

**Minutes
Regular Meeting
May 16, 2023**

On this 16th day of May, 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
Alderwoman Debbie Randall
Alderman Rufino Vega
Alderwoman Angela Pichardo
Alderman Josh Ritchey

Thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Tom Cate, City Attorney; Raul Garcia Jr. (J.R.), City Engineer; Pete Sanchez, Director of Public Works; Simon Davila, Public Works; and Ofilia Pedroza, UB Clerk.

Others present: Anton Riecher and K.K. Calame, Devine News; Steve A. Lopez, Fred Morales, Agnes Ramirez, Mallory Hicks, Kim Cook, Frances Navarro, Eva Thompson, Glenn Thompson, Denise Montgomery; R.D. Montgomery; Phil Montgomery; Marly Davis; Aileen Montgomery; Glenda Allen; Kenny Allen; Carol Maldonado; Stacy Pyron, Coby Pyron; Sarah Espinosa; and Maria Elena Dominguez, 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 the Visitors/Citizens Forum.

The second order of business was Public Recognition.

Alderman Ritchey thanked Director of Public Works Pete Sanchez and Interim City Administrator/City Secretary Dora V. Rodriguez for taking the time out of their day to take Council members out to the Airport to take a look at the hangars to help them see the problems they are having to deal with out there.

The third order of business was Employee Recognition.

- Alderwoman Pichardo recognized the election workers for dealing with the discrepancies encountered, and said that she really appreciated them.

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- Mayor Thompson read a letter from American Pets Alive which was addressed to Chief of Police Kandy Benavides and Lieutenant Chris Andrews. The letter was recognizing Animal Control Officer Chancie Nuyttens for her partnership with American Pets Alive and for her outstanding level of initiative leadership and resourcefulness in many areas, most notably in the area of life-saving. This year, thanks to her, the Devine Animal Control Shelter achieved live animal release rates as high as 97%. Ms. Nuyttens was not present at the meeting but Mayor Thompson wanted to recognize her for her outstanding contribution.

At this point, Mayor Thompson addressed his final speech, where he thanked everyone for an incredible six-year journey serving on the Council. He described the years as scary, exhilarating, nauseating, yet enlightening; he said he definitely learned a lot. He said it had its ups and downs but we definitely had success. He went on to thank many people who serve the City, including family & friends, and he thanked the City staff and employees for being the backbone of the City. Mayor Thompson wished newly-elected Mayor Butch Cook all the best as he takes over the reigns as Mayor.

The fourth order of business was to consider approval of Council Minutes: Regular Council Meeting Minutes, April 18, 2023.

Alderman Ritchey was curious and inquired about the extra verbiage on all the election items on the agenda. Interim City Administrator/City Secretary Dora V. Rodriguez explained that all election items on the agenda are required to be translated in Spanish. Council reviewed the minutes and found no discrepancies.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to approve the Regular Council Meeting Minutes for April 18, 2023.

Ayes	--	All
Nays	--	None

Motion carried.

At this point, Alderman Espinosa stated he would like to move Item #10 on the Agenda – Accept Letter from Councilperson Espinosa – to right before Item #26 – Adjourn.

Mayor Thompson explained that when doing the agenda, this item had been incorrectly placed at the top and it should've been placed at the end, after Informational Items, and saw no reason not to grant this request.

Motioned by Alderman Espinosa, seconded by Alderman Ritchey to accept to move Item #10 on the Agenda – Accept Letter from Councilperson Espinosa – to right before Item #26 – Adjourn.

Ayes	--	All
Nays	--	None

Motion carried.

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The fifth order of business was to Canvass Election Returns for the May 6, 2023 General Election for Mayor, District #2 and District #5. *(El quinto orden de negocio fue escrutinar los resultados de la Elección General el día 6 de Mayo del 2023 para el Alcalde, Distrito #2 y Distrito #5.)*

Election Judge Glenda Allen addressed Council and talked about the unfortunate issues that happened with getting the incorrect voter registration list from the County. She explained that as soon as they realized the error, City Secretary Dora V. Rodriguez immediately made all the proper phone calls needed, and she and City Accountant Denise Duffy spent the next two days going through each address in every district for every citizen who was listed. Ms. Allen explained that even after that, as voters came in for the rest of early voting and even on election day, they were verifying addresses as well to make sure they were all correct. Sometimes the voting process took longer because of this but, for the most part, the voters were very understanding and appreciated it. Ms. Allen added that City Secretary Dora V. Rodriguez and City Accountant Denise Duffy really went above and beyond in helping make this a smooth process.

