

Minutes
Regular Council Meeting
November 15, 2011

On this 15th day of November 2011, at 7:00 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
Alderwoman Kathy Wilkins
Alderwoman Gina Champion
Alderman Steve A. Lopez
Alderman David Valdez

Thus, constituting a quorum.

Personnel present: Gary Pelech, City Administrator, and Dora V. Rodriguez, City Secretary; Darrell Rawlings, Code Compliance Officer, Adalberto Bosquez, City Accountant and Retiring City Accountant, Nancy Pepper.

Others present: Cindy Gonzales, Sonia Lance, Sandy Jopling, Jay Hudson, Doug & Donna Trott, David Wilkerson, Tommy Ramirez and Alex Gonzales, Devine residents; Jim Lawler, Planning and Zoning Commissioner; Jovanna Naddski, Medina Valley Times 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 approval of minutes.

Motion by Alderman Lopez, seconded by Alderman Lance to approve the Minutes for the Regular Meeting October 18, 2011 and the Special Meeting November 3, 2011.

Ayes	--	All
Nays	--	None

Motion carried.

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The second order of business was to appoint a Mayor Pro-Tem to replace Mayor Pro-Tem Marina Antu who stepped down as councilwoman.

Motion by Alderman Lopez, seconded by Alderman Valdez to appoint Hal Lance to be our Mayor Pro-Tem.

Ayes	--	All
Nays	--	None

Motion carried.

The third order of business was to discuss and consider the recommendation of the Planning & Zoning Commission for Meeting held on November 14, 2011:

- a. Request for variance made by Travis Franklin on behalf of Professional Resource Development, Inc. for the following variances/waivers be granted to provisions of the Subdivision Ordinance (Appendix B) of the City of Devine, for the platting of properties addressed as 1284 Hondo Avenue W. and 1207 Hondo Avenue W, and being 2.3 Acres of the F. Niggli Survey No. 1 (Abstract No. 713) which is proposed to be platted as Jerry Hudson, Lots 1, 2 & 3:
 1. 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;
 2. 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;
 3. 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.
 4. 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.

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Motion by Alderwoman Champion, seconded by Alderwoman Wilkins to approve recommendation by the Planning & Zoning Commission to grant all requests submitted.

- b. Request for a variance made by Tomas Ramirez, III on behalf of the property owner to vacate and replat Colonial Oaks Subdivision, Block 4(NCB 130), Lot 6, known as 406 Monticello Circle and 1505 Libold Drive, into two lots, with either one or both lots to be smaller than the minimum size requirements of the Subdivision Ordinance.

Tommy Ramirez representing Howard Hicks addressed the Council on wanting them to approve the request for a variance that Planning & Zoning denied last night. Mr. Ramirez held a lengthy discussion with Council.

Cindy Gonzales, a neighbor of this area, addressed the Council about this item being brought up before and both Planning & Zoning and Council denied the request. She is against it. Mrs. Gonzales held a lengthy discussion with Council.

Alex Gonzales, a neighbor of this area, addressed the Council about also being against this.

Sandy Jopling, a neighbor of this area, addressed the Council about also being against this.

Planning & Zoning Commissioner Jim Lawler informed the council that it was explained that this item had come before them back in 2008 and nothing has changed so it was denied.

Motion by Alderman Lance, seconded by Alderwoman Wilkins to uphold the decision by the Planning & Zoning to deny request.

Ayes	--	All
Nays	--	None

Motion carried.

The fourth order of business was the following for the Devine ISD – Proposed Park:

- a. Enter into a new MOU with Devine ISD.
- b. Decide for the City to select to pay all or part of the \$10,000 for a Park Master Plan.

MOU attached as Exhibit A.

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Motion by Alderwoman Champion and seconded by Alderman Lopez to enter into a MOU Agreement with the Devine ISD.

Ayes	--	All
Nays	--	None

Motion carried.

Motion by Alderwoman Champion, seconded by Alderman Valdez to approve for the City of Devine to pay the \$10,000 cost for Park Master Plan and amend the Current Budget.

Ayes	--	All
Nays	--	None

Motion carried.

