

January 21, 2003

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

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

The meeting was called to order by Mayor Pro-Tempore James A. Bishop.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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Reverend Warren Scott led all in prayer and Pledge of Allegiance.

3. ROLL CALL AND CERTIFICATION OF QUORUM

Present to-wit: Mayor Pro-Tempore James A. "Jim" Bishop, Aldermen David Ottmer, Michael S. "Mike" Mueller, O.William "Bill" Schmidt and Wayne Browning; thereby a quorum was established. Also present was City Attorney Charley Smith, City Administrator Lynn S. Roberts and City Secretary Susan Rosinski. Mayor Philip B. Harrison was absent due to illness.

4. 4. CONSIDERATION/ACTION TO ADOPT AGENDA

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A motion was made by Alderman Browning, seconded by Alderman Ottmer to adopt the agenda as presented with the exception that addenda items number two and number four be deleted and addenda items one and three follow agenda item number ten and be labeled as ten (a). Motion carried unanimously.

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

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A motion was made by Alderman Browning, seconded by Alderman Ottmer to approve the minutes of the Regular Meeting of December 17, 2002. Motion carried unanimously.

6. 6. CITIZEN'S FORUM

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No one was present that wished to address Council.

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

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Alderman Schmidt wished to recognize Animal Control Officer John Santos on a job well done. Administrator Roberts also informed Council that employees John Santos and Lorenzo Wallace had both been called to active duty.

Alderman Ottmer announced that a bus capable of holding fifty-five people would head to Austin to the State Capitol on February 27 for Legislature Day. The City of Bellville and Bellville Heritage Gathering will be recognized that day. Anyone interested should contact Nancy Allen.

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

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Administrator Roberts informed Council that the contractor for the new wastewater treatment plant would possibly need an extension in time to complete the wastewater treatment plant construction project. Administrator Roberts also inquired as to whether the Council would enforce the penalty clause in the contract. The consensus of Council was that they would enforce this clause.

9. 9. CONSIDERATION/APPROVAL OF ELLA OAKS SUBDIVISION AND ANY RELATED ACTION NECESSARY

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Mr. Ron Bryant of A- Survey, representing Bonnie A. Hood appeared before Council and requested consideration of a preliminary plat entitled Ella Oaks. The proposed subdivision located on South Mechanic Street will consist of ten residential lots and three commercial reserves. A motion was made by Alderman Ottmer, seconded by Alderman Browning to approve the Ella Oaks Subdivision with a variance in lot sizes. Mayor Pro-Tempore Bishop called for a vote. Aldermen Ottmer, Browning and Mueller voted aye and Alderman Schmidt voted nay. Motion carried.

10. 10. CONSIDERATION OF THE BELLVILLE HERITAGE GATHERING-A DAY IN THE COUNTRY EVENT AND ANY RELATED ACTION NECESSARY

Mr. Tom Bennett, Chairman of the Bellville Chamber of Commerce and the Bellville Heritage Gathering Committee appeared before Council to discuss issues regarding the event on May 3, 2003. Issues included: a longhorn cattle drive through town and the safety of the public, closing of streets/ highways for the cattle drive and an insurance rider.

A motion was made by Alderman Mueller, seconded by Alderman Schmidt to support the Bellville Chamber of Commerce and the unincorporated group (Bellville Heritage Day Committee) in the Bellville Heritage Day Gathering scheduled on May 3, 2003 and give permission to use the city streets for a cattle drive. Motion carried unanimously.

Alderman Mueller suggested that the City not pass along any charges (blocking of streets, setting up of barricades, dumpsters/trash receptacles or overtime) brought up during the discussion. As no one disagreed with the statement it appeared to be the consensus of Council that no charges would be made for above listed services.

11. 11. CONSIDERATION OF THE BUILDING (OLD POLICE DEPT.) LOCATED AT 17 W MAIN AND ANY RELATED ACTION NECESSARY

Administrator Roberts informed Council that she had spoken to John Harle in regards to the offer made on the old police department building. Mr. Harle did not believe the Chamber would be receptive to the offer if they were to be responsible for refurbishing the building.

After discussion, a motion was made by Alderman Mueller, seconded by Alderman Ottmer to sell the building “as is” and to seek competitive bids. The motion also included that a minimum bid limit be set and the time limit of sixty (60) days be placed upon the sale of the building. Motion carried unanimously. An executive session will be scheduled at a later date to discuss minimum bid pricing.

12. 12. CONSIDERATION/ACTION REGARDING STREET/SIDEWALK MAINTENANCE ON TOWN SQUARE AND ANY RELATED ACTION NECESSARY

Mayor Pro-Tempore Bishop informed Council that he felt the appearance of the town square needed some attention. He stated that the sidewalks had cracks and exposed bricks, the striping around the square needed to be re-painted and handrails needed to be added to the high curbing in some areas. Mayor Pro-Tempore Bishop said “the square needed to be spruced up; we want to make a good impression on people attending the Heritage Day Gathering”. After a short discussion, a motion was made by Alderman Ottmer, seconded by Alderman Mueller to gather the cost data necessary for patching of sidewalks, painting/striping of streets and construction of handrails. Motion carried unanimously.

13. 13. CONSIDERATION OF APPOINTMENTS TO THE LIBRARY BOARD AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Schmidt, