

January 17, 2006

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

Reverend Warren Scott 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, Monte D. Richardson, James A. "Jim" Bishop, Carol H. Courville and Jerome Peters; thereby a quorum was established. Also present were City Administrator Lynn S. Roberts, City Attorney Charley Smith and City Secretary Susan Rosinski.

4. CONSIDERATION/ACTION TO ADOPT AGENDA

A motion was made by Alderman Wayne Browning and seconded by Alderwoman Carol Courville to adopt the agenda as presented. Motion carried unanimously.

5. CONSIDERATION/ACTION TO APPROVE MINUTES OF PREVIOUS MEETINGS

A motion was made by Alderman Wayne Browning and seconded by Alderman Richardson to approve the minutes of the Regular Meeting of December 20, 2005. Motion carried unanimously.

6. CITIZEN'S FORUM

Gwen Henson inquired about the City assisting with funds for a lighted sign acknowledging Kelly Kaminski's achievement. Ms. Henson was in hopes of the Chamber of Commerce, Bellville Economic Development Corporation and City of Bellville collaborating on this project, if possible. Mayor Harrison stated the legality of this issue would be reviewed by Attorney Smith.

Carolyn Gibson representing the Bellville Economic Development Corporation read a resolution for Pop's on the Square Café (Preston and Paula McNeely) as the grant application was over \$10,000.00. Ms. Gibson also made announcements regarding Newman's Bakery, Congressman Michael McCaul's reception and the Chamber of Commerce banquet.

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

Alderman Peters inquired as to what progress had been made in regards to the Minimum Housing Ordinance. Mayor Harrison stated he would appoint an at large member and bring it before Council for approval.

Alderman Peters asked if the changes in the modifications of the Technical Summary for Subdivisions in regards to industrialized housing had been dropped. This item will be placed on the next meeting agenda.

Attorney Smith reported he had made contact with the executor of the estate that owns the land we need to acquire in connection with the park. He informed Council that the next step is to have the appraisal done and then negotiate with the owners. Smith stated that the owners are receptive to the idea of the sale but a price could not be discussed due to the manner in which the Parks (Texas Parks and Wildlife) operate. Attorney Smith added that after we receive the appraisal it will then be sent to the Parks for review. Smith went on to say if Parks accepts the appraisal and agrees on a valid price we can then go back to the owners to see if they will accept the price Parks told us we can offer.

Alderman Courville inquired about the pool property deed and as to whether we had to notify the stockholders of the issue. Attorney Smith responded, "No, we required a resolution of the board of directors of the corporation authorizing the president's signature." Smith added, "it is a private organization and they can decide what to do with the property."

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

Adm. Roberts informed Council the retainer for the street project was \$64,055.00. Roberts added there would be approximately \$140,000.00 in funds left over from the street project and combined with the \$100,000.00 in the budget it was possible to fund a \$240,000.00 street project.

Administrator Roberts reported to Council the auditors will be sending over the preliminary audit reports towards the end of February and the presentation of the audit will be placed on the March agenda.

Alderman Browning inquired about the retainer on the street project. Administrator Roberts responded the funds will not be released until everything is acceptable and Council will be notified at that point in time.

Alderman Browning also asked if it would be possible to get core samples in areas where streets have been refurbished. Administrator Roberts is to get pricing on core samples.

9. PRESENTATION OF ENGINEERING SERVICES BY PLEDGER KALKOMEY – JOHN PLEDGER

John Pledger, Charles Kalkomey and Kelly Reed Heinech of Pledger Kalkomey appeared before Council and made a presentation in regards to engineering services their company could provide to the City of Bellville.

10. CONSIDERATION OF VARIANCE REQUESTS FOR SOUTH CREEK CROSSING SUBBIVISION, SECTION II AND ANY RELATED ACTION NECESSARY

Mr. Edwin Malinowski, developer of South Creek Crossing, Section II and Mr. Steve Wilson of Wilson Engineering Services appeared before Council and asked for variances.

Item #5: The request was to grant a variance to delete the installation of a detention storage area if City engineer could determine if the impact could be mitigated.

A motion was made by Alderman Richardson and seconded by Alderman Browning to postpone a variance to the deletion of the detention storage area. Mayor Harrison called for a vote.

Alderman Richardson, Browning, Bishop and Courville voted aye and Alderman Peters was opposed. Motion carried.

Item #4: It was requested the owner of the subdivision be allowed to develop with the primary conveyance occurring within the curb section of the road as sheet flow in lieu of predetermined inlet spacing and underground storm sewer. All storm water runoff be required to be contained within street right of ways and outfall of easements for the 100 year event and any lesser storm.

This item was withdrawn.

Item #3: The owner requested that he be allowed to continue with a 50 ft. right-of- way and 10 ft. utility easement adjacent to the right-of-way.

A motion was made by Alderman Peters and seconded by Alderman Browning to accept the variance allowing for a 50 ft. right-of-way. Motion carried unanimously.

