

Minutes
Regular Council Meeting
January 15, 2013

On this 15th day of January 2013, 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 their regular meeting place; thereof, at City Hall, 303 S. Teel Drive, Devine, Texas. 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 William L. Herring
Alderman Hal Lance
Alderdwoman Kathy Wilkins
Alderdwoman Gina Champion
Alderman Steve A. Lopez
Alderman David Valdez

Thus, constituting a quorum.

Personnel present: Tom Cate, City Attorney; Dora V. Rodriguez, City Secretary; Denise Duffy, City Accountant; Ofilia H. Pedroza, Assistant City Secretary.

Others present: Linda McAnelly, Devine ISD; Sandy Herrera, Devine News; James Armstrong, Medina Valley Times; David Mueller, West Texas Gas; Annette Bargainer, Langford Community Management Services; David, Sandra, Angel and Joseph Espinosa, Ofelia Mendoza, Monica Camacho, Hortencia Flores, Eddie Camacho, Mary Jane Balderrama, Robyn Teague, Vanessa Monreal, Sonia Lance, Nikki Taylor, all from Devine Texas.

Mayor Herring, presiding, called the meeting to order. Mayor Herring also delivered the Invocation and led the Pledge of Allegiance.

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

No one signed up under this item.

The second order of business was Recognition.

Mayor Herring recognized Joseph "Espy" Espinosa for representing Devine in the UIL Texas State Cross Country Championship.

The third order of business was to discuss and consider Approval of Minutes: Regular Council Meeting for November 20, 2012.

Motion by Alderdwoman Champion, seconded by Alderman Lopez to approve the Minutes for Regular Council Meeting November 20, 2012.

Ayes -- Five
Nays -- None

Motion carried.

The fourth order of business was to discuss and consider approving Master Park Plan Priorities.

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Annette Bargainer with Langford Community Management Services explained that the Priorities List was gathered from surveys and Public Meetings. She stated that Council needed to approve them or change them at this time.

Council reviewed the list.

Ms. Bargainer informed Council that the Parks and Wildlife application is based off the Priorities List.

Linda McAnelly, with Devine ISD, stated that the school had sent home surveys with their students regarding the Project. She also expressed thanks to the City on behalf of Devine ISD and the School Board.

Ms. Bargainer mentioned that if amendments needed to be made later on that would not be an issue.

List of Master Park Plan Priorities attached as Exhibit A.

Motion by Alderwoman Champion, seconded by Alderman Lance to approve the Master Park Plan Priorities.

Ayes	--	Five
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider approving resolution adopting Park, Recreation and Open Space Master Plan.

Mayor read Resolution.

Resolution 1-13A and Master Park Plan attached as Exhibit B.

Motion by Alderman Lopez, seconded by Alderman Valdez to adopt resolution adopting Park, Recreation and Open Space Master Plan.

Ayes	--	Five
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider denying the rate increase requested by West Texas Gas, Inc.

Tom Cate, City Attorney, stated that the rate increase was previously suspended to allow time to come to an agreement and since no agreement was made then the next step would be to deny the rate increase.

David Mueller with West Texas Gas, Inc. agreed with Mr. Cate.

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Motion by Alderwoman Wilkins, seconded by Alderwoman Champion to deny the rate increase by West Texas Gas, Inc.

Ayes	--	Five
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider recommendation of the Planning & Zoning Commission for Meeting held on January 7, 2013:

- a. **Council-Public Hearing** on request made by Gilbert Camacho for a carport to encroach approximately one and a half feet into a platted alley on the northern side of property at 402 Wilson Drive (Devine, Block 4, Lot 7 & 8 (North ½), 0.18 acres), which is currently zoned Class I. Light-Industrial District.

Council held brief discussion.

Public Hearing

At 6:21 p.m., Mayor Herring announced that the Public Hearing was open.

There were no comments from the public.

At 6:22 p.m., Mayor Herring closed the Public Hearing.

Motion by Alderman Lopez, seconded by Alderman Valdez to accept the recommendation of the Planning & Zoning Commission for Meeting held on January 7, 2013 to approve the request made by Gilbert Camacho for a carport to encroach approximately one and a half feet into a platted alley on the northern side of property at 402 Wilson Drive and to waive the penalty fee for starting work without a permit.

Ayes	--	Five
Nays	--	None

Motion carried.

The eighth order of business was to discuss and consider approving for the City of Devine to purchase a LED sign to replace the current sign at the Community Center.

