

Minute
Special Meeting
March 4, 2024

On this 4th day of March 2024, at 6:02 p.m., the City Council of the City of Devine convened in a Special 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
Aldерwoman Debbie Randall
Alderman Flipper Vega
Alderman Josh Ritchey
Alderman Michael Hernandez

Absent being Alderwoman Pyron, 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; Tom Cate, City Attorney and City Engineer Raul Garcia Jr.

Others Present: Ron & Sandra Richards, Brian Navarro, Cory Thompson, Fire Chief Greg Atkinson, Zach & Debbie Beadle, and Jimmy Earnest with AEP.

Mayor Butch Cook, presiding, declared the meeting open.

The first order of business was to consider and act upon ratifying and confirming the Appointment of the Members to the Economic Development Committee.

City Administrator David Jordan addressed the Mayor and the Council that the Texas A&M University approached the City regarding a "Community as a Start-Up (CASU) Program Initiative. He advised this is grant funded organization that helps rural cities to be able to give a profile concerning Economic Development and so forth. We were approached at the beginning of February with a short timeline regarding their availability to create this committee, and they recommended a committee that represented a broad section of the community, which includes educators, community nonprofit leaders, business leaders, spiritual leaders, and council leaders. We asked for volunteers, approached the people who fit the category, and came up with a list of twelve. We had our first meeting on February 29th here at the community center. There will be six meetings about four weeks apart for an 8-9-month process, and after the information is compiled then, a report will be given to the city. This report will show the condition of the City and how to move forward with the City. So, the motion on the table is to ratify the members of the committee and move forward with this process.

Mayor Cook informed the Council that they should have received a list of the committee in their packet, and much care and thought went into compiling this.

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Alderwoman Randall advised that she thinks the program is great for Devine and she does not have a problem with any of the committee members. Her concern is that according to our code of ordinances, our rules of council procedures, and state statutes, that the Mayor nor the City Administrator do not have the right to appoint a committee that would represent the City. She advised that this was set and done and announced in the newspaper without the Council's knowledge or approval. She stated that in past years, the Council has taken grief for not having an open call for anyone interested to serve in a committee. She advised that this was discussed in at least two meetings by other Councilmembers, and now here we are, having a committee selected without the Council or Community input.

Alderman Ritchey said he agreed with some of the concerns addressed and feels that a social media post or something could be made to let the public have a chance to respond.

Alderman Hernandez stated he was happy with this program, and with the committee, and if the Council felt he should not be on the committee, then any of them want to take the next step. Alderwoman Randall clarified for Alderman Hernandez that this is not the problem. Alderman Hernandez advised that the problem was that it did not come to the Council for us to vote on it, and it was set up within a week. Mayor Cook advised that it was finalized a few days before and that they were not trying to subvert the authority of the Council. He stated that we had our meeting on this on February 1st, and we had a special meeting a few days after that, and nothing was confirmed, so we could not bring it before the Council. He advised that we had an early window and this is a 6-8-month process. we had an early window to get our foot in the door, and we decided to do so. He pointed out that everyone on Council was notified by an email as early as February 5th and followed with a packet two days later. This was not meant to subvert anyone. He advised that every effort will be made to bring things to Council. He let the Council know that this is fully funded and will not cost them anything. Alderman Ritchey advised again about giving everyone an opportunity to participate and post it on social media and newspaper. He has no problem with this.

Motion made by Alderman Ritchey, seconded by Alderman Hernandez to appoint the Committee.

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

Motion carried.

The second order of business was to consider and act upon Council Appointments for the Zoning Reform Committee.

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City Administrator David Jordan advised that he needed to verbalize his concerns on this. He said that it reads the Committee will report to the Council. He would like to have it include the Planning & Zoning Commissioners since it is a Zoning Reform Committee to get their input. He would also like for a city planner to be in the process, as an advisory role, so he could give them advice.

Alderman Ritchey confirmed that originally, they were reported to the Planning & Zoning Commissioners. He advised that in fear of this taking longer, how do we channel this through? The Mayor advised that we have a meeting in two weeks. Alderwoman Randall asked our City Attorney, Tom Cate if we could just change this and he advised yes, it can be changed. He advised that the Council can move forward with nominating the committee.

