

Minutes
Regular Meeting
October 17, 2023

On this 17th day of October 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 Butch Cook
Aldерwoman Debbie Randall
Alderman Rufino Vega
Alderman Josh Ritchey
Alderman Michael Hernandez
Aldерwoman Stacy Pyron

Thus, constituting a quorum.

Personnel Present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Denise Duffy, City Accountant; Pete Sanchez, Director of Public Works; Tom Cate, City Attorney and Alma Rios-Flores, Municipal Court Clerk.

Others Present: Anton Riecher, Devine News; Callie St. John, Rise Broadband; Aurora Hernandez, Devine Little League; Steve Smith, Devine Markets Association; Ron & Sandra Richards, and Brian Navarro, Devine Golf Group; Cindy Morales and Liza Hill, Devine Chamber of Commerce; Nancy Saathoff, Devine Historical Committee; Shirl & Scott Grego; Sandy Jopling; Heather Schultz and Jerry Lee Stevens, of Devine, Texas.

Mayor Cook, presiding, declared the meeting open.

Alderman Ritchey delivered the invocation. Mayor Cook led the Pledge of Allegiance to the United States Flag and the Pledge of Allegiance to the Texas Flag.

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

No one signed up to speak.

The second order of business was Public Recognition.

There was no Public Recognition.

Mayor Cook spoke of the National Night Out last week having a very good turnout. It was a well-prepared event, and it was a great success.

Regular Meeting Minutes
October 17, 2023
Page 2

The third order of business was Employee Recognition.

There was no employee recognition.

The fourth order of business was to consider the Approval of Council Minutes: Regular Council Meeting Minutes, September 19, 2023, and Special Meeting Minutes, September 26, 2023.

The council reviewed the minutes.

Motion by Alderwoman Randall, seconded by Alderman Hernandez, to approve the Council Minutes for Regular Council Meeting, September 19, 2023, and Special Meeting, September 26, 2023.

Ayes	--	Three -- Alderwoman Randall, Aldermen Hernandez, Vega
Nays	--	None
Abstain	--	Two -- Alderwoman Pyron, Alderman Ritchey

Motion carried.

The fifth order of business was a Presentation by Callie St. John on the Installation of the Fiber Optic Project by Rise Broadband.

Ms. Callie St. John gave a Presentation to the Council about the Rise Corporation, with their focus being on serving small communities that have trouble having access to fiber. Some of the surrounding areas they serve are Hondo, Castroville, Lytle, Natalia, San Antonio, and up to Cuero. She told the Council that having the Internet is not a luxury anymore; it's a necessity. She talked to the Council about the construction part and said they are working with Public Works on the utility locates. Mayor Cook advised Ms. St. John to converse with Interim City Administrator/ City Secretary Dora V. Rodriguez on anything she might need. Ms. St. John clarified that they will use their fiber optic lines and not AT&T.

The council thanked her for the presentation.

The sixth order of business was a Presentation by Nancy Saathoff of Mural Reveal for the City Council -- requested by Alderwoman Debbie Randall, District 5.

Nancy Saathoff introduced herself as the Devine Historical Committee's Chairman, a committee under the Devine Chamber of Commerce. Ms. Saathoff spoke of the subcommittee meeting several times to discuss ways to enhance and improve the presence of our community. She talked about how seeds were planted at those meetings for murals to be painted around town as public art displays. From there, they got more ideas for an initial sketch of a historical mural for Devine. The ideas included a train, historic buildings, and a cactus.

Regular Meeting Minutes
October 17, 2023
Page 3

From those ideas, local artist Kathleen Runnels drew a sketch they've worked on for over two years. They realized that the sketch would be perfect for a mural that they have a need for at the Community Center during the Fall Festival; thus, the idea of a sketch, to a painting, to a mural of art. This piece of art will be on display during the upcoming Fall Festival on the Community Center stage, as well as the Devine Cactus Zoo historical display and many other surprises. She invited everyone to see it. Ms. Saathoff then unveiled a mural for the Council to see. She explained the mural would be a vinyl mural that they can roll (so it can store well), and they also have plans for a traveling mural.

Ms. Saathoff provided the Council with some data and a brief summary of how Devine was incorporated into a town and named after Judge T.J. Devine. She explained that the painting was commissioned by the Devine Historical Committee, by the Devine Chamber of Commerce, under the direction of Martha Bain Wall and Nancy Saathoff

The council thanked Nancy Saathoff for her presentation.

The seventh order of business was to consider and act upon request by Scott Grego regarding the Outstanding Invoice from Harrell's.

Scott Grego provided some handouts to the Council and held a discussion with the Council. Councilwoman Randall also provided some handouts for the Council to review. A lengthy discussion was held.

Motion by Alderman Ritchey, seconded by Alderman Vega, that we schedule a Special Meeting next week, either Tuesday or Thursday (October 24th or 26th), to discuss the matter of absolving SG Golf Management of the Harrell chemical charges for the two-week period in February of 2022, in which the City had possession.

Ayes	--	All
Nays	--	None

Motion carried.

The eighth order of business was to consider and act upon the Pumps and Platforms at the Devine Golf Course – as requested by Alderman Hernandez.

Alderman Hernandez informed the Council that he went and inspected the pumps at the golf course. He told Council that the main one is a vertical one, which is by itself, but it's seeping really bad and needs to be replaced. He explained that there's a mechanical seal that will actually stop that water from spurting out; he said it's losing pressure. That water gets sent down to the back two pumps and, according to Alderman Hernandez, it seems like it's starving for water because the well transfers water all the way to the other two pumps. He explained that this has been going on for a very long time (at least 15-20+ years), and it has nothing to do with the last three people running the golf course.

Regular Meeting Minutes
October 17, 2023
Page 4

Alderman Hernandez talked about the back 9 being the worst. He talked about the water coming through the inlet and outlet on both pumps, which gets sent to all the sprinklers. He said the problem is that there are two electrical panels and they're sitting on a metal platform, and those two metal platforms are already deteriorating; they're rotten and can fall over anytime. He explained the platforms are at an angle. Alderman Hernandez stated that the people who ran the golf course 20 years ago should've been more responsible for these pumps. Alderman Hernandez told the Council he only advises them of what is happening. He just wanted to bring this up for conversation so that the Council knows the situation. There's a lot of work that needs to be done, and we need to get an estimate.

The council held a lengthy discussion. Director of Public Works Pete Sanchez will get quotes to bring back before the Council.

Motion by Alderwoman Randall, seconded by Alderman Vega, to have Director of Public Works Pete Sanchez work with the Devine Golf Group to get an explicit itemized estimate for the pump replacement at the golf course and whatever it entails so Council can determine how to proceed.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business was to consider and act upon Requests submitted by the Devine Chamber of Commerce for its 62nd Annual Cactus Festival on November 4, 2023:

A. The use of the Community Center – November 1, 2023, through November 5, 2023.

Motion by Alderwoman Randall, seconded by Alderman Vega, to approve for the Devine Chamber of Commerce to use the Community Center from November 1, 2023, through November 5, 2023.

Ayes	--	All
Nays	--	None

Motion carried.

B. Noise Variance – November 4, 2023, for the entire day up to midnight for music and dancing.

Motion by Alderman Ritchey, seconded by Alderwoman Randall, to grant a Noise Variance from November 4, 2023, for the entire day up to midnight for music and dancing.

Ayes	--	All
Nays	--	None

Motion carried.

Regular Meeting Minutes
October 17, 2023
Page 5

C. The use of additional Electricity and Water – November 1, 2023 through November 4, 2023.

Motion by Alderwoman Randall, seconded by Alderman Vega, to grant the use of additional Electricity and Water from November 1, 2023, through November 4, 2023.

Ayes	--	All
Nays	--	None

Motion carried.

D. Assistance in procuring an indemnification agreement for alcohol sales on City property.

President Cindy Morales informed Council that the Chamber does get a policy through State Farm every year for liability for the City, for the bank, and also for the school because of the parade lineup. It's a \$1 Million Policy that has been renewed, and it's provided to the City, and she has a copy on record. Liza Hill, Vice President, also added that they need a letter from the City stating that the Chamber has permission to sell alcohol to receive their TABC permit.

Motion by Alderwoman Randall, seconded by Alderman Hernandez, to have Interim City Administrator/City Secretary Dora V. Rodriguez write up a letter giving approval from the City to allow the Devine Chamber of Commerce to sell alcohol on November 4, 2023, on City property.

Ayes	--	All
Nays	--	None

Motion carried.

E. Assistance in contacting the City's Republic Services account manager to request a 30-yard dumpster for use before, during, and after the Cactus Festival, as well as to request emptying of the 30-yard dumpster on Friday, November 3, 2023, before the main event begins.

Interim City Administrator/City Secretary Dora V. Rodriguez explained that they normally only provide the 8-cubic dumpsters, and last year they provided three. According to President Cindy Morales, three was not enough last year; she explained that the Carnival uses them also. They agreed to four dumpsters. This will be done at no cost to the City.

