

May 18, 2004

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

1. 5:30 P.M. CALL TO ORDER

Mayor Harrison called the meeting to order at 5:30 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Alderman Browning led all in the prayer and Pledge of Allegiance.

3. ROLL CALL AND CERTIFICATION OF QUORUM

Present to-wit: Mayor Philip B. Harrison, Aldermen Wayne Browning, Nancy P. Allen, O. William "Bill" Schmidt, Michael S. "Mike" Mueller and David Ottmer; thereby a quorum was established. Also present were City Attorney Charley Smith, City Secretary Susan Rosinski and City Administrator Lynn S. Roberts.

4. 4. CONSIDERATION/ACTION TO ADOPT AGENDA

A motion was made by Alderman Browning, seconded by Alderman Mueller to adopt the agenda as presented with the exception that agenda item numbers twenty-one and twenty-four follow agenda item number thirteen. Motion carried unanimously.

5. 5. CONSIDERATION/ACTION TO APPROVE MINUTES OF PREVIOUS MEETINGS

A motion was made by Alderman Browning, seconded by Alderwoman Allen to approve the minutes of the Regular Meeting of April 20, 2004 as presented. Motion carried unanimously.

6. 6. CITIZEN'S FORUM

Representatives of the Boys and Girls Club asked to speak under this item. Mayor Harrison stated that they could speak under agenda item number fourteen, as it was already an agenda item.

7. 7. OATH OF OFFICE ISSUED TO ELECTED OFFICIALS
CERTIFICATES OF ELECTION ISSUED TO ELECTED OFFICIALS
THIS ITEM DELETED DUE TO INFORMATION REC'D. FROM SECRETARY OF STATE
ON FRIDAY (MAY 14) AFTERNOON

The Oath of Office and Certificates of Election were not issued, as the officials cannot be sworn in until the date of canvass, which will be held on May 25, 2004 at 10:00 a.m.

8. 8. REPORT OR REQUEST(S) FROM MAYOR/COUNCIL MEMBERS/CITY ATTORNEY

Alderwoman Allen announced Tom Bennett of the Heritage Gathering had written a letter of thanks to the City of Bellville. The letter also stated Mr. Bennett was trying to find a supplemental date for activities (Ranch Rodeo, etc.) that were cancelled on May 1st due to rain.

Alderman Browning inquired as to the depth of the patching material used for repair of streets. Administrator Roberts responded we use stabilized cement as recommended by O'Malley Engineers.

9. 9. REPORT OR REQUEST(S) FROM ADMINISTRATOR/DEPARTMENT HEADS

Water well #11 samples have been sent for analysis, electrical has been completed by O'Malley Engineers and Well #11 should be in service the first week of June.

The pouring of the cement slab at the Library has been delayed due to rain.

Crews have been trying to mow and spray for mosquitoes but the rain is washing the repellent away and the rain is also washing the newly placed asphalt out of the street.

Chief Larry Matthews announced that patrolman, Ken English had returned to full duty. Chief Matthews introduced Patrolman Reese Lockett who comes from Milam County and later introduced Patty Zamora who comes from Luling Police Department with five years experience.

10. 10. OPEN SESSION RECESSED

Open Session recessed at 5:40 p.m.

11. 11. EXECUTIVE SESSION CONVENED TEXAS GOVERNMENT CODE SECTION 551.074 TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL; OF A PUBLIC OFFICER OR EMPLOYEE AND ANY RELATED ACTION NECESSARY

Executive Session convened at 5:41 p.m.

12. 12. OPEN SESSION RE-CONVENED

Open Session re-convened at 5:55 p.m.

13. 13. CONSIDERATION OF THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL; OF A PUBLIC OFFICER OR EMPLOYEE AND ANY RELATED ACTION NECESSARY

No action taken.

14. 14. CONSIDERATION OF REQUEST FOR FUNDS FOR BOYS AND GIRL'S CLUB AND BUDGET AMENDMENT IF NECESSARY – ELLEN LANCASTER

Several members of the public addressed Council with comments on the Boys and Girls Club. Those persons included were Tammy Hall, Kay O'Jibway, Laura Whidden and Pamela Garcia.

A motion was made by Alderman Ottmer, seconded by Alderman Schmidt to approve the payment of \$6,668.68 (\$1666.67 monthly) to the Boys and Girls Club through September 2004. Mayor Harrison called for a vote. Aldermen Ottmer, Mueller, Schmidt and Allen voted aye and Alderman Browning abstained due to his affiliation with the Club. Motion carried.

15. 15. CONSIDERATION TO ACCEPT CORRECTED PLAT FOR TANGLE OAKS, SECTIONS I, II, & III AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Ottmer, seconded by Alderman Browning to approve the re-plat of Tangle Oaks Sections 1, 2 and 3 as presented. Motion carried unanimously. Tangle Oaks Sections 1, 2 and 3 were re-platted due to a two-foot error on part of surveyor. Lots will not change in physical size.

16. 16. CONSIDERATION TO AMEND JUNK VEHICLE ORDINANCE AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Mueller, seconded by Alderwoman Allen to adopt Ordinance #1261 amending the Junk Vehicle Ordinance. Motion carried unanimously. The amendment added the definition of semi-trailer and the word *motor* vehicle to the existing ordinance.

