

**Minutes  
Regular Meeting  
March 21, 2023**

On this 21<sup>st</sup> day of March, 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, Vernon's Texas Codes, Annotated, and the following members being present:

Mayor Cory Thompson  
Alderman David Espinosa  
Aldерwoman Debbie Randall  
Alderman Rufino Vega  
Aldерwoman Angela Pichardo  
Alderman Josh Ritchey

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: K. K. Calame and Anton Riecher, with Devine News; Lance Elliott, TIRZ Consultant; Dusty Routh, with Coleman, Horton & Co., LLP; Frances Navarro, Marty Lawler, Fred Morales, Debbie Killian, 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 Aldерwoman Pichardo led the Pledge of Allegiance to the Texas flag.

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

Aldерwoman Pichardo came to the podium to thank the Chamber of Commerce for the mural commission. She also wanted thank the VFW for starting their mural project that is starting to take submissions. Comments were made in the last meeting regarding the City Administrator position that we had taken multiple applications for the previous time we advertised. But a statement was made previously that we had not had any applicants this time that were qualified. She felt it was not the case and wants to see the data on it. She loves Devine. We do need a City Administrator that is qualified and certified. Maybe 1-2 years' experience would be sufficient for our little Principality.

Dora V. Rodriguez, Interim City Administrator/City Secretary, asked to have a few words at the podium. Mayor Thompson stated that Ms. Rodriguez was not signed up to speak, therefore, he could not let her have the podium.

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Alderwoman Randall stepped up to the podium to address the Council regarding a Facebook post brought to her attention. It was great concern that this post was very negative and threatening to the residents regarding attending the TIRZ meeting this evening. Council needs to work together and make a statement clarifying to the public that these on-line statements are only reflective of one councilperson and do not reflect the council's policy, state policy or any policy. She is willing to put censure on the next agenda, but would any of the council be willing to stand and vote for the censure condemning the harassing statement that abuses the rights of our citizens?

The Second order of business was Public Recognition.

There was no Public Recognition.

The third order of business was Employee Recognition.

There was no Employee Recognition.

The fourth order of business was to consider approval of Council minutes for Regular Council Meeting, January 17, 2023; Emergency Council Meeting, January 20, 2023; Emergency Council Meeting, February 2, 2023; Special Council Meeting, February 2, 2023; Special Council Meeting, February 13, 2023; and Special Council Meeting, February 28, 2023.

Council reviewed the minutes. No errors were found.

Motion made by Alderwoman Randall, seconded by Alderman Ritchey to approve the Council minutes for Regular Council Meeting, January 17, 2023; Emergency Council Meeting, January 20, 2023; Emergency Council Meeting, February 2, 2023; Special Council Meeting, February 2, 2023; Special Council Meeting, February 13, 2023; and Special Council Meeting, February 28, 2023.

Ayes	--	All
Nays	--	None

Motion Carried.

Alderman Ritchey mentioned that the online form to submit inquiries to City Hall was not showing on the website. Interim City Administrator/City Secretary, Dora V. Rodriguez, advised she would have James Evans, I.T. Department, correct this issue.

The fifth order of business was to consider and act upon Audit Report/Management Letter by the Auditor.

Dusty Routh from Coleman, Horton & Company, LLP, went over some highlights of the report for Fiscal Year ending September 30, 2022, with Council. There was some discussion on certain items.

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Alderman Ritchey asked if charts and graphs could be added to simplify and give Council an at-glance picture in future reports. Alderwoman Randall asked if anything was found that the auditors thought looked to be a problem. Mr. Routh's answer was, no, everything looked good. Dora V. Rodriguez, Interim City Administrator/City Secretary, asked the auditor specifically if any embezzlement or money discrepancies were found, as there had been embezzlement accusations. Mr. Routh advised there were none found.

Resident Frances Navarro came to the podium to inquire if the report would be available to the public. She was handed a copy and advised that the report would be published on the city website in the next couple of days. Alderwoman Pichardo wanted to state that embezzlement had not been accused, that only checks and balances were required. Mr. Routh advised that the City had been very financially stable for the last few years.

