

Minutes
Rescheduled Regular Meeting
January 18, 2024

On this 18th day of January, 2024, at 6:05 p.m., the City Council of the City of Devine convened in a Rescheduled 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
Alderwoman Debbie Randall
Alderman Josh Ritchey
Alderman Michael Hernandez
Alderwoman Stacy Pyron

Absent being Alderman Rufino Vega, 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; Kandy Benavides, Police Chief; Chris Andrews, Lt. Officer; Raul Garcia Jr., City Engineer; and Tom Cate, City Attorney.

Others Present: Anton Riecher, Devine News; Greg Atkinson, Devine Fire Department; Ron Richards and Brian Navarro, Devine Golf Group; Sandra Richards, Aurora Hernandez, Devine Little League; Angel Alvarado, Nancy Saathoff, Scott and Shirl Grego, Stan Hulse, Attorney; Marissa and Ray Gonzales, Bonnie Manning, Mark Chadwick, Hap Squires, Elena Dominguez, William White, TRWA; and Jerry Lee Stevens, 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.

Nancy Saathoff, Chairperson for the Historical Committee of the Devine Chamber of Commerce. She advised the Mayor and the Council that they are working on Historical Buildings in Texas that were built prior to 1890. She asked if anyone knew of any structures or remains of structures in Devine to please contact her. She also informed everyone that the 250th anniversary of America will be celebrated in 2 years. She would like to see the City put together a committee that includes citizens, organizations & churches to spearhead a celebration. She also talked about Devine, who will be observing the 150th Anniversary. She suggested that the City have a committee to organize a celebration.

The second order of business was Public Recognition.

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Alderman Ritchey wanted to thank Dustin Navarro, STX Electrical & Pete Sanchez, Public Works Director, and Devine Police Department for their dedication and preparation for the weather we had. Alderman Ritchey wanted to Thank Mayor Cook for allowing the Council to see all resumes, which led us to hire David Jordan. Alderman Ritchey thanked the City Administrator, David Jordan, for his dedication to our city during the cold weather event. Alderman Ritchey also thanked the employees for planning and sacrifices to prepare for the cold weather for the community.

The third order of business was Employee Recognition.

City Administrator David Jordan wanted to commend Police Officer Cpl. Feliza Miller for her diligent response in locating a missing elderly male on January 2, 2024. She went above and beyond. The man had fallen in a 15 ft hole, and she located him and called EMS. He was transported to a local hospital and is still alive due to the Officer's diligence.

City Administrator David Jordan informed everyone that the Public Works Crew was out in the weather, assisting with whatever they could. He thanked them for their hard work.

City Administrator David Jordan wanted to thank the Fire Department, South Texas Fellowship of Ministries, and Mayor Cook for meeting before the weather to prepare.

The fourth order of business was to discuss and consider the approval of the Minutes.

Alderman Ritchey wanted the minutes edited on page 4 to include that he would like an appraisal done of the airport property.

Motion by Alderwoman Randall, seconded by Alderman Hernandez, to accept the Regular Meeting Minutes for December 12, 2023 with the minutes edited per Alderman Ritchey.

Ayes	--	Four
Nays	--	None
Absent	--	One -- Alderman Vega

Motion carried.

The fifth order of business is to discuss and consider to act upon Ground Storage Tank Cost Estimates.

City Engineer Raul Garcia Jr. informed the Mayor and the Council that we received three bids, the lowest for \$2,371,000. This will include the new 750,00-gallon tank, installation, and connection of the generator for emergency use. He advised it will take approximately a year to 3 months before it will be functional.

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Motion by Alderman Ritchey, seconded by Alderwoman Randall to have the city administrator and the city engineer begin the process of obtaining the ground storage tank.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The sixth order of business was to discuss and consider approving the Water and Sewer Rate Study.

City Administrator David Jordan requested that this time be tabled until the February meeting.

Motion by Alderwoman Randall, seconded by Alderman Ritchey, to table this item until the February meeting.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The seventh order was to discuss and consider adopting a Resolution authorizing and approving the publication and posting of a Notice of Intention to issue the City's Combination Tax and Limited Pledge Revenue Certificates of Obligation in a Maximum Aggregate Principal Amount not exceeding \$2,500,000 and other matters in connection therewith.

