

Minutes
Regular Meeting
June 18, 2024

On this 18th day of June 2024, at 6:01 p.m., the City Council of the City of Devine convened in a Regular Meeting, the same being open 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
Alderwoman Debbie Randall
Alderman Ray Gonzales
Alderman Josh Ritchey
Alderman Jeff Miller
Alderman Michael Hernandez

Thus, constituting a quorum.

Personnel Present: David L. Jordan, City Administrator; Dora V. Rodriguez, City Secretary; Denise Duffy, City Accountant; Pete Sanchez, Director of Public Works; Chris Andrews, Lieutenant; Tom Cate, City Attorney; and Vickie Pumphrey, Airport Manager.

Others Present: Brian Navarro, Devine Golf Group; William Ley Jr., Devine Fire Department; Veronica De La Fuente & Humberto Benavides, Pearsall, Texas; Steve Lopez, Sandra Richards, Marty & Sandy Lawler, Elanor Ortiz, and Herlinda Gallegos, Devine Texas.

Mayor Butch 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.

There is no one to speak under this item.

The second order of business was Public Recognition.

No Public Recognition.

The third order of business was Employee Recognition.

City Administrator David Jordan recognized the Police Department for their recent swift recovery of stolen property. He thanked them for being vigilant and doing such a good job.

Mayor Cook wished to thank the Public Works Department for ensuring the City did not run out of water during the major leak on the Saturday before Mother's Day. Public Works worked until 6 a.m. on Sunday.

David Jordan, City Administrator, advised that it was "Public Works Week," and he thanked the entire Department for its hard work and dedication to the city.

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The fourth order of business was Presentation.

No one was present for this item.

The fifth order of business was the Approval of Minutes.

Motion by Alderwoman Ritchey, seconded by Alderwoman Randall, to approve Special Meeting Minutes, May 14, and Regular Council Minutes, May 21, 2024.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to consider and act upon adopting a Resolution authorizing approval of the Bidding Contractor award for the HOME Program through the Texas Department of Housing and Community Affairs.

Motion by Alderwoman Randall, seconded by Alderman Miller, to adopt 6-24 Resolution authorizing approval of the Bidding Contractor award for the HOME Program through the Texas Department of Housing and Community Affairs.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was to consider and act upon adopting a Resolution of the City of Devine, Texas, finding that AEP Texas Inc.'s requested increase to its Electric Transmission and Distribution Rates and Charges within the City should be denied finding that the City's reasonable Rate Case Expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the Public as required by Law; requiring Notice of the Resolution to the Company and Legal Counsel.

Motion by Alderwoman Randall, seconded by Alderman Hernandez, to adopt 6-24A Resolution of the City of Devine, Texas, finding that AEP Texas Inc.'s requested increase to its Electric Transmission and Distribution Rates and Charges within the City should be denied, finding that the City's reasonable Rate Case Expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the Public as required by Law; requiring Notice of the Resolution to the Company and Legal Counsel.

Ayes	--	All
Nays	--	None

Motion carried.

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The eighth order is to consider and act upon holding a Special Election to repeal Chapter 90 Taxation Article III Local Sales and Use Tax Section 90-51 Adoption of additional Local Sales and Use Tax to use for a Sales Tax for Economic Development.

Mayor Cook advised that they are not ready at this time for this item. They received last-minute numbers.

Motion by Alderman Ritchey, seconded by Alderman Gonzales, to table the item until the next meeting.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business to consider and act upon approving invoices the Devine Golf Group submitted for half reimbursement.

City Administrator David Jordan advised that they met last week with some of the Representatives of the Devine Golf Group, and they are requesting fifty percent of the reimbursement. He informed them that they had been submitted for review.

The Mayor and Council discussed these invoices and the contract with Brian Navarro of the Devine Golf Group. Brian Navarro informed the Mayor and Council that he had no knowledge of the invoices and would like to review them.