Motion by Alderwoman Randall, seconded by Alderman Hernandez, to have Interim City Administrator/City Secretary Dora V. Rodriguez order four dumpsters to be delivered on Thursday, November 2, 2023, for the Devine Chamber of Commerce, for use before, during, and after the Cactus Festival, as well as to request emptying of the dumpsters on Friday, November 3, 2023, before the main event begins.

Ayes	--	All
Nays	--	None

Motion carried.

- F. Assistance with set up of all needed Cactus Festival items to include:
- Safety fencing set up on Wednesday, November 1st.
 - Barricades set and area patrolled by Devine Police for compliance with College Avenue and Bright Street closures beginning on Friday, November 3rd at 5:00 p.m. due to vehicles parked overnight prior to the event.
 - Drink booth and ticket stand.
 - Any additional items located in the Chamber storage building.

President Cindy Morales told the Council she can't thank the City enough for helping because literally, only five women do it all. She explained that last year, Rob and Pete did a wonderful job in helping bring everything from their storage building, and then they took everything back. Everything has been itemized so that the Council would know what the City workers have to do.

Motion by Alderwoman Randall, seconded by Alderman Vega to approve Agenda Item #11-F in assisting the Chamber of Commerce with the setup needed for all Cactus Festival items.

Ayes	--	All
Nays	--	None

Motion carried.

- G. Assistance in handling road closures for the parade route.

Motion by Alderman Ritchey, seconded by Alderwoman Randall, to approve for City employees to assist in handling road closures for the parade route.

Ayes	--	All
Nays	--	None

Motion carried.

- H. 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.

Motion by Alderwoman Randall, seconded by Alderman Vega, to approve 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.

Ayes	--	All
Nays	--	None

Motion carried.

- I. Requesting funds from City Hotel Tax to go towards the Annual Festival in the amount of \$5,000.

President Cindy Morales reminded the Council that the Chamber did not request any money last year. She talked to the Council about their budgeting and how much it costs to put this festival on. Even though the Chamber does this as a fundraiser, it's not the main reason they are here; they are here to promote the community – Think Devine, Shop Devine, Dine Devine. It's been a tradition that the Chamber hosts this festival, but they could not do it without the City's help. In year's past, the City has donated to the Chamber anywhere from \$1,000 to \$10,000. This will help offset some of the festival costs. Ms. Morales discussed in detail a lot of their expenses, including clean-up crews and administration fees, totaling \$26,000.

According to Ms. Morales, the Chamber relies on sponsorships and is very grateful to their sponsors. Currently, the Chamber has around \$2,000 in pledges and is hoping for more to come in. Heather Schultz was hired as the new administrative assistant (salaried at \$1,200 a month); they had not had anybody employed in the Chamber for a long time, and she has worked very diligently. Ms. Morales announced that they have \$7,100 in booth fees coming in, so right now, they have \$9,100 coming in. She explained that right now, with what they have budgeted before the festival starts and without any more donations, they are \$17,000 in the negative.

Ms. Morales explained that they make money at the festivals by getting 10% of proceeds from the carnival (usually anywhere from \$3,000 to \$4,000), sponsorships, beer and soda sales, and also the booth spaces.

Ms. Morales informed the Council of many more plans they have in store for the City to promote the City and the Historical Committee; this includes more banners and maps for the City.

Ms. Morales concluded with letting Council know that whatever contribution they make in Hotel/Motel tax, if any, will go towards offsetting their costs for the festival, since this is the only fundraiser that they do, which helps to promote Devine.

A lengthy discussion was carried out between Alderman Ritchey, Cindy Morales, Nancy Saathoff, and Mayor Cook. Mayor Cook commended the Chamber for doing a wonderful job.

Motion by Alderman Ritchey, seconded by Alderwoman Randall, to grant \$5,000 to the Devine Chamber of Commerce from the City Hotel Tax to go towards the Annual Festival and to amend the budget by that amount.

Ayes	--	All
Nays	--	None

Motion carried.

Regular Meeting Minutes
October 17, 2023
Page 8

The tenth order of business was to consider and act upon a Request from Steve Smith for the Devine Markets Association to sponsor one of the 4 Corners this year.

Mr. Steve Smith addressed the Council about wanting to sponsor one of the 4 Corners to further promote our City and our producers with seasonal year-round decorations, not asking for anything from the City.

Council held a discussion with Mr. Smith about the City currently having an agreement with TXDOT and an agreement with the Garden Club where they can enhance and beautify the 4 Corners, and they take pride in doing so.

