

Minutes
Regular Council Meeting
September 15, 2015

On this 15th day of September 2015, 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
Alderman Kathy Wilkins
Alderman Steve A. Lopez
Alderman David Espinosa

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

Personnel present: Gary Pelech, City Administrator; Dora V. Rodriguez, Assistant City Administrator/City Secretary; Denise Duffy, City Accountant; Tom Cate, City Attorney; and Ofilia Pedroza, UB Clerk.

Others present: Marly Davis, Devine News; Steven Santana, Medina Valley Times; Bob Cohen, Comm-Zoom; Agustin & Ponta Gutierrez; Hilmar A. (Tony) Koch; Doug Trott, Ron Crouch; and Sonia J. Lance of Devine, Texas.

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 Visitor/Citizens Forum.

No one signed up to speak under this item.

The second order of business was Recognition.

Mayor Herring recognized Alderman Espinosa for his birthday and wished him a Happy Birthday.

The third order of business was to discuss and consider Approval of Minutes: Regular Council Meeting Minutes, August 18, 2015; Special Council Meeting Minutes, September 1, 2015; and Special/Public Hearing Council Meeting Minutes, September 10, 2015.

City Council reviewed minutes.

Motion by Alderman Espinosa, seconded by Alderman Wilkins to approve minutes for Regular Council Meeting Minutes, August 18, 2015; Special Council Meeting Minutes, September 1, 2015; and Special/Public Hearing Council Meeting Minutes, September 10, 2015.

Regular Meeting Minutes
September 15, 2015
Page 2

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The fourth order of business was to discuss and consider the Annual PILOT Check from the Devine Housing Authority.

The City received a check from the Housing Authority for \$2,905.00 for Payment In Lieu Of Taxes for FYE 2014.

Motion by Alderman Espinosa, seconded by Alderman Lopez to accept the Annual PILOT Check from the Devine Housing Authority.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The fifth order of business was a presentation by Bob Cohen, of Comm-Zoom concerning internet, TV and phone service for Devine.

Council listened to Mr. Cohen’s very informative presentation on all the upgrades in Devine and surrounding areas with miles of fiber optic cable allowing for better internet, TV and phone service, and thanked him for coming down.

The sixth order of business was to discuss and consider request from Ignacio C. Sanchez for permission to move a manufactured home to 300 CR 774, Devine, Texas; to park it temporarily until the zoning classification is changed and permits are issued.

City Administrator Gary Pelech explained Mr. Sanchez has no place to put his manufactured home and, if Council approves, he was told he could just place it there provided he doesn’t do any hook-ups and that he gets everything ready, i.e. all his permits, and any changes. He recommended that Council grant him permission and give him 90 days to allow him to get this done.

Council held brief discussion on Mr. Sanchez still having to go before the Planning & Zoning Commission.

Motion by Alderwoman Wilkins, seconded by Alderman Lance to grant permission for Mr. Ignacio C. Sanchez to move a manufactured home to 300 CR 774, Devine, Texas; to park it temporarily, provided that he takes care of all the zoning clarifications, changes and permits within 90 days.

Regular Meeting Minutes
September 15, 2015
Page 3

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The seventh order of business was to discuss and consider selecting dates for a City-Wide Yard Sale and waiving the permit requirements for Temporary Sales as established by Ordinance Number 07-08 for these dates.

City Council held brief discussion on this.

Motion by Alderman Lance, seconded by Alderman Espinosa to approve to have a city-wide yard sale on Saturday, October 17, 2015 (one day only), and waive the permit requirements for Temporary Sales as established by Ordinance Number 07-08 for this date.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The eighth order of business was to discuss and consider Noise Variance request made by the Devine Chamber of Commerce for November 7, 2015, for the Fall Festival.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to grant Noise Variance request made by the Devine Chamber of Commerce for November 7, 2015, for the Fall Festival.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The ninth order of business was to discuss and consider a Resolution of the City Council of the City of Devine, Texas, authorizing the submission of Multiple Texas Home Investment Partnerships Competitive Program Applications to the Texas Department of Housing and Community Affairs for participation in the Home Program Contract Awards; and authorizing the City Secretary to act as the city's executive officer and authorized representative in all matters pertaining to the city's participation in the Home Program Competitive Contract Awards.

