

**Minutes  
Special Council Meeting  
June 4, 2013**

On this 4<sup>th</sup> day of June 2013, at 12:00 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 being present:

Mayor William L. Herring  
Alderman Hal Lance  
Alderwoman Kathy Wilkins  
Alderwoman Champion  
Alderman Steve A. Lopez

Absent being: Alderman Valdez; thus, constituting a quorum.

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

Others present: Sandy Herrera, Devine News; and Sonia J. Lance, Devine, Texas.

Mayor Herring, presiding, declared the meeting open.

The first order of business was to discuss and consider recommendation of the Planning & Zoning Commission for Meeting held on June 3, 2013:

- a. 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 announced that the Planning & Zoning Committee met last night with Attorney Tommy Ramirez who was present representing the Carrillo's and the bank. After lengthy discussion, the committee decided to change their minds and grant the variance.

City Council held discussion on the location of this house.

Motion by Alderman Lance, seconded by Alderman Lopez to approve the recommendation of the Planning & Zoning Commission and grant 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

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indicated on a preliminary plat of the Carrillo Subdivision, as prepared by Charles W. Rothe, Registered Land Surveyor.

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

Motion carried.

- b. 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 informed Council that we're looking at 2.3 across the back and, in the back, there is a huge field owned by the Carrillo family. He told Council that the Planning & Zoning Commission also recommended approving this variance last night.

Motion by Alderman Lopez, seconded by Alderman Lance to approve the recommendation of Planning & Zoning Commission and grant 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.

- c. **Public Hearing** on Preliminary Report for changing the zoning classification of property consisting of approximately 20 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: Hondo Avenue E. (R58416).

At 12:09 p.m., Mayor Herring announced that the Public Hearing was open.

There were no comments from the public.

At 12:10 p.m., Mayor Herring closed the Public Hearing.

- d. Approving the Preliminary Report for changing the zoning classification of property consisting of approximately 20 acres of land located along the north side of Hondo Avenue E. in the area

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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: Hondo Avenue E. (R58416).

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to approve the Preliminary Report for changing the zoning classification of property consisting of approximately 20 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: Hondo Avenue E. (R58416).

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

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

Motion carried.

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Mayor

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City Secretary