Motion made by Alderman Ritchey, seconded by Alderwoman Randall, to accept the Audit Report/Management Letter by the Auditor.

Audit Report/Management Letter attached as Exhibit A.

Ayes	--	All
Nays	--	None

Motion Carried.

The sixth order of business was to consider and act upon considering accepting contract with Coleman, Horton & Company, LLP for Fiscal Year ending September 30, 2023.

Motion made by Alderwoman Randall, seconded by Alderman Espinosa to accept the contract with Coleman, Horton & Company, LLP for Fiscal Year ending September 30, 2023.

Contract attached as Exhibit B.

Ayes	--	Four – Aldermen Espinoza, Vega & Ritchey Alderwoman Randall
Nays	--	None
Abstain	--	One – Alderwoman Pichardo

Motion Carried.

The seventh order of business was to consider and act upon request to exchange real property with Fred Morales.

Mayor Thompson recused himself for this agenda item and turned the chair over to the Mayor Pro-Tem, David Espinosa.

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Mr. Morales proposed to exchange a section of land on his property for property the City owns jets into his land. The section he owns has a City 8” water line running underground that originates from the Bain water well on Bluebonnet. Council viewed maps and held discussion.

Motion made by Alderman Ritchey, seconded by Alderwoman Pichardo, to authorize Tom Cate, City Attorney, and City Staff to start the necessary steps to begin the legal exchange of property with Fred Morales.

Ayes	--	All
Nays	--	None

Motion Carried.

Mayor Pro-tem, David Espinosa, turned the meeting back over to Mayor Thompson.

The eighth order of business was to consider and act upon a change submitted by the Public Utility Commission of Texas Right-of-Way Access Lines Rates.

Council discussed the access line rates.

Motion made by Alderwoman Randall, seconded by Alderman Espinosa, to go with the default rate for the Public Utility Commission of Texas Right-of-Way Access Line Rates.

Ayes	--	All
Nays	--	None

Motion Carried.

The ninth order of business was to consider and act upon the recommendations of the Planning & Zoning Commission for meetings held on February 27, 2023 and March 6, 2023.

- A. Meeting February 27, 2023 – Variance request made by Zachary Beadle, 411 West Benton Avenue, Devine, Texas 78016, to be allowed to park his trucks on the city street right-of-way.

Alderman Ritchey inquired if the variance could be longer than one (1) year. Tom Cate, City Attorney, advised that the current ordinance states one (1) year variance. The ordinance would need to be considered and updated at another meeting.

Motion made by Alderman Espinosa, seconded by Alderwoman Pichardo, to grant a variance for one (1) year to allow Mr. Beadle to park his trucks on the city street right-of-way.

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Ayes	--	Four – Aldermen Espinosa, Vega & Ritchey Alderwoman Pichardo
Nays	--	One – Alderwoman Randall

Motion carried.

**B. Meetings February 27, 2023 and March 6, 2023 – Fence Ordinance.**

Council reviewed and held discussion on a list of recommendations submitted by the Planning & Zoning Commissioners which they had discussed to be on the ordinance. According to the Planning & Zoning Commissioners, there will be two separate ordinances; one for the fence and a second for the line of sight. Alderman Ritchey commented that he rejects all Board recommendations. After hearing Council hold discussion on items such as fence height, allowed materials, etc., City Attorney, Tom Cate, advised Council that the Planning & Zoning Commission has another workshop planned in the near future for additional discussion on the fence ordinance. Mayor Thompson added that we need to do more thinking on this.

Motion made by Alderman Ritchey, seconded by Alderman Espinosa to table this item until another draft is submitted by the Planning & Zoning Commission.

Ayes	--	All
Nays	--	None

Motion carried.

**C. Meeting for March 6, 2023 – Variance request made by Fred Morales for an RV to be placed on the property at 902 Zig Zag Avenue (Zone A. Single Family Residence) while building a home.**

Council discussed that this is normally a 6-month variance.