The fifth order of business was to discuss and consider approving a Lease Agreement with the City of Lytle for the City of Devine to lease 80 acre feet of Water starting on November 15, 2011 to December 31, 2011 in the amount of \$12,000.

Lease attached as Exhibit B.

Motion by Alderwoman Wilkins, seconded by Alderman Lopez to approve a Lease Agreement with the City of Lytle for the City of Devine to lease 80 acre feet of Water starting on November 15, 2011 to December 31, 2011 in the amount of \$12,000.

Ayes	--	All
Nays	--	None

Motion carried.

The sixth order of business was adopting a Resolution requesting immediate action by the Texas Department of Transportation to provide for Frontage Road and Ramp Construction along the IH-35 Frontage Road within the city limits and the extra territorial jurisdiction of the City of Devine, Texas, between SH 173 and FM 3176 and committing to providing funding for portions of said construction.

City Attorney Tom Cate informed the council that he corrected the resolution so this council could not bind future councils.

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Resolution attached as Exhibit C.

Motion by Alderman Lopez, seconded by Alderwoman Champion to adopt Resolution 11-11A requesting immediate action by the Texas Department of Transportation to provide for Frontage Road and Ramp Construction along the IH-35 Frontage Road within the city limits and the extra territorial jurisdiction of the City of Devine, Texas, between SH 173 and FM 3176 and committing to providing funding for portions of said construction.

Ayes	--	All
Nays	--	None

Motion carried.

The seventh order of business was to discuss and consider adopting a Resolution Nominating a Candidate for the Election of the Medina County Appraisal District Board of Directors for the Year 2012-2013.

Resolution attached as Exhibit D.

Motion by Alderwoman Wilkins, seconded by Alderman Lance to adopt Resolution 11-11B to Nominate John Ward for the Election of the Medina County Appraisal District Board of Directors for the Year 2012-2013.

Ayes	--	All
Nays	--	None

Motion carried.

The eighth order of business was to discuss and consider accepting the bid submitted by Red Ewald, Inc. to furnish and deliver a 20,000 gallon ground storage tank to replace the existing one at the Edwards Well #1.

Motion by Alderwoman Champion, seconded by Alderman Lopez to approve bid submitted by Red Ewald, Inc. to furnish and deliver a 20,000 gallon ground storage tank to replace the existing one at the Edwards Well #1.

Ayes	--	All
Nays	--	None

Motion carried.

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The ninth order of business was to discuss the Skate Park requested by Alderman Lance. Councilman Lance addressed the council that nothing has been done to make this park happen. He wanted to know what needed to be done to get it going again. Alderman Lance advised that the city gave the Ministerial Alliance money to help with this park so we should make sure that this project gets completed.

Council wants for everyone that has an interest in this Park to get notified to let them know that we are putting it on the January Meeting.

No action taken on this item.

The tenth order of business was to discuss and consider cancelling the Regular Council Meeting for December 2011.

Mayor Herring stated that if we need to have a special meeting, we can have one.

Motion by Alderman Lopez, seconded by Alderman Lance to cancel the Regular Council Meeting for December 2011.

Ayes	--	Three -- (Alderman Lance, Lopez and Valdez)
Nays	--	Two -- (Alderwoman Champion and Wilkins)

Motion carried.

The eleventh order of business was Informational Items.

Mayor Herring thanked the Chamber for a great job on the parade and festival.

Mayor Herring congratulated the Arabians for winning bi-district.

Mayor Herring congratulated the Warhorses for winning bi-district.

Mayor Herring informed the council that Darrell had a birthday today.

Mayor Herring informed the council that the Auditors were here doing their audit.

Sandy Herrera with the Chamber informed the Council that they would be having an appreciation lunch to thank the city for their help.

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Mayor Herring announced that this is Nancy's last meeting. He thanked her for an outstanding job.

Nancy thanked the council and advised that she is grateful to have worked for the city. She advised that she loves Devine because it is her city and that anything that she has done was for the citizens of Devine. She advised that she and Dora started out together 8 years ago when Dora became the City Administrator and she was the accountant, and they worked hard together to get the city where it is today. Council thanked Nancy.

There being no further business to come before the governing body, motion by Alderman Lance, seconded by Alderwoman Wilkins, to adjourn the meeting

Mayor

City Secretary