Council held brief discussion.

Regular Meeting Minutes
September 15, 2015
Page 4

Motion by Alderman Espinosa, seconded by Alderman Lopez to approve a Resolution of the City Council of the City of Devine, Texas, authorizing the submission of Multiple Texas Home Investment Partnerships Competitive Program Applications to the Texas Department of Housing and Community Affairs for participation in the Home Program Contract Awards; and authorizing the City Secretary to act as the city's executive officer and authorized representative in all matters pertaining to the city's participation in the Home Program Competitive Contract Awards.

Resolution 9-15 attached as Exhibit A.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The tenth order of business was to discuss and consider an Ordinance of the City of Devine, recodifying, amending and repealing portions of Chapter 94 Traffic of the Code of Ordinances of the City of Devine, repealing any portions of the code of ordinances in conflict with this ordinance; and providing for a severability clause – designating the intersection of Mc Annelly Avenue and Jamison Drive as a four-way stop.

City Council reviewed a petition signed by area residents. City Administrator Gary Pelech stated that the Devine Police Department does not have a problem in making this a four-way stop intersection.

Motion by Alderman Espinosa, seconded by Alderman Lopez to adopt an Ordinance of the City of Devine, recodifying, amending and repealing portions of Chapter 94 Traffic of the Code of Ordinances of the City of Devine, repealing any portions of the code of ordinances in conflict with this ordinance; and providing for a severability clause – designating the intersection of Mc Annelly Avenue and Jamison Drive as a four-way stop.

Petition and Ordinance 9-15A attached as Exhibit B.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The eleventh order of business was to discuss and consider approving a RAMP GRANT with the Texas Department of Transportation-Aviation.

Council discussed that this is for a \$50,000.00 grant; 50/50 match.

Regular Meeting Minutes
September 15, 2015
Page 5

Motion by Alderman Espinosa, seconded by Alderman Lance to approve a RAMP GRANT with the Texas Department of Transportation-Aviation.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The twelfth order of business was to discuss and consider approval of Amending Plat of Adams National Bank Addition, Block 1 (NCB 139) Lots 40 & 41 and consisting of 6.35 acres fronting on W. Colonial Parkway and Libold Drive, as prepared by Hilmar A. “Tony” Koch, RPLS for Ronald Keith Crouch creating two lots; such property is currently described as Adams National Bank, Block 1 (NCB 139), Parts of Lots 31, 32, 33, & 34.

Mr. Keith Crouch addressed City Council to explain what he is doing with the lots; everyone was okay with this.

Motion by Alderwoman Wilkins, seconded by Alderman Espinosa to approve Amending Plat of Adams National Bank Addition, Block 1 (NCB 139) Lots 40 & 41 and consisting of 6.35 acres fronting on W. Colonial Parkway and Libold Drive, as prepared by Hilmar A. “Tony” Koch, RPLS for Ronald Keith Crouch creating two lots; such property is currently described as Adams National Bank, Block 1 (NCB 139), Parts of Lots 31, 32, 33, & 34.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The thirteenth order of business was a **Public Hearing**: to discuss and consider the Final Report of the Planning & Zoning Commission for a zoning classification change of approximately 39.89 acres of land located between E. Hondo Avenue and Rossville Avenue, from Class A. Single-Family Residence District to Class H. Commercial Business District which is proposed to include any or all properties described as follows: 603 E. Hondo Avenue (R58795); 607 E. Hondo Avenue (R59638); 613, 619 & 615 E. Hondo Avenue (R62613); 625 E. Hondo Avenue (R66551); Rossville Avenue – 11.58 acres (R56806); 610 Rossville Avenue (R61528); E. Hondo Avenue – 18.943 acres (R56807); 641 E. Hondo Avenue (R2191); 620 Rossville Avenue (R2147) and, E. Hondo Avenue – 1.00 acre (R2146).

