

January 20, 2004

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

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

Mayor Pro-Tempore O. William "Bill" Schmidt called the meeting to order at 5:32 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 Pro-Tempore O. William "Bill" Schmidt, Aldermen David Ottmer, Michael S. "Mike" Mueller, and Nancy P. Allen; thereby a quorum was established. Also present were City Attorney Charley Smith, City Administrator Lynn S. Roberts and City Secretary Susan Rosinski. Mayor Philip B. Harrison and Alderman Wayne Browning were absent.

4. 4. CONSIDERATION/ACTION TO ADOPT AGENDA

A motion was made by Alderman Ottmer, seconded by Alderman Mueller to adopt the agenda as presented. Motion carried unanimously.

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

A motion was made by Alderman Mueller, seconded by Alderman Ottmer to approve the minutes of the Regular Meeting of December 16, 2003 and Special Meeting of January 8, 2004. Motion carried unanimously.

6. 6. CITIZEN'S FORUM

There was no one present that wished to address Council.

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

Alderman Ottmer wished to see the City do something about signs that are placed on utility poles. Administrator Roberts informed Council that placement of signs on utility poles was governed by the National Electric Code and the signs are removed when sighted.

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

Administrator Roberts stated that as Council had rejected all bids on the renovation and additions of the Library one way to cut the cost was to allow crews to go in and work without having to work around employees and patrons of the Library. She suggested that possibly the Library relocate to the Sens Center during the renovation and addition period.

Administrator Roberts announced that Wastewater Superintendent Arlie Kendrick and his crew would be going door to door with a survey for the Community Development Block Grant. The areas to be surveyed are those in which wastewater lines will be located. Those areas to be

surveyed are 1st – 7th Streets, South Mechanic, West Meyers, West Austin and corresponding cross streets.

Adm. Roberts informed Council that the Garbage truck would be in next month and that the one-ton pickup would be in this week.

Chief Matthews reported on the following:

Patrolman Ken English was in need of physical therapy after his accident on January 4th.
Patrolman Jason Reel was doing fine after his accident.
The bulletproof vests have arrived and they were now in use.
Tesco had donated some counter tops and they have been installed at the Police Department to be used as desks.
City of Bellville employee identification cards are available.

9. 9. CONSIDERATION OF ISSUANCE OF CERTIFICATES OF OBLIGATION AND ANY RELATED ACTION NECESSARY – ANNE BURGER

Anne Burger of First Southwest Company appeared before Council and presented them with figures she had prepared regarding the certificates of obligation and the need for water and sewer rate increases. The amount of the rated increases will be between \$9.60 and \$16.26 depending on the final decision made on the amount of the certificates of obligation.

A short discussion was held regarding the funds needed to complete the entire projects or portions thereof.

After discussion, Alderman Ottmer made a motion the certificates of obligation not exceed six million dollars. Alderwoman Allen seconded the motion. Motion carried unanimously.

A Special meeting will be held on March 30, 2004 to set and lock in the interest rate for the certificates of obligation.

10. 10. CONSIDERATION TO ADOPT A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Mueller, seconded by Alderwoman Allen to adopt the resolution that authorizes publication of a notice of our intention to issue certificates of obligation. Motion carried unanimously.

11. CONSIDERATION OF APPOINTMENTS TO THE BELLVILLE PUBLIC LIBRARY BOARD AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Ottmer, seconded by Alderman Mueller to appoint Joy Mueller, Jackie Williams and David E. Lydic to the Bellville Public Library Board for a three-year term. Motion carried unanimously. Said term is January 20, 2004 through December 31, 2006.

12. CONSIDERATION/APPROVAL OF POLICE DEPARTMENTAL MANUAL AND ANY RELATED ACTION NECESSARY

A motion was made by Alderwoman Allen, seconded by Alderman Ottmer to approve sections of the Police Department Manual as presented by Chief Larry Matthews. Motion carried unanimously. Those sections being 200-02,200-03, 200-08, 200-10, 200-16, 200-36, 300-11, 300-15, 300-28, 400-05, 600-04, 600-17, and 600-40.

13. CONSIDERATION TO ADOPT ORDINANCE #1247 CALLING FOR A MUNICIPAL ELECTION ON MAY 15, 2004 AND ALL RELATED PROCEDURES

A motion was made by Alderman Mueller, seconded by Alderman Ottmer to adopt Ordinance #1247 calling for a Municipal Election on May 15, 2004. Motion carried unanimously.

14. CONSIDERATION TO REVISE SUBDIVISION ORDINANCE TO ADDRESS EXTRA-TERRITORIAL JURISDICTION SUBDIVISIONS AND ACREAGE AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Mueller, seconded by Alderman Ottmer to adopt the amendment to the Subdivision ordinance addressing extra-territorial jurisdiction subdivisions and acreage (ten acres or greater) as presented by Attorney Smith. Motion carried unanimously.

15. 15. CONSIDERATION OF BUDGET AMENDMENTS AS NECESSARY AND ANY RELATED ACTION

Administrator Roberts informed Council that due to new regulations in affect for GASB34 some of our accounting procedures would change. Roberts stated that in the past we had not amended the budget per line item as long as the entire budget did not exceed the budgeted amount. She further stated “that now with the implementation of GASB34 more budget amendments would be necessary; as we have to answer for any line item that is over budget.”

Roberts then asked for authorization to amend the line items within a department as necessary. Roberts stated that this would not include any amendment to add or delete funds within any department or move funds from fund to fund.

A motion was made by Alderman Ottmer to allow the City Administrator to make budget amendments as long as it is within the same department and does not change the bottom line up or down, do budget amendments only within those terms and all other amendments would go before Council. Alderman Mueller seconded this motion.

Mayor Pro-Tempore Schmidt called for discussion. Alderman Ottmer inquired about the legality of this request.

Attorney Smith was not comfortable with this request and suggested we pass it with his review and possibly the Attorney Generals. A discussion was held and it was decided that the City Administrator prepare a list of budget amendments and present it to Council as necessary.

Alderman Ottmer withdrew his motion and this item was then tabled.

16 OPEN SESSION RECESSED

There was no need for an Executive Session.

16. 16. EXECUTIVE SESSION CONVENED UNDER TEXAS GOVERNMENT CODE SECTION 551.071 PENDING OR CONTEMPLATED LITIGATION, TEXAS GOVERNMENT CODE SECTION 551.074 TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL; OF A PUBLIC OFFICER OR EMPLOYEE, TEXAS GOVERNMENT CODE SECTION 551.072 ACQUISITION OF REAL PROPERTY AND ANY RELATED ACTION NECESSARY
18. EXECUTIVE SESSION ADJOURNED
19. OPEN SESSION RE-CONVENED
20. CONSIDERATION OF PENDING OR CONTEMPLATED LITIGATION, THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL; OF A PUBLIC OFFICER OR EMPLOYEE, THE ACQUISITION OF REAL PROEPRTY AND ANY RELATED ACTION NECESSARY
20. ADJOURNMENT

- There being no further business; Mayor Pro-Tempore Schmidt adjourned the meeting at 6:18 p.m.