

Minutes
Special Council Meeting
December 19, 2017

On this 19th day of December 2017, at 6:00 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
Aldermoman Kathy Wilkins
Alderman David Espinosa
Alderman Cory Thompson

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

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

Others Present: None.

Mayor Herring, presiding, called the meeting to order.

The first order of business was a Public Hearing: Discuss and consider the Preliminary Report for zoning zoning classification change for property consisting of approximately 41.673 acres of land starting at north and south Upson Drive along W. Hondo Avenue to include southern border of College Avenue and S. Windy Knoll and to include north east Upson & Park Avenue in the City of Devine from the recommended study of Comprehensive Plan, and create a Preliminary Report regarding changing the classification of this area from Class A. Single Family District to Class G. Retail Business District and is proposed to include any or all properties described as follows.

203 College Ave W(R14582), 303 College Ave(R14593), 215 Benton Ave W(R14645), 210 College Ave W(R14650), 212 College Ave W(R14651), 105 Sayers S(R14652), 409 Benton W(R14662), 411 Benton W(R14663), 407 Benton W(R14666), 401 Benton(R14667), 210 Sayers (R14758), 505 Howell(R14855), Windy Knoll S(R14897), 112 Windy Knoll S(R14898), 114 Windy Knoll S(R14899), 116 Windy Knoll S(R14900), 108 Windy Knoll S(R14901), Windy Knoll S(R14902), 507 MCAnnely (R14904), 509 MC Annely (R14905), 505 MCAnnely (R14906), 511 Hondo Ave W(R14909), 115 Windy Knoll N(R14911), 111 Windy Knoll N(R14912), 505 Brown E(R14913), 507 Brown(R14914), 121 Windy Knoll Dr N(R14915), 612 MCAnnely (R14921), 703 Hondo Ave W(R14929), 705 Hondo Ave W (R14930), 706 Hondo Ave W(R14931), 108 Warhorse Dr (R14934), 110 Warhorse Dr (R14935), 109 Jamison Dr N(R14936), 708 Hondo Ave W(R15115), 710 Hondo Ave W(R15117), 712 Hondo Ave W(R15118), 714 Hondo Ave W(R15119), 901 Atkins(R15124), 111 Warhorse Dr (R15130), 709 Hondo Ave W(R15131), Bluebonnet Ave(R15132), 102 Renfro(R15133), 711 Hondo Ave W(R15134), 713 Hondo Ave W(R15135), 715 Hondo Ave W(R15136), 716 Dove Ave W(R15137), 714 Dove Ave W(R15138), 712 Dove Ave W(R15139), 710 Dove Ave W(R15140), 803 Hondo Ave W(R15141), 809 Hondo Ave W(R15142), 103 Jay(R15143), Dove Ave(R15144), 102 Cardinal Dr (R15145), 901 Hondo Ave W(R15146), 903 Hondo Ave W(R15147), 905 W Hondo Ave

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W(R15148), 1003 Hondo Ave W(R15150), 1005 Hondo Ave W(R15151), 1101 Hondo Ave W(R15152), 1103 Hondo Ave W(R15153), 1201 Hondo Ave W(R15154), 1108 Dove Ave (R15155), 1102 Dove Ave(R15157), 1008 Dove Ave(R15158), 1006 Dove Ave(R15159), 1002 Dove Ave(R15160), 906 Dove Ave(R15161), 904 Dove Ave(R15162), 902 Dove Ave(R15163), 1205 Hondo Ave W(R15164), 1102 Hondo Ave W(R15545), 1104 Hondo Ave W(R15546), 105 Littleton Dr (R15547), 107 Littleton Dr (R15548), 109 Littleton Dr (R15549), 111 Littleton Dr (R15550), 113 Littleton Dr (R15551), 1206 Hondo Ave W(R15576), 103 Hall Dr (R15577), 1210 Hondo Ave W(R15578), 105 Hall Dr (R15579), 1202 Hondo Ave W(R30350), Atkins Ave(R30090), Benton Ave W(R51396), 1110 Dove Ave(R51622), 501 Howell (R52580), 104 Jamison(R53770), 102 Jamison (R53771), 100 Jamison (R53772), 1203 Hondo Ave W(R60202), 706 1/2 Hondo Ave W(R68791), 1220 Hondo Ave W(R6963), Hall Dr (R6964), 1010 W Hondo Ave(R7019), 108 Hall Drive(R7036), Hall Drive(R7037), 106 Hall Drive N(R7038), 112 Warhorse Dr (R7044), 111 Benton (R7051), Littleton Dr (R70675), 1106 Hondo Ave W(R7069), 1212 Hondo Ave W(R7071), Dove Ave W(R89299), Dove Ave W(R89300).

Mayor Herring opened the Public Hearing.

Mayor Herring announced that we are just doing what's already in practice. We have commercial buildings all the way down SH-173 on both sides. He commented that this will not change anybody's taxes, and it will keep us from spot zoning which is illegal.

Interim City Administrator/City Secretary Dora V. Rodriguez told Council that this all started with Lori Peery when she came in wanting a duplex; that's what prompted everything.

City Attorney Tom Cate explained that the problem started when we tried to re-zone this years ago, and we did it by resolution instead of by ordinance. He explained that once we found out that, we started looking at everything and looking at the Comprehensive Plan. Council reviewed a map.