Item #1: It was asked that the City allow for the developer to pay for all utility installations with the City performing the installation as in the past.

Administrator Roberts stated the City was busy with projects and would be unable to commit to any new projects until June of 2007. Administrator Roberts added that she could not recommend the City financing the utilities. Roberts also added if the city installed the utilities everything (pipe, materials, equipment use) must be paid in full prior to the first building permit being issued.

A motion was made by Alderman Peters that the developer must install streets, utilities and drainage improvements at their own expense. It was then clarified that the City would not provide equipment, materials or funds for this project, Alderman Richardson seconded the motion. Motion carried unanimously.

Item #2: The owner requested that the 2-year performance bond be waived.

A motion was made by Alderman Browning and seconded by Alderman Peters to deny this variance request. Motion carried unanimously.

Council requested a down stream study of how properties would be affected if a variance for a detention area were allowed.

11. **CONSIDERATION OF WRECKER ORDINANCE/TOW TRUCK AGREEMENT AND ANY RELATED ACTION NECESSARY – LARRY MATTHEWS**

A motion was made by Alderman Browning and seconded by Alderwoman Courville to adopt the Wrecker Ordinance as presented with changes. Motion carried unanimously.

Changes in the Wrecker Ordinance are as follows:

Section 2 should read: The Code of Ordinances of the City of Bellville is hereby amended by striking Section 4.100 in toto and substituting the following.

The other change is to incorporate the wrecker fees into the Fee Schedule of the Appendix.

A motion was made by Alderwoman Courville and seconded by Alderman Browning to approve the form of the Police Authorized Tow Agreement. Motion carried unanimously.

12. CONSIDERATION OF STOP SIGN PLACEMENT APPROACHING NEW CLINIC FACILITY AND ANY RELATED ACTION NECESSARY- LARRY MATTHEWS

A motion was made by Alderman Browning and seconded by Alderman Richardson to accept the recommendations of Chief Larry Matthews and place stop signs at Cummings Street at Palm Street, Palm Street at Hunt Street and Palm Street at Cummings Street. Motion carried unanimously.

13. CONSIDERATION OF MANUFACTURED HOUSING ORDINANCE STRUCTURE AND ANY RELATED ACTION NECESSARY

A discussion was held in which the following points were discussed: Allowing no mobile homes in the City of Bellville unless in hardship cases approved by Council and reviewed on an annual basis, in mobile home parks or replacing an existing mobile home. Council agreed the definition of hardship needed to be determined. Also the issue of to whom the enforcement of this ordinance would fall upon was discussed.

A motion was made by Alderman Peters and seconded by Alderwoman Courville to draft an ordinance modeled on the Sealy ordinance to the maximum extent permitted under current Texas law. Motion carried unanimously.

14. CONSIDERATION TO AMEND SUBDIVISION ORDINANCE TO ADDRESS PATIO HOME DEVELOPMENT AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Richardson to amend the Subdivision Ordinance to address patio homes using the information provided by Alderman Peters. Alderman Richardson amended his motion to also incorporate an additional section to inform the patio home developer must include in their original division provisions for maintenance, drip lines, etc. and to present the ordinance at the next meeting. Alderman Browning seconded the motion. Motion carried unanimously.

15. CONSIDERATION TO ADOPT INDUSTRIALIZED HOUSING ORDINANCE AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Peters and seconded by Alderman Richardson to adopt the amendment to Article 3.1000 as presented. Motion carried unanimously. This amendment is the maximum allowed by cities to regulate industrialized housing.

16. CONSIDERATION TO ADOPT ORDINANCE CALLING FOR A GENERAL MUNICIPAL ELECTION ON MAY 13, 2006 AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Bishop and seconded by Alderman Browning to adopt the ordinance calling for a general municipal election on May 13, 2006. Motion carried unanimously.

17. CONSIDERATION/APPROVAL OF 2005 RACIAL PROFILING REPORT AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Peters and seconded by Alderman Browning to accept the 2005 Racial Profiling Report as presented. Motion carried unanimously.

18. OPEN SESSION RECESSED

Open Session recessed at 7:56 p.m.

19. EXECUTIVE SESSION CONVENED UNDER TEXAS GOVERNMENT CODE, SECTION 551.071 PENDING OR CONTEMPLATED LITIGATION

Executive Session convened at 8:04 p.m.

20. EXECUTIVE SESSION ADJOURNED

Executive Session adjourned at 8:10 p.m.

21. OPEN SESSION RECONVENED

Open Session reconvened at 8:11 p.m.

22. CONSIDERATION OF PENDING OR CONTEMPLATED LITIGATION AND ANY RELATED ACTION NECESSARY

No action taken.

23. ADJOURNMENT

A motion was made by Alderman Bishop and seconded by Alderman Browning to adjourn at 8:12 p.m. Motion carried unanimously.