Mr. Andrew Freidman with SAMCO Capital Markets went over the Timetable of events to finance \$2,500,00 for the Ground Storage Tank. He informed the Mayor and Council that a Certificate of Obligation is a long-term debt to the City and that the City currently has issued and has a Certificate of Obligations loan. He advised that the process for issuing a Certificate of Obligation begins with what the Council is doing tonight, which is adopting a Resolution of a Notice of Intention, which states the amount of money that will be borrowed and sets the amortization for the certificate, which is 20 years that will outline what the proceeds will be used for and this is the utility system improvements. He advised that a date is established.

Motion by Alderwoman Randall, seconded by Alderman Hernandez, to adopt the Resolution authorizing and approving the publication and posting of a Notice of Intention to issue the City's Combination Tax and Limited Pledge Revenue Certificates of Obligation in a Maximum Aggregate Principal Amount not exceeding \$2,500,000 and other matters in connection therewith.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

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The eighth order of business was to consider and act upon negotiations with David Grego.

Mayor Butch Cook informed the Council that Mr. Grego has removed the temporary fence. He informed the Council that in regard to the water used on his property Mr. Grego is willing to donate \$3,400 to the Devine High School Golf Program to go towards the golf range on the school property. He did check with the school and was told that they could accept this for this project.

Alderman Ritchey stated that the city would not pursue any further action against David Grego regarding the Water Issue.

At this time, Stan Hulse, the Attorney for Mr. Grego, confirmed the donation to the golf program, and the DISD has a project for a golf range that will open to the public also.

Motion by Alderman Ritchey, seconded by Alderwoman Randall, to accept the donation from Mr. Grego to the Devine ISD Golf Program.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The ninth order of business was to consider and act upon a Fee Schedule for the Code Compliance Department.

The Council held a discussion about removing the 30% and adding another column for the Fire Department Inspections.

The Council discussed the fees listed now, which should be our flat fee for a permit, no matter who the inspection is completed by.

Fire Chief Atkinson advised that the City could have a flat permit fee as the inspection fees may vary. He informed the Mayor and Council that he and the City Administrator are going through the contract wording and getting close to completion.

Motion by Alderman Ritchey, seconded by Alderman Hernandez, to table this item until we have a schedule and contract with the Fire Department.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The tenth order of business was to consider and act upon the Adoption of the following: 2021 International Code: Building Codes; Residential Code for One-and-Two Family Dwellings; Fire Code; Plumbing Code; National Electrical Code; Mechanical Code; Energy Conservation Code; Fuel Gas Code; Existing Building Code; and Property Maintenance Code.

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City Administrator David Jordan informed the Mayor and the Council that the City is using 2009 Editions of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Energy Conservation Code, and 2014 National Electrical Code. He explained to the Mayor and the Council that he feels that we need to update the 2021 Codes for the safety and security of our City.

The Mayor and Council held a discussion on this item along with the Fire Chief.

Motion by Alderman Ritchey, seconded by Alderwoman Randall, to table this item.

Ayes	--	Two -- Alderman Ritchey & Alderwoman Randall
Nays	--	Two -- Alderwoman Pyron & Alderman Hernandez
Absent	--	One -- Alderman Vega

Mayor Butch Cook broke the Tie Vote by Voting against tabling the item.

Motion carried.

Motion by Alderman Hernandez, seconded by Alderwoman Pyron, to adopt the 2021 International Building Codes; Residential Code for One-and-Two Family Dwellings; Fire Code; Plumbing Code; National Electrical Code; Mechanical Code; Energy Conservation Code; Fuel Gas Code; Existing Building Code; and Property Maintenance Code.

Ayes	--	Two -- Alderman Hernandez & Alderwoman Pyron
Nays	--	Two -- Alderwoman Randall & Alderman Ritchey
Absent	--	One -- Alderman Vega

Mayor Butch Cook broke the Tie Vote by Voting to adopt the New Codes.

Motion carried.

Alderman Richey stated that it is arrogant of the City Council to pass a regulation that impacts so significantly without consulting someone in that trade.

Mayor Butch Cook announced this will be Ordinance 1-24A.

The eleventh order of business was to consider and act upon adopting a Resolution authorizing approval for the Management Contract for the HOME Program through the Texas Department of Housing and Community Affairs for the RSP HOME (HRA) Agreement Contract.

City Secretary Rodriguez informed the Mayor and Council that this is the start to begin the paperwork for the HOME Program. She advised that we have two homes for this project, one on Fay and one on Washington.

