, Subdivision Anna Mae Boyd Trust Subdivision, Lot 4, 2.123 Acres, for variance to exclude sidewalks from the project of building homes on six lots.

Mayor Thompson informed Council that the Planning and Zoning Commissioners had approved the variance to exclude the sidewalks.

Motion by Alderwoman Randall, seconded by Alderman Ritchey to accept the Planning and Zoning Commissioner's recommendation to approve the variance to exclude the sidewalks from the project of building homes on six lots.

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

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Motion carried.

The fifth order of business was to discuss and consider recommendation of the Planning and Zoning Commission Meeting held on July 11, 2022.

- a. **Public Hearing:** on Preliminary Report for changing the zoning classification of property consisting of approximately 2.0 acres of land located along the north side of E. Hondo Avenue in the City of Devine and create a Preliminary Report regarding changing the zoning classification of this area from Class H. Commercial Business District to Class I. Light Industrial District, which is proposed to include any or all properties described as follows:

609 E. Hondo Avenue (R2146) A00070 J. Brothag Survey 16; 1.0 Acres and E. Hondo Avenue (R56807) A0070 J. Brothag 16; 1.0 Acres, Tract 2.

At 6:30 p.m., Mayor Thompson opened the public hearing, excused himself due to a personal conflict of interest, and handed over the chair to Alderwoman Randall, next in line, to conduct the Public Hearing.

Alderwoman Randall asked if anyone was present to ask questions, to please step forward.

Mr. Juan Ludwic, with CDS Muery out of San Antonio, addressed Council and told them that he is currently working with American Electric Power (AEP). He explained that the zoning recommendation is required so they can utilize the existing substation and change that zoning classification from Class H to Class I. He said the current substation powers the immediate area, and they would like to work with AEP to expand it. They acquired the one acre of land north of the existing site, and they are requesting that both one-acre parcels be zoned from Class H to Class I so that they can pursue and proceed with the design and construction of the substation expansion.

At 6:33 p.m., hearing no other comments from the floor, Alderwoman Randall closed the public hearing.

- b. Discuss and consider creating Final Report and making recommendation to City Council to change the zoning classification of property consisting of approximately 2.0 acres of land located along the north side of E. Hondo Avenue in the City of Devine and create a Preliminary Report regarding changing the zoning classification of this area from Class H. Commercial Business District to Class I. Light Industrial District, which is proposed to include any or all properties described as follows:

609 E. Hondo Avenue (R2146) A00070 J. Brothag Survey 16; 1.0 Acres and E. Hondo Avenue (R56807) A0070 J. Brothag 16; 1.0 Acres, Tract 2.

Motion by Alderman Ritchey, seconded by Alderwoman Pichardo to accept the recommendation of the Planning & Zoning Committee to change the zoning classification of the 2.0 acres of land from Class H. Commercial Business District to Class I. Light Industrial District.

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

Motion carried.

- c. Discuss and consider changing the zoning classification of property consisting of approximately 13.71 acres of land located along the west side of North Teel Avenue in the City of Devine and create a Preliminary Report regarding changing the zoning classification of this area from Class A. Single-Family Residence District to Class I. Light Industrial District, which is proposed to include any or all properties described as follows:

N. Teel (R15075) Adams National Bank Block NCB 140 Lot 23-25 & Parts of 20-22, 13.71 Acres.

Alderwoman Randall told Council that the Planning & Zoning Commissioners have already approved this and are recommending to Council to change the zoning from Class A. Single-Family Residence District to Class I. Light Industrial District.

- d. **Public Hearing:** on Preliminary Report for changing the zoning classification of property consisting of approximately 13.71 acres of land located along the west side on North Teel Avenue in the City of Devine and create a Preliminary Report regarding changing the zoning classification of this area from Class A. Single-Family Residence District to Class I. Light Industrial District, which is proposed to include any or all properties described as follows:

N. Teel (R15075) Adams National Bank Block NCB 140 Lot 23-25 & Parts of 20-22, 13.71 Acres.

At 6:36 p.m., Alderwoman Randall opened the public hearing for comments.

Alderwoman Pichardo wanted to know who had submitted this request because it was not stated on the agenda. City Attorney Tom Cate informed her that he was at the Planning & Zoning Meeting and this request was submitted by G&E Custom Homes. Alderwoman Pichardo stated, “So there is a familial conflict of interest.” She inquired if everyone involved needed to submit a conflict of interest. City Attorney Tom Cate informed her that only the Mayor is required to do so, which he has, and he explained that this is why Mayor Thompson has removed himself from any discussion.

At 6:40 p.m., hearing no other comments from the floor, Alderwoman Randall closed the public hearing.

- e. Discuss and consider creating a Final Report and making a recommendation to City Council to change the zoning classification of property consisting of approximately 13.71 acres of land located along the west side on North Teel Avenue in the City of Devine and create a Preliminary Report regarding changing the zoning classification of this area from Class A. Single-Family Residence District to Class I. Light Industrial District, which is proposed to include any or all properties described as follows:

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N. Teel (R15075) Adams National Bank Block NCB 140 Lot 23-25 & Parts of 20-22, 13.71 Acres.

Motion by Alderman Ritchey, seconded by Alderman Vega to accept the recommendation of the Planning & Zoning Committee to change the zoning classification of the 13.71 acres of land located along the west side on North Teel Avenue in the City of Devine from Class A. Single-Family Residence District to Class I. Light Industrial District.

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

Motion carried.