Robyn Teague, Devine Chamber of Commerce President, informed the Council that the Chamber wanted to upgrade the marquee located at the Community Center. She briefed the Council on the advantages of the new sign as well the specifications of the sign and how much it was going to cost.

Alderwoman Wilkins asked if the sign would be used for advertising.

Sandy Herrera, Chamber Member stated that if the Hotel/Motel Tax was used that would have to be discussed.

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Tom Cate, City Attorney mentioned that the City would have to make sure the sign would promote Devine if the Hotel/Motel Tax was used to purchase the sign. He said that if other funds were used instead then the sign could be used for advertising and other purposes.

Council held brief discussion.

Dora V. Rodriguez, City Secretary explained that if the Hotel/Motel Tax was not spent by the end of the fiscal year then the money would be deposited back into the General Fund.

Motion by Alderwoman Wilkins, seconded by Alderwoman Champion to Table the item until the next meeting.

Ayes	--	Five
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider adopting an ordinance amending the Zoning Ordinance to rezone from Class A – Single Family Residence to Class F – Neighborhood Shopping Center, the following properties: 510 Hondo Ave. W. (R14919); Hondo Ave. W. (R14917); 604 Hondo Ave. W. (R14922); 606 Hondo Ave. W. (R14923); 605 Hondo Ave. W. (R14924); 617 Brown Ave. W. (R14927); Hondo Ave. W. (R14928); 700 Hondo Ave. W. (R59677) and 703 Hondo Ave. W. (R14929).

Mayor Herring explained that the recommendation from the Planning & Zoning Commission had already been approved by Council but the ordinance had not been adopted.

Ordinance 1-13 attached as Exhibit C.

Motion by Alderman Lopez, seconded by Alderman Lance to adopt an ordinance amending the Zoning Ordinance to rezone from Class A – Single Family Residence to Class F – Neighborhood Shopping Center, the following properties: 510 Hondo Ave. W. (R14919); Hondo Ave. W. (R14917); 604 Hondo Ave. W. (R14922); 606 Hondo Ave. W. (R14923); 605 Hondo Ave. W. (R14924); 617 Brown Ave. W. (R14927); Hondo Ave. W. (R14928); 700 Hondo Ave. W. (R59677) and 703 Hondo Ave. W. (R14929).

Ayes	--	Five
Nays	--	None

Motion carried.

The tenth order of business was **Second Reading** on ordinance and discuss and consider adopting the ordinance amending Chapter 14 of the City Code of Ordinances Animal and Fowl.

Mayor read ordinance.

Council reviewed ordinance.

Ordinance 1-13B attached as Exhibit D.

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Motion by Alderwoman Wilkins, seconded by Alderwoman Champion to adopt the ordinance amending Chapter 14 of the City Code of Ordinances Animal and Fowl.

Ayes -- Five
Nays -- None

Motion carried.

The eleventh order of business was to Review Quarterly Investment Report.

Council reviewed Report.

The twelfth order of business was Informational Items.

- Police Department has a new Police Officer, Derek Aguilar.
- Eva Smith the School Resource Officer received several awards from the local V.F.W. and also qualified for State awards as well.
- Local elementary teacher Donna Zapata won V.F.W. awards at the State level and should be moving on to Nationals.
- Shannon Mars from LaCoste received a \$1,000 scholarship from the V.F.W.
- Roger & Ofilia Pedroza were awarded the Nights of Columbus Family of the Year.
- City Employee Bobby Keylich was out 4-6 weeks due to surgery.
- Thanks to Melissa R. for her help with the recent Food Drive.
- City to have an Auction from January 21st – January 28th
- Animal Control Department has a new truck.
- Planning & Zoning Commissioners Doug Wilkins and Darrell Murdock were recognized for years of service on the Planning & Zoning Commission.
- Zach Monreal and Jordan Fraga selected for the Class 3A All-State Football Team
- Kyle Saathoff was now a full pledged Eagle Scout, he thanked the City and Council for their help.
- There was a fire at 518 Williamsburg
- Mayor, District #2 and District #5 are up for Election this May.
- County has tire pickup Jan 26th – Feb 9th
- ESD meeting tomorrow night at 7 p.m. at fire house

There being no further business to discuss, motion by Alderman Lance, seconded by Alderman Lopez to adjourn the meeting.

Ayes -- Five
Nays -- None

Motion carried.

Mayor

City Secretary