

**Minutes**  
**Regular Council Meeting**  
**November 18, 2014**

On this 18<sup>th</sup> day of November 2014, 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; Denise Duffy, City Accountant; Ofilia Pedroza, Clerk; and Tom Cate, City Attorney.

Others present: Steve Ross, Medina Valley Times; Stacy Cantu, Devine News; Kevin & Georgia Hicks, Misty Houston, George Moralez, Sonia J. Lance and Mary Jane Balderrama 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.

There was no recognition at this time.

The third order of business was to discuss and consider Approval of Minutes: Regular Council Meeting, October 21, 2014.

Council reviewed minutes.

Motion by Alderman Espinosa, seconded by Alderman Lopez to Approve the Minutes for Regular Council Meeting, October 21, 2014.

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

Motion carried.

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The fourth order of business was to discuss and consider request by Kevin & Georgia Hicks to extend variance for building home at 325 Sollock Drive.

Mayor Herring reminded City Council that six months ago, they had granted them a variance to move in a small trailer to the property for them to live in while they were to have this home built.

Mr. Kevin Hicks addressed City Council and informed them of the status of the house being built. He said that they've got the finalized plans and the information from MG Building Supply regarding the cost of all the materials, and they've been approved for all of the loans. He said now they are just waiting on a couple of contractors to give them bids. They have had three proposals on the house but he explained that because they are so close to the golf course, everybody wants to build almost \$300,000.00 houses, so he is contracting with two other groups to see if they can bring the cost down per square foot. Mr. Hicks told Council that they are probably around three weeks away from getting the city permit for it. He told Council "That's where we are right now, we're just waiting on some contractors to get the information back to us."

Discussion was held regarding the placement of the house, setbacks, preservation of trees, and also a proposed garage to match the house. Mayor Herring inquired about an easement and asked who owned the easement. Mr. Hicks said that he owned the easement. Brief discussion was held regarding proof of ownership of the easement.

Alderman Lance inquired as to how long this project would be. He wanted to know when the trailer would be removed from the property and the house be built.

Mrs. Hicks responded "As soon as possible, I can't stand it." Mr. Hicks said they should be starting within a month and it should take about three to four months if we have good weather to build the house, which should take them to the end of March. Again, Mr. Hicks stated that they are about three weeks away from getting everything done. He said they have all the paperwork; it's just a matter of lining it all up and turning it in to the finance company.

Alderman Espinosa stated that he is going to be one of the contractors bidding so he will be abstaining from voting.

Mayor Herring inquired about the trailer house on the property being too close. Mr. Hicks offered to move it some, if it helps. Mayor Herring said he would appreciate that.

More discussion was held by Alderman Lance regarding the ownership of the easement. Mr. Hicks will try to bring in proof of ownership later.

City Administrator Gary Pelech explained to Mr. Hicks that typically Council extends variances only if someone has not quite finished a house and they need more time to finish. He said it's been six months already and we haven't seen anything being done. He stated that, of course, it is up to the Council but he would be very hesitant to grant anything more than one month extension at a time so that we can keep an eye on it and see that some progress is being made.

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Mayor Herring agreed with City Administrator Gary Pelech. He then asked Alderman Espinosa, as a plumber, if he felt that (in general) one month would be plenty of time to have a slab poured, and Alderman Espinosa responded “yes.”

Mayor Herring told Mr. Hicks that in his opinion he didn’t have a problem with extending one month more and asked if they could at least move over the trailer a little bit more, and Code Compliance Officer Darrell Rawlings would be monitoring the progress on this.

Discussion was held on when to start the extension and possibly having a Special Meeting in December to discuss monitoring the progress and where they are at that time.

Motion by Alderman Lance, seconded by Alderwoman Wilkins to grant extending a variance for one month at a time beginning today, November 20, 2014 and to monitor progress.

Ayes	--	Three
Nays	--	None
Abstain	--	One – Alderman Espinosa
Absent	--	One – Alderman Valdez

Motion carried.

The fifth order of business was to discuss and consider leasing Edwards Water to the City of Lytle and at what cost per acre foot.

City Administrator Gary Pelech informed Council that they are requesting 50 acre feet of water through the end of the year, and he told Council that we do have enough water. Mayor Herring added that the last time we did this, it was at \$170.00 per acre foot.

Alderman Lance inquired how this is actually done. He asked if Lytle would be pumping the water. City Administrator Gary Pelech explained that basically this is all done on paperwork only, and City Attorney Tom Cate added that it will still be pumped out of the well in Lytle. He also stated that he would be doing the paperwork for this.

Motion by Alderwoman Wilkins, seconded by Alderman Espinosa to lease 50 acre feet of Edwards Water to the City of Lytle at the cost of \$170.00 per acre foot.