The sixth order of business was to discuss and consider the use of Contingency Monies set aside in the TWDB Contract to pay for RPLS surveying services preparing Metes and Bounds Descriptions and plats for 57 properties (20 Foot Utility Easement) that the proposed Transmission Line will cross in the amount of \$44,860 from Garcia & Wright Consulting Engineers, Inc.

Council heard from City Engineer J.R. Garcia who explained that this is Phase III of the Texas Water Development Board (TWDB) project of the transmission line which is going to be replacing the asbestos transmission line that goes from the Edwards Well to the football field tank. He explained that this new transmission line is going to be crossing over 57 properties and the reason we are doing this is because there is no room in the right-of-way to put in a new line, and we have to be very careful with not touching the asbestos; this is why we need a 20 foot easement. According to City Engineer J.R. Garcia, this proposal is to do the surveying of each of those properties to do the metes and bounds and to do the plats.

Mayor Thompson added that we have to have this in a true survey form and not just in a written easement form to make sure that we are spending the grant money correctly.

City Engineer J.R. Garcia confirmed that this is correct. He stated that this is a necessary move and the survey is required. Mr. Garcia explained that TWDB and the contract with the City does have contingencies set aside for things like this; he explained the contract when an RPLS is involved for surveying services.

Alderman Ritchey inquired if we are having to compensate any landowners. City Attorney Tom Cate explained that some of the landowners are just going to give us their easements and others will not, so we may have to compensate them. Alderman Ritchey said he was just curious as to how much it's going to cost us.

Council heard comments from Frances Navarro, District 1, who was curious to know as to what areas are going to be addressed in the new water line project, and asked if that would be available from the City. She was concerned with certain health issues on her street alone which she attributed to the water, so she was very curious to know where all of this was going to take place.

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Mayor Thompson stated that we have maps of the water lines available at the office and we can provide her with one; all she has to do is contact Interim City Administrator/City Secretary Dora V. Rodriguez.

Motion by Alderwoman Randall, seconded by Alderwoman Pichardo to approve for the \$44,860 from Garcia & Wright Consulting Engineers, Inc. to pay for RPLS surveying services preparing Metes and Bounds Descriptions and plats for 57 properties (20 Foot Utility Easement) that the proposed Transmission Line will cross.

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

Motion carried.

The seventh order of business was to discuss and consider update by the Devine Golf Group on the 2nd Quarter and for an update from the Council on the Clubhouse and portable building.

Mr. Brian Navarro addressed Council on their quarterly report. He told Council that they're still working on tinkering with their reporting system and how they can provide the best and easiest way to read figures. They're trying to move forward working out of a portable building in running the golf course. He said they've been busy and have gained a lot of members. He thanked Director of Public Works Rob Flores on communicating with them on how the clubhouse is coming along. He asked Council when they think they could be in the clubhouse. He said he also spoke with the Mayor and with Alderwoman Randall as to trying to put a figure together on the cost for the portable building. He told Council that if it's not in the City's future plans to use it at the airport or other city facilities, he said they would like the opportunity to keep it in their possession at the golf course.

Mayor Thompson stated that Council will have to make that decision on whether we're willing to sell the building. He said the building cannot be moved to the airport because it doesn't meet the FAA standards. He discussed also moving it to the Animal Control facility for storage but wasn't sure if it's too big, and if we decide to move it, there would also be moving costs associated with it.

Alderman Ritchey inquired about an estimate on the cost of moving the structure. It was discussed that we could talk about it at the next meeting.

Interim City Administrator/City Secretary Dora V. Rodriguez stated that we cannot just give the building away but we can lease it. City Attorney Tom Cate confirmed that we can lease it to the Golf Course. According to Mayor Thompson, this may be a better option. He said that leasing it would be a much better discussion to have because if we sell it, we would have to put it up for bids.

Mr. Navarro stated that they would definitely entertain the option of leasing it and inquired if they could upgrade the building if they were to lease it, and Mayor Thompson said he didn't foresee a problem with that.

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Mr. Navarro reported that they have a very busy September and October on their calendar. He said they've done a lot of work on the greens this month, but reported that not a lot is going on in August because of the heat. He also reported that they had a very successful Devine Youth Golf event and a lot of kids showed up, and it was a very good turnout.

Alderwoman Pichardo commented that she's heard from several people who are very thankful that they are doing a wonderful job; the membership has increased, the golf course is in good shape, and they are pleased with them.

Interim City Administrator/City Secretary Dora V. Rodriguez stated that they will be hosting the National Night Out for the Police Department in October; it will be October 4th, the first Tuesday of October. Mr. Navarro said he would like to get a floor plan of what we want it to look like. Interim City Administrator/City Secretary Dora V. Rodriguez said we'll be having a meeting and we will invite them.

Council thanked Mr. Navarro for the update, and told him will be discussing leasing the portable building at the next meeting.

No action was taken.

The eighth order of business was to discuss and consider request made by the Luna Family Circus for the City to waive fees for permit and inspections.

Code Compliance Officer Eddie Diaz announced that the Luna's could not be here tonight because they have a show in Natalia. They are wanting to bring the Circus to Devine on August 4th, 5th, 6th and 7th, behind Elena's Fun Foods' property, which is commercial.

Mayor Thompson held discussion with Council on the different fees involved, and said they are obviously wanting us to waive the fees. The permit fee for the City of Devine is \$50 but we do not do in-house inspections; they are done by Bureau Veritas and their fee is \$300, which we cannot waive. Mayor Thompson stated that they were told we weren't going to waive anything and that is why they requested to be put on the agenda. Discussion was held on fees and on what Natalia and Lytle charged/waived.

