

February 21, 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 the Pledge of Allegiance.

3. ROLL CALL AND CERTIFICATION OF QUORUM

Present to-wit: Mayor Philip B. Harrison, Aldermen Jerome Peters, Carol H. Courville, James A. "Jim" Bishop, Monte D. Richardson, and Wayne Browning; 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 Browning and seconded by Alderwoman Courville to adopt the agenda as presented with the exception agenda item number nineteen follow agenda item number ten and agenda items number twenty and twenty one follow agenda item number thirteen. Mayor Harrison called for discussion. Alderman Peters interjected that agenda item number twenty one and then twenty should follow agenda item number thirteen as these items are related. Motion carried unanimously.

5. CONSIDERATION/ACTION TO APPROVE MINUTES OF PREVIOUS MEETINGS

A motion was made by Alderman Bishop and seconded by Alderman Browning to approve the minutes of the Regular Meeting of January 17, 2006 as presented. Motion carried unanimously.

6. CITIZEN'S FORUM

Carolyn Gibson representing the Bellville Economical Development Corporation read the second reading of the resolution for Pop's on the Square Cafe' (Preston and Paula McNeely).

Donald Paulson handed out flood zone information in relation to South Creek Crossing Subdivision and his property.

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

Alderwoman Courville commented on the following:

The need to place notices in newspaper for city appointed boards one month prior to appointments, the need for a pet ordinance. Attorney Smith is to review the pet issue. Courville

also mentioned the need to perform a study of demand meters and removal of unsightly signs attached to utility poles

Alderman Browning stated the asphalt ramp on the other side of the Courthouse does not meet specifications.

Browning mentioned the need for street lights where the city limits has been moved on State Highways 36 and 159.

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

Administrator Roberts informed Council we have received a check from FEMA in the amount of \$9,722.69 which is reimbursement for Hurricane Katrina expenses.

Police Chief Larry Matthews appeared before Council and introduced new officers, Danny Duron and Matt Walls.

Adm. Roberts stated a boundary survey was now being conducted in regards to Clark Park. Roberts added Spring Clean Up is scheduled for March 27 - April 7.

Librarian Kathryn King informed Council the Library had received a \$10,000.00 anonymous donation.

Administrator Roberts informed Council the Parks appraisal has been accepted. Attorney Smith stated the title run will be donated by Bellville Abstract.

9. PRESENTATION OF ENGINEERING SERVICES BY AXIOM ENGINEERING – NICOLE FOLTA FINDEISEN

Nicole Folta Findeisen appeared before Council and made a presentation in regards to engineering services their company could provide to the City of Bellville.

10. CONSIDERATION TO SUBDIVIDE PROPERTY LOCATED AT 1633 S. TESCH – RODGER KRUSE AND MARY BONNER RAGLAND

Mary Bonner Ragland representing Rodger and Blanche Kruse of 1633 S. Tesch appeared before Council and asked for consideration to subdivide approximately 3.75 acres of a 9.425 acre tract. A motion was made by Alderman Browning and seconded by Alderman Richardson to grant a variance for the subdivision of Kruse's property. Motion carried unanimously.

Said 3.75 acres is known as Bellville Mobile Home Park.

11. PRESENTATION OF DRAINAGE STUDY FOR SOUTH CREEK CROSSING SUBDIVISION, SECTION II, VARIANCE REQUESTS, APPROVAL OF PRELIMINARY PLAT AND ANY RELATED ACTION NECESSARY

Steve Wilson of Wilson Engineering appeared before Council and presented the findings of a drainage study for South Creek Crossing Subdivision, Section II as previously requested by Council.

Mayor Harrison commented Commissioner Ottmer had contacted him and wished to have the County examine the detention storage area information as the proposed development is in Austin County. Information is to be forwarded to Austin County Commissioner Ottmer.

After much discussion, a motion was made by Alderman Peters to grant a variance of no detention storage area for South Creek Crossing Subdivision, Section II. Alderman Browning seconded the motion. Mayor Harrison called for a vote. Aldermen Peters and Browning voted aye. Aldermen Richardson and Courville were opposed and Alderman Bishop abstained. Due to a tie vote, Mayor Harrison asked that the County engineer review the detention storage information of the proposed development and added this item will come back before Council for a vote.