Motion made by Alderman Espinosa, seconded by Alderman Ritchey, to approve a 6-month variance to allow an RV to be placed on the property at 902 Zig Zag Avenue, while building a home, and to provide Council with an update at the end of 6 months.

Ayes	--	All
Nays	--	None

Motion carried.

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D. Meeting for March 6, 2023 – Changing the zoning classification of property consisting of approximately 17.619 acres of land located along the east side of Ross Avenue, south side of West Webb Avenue and east of O’Neal Avenue in the City of Devine and creating a Preliminary Report regarding changing the zoning classification of this area from Class B. Single-Family Residence District to Class I. Light Industrial District, which is proposed to include any or all properties described as follows:

120 O’Neal (R2133) A0069 J. Brothag Survey 15 10.619 Acres, Ross Drive & Webb Drive (R2114) A0069 J. Brothag Survey 15 2.0 Acres and Ross Drive & Webb Drive (R33793) A0069 J. Brothag Survey 15 5.0 Acres.

Tom Cate, City Attorney, advised Council that this is a preliminary report. He advised that there will be a public hearing and then Planning & Zoning will make a final report, therefore; a decision cannot be made by Council at this time. Alderwoman Pichardo had some questions from District 2 residents about this zoning change to Class I. She was wondering if it will add to traffic or the dynamic of the area. Marty Lawler came to the podium to state they are contemplating adding storage units. All questions can be asked during the public hearing.

No action was taken.

The tenth order of business was to consider and act upon approval for Emergency Management to gain access and utilize Social Media (Facebook), and post as necessary for Public Service Announcements and Public Safety Awareness.

Mayor Thompson stated this would be in line with how Animal Control and the Library handle Social Media. There have been no negative comments on this to date. Updates from I-Info could be posted on their page.

Motion made by Alderwoman Randall, seconded by Alderwoman Pichardo to allow Emergency Management to gain access to Social Media (Facebook), and post as necessary for Public Service Announcements and Public Safety Awareness.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was to consider and act upon request from Bruce Alexander, East Medina County Special Utility District Superintendent, for Council’s support in electing Lauren Evans, East Medina County Special Utility District Business Manager, as the Alternate Director for TRWA (Texas Rural Water Association) District 2.

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Council reviewed the request and had a short discussion.

Motion made by Alderwoman Randall , seconded by Alderwoman Pichardo, to submit vote for Lauren Evans as Alternate Director TRWA District 2.

Ayes	--	All
Nays	--	None

Motion carried.

The twelfth order of business was to consider and accept retirement letter from Rob Flores, Director of Public Works.

Alderwoman Randall read the retirement letter to the Council. Director of Public Works Rob Flores' last day will be March 27, 2023. Every councilperson wished Rob well in the future and thanked him for his service to the City for 27 years.

Motion made by Alderman Ritchey, seconded by Alderwoman Pichardo, to accept the retirement letter from Rob Flores, Director of Public Works.

Ayes	--	All
Nays	--	None

Motion carried.

At 7:20 p.m., Mayor Thompson announced Council would be taking a short break.

At 7:30 p.m., Council reconvened.

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

- 551.074 – Personnel Matters – Appointing Pete Sanchez as the Interim Director of Public Works.

At 7:30 p.m., Mayor Thompson announced to the public that the Council would go into a Closed Session.

At 7:46 p.m., Closed Session was opened to the public.

No action was taken.

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The fourteenth order of business was to RECONVENE into Regular Session and consider action, if any, on items discussed in Executive Session.

Mayor Thompson asked Pete Sanchez to step to the podium. Mayor Thompson asked Pete if he was sure this is what he wanted to do. Pete answered, yes, that he is ready.

Motion made by Alderwoman Pichardo, seconded by Alderman Vega, to make Pete Sanchez the Interim Director of Public Works, to become the permanent director when Rob Flores retires, at the same salary that Rob Flores is currently making.