Alderwoman Randall stated that we can waive our permit fee of \$50 so our children could have some entrainment, but we cannot waive the \$300 inspection fee for Bureau Veritas. Code Compliance Officer Eddie Diaz added that the reason for the inspection is that we have to make sure everything is safe for our citizens (fire and safety).

Council heard comments from Mr. Phillip Long telling Council not to waive the fees. He said the safety inspection is definitely needed for anything like that.

Alderman Ritchey talked about them generating revenue and said the City should be getting sales taxes from it. He said he would love to waive the fees if the City were to receive revenue from the sales tax. City Attorney Tom Cate said he would need to look into this.

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Motion by Alderman Ritchey to table this item until we get an answer. No one seconded the motion, so motion died due to lack of a second.

Council discussed that we won't be meeting prior to the circus dates.

Motion by Alderwoman Randall, seconded by Alderman Ritchey to deny the request made by Luna Family Circus for the City to waive fees for permit and inspections.

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

Motion carried.

Discussion was held by City Attorney Tom Cate after the motion. He addressed Alderman Ritchey and stated that the admission fees for the carnival are taxable and if they sell any taxable goods at the carnival, that would be taxable. Council said the question now is, "Will they be paying?" According to City Attorney Tom Cate, it's based on the honesty system. If they don't report their sales, then we won't get anything, but if they get caught, they would be in trouble.

The ninth order of business was to discuss and consider for Council to approve Invoice submitted by 1st Choice Restaurant Equipment and Supply LLC in the amount of \$24,281.10.

Council reviewed the invoice and said they had already discussed this earlier; they just need to approve it.

Motion by Alderwoman Randall, seconded by Alderman Vega to approve paying the Invoice submitted by 1st Choice Restaurant Equipment and Supply LLC in the amount of \$24,281.10.

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

Motion carried.

The tenth order of business was to discuss and consider requests submitted by the Devine Chamber of Commerce for its 61st Annual Fall Festival on November 5, 2022:

- a. The use of the Community Center – November 1, 2022 thru November 5, 2022.
- b. Permission to sell alcoholic beverages – November 5, 2022.
- c. The use of additional Electricity and Water – November 1, 2022 thru November 5, 2022.
- d. Request a Noise Variance – November 5, 2022.
- e. Request permission for the Devine Police Department to do a letter to TXDOT letting them know of all the street closures, and that our Police Department will be responsible for the traffic control.

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Bonnie Manning, Acting President for the Chamber of Commerce, addressed Council with the same requests that they do every year. She gave Council some updates about the Chamber; namely the following:

- At this time, they are not requesting any motel/hotel tax money, but said they reserve the right to come back at a later date.
- Members – As board members, she stated that they are all volunteers; they are all local paying business owners and they do what they do because they want to benefit and support the community.
- Chamber Office – They are planning on vacating the office for the City to use, and they should be out hopefully by next month. They understand that this will benefit the Library as well.
- Banners – They are looking at using last year's funds to spend on street banners for the different holidays, and for the First Saturday Annual Fall Festival. They also want to utilize the Four-Corners to showcase different signs, like for the First Saturday Market.
- Scholarship – They will be able to give a \$500 scholarship in May to a high school senior who plans to go on to college.
- Golf Tournament – They are looking at starting a Golf Tournament again this year. No details yet but it is in the works.

Ms. Manning informed Council that their meetings for August through January have been confirmed, so the Chamber will be meeting at the Community Center at 6:00 p.m. every the third Monday of every month.

Mayor Thompson inquired about the Chamber's membership. According to Ms. Manning, their membership is okay. She explained that they are currently working on this and Barbara Moore is helping out with this, and they also have events coming up that will help. She explained that anytime an organization changes hands, there's always a transition.

Alderwoman Randall expressed concern and pointed out that we have a problem with the Community Center in that the elections are coming up and they will be using it for Early Voting up through November 4th. She wondered how this is going to work and whether equipment will need to be moved out.

Mayor Thompson stated that in all fairness to the Elections people, they knew from the first time they requested to use this facility, that there would be some years where there would be conflicts. Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that Mr. Lupe Torres with the Elections Registrar's Office is here tonight. Mayor Thompson said we would discuss that when we get to that item later on in the agenda.

Alderman Ritchey inquired if the Chamber will be using all facilities of the Community Center, like the restrooms and kitchen. According to Ms. Manning, they will only be using the main hall itself. Interim City Administrator/City Secretary Dora V. Rodriguez stated that the kitchen is locked and reserved only for the use of the Police Department. Mayor Thompson said there will be port-a-potties outside.

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Alderman Ritchey also inquired about charging for water and electricity. Council held discussion and informed him that the City has never charged the Chamber for water and electricity. We have always paid for it. Interim City Administrator/City Secretary Dora V. Rodriguez stated that the City pays for the Police Department officers and for Public Works helping out.

Alderwoman Pichardo commented that the Chamber should be grandfathered in.

Ms. Manning held discussion on the Chamber supporting the business community.

Alderman Ritchey said he was good with everything except the use of the electricity. Interim City Administrator/City Secretary Dora V. Rodriguez said that we have already energized one meter and working on the other.

Motion by Alderwoman Randall, seconded by Alderwoman Pichardo to approve all the requests submitted by the Chamber of Commerce for a, b, c, d, and e, with the stipulation that the City of Devine's name goes on the banner as a sponsor of the Fall Festival.