Alderwoman Pichardo inquired as to how many voters were affected and how many were not allowed to vote in their district. According to Ms. Allen, six people were affected in District #2. She explained that there were over 200 mistakes but not all of those people came in to vote.

Ms. Allen talked to Council about the comparison between this year's election and last year's election, which wasn't a Mayor's race but we were also running a School Board Election. She stated that it was actually more challenging last year because they were asking people to vote in two separate elections.

City Secretary Dora V. Rodriguez also talked about people who had moved to a different district and were allowed to vote in their previous district. They were asked to complete a statement of residency so that they can vote in their new district for the next election. All statements of residency are submitted to the Elections Registrar's Office in Hondo so they can make those changes.

Council reviewed the election results.

Motion by Alderman Ritchey, seconded by Alderwoman Randall to accept the results of the Election Returns for the May 6, 2023 General Election for Mayor, District #2 and District #5. *(Mocionado por el Concejal Ritchey, secundada por la Concejala Randall para aceptar los resultados de la Elección General el día 6 de Mayo del 2023 para el Alcalde, Distrito #2 y Distrito #5.)*

Ayes (<i>Voto a Favor</i>)	--	Four (<i>Cuatro</i>) – Aldermen (<i>Concejales</i>) Ritchey Espinosa, Vega Alderwoman (<i>Concejala</i>) Randall
Nays (<i>Voto en Contra</i>)	--	One (<i>Una</i>) – Alderwoman (<i>Concejala</i>) Pichardo

Motion carried. *(Moción aprobada.)*

The sixth order of business was the Certificates of Election. *(El sexto orden de negocio fueron los Certificados de Elección.)*

City Attorney Tom Cate took care of the Certificates of Election. *(El Abogado de la Ciudad, Tom Cate, se encargó de los Certificados de Elección.)*

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No action was taken. *(No se tomó ninguna medida.)*

The seventh order of business was to Administer the Oaths of Office to the Newly Elected/ Appointed Officers. *(La séptima orden de negocio fue para administrar los Juramentos del Cargo a los funcionarios recién Elegidos/ Nombrados.)*

City Attorney Tom Cate administered the Oaths of Office to Butch Cook, Michael Hernandez and Debbie Randall. *(El Abogado de la Ciudad, Tom Cate, administró los Juramentos del Cargo a Butch Cook, Michael Hernandez and Debbie Randall).*

Right after the Oaths of Office were administered, the newly elected/appointed officers took their seats at the Council table, as Mayor Thompson handed over the reins to newly elected Mayor Butch Cook.

The eighth order of business was to consider and act upon recommendation from Councilperson Espinosa for a replacement for the District #3 Council Seat.

Mayor Cook explained that the reason Agenda Item #10 was moved to the end is because Councilman Espinosa cannot resign before making the following recommendation – for a replacement for the District #3 Council Seat, where he sits now. He said he wanted to make the following comments before this is open for discussion:

Mayor Cook stated that he doesn't want to be misunderstood. He said he greatly respects the work that Councilman Espinosa has done for the City; he's been a long tenured member on the City Council and he has a lot to offer. He stated that, however; if we proceed to appoint a replacement for Councilman Espinosa this evening, whether it be recommended by him or anyone else, he thinks it would be one of the worst things we can do because it constitutes a total lack of transparency. He explained that Councilman Espinosa announced his intent to resign after the last edition of the newspaper came out, and he would be replaced before the next edition comes out, without an opportunity for anyone else to show an interest in that position. He feels it sets a dangerous precedence for us as a governing Council. He feels we should wholeheartedly take Councilman Espinosa's recommendation along with any others who may show interest in the next couple of weeks. He stated that the timing just doesn't allow the public to be informed properly and that it needs to be published in the official newspaper. He talked of Council setting a precedence when Cory Thompson was appointed after Mayor Herring resigned and again when Cory appointed Debbie Randall. According to Mayor Cook, he knows of two other gentlemen, being Fred Morales and Jeff Miller, who would be interested in the position. He then opened up the floor for discussion.

Alderwoman Randall pointed out that Council already set a precedence. After she was appointed, Councilman Vega was appointed also when Councilman Valdez stepped down. In her opinion, the person who is stepping down should be able to recommend someone because he was voted in, and he wants someone of like-mindedness to vote like he has voted. She personally doesn't have a problem with this.

Mayor Cook stated that he just doesn't feel that it should be acted upon this evening. He said it should be done at a later time, taking into consideration his recommendation along with any others who are interested in the position.

