

**Minutes
Special Meeting
May 12, 2009**

On this 12th day of May 2009, at 7:00 p.m., the City Council of the City of Devine convened in a Special 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 thereof, being present:

Mayor Steve A. Lopez
Alderman Frank Cortez, III
Alderman David Espinosa
Alderwoman Marina Antu
Alderman Hal Lance

Absent being Alderman John Ramirez; thus, constituting a quorum.

Personnel Present: Dora V. Rodriguez, City Administrator/City Secretary; Ofilia Pedroza, Assistant City Secretary; Nancy Pepper, City Treasurer; Tom Cate, City Attorney; Rob Flores, Chief of Police; Billy Grote, Director of Public Works; and Ismael Carrillo, Superintendent of Public Works.

Others present: Sandy Herrera and Nancy Bales – Devine News; Juan Camacho Jr. – Bernice Hunter Realty; Ernest Ruston, Diana Ramirez, Chad Quisenberry, Mickey W. Davis, Larry & Sandra Stacy, and Sonia J. Lance of Devine, Texas.

Mayor Steve A. Lopez, presiding, declared the meeting opened.

The first order of business was to Canvass Election Returns for the May 9, 2009 General Election for Mayor At-Large and City Districts #1, #2, and #5. *(El primer orden de negocio fue para escrutinar los resultados de la Elección General del 9de Mayo, 2009 para el Alcalde en general y distritos #1, #2 y #5 de la Ciudad).*

Council canvassed the election returns and tally sheets. *(El concilio exscrutinó los resultados de la Elección General)*

Motioned by Alderman Lance, seconded by Alderman Espinosa to accept the tally list and election returns for the May 9, 2009 General Election for Mayor At-Large and City Districts #1, #2, and #5 *(Mociónado por El Concejal Lance, segundado por El Concejal Espinosa para aceptar la lista de los resultados de la Elección General del 9de Mayo, 2009 para el Alcalde en general y distritos #1, #2 y #5 de la Ciudad).*

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Ramirez)

Motion carried.

Special Meeting Minutes
May 12, 2009
Page 2

The second order of business was to administer the Oath of Office to newly elected/appointed officers. (*La segunda orden de negocio fue para administrar el Juramento de Oficina para los Oficiales nuevos elegidos/nombrados*).

Mayor Lopez announced that the Oath of Office to newly elected/appointed officers would be done at a later date and they would be notified. (*Alcalde Lopez anunció que el Juramento de Oficina para los Oficiales nuevos elegidos/nombrados se llevará acabo en otro dia y serán avisados*).

The third order of business was to discuss and consider adopting Proclamations for National Police Week and Veterans of Foreign Wars (VFW) Buddy Poppy Days.

Council reviewed both proclamations.

Motioned by Alderman Lance, seconded by Alderman Cortez to adopt the Proclamations for National Police Week and Veterans of Foreign Wars (VFW) Buddy Poppy Days.

Proclamation for National Police Week attached at Exhibit A and Proclamation for Veterans of Foreign Wars (VFW) Buddy Poppy Days attached as Exhibit B.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Ramirez)

Motion carried.

The fourth order of business was to discuss and consider amending Ordinance 4-91 implementing use reduction measures intended to reduce water use from the Edwards Aquifer in order to preserve and protect the aquifer, the public water supply and spring flow and to prevent unnecessary waste.

City Administrator Dora V. Rodriguez informed City Council that she had provided the old ordinance and the new ordinance for them to review.

Director of Public Works Billy Grote and Superintendent of Public Works Ismael Carrillo explained to City Council that the main difference is in the change of the Edwards aquifer levels based on the J-17 (San Antonio Well) water levels. They explained that Stage I awareness is triggered when the San Antonio Well reaches the level of 660 ft. for a continuous 10 day period; Stage II is triggered at 650; Stage III at 640; and Stage IV at 630.

According to Director of Public Works Billy Grote, we are currently in Stage I but the level is dropping fast and we could be in Stage II within a week.

Motioned by Alderman Cortez, seconded by Alderman Espinosa to amend Ordinance 4-91 implementing use reduction measures intended to reduce water use from the Edwards Aquifer in

Special Meeting Minutes
May 12, 2009
Page 3

order to preserve and protect the aquifer, the public water supply and spring flow and to prevent unnecessary waste and to adopt Ordinance 05-09.

Ordinance 05-09 attached as Exhibit C.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Ramirez)

Motion carried.

The fifth order of business was to discuss and consider accepting bid proposals for a natural gas supplier for the City of Devine.

City Council reviewed letter from Simon Pena who, after reviewing four submitted gas proposals, is recommending that the City accepts the proposal from WTG Gas Marketing (West Texas Gas, Inc.) and to go with Option 1 which provides a Houston Ship Channel (HSE) plus \$.90 each month which includes fuel charges. City Attorney Tom Cate informed Council that Simon gave the same recommendation to the City of Lytle at their meeting last night, and they went with West Texas Gas. Superintendent of Public Works Ismael Carrillo, who was also present at the Lytle City Council meeting last night, also recommended to Council that we go with West Texas Gas, Option 1. He explained that we currently pay the Houston Ship Channel plus \$.48 each month. So the difference will be the increase from \$.48 to \$.90, which is \$.42.

Council held discussion. Option 1 was the cheapest proposal, and the \$.90 will be set for one year. According to Superintendent of Public Works Ismael Carrillo, gas would be delivered to our main gate to be able to distribute to the whole town. He said that according to Simon, as long as this passes, they would start delivering gas as of June 1, 2009. City Administrator Dora V. Rodriguez also told Council that Simon Pena will be billing for a total of six hours between Devine and Lytle; three hours for Devine and three hours for Lytle.

