

Minutes
Regular Council Meeting
May 22, 2012

On this the 22nd day of May, 2012, 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, TX. 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 Kathy Wilkins
Alderwoman Gina Champion
Alderman Steve A. Lopez
Alderman David Valdez

Thus, constituting a quorum.

Personnel present: Tom Cate, City Attorney, Gary Pelech, City Administrator; Dora V. Rodriguez, City Secretary and Cassandra Maldonado, Municipal Court Clerk.

Others Present: Mary Badillo, City Financial Advisor; Sandy Herrera, Devine News; Doug Wilkins, Chris Champion, Paul Noak, Misty Houston, Ava Pratt, Eloy Hernandez, Mr. & Mrs. Toby Cargile, Chris Davis and Sonia Lance all from Devine, TX; Reverend Paulo R. Morales and Gloria M. Morales of Pearsall, TX.

Mayor Herring, presiding, declared the meeting opened and welcomed all visitors. Mayor Herring also delivered the Invocation and led the Pledge of Allegiance.

The first order of business was Recognition.

Mayor Herring recognized the City's Financial Advisor, Mary Badillo.

Mayor Herring thanked everyone for their support while he was in the hospital. He commended Alderman Lance for filling in as Mayor Pro-Tem.

Mayor Herring thanked the Chamber of Commerce and Little League for their help with "Devine Day" at the Missions Baseball Stadium.

Mayor Herring thanked Jerry Beck and Phillip Montgomery for their continued participation in the Tornado Relief Effort.

Mayor Herring recognized the Devine High School FCCLA team for going to Nationals. He also recognized the Arabian Team for receiving numerous State Honors.

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

No one signed up under this item.

Regular Council Meeting

May 22, 2012

Page 2

The third order of business was to discuss and consider approval of Minutes: Regular Council Meeting, April 17, 2012.

Mayor Herring advised Council of a change made to the minutes.

Motion made by Alderwoman Champion, seconded by Alderman Lopez to approve the Minutes for Regular Council Meeting, April 17, 2012, as amended.

Ayes	--	Five
Nays	--	None

Motion carried.

The fourth order of business was to Canvass Election Returns for the May 12, 2012 General Election for District #3. *La cuarta orden de negocios fue, escrutinar los resultados de la elección general del 12 de Mayo del 2012 para Distrito 3.*

Mayor Herring complimented both candidates on a wonderful Election. He also recognized all of the Election Workers and Judges for their help on Election Day. *Alcalde Herring felicitó a ambos candidatos por una elección maravillosa tambien reconoció a todos los trabajadores electorales y jueces por su ayuda el dia de elección.*

Motion made by Alderman Valdez, seconded by Alderman Lance to approve the Canvass Election Returns for the May 12, 2012 General Election for District #3. *Moción hecha por Concejal Valdez y apoyada por Concejal Lance de aprobar, escrutinar los resultados de la elección general del 12 de Mayo del 2012 para Distrito 3.*

Ayes	--	Five (Cinco)
Nays	--	None (Ninguno)

Motion carried. *Moción aprobada.*

The fifth order of business was to administer Oath of Office to newly elected/appointed officers. *La quinta orden de negocios fue administrar juramento a los oficiales recién elegidos/nombrados.*

Mayor Herring administered the Oath of Office to Alderwoman Wilkins, Alderwoman Champion and Alderman Valdez. *Alcalde Herring administro el juramento a Concejal Wilkins, Concejal Champion y a Concejal Valdez.*

The sixth order of business was to discuss and consider request made by Toby Cargile for council to extend his variance allowing for one or two Travel Trailers to be placed on the property located at 720 N Transportation so improvements can be made to the house to make it livable.

Mayor Herring informed Council that Mr. Cargile was making progress and was asking for an extension on his variance.

Regular Council Meeting

May 22, 2012

Page 3

Motion made by Alderman Lopez, seconded by Alderman Valdez to extend the variance by six months.

Ayes	--	Five
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider offer of purchase of the property located at 327 Malone.

Mayor Herring informed the Council that David Tumbarello submitted an offer of \$10,000 for the property. He stated that Mr. Tumbarello purchased the adjacent property from Gus Brieden.

Mayor Herring mentioned that if Mr. Tumbarello acquired the property, he would have to start construction immediately and his progress would be monitored by Code Compliance.