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Alderman Ritchey agreed with the transparency thing and would like for the public to hear the same stuff that Council is hearing at a special meeting.

Alderman Hernandez pointed out that it's difficult and we're in a situation where we need somebody now. He said that means we're going to have to wait another two weeks, and somebody has already stepped up. His take was why would we not go with his recommendation when he was unopposed for six years.

Council heard from Frances Navarro, who stated that the reason Councilman Espinosa has been unopposed for so many years is because he is well respected and the people respect his opinions. However, now that he is stepping down and has a recommendation, she said she agrees with Mayor Cook in that it's a fair assessment that other people might be interested in the position and thinks we should open the door, and maybe Councilman Espinosa would be willing to stay for two more weeks.

Alderman Espinosa thanked Mayor Cook and said he respected his comments. He said he was going to leave it up to Council to decide whether to wait or move forward with this.

Alderman Ritchey expressed his concern on ensuring that his recommendation is the best candidate.

Alderman Espinosa said he understood and then asked Stacy Pyron to come forward.

Ms. Pyron introduced herself as a lifelong resident of Devine, and gave an awesome presentation. She graduated from Devine High School in 2004 and graduated from UTSA in 2008 with a degree in speech communications. She spoke of her involvement in the community with the Library, Devine Fall Festival. She enjoys connecting with people, and expressed that her skills in communication are what makes her a valuable asset to this position. Ms. Pyron spoke of her years as an employee of the City of Devine at the Driscoll Public Library, and how she loved her job. Leaving that job was a very difficult decision for her to make because that job became a part of who she is and because this community is part of who she is. She likes everything that is going on to beautify Devine and all of the improvements going on. We have a wonderful community and she's invested her family to Devine. She said she will be more than happy to offer her skills and follow in Councilman Espinosa's footsteps.

Mayor Cook commented that he was very impressed and this was a great presentation. However, he asked for complete transparency and said he wanted to allow other people to be considered along with Ms. Pyron, who is a great recommendation.

Motion by Alderman Ritchey we invite all interested parties for the position to a Special Meeting to be conducted within the next two weeks, for the public to hear and for Council to discuss this position.

Motion died due to lack of a second.

Motion by Alderwoman Randall, seconded by Alderman Vega to accept Councilman Espinosa's recommendation, for Stacy Pyron to take the District #3 position upon his leaving.

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Ayes	--	Four – Alderwoman Randall, Aldermen Vega, Hernandez, Espinosa
Nays	--	One – Alderman Ritchey

Motion carried.

Mayor Cook wanted it noted that he strongly objects to this motion.

The ninth order of business was the Presentation of Plaques for Council.

City Attorney Tom Cate presented plaques to Cory Thompson as Outgoing Mayor and to Angela Pichardo as Outgoing councilperson for District #2.

The tenth order of business was to consider and act upon recommendations from the Parks & Recreation Advisory Board for Council:

- A. To approve for Public Works to remove the old slide from Briscoe City Park.
- B. To consider three (3) options in selecting a new slide.
 - Wave Zip Slide – for \$7,513
 - Sports Play Equipment Spiral Slide – for \$9,537.99
 - 3' Rumble and Roll Zip Slide -- for \$6,643

Council reviewed handouts for slides.

Alderwoman Randall pointed out that the spiral slide at the park has been broken for over 1 ½ years but it lasted a long time. It needs to be removed and she prefers that it be replaced with a like slide, another spiral slide, so her choice was the Sports Play Equipment Spiral Slide for \$9,537.99; she said that we have the budget for it and we don't have to amend it. Interim City Administrator/City Secretary Dora V. Rodriguez added that we have \$24,000 in the budget for Parks. Alderman Ritchey talked about stainless steel slides lasting longer.

Mayor Cook said he saw no problems with replacing it with a like slide, as long as the safety factors are the same.

Council heard from Sarah Espinosa from the floor. As a frequent visitor to both parks, she agreed that for A., we definitely need to remove the old slide at Briscoe Park. However, for B. options to select a new slide, she feels that maybe something else can be replaced instead. She asked Council to consider our middle-age youth to have them come to the park as well. She asked if it had to be a slide for a slide, or if we could do something else.

Motion by Alderman Ritchey to take this back to the Parks Board for other options and bring it back to Council.

Alderwoman Randall pointed out that we (Council) had asked the Board to look into this for a slide several months ago. She explained that they finally had their meeting and brought their recommendation to us, and now we're going to send it back to them? If we want other things in the Park, she said that would be a whole different thing that anyone can take to the Parks Board because they have a budget. According to Alderwoman Randall, "We asked them to do this and they've done it, and now we're going to send it back to them? That makes no sense to me."

