

Minutes
Regular Council Meeting
March 19, 2013

On this 19th day of March 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
Alderwoman Gina Champion
Alderman Steve A. Lopez

Absent being Alderwoman Kathy Wilkins and Alderman David Valdez; thus, constituting a quorum.

Personnel present: Gary Pelech, City Administrator; Tom Cate, City Attorney; Dora V. Rodriguez, City Secretary; and Denise Duffy, City Accountant.

Others present: Sandy Herrera, Devine News; Robyn Teague, Chamber of Commerce; Brian Belt, Medina Electric Coop; Cindy Gonzalez, David D. Morgan, and Sonia J. Lance, of Devine.

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.

There was no recognition at this time.

The third order of business was to discuss and consider Approval of Minutes: Regular Council Meeting for February 19, 2013.

Motion by Alderman Lopez, seconded by Alderman Lance to approve the Minutes for Regular Council Meeting for February 19, 2013.

Ayes	--	Three
Nays	--	None
Absent	--	Two (Alderman David Valdez Alderwoman Kathy Wilkins)

Motion carried.

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The fourth order of business was to discuss and consider accepting receipt of Certification of Unopposed Candidates. *La cuarta orden de negocio fue discutir y considerar aceptar el Certificado recibido de los candidatos sin oposición.*

Motion by Alderwoman Champion, seconded by Alderman Lance to accept the receipt of Certification of Unopposed Candidates. *Moción formulada por la Concejal Champion y respaldado por el Concejal Lance de aceptar la certificación de los candidatos sin oposición.*

Ayes (<i>Voto a Favor</i>)	--	Three (<i>tres</i>)
Nays (<i>Voto en Contra</i>)	--	None (<i>ninguno</i>)
Absent (<i>Austente</i>)	--	Two-(<i>Dos</i>)-Alderman (<i>Concejal</i>) Valdez Alderwoman (la <i>Concejal</i>) Wilkins

Motion carried. (*Moción aprobado*).

The fifth order of business was to discuss and consider ordering Cancellation of Election for Mayor and Alderman District #2. (*Discutir y considerar ordenar la Cancelación de Elección para las carreras electorales de el Alcalde y el Concejal, Distrito #2, declarando candidatos elegidos.*)

Motion by Alderman Lopez, seconded by Alderwoman Champion to order Cancellation of Election for Mayor and Alderman District #2. *Moción formulada por el Concejal Lopez y respaldado por la Concejal Champion para ordenar la Cancelación de Elección para las carreras electorales de el Alcalde y el Concejal, Distrito #2, declarando candidatos elegidos.*

Ayes (<i>Voto a Favor</i>)	--	Three (<i>tres</i>)
Nays (<i>Voto en Contra</i>)	--	None (<i>ninguno</i>)
Absent (<i>Austente</i>)	--	Two-(<i>Dos</i>)-Alderman (<i>Concejal</i>) Valdez Alderwoman (la <i>Concejal</i>) Wilkins

Motion carried. (*Moción aprobado*).

The sixth order of business was to discuss and consider recommendation of the Planning & Zoning Commission for Meeting held on February 25, 2013 and March 11, 2013:

- a. Changing the zoning classification of property consisting of approximately 19 acres of land located along the north side of Hondo Avenue E. in the area of IH-35 in the City of Devine, from Class A. Single Family Residence District to Class H. Commercial Business District, which is proposed to included any or all properties with the following addresses: 1009 Hondo Ave. E; 697 Hondo Ave. E; 691 Hondo Ave. E; and Hondo Ave. E (R56806).

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Mayor Herring explained there are various items listed here because they were discussed at two different meetings. He said that items “a.” and “e.” are the same; in “a.” they were talking about drawing up a preliminary plan, and in “e.” they discussed making the preliminary plan at the next meeting. He explained to Council that they would take action in item “e.” and that for item “a.” Council could just acknowledge that Planning & Zoning developed a preliminary plan.

Motion by Alderman Lance, seconded by Alderman Lopez to Acknowledge that this item was discussed by Planning & Zoning to develop a preliminary plan, but no action was taken, on Changing the zoning classification of property consisting of approximately 19 acres of land located along the north side of Hondo Avenue E. in the area of IH-35 in the City of Devine, from Class A. Single Family Residence District to Class H. Commercial Business District, which is proposed to include any or all properties with the following addresses: 1009 Hondo Ave. E; 697 Hondo Ave. E; 691 Hondo Ave. E; and Hondo Ave. E (R56806).

Ayes	--	Three
Nays	--	None
Absent	--	Two (Alderman David Valdez Alderman Kathy Wilkins)

Motion carried.

- b. Variance request made by Deutsche Bank National Trust Company as trustee for Novastar Mortgage Funding Trust Series 2007-1 Novastar Home Equity Loan Asset-Backed Certificates, Series 2007-1, by Ocwen Loan Servicing, LLC as Attorney-in-Fact, for a variance to Article 3, Section 3 (Area Regulation), of the Zoning Ordinance which requires a minimum building plot area to contain 9,000 square feet, to be reduced to 7,744.4 Sq. Ft. as indicated on a preliminary plat of the Carrillo Subdivision, as prepared by Charles W. Rothe, Registered Land Surveyor.

Mayor Herring explained that items “b.” and “c.” were tabled by the Planning & Zoning Commission because, again, they needed more information.