The Mayor and Council held a lengthy discussion on this item and hiring a city planner.

Alderman Ritchey nominated Steve Smith, and Alderwoman Randall nominated Cory Thompson. She stated she had another nomination in case someone wanted to nominate Cory Thompson. Alderwoman Pyron was absent. Alderman Hernandez spoke with a few people; however, he could not find anyone to commit. Alderman Vega could not find anyone.

Motion by Alderman Ritchey, seconded by Alderwoman Randall to approve the nominations of Steve Smith and Cory Thompson to the Zoning Reform Committee.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.

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

Auditor Dusty Roth with Coleman, Horton & Company addressed the Mayor and Council on the Audit for 2022-2023. He went over the opinion letter for the audit and advised that the City obtained the highest-level opinion and had no findings. He informed the city ended up with a surplus in the budget.

The Mayor and Council held a discussion with the Auditor on the Audit.

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

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.

The fourth order of business was to consider and act on amending Chapter 46 of the Code of Ordinance—Fire Prevention and Protection Sections 46-1 and 46-2.

Alderman Ritchey informed the Mayor and the Council that a lot of people could not afford to get roll-offs or to pay to go to the dump. He would like to make it easier for them. Fire Chief Atkinson advised that the County come out and inspect the area to burn for safety and weather concerns.

The Mayor and Council held a discussion with Fire Chief Atkinson. It was suggested that the Fire Chief and City Administrator work on a policy change.

Motion by Alderman Ritchey, seconded by Alderman Hernandez, to have the Fire Chief and the City Administrator work on a policy/ordinance and bring it back to the Council.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.

The fifth order of business is to consider and act upon adopting a Resolution for a Water Conservation Plan to comply with the requirements of the Texas Water Development Board.

City Administrator David Jordan explained that the City needs to adopt this resolution to comply with applications the City has submitted for grants and loans. He advised that our City Engineer, JR, put this together. Mayor Cook stated that it refers to the 2009 Plumbing Code or does it need to be updated to the 2021 Plumbing Code. City Administrator David Jordan advised that, Yes, effective today, the Code took effect, so this would need to be modified. Alderman Ritchey would like this item to be brought back to the Council later to amend.

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The Mayor and Council held a discussion on this item.

Motion by Alderman Ritchey, seconded by Alderman Hernandez, to adopt 3-24 Resolution for adopting a Water Conservation Plan to comply with the requirements of the Texas Water Development Board with amending to reflect the 2021 Plumbing Code.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron.

Motion carried.

The sixth order of business was to consider and act upon amending the Community Center Rules – Schedule of Deposits and Fees for Non-Profits.

Alderman Ritchey stated that we cannot pick and choose to waive Deposits and Fees. We either charge it or not charge it. We must be consistent or remove it.

The Mayor and Council discussed the current Deposits and Fees for the City Nonprofit and the Non-City Nonprofit.

Motion by Alderman Hernandez, seconded by Alderwoman Randall to keep the existing Community Fee Schedule.

Ayes	--	Three – Alderman Hernandez, Alderwoman Randall and Alderman Vega
Nays	--	None
Abstain	--	One – Alderman Ritchey
Absent	--	One – Alderwoman Pyron

Motion carried.

The seventh order of business was to consider and act upon accepting the Certification of Unopposed Candidates. *La séptima orden de negocio fue actuar y considerar aceptar el Certificado de los Candidatos Sin Oposición.*

City Administrator David Jordan informed the Mayor and the Council that we have an unopposed candidate for District 4 for this election. *El Administrador de la Ciudad, David Jordan informo a el Alcalde y el Concilio que tenemos un candidato sin oposición para el Distrito #4 para esta elección.*

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Motion by Alderwoman Randall, seconded by Alderman Henandez to accept the Certification of Unopposed Candidates. *Mocionado por la Concejal Randall y secundado por el Concejal Hernandez de aceptar el Certificado de Candidatos Sin Oposición.*