Alderman Ritchey advised that he would like a different meeting to revise the contract.

Motion by Alderman Ritchey, seconded by Alderman Hernandez, to table this item until the next meeting.

Ayes	--	All
Nays	--	None

Motion carried.

The tenth order of business was to consider and act upon approving a Proposed Airport Restroom Extension by Dallas Collins.

City Administrator David Jordan advised the Mayor and Council that in their packet, they received a drawing showing where he would like to put the restroom extension.

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The mayor and Council discussed Dallas Collins's doing this part of the project at his expense and having it done to codes, including ADA compliance.

Motion by Alderwoman Randall, seconded by Alderman Gonzales, to approve Dallas Collins to make an extension to the hangar for the restrooms.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was to consider and act upon awarding the Mowing Contract.

City Administrator David Jordan advised that we received three proposals and that the lowest bid was from Mr. Munoz, who has the contract right now.

Motion by Alderwoman Randall, seconded by Alderman Hernandez to award the Airport Mowing Contract to Mr. Munoz for \$17,000 for one year.

Ayes	--	All
Nays	--	None

Motion carried.

The twelfth order of business was considered and acted upon the recommendation of the Planning & Zoning Commission Meeting on June 10, 2024.

- a. Public Hearing on Preliminary Report for changing the zoning classification of property consisting of 2.65 acres of land located at 527 Rossville Ave. in the City of Devine and create a Preliminary Report regarding changing the zoning classification of this area from Class B. Single-Family Residence District to Class E Apartment (Multi-Family Residence District, which is proposed to include any or all properties described as follows:

A0632 D, Lieber Survey 4; 2.65 Acres

- b. Creating a Final Report and making a recommendation to the City Council to change the zoning classification of property consisting of 2.65 acres of land located at 527 Rossville Ave. in the City of Devine and create a Preliminary Report regarding changing the zoning classification of this area from Class B. Single-Family Residence District to Class E Apartment (Multi-Family Residence District, which is proposed to include any or all properties described as follows:

A0632 D. Lieber Survey 4: 2.65 Acres

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City Administrator David Jordan advised that the Zoning Commission was in favor of this Zone Change.

The Mayor and Council held discussion on the Public Hearing.

Motion made by Alderwoman Randall, seconded by Alderman Ritchey, to approve the Zoning change from Class B Single-Family Residence District to Class E Apartment (Multi-Family Residence District,

Ayes	--	All
Nays	--	None

Motion carried.

- c. Request made by Sandy Lawler to be granted a waiver on four Parcels as presented: tract 1, tract 2, tract 3, and tract 4, each track having an area of 1/2 acre (and all being out of a 5.00-acre tract) from the City of Devine Subdivision Ordinance and to allow her to convey Tracts 1-4 by metes and bounds description. The property to be discussed is generally described as 5.00 acres, out of Abstract A0069 J. Brothag Survey No. 15 Medina County Appraisal District Property ID No. R33793, and said property being located along FM 3176, O'Neil and Watson Street, presently zoned Classification H Commercial Business District.

Sandy Lawler addressed the Mayor and the Council about a letter she had from her Realtor, in which she talked to the City Secretary about this property back in March on the zoning and the possibility of smaller sections of this property and utilities. The Realtor advised that potential buyers wanted this property for residential use. Mrs. Lawler advised that she would like to see this tract by Metes and Bounds instead of having a total of 5 acres replated. She informed the Mayor and the Council that she had the four tracts of 1/2 acres each surveyed and would like the Council to waive the replating. She said that she felt that she did not get the correct information to make the proper decisions about her property. She asked if they would waive at least one tract.

The Mayor and council held discussion on this item about the code regulations.

Motion by Alderman Ritchey to waive one tract from the City of Devine Subdivision Ordinance and to allow her the one tract by metes and bounds. There was no second; motion died.

Motion made by Alderwoman Randall, seconded by Alderman Miller to deny the waiver request.