It was clarified the City is not advocating or deferring to the County; the City has the right to make all rulings in the extra-territorial jurisdiction. This is merely a consultation.

12. **CONSIDERATION OF VARIANCE REQUESTS AND APPROVAL OF SUBDIVISION IN REGARDS TO BRIARWOOD SUBDIVISION, REPLAT OF RESERVE G, SECTION I AND ANY RELATED ACTION NECESSARY - CLAY KISTLER AND JIM O’JIBWAY**

Mr. John Pledger of Pledger Kalkomey, Mr. Clay Kistler and Mr. Jim O’Jibway appeared before Council and asked for consideration to give 10% of the construction cost of their project in lieu of the performance bond and also asked for consideration of a variance from the performance and payment bond required for contractors in regards to Briarwood Subdivision, replat of Reserve G, Section One.

A motion was made by Alderman Richardson and seconded by Alderwoman Courville to approve the variances by waiving the payment and performance bond for contractors and approving the cash security instead of the performance bond for the developers. Motion carried unanimously.

13. **CONSIDERATION TO AWARD MATERIAL BIDS SANITARY SEWER UTILITY MATERIALS, COLD MIX ASPHALT/CONCRETE PAVEMENT MATERIALS, AND FLEXIBLE BASE AND BANK SAND MATERIALS FOR THE SANITARY SEWER GRANT AND ANY RELATED ACTION NECESSARY**

Dana Quebeck of O’Malley Engineers appeared before Council and gave recommendations for the sewer grant project bid awards.

A motion was made by Alderman Richardson and seconded by Alderman Bishop to award the bid for utility materials to National Water Works, Inc. of Houston in the amount of \$62,448.93. Motion carried unanimously.

A motion was made by Alderman Richardson and seconded by Alderman Browning to award the bid for cold mix asphalt concrete pavement materials to Vulcan Construction Materials, LP of San Antonio in the amount of \$15,121.90. Motion carried unanimously.

A motion was made by Alderman Richardson and seconded by Alderman Browning to award the bid for flexible base and bank sand materials to G.E. Huebner of Bellville in the amount of \$45,580.00 and to waive any informality. Motion carried unanimously.

14. CONSIDERATION OF RESOLUTION ADOPTING THE AUTOMARK VOTING SYSTEM AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning and seconded by Alderman Bishop to adopt resolution number 1315 adopting the AutoMark voting system. Motion carried unanimously.

The Automark system has been approved by the Secretary of State in meeting all HAVA requirements.

15. CONSIDERATION OF CONTRACT FOR ELECTION SERVICES WITH AUSTIN COUNTY AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning and seconded by Alderwoman Courville to approve the draft of the contract for election services with Austin County. Motion carried unanimously.

Austin County is to lease the AutoMark voting system to the City of Bellville for early and Election Day voting in May 2006.

16. CONSIDERATION OF THE APPOINTMENT OF ELECTION JUDGES FOR GENERAL MUNICIPAL ELECTION ON MAY 13, 2006 AND ANY RELATED ACTION NECESSARY

A motion was made by Alderwoman Courville and seconded by Alderman Bishop to appoint Betty Johnson as Presiding Judge and Judy Evans as Alternate Presiding Judge for the municipal election to be held on May 13, 2006. Motion carried unanimously.

17. CONFIRMATION OF APPOINTMENT TO THE BUILDING STANDARDS COMMISSION AND ANY RELATED ACTION NECESSARY

Mayor Harrison informed Council he wishes to appoint Delwin Rettig to serve on the Building Standards Commission and asked for confirmation of this appointment.

A motion was made by Alderwoman Courville and seconded by Alderman Browning to approve the appointment of Delwin Rettig to the Building Standards Commission. Motion carried unanimously.

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

A motion was made by Alderman Bishop and seconded by Alderman Richardson to adopt Ordinance #1317 addressing patio home development. Motion carried unanimously.