Motioned by Alderman Lance, seconded by Alderwoman Antu to accept the bid proposal from WTG Gas Marketing (West Texas Gas, Inc.) Option 1, effective June 1, 2009.

Proposal by WTG Gas Marketing attached as Exhibit D.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Ramirez)

Motion carried.

Special Meeting Minutes
May 12, 2009
Page 4

The sixth order of business was to discuss and consider request made by Mr. Jose Velasco to be annexed into the city limits and to receive utilities for the Paradigm Subdivision Lot 1 Acres .0223 and Lot 2 (Part of) Acres 1.53.

Mr. Juan Camacho addressed City Council and told them that Mr. Velasco has agreed to the voluntary annexation and the cost of the utilities with the City doing the work. City Attorney Tom Cate explained that the annexation procedure would be the same, starting with a signed petition from Mr. Velasco for voluntary annexation. City Administrator Dora V. Rodriguez reminded Council that this annexation process is lengthy and could take up to one year for all the paperwork to be submitted.

Alderman Espinosa stated he would like to have Mr. Velasco sign a note or letter that would allow him to proceed with his project. Attorney Tom Cate said Mr. Velasco would be obtaining a signed petition for voluntary annexation, and advised that it would be better if he did submit a letter for permission to proceed with the project.

Council held discussion on the price of the utilities and the possibility of the cost fluctuating. Superintendent of Public Works Ismael Carrillo explained that the figures excluded the cost of Raul's permit with TxDOT. Council discussed approving the annexation and providing the utilities but not including the cost because they weren't sure if the cost would change depending on when the project started. Mr. Camacho said he would discuss this with Mr. Velasco and would get back to City Administrator Dora V. Rodriguez.

Motioned by Alderman Espinosa, seconded by Alderman Cortez to accept signed petition for voluntary annexation by Mr. Jose Velasco to be annexed into the city limits and to receive utilities for the Paradigm Subdivision Lot 1 Acres .0223 and Lot 2 (Part of) Acres 1.53, along with a signed letter requesting permission to allow him to begin and proceed with his project.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Ramirez)

Motion carried.

The seventh order of business was to discuss and consider recommendation of the Planning & Zoning Commission for meeting held on May 11, 2009 on the following:

- a. Request made by Chad Quisenberry to grant a variance of fifty-five feet to the front property line located at 340 Sollock Drive, described as Wedgewood Estates Unit 2, Block 3 (NCB 187), Lots 12-13, for construction of an accessory building addition to an existing one-family dwelling.

Alderman Cortez inquired how deep the sewer line was. According to Director of Public Works Billy Grote, the sewer line is about 6 feet deep. Mr. Darrell Rawlings, Code Compliance Officer,

Special Meeting Minutes
May 12, 2009
Page 5

informed Council that City Engineer Raul Garcia is recommending that the building should be built no closer than five feet from the city sewer line and he had also stated that five feet would be adequate to allow the City to access the sewer line if it ever became necessary. Mr. Quisenberry told Council that the building will actually be built further away than five feet from the sewer line.

Motioned by Alderman Lance, seconded by Alderman Espinosa to accept Planning & Zoning's recommendation to grant Mr. Chad Quisenberry a variance of fifty-five feet to the front property line located at 340 Sollock Drive, described as Wedgewood Estates Unit 2, Block 3 (NCB 187), Lots 12-13, for construction of an accessory building addition to an existing one-family dwelling.

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Ramirez)

Motion carried.

- b. Request made by Mr. Jose Velasco to grant a variance of thirty-four feet to the front setback at property located at the corner of Moore Avenue and Upson Drive, described as Devine, Block 58, Lot 13 & 14, for the construction of a 16-unit apartment complex.

Council inquired of Public Works if we had the necessary utility lines available to be able to service this apartment complex. Director of Public Works Billy Grote told Council that there is a 6" sewer and an 8" water line across the road, which hasn't been tapped yet. And, according to Superintendent of Public Works, there is also a 2" gas line available.

Council held discussion on the parking spaces. Code Compliance Officer Darrell Rawlings told Council that our ordinance requires one parking space for each dwelling unit at an apartment complex for Class E Zoning. He stated that the apartment complex would actually have 19 parking spaces with a couple of accessible handicap parking spaces.

Alderman Cortez expressed concern over the new sewer line being very shallow and inquired if Mr. Velasco was aware of this. Director of Public Works Billy Grote stated that he's not met with Mr. Velasco; he's only been told that the utilities are available. According to Billy, there's not enough fall on it right now. Darrell Rawlings told Council that the proper notices were sent out to the neighbors and he received no objections. He stated that right now this is all preliminary planning to get the variance to allow the positioning of the building. He also stated that the plumber would probably need to get with city engineer Raul Garcia to account for elevating the foundation to give them enough fall for drainage from the apartments.

Motioned by Alderman Espinosa, seconded by Alderman Lance to accept Planning & Zoning's recommendation to grant Mr. Velasco a variance of thirty-four feet to the front setback at property located at the corner of Moore Avenue and Upson Drive, described as Devine, Block 58, Lot 13 & 14, for the construction of a 16-unit apartment complex.

Special Meeting Minutes
May 12, 2009
Page 6

Ayes	--	Four
Nays	--	None
Absent	--	One (Alderman Ramirez)

Motion carried.

There being no further business to come before the governing body, motion was made to adjourn the meeting.

Mayor

City Secretary