Ayes	--	Four
Nays	--	One – Alderman Ritchey

Motion carried.

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The thirteenth order of business is to consider and act upon request made by Alderman District 1 for the following:

- a. New road connection from the end of Karen Court and Loraine Drive.

Alderman Gonzales informed the Mayor and Council that this neighborhood has only one entrance or exit and would like these two roads connected to better provide residents with access in an emergency. Director of Public Works Pete Sanchez informed everyone that there is a manhole that is only two feet deep.

The Mayor and Council held discussion on this item.

Motion made by Alderwoman Randall, seconded by Alderman Ritchey, to have Director of Public Works Pete Sanchez and City Administrator David Jordan to obtain proposals to connect the two roads.

Ayes	--	All
Nays	--	None

Motion carried.

- b. Street Light for the corner of Loraine Drive.

City Administrator David Jordan advised the Mayor and Council that AEP has given us a quote of \$137.80 to place an LED Street Light.

Motion made by Alderwoman Randall, seconded by Alderman Gonzales, to place the street light and amend the budget. Alderman Ritchey mentioned speaking with the neighbors about the light.

Ayes	--	All
Nays	--	None

Motion carried.

The fourteenth order was to consider and act upon request made by Alderman District 2 for the following:

- a. Replacing Traffic Lights on State Hwy 173 to FM State Hwy 3176 with a 4-way traffic light that allows all directions to have a green light in sequence.

Mrs. Elenor Ortiz addressed the Mayor and Council about the need for these lights in that area.

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Motion by Alderman Hernandez, seconded by Alderman Miller, to have the City Administrator David Jordan get with TXDOT about adding a traffic light.

Ayes	--	All
Nays	--	None

Motion carried.

- b. Reduce the Speed Limit on State Hwy 173 on the East side of the tracks from 45 to 35 mph, like every small town with a lower speed limit.

The Mayor and Council held discussion on this item about reducing the Speed Limit.

Motion by Alderman Hernandez, seconded by Alderman Miller, to have the City Administrator David Jordan speak with TXDOT about reducing the speed limit.

Ayes	--	All
Nays	--	None

Motion carried.

- c. Adding a Pavilion or Canopy over the swings/playground to make it usable during the park hours at Curcio Park.

Alderman Hernandez would like to see a pavilion or canopies placed over the playground equipment and sitting area. He also mentioned about the issue of the grass burrs. He talked about the houses we own by the park and getting water. Alderwoman Randall advised taking this item to the Parks & Recreation Board for proposals.

The Mayor and Council agreed on the need to enhance this park.

Motion by Alderwoman Randall, seconded by Alderman Gonzales, to send this item to the Parks & Recreation Board to obtain proposals and availability for canopies and or pavilion for Curcio Park.

Ayes	--	All
Nays	--	None

Motion carried.

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The fifteenth order of business was to consider and act upon reappointing the following Planning & Zoning Commissioners:

- Mike Herring 5/22 to 5/24
- Jim Lawler 5/22 to 5/24
- Fred Morales (appointed on 6/20/23 - replaced Kiel Boehme's term from 5/22 to 5/24)
- Scott Herring (appointed on 5/16 – replaced Briane Obaya-Alston 5/23 to 5/24)

Mayor Cook advised that as the mayor, he nominates these members, and they want to serve.

Alderman Ritchy suggested getting new members for fresh ideas.

Motion by Alderwoman Randall, seconded by Alderman Hernandez, to reappoint these four people to the Planning and Zoning Commission.

Ayes	--	All
Nays	--	None

Motion carried.

The sixteenth order of business was to consider and act upon Prohibiting any Parking on Oakhill Drive.

City Administrator David Jordan asked Lt. Andrews to address the Mayor and Council on this item. Lt. Andrews advised that over the last year, they have written 26 citations for trucks parking in the No-Parking Zone on the east side of Oakhill Drive. He advised that he met with the Fire Chief, and it is being suggested that the entire street be made a fire lane, which would allow no parking at any time. He added that he spoke with QT and found out that trucks can park on their property for up to 12 hours. City Administrator David Jordan spoke with Walmart Management, and they have no problem with the City making the entire street no parking.