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

Motion carried.

The eleventh order of business was to discuss and consider for the Council to set time/dates for Parade Float decorating – requested by District #5 Councilperson Randall.

Alderwoman Randall briefed the newest councilmember, Alderman Ritchey, on decorating the float for the parade. Alderman Ritchey inquired if he could donate money instead for someone to take his place.

Discussion was held between Alderwomen Randall and Pichardo. It was agreed to set the date for November 3, 2022, from 6:00 p.m. to 8:00 p.m. Alderwoman Randall stated that they can find a place later, and discussion was held on whether Harrison's has lighting at night.

Motion by Alderwoman Randall, seconded by Alderwoman Pichardo to set the date for November 3, 2022 to decorate the float for the parade, from 6:00 p.m. to 8:00 p.m.

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

Motion carried.

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The twelfth order of business was to discuss and consider request made by the Election Registrar's Office to use the Community Center October 24 through November 4, 2022 for Early Voting and November 8, 2022 for Election Day

Mr. Lupe Torres, Elections Administrator, addressed Council, and requested for Council to allow them to continue to use the Community Center for Elections since this is a bigger facility due to COVID. He explained that Early Voting will be from October 24, 2022 through November 4, 2022; and Election Day is November 8, 2022.

Council held lengthy discussion with Mr. Torres, namely:

- Would it be a problem moving it to the City?
- Before COVID, it was held at a different location.
- The Community Center parking lot will be full with the state, carnival and vendors; they would have to put everything across the street.
- Can you move it back to the County building?

Mr. Torres told Council that it would cause a big confusion to the voters of this precinct if we were to change the voting location and, he said, it would be a big disservice to the voters as well. Mr. Torres told Council they would be done by 5:00 p.m. on Friday, November 4, 2022.

Council held discussion. Alderman Ritchey stated that Council has already voted for the Chamber of Commerce to use the Community Center. Council discussed asking the Chamber to move their dates. Mr. Torres told Council that the election dates cannot be changed; they are set by the State.

Mayor Thompson stated that we knew from the beginning that this was going to be a problem, and unfortunately the center will not be available for elections this year.

Motion by Alderwoman Randall, seconded by Alderman Ritchey to deny request made by the Election Registrar's Office to use the Community Center October 24 through November 4, 2022 for Early Voting and November 8, 2022 for Election Day

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

Motion carried.

The thirteenth order of business was 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.

Alderwoman Randall told Council that once the Devine Golf Group moves into the Clubhouse, she would like for us to set up the money that we receive from the Devine Golf Group to be allocated to our Parks & Recreation budget.

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Council held discussion on the debts we have for the golf course, like the loan for the building renovation and equipment. Discussion was held on the back 9 holes which were signed over to the City. Alderman Ritchey would like to see any revenue from Devine Golf Group first going towards paying off any debt for the golf course until paid off and then allocating the rest to the Parks. Alderwoman Randall stated that we have already put the debt in the budget; it already has a budget line. She said that the Parks need help and the little extra that we get from Devine Golf Group will help.

Alderwoman Pichardo stepped away from the meeting at 7:41 p.m.

Mr. Brian Navarro, from Devine Golf Group, said they've talked about the money going to the Parks & Recreation to better the fields that we have and to allocate the funds to DYS and the Little League. Mayor Thompson explained that the City cannot allocate funds to DYS or the Little League, but we can to the Parks. According to Mr. Navarro, both parks need improvements; other towns of our size have better parks than what we have.

At 7:45 p.m., Alderwoman Pichardo returned to her seat.

Alderman Ritchey inquired if we can wait until we work on the budget but Alderwoman Randall said, no, she wants it set in stone.

Motion by Alderman Ritchey to table this item until Budget.

Motion died due to lack of a second.

Motion by Alderwoman Randall, seconded by Alderman Vega to allocate future money received from the Devine Golf Group on their fees to the Parks & Recreation budget line.

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

Motion carried.

At 7:47 p.m., Mayor Thompson announced that Council would be taking a short break.

At 8:02 p.m., the meeting reconvened.

The fourteenth order of business was to discuss and consider for Council to adopt the Food Truck Ordinance drafted by City Attorney Tom Cate.

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Council reviewed an ordinance drafted by City Attorney Tom Cate, as Mayor Thompson went over each item of the ordinance addressing the regulations that the food trucks are subject to. He addressed what he liked or did not like about ordinance. He and Council held discussion on which items to keep and which ones to strike out of the ordinance. The ordinance addressed Location; Vehicle – All mobile food units shall have a valid vehicle registration, a driver with a valid motor vehicle operator’s license, proof of vehicle liability insurance, and a Texas Sales Tax Permit; and Operational Issues. After Council held a lengthy discussion, Council heard comments from several people in the audience, including vendors; namely: Phillip Long and Laura Long, Regina Vega with Grunts Grill, Jordan Crain with Fly-Bye’s, Travis and Jessica Spain with Pizza Truck, and Steve Smith. Some of the comments made were:

- “If we are doing anything wrong, we need to be told about it. We should be able to set up and serve properly.”
- “When you create a policy, you are running people out.”
- “What are you doing to Mom & Pop businesses?”
- “We keep all our permits on our windows and get permission from the landowners.”
- “Electrical cords cannot be rigged up; they will not pass inspections.”
- “Restrooms – we should be able to have port-a-potties.”
- “We do not have to have a restroom for customers, but do need to provide for the employees.”
- “This is a lot of petty stuff.”
- “People/vendors are starting to come to Devine; food trucks have been a plus for this town.”
- “We have given back so much to this community (school, teachers).”
- “There is no need for any of this. A port-a-potty is not necessary. We should be thanking the vendors and not trying to restrict them.”