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Discussion was held on the \$24,000 budget being for both city parks.

Interim City Administrator/City Secretary Dora V. Rodriguez advised Council that they needed to take action on Item A first, and then go on to Item B.

Alderman Ritchey said he would amend his motion as follows:

Motion by Alderman Ritchey, seconded by Alderman Hernandez to remove the existing slide from the Briscoe Park, and send this recommendation back to the Parks & Recreation Board to address the budget concerns and balance the budget between the two parks for needed upgrades and recommendations. Council asked if he was making two motions in one and he said, yes.

Ayes	--	Two – Aldermen Ritchey, Hernandez
Nays	--	Three – Aldermen Vega, Espinosa, and Alderman Randall

Motion Failed.

Motion by Alderman Randall, seconded by Alderman Vega to remove the old slide immediately, for Option A, and have Public Works take care of it.

Ayes	--	All
Nays	--	None

Motion carried.

More discussion was held on sending this back to the Parks Board and on other things that we need to address. Sarah Espinosa stated that her goal was not to offend anyone on Council. She agrees that something should be replaced but is only trying to give ideas.

Interim City Administrator/City Secretary Dora V. Rodriguez added that Judy Langford was at the Parks & Recreation Board meeting and she will be helping out the board with applying for a small grant for both parks. This will be coming back to Council, but she will be getting some homework for the Board to work on because we need to update the Master Park Plan first.

Mayor Cook pointed out that we need to value our Board's opinions but also added that it would've been nice if they had an opinion on Item B because they're asking for Council's opinion. He assumed that they considered the budget aspects; he said we need to make sure that we're spending equally among the two city parks.

Motion by Alderman Espinosa, seconded by Alderman Randall to install the Sports Play Equipment Spiral Slide – for \$9,537.99.

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

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Motion carried.

The eleventh order of business was to consider and act upon for Planning & Zoning to create a new zoning classification for the community north of Colonial Parkway, in addition to Cactus Flats. Requested by Alderman Ritchey.

Alderman Ritchey pointed out that his objective here was to start a conversation within the community and not to press any action immediately. Alderman Ritchey brought up concerns from his constituents regarding community niches. He talked about there being a difference in housing appearances in different parts of town – different cultures, different people with different needs. He brought up illegal signs in people’s yards that do not make sense, and said we’re looking more like a Homeowners Association. He told Council he would like for us to adjust our policy to protect the house and property values for folks north of Colonial Parkway, as they have well-manicured yards.

Alderman Ritchey wants a policy written that takes care of all the niches throughout Devine. He wants input but feels we need to divide the community up with a policy that works for all residents, for different cultures and different needs. Interim City Administrator/City Secretary Dora V. Rodriguez confirmed that we do not have ordinances that pertain to only one district at this time; we only have an ordinance that covers the entire city. City Attorney Tom Cate advised that this needs to go to the Planning & Zoning Commission to work on.

Alderwoman Randall stated that she feels that Alderman Ritchey is wanting for Districts 1, 2, 3 & 4 to become farm communities, and for District 5 to be residential. She feels that this Council has absolutely no right to segregate the City. This change would not be progress for our City. She asked, “What purpose is there to segregate this community?” Further dividing the community is not what we need. She found this reclassification tremendously offensive.

Lengthy discussion was held among the council members.

Mayor Cook said he didn’t see a problem looking to see if something needs to be changed in the ordinances. He asked to move on and let this go to the Planning & Zoning Commission to review.

No action was taken.

The twelfth order of business was to consider and act upon the recommendation from Councilman Vega for Sarah Espinosa to be appointed to serve on the District #1 seat for the Parks & Recreation Advisory Board and the Emergency Management Advisory Board.

Alderman Vega stated that he’s had a very hard time trying to fill this position. He was happy that Ms. Espinosa reached out to him, and said she’s got some good ideas.

Motion by Alderman Vega, seconded by Alderman Espinosa to approve for Sarah Espinosa to be appointed to serve on the District #1 seat for the Parks & Recreation Advisory Board and the Emergency Management Advisory Board.

Ayes	--	All
Nays	--	None

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Motion carried.

The thirteenth order of business was to consider and act upon Appointment of Member to the Planning & Zoning Commission.

Mayor Cook recommended for Scott Herring to replace Brianne Obaya-Alston on the Planning & Zoning Commission.