In general, the Council did not have a problem with Devine Markets Association taking one of the corners, but if it's long-term, other than just for Christmas, they felt Mr. Smith needed to get together with the ladies from the Garden Club first. Mr. Smith was told to contact Miriam Garcia, the President of the Garden Club. According to Mayor Cook, he doesn't feel that Mr. Smith needs the Council's permission as long as he talks to the Garden Club. Alderwoman Randall stated that if the Garden Club ladies say yes, we'll never hear about it, but if they say no, we will hear about it.

Motion by Alderman Ritchey, seconded by Alderman Hernandez, to grant the Devine Markets Association the corner adjacent to Scoots Gas Station & Drive-Thru, for the holiday season starting 1-week before Thanksgiving and ending 1-week after New Year's for decoration and moving forward, in coordination with the Garden Club.

Ayes	--	All
Nays	--	None

Motion carried.

At 8:00 p.m., Mayor Cook announced that the Council would take a short break.

At 8:10 p.m., Council reconvened.

The eleventh order of business was to consider and act upon the Contract with the Devine Little League Association – requested by Mayor Cook.

Mayor Cook announced that he's looked over the contract and stated that the City owns everything and, in his opinion, we should be responsible for maintaining the grounds a little better. He went over the current contract. Mayor Cook said he would like to see the City take care of the inside of the fences only because they don't have the manpower. And he feels that if the City is already maintaining the outside, then we can go ahead and maintain the inside as well during the off-season. Mayor Cook stated that it should be part of the Parks and Recreation Board since we own it.

Regular Meeting Minutes
October 17, 2023
Page 9

Discussion was held on allowing the public to use it when Little League season is over. Alderman Ritchey would like to open it up to the Devine Youth sports, like soccer, and he would like to reach out to Langford Community Services for grants to upgrade the field. According to Alderwoman Randall, that would be up to the Parks and Recreation Board.

Aurora Hernandez, the current Devine Little President, addressed the Council and discussed how they run things now. She explained that due to a water leak which they cannot find, they turn off the water as needed and then turn it back on during the season. Mayor Cook stated that under Parks & Recreation if somebody wants to turn the lights on, they would have to go through the City in the off-season, not the Little League; they don't need to be responsible for that. He advised coming up with a fee schedule.

Mayor Cook talked about the Little League having a revolving leadership every year. He said the buildings and bathrooms belong to the City, and we should be responsible for them. Discussion was held on the bathrooms.

Motion made by Alderman Ritchey to submit this to the Parks & Recreation Board for the use of the property; however, leave it up to the discretion of the Little League as to the use and rental schedule of the facilities and utilities.

Motion died due to lack of a second.

The council held a discussion with President Aurora Hernandez. It was decided to close the restrooms for now until we come up with a solution. For now, Mayor Cook wants to ensure we have the go-ahead for the park to be available and said we can work out all the other things. Discussion was held with Director of Public Works Pete Sanchez.

Alderwoman Randall said her understanding is that tonight we're just deciding on taking care of the mowing and edging, inside and outside, and the Parks & Recreation Board will work with the Little League on the scheduling fee and electricity.

Motion by Alderman Ritchey, seconded by Alderman Hernandez, to have the City maintain the grounds in the off-season, make it available to the public, and push it over to the Parks & Recreation Board for the Baseball/Softball Association to coordinate with them on the use of the facilities and utilities, for the off-season, and re-do the contract and have it come back to Council for final approval.

Ayes	--	All
Nays	--	None

Motion carried.

Regular Meeting Minutes
October 17, 2023
Page 10

The twelfth order of business was to consider and act upon the City to adjust the Permit Fee on Existing Structures to no more than 5% of the project cost or \$500, whichever is less, but not less than \$40, to cover administrative fees.

Alderman Ritchey stated that he finds it offensive that people have to request permission from a government entity to do work on their own property, and it offends him that we have to charge 30% of the project cost. He said a \$10,000 job should not have to require a \$3,000 permit fee; we need to make it a lot easier and a lot more affordable for folks.

The Council held a discussion on the 30%. Alderwoman Randall went over the fee schedule, and Interim City Administrator/City Secretary Dora V. Rodriguez went over the inspection fee plus the 30% administration fee that has been set; she said the Council can change this fee if they want. She explained we used to charge by valuation, but it's not legal anymore; it's based on square footage. She explained we have been given a fee schedule, where we charge by the trade.

The council held a lengthy discussion and talked about several examples.

Alderman Ritchey talked about the confusion and inconsistencies from the Code Department person. Alderwoman Pyron inquired if this needs to be re-written. Alderwoman Randall agreed that it definitely needs to be rewritten; we need a better fee schedule.

