

Minutes
Regular Meeting
February 21, 2023

On this 21st day of February, 2023, 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
Alderman David Espinosa
Alderwoman Debbie Randall
Alderwoman Angela Pichardo
Alderman Josh Ritchey

Absent being Alderman Rufino Vega; thus, constituting a quorum.

Personnel Present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Tom Cate, Raul Garcia, Jr. (J.R.), City Engineer; City Attorney; Rob Flores, Director of Public Works/Emergency Management Coordinator; and Pete Sanchez, Field Operations Supervisor.

Others Present: Anton Riecher and Kathleen Calame, Devine News; Fred Morales; Cindy Morales; Sean Summers; Liza Hill; Brittany Ott; and Michael Hernandez of Devine, Texas.

Mayor Thompson, presiding, declared the meeting open.

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

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

No one signed up to speak under this item.

Mayor Thompson read a letter from City Engineer J.R. Garcia addressed to the Mayor and City Council.

City Attorney Tom Cate arrived at 6:09 p.m.

The second order of business was Public Recognition.

Alderwoman Pichardo thanked Brittany Ott and her family for the City of Devine Welcome Signs, and for their contribution.

The third order of business was Employee Recognition.

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There was no employee recognition at this time.

The fourth order of business was to consider approval of Council Minutes: Regular Council Meeting Minutes, December 13, 2022.

Council reviewed minutes.

Motion by Alderwoman Randall, seconded by Alderwoman Pichardo to approve the minutes for Regular Council Meeting Minutes, December 13, 2022.

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

Motion carried.

The fifth order of business was to consider awarding Bid for 2022 Shaver Project (Street, Water and Sewer).

Council reviewed a bid tabulation sheet from City Engineer J. R. Garcia. It showed that three bids were received of which Aetos Construction, LLC was the lowest bidder. City Engineer J.R. Garcia confirmed the company to be bonded and capable of performing the current contract. He recommended this contract be awarded to Aetos Construction, LLC, with Bid Items 1-13 in the amount of \$99,771.48.

Alderman Ritchey inquired as to why use a 6” water line instead of a 2”. According to City Engineer J.R. Garcia, a 6” line is the minimum standard for fire protection.

Alderwoman Pichardo thanked City Engineer J.R. Garcia for all the work he’s done.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to approve to award Bid to Aetos Construction, LLC for \$99,771.48 for the Shaver Street Improvements Project.

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

Motion carried.

The sixth order of business was Updates for 2023 Projects – Chamber of Commerce.

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Cindy Morales addressed Council and introduced herself as the new Chamber of Commerce President. She informed Council that the other officers are: Vice President - Liza Hill; Secretary – Brittany Ott; and Treasurer – Sandy Joplin; and they have three members at-large who are Nancy Saathoff, Leslie Bales and K.K. Calame.

Ms. Morales talked to Council about some goals that they plan to work on; namely:

- Rebranding the “Think Devine” logo. The current logo is black & white. The new logo will incorporate the maroon & gold school colors and it will say “Think, Shop, Dine Devine” – support the businesses that support your community. These logo signs and also window decals will go out to all the members.
- First Saturday Market – The Chamber will also be working with the First Saturday Market in which the Chamber will sponsor a drawing and award a lucky person with a gift card for shopping local.
- User-Friendly Map – According to Ms. Morales, this is something we’ve needed for a long time. So they plan to work on a map design that will have a map of Devine and the location of all the local businesses.
- Wall Art Murals – Different businesses around town are doing them, and these murals will also be formatted into the walking map.
- New Banners – The Chamber of Commerce wants to add banners on top of what the City currently puts up around town during Christmas. The Chamber has funds available and they want to get some projects done. They’ve come up with a “Think, Shop, Dine Devine” canvass; but they also want to come up with a patriotic banner, like an American Flag; a banner that supports the school; and Christmas banners. The Chamber will fund these, but they’ll be coming back to Council to ask for help in putting them up.
- Quarterly Meetings – They will be implementing quarterly meetings at local businesses; and hopefully attract new members, and build a stronger community.
- Go Medina – The Chamber has already joined Go Medina as they see the benefit of staying current with the quickly growing County.
- Newspaper Column – There will be a monthly column in the local newspaper called Chamber Corner, which will give information to the community.
- Marquee – Jeremy Vail will be handling the marquee. They plan to run not only member names on the marquee, but also events coming up in the community.
- Scholarship – The Chamber plans to have a scholarship for a high school graduating senior also this year.
- Monthly Meetings – Monthly meetings will be held at lunch time at various restaurants in town. This coming Monday, the meeting will be at C&R Grill on February 27, 2023 at 1:00 p.m.
- Festival – They will still continue working on the Fall Festival.