Council held discussion on their thoughts after hearing comments.

Alderwoman Pichardo stated that we do not want to reprimand people/vendors who are doing good. Alderwoman Randall talked about Chick-fil-a who is already paying for their spot at the Community Center, but they will also have to follow the rules and pay for a permit.

Council held discussion on various fees to charge for daily and annually, and discussed fees that the City charges for other types of permits. They discussed anywhere from \$10 to \$25 daily and \$30 to \$100 annually. They also talked about sales taxes and the safety of our community. After lengthy discussion, they talked about possibly lowering the permit fees to \$10 for a day permit and \$50 for a yearly permit.

Motion by Alderwoman Randall, seconded by Alderman Vega to table this item until City Attorney Tom Cate can make changes by the next regular meeting, if possible.

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

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Motion carried.

At 9:30 p.m., Mayor Thompson announced that Council would be taking another short break.

At 9:42 p.m., the meeting reconvened.

The fifteenth order of business was to discuss and consider request made by Steve Smith of Devine's Markets Association to change the hours of operation to 7 a.m. to 1 p.m. for the months of August and September due to the heat.

Mr. Steve Smith addressed Council. He wants hours of operation to be 7 a.m. to 1 p.m., due to the heat. They will start setting up at 5 a.m. and will be out by 4 p.m. This will be for the months of August and September only. He asked for a larger window of hours that he could be allotted depending on the heat, but he was told that he will need to come back to Council to request for future months.

Motion by Alderwoman Randall, seconded by Alderman Vega to approve request made by Steve Smith of Devine's Markets Association to change the hours of operation to 7 a.m. to 1 p.m. for the months of August and September due to the heat.

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

Motion carried.

At 10:00 p.m. Eddie Diaz, Code Compliance Officer, left the meeting.

The sixteenth order of business was to discuss and consider request made by Steve Smith of Devine's Markets Association for a Proposed Spring Arts Walk for April 1, 2023 with the following:

- Downtown merchants to open businesses to the public 6 pm to 9 pm.
- Partner with local Artists to showcase artwork.
- Food Truck and Alcohol sales and Live Musicians.
- Close College & Bright Streets Downtown.
- Detailed Plan & Map.
- Devine Market Association funding all activities.

Mr. Steve Smith talked to Council about the Devine Market's Association hosting an Art Walk. He talked about wanting to bring in local artists of different mediums (paintings, sculpture, modern dance). He wants to introduce culture to the downtown area and, at the same time, he wants to showcase local businesses for the Art Walk. He is also looking at doing a food village with truck food vendors and selling alcohol for an informal family event in the Spring.

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Mr. Smith also asked for Council to allow Devine Market's Association to close down College and Bright Streets, and to allow them the use of the Community Center. DMA will take care of all the maintenance inside the Community Center. Mr. Smith said he is not asking for dedicated police services and is not anticipating any issues, but would like the authority to just contact an officer if needed.

Mr. Smith also talked about putting up a banner outside from the Community Center wall structure to the bank, which he plans to coordinate with the bank. Mayor Thompson stated that he thinks the banner will be an issue because he is not sure if there are any anchor points out there. He said we've had this discussion before when we talked about putting up lights. Mr. Smith stated that one of the reasons he is bringing this up now is to give enough notice. Mayor Thompson's concern is that it's an old building and before we go drilling in the walls, he would definitely like to have the building looked at to make sure that the structure will hold up. We have a lot of wind March through April, and he doesn't want to see the banner pulling and making cracks on the side of the building. So, he doesn't see this happening until a later date. Mayor Thompson stated that we need someone who knows about historical buildings, or maybe we need to have our City Engineer J.R. Garcia come look at it to make sure it's okay. Mr. Smith understood and was okay with this. According to Mayor Thompson, he's okay with everything else.

Alderwoman Randall said she is totally excited about this because it's bringing in another event for the City, and it will be nice in the Spring.

Mr. Smith added that this event will be nowhere near the scale of the Fall Festival. Discussion was held on the subject of art.

Motion by Alderman Vega, seconded by Alderwoman Randall to approve request made by Steve Smith of Devine's Markets Association for the Spring Arts Walk for April 2023, with the exception of the banner, until we know more information.

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

Motion carried.

The seventeenth order of business was to discuss and consider Garbage Collection Contract with Republic.

Mr. Donovan Rodriguez, Municipal Manager with Republic Services, addressed Council and introduced his colleague Terry Gawlik. Mr. Rodriguez told Council that the City of Devine contracted waste services with ACI in 2007. Republic Services acquired ACI in 2019 and they are currently operating under a 2013 ACI contract that they inherited.

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Mr. Rodriguez informed Council that their Republic team services 1,772 carts per week in Devine. From January to June, they did over 53,450 total pickups in Devine, in just six months. He said their residential drivers do not leave the City after completing their routes; they leave the City after they check in with City Hall to see if there are any resident calls or missed pickup calls, which means that most of the calls for service that they receive from the City are often resolved within 24 hours or even the same day.