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Motion by Alderwoman Randall, seconded by Alderwoman Pyron, to adopt the 1-24B Resolution authorizing approval for the Management Contract for the HOME Program through the Texas Department of Housing and Community Affairs for the RSP HOME (HRA) Agreement Contract.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The twelfth order of business was to consider and act upon adopting an Ordinance creating a City of Devine Zoning Reform Committee; providing for the Repeal of any Ordinance or Sections of Ordinances in Conflict with this Ordinance; providing a Severability Clause; and providing when this Ordinance shall become effective.

City Administrator David Jordan informed the Mayor and Council that this is the Ordinance to create the new committee to suggest updates on Zoning and Ordinances to the Planning & Zoning Commission.

City Attorney Tom Cate stated that we needed a duration timeframe as to when the committee would expire. It was agreed to for one year.

The Mayor and Council discussed whether the nominates must live, work, or own a business within the city limits. Alderman Ritchey advised that the original motion to create this committee was to include anyone living in or outside the city limits.

Mayor Butch Cook advised that the Nominations will be at another meeting.

Motion by Alderwoman Randall, seconded by Alderwoman Pyron, to adopt 1-24C Ordinance as written.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

City Administrator David Jordan asked the Mayor and Council to hire a professional advisor to assist with the committee. Alderman Ritchey and Alderwoman Randall want to mitigate costs. City Administrator David Jordan suggested having the professional assist in all legalities of any changes the committee suggests. Mayor Butch Cook did remind everyone that this committee will make recommendations to the Planning and Zoning Commission, which will review and make suggestions for changes to the City Council.

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The thirteenth order of business was to consider and act upon Street Light request for 403 Wilkens Way.

City Administrator David Jordan advised that the resident at this address has requested a street light, and the cost for the installation is no cost to the city. He did remind them that this would add a monthly charge to the city.

The Council discussed that about the surrounding residents consulted, so there is not a problem with issues.

Motion by Alderwoman Randall, seconded by Alderman Hernandez, to approve the street light to be installed as long as the neighboring residents do not have a problem.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

At 7:33 p.m. Mayor Butch Cook took a recess. At 7:42 p.m., the Mayor and Council reconvened.

Motion was made by Alderman Ritchey, seconded by Alderwoman Randall, to move Agenda Item #18 before Agenda Item #16.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The fourteenth order of business was to consider and act upon proceeding with the Proposal for the work to be done on Hangars 8, 8A, and 10.

Public Works Director Pete Sanchez discussed the proposals with the Mayor and Council and they are as follows:

Straight Line	\$61,111.00
Jagge Service	\$109,900.00
Vortec	\$45,884.84

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The discussion was held on a person's interest in renting Hangar #10 as is, moving forward, and doing the repairs needed.

Alderwoman Randall advised that she wants to get this started.

Hap Squires, the Airport Advisory Chairman, informed the Mayor and Council that he sees the necessity to repair the hangars and we need to possibly market their availability.

Alderman Ritchey advised that he wants the airport property appraised to see if we can sell the property.

Motion by Alderwoman Randall, seconded by Alderwoman Pyron, to award the work to Vortec for \$45,884.84 to repair Hangars 8, 8A & 10.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

Motion by Alderman Ritchey, seconded by Alderwoman Pyron, in conjunction with this item, that we have the City Administrator David Jordan negotiate Hangar Leases.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The fifteenth order of business was to consider and act upon approving an Intergovernmental Agreement with Medina County to create a countywide Hazard Mitigation Plan.

City Administrator David Jordan informed the Mayor and Council that in reviewing the Emergency Management Plan for the City, he would like the City to join the Medina County Emergency Management Plan. He advised that we could tap into the county's resources after using our resources.

Medina County Emergency Management Coordinator Mark Chadwick came before the Council to explain that an updated National Emergency Plan is required every five years. He advised that this would open doors for grants. He advised that it takes two years to complete the process, and we just entered into that process. He informed the Mayor and Council that they are using Grant Works to update their Plan, which would cover the City. He advised that this was a good deal.

City Attorney Tom Cate said that we need to include a City Contact.

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Motion by Alderwoman Randall, seconded by Alderman Hernandez, to approve an Intergovernmental Agreement with Medina County to create a countywide Hazard Mitigation Plan and have City Administrator David Jordan as our Contact along with adopting Resolution 1-24D.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The sixteenth order of business was to consider and act upon amending the Contract between the Little League and the City of Devine.

City Attorney Tom Cate submitted a revised contract with the changes.