Motion by Alderman Champion, seconded by Alderman Lopez to table item “b.” until a report and a recommendation is made by the Planning & Zoning Commission.

Ayes	--	Three
Nays	--	None
Absent	--	Two (Alderman David Valdez Alderman Kathy Wilkins)

Motion carried.

- c. Discuss and consider a variance request made by Deutsche Bank National Trust Company as trustee for Novastar Mortgage Funding Trust Series 2007-1 Novastar Home Equity Loan Asset-Backed Certificates, Series 2007-1, by Ocwen Loan Servicing, LLC as Attorney-in-Fact for a variance to Article 3, Section 3 (Area Regulation), of the Zoning Ordinance which requires a rear yard to have a depth of not less than 20-percent of the average depth of the lot to allow an existing house to encroach of 2.1 feet into said rear yard as specified on a preliminary plat of the Carrillo Subdivision as prepared by Charles W. Rothe, Registered Land Surveyor.

Mayor Herring explained that this item pertained to the same property as in “b.” and the Planning & Zoning Commission had asked a lot of questions. So, again, they tabled this item because they needed more information.

Motion by Alderman Lopez, seconded by Alderman Lance to table this item until we get a report from the Planning & Zoning Commission.

Ayes	--	Three
Nays	--	None
Absent	--	Two (Alderman David Valdez Alderwoman Kathy Wilkins)

Motion carried.

- d. **Public Hearing:** on Preliminary Report for changing the zoning classification of property consisting of approximately 19 acres of land located along the north side of Hondo Avenue E. in the area of IH-35 in the City of Devine, from Class A. Single Family Residence District to Class H. Commercial Business District, which is proposed to include any or all properties with the following addresses: 1009 Hondo Ave. E; 697 Hondo Ave. E.; 691 Hondo Ave. E.; and Hondo Ave. E (R56809).

Mayor Herring declared the Public Hearing open to the public at 6:09 p.m. He explained this site is by Sonic, McDonald’s, First Klass Cleaners. He said down the road we have the electrical substation and WOG, and explained that we’re basically making legal what’s been taking place in fact, because it is becoming commercial. No one had comments or questions. Mayor Herring closed the Public Hearing to the public at 6:10 p.m.

- e. Approving the Preliminary Report for changing the zoning classification of property consisting of approximately 19 acres of land located along the north side of Hondo Avenue E. in the area of IH-35 in the City of Devine, from Class A. Single Family Residence District to Class H. Commercial Business District, which is proposed to include any or all properties with the following addresses: 1009 Hondo Ave. E; 697 Hondo Ave. E; 691 Hondo Ave. E.; Hondo Ave. E (R56809) and the creation of a Final Report for presentation to City Council.

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Motion by Alderwoman Champion, seconded by Alderman Lance to approve the Preliminary Report from the Planning & Zoning Commission for changing the zoning classification of property consisting of approximately 19 acres of land located along the north side of Hondo Avenue E. in the area of IH-35 in the City of Devine, from Class A. Single Family Residence District to Class H. Commercial Business District, which is proposed to include any or all properties with the following addresses: 1009 Hondo Ave. E; 697 Hondo Ave. E; 691 Hondo Ave. E; and Hondo Ave. E (R5680).

Ayes	--	Three
Nays	--	None
Absent	--	Two (Alderman David Valdez Alderwoman Kathy Wilkins)

Motion carried.

The seventh order of business was to discuss and consider Agreement between the City of Devine and the Chamber of Commerce.

Council reviewed the agreement and corrected some dates.

Motion by Alderwoman Champion, seconded by Alderman Lopez to approve the Agreement between the City of Devine and the Chamber of Commerce with the change of dates.

Ayes	--	Three
Nays	--	None
Absent	--	Two (Alderman David Valdez Alderwoman Kathy Wilkins)

Motion carried.

The eighth order of business was to discuss and consider adopting an Ordinance regulating the drilling of oil or natural gas wells and providing safety features to promote the public welfare.

City Administrator Gary Pelech informed Council that this item needed to be tabled because there are still some things that need to be checked.

Motion by Alderwoman Champion, seconded by Alderman Lopez to table this item.

Ayes	--	Three
Nays	--	None
Absent	--	Two (Alderman David Valdez Alderwoman Kathy Wilkins)

Motion carried.

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The ninth order of business was Informational Items.

- Mayor Herring thanked Alderman Lance and Sonia Lance for attending the AACOG meeting.
- The L.C. Martin Well behind Triple C will be on-line beginning tomorrow.
- One of the Edwards Wells #1 has a small leak from a small patch, and Alsay will be working on this.
- John Singleton is our new Animal Control Officer.
- We will be taking proposals/bids on a new shed for Animal Control; it will be located by the Waste Water Treatment Plant.
- Election Workers – we are in need of workers for the May Election. A small raise will be given.
- Louis Stroud won the prestigious Gary De Laune Award, it's an award that is given annually to a sportsman of the year.
- The girls' softball team is doing well.
- Tom Cate will be out-of-pocket for a while
- A Special Meeting will be held on Thursday, March 21, 2013 at noon to discuss TIFF.

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

Ayes	--	Three
Nays	--	None
Absent	--	Two (Alderman David Valdez Alderwoman Kathy Wilkins)

Motion carried.

Mayor

City Secretary