According to Interim City Administrator/City Secretary Dora V. Rodriguez added that she and City Attorney Tom Cate agreed that we might as well do the whole thing correct and fix everything while we're working on it; just like we did on the southside of SH-132 across Triple-C.

According to City Attorney Tom Cate, a lot of letters went out and only one person who lives on SH-173, next to the high school, showed concern at the Planning & Zoning meeting, of someone coming in and setting up a business, in the future, next to their home. Mr. Cate explained that we have another meeting with Planning & Zoning in January. This meeting is just to accept the Preliminary Report.

Council held discussion and felt that this needs to be taken care of. According to Interim City Administrator/City Secretary Dora V. Rodriguez, City Attorney Tom Cate will be drawing up an ordinance, and there will be a Public Hearing on January 8, 2018, and then we'll have the January Regular Council Meeting for the final approval.

At this time, Mayor Herring closed Public Hearing.

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Motion by Alderman Espinosa, seconded by Alderman Thompson to accept the preliminary report and move on to a Public Hearing on January 8, 2018, and to create Final Report changing the zoning classification from Class A. Single Family District to Class G. Retail Business District.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Valdez and Alderman Lopez

Motion carried.

The second order of business was a Public Hearing: Discuss and consider the Preliminary Report for zoning zoning classification change for property consisting of approximately 5.7174 acres of land starting at north and south Upson Drive along W. Hondo Avenue to include southern border of College Avenue and S. Windy Knoll and to include north east Upson & Park Avenue in the City of Devine from the recommended study of Comprehensive Plan, and create a Preliminary Report regarding changing the classification of this area from Class D. Two-Family Residence District to Class G. Retail Business District and is proposed to include any or all properties described as follows.

111 Upson Dr N (R14646), 201 Benton Ave W (R14647), 205 Benton Ave W (R14648), 208 W Benton Ave (R14756), 110 Benton W (R14799), 216 Upson N (R14802), Atkins Ave (R15125), 707 Atkins Ave (R15126), 705 Atkins Ave (R15127), 703 Atkins Ave (R15128), 701 Atkins Ave (R15129), Upson Drive (R58859).

Mayor Herring opened the Public Hearing.

The only comments from Council is that we are doing the same thing.

Mayor Herring closed the Public Hearing.

Motion by Alderwoman Wilkins, seconded by Alderman Thompson to accept the preliminary report and move on to a Public Hearing on January 8, 2018, and to create Final Report changing the zoning classification from Class D. Two-Family Residence District to Class G. Retail Business District.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Valdez and Alderman Lopez

Motion carried.

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The third order of business was a Public Hearing: Discuss and consider the Preliminary Report for zoning zoning classification change for property consisting of approximately 21.2992 acres of land starting at north and south Upson Drive along W. Hondo Avenue to include southern border of College Avenue and S. Windy Knoll and to include north east Upson & Park Avenue in the City of Devine from the recommended study of Comprehensive Plan, and create a Preliminary Report regarding changing the classification of this area from Class F. Neighborhood Shopping Center to Class G. Retail Business District and is proposed to include any or all properties described as follows.

212 Hondo Ave W (R14639), 200 Hondo Ave W (R14640), 214 Hondo Ave W (R14641), 216 Hondo Ave W (R14642), 109 Upson Dr (R14643), 110 Sayers N (R14644), 200 College Ave W (R14649), 103 Sayers S (R14653), 201 1/2 Hondo Ave W (R14654), 207-209 Hondo Ave W (R14655), 209 Hondo Ave W (R14656), 308 Hondo Ave W (R14657), 108 Washington Dr S (R14660), 402 Hondo Ave W (R14664), 408 W Hondo Ave (R14665), 107 Washington Dr S (R14668), 501 Hondo Ave W (R14903), 500 Hondo Ave W (R14907), 506 Hondo Ave W (R14908), 508 Hondo Ave W (R14910), 509 Brown (R14916), Hondo Ave W (R14917), 510 Hondo Ave W (R14919), 604 Hondo Ave W (R14922), 606 Hondo Ave W (R14923), 605 Hondo Ave W (R14924), 617 Brown Ave W (R14927), 700 Hondo Ave W (R14928), 602 Brown Ave W (R14932), 610 Brown Ave (R14933), 900 Hondo Ave W (R15123), 412 Hondo Ave W (R52532), 700 Hondo Ave W (R59677).

Mayor Herring opened the Public Hearing.

There were no comments made.

Mayor Herring closed the Public Hearing.

Motion by Alderman Espinosa, seconded by Alderman Thompson to accept the preliminary report and move on to a Public Hearing on January 8, 2018, and to create Final Report changing the zoning classification from Class F. Neighborhood Shopping Center to Class G. Retail Business District.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Valdez and Alderman Lopez

Motion carried.

The fourth order of business was Informational Items.

The following was discussed by Council:

- Office closed – Interim City Administrator/City Secretary Dora V. Rodriguez announced to Council that because of the flu and being shorthanded at the office due to illness, we had to shut down the business yesterday around 2:00 p.m., and this was an order from the Mayor.

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She also informed Council that Incode was down and Alma's computer had a worm which James Evans, our Computer Tech, was able to kill, but according to him, it came from Russia. She explained that even Payroll was affected so there was not much we could do the computers except to take care of paperwork.

- Mayor Herring wished everyone a Merry Christmas.

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

Ayes	--	Three
Nays	--	None
Absent	--	Two – Alderman Valdez and Alderman Lopez

Motion carried.

Mayor

City Secretary