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

Motion carried.

The sixth order of business was a **Public Hearing:** to discuss and consider recommendation of the Planning & Zoning Commission for Meeting held on November 10, 2014:

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- a. Request for the following variances, which are requested to exist temporarily until 60-days after the issuance of the Certificate of Occupancy for a new dwelling, made by Brandi Sollock for 403 Jamison Drive S., which is described as P.C. Hattox Addition, Block 2 (NCB 152), Lots 6, 7, & 8:
  - i. A variance to Appendix A., Article 3, Section 1 (Use Regulation) of the Devine Code of Ordinances which states, “Buildings, or land in any portion of the city, may be used for any of the uses listed under this classification; but in an "A" district, no building or land shall be used, and no building or structure shall be hereafter erected or structurally altered, which is arranged or designed to be used for other than one or more of the following uses: (1) One-family dwelling, excluding manufactured or mobile homes” to allow the continued occupancy of the existing one-family dwelling while a new one-family dwelling is built on the property; and,

Mayor Herring explained that basically they are wanting to build a new house while they are still living in the old existing home. He declared the Public Hearing open to the public at 6:22 p.m.

Misty Houston was present representing the owners of the property. She informed City Council that G&E Custom Homes would be building the new home for Brandi Sollock. She confirmed that the owners just want to continue living in their house while the new structure is being built so that they don't have to rent somewhere else. She said that they are asking for 60 days after the Certificate of Occupancy is issued to either completely move or be able to tear down the existing structure.

No one else came forward to speak.

At 6:23 p.m., Mayor Herring closed the Public Hearing.

Alderman Lance asked for clarification on tearing down the existing building. Ms. Houston stated that it will either be demolished or moved. She explained that the existing house is approximately 20 feet away from the new structure, and they do not want it there.

Motion by Alderman Espinosa, seconded by Alderman Lance to accept the recommendation of the Planning & Zoning Commission to grant the variance.

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

Motion carried.

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- ii. A variance to Chapter 98, Section 98-7 (Separate Utility Meters) of the Devine Code of Ordinances which states, “Any gas or water service installed to an individual residence or commercial building after December 31, 1983, shall have a separate meter, and no new connection shall be made to the city gas or water systems for any residence or commercial building unless the service to such residence or commercial building is separately metered” to allow the new one-family dwelling to be connected to the same water meter as the existing dwelling until the existing dwelling is removed.

Mayor Herring explained that while they are constructing the house, they want to go ahead and hook up to the existing water and sewer, and once the new house is finished, they will disconnect from the old house, tear it down, and then they will meet the regulations of separate meters.

At 6:25 p.m., Mayor Herring declared the Public Hearing open to the public.

Misty Houston addressed City Council again. She explained that what they are trying to do is alleviate having two sewer hookups at the end of the project and two water meters at the end of the project. She told Council that they understand that there will be an inspection fee for the new sewer tap but they are hoping that there won't be any tap fees since they are already existing.

At 6:26 p.m., Mayor Herring closed the Public Hearing.

Alderman Espinosa inquired if at one time or another, two homes would actually be tapped in at the same time, or if they would be tapping into the new home and discontinue the old one to get their certificate of occupancy. Ms. Houston explained that they will tap from where it is on the street to the new house. She explained that they can't disconnect the living structure until they move out, and all of that will be done within that 60 day period. She said that even though the two structures will be tapped in at the same time, there will never be two families living at both places at the same time; they will either be living in the old structure or living in the new structure.

Alderman Lopez inquired of the guarantee that the old structure will be removed. Ms. Houston explained that is the reason for the 60 day period, to be able to do this. She said it's either that or they would need to come before Council again and they get fined. Alderman Lopez then inquired as to what would happen if they don't demolish or move the house. Council held brief discussion on probably disconnecting services just like we do for everyone else.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to accept the recommendation of the Planning & Zoning Commission to grant the variance.

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

Motion carried.

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The seventh order of business was to discuss and consider cancelling the Regular Council Meeting for December, 2014.

Council discussed holding a Special Meeting in December, if needed.

Motion by Alderman Lopez, seconded by Alderwoman Wilkins to cancel the Regular Council Meeting for December, 2014.

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

Motion carried.

The eighth order of business was Informational Items.

- The parade went very well.
- Chamber of Commerce either broke even or made a little money.
- We seemed to be having a problem with the band blowing the electrical circuits so we will be looking into that on the wiring.
- There will be a Free Electrical Recycling Program this Saturday, November 22, 2014, from 8:00 a.m. to 4:00 p.m., at the Medina County Annex Building. This will be for all electronics, i.e. computers, monitors, televisions, printers, cell phones, etc.

There being no further business to discuss before the governing body, motion by Alderman Espinosa, seconded by Alderwoman 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