

Minutes
Regular Meeting
December 10, 2024

On this 10th day of December 2024, at 6:00 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 Jeff Miller
Alderman Michael Hernandez

Absent being Alderman Josh Ritchey, thus, constituting a quorum.

Personnel Present: David L. Jordan, City Administrator; Dora V. Rodriguez, City Secretary; Denise Duffy, City Accountant; Simon Davila, Superintendent of Public Works; Kandy Benavides, Police Chief; and Chris Andrews, Lt. Officer.

Others Present: Anton Riecher, Devine News; Raul Gonzales, Jr. & Cami Cullom, Community Unlimited; Miriam Garcia, Virginia Davis, Barbara Page, Sondra Rackley, Mary Herrera and Susan Wisenbaker, Devine Garden Club.

Alderman Miller 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 under this item.

The third order of business was Public Recognition.

There was no public recognition.

The fourth order of business was Employee Recognition.

Alderwoman Randall wanted to thank Debi and her staff at the Driscoll Public Library. They schedule great events and experiences for our children.

Alderman Gonzales wished to thank everyone in the City for the flowers and card.

Mayor Cook presented Chief Kandy Benavides with a plaque to thank her for 40 years of service & leadership to the City of Devine.

Regular Council Minutes

December 10, 2024

Page 2

The fifth order of business is the Approval of the Minutes for the Regular Meeting on October 15, 2024, the Special Meeting on October 22, 2024, the Special Meeting on November 7, 2024, and the Regular Meeting on November 19, 2024.

Motion by Alderwoman Randall, seconded by Alderman Miller, to approve the minutes for Regular Meeting October 15, 2024; Special Meeting October 22, 2024; Special Meeting November 7, 2024; and Regular Meeting November 19, 2024.

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

Motion carried.

The sixth order of business was Presentation – Communities Unlimited Water & Sewer Rate Study.

Mr. Raul Gonzales Jr., South Texas Coordinator of Communities Unlimited, and Cami Cullom addressed the Mayor and Council on the water/sewer rate study results. They advised that the rates need to increase after reviewing the City's audits, budgets, and 12-month billing information. With this study, the City Council determined the new water/sewer rates beginning January 2025.

No Action was taken.

The seventh order of business was to consider and act upon the upkeep of the 4-Corners on State Hwy 173 & State Hwy 132.

Miriam Garcia, President of the Devine Garden Club, addressed the Mayor and Council on the issue at the 4-corners. She advised that the State of Texas Highway Department (TxDOT) gave the Devine Garden Club guardianship of the 4-corners. She stated that it is their duty to keep up with the corners. The issue is that people drive stakes (wood or metal) into the ground for banners and end up causing damage to the water pipes for the sprinkler system. These damages cost thousands of dollars, which Garden Club must cover. They have put permanent banner holders on the ground at the Scoots Corner and the Church's Chicken Corner, but they are not being used. Another issue is that the Garden Club has the authority for the placement of signs or decorations, and no one has asked for permission.

Mrs. Garcia is asking the Council what can be done. Mayor Cook suggested the City take over the corners for permission and such for the Garden Club. After a short discussion, it was decided that Mrs. Garcia & David Jordan would discuss and develop a plan to be brought to the Council for more discussion in January 2025.

Regular Council Minutes

December 10, 2024

Page 3

No Action Taken.

The eighth order of business was to consider and act upon using the balance of the ARPA Money for Streets.

City Administrator Jordan informed the Mayor and Council that \$455,266.74 is still available from the American Rescue Plan Act that Devine received from the federal stimulus bill. He advised that in order to keep this money, we need to earmark it with a project. He suggested using it for streets.

Motion by Alderman Miller, seconded by Alderwoman Randall, to earmark the \$455,266.74 ARPA funds for our street project.

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

Motion carried.

The ninth order of business was to consider and act upon awarding the Bid to D. Plata Construction for the 2024 Street Improvement - Zig Zag Ave. & W. Malone Drive.

JR Garcia, City Engineer, addressed the Mayor and Council on the bids received for Zig Zag & W Malone. He advised that the best bid was received from D. Plata Construction Company for \$584,659.83. He advised that he worked with this company previously and received good reviews.

Motion by Alderwoman Randall, seconded by Alderman Gonzales, to award the project to D Plata Construction Company for \$584,659.83.

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

Motion carried.

The tenth order of business was to consider and act upon approving the Cost Estimate for 6S Engineering for the replacement of the Pumps & Pump Room at the Warhorse Tower.

City Administrator Jordan advised that 6S Engineering was not ready to discuss this project at this time.

Regular Council Minutes

December 10, 2024

Page 4

Motion by Alderwoman Randall, seconded by Alderman Gonzales, to table the item to a future meeting.

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

Motion carried.

The eleventh order of business was to consider and act upon the Final Revision of the ASR Contract.

City Administrator Jordan submitted the final revision of the ASR contract to the Council.

Mayor & Council held a discussion on this item.

Tom Cate, City Attorney, stated it is legally sound for the City to sign.

Motion by Alderwoman Randall, seconded by Alderman Miller, to approve the final revision for the ASR contract.

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

Motion carried.

The twelfth order of business was to consider and act upon approving the Rental Contract for Hangar 8 & 8A to Mario McGee.