Ayes	--	All
Nays	--	None

Motion carried.

The fifteenth order of business was to consider and act upon Texas Historical Commission Main Street Program.

Mayor Thompson brought this topic to the Council to see if Devine may be interested in applying to be a part of this new program scheduled to begin next year. Small rural type communities are asked to apply to become a City that will host this traveling pop-up exhibition that would stop and be available for the entire community to view for a 6-week period. This would be local heritage tourism. We could bring the Devine Historical Committee and Devine Chamber of Commerce in to assist the City. The application must be submitted by May 15, 2023. After discussion, it was noted that any fees required to pay could be used from the City's Hotel Tax. There was a short discussion within the Council. Mayor Thompson would like to just get our foot in the door.

Motion made by Alderwoman Randall , seconded by Alderwoman Pichardo, to have the Mayor and Interim City Administrator move forward with the application process and reach out to the Devine Historical Committee and Devine Chamber of Commerce.

Ayes	--	All
Nays	--	None

Motion carried.

The sixteenth order of business was to consider and act upon 2023 and 2024 Solar Eclipses in the U.S.

Mayor Thompson asked Council if we thought this could be an event the City would like to take part in. At this time, we know that the City of Bandera is planning an event and expect 80,000 people. The City of Hondo, Medina County Commissioners and ESD #4 are currently talking about doing something.

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Mayor Thompson asked the Council if we wanted to table the item regarding having an event for the solar eclipses until the next regular meeting for everyone to come up with ideas of what/where we could hold the events and what we could do overall, and reach out to the Chamber.

Council heard from Alderwoman Pichardo on possibly reaching out to her students working in the aviation and aerospace industry and with NASA.

Alderman Ritchey made a motion to suspend Food Truck regulations 48 hours before, during and after the event.

Mayor Thompson said he thought it could be considered events and activities. He wanted to know if Council wants to pursue this and work with somebody. Discussion was held on possibly sending this to the Emergency Management and Parks Board to see if they have any ideas. He said Alderwoman Pichardo could reach out to the people she knows.

Mayor Thompson stated that no action would be taken on the solar eclipse event(s) at this time, unless someone wanted to follow up on Alderman Ritchey's motion.

Council held discussion.

Motion made by Alderman Ritchey, seconded by Alderwoman Pichardo to suspend Food Truck regulations 48 hours prior, during, and 48 hours after the event.

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

Motion carried.

The seventeenth order of business was to act and consider the proposal submitted by Navarro Electric, Inc. for two (2) diesel generators

The two (2) generators are for our water well & pumping station to the water tower. Funds will be used that came from the Emergency Relief Fund after the snow storm. We have funds still available and the budget will not need to be amended. This proposal was for \$785,280.00, which is far less than the last proposal. Rob Flores, Director of Public Works, advised that lead time for delivery could be 6 – 8 months.

Motion made by Alderwoman Randall, seconded by Alderman Espinosa, to accept the proposal from Navarro Electric for the two (2) diesel generators.

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Ayes	--	All
Nays	--	None

Motion carried.

The eighteenth order of business was Informational Items.

The following was discussed:

