

Minutes
Regular Council Meeting
August 16, 2011

On this 16th day of August 2011, 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 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
Alderwoman Marina Antu
Alderman Hal Lance
Alderwoman Kathy Wilkins
Alderwoman Gina Champion
Alderman Steve A. Lopez

Thus, constituting a quorum.

Personnel present: Gary Pelech, City Administrator; Dora V. Rodriguez, City Secretary and Nancy Pepper, City Accountant.

Others present: David & Mary Wilkerson, Elida Lascano, Mickie Schulze, Dave D. Morgan, Mary Jane Balderrama and Sonia Lance, Devine, Texas and Sandy Herrera, Devine News.

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 the Visitors/Citizens Forum. Commissioner Jerry Beck asked the council if they wanted to work the concession stand for the Friday Night Football Game. He also advised the council that Congressman Conseco will be at Herman Sons on August 27, 2011, and when he gets more information he will relay this to the Mayor and the City Administrator.

The second order of business to discuss and consider to adopt a Proclamation proclaiming September 15 through October 15, 2011 National Hispanic Heritage Month.

Mayor read the proclamation to the council and public.

Proclamation attached as Exhibit A.

Motion by Alderman Lopez, seconded by Alderman Lance to adopt Proclamation proclaiming September 15 through October 15, 2011 National Hispanic Heritage Month.

Ayes	--	All
Nays	--	None

Motion carried.

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The third order of business to discuss and consider the approval of the minutes.

Motion by Alderwoman Champion, seconded by Alderman Lopez to approve the Regular Meeting Minutes of July 19, 2011 and the Special Budget-Workshop Meeting Minutes for August 9, 2011.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was to discuss and consider accepting request made by Alderwoman Marina Antu to step down as Alderwoman for District 1.

Alderwoman explained to the council that she has a full load right now with her Masters and she needs to focus on this right now. She advised that she will step down when the Mayor finds a replacement for her District.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to accept her stepping down effective when a replacement is found for this District.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider authorizing the Mayor to find a replacement for District 1 and to bring this back to the council for their approval.

Motion by Alderwoman Champion, seconded by Alderman Lance to authorize the Mayor to find a replacement for District 1 and to bring this back to the council for their approval.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was to discuss and consider the Annual Report and PILOT check from the Devine Housing Authority.

Mayor Herring informed the council that we received a check in the amount of \$2,688.00 in lieu of taxes for the fiscal year ending September 30, 2010 from the Housing Authority.

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Letter is attached as Exhibit B.

Motion by Alderwoman Wilkins, seconded by Alderwoman Champion to approve the Annual Report and PILOT check from the Devine Housing Authority.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider recommendation of the Planning and Zoning Commission for meeting held on August 8, 2011:

1. Discuss and consider request made by Travis Franklin on behalf of Professional Resource Development, Inc. for the following variances/waivers be granted to the provisions of the Subdivision Ordinance (Appendix: B) of the City of Devine, for the platting of property addressed as 1207 Hondo Avenue W, and being 1.5 Acres of the F. Niggli Survey No. 1 (Abstract No. 713) which is proposed to be platted as Jerry Hudson Addition, Lots 1 & 2:
 - a. Appendix: B; Article IV; Site Improvements and Design Standards, Section 403, Streets & Alleys, Subsection 403.03 Private Streets., which states: "Private streets shall not be permitted", to be allowed to plat a lot only accessible by a private street or ingress/egress easement;
 - b. The requirement to have a public right-of-way meeting these requirements Appendix: B; Article IV: Site Improvements and Design Standards, Section 403, Streets & Alleys, Subsection 403.08 Right-of-way and pavement widths., which provides for minimum right-of-way widths and pavement widths for streets, to waive the requirement to have a public right-of-way meeting these requirements;
 - c. Appendix: B; Article IV; Site Improvements and Design Standards, Section 407. Lots, Subsection 407.05 Access and parking, which states: "Every Lot shall be provided with adequate access to a public street by direct frontage on such street..." to be allowed to plat a lot that does not have direct frontage on a public street.
 - d. Appendix: B; Article IV: Site Improvements and Design Standards, Section 410. Water System, Subsection 410.02 Design Standards; 410.02-04. Fire Hydrants., which states: "Every subdivision, as part of the water distribution system, shall be provided with standard fire hydrants... and every lot shall be within 500 feet of a fire hydrant" to waive this requirement.