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The seventh order of business was to consider and act upon accepting bid for the Old Bain Well Property.

The sealed bids were received on the property. No bid was at or above the dollar amount that Council had set. Alderman Ritchey commented that the property wasn't worth what it was appraised at. He inquired if one can build a house on a property with a capped well. City Attorney Tom Cate advised that you could but he would not recommend it. Alderman Ritchey asked if it would be legal for us to accept the low bid. According to City Attorney Tom Cate, we can't accept this bid because it did not meet the reserved amount that Council set, and he advised that we can put it back on the agenda to discuss what Council wants to do with the property.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to reject the bid received on the property.

Ayes	--	Two – Alderwoman Randall and Alderman Espinosa
Nays	--	One – Alderwoman Pichardo
Abstain	--	One – Alderman Ritchey
Absent	--	One – Alderman Vega

Motion carried.

The eighth order of business was to consider and act upon the Community Center Mural Project.

Mayor Thompson pointed out that at the time Council approved to go forward with this project, Council did not give any funding to the project. According to Mayor Thompson, he would still like this project to be completed by April 1st to be in line with Market Day and the Spring Art Walk.

Chamber of Commerce was working on this, and there are two or three people who can do this but two of them want to be compensated. Mayor Thompson asked Council if they want to put money on this project.

Motion by Alderman Ritchey, seconded by Alderwoman Pichardo that we commission a local artist to do the mural.

Mayor Thompson inquired as to what type of funding. He explained that this is why the Chamber was struggling with this because we didn't have a fund set up to pay for the artist's service.

Cindy Morales held discussion with Council and talked about lack of communication. She feels that we need to compensate the artist; she stated that the Chamber will continue to promote the mural project, and recommended that Council amend the motion to compensate the artist. She told Council that she personally compensated Kirsten \$600 for the butterfly mural on her business building wall. She also said Council might also want to consider using a local artist or high school art student to do the mural.

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Alderman Ritchey inquired if we're allowed to use Hotel Occupancy Tax (HOT) money to fund this. City Attorney Tom Cate reminded Council that the primary goal of HOT is to put heads in beds. He said he needs to research this further and advised not to limit this to HOT only.

According to Alderwoman Pichardo, overall, this will be a long-term investment for the City of Devine.

Council held discussion with Cindy Morales on making contact with Monte Perez or Kirsten Schneider to see if they are interested. It was pointed out that the mural must be completed by the April 1st deadline.

Alderman Espinosa suggested budgeting \$1,000 to pay the artist.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that we have \$20,000 in the HOT fund. She also advised that Go Medina has already been paid.

Alderman Ritchey amended his motion, seconded by Alderwoman Pichardo to commission a local artist and budget up to \$1,500 for the mural on the back of the Community Center.

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

Motion carried.

The ninth order of business was to consider and act upon request from Southwest Engineers that the City would or would not provide wastewater service to the proposed development. (The Old Morales Feed Lots known as Agape Oaks, LLC.)

Mayor Thompson reminded Council that this entire development is outside of our service area. According to City Attorney Tom Cate, if we say that we will not provide service, then they might be able to find funding from another source. He advised that we cannot annex the development unless they ask for a voluntary annexation. He explained that the entire property between the development and the city limits would need to be annexed, which cannot be done legally at this time.

Alderwoman Pichardo inquired if we could even handle the capacity of the sewer service. According to City Engineer J.R. Garcia, it would require engineering calculations, so at this time we cannot provide the wastewater service.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to not provide wastewater service to the proposed Agape Oaks development.

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

Motion carried.

The tenth order of business was to consider and act upon Settlement Agreement and Release of Claim for Airport Hangars 8, 8A and 10.

Council reviewed the Settlement Agreement and Release of Claims with Aviation Fuels, Inc. Mayor Thompson asked City Attorney Tom Cate if there were any Exhibits that have come through since we've gotten this. According to City Attorney Tom Cate, not to his knowledge and he said that Interim City Administrator Dora V. Rodriguez has not received anything either. So, Exhibit A and Exhibit B that follow the agreement are just blanks.