17. CONSIDERATION OF APPOINTMENTS TO THE SENS ACTIVITY CENTER BOARD AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning, seconded by Alderman Ottmer to appoint Beverly Remmert to the Sens Activity Center Board with the term being May 18, 2004 – April 19, 2006. Motion carried unanimously.

18. CONSIDERATION OF BEDCB EXPENDITURE FOR CONTRACT OF SERVICES AND ANY RELATED ACTION NECESSARY

A motion was made by Alderwoman Allen, seconded by Alderman Browning to contract with the Bellville Economic Development Corporation to provide administrative services. Motion carried unanimously. Suzanne Edwards who provides private secretarial services to the BEDC at this time will provide administrative services through the City of Bellville.

19. CONSIDERATION TO ACCEPT STATE ISSUED MASTER ELECTRICIAN'S LICENSE AND RELATED ACTION NECESSARY

Administrator Roberts informed Council that the State of Texas has began issuing electrician licenses. Effective September 1, 2004 all electricians must have a State issued electricians license. Adm. Roberts stated that we accept both the State and City license until September 1, 2004 at which time only the State license will be necessary.

A motion was made by Alderman Mueller, seconded by Alderwoman Allen to accept the State of Texas' electrician's license after September 1, 2004 and accept either the State issued license or City of Bellville license from now until September 1, 2004. Motion carried unanimously.

20. CONSIDERATION TO AWARD BID FOR SALE OF REAL PROPERTY LOCATED AT 17 W. MAIN (OLD POLICE DEPARTMENT) AND ANY RELATED ACTION NECESSARY

Sealed bids were opened on the old Police Department and property located at 17 W. Main on Friday, May 14, 2004. A bid were received from the following:

Gary W. Morris

\$11,000.00

A motion was made by Alderwoman Allen, seconded by Alderman Mueller to reject the bid received and to place an item on next month's agenda to discuss options regarding the use of the property. Motion carried unanimously.

21. DISCUSSION OF PLAYGROUND EQUIPMENT IN STREET AT WILD PHLOX AND ANY RELATED ACTION NECESSARY – RICHARD ARMSTRONG

Richard Armstrong of 140 Wild Phlox appeared before Council to voice his concern over a basketball goal extending three feet from curb in the cul-de-sac of a city street. Mr. Armstrong also added the goal was hindering the school bus from making its turn. Mr. Armstrong stated he had spoken with the Police Department and the City Attorney in hopes of rectifying the situation.

Attorney Smith inquired as to the liability to the City and was informed by Texas Municipal League and there would be no liability unless the City was negligent.

Mayor Harrison asked for an item to be placed on next month's agenda to address playgrounds in the street.

22. CONSIDERATION TO AMEND WEED ORDINANCE AND ANY RELATED ACTION NECESSARY

Attorney Smith recommended not to amend the Weed Ordinance and continue with the same procedure that is currently used when a complaint is received.

23. CONSIDERATION OF AMENDMENTS TO THE SUBDIVISION ORDINANCE, SUBDIVISION AND COMMERCIAL & INDUSTRIAL TECHNICAL SUMMARIES FOR CLARIFICATION (I.E. SECTION/SUBSECTION RENUMBERING AND REFERENCING) AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Ottmer, seconded by Alderman Schmidt to adopt amendments to the Subdivision Ordinance and Technical Manuals for Residential, Commercial & Industrial (Ordinance numbers 1262, 1263 and 1264) as presented by Attorney Smith. Motion carried unanimously. Amendments include renumbering and referencing.

24. CONSIDERATION/APPROVAL OF PARK PLAN DRAFT PRESENTED BY SEBESTA AND ASSOCIATES, APPROVAL OF RESOLUTION AND ANY RELATED ACTION NECESSARY – CARLA SEBESTA

A motion was made by Alderman Schmidt, seconded by Alderman Mueller to adopt the Comprehensive Parks Plan for the City of Bellville as presented by Carla Sebesta of Sebesta and Associates along with Resolution #1260. Motion carried unanimously.

25. CONSIDERATION OF REQUEST TO RELOCATE LESCHPER ROAD STREET SIGN AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Mueller, seconded by Alderman Schmidt requesting the County relocate the Leschper Road sign which is currently located at the corner of E. Grant and S. Holland be relocated past the Louis property at 1198 S. Holland. Motion carried unanimously. Mr. Louis is the last resident inside the city limits. This request was needed due to the fact EMS

was unable to locate a resident that was in need of emergency medical services on S. Holland Street.

26. OPEN SESSION RECESSED

Open Session recessed at 6:54 p.m.

27. EXECUTIVE SESSION CONVENED UNDER TEXAS GOVERNMENT CODE SECTION 551.071 PENDING OR CONTEMPLATED LITIGATION AND TEXAS GOVERNMENT CODE SECTION 551.072 ACQUISITION OF REAL PROPERTY AND ANY RELATED ACTION NECESSARY

Executive Session convened at 7:05 p.m.

28. EXECUTIVE SESSION ADJOURNED

Executive Session adjourned at 7:30 p.m.

Alderman Mueller asked to be excused.

29. OPEN SESSION RE-CONVENED

Open Session re-convened at 7:32 p.m.

30. CONSIDERATION OF PENDING OR CONTEMPLATED LITIGATION AND ACQUISITION OF REAL PROPERTY AND ANY RELATED ACTION NECESSARY

No action taken.

31. ADJOURNMENT

A motion was made by Alderman Schmidt, seconded by Alderman Browning to adjourn at 7:35 p.m. Motion carried unanimously.