Mayor Herring explained to the council that he attended this meeting and it was decided by the Planning and Zoning Commission to deny these requests due to inadequate access to the property and nothing in place to protect the ingress and egress from the property indicated as Lot 1, and lack of adequate fire protection if Lot 1 is to be built upon.

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Mayor Herring advised the council that we met with Mr. Hudson and he will be getting with his Advisor to solve the problems that were brought up by the Planning and Zoning Commission.

Motion by Alderwoman Wilkins, seconded by Alderwoman Champion to approve the recommendation of the Planning and Zoning Commission that all four request be denied.

Motion carried.

2. Discuss and consider request made by Gabriel Rodriguez for a variance to be granted to the minimum lot area 9,000 square feet at 416 Teel Dr. S, also known as Lot 1 (Part of), of Block 10 (NCB 18) of the M.A.E. Hattox Addition, as required by Appendix A; Article 9: Class G. Retail Business District, Section 3, Area Regulations, Subsection (4) Lot Area, for construction of a new One-Family Dwelling as part of the Home Grant Program.

Mayor Herring explained to the council that when TXDOT widened Highway 132, they took some land from Mr. Rodriguez making it a small lot that does not meet the 9,000 square feet for the property.

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

Ayes	--	All
Nays	--	None

Motion carried.

The eighth order of business was to discuss and consider request from the St. Joseph Catholic Church for a Noise Variance for the Church Festival on October 1, 2011 from 6:00 p.m. until midnight and October 2, 2011 from 11:00 a.m. to 7:00 p.m.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to approve the Noise Variance for the Church Festival on October 1, 2011 from 6:00 p.m. until midnight and October 2, 2011 from 11:00 a.m. to 7:00 p.m.

Ayes	--	All
Nays	--	None

Motion carried.

The ninth order of business was to discuss and consider request from the Devine Chamber of Commerce for a Noise Variance for the Fall Festival on November 5, 2011.

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Motion by Alderman Lance, seconded by Alderwoman Champion to approve the request from the Devine Chamber of Commerce for a Noise Variance for the Fall Festival on November 5, 2011.

Ayes	--	All
Nays	--	None

Motion carried.

The tenth order of business was to discuss and consider request made by the Devine Chamber of Commerce for the City of Devine to contribute \$5,000 to promote tourism for the City.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to approve request made by the Devine Chamber of Commerce for the City of Devine to contribute \$5,000 to promote tourism for the City.

Ayes	--	All
Nays	--	None

Motion carried.

The eleventh order of business was to discuss and consider request made by Alderman Lance about a Program for Children Book Cases.

Alderman Lance informed the council about this program and stated that a committee should be formed to be over this program. He advised about scheduling a meeting to see who wants to participate in this program.

Mickie Schultz informed Alderman Lance and the rest of the council that the school already has a program like this. She asked if this program has to be followed a certain way. Alderman Lance advised that it can be tailored to fit our needs.

It was discussed to schedule a meeting at the end of the month to see how many people will be interested. Sandy Herrera with the Devine News advised that this will not be published tomorrow.

Alderman Lance advised that he does not mind spearheading this program. The purpose for this item on the agenda is to get it publicized.

Motion by Alderwoman Wilkins, seconded by Alderman Lance to table this item.

Ayes	--	All
Nays	--	None

Motion carried.

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The twelfth order of business was to discuss and consider options to include a possible Resolution against the Edwards Aquifer Increase.

Mayor Herring advised as soon as we receive a resolution to bring back to the council, we will put this item back on the agenda.

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

The thirteenth order of business was Information Items.

- Mayor Herring announced to the council that the New Water Well is in operation.
- Mayor Herring asked City Attorney Tom Cate if the Hearing on the Hester Park is still set for September. City Attorney Cate advised that, yes, it is set for September 26, 2011 at 9:00 a.m. in Hondo at the District Court.
- Mayor Herring announced to the council that they met with TXDOT regarding frontage road near our city property and we were advised, no, because they do not have the money and they are no longer doing two-way traffic on access roads.
- Mayor Herring advised the council that on August 31 at the Community Center there will be a meeting of the Eagle Ford – Oil Fields from 10:00 a.m. to 3:00 p.m. and this is by invitation only.
- Mayor Herring informed the council that Wal-Mart will be having a grand opening in Floresville and that City Administrator Gary Pelech will be attending.

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.

Mayor

City Secretary