Mr. Rodriguez explained that bulk and brush items are based on volume and with more people home than before, their brush and bulk pickup has run longer than anticipated and has challenged their start dates. He told Council that they are sure to communicate that information with the City anytime they are running late or need to come back for whatever reason. He explained to Council that they have a 99.8% success rate in the City of Devine on picking up garbage, and they take pride in that. Mr. Rodriguez stated that in partnerships like ours, what is most important is that both parties are operating in good faith and sticking to the same contract terms.

Mr. Rodriguez stated that Republic Services has raised flags to leadership, suggesting that their current contract is not favorable for either party. He told Council that things have changed since 2013, and it is in their interest to renegotiate in good faith.

According to Mr. Rodriguez, one of the things in the contract that we can both agree is unfavorable, is the four-year service continuation after initiating cancellation, which has been previously discussed. Additionally, he said, higher cart costs and fuel surcharges are some of the provisions that they are willing to change if they are able to renegotiate. Mr. Rodriguez also asked Council for their assistance in enforcing their franchise agreement and not allow other vendors to provide rollofts within the city limits. He explained that when you see a dumpster from another company within Devine, franchise and sales tax revenue are being taken away from the City.

Mr. Rodriguez told Council that up until a few weeks ago, they were active in negotiations with city staff to improve their partnership as Council approved in an April meeting, but they were caught off guard by the discussion and the action in the last council meeting to suggest breaching their contract. Since they have been operating in good faith, he said that his goal, as our representative, is to listen to us and the residents, and said that hopefully he and Terry Gawlik can address any outstanding questions, and get into a place where we can work out a good deal and continue to serve the residents together.

Alderman Ritchey commented that Republic was here a couple months ago, and they made a commitment to the Council along the lines of communication. He said that his understanding is that communication is lacking and wanted to know how we can reconcile the communication issue. Mr. Rodriguez explained that they communicate multiple times a day with city staff via emails and phone calls, and as far as he is aware, there is no issue with communication. He said that as far as bulk and brush, they did talk in one of their last meetings with City leadership about the City picking the next brush date, with them being more realistic, on their end, in their approach on when they can get here and how long it's going to take to complete it. He said they've seen a huge growth in bulk and brush.

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Alderwoman Randall gave an example for November, when Republic picked the date and it was just before Thanksgiving. She told them that it was a week and one-half later before it was completed, and our city looked like crap to people coming to visit during the holidays. And then it happened again in May, over the Memorial weekend. She said the City didn't pick the date; Republic picked the date and they said it would get done in one week but it didn't get done until two weeks later because they had to go to Pearsall. She told Mr. Rodriguez, "Excuse me? You committed to us, and that's two times in two quarters that you let us down! I'm sorry, to me that is unacceptable! And, again, our city looked like crap because of that, so I don't even want it, ever again, during a holiday."

Mr. Rodriguez stated that this is why the change came about (to let the City pick the date), because of those last two times that he's learned about. He explained that he wasn't here with the Company during that time, but he's hearing the horror stories, so he suggested to let the City decide.

Alderwoman Randall gave other examples of waste wheelers not being picked up. She stated that little things are getting dropped in the cracks.

Mr. Terry Gawlik said there is no excuse for it. He asked that if we're not getting the results we want, to please call him directly.

Interim City Administrator pointed out that when Republic talks about communication, they are communicating with the Utility Billing Department (UB), so she often gets involved. She explained they are supposed to be taking pictures if a person did not have their trash can out, and emailing the picture and address to the UB staff.

Terry explained the procedure of his drivers. He said he not sure what else they can do. He said they are trying their best to help out with the new agreement, and they are here to make offers to save the City and the citizens money with the new agreement that would be in our favor.

According to Mr. Donovan Rodriguez, it's only the bulk and brush pickups that's been a concern. He said that as soon as they met in person with Interim City Administrator/City Secretary Dora V. Rodriguez and Mayor Thompson, it was picked up the next day. He said there is a sense of urgency to serve.

According to Alderwoman Randall, in her eyes, after trying to get us to negotiate a new contract, the service didn't improve.

Mr. Terry Gawlik talked about negotiating with them on the penalties and the brush. He said they can certainly fix it, if we want to.

Council heard comments from Alderman Vega on brush complaints from his district.

Mr. Rodriguez stated that they've tried so hard to make us happy in so many ways. He talked about driving around and picking up bags of leaves and going beyond their call of duty. He said they're trying to do the right thing for us; he's doesn't know what else to do for us but to sit with someone to come up with ideas.

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Alderman Ritchey and Mayor Thompson held discussion on rollofs and how expensive they are with Republic. He stated that he doesn't think Council is ready to move forward with the contract. Other councilmembers felt the same way. Lengthy discussion was held on rollofs.

According to Mr. Rodriguez, they can work with us and leave that out of the contract.

Alderwoman Pichardo talked about the number of complaints that we've received. She understands that we are both trying to negotiate but, she stated, we are having a difficult time coming up with a viable agreement and one that is being honored by Republic.

Discussion was held by Mr. Donovan Rodriguez. He went over list of complaints and emails and broke them down. Mr. Rodriguez talked about how some of these were resolved and said they want to have a good faith contract with the City. Alderwoman Pichardo requested to see these resolution documents and any communication emails that they have so we can understand what is going on and so that we have all the information needed to be able to make an accurate and fair decision, because we are getting two stories. Mr. Rodriguez said they have the documents.

Mr. Rodriguez informed Council that to his knowledge, they haven't received any letter of cancellation so, he said, they're still in their first agreement, and the 4-year clause hasn't started yet. He doesn't know if we're on the same page on that.