Motion by Alderman Ritchey to reduce these fees for any permits to 5%, no less than \$40, and no more than \$400, for any work to be done in the City of Devine on any existing structure or residential property to exclude new construction.

Motion died due to lack of a second.

The council held a discussion. Alderwoman Randall stated that the Permit Fee is 30% of the Inspection Fee by Bureau Veritas. The council decided that we need to get a better fee schedule and get a little friendlier when helping people get things done around their house and their businesses.

Motion by Alderman Ritchey, seconded by Alderman Vega, to table this item until we get a draft regarding permit fees no later than January 2024.

Ayes	--	All
Nays	--	None

Motion carried.

Regular Meeting Minutes
October 17, 2023
Page 11

The thirteenth order of business was to consider and act upon for the Devine Volunteer Fire Department to be considered for contracted inspection services as a primary option, with Bureau Veritas being a secondary option, at the discretion of the permit requestor and Devine VFD being expected to maintain requisite certifications – requested by Alderman Josh Ritchey, District 4.

Alderman Ritchey talked to the Council about the benefits of having the Devine VFD doing the inspections. The council held a discussion on the fire department needing to have all the certifications and licenses that Bureau Veritas has.

Alderwoman Randall pointed out that she is not “for” going with the fire department at all. Alderwoman Pyron commented that it seems strange that we would use a volunteer to do inspections as a contracted service.

The council held a discussion.

Motion by Alderman Ritchey, seconded by Alderman Vega, to table this item until next month so we can have a Devine Volunteer Fire Department representative visit with us.

Ayes	--	All
Nays	--	None

Motion carried.

The fourteenth order of business was to consider and act upon decorating the 4-Corners and purchasing decorations, possible budget amendment – requested by Alderwoman Debbie Randall, District 5.

Mayor Cook feels it should be a City of Devine corner and not just a Mayor’s corner. They talked about the City using Pico’s Corner.

The council held a lengthy discussion on ideas.

Motion by Alderwoman Pyron, seconded by Alderwoman Randall, to set a budget for \$800 for holiday decorations and amend that amount.

Ayes	--	All
Nays	--	None

Motion carried.

The fifteenth order of business was to consider and act upon the Council to set a time/date(s) for decorating the Parade Float (trailer) – as requested by Alderwoman Randall.

Regular Meeting Minutes
October 17, 2023
Page 12

The council held a discussion about using the building behind Commissioner Lawler's office to decorate the float. The building is enclosed, and Commissioner Lawler is okay with this. The council held a discussion on the date to do this. It was decided to decorate on Wednesday, November 1, 2023, at 6:00 p.m. at the building behind the Medina County Precinct 4 Building.

No action was taken.

The sixteenth order of business was to review the Quarterly Investment Report.

The council reviewed the report.

The seventeenth order of business was Informational Items.

- School contract – Mayor Cook inquired of Interim City Administrator/City Secretary Dora V. Rodriguez if she's gotten any response from the school on the contract for the land purchase. She stated that she's not received anything, and Mayor Cook will contact Superintendent Grandjean again.
- Vacant positions in the Police Department – Interim City Administrator/City Secretary Dora V. Rodriguez advised Council that we will be short-staffed in the police department. We have one vacant position; one officer will be leaving in two weeks, and possibly two more will be leaving. She talked about a grant that the County Sheriff's Department has received that allows them to increase their officers' pay by 15%, and we cannot compete with that. So, we may have to contact the County Sheriff's Department to help us during the Fall Festival.
- HOT Money – Alderman Ritchey inquired how much we have left in the HOT Fund.
- Update on Investigation – Alderwoman Randall wanted to know if the Mayor had any update on the water tie-in issue at the golf course. He told the Council that Sheriff Randy Brown will present a report at our next council meeting in November. Mayor Cook pointed out that the City did not accuse anyone of anything, so he asked Sheriff Brown to investigate this issue.
- Shannon Scramble – Alderwoman Randall announced that Shannon Scramble will be at the golf course this Saturday. Proceeds from this event will go towards purchasing golf clubs for the kids who come to the golf course and who don't have any. It was Shannon's passion to do this.

At 9:17 p.m., Mayor Cook announced that the Council would take a short break.

At 9:24 p.m., Council reconvened.

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

- §551.074 – Personnel Matters – Interviewing for City Administrator position.

Regular Meeting Minutes
October 17, 2023
Page 13

At 9:25 p.m., Mayor Cook announced to the public that the Council would go into a Closed Session.

At 10:40 p.m., the Closed Session was open to the public.

No action was taken in the Closed Session.

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

No action was taken.

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

Ayes	--	All
Nays	--	None

Motion Carried.

Mayor

City Secretary