Ayes	--	Three	— Alderwoman Randall, Alderman Henandez and Alderman Vega
Si	--	Tres	— Concejal Randall, Concejal Hernandez y Concejal Vega
Nays	--	None	
No	--	Ninguno	
Abstain	--	One	— Alderman Ritchey
Abstener	--	Uno	— Concejal Ritchey
Absent	--	One	— Alderwoman Pyron
Ausente	--	Uno	— Concejal Pyron

Motion carried. *Moción llevada a cabo.*

The eight order of business was to consider and act upon Ordering the Cancellation of the Election for Alderman District 4. *La octava orden de negocio fue actuar y considerar la Cancelación de Elección para Concejal Distrito #4.*

City Secretary Dora V. Rodriguez informed the Mayor and the Council that is part of taking it off the ballot. *La Secretaria de la Ciudad Dora V. Rodriguez informo a el Alcalde y el Concilio que esto es necesario para quitarlo de la boleta.*

Motion by Alderwoman Randall, seconded by Alderman Hernandez to order the Cancellation of the Election for Alderman District 4. *Mocionado por la Concejal Randall y secundado por el Concejal Hernandez de ordenar la Cancelación de la Elección para el Concejal Distrito #4.*

Ayes	--	Three	— Alderwoman Randall, Alderman Henandez and Alderman Vega
Si	--	Tres	— Concejal Randall, Concejal Hernandez y Concejal Vega
Nays	--	None	
No	--	Ninguno	
Abstain	--	One	— Alderman Ritchey
Abstener	--	Uno	— Concejal Ritchey
Absent	--	One	— Alderwoman Pyron
Ausente	--	Uno	— Concejal Pyron

Motion carried. *Moción llevada a cabo.*

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The ninth order of business was to consider and act upon recommendation from the Planning & Zoning Commissioner's Meeting held on February 26, 2024.

- A. Request by Zachary Beadle, 411 W Benton, for a Variance to be allowed to park his truck on the City Street Right of Way.

Mr. Beadle addressed the Mayor and the Council on why he needed this request for his business.

Motion by Alderman Ritchey, seconded by Alderman Vega to accept the recommendation of the Planning & Zoning Commission to grant a one-year variance.

All	--	Three -- Alderman Ritchey, Alderman Vega, and Alderman Hernandez
Nays	--	One -- Alderwoman Randall
Absent	--	One -- Alderwoman Pyron

Motion carried.

- B. Request by William Colby & Brittany Ott for a Variance for the exemption of a Public Restroom in the Portable Building located at 518 N. Teel Drive, which bears the following description of Devine Block 70, Lot 1 (R14827).

At this time, Mayor Cook asked if anyone was present for this item. There was no one present. Mayor Cook went over with the Council that the 6-month variance has expired and that the Planning & Zoning Commission recommended granting a variance for one year. Alderwoman Randall stated that there were still no restrooms. Alderman Ritchey asked if there were plans for restrooms. They discussed that at the Planning & Zoning meeting, Mr. Ott advised that he had plans but not for 4-5 years.

Motioned made by Alderman Ritchey to approve up to one-year variance. Motion died for lack of a second.

Motion by Alderwoman Randall, seconded by Alderman Hernandez to deny the variance.

All	--	Three -- Alderwoman Randall, Alderman Hernandez and Alderman Vega
Nays	--	One -- Alderman Ritchey
Absent	--	One -- Alderwoman Pyron

Motion carried.

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C. Request made by G & E Custom Homes for Variances of Lots 1 through 9 Block 2 NCB 140 Cactus Flats Subdivision Phase 2.

Cory Thompson addressed the Mayor and the Council that this was to grant a variance that was granted for Phase 1.

The Mayor and the Council held a discussion with Mr. Thompson on his item.

Motion by Alderman Ritchey, seconded by Alderwoman Randall, to approve the recommendation of the Planning & Zoning Commission to grant variances.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.