Mayor Herring declared the Public Hearing open to the public at 6:41p.m., and asked if anyone had any comments.

No one from the floor had any comments.

Regular Meeting Minutes
September 15, 2015
Page 6

At 6:43 p.m., Mayor Herring closed the Public Hearing.

The fourteenth order of business was to discuss and consider adoption of ordinance to change the zoning classification of approximately 39.89 acres of land located between E. Hondo Avenue and Rossville Avenue, from Class A. Single-Family Residence District to Class H. Commercial Business District which is to include any or all properties described as follows: 603 E. Hondo Avenue (R58795); 607 E. Hondo Avenue (R59638); 613, 619 & 615 E. Hondo Avenue (R62613); 625 E. Hondo Avenue (R66551); Rossville Avenue – 11.58 acres (R56806); 610 Rossville Avenue (R61528); E. Hondo Avenue – 18.943 acres (R56807); 641 E. Hondo Avenue (R2191); 620 Rossville Avenue (R2147) and, E. Hondo Avenue – 1.00 acres (R2146).

Motion by Alderman Lopez, seconded by Alderman Lance to adopt an ordinance to change the zoning classification of approximately 39.89 acres of land located between E. Hondo Avenue and Rossville Avenue, from Class A. Single-Family Residence District to Class H. Commercial Business District which is to include any or all properties described as follows: 603 E. Hondo Avenue (R58795); 607 E. Hondo Avenue (R59638); 613, 619 & 615 E. Hondo Avenue (R62613); 625 E. Hondo Avenue (R66551); Rossville Avenue – 11.58 acres (R56806); 610 Rossville Avenue (R61528); E. Hondo Avenue – 18.943 acres (R56807); 641 E. Hondo Avenue (R2191); 620 Rossville Avenue (R2147) and, E. Hondo Avenue – 1.00 acres (R2146).

Ordinance 9-15B attached as Exhibit C.

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

The fifteenth order of business was to discuss and consider an ordinance authorizing and allowing, under the act governing the Texas Municipal Retirement System, “Updated Service Credits” in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Devine; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; providing for a change in the municipal contributions to the current service annuity reserve at retirement of the employees of the City; and establishing an effective date for the ordinance.

City Council held discussion with City Administrator Gary Pelech who explained the City currently pays a 1:1 ratio with TMRS where the City matches 1 to every \$1.00 that the employee makes, and we are changing that to 1.5:1 ratio to ensure that we keep our employees. City Secretary Dora V. Rodriguez informed Council that anything prior would be a 1:1 ratio and anything forward will be 1.5:1 ratio.

Regular Meeting Minutes
September 15, 2015
Page 7

Motion by Alderman Espinosa, seconded by Alderman Lopez to adopt an ordinance authorizing and allowing, under the act governing the Texas Municipal Retirement System, “Updated Service Credits” in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Devine; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; providing for a change in the municipal contributions to the current service annuity reserve at retirement of the employees of the City; effective January 1, 2016.

Ordinance 9-15C attached as Exhibit D.

The sixteenth order of business was the **Budget Workshop**.

City Administrator Gary Pelech thanked and praised City Secretary Dora V. Rodriguez and City Accountant Denise Duffy for working day and night on this budget which should be approved and adopted next Tuesday on September 22, 2015. He said that since Council just received the budget tonight, they will be going over it in detail at the next meeting and answer any questions at that time.

The seventeenth order of business was Informational Items.

- Devine Fall Festival – Council members were told to be thinking about how they want to show up in the parade. Mayor Herring stated he would indicate five cars in case they all want to ride separately.
- Upgrading facilities – Alderman Espinosa expressed his concern that it’s time we consider upgrading our work facilities for the employees in general, including the police department.
- VFW Book – Alderman Lopez informed Council that the VFW Book which won national awards in community service a while back in Pittsburg, Pennsylvania is somehow lost somewhere in the United States.

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

Ayes	--	Four
Nays	--	None
Absent	--	One – Alderman Valdez

Motion carried.

Mayor

City Secretary