Mayor Thompson stated that this started a year ago; it's been a year in the making. He understands he's talking about right now and what happened a few weeks ago, but said it's been almost a year since Council first voted to go ahead and not renew because of years of multiple complaints.

City Attorney Tom Cate held discussion and went over the letter that was sent in on the 90 day. He explained that Council does not want to wait four years, and if we do it again, we will give you a 90 day notice. He said they responded to this letter. According to City Attorney Tom Cate, it wasn't a cancellation letter; he said it was telling you what was going to happen, and he talked about the provision of the contract. According to Donovan Rodriguez, they certainly don't want to do all that; he said we can certainly sit and talk like adults, like human beings. We have to work with City Hall, if they allow us to. He said they would be happy to provide their documentations.

Mayor Thompson held discussion with City Attorney Tom Cate regarding conversations from last year when Council decided they didn't want to wait four years.

Alderwoman Pichardo held discussion with Mr. Terry Gawlik over communication with staff. Alderwoman Randall also went over a list of complaints.

Mr. Donovan Rodriguez talked about getting initial emails but not any follow-ups. He also stated that the last brush pickup was a bad representation of their work, and said they are learning from every mistake and would appreciate the opportunity to fix it. He told Council that they are truly at our disposal and said, "Help us help each other." Mr. Terry Gawlik offered that he's willing to be here if we want to meet once a week.

Motion by Alderman Ritchey, seconded by Alderwoman Pichardo to table this item.

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

Motion carried.

The eighteenth order of business was to discuss and consider update on the City Manager’s Applications to begin the interview process – requested by District #2 Councilperson Pichardo.

Interim City Administrator/City Secretary Dora V. Rodriguez told Council that she gets direction from them and reminded them that they were the ones who instructed her to wait until after the budget gets adopted and to start looking for a city administrator after October 1, 2022.

Alderwoman Pichardo told Council that she’s only bringing this to the table so at least we can already have applicants at least interviewed so that we can have a pool of people to select from, and so that we don’t have a gap, and we’ll be able to hire someone. She stated that we can help Interim City Administrator/City Secretary Dora V. Rodriguez by doing this since she holds so many titles.

Interim City Administrator/City Secretary Dora V. Rodriguez talked about how in her position, she has to be cross-trained in everything; she said that is her job.

Alderwoman Randall brought up that this was discussed last year – that there would be no money in the budget until October 1, 2022. She added that even if we found the greatest candidate ever, we can’t have them start until October; she said that she doesn’t know of anyone who would be willing to wait 20-45 days to get hired. Interim City Administrator/City Secretary Dora V. Rodriguez reminded Council that these applicants are applying at other places and not just with the City of Devine. If we wait too long, she stated that they could end up going somewhere else; it’s happened before. She told Council that this is why she had said that once October 1, comes around, we need to stay on top of it. Alderwoman Randall suggested to wait until mid-September to start the advertising process to be able to hire someone in October.

Mayor Thompson stated that we need to sit down as a Council to see what we want as a City Administrator.

Motion by Alderwoman Randall, seconded by Alderwoman Pichardo to table this item until the Regular August Council Meeting so we can start discussing what we will be wanting from our new City Administrator.

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

Motion carried.

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The nineteenth order of business was to discuss and consider Revenue vs. Expenditure for the Lodging Account to update the Chamber, Go Medina and the Citizens – requested by District #2 Councilperson Pichardo.

Alderwoman Pichardo said her current understanding is that the hotel/motel tax goes to the Chamber. She was told, no, so she asked where the money goes to.

Mayor Thompson explained that the money sits in the Lodging Account and it goes to different entities that promote the City of Devine, such as to Go Medina which we pay in October, based on our population (it's \$1.00 per citizen), and to the Chamber for the Fall Festival (which, so far, the Chamber has not requested any money). He explained that we can also use it for other things that promote Devine, like billboards or Christmas decorations. According to City Attorney Tom Cate, it can be used for anything that brings in "heads in beds" or tourism to Devine.

Alderwoman Randall stated that last August of 2021, we had \$7,000 and we paid Go Medina and also gave \$2,500 to the Chamber for the Fall Festival.

Alderman Ritchey inquired if the Lodging Account could be used for local buildings that are falling apart, but Mayor Thompson said, no, that would fall under downtown grants which the actual business owner would have to seek themselves. He then inquired if it can be used for banners or sha-cloths. City Attorney Tom Cate said he will look into this; he's not sure about the sha-cloths. Discussion was held that it might be able to be used on banners if it is advertising Devine. Mayor Thompson explained that this is why cities give the money to organizations because they have more ability for advertising.

Alderwoman Pichardo said she was basically wanting to know how we spend the money.

Motion by Alderman Ritchey, seconded by Alderwoman Pichardo to table this item so we can discuss this further and have a printout of the items that are allowed under the Lodging Account.

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

Motion carried.

The twentieth order of business to discuss and consider Street Paving Cost submitted by Public Works with the formula given by the County.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that they are meeting with Jerry Beck, Commissioner Pct. #4, tomorrow regarding questions on some of the formulas, so that he can help in finalizing everything with Public Works to bring back to Council, and also to get a set date of when he's going to be starting.

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Discussion was held on shooting for August 9, 2022 for the first budget meeting. Interim City Administrator/City Secretary Dora V. Rodriguez told Council that after we meet with Jerry Beck, County Commissioner Pct. #4, we will call Council about setting a special meeting date.