Motion by Alderwoman Randall, seconded by Alderman Miller, to make Oakhill Drive a fire lane with No Parking allowed and amend the budget for signage.

Ayes	--	All
Nays	--	None

Motion carried.

The seventeenth order of business was to consider and act upon approving the Amended Personnel Policy for the City of Devine.

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City Administrator David Jordan advised that we received corrections from Alderman Ritchey and Alderwoman Randal, and the corrections were made.

The Mayor and Council held discussion on this item.

Motion made by Alderman Ritchey, seconded by Alderman Gonzales, to approve the amended personnel policy for the City of Devine.

Ayes	--	All
Nays	--	None

Motion carried.

The eighteenth order of business was to consider and act upon moving the \$2,000,000 for the Ground Storage Tank Project into the Tex Pool to let it earn interest until the project begins.

City Administrator David Jordan asked the Mayor and Council about moving the money from a low-interest account to a higher-interest account.

Motion by Alderwoman Randall, seconded by Alderman Hernandez, to move the \$2,000,000 for the Ground Storage Tank Project into the Tex Pool to let it earn interest until the project begins.

Ayes	--	Four
Nays	--	One – Alderman Ritchey

Motion carried.

The nineteenth order of business was Informational Items.

- City Administrator David Jordan informed everyone that we are under Stage IV Water Restrictions and need all residents to understand them. He advised that violators will receive citations.
- City Administrator David Jordan advised that a tropical storm is coming, and our departments are prepared.
- City Administrator David Jordan informed everyone that he will be attending a seminar from June 20 through June 24 at South Padre Island, weather permitting.
- City Administrator David Jordan advised that we are still getting proposals for street repairs.
- City Administrator David Jordan informed everyone that the Bain Well is not online yet. We are getting samples right now. Director of Public Works Pete Sanchez advised that he is hoping by next week.
- City Administrator David Jordan told everyone he is working with all department heads for next year's budget and would like to start workshops in August.

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- City Administrator David Jordan advised that we are having all water storage tanks inspected and want to get them on an inspection maintenance plan in the future.
- Mayor Cook advised that the City had to issue a check for \$13,000 on a fine we received from the Edwards Aquifer for the overage pumping.
- Alderman Ritchey advised that he has received multiple complaints about trash still on curbs since bulk & brush pickup. He is not happy with the lack of Code enforcement.
- Alderman Ritchey advised that he has received complaints on our website. City Administrator David Jordan will check into this.
- Alderman Miller would like a place on the website to make a complaint. City Administrator David will check into this.
- Alderman Ritchey would like to see if there are any elderly services available. He has a resident who wants to make sure his family is not taking advantage by bringing junk to his yard.
- Alderman Ritchey asked how the RFPs were coming along. City Administrator David Jordan advised that he could possibly have them for the July 9 meeting.
- Alderwoman Randall asked how the Generators are doing. City Administrator David Jordan advised that they are not hooked up yet, possibly next week.
- Alderwoman Randall asked if Hangar 8 & 8A repairs were completed. Director of Public Works Pete Sanchez advised that the work will be done next week due to supply issues.
- Alderwoman Randall advised that the Chamber of Commerce will replace all the banner's brackets.
- Alderwoman Randall asked about Burnt Boot Creek clean-up. Mayor Cook advised that every time they want to start, we get rain.
- Alderwoman Randall asked where we are with the Water Rate Study. City Administrator David Jordan advised that the file we received was corrupted.

There being no further business to come before the Council, Alderman Miller made a motion, seconded by Alderman Hernandez, to adjourn the meeting.

Ayes	--	All
Nays	--	None

Motion carried.

Mayor

City Secretary