At this time, City Attorney Tom Cate informed the Mayor and the Council that you have a representative on agenda 10 b. He advised that they could go back to that item. The Mayor asked the City Attorney if they needed a motion, and the answer was yes.

Motion by Alderman Ritchey, seconded by Alderman Hernandez to return to Agenda Item 10B since Mr. Ott is present.

Ayes	--	Three – Alderman Josh, Alderman Hernandez and Alderman Vega
Nays	--	One – Alderwoman Randall
Absent	--	One – Alderwoman Pyron

Motion carried.

Mr. Ott addressed the Mayor and Council, stating that he had been told that the City denied his variance request. After a lengthy discussion, the Mayor, Council, and Mr. Ott concluded that under State Law, he could place a Port-a-Potty, and he would be okay. The Council informed Mr. Ott that he should place the Port-a-Potty in the back and keep it locked.

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Motion by Alderwoman Randall, seconded by Alderman Hernandez to deny the variance.

All	--	Three	— Alderwoman Randall, Alderman Hernandez and Alderman Vega
Nays	--	One	— Alderman Ritchey
Absent	--	One	— Alderwoman Pyron

Motion carried.

The tenth order of business was to consider and act upon approving the Code Compliance Fee Schedule.

The City modified the fee schedule as requested; however, the Fire Department has an additional format they would like us to use, so the Council will need to be provided with the final format.

Fire Chief Atkinson told the Mayor and the Council that what they were given tonight was not the correct format. It is not what is in the contract. He advised that there is not much of a difference. He advised that we showed Bureau Veritas fees instead of ours. It does show our simplified version.

Alderwoman Randall suggested the form be changed to show each column.

Motion by Alderman Ritchey, seconded by Alderwoman Randall, to table this item until the next meeting to have the form changed.

Ayes	--	Four
Nays	--	None
Absent	--	One — Alderwoman Pyron

Motion carried.

The eleventh order of business was to consider and act upon Airport Contract Proposals.

City Administrator David Jordan informed the Mayor and the Council that he has been speaking with individuals who are interested in the airport. One of them decided that the airstrip was not long enough. We still have Mr. Hameed, with his proposal of \$2,000 a month rental for hangar 10 as is for one year. He advised that he has a proposal from Mr. Dallas Collins, who wants to rent it for \$500 a month and modify the building, taking the RAMP money to modify the building and putting up to an additional \$100,000 into hangar 10 for the next three years.

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Mr. Collins will rebuild the restrooms, do a lounge, do all the plumbing, and rebuild offices. City Administrator David Jordan let the Mayor and the Council know that Mr. Collins had concerns with the Water Well.

The Mayor and Council held a discussion on the item.

Motion by Alderman Ritchey, seconded by Alderman Hernandez, to have the City Administrator negotiate a contract with Mr. Dallas Collins.

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

Mayor Cook broke the tie with the Ayes.

Motion carried.

The twelfth order of business was to consider and act upon the Council to authorize the City Administrator to cash in the PNC Money Market Account ending in 4924 for the purpose of using the funds to pay for the Bain Well Repair Project.

City Administrator David Jordan informed the Mayor and the Council that they had already approved the repair of the Bain Well for \$140,500. This Money Market Account can be used to pay for this project, and then we cash the remaining and place this money in a Money Market Account with a better interest rate. He went over the list of different banks with their interest rates.

Motion by Alderwoman Randall, seconded by Alderman Vega, to authorize the City Administrator to cash in the money from the PNC Money Market Account ending 4924 to use towards the Bain Well repair.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.

The thirteenth order of business was to consider and act upon getting direction from the Council on cashing in the PNC Money Market Accounts ending in 4924 and 4772 or placing the remaining funds in CDs.

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Discussion was held on the various options for placing the rest of PNC Money Market Accounts ending 4924 & 4772 or placing the remaining funds in CDs. The Mayor and Council went over the different interest rates.

Motion by Alderwoman Randall, seconded by Alderman Hernandez, to move the funds from the PNC Money Market Accounts ending in 4924 and 4772 to the Lone Star Investment.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.

The fourteenth order of business was to consider and act upon the City Property Appraisals.