Motion made by Alderwoman Champion, seconded by Alderman Lopez to accept the offer with stipulations.

Ayes	--	Five
Nays	--	None

Motion carried.

The eighth order of business was to discuss and consider recommendation of the Planning & Zoning Commission for Meeting held on May 14, 2012:

- (b) Request made by Eloy V. & Diana Y. Hernandez to allow the building and property located at 508 Transportation Drive N. and described as 0.241 Acres out of A0632 D. Lieber Survey 4, to be used for a church; said property to be sold if use is approved.

Alderman Lance expressed parking concerns.

Mayor Herring stated that the Council would address parking problems at a later date if it became an issue.

Motion made by Alderman Valdez, seconded by Alderman Lance to approve the recommendation of the Planning & Zoning Commission to grant request made by Eloy V. & Diana Y. Hernandez.

Ayes	--	Five
Nays	--	None

Motion carried.

Regular Council Meeting

May 22, 2012

Page 4

- (a) Request made by Glen Thompson to approve submitted plat vacating Mockingbird Hill Addition, Block 1 (NCB 188-A), Lots 7 and Parts of Lots 6 & 8 and re-subdividing as Mockingbird Hill Addition, Block 1 (NCB 188-A), Lots 9 and 19; said property being located in the 400 Block of Bluebonnet Avenue, between 400 Bluebonnet and the City Limit Line, and to remain zoned Class A. Single-Family Residence District with restrictions.

Mayor Herring stated that Mr. Thompson wanted to re-plat three lots into two larger lots.

Planning & Zoning Commissioner, Doug Wilkins addressed the Council stating that the Commission had no objections to the request.

Mayor Herring informed the Council that Misty Houston met with the City on behalf of Mr. Thompson and discussed drainage issues with the properties. He stated that Mrs. Houston agreed to assist in fixing the drainage concerns.

Motion made by Alderwoman Wilkins, seconded by Alderwoman Champion to approve the recommendation of the Planning & Zoning Commission to grant request made by Glen Thompson.

Ayes	--	Five
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider entering into an Interlocal Agreement with the County for the Scofflaw Program.

City Attorney, Tom Cate informed the Council that once implemented, the Program would increase collection of outstanding court fines and fees. He elaborated by stating that any individual owning a registered motor vehicle in Medina County would not be allowed to renew their registration if they owed any outstanding warrants with the Devine Municipal Court.

Council held brief discussion.

Interlocal Agreement attached as Exhibit A.

Motion made by Alderman Lopez, seconded by Alderman Valdez to enter into an Interlocal Agreement with the County.

Ayes	--	Five
Nays	--	None

Motion carried.

Regular Council Meeting

May 22, 2012

Page 5

The tenth order of business was to discuss and consider adopting Resolution approving cooperation with the Steering Committee of cities served by AEP TCC to review AEP Texas Central Company's request approval of an adjustment to its energy efficiency cost recovery factor; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to legal counsel.

City Attorney, Tom Cate informed the Council that anytime AEP wants to increase their rates, the Committee reviews the rate increase and determines if the rates need to be increased. He mentioned that this was done at no cost to the City, AEP customers pay for this service.

Resolution 05-12 attached as Exhibit B.

Motion made by Alderwoman Wilkins, seconded by Alderman Lance to adopt Resolution approving cooperation with the Steering Committee.

Ayes	--	Five
Nays	--	None

Motion carried.

The eleventh order of business was Informational Items.

City Attorney, Tom Cate informed the Council that the lawsuit involving the Hester Park had been settled.

Mayor Herring announced that the Park Project with Devine ISD was making progress.

Mayor Herring updated the Council on the Water Line Extension for Devine ISD.

Mayor Herring briefed the Council regarding the Edwards Water Tank.

Mayor Herring provided the Council with a status update on the remediation at the City Well Yard.

Mayor Herring congratulated the Arabians and Warhorses on a great Post Season. He also praised the Devine FCCLA on going to Nationals.

Mayor Herring applauded Alderman Lopez on becoming District #13 Commander for V.F.W. Post #3966.

There being no further business to come before the governing body, motion was made by Alderman Lance, seconded by Alderman Lopez to adjourn the meeting.

Ayes	--	Five
Nays	--	None

Motion carried.

Mayor

City Secretary