City Attorney Tom Cate held discussion on the Bill of Sale being \$845,000.00, and the Relocation Fees being right under \$40,000.00; these are on top of the Bill of Sale. City Attorney Tom Cate stated that the Relocation Fees will be paid directly to Aviation Fuels in order to get everybody out. Total expenses would be approximately \$885,000.00. He explained that everything will come out of the Certificates of Obligation that were issued in April, 2021. Alderwoman Randall felt we need to get this out of the way.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to accept the Settlement Agreement and Release of Claim for Airport Hangars 8, 8A and 10, to get this done.

Agreement attached as Exhibit A.

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

Motion carried.

Discussion was held after the motion on the Certificates of Obligation. City Attorney Tom Cate advised that based on the outside firm that the City has hired, this is the best course of action for the City to take. He told Council that the City has already purchased two hangars, and now these additional three hangars. There are still two other hangars out there that are for sale.

City Attorney Tom Cate reminded Council that we were told by TXDOT Aviation that the City needed to get control of the airport, and we needed to stop allowing people to have non-aviation activities at the airport, and he said that this is part of it.

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The eleventh order of business was an Update – City Administrator position.

Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that the City hasn't received any qualified applicants for the position, like we have in the past. She has a feeling that because our meetings are being live-streamed, they are seeing everything, and they're doing their homework.

Alderman Ritchey suggested we remove the prior city experience from the job listing; he stated that the person could be trained. This led to a heated lengthy discussion on getting applicants with little experience or having litigations against them. Mayor Thompson stated that this discussion was a great example of why we can't get a City Administrator. He stated that we have to show the candidates that this is an environment that they want to be in.

Motion by Alderman Ritchey, seconded by Alderwoman Pichardo to remove the requirement of previous city experience from the job listing.

Ayes	--	Two – Alderwoman Pichardo, Alderman Ritchey
Nays	--	Two – Alderwoman Randall, Alderman Espinosa
Absent	--	One – Alderman Vega
Tie-Breaker	--	Mayor Thompson voted Nay to break the tie

Motion failed.

Discussion was held after the motion. Interim City Administrator/City Secretary Dora V. Rodriguez stated that she's not removing the advertisement; she is still running it with TML. According to Mayor Thompson, we will wait for the next regular meeting to get another update unless something comes in sooner. Alderman Espinosa requested that Council Members please conduct themselves with more professionalism and respect at the council table, in future meetings.

The twelfth order of business was Informational Items.

Council discussed the following:

- Special Meeting – Mayor Thompson advised that we will need to have a Special Meeting next week in regards to the 2023-2024 CDBG grant for the engineering proposal. Council agreed on Tuesday, February 28, 2023 at 6:00 p.m.
- TWDB – Alderman Ritchey wanted to know the status of where we are with the Texas Water Development Board. Interim City Administrator/City Secretary handed out the timeline of communication with the Texas Water Development Board and the water line project since April 20, 2021 through February 17, 2023. Discussion was held. This was for council members to read and understand what is happening.

- TCEQ – Interim City Administrator/City Secretary Dora V. Rodriguez informed Council that our Public Works Department got a call from TCEQ on February 13, 2023, about a complaint was called in to their office regarding the water being contaminated at the Ground Storage Tank on Warhorse, and that it was currently being worked on. Once the TCEQ representative arrived (the same day), Field Operations Manager Pete Sanchez informed the representative that Public Works was not even working on this Ground Storage Tank on Warhorse but, instead, they were working on the Bain Well, a Carrizo Well off of Bluebonnet. Because the complaint was turned in this way, TCEQ had to take the water samples they wanted. They also informed Field Operations Manager Pete Sanchez that they had also received a complaint on the Director of Public Works not having his water license. They explained that it was not mandatory for the Director of Public Works to be licensed as long as we have two water licensed employees who work on the repairs, which we do, so we're okay. On February 14, 2023, we received a call from TCEQ explaining that our water samples came back good, and there was no violation. TCEQ explained that the facts had not been given to them correctly. This led to Public Works wasting half their day due to a complaint called in. For the future, Public Works is requesting that if certain people want to turn us in to TCEQ; to please get their facts correct before calling the complaint in, and wasting their time when they are in the middle of a big water replacement project.
- Street Light – Alderman Ritchey inquired about who to contact at the State about adjusting the timing on the lights at Highway 132 N. and Colonial Parkway (by Food King). Mayor Thompson stated that we will get him the TXDOT number of the engineer. Interim City Administrator/City Secretary Dora V. Rodriguez added that she also needs to contact them for one of the lights at the four-corners.

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

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

Motion carried.

Mayor

City Secretary