Motion by Alderwoman Randall, seconded by Alderman Vega to accept Mayor Cook's recommendation and appoint Scott Herring to the Planning & Zoning Commission to replace Brianne Obaya-Alston.

Ayes	--	All
Nays	--	None

Motion carried.

The fourteenth order of business was to Administer the Oath of Office.

Mr. Herring was not present at the meeting so he will be sworn in at a later date.

No action was taken.

The fifteenth order of business was to consider and act upon request submitted by Steve Smith for Devine Markets Association (DMA):

- A. Review Arts Walk.
- B. Discuss potential Fall-event.
- C. Discuss use of the Community Center interior during hot weather months; costs, etc.
- D. Discuss summer hours' time shift for June – August: Setup – 5:00 a.m. to 7:00 a.m. and Open 7:00 a.m. to 1:00 p.m.

Mr. Smith was not present at tonight's meeting.

Motion by Alderman Ritchey, seconded by Alderman Vega to table the request submitted by Steve Smith for the Devine Markets Association (DMA).

Ayes	--	All
Nays	--	None

Motion carried.

The sixteenth order of business was to consider and act upon adopting a Resolution of the City Council of the City of Devine, Texas, authorizing the submission of a Texas Home Investment Partnerships Program Application to the Texas Department of Housing and Community Affairs for participation in the Home Program HRA/PWD/Disaster Reservation System; and authorizing the Interim City Administrator/City Secretary to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the Home Program Reservation System.

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This is for this year's Home Program.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to adopt Resolution 5-23 for the Home Program.

Ayes	--	All
Nays	--	None

Motion carried.

The seventeenth order of business was to consider and act upon having National Night Out on October 3, 2023 at the Devine Golf Course.

Council received a letter from Lieutenant Chris Andrews stating that the Police Department is currently in the planning stages for the National Night Out event. They've contacted the management group at the golf course, and they are on board with hosting the event again.

Motion by Alderwoman Randall, seconded by Alderman Espinosa to approve having National Night Out on October 3, 2023 at the Devine Golf Course.

Ayes	--	All
Nays	--	None

Motion carried.

The eighteenth order of business was to consider and act upon approving Amending the Budget to install an Inserter Valve on Devine Drive under the Water Line Replacement Project.

Council held discussion with Director of Public Works Pete Sanchez. He told Council that we have no valves and advised that this is necessary for a shut-off valve. He explained that this would be a live job, and the valve will be installed on Devine Drive. The cost for the valve is \$5,500.00.

Motion by Alderman Ritchey, seconded by Alderman Vega to approve purchasing and installing the inserter valve on Devine Drive and amending the budget for \$5,500.00.

Ayes	--	All
Nays	--	None

Motion carried.

At 7:35, Council took a short break.

At 7:43, Council reconvened.

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

- §551.074 – Personnel Matters – City Administrator Qualifications.

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At 7:45 p.m., Mayor Cook announced to the public that the Council would go into a Closed Session.

At 8:04 p.m., Closed Session was open to the public.

No action was taken.

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

Motion by Alderwoman Randall, seconded by Alderman Espinosa to change the requirement for the City Administrator position to read 2-3 years city experience preferred, all other requirements to remain as they had been.

Ayes	--	All
Nays	--	None

Motion carried.

The twenty-first order of business was the Administrative Report.

Council reviewed report from Interim City Administrator/City Secretary Dora V. Rodriguez. Some discussion was held on the following:

- Cooler at the Club House – still having problems.
- Acquired property for the Curcio City Park – will be fenced in.
- TWDB meeting on lead and copper – Director of Public Works Pete Sanchez and City Engineer J.R. Garcia attended this meeting.
- Oakhill fence by Walmart – will be going to Council during budget time. People are complaining about trash.

The twenty-second order of business was Informational Items.

- Brush & Bulk Pickup – will be held the week of May 22nd.
- Fire Department – will be having a “Touch a Truck” event on June 10th.

The twenty-third order of business was to accept Letter from Councilman Espinosa.

Alderman Espinosa stepped up to the podium and informed Council this this was a bittersweet moment. He explained that due to ongoing medical issues and wanting to devote more time to his family, he was relinquishing his council seat for District 3. He shared that it has been a privilege and an honor to serve the community.

City Attorney Tom Cate presented Alderman Espinosa with a plaque thanking him for all his years of service to the City. He received an outstanding ovation, as he will be greatly missed.

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

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Ayes	--	All
Nays	--	None

Motion carried.

Mayor

City Secretary