City Administrator David Jordan informed the Mayor and the Council that the appraisal for the 38.71 acres was received, and the land was appraised at \$968,000. He advised that the 28 acres are being appraised right now and that we will be able to use the TIRZ money for this.

This was just an informational item. No action was taken.

Motion by Alderman Ritchey, seconded by Alderman Vega, to move to agenda item 17 at this time.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.

The fifteenth order of business was to consider and act upon approving the Franchise Agreement with AEP.

City Attorney Tom Cate recommended to the Mayor and the Council that they approve the Franchise Agreement for 15 years instead of 30 years. Jimmy Earnest with AEP advised that AEP was okay with the years.

A discussion was held on this item.

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Motion by Alderwoman Randall, seconded by Alderman Hernandez, to approve the Franchise Agreement for 15 years with AEP with the effective date as March 4, 2024.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.

The sixteenth order of business was to consider and act upon approving an Estimate from STX Electrical Contracting Services LLC in the amount of \$10,000 to repair the Electrical at the Devine Golf Club House.

City Administrator David Jordan informed the Mayor and the Council that an inspection was done on the wiring in the ceiling at the Clubhouse, and it was determined that the wiring was correct. He advised that we received the proposal from STX Electrical Contracting Service in the amount of \$10,000.

The mayor, the Council, the City Attorney, the City Administrator, and the Director of Public Works discussed this item.

Motion by Alderman Ritchey, seconded by Alderman Hernandez, we authorize the City Administrator to obtain two more bids not to exceed \$10,000 and amend the Budget.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.

At 8:30 p.m., the Council took a recess.

At 8:48 p.m., the Council reconvened back in session.

The seventeenth order of business was to consider and act upon the Street Paving Priority List.

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The Council was presented with a list of the following streets:

- Zig Zag \$33,880.89
- Windy Knoll (Colonial Parkway to Hwy 173) \$65,784.56
- West Malone (Jack Nicklaus to Ingram) \$42,165.86
- Webb (CR 3176 to Fullerton) \$6,421.21
- Colonial Parkway (Allman to Libold) \$39,885.47
- McAnnely (Hwy 173 to Jamison) \$11,745.34
- Bright (Hwy 173 to Dilley) \$18,975.52

Devine Drive and W Coker were not on this list due to the water pipe replacement project. Alderman Hernandez asked if Live Oak could be considered.

A discussion was held on the streets, drainage, and flooding.

No action was taken for this item.

The eighteenth order of business was to consider and act upon for the City of Devine to be included in the Medina County Emergency Management Plan and accept the appointment of Mark Chadwick as the Coordinator and Lt. Chris Andrews as Assistant Coordinator.

Motion by Alderman Ritchey, seconded by Alderman Hernandez, for the City of Devine to be included in the Medina County Emergency Management Plan and accept the appointment of Mark Chadwick as the Coordinator and Lt. Chris Andrews as Assistant Coordinator.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.

The nineteenth order of business was to consider and act upon an Executive Session: Pursuant to Section §551.076 and §551.089 of the Texas Government Code.

- a. §551.076 & §551.089 Deliberate Security Devices for the City's Information Technology System and Network System.

At 9:21 pm, the Council went into Executive Session.

At 9:39 pm, the Council reconvened with no action taken in executive session.

The twentieth order of business was to reconvene to Regular Session and Consider Action, if any, on Items discussed in Executive Session.

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Motion by Alderwoman Randall, seconded by Alderman Vega to have the City Administrator proceed per discussion held in Executive Session.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.

The twenty-first order of business was Informational Items.

The Mayor wanted to let everyone know that resident Chris Davis thanked the Director of Public Works and staff for being very professional. He also advised that Mr. Chapa wanted to thank the Police Department for a better presence.

The Mayor informed everyone that the Current Events Club sent a nice thank card to the City regarding the Wreath Across America Event.


Alderman Ritchey wanted to thank the City Administrator, David Jordan, for doing an outstanding job with the community outreach.

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

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderwoman Pyron

Motion carried.


City Secretary


Mayor