This amendment adds the definition of patio home to the Subdivision ordinance.

19. CONSIDERATION OF BEDCB APPROVED PROJECT FOR POP'S ON THE SQUARE CAFE AND ANY RELATED ACTION NECESSARY

Mr. Jim Freeman of the Bellville Economic Development Corporation informed Council the BEDC approved the grant for Pop's on the Square (Preston and Paula McNeely) in the amount of \$45,000.00.

Alderman Browning made a motion to approve the grant for Pop's on the Square which was previously approved by the Bellville Economic Development Corporation Board in the amount of \$45,000.00. The motion was seconded by Alderman Bishop. Mayor Harrison called for a vote. Aldermen Browning, Bishop, Peters and Richardson voted aye and Alderwoman Courville was opposed. Motion carried.

20. DISCUSSION/CONSIDERATION OF FINAL PAYMENT ESTIMATE TO CORNERSTONE PAVING AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Richardson to release the retainage in the amount of \$72,269.28 contingent upon the satisfactory results of the ten core samples and the completion of the punch list. Alderman Browning seconded the motion. Motion carried unanimously.

21. CONSIDERATION/AUTHORIZATION OF CORE SAMPLES ON CERTAIN STREETS AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning and seconded by Alderman Richardson to acquire ten core samples for testing (density and depth) of streets refurbished and/or overlaid by Cornerstone Paving. Motion carried unanimously.

Mayor Harrison, Alderman Browning, and Street Superintendent Frankie Hoppe will choose the streets to have core samples taken.

22. CONSIDERATION OF AMENDMENT TO MANUFACTURED HOUSING ORDINANCE AND ANY RELATED ACTION NECESSARY

A discussion was held regarding aspects of hardship cases and also monitoring and enforcement provisions.

A motion was made by Alderman Peters and seconded by Alderwoman Courville that manufactured housing be confined to mobile home parks and for replacement of existing manufactured housing. Motion carried unanimously.

Attorney Smith is to prepare an ordinance for the Mayor's signature.

23. CONSIDERATION OF AMENDMENT TO TECHNICAL SUMMARY FOR SUBDIVISIONS IN REGARDS TO INDUSTRIALIZED HOUSING AND ANY RELATED ACTION NECESSARY

A motion was made by Alderwoman Courville and seconded by Alderman Richardson to adopt ordinance #1318 deleting prefabricated housing from Exhibit "A" of the Technical Summary for Subdivisions. Motion carried unanimously.

This ordinance was amended by deleting Article 12 of Exhibit "A" of the Technical Summary for Subdivisions. It was later determined Article 13 should have been deleted in Exhibit "A" of the Technical Summary for Subdivisions and not Article 12.

24. CONSIDERATION TO ADOPT AMENDMENT TO TECHNICAL SUMMARY TO ADDRESS PATIO HOMES AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Richardson to strike item c - (iii) Lot depth as well as item d – Lot coverage. A discussion was held and Alderman Richardson amended his motion to incorporate a side yard of seven feet, a rear yard of twenty feet and twenty feet adjacent to all major streets. The motion also included having a lot area of 2,000 square feet, a lot depth of fifty feet and striking item d – Lot Coverage. Alderwoman Courville seconded the motion. The motion carried unanimously.

Attorney Smith is to prepare an ordinance for the Mayor’s signature.

25. **CONSIDERATION TO AMEND THE FEE SCHEDULE TO INCORPORATE WRECKER FEES AND ANY RELATED ACTION NECESSARY**

A motion was made by Alderman Browning and seconded by Alderwoman Courville to amend the towing charge in the Police Authorized Tow Agreement to reflect \$105.00 maximum fee and to delete Sections 1, 2, 3 and 4 of Appendix A Fee Schedule and insert in the Fee Schedule - (1) According to fee schedule found in Section 3.09 of the Police Authorized Tow Agreement. Motion carried unanimously.

26. **ADJOURNMENT**

A motion was made by Alderman Bishop and seconded by Alderman Browning to adjourn at 7:55 p.m. Motion carried unanimously.