Motion by Alderman Ritchey, seconded by Alderwoman Randall to table the Street Paving Cost until after we meet with Jerry Beck, County Commissioner Pct. #4, for a special meeting.

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

Motion carried.

The twenty-first order of business was to discuss and consider semi-permanent large scale art installation on the backside of the Community Center – requested by the Mayor.

Mayor Thompson told Council that since this item was requested by him, he is willing to table it until we have a special meeting. He told Council that they have the information in their packet to review on “Paint The Town Initiative,” so he’s good with skipping this item for now.

No action was taken.

The twenty-second order of business was to discuss and consider how the Interim City Administrator should respond to Councilperson Angela Pichardo’s requests for information – requested by City Attorney Tom Cate.

City Attorney Tom Cate stated that he is seeking guidance from Council. He said that Interim City Administrator/City Secretary Dora V. Rodriguez is receiving multiple email requests for information from Councilperson Pichardo, and he is being “cc’d” on these emails. He said that if somebody from the Council sends him an email, he’s going to want look at it because he doesn’t want to miss something, and he’s going to charge the City.

He explained that in the past they were told not to contact him directly, and the reason was because he would be charging the City. He said that he feels we need to go back to that procedure.

City Attorney Tom Cate stated that the other issue is that Interim City Administrator/City Secretary Dora V. Rodriguez is pressed for time. He explained that he is taking Councilperson Pichardo’s requests as a request under the Public Information Act. He explained, again, that when someone presents the City with a request for public information, we have a reasonable amount of time to respond, and this also applies to Dora, as the City Secretary; she has a reasonable amount of time to respond based upon the circumstances. City Attorney Tom Cate said he thought he had clarified the last time about having 10 days to respond. He explained that this is not what the law says; he said the law is that the City has 10 days to send a letter to the Attorney General to say that we want an opinion on this request for public records. He told Council that we haven’t done any of that with Councilwoman Pichardo. Sometimes it gets past the 10 days because we just don’t have the time to do that.

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City Attorney Tom Cate suggested to City Administrator/City Secretary Dora V. Rodriguez that instead of making copies of the records that Angela is requesting, that she just tell her to call and make an appointment so she can come down and look through the records. He said this will necessitate for a staff member to be there to make the copies for Angela. He stated this is inconvenient but we need to provide the information to whoever is making the request, especially to a council member.

City Attorney Tom Cate told Council that he just wanted them to know that this is the direction that he advised Interim City Administrator/City Secretary Dora V. Rodriguez to take. He told Council that we are responding within the limits of the law at this point. He said that we are not trying to hide anything from Angela or anybody else; if we've got it, we will provide it.

City Attorney Tom Cate explained that if something is being requested in electronic format and we don't keep that information in electronic format, we are not required to come up with that. Also if something is being requested in a spreadsheet format and we don't keep that information in a spreadsheet, we are not required to create a spreadsheet; we only provide what we have.

City Attorney Tom Cate added that he does not want Alderwoman Pichardo to be upset with him or with Interim City Administrator/City Secretary Dora V. Rodriguez. Alderwoman Pichardo apologized for "cc'ing" him and said she did not know that she could not do this. She and City Attorney Tom Cate held discussion on the Public Information Act, and she stated that she also has legal counsel herself.

City Attorney Tom Cate also spoke to Council about when talking to the employees. He advised that if they have a question that is not their personal business, they need to go through the Interim City Administrator/City Secretary Dora V. Rodriguez. He also stated that she is able to delegate to staff members.

According to City Attorney Tom Cate, this was for information only.

The twenty-third order of business was to review the Quarterly Investment Report.

Council reviewed the report.

The twenty-fourth order of business was Informational Items.

Council discussed the following:

- Budget – Interim City Administrator/City Secretary handed out the new Budget Calendar to Council on what has to be met by law on the budget, and she went over the timeline of what needs to get done, from public hearings (budget and taxes) to adopting the budget on July 27, 2022.

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- Elected Officials – Mayor Thompson reminded Council that we need to prioritize the actual people who live in Devine and what benefits them. Those are the people who vote and pay taxes in Devine, and Council is elected by the people who live in our districts, not by the people who live in the County. Mayor Thompson stated that he is disappointed with people who are not local citizens and bring chaos to the Council. He said that our obligation is to our citizens.
- Go Medina – Mayor Thompson informed Council that the Go Medina Meeting went very well today. He talked about Go Medina giving us leads, but we're having to pass up on them because we don't have the right infrastructure and we don't have open land which, he said, is very disappointing.
- Team Player – Mayor Thompson stated that we all need to work together and play as a team, and if someone doesn't want to be a team player, then that person does not need to be here; they can get off of Council; we have to move forward as a City.
- David Espinosa – Mayor Thompson and Council said they hoped that Alderman Espinosa is feeling better.
- Sports Complex – Mayor Thompson informed Council that the sports complex, which Alderwoman Pichardo had requested to be on the agenda, needs to go before the Parks Board. He briefed Council on minutes from the October 15, 2019 Regular Meeting in which Ms. Pichardo was requesting permission for a partnership of a non-profit entity with the City of Devine for municipal grant purposes. After lengthy discussion, Council made the motion to approve for Angela Pichardo to start the process in legally setting up the non-profit for our City Attorney's evaluation, and then to get in touch with the Parks & Recreation Advisory Board and the Airport Advisory Board and to proceed from there. Mayor Thompson reminded Council that if they have anything that is Board-related, they must go to that Board first.

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

Mayor

City Secretary