City Administrator Jordan informed the Mayor and Council that the contract is for 7 years, and the monthly rent is \$620.50 for Hangar 8 and \$571.00 for Hangar 8A. He also advised that the contract states that the annual increases will be no larger than 3% each year.

Alderwoman Randall advised that all other hangars the City owns can increase by 10%, and the land leases can only increase by 3%. She suggested that the Council change this to 10%.

Alderman Gonzales advised that he is worried Mr. McGee will not want the hangars with up to a possible 10% increase annually since the contract has been given to him already to review.

Alderwoman Randall stated that she was only looking out for the City and its future.

Motion by Alderman Miller, seconded by Alderman Hernandez, to approve the contract as written.

Regular Council Minutes

December 10, 2024

Page 5

Ayes	--	Three
Nays	--	One – Alderwoman Randall
Absent	--	One – Alderman Ritchey

Motion carried.

The thirteenth order of business was to consider and act upon approving the Rental of Hangar 6 Bay 8 to Richard Spivey.

City Administrator Jordan advised that the lease is for 5 years, with a monthly rent of \$300.00. He stated that this contract also states that annual increases will not be larger than 3% each year.

Alderwoman Randall asked for this to be changed to 10%, as all the other bays are leased with a possible 10% increase. She advised that the city administrator sent this contract to Mr. Spivey before the Council approved it.

Motion by Alderman Hernandez, seconded by Gonzales, to approve the contract as written.

Ayes	--	Three
Nays	--	One – Alderwoman Randall
Absent	--	One – Alderman Ritchey

Motion carried.

The fourteenth order of business was to consider and act upon amending the Ordinance, adding a new article for Limitations on Registered Sex Offenders to establish definitions, restrict a Registered Sex Offender from going within 1,000 feet of any Child Safety Zone, provide for affirmative defenses and exceptions providing a penalty in an amount not to exceed \$2,000 for any violation of the Ordinance with each day constituting a separate offense, and providing for severability.

Lt. Andrews addressed the Mayor and Council about amending and adding a new article regarding Registered Sex Offenders. He advised that this is being done proactively. He stated that now these limitations are not in existence for people moving in from another state; however, we have not had a problem to date. If this is approved, no current registered sex offenders will be required to move.

Motion by Alderwoman Randall, seconded by Alderman Miller, to approve Amending Ordinance adding a new article for Limitations on Registered Sex Offenders, to establish definitions, to restrict a Registered Sex Offender from going within 1,000 feet of any Child Safety Zone, to provide for affirmative defenses and exceptions providing a penalty in an amount not to exceed \$2,000 for any violation of the Ordinance with each day constituting a separate offense, and providing for severability. Ordinance #12-24

Regular Council Minutes

December 10, 2024

Page 6

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

Motion carried.

The fifteenth order of business was Informational Items.

- Alderwoman Randall thanked City Administrator Jordan for including informational updates in our meeting packets for the last 2 meetings.
- Alderwoman Randall inquired about the Ordinance for the water/sewer rate increase. She asked if it would be in the Newspaper on Dec. 12th because we must give 30 days' notice in the paper for the water/sewer rate increases. City Administrator Jordan replied that the rate increase would be included in the December city Newsletter, and we would have the ordinance printed in next week's paper. City Attorney Cate did state that we should be okay if the ordinance is published in next week's paper.
- Alderwoman Randall was surprised that our police department only wrote 14 tickets for November. Chief Benavides came to the podium to advise that she & Lt. Andrews have been taking over the investigator position. They are trying to refocus on getting the officers to get out and about.
- Alderman Miller inquired about what types of questions can be asked under Informational. Mayor Cook suggested emailing David prior to the meeting to get answers or ask for things to be put on the agenda.
- Alderman Hernandez asked how to determine which streets have the most traffic complaints. He stated he would ask for it to be put on the agenda for the next meeting.
- City Administrator Jordan advised that TCEQ came out for an unscheduled inspection. Two potential violations were noted in the inspection report. One was for a piece of equipment for the wastewater plant that had not been in operation for approximately 20 years. There was no paperwork to indicate when it was decommissioned and taken out of operation by the city. Once the paperwork is filed, the violation will no longer be valid. The other potential violation was a small leak that was taken care of.

At 7:42, the Mayor and the Council took a recess.

At 7:52, the Mayor and the Council returned from recess.

The sixteenth order of business was Executive Session- Pursuant to Section 551.074 of the Texas Government Code - Personnel Matter. Employment contract negotiations with David Jordan, City Administrator

At 7:52 p.m., the Mayor and Council went into an Executive Session.

At 8:33 p.m., the Mayor and Council Reconvened to return to the Open Session.

Regular Council Minutes

December 10, 2024

Page 7

The seventeenth order of business was RECONVENE into Regular Session and Consider Action, if any, on Items discussed in Executive Session.

No action was taken in Executive Session.

The nineteenth order of business was to consider and act upon the Employment Contract with David Jordan, City Administrator.

Alderman Miller motioned, seconded by Alderman Hernandez, to have Tom Cate make amendments to the contract as discussed in the executive session and bring it back to the next council meeting.

Ayes	--	Three
Nays	--	One – Alderwoman Randall
Absent	--	One – Alderman Ritchey

Motion carried.

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

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

Motion carried.


City Secretary


Mayor