Changes: The city will mow and maintain the fields inside and outside of the fence during the off-season of the league, and during the on-season, the city will maintain outside the fence. During the on-season, the water account will be in the name of the Little League; during the off-season, the account will be under the City. The electricity will be in the name of the City, and the Little League will reimburse the City for the electricity during the on-season. Strike out #9 of the contract – all maintenance on the buildings shall be at the expense of the City.

The Little League President Aurora Hernandez was in agreement.

Motion by Alderman Ritchey, seconded by Alderwoman Randall, to approve the contract as written with the statement on #9 be stricken.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The seventeenth order of business was to consider and act upon approving a Support Letter for Medina County's Inclusion in the Alamo Area Metropolitan Planning Organization.

City Administrator David Jordan informed the Mayor and Council that Medina County has already joined this organization and would like the Support Letter approved, which would enable the County to receive additional funds for the repair of roads and county infrastructure. He advised that all the surrounding cities and mayors met with the County regarding this.

Alderman Ritchey advised of his concern about the cost it could place on our citizens.

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Motion by Alderwoman Randall, seconded by Alderman Hernandez, to approve the support letter for Medina County's Inclusion in the Alamo Area Metropolitan Planning Organization.

Ayes	--	Alderwoman Randall Three, Alderman Hernandez & Alderwoman Pyron
Nays	--	One – Alderman Ritchey
Absent	--	One – Alderman Vega

Motion carried.

The eighteenth order of business was to consider and act upon awarding Tatum Floors and Construction LLC the bid for the Bain Well repair.

City Engineer Raul Garica Jr., went over the bid tabulation with the Mayor and Council. He advised that we received three bids. He recommended that the City Council award the Bain Well Repair to Tatum Floors and Construction for a bid of \$140,500. He advised that he did check out the references and feels comfortable they can do the job.

Motion by Alderman Ritchey, seconded by Alderwoman Randall, to accept and award the project to Tatum Floors & Construction for \$140,500.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The nineteenth order of business was to consider and act upon updates on the survey that was done for the DISD Property that the City would be purchasing.

City Attorney Tom Cate informed the Mayor and Council that the property survey has been completed, and the next step is waiting for the Devine ISD to write up the deed with the stipulations we agreed on. He advised then we would be able to close on the property.

No action was taken.

The twentieth order of business was to consider and act upon accepting the 2023 Racial Profiling Report.

Lt. Chris Andrew went over the 2023 Racial Profiling with the Mayor and Council.

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Motion by Alderwoman Randall, seconded by Alderman Ritchey, to accept the 2023 Racial Profiling.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The twenty-first order of the business was an Executive Session: Pursuant to the Provision of the Open Meeting Law Texas Government Code §551.076 – Deliberate the Deployment of Peace Officers/Security Personnel.

At 8:36 p.m., the Mayor and Council went into Executive Session. The twenty-second order of business was to Reconvene into a Regular Session and consider action, if any, on items discussed in the Executive Session.

At 8:58 p.m., the Mayor and Council reconvened with no action taken in executive session.

Motion by Alderwoman Randall, seconded by Alderman Henandez, to instruct staff to implement the policy discussed in the executive session.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.

The twenty-third order of business was Informational Items.

- City Secretary Rodriguez informed the Mayor and Council the Medina County Appraisal District Board members would be Cynthia Malone, Kyla Schuehle Burell, Jody Jacobs, Mamie Navarro, and Cindy Segovia. Jerry Beck did not get elected.
- Alderman Randall asked how the Interlocal Agreement was coming along for the Streets with the County. Mayor Cook advised that they are working on getting started with Burnt Boot Creek. Alderman Randall addressed her concerns about Spring and Summer coming up, and there is no list. She wants it on the next agenda.
- Alderman Randall asked about the Pump for the Golf Course. City Administrator Jordan advised a proposal was received, and the pump has been replaced. He informed that the total was \$22,000 for replacement and the City's portion was \$11,000.
- Alderwoman Pyron advised that a portion of her district is still out of internet, and one resident needs the internet for medical reasons. City Administrator Jordan advised that he would see what he could do.
- City Administrator Jordan reminded everyone that we have started utilizing the Facebook Page.
- Mayor Cook reminded everyone about the I-Info to receive City and/or County updates.

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The twenty-fourth order of business was to Review the Investment Report.

The Council reviewed the report.

There being no further business to come before the governing body, a motion was made by Alderwoman Pyron, seconded by Alderwoman Randall, to adjourn the meeting.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Vega

Motion carried.



City Secretary



Mayor