- Council was handed notification from Qro Mex Construction that little to no water will be available on March 23, 2023, as they complete a tie-in at Coker & State Highway 132 at 9:00 p.m. Other streets affected could be Coker, N. Transportation, Corley, Breeze, Dixon, Enterprise & State Highway 132.
- Dora V. Rodriguez, Interim City Administrator/City Secretary stated that the Council understands that when things will be happening with the contractors, the entire Council will receive emails from City Hall. She wants to make sure everyone is informed. Dora received an email from Alderwoman Pichardo; Dora has handed a copy to Council to review regarding the water line tie-ins at O’Neal/Webb/Watson. As Council read the texts, Dora asked Angela if she was under the impression that Dora didn’t send this notification to her. Angela advised that was not the problem. In the past, she was not notified as to why water was off. Dora wanted the entire Council to understand that past City Administrators did not have to notify the Council members of this type of city business according to the ordinance. Dora took it upon herself to notify Council so they can be informed. Dora asked Angela if she would be turning her in to the State Attorney General or the Texas Rangers because she does not need to let them know this. Angela is stating that this could be a discrimination issue, as some people are saying they were not notified that their water was going to be cut off. Pete Sanchez advised that there are times that a valve that needs to be turned off actually affects a larger area than they anticipated; therefore, some residents will be without water and this is not intentional. Dora stated that she wants Angela to understand that every Council person gets the same notification at the same time. She is not discriminating. Alderman Espinosa stated that the City is trying to make things as easy as possible; however, things may get worse as we continue through this project and not intentionally. There are unknowns with a project of this scope.
- Frances Navarro stepped to the podium and wanted to ask some questions regarding items on tonight’s agenda. Mayor Thompson stepped away to confer with City Attorney Tom Cate. He returned to advise that the public can state their concerns/opinions during public forum and during each agenda item. Informational is for the Council to be advised on city information only. Ms. Navarro understood the procedures now and will remember for future meetings.
- Mayor Thompson wanted Council to be aware that for the CDBG Grant that Devine is applying for to drill a new city well, that the City is required to do an income survey of a sampling of 200 homes in the City. Public works will be doing the surveys with the residents within the next couple of weeks.

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- Current Events Club of Devine is holding a Senior Ice Cream Social on Monday, April 10<sup>th</sup> at 4 p.m.
- JR Garcia, City Engineer, was asked by Texas Water Board to submit another form in regards to allowing payment to the contractor for the water line project and Dora V. Rodriguez, Interim City Administrator/City Secretary wanted Council to be aware of this. Alderman Ritchey asked how much money was left on our Line of Credit through the bank. Dora V. Rodriguez, Interim City Administrator/City Secretary advised there was approximately \$250,000 at this time.
- Alderman Ritchey asked if City Hall could assist certain residents that are doing renovations to historical buildings with their struggles. Dora V. Rodriguez, Interim City Administrator/City Secretary inquired as to who, what and where. It was decided that the issue Alderman Ritchey is talking about may have other legal issues, and the City cannot get involved with that.
- Alderman Ritchey asked Council to have a more positive attitude and bring solutions to the table.
- Alderwoman Randall asked that Council not receive a ream of paper, as we did tonight and in the past for other meetings. Council members have tablets where everything is emailed to them for review. It is a massive waste of paper, ink and city employee time. It was decided that only if requested by a Council person, would a paper packet be ready for them.
- Alderwoman Randall advised Council that Chamber of Commerce was going to change out the “Think Local” on the side of the Community Center to the new sign motto, “Think, Shop, Dine Devine” which Cindy Morales shared with us at a previous meeting.
- Point of Privilege by Alderwoman Randall – The negative comments on the social media page of a certain Council person is one reason the City is not obtaining submissions for the City Administrator position. Implying that there are fraudulent, untrained, unethical, incompetent, unqualified, shady individuals running the City, is an extreme insult to every person working for the City. It was asked that the person, Alderwoman Pichardo, bring proof forward of the allegations or stop the negativity. Mayor Thompson took a few minutes to consult with City Attorney, Tom Cate. When he returned, he advised that Alderwoman Pichardo could also do a Point of Privilege.
- David Espinosa asked that we respect each other and conduct ourselves professionally.
- Point of Privilege by Alderwoman Pichardo - Maybe some additional research does need to be done. She wanted Council to know that everything she has stated was factual. She hasn't used anyone's name when stating things. She is only asking questions. She has to represent her residents and if they or she have questions, why would Alderwoman Randall be opposed to her questions. Alderwoman Pichardo asked again why Debbie was so afraid and repeatedly harassed her to exit her position. She said she will continue to ask questions. She wanted Alderwoman Randall to know she has made no statements against her. She doesn't understand why other than Debbie doesn't want those questions answered.

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

Ayes	--	All
Nays	--	None

Motion carried.

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Mayor

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City Secretary