

December 19, 2006

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

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

Mayor Philip B. 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 A QUORUM

Present to-wit: Mayor Philip B. Harrison, Alderwomen Margaret Kistler, Carol H. Courville, Aldermen Monte D. Richardson, James A. "Jim" Bishop, and Wayne Browning; thereby a quorum was established. Also present were City Attorney Charley Smith, City Administrator Lynn S. Roberts and City Secretary Betty Hollon.

4. CONSIDERATION/ACTION TO ADOPT AGENDA

The motion was made by Alderman Bishop and seconded by Alderwoman Kistler to adopt the agenda as presented. Motion carried unanimously.

5. CONSIDERATION TO APPROVE MINUTES OF PREVIOUS MEETING

A motion was made by Alderwoman Kistler and seconded by Alderman Browning to approve the minutes of the Regular Meeting of November 21, 2006 and Special Meeting of December 12, 2006 as presented. Motion carried unanimously.

6. CITIZEN'S FORUM

Carolyn Gibson read the second of two separate readings of a resolution regarding an application for a grant from the Bellville Economic Development Corporation from Seacon Advanced Products.

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

Alderman Bishop reported he and David Ottmer estimated the Veteran's Memorial Pavilion building to cost approximately \$200,000.

Alderman Browning commented that he did not like the statement the engineer made at the last meeting regarding the street project problems and thought our City Attorney should have commented on this statement. The City Attorney stated he was not asked to respond.

Alderman Richardson asked that the Armed Forces be acknowledged during the holiday season. He also would like Mr. Schmidt of O'Malley Engineers to provide the City with warranty data on longitudinal cracking.

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

Administrator Roberts informed Council of the ribbon cutting at the Recycling Center on December 18<sup>th</sup>. She also thanked Carolyn Gibson who helped considerably.

Administrator Roberts also reported the Building Standards Commission meeting would be moved from January 2<sup>nd</sup> to February 6, 2007.

Administrator Roberts informed Council she had been working with the street superintendent and engineers and they will present a comprehensive report at next month's meeting.

Chief Matthews acknowledged Officers Smalley and Walls for a fine job working narcotics.

Alderman Browning commented on meeting tapes being destroyed. Administrator Roberts explained that the City of Bellville abides by the Open Record Act which states audio tapes of open meetings for which written minutes are prepared are to be retained for 90 days after approval of minutes. After discussion, Alderman Bishop said Council should notify Administrator Roberts if a certain tape should be retained. Mayor Harrison stated that should be by vote of Council.

9. DISCUSSION REGARDING 14<sup>TH</sup> AMENDMENT DUE PROCESS CLAUSE OF U.S. CONSTITUTION AND CITY SERVICES AND ANY RELATED ACTION NECESSARY

Mr. Darrel Burditt presented council with a packet regarding the 14<sup>th</sup> Amendment concerning Mr. Alfred Mays' situation where City utilities were disconnected due to non-payment of utility bill. Mayor Harrison informed Mr. Burditt the situation would be looked into.

10. PRESENTATION BY HGAC REPRESENTATIVE ON STREET IMPROVEMENTS

This item was passed over. The HGAC representative was unable to attend.

11. CONSIDERATION/ADOPT RESOLUTION FOR AMENDMENT NO. 1 ON THE 2005 TCDP GRANT PROJECT PRESENTED BY KERBOW & ASSOCIATES

Vicki Spiess of Kerbow & Associates presented a Resolution on Amendment to 2005 TCDP Grant Project requesting the addition of a highway and railroad bore. The motion was made by Alderman Browning and seconded by Alderwoman Kistler to adopt resolution as presented. Motion carried unanimously.

12. CONSIDERATION OF INTERLOCAL AGREEMENT FOR ELECTION DAY VOTING BY PERSONAL APPEARANCE TO BE CONDUCTED AT A COMMON POLLING PLACE AND ANY RELATED ACTION NECESSARY

An Interlocal Agreement between the BISD and City of Bellville was presented to Council acknowledging the joint polling place on Election Day in compliance with the Secretary of State's requirements. Alderman Browning made the motion to adopt the agreement and was seconded by Alderwoman Kistler. Motion carried unanimously.

13. CONSIDERATION OF LIBRARY BOARD APPOINTMENTS/REAPPOINTMENTS AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning and seconded by Alderman Richardson to reappoint David Lydic, Joy Mueller, and Jackie Williams to the Bellville Library Advisory Board for the term January 1, 2007 – December 31, 2008. Also, Rebecca Valentine will replace Jessica Laas for the unexpired term being December 19, 2006 – December 31, 2008. The replacement is necessary due to Jessica Laas recently accepting employment with the City of Bellville at the Bellville City Library. Alderwoman Kistler added in the future a short bio for new board members would be helpful.

14. CONSIDERATION OF BELLVILLE ECONOMIC DEVELOPMENT CORPORATION BOARD APPOINTMENTS/REAPPOINTMENTS AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Bishop and seconded by Alderman Browning to reappoint Wayne Browning, Angela Franks, James Freeman, and Denise Haugen to the Bellville Economic Development Corporation Board for the term December 19, 2006 – December 19, 2008. Motion carried unanimously.

15. CONSIDERATION OF HACIENDA FIELD LEASE AGREEMENT AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning and seconded by Alderman Richardson to extend the Hacienda Field Lease Agreement with BISD for a one year term expiring December 15, 2007. Motion carried unanimously.

16. CONSIDERATION OF TREE ORDINANCE AND ANY RELATED ACTION NECESSARY

This item will be put back on next month's agenda to allow time for Alderman Bishop and Attorney Smith to revise the wording on the ordinance.

17. DISCUSSION OF SIGN ORDINANCE AND ANY RELATED ACTION NECESSARY

Attorney Smith presented a sign ordinance addressing further development of new billboards in the City and ETJ. A motion was made by Alderman Bishop and seconded by Alderman Richardson to accept ordinance as presented. Motion carried unanimously.

18. CONFIRMATION OF APPOINTMENT OF CITY SECRETARY AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Bishop and seconded by Alderman Richardson to confirm the mayor's appointment of Betty Hollon as City Secretary due to the retirement of the current City Secretary, Susan Rosinski. Motion carried unanimously.

19. OPEN SESSION RECESSED

Open session recessed at 6:44 p.m.

20. EXECUTIVE SESSION CONVENEED UNDER TEXAS GOVERNMENT CODE, SECTION 551.071 PENDING LITIGATION AND SECTION 551.072 ACQUISITION OF REAL PROPERTY

Executive session convened at 6:45 p.m.

21. EXECUTIVE SESSION ADJOURNED

Executive session adjourned at 7:18 p.m.

22. OPEN SESSION RECONVENED

Open session reconvened at 7:21 p.m.

23. CONSIDERATION OF PENDING LITIGATION AND ANY RELATED ACTION  
NECESSARY

No action taken.

24. CONSIDERATION OF ACQUISITION OF REAL PROPERTY AND ANY RELATED  
ACTION NECESSARY

No action taken.

25. ADJOURNMENT

Motion was made by Alderman Browning and seconded by Alderman Richardson to adjourn at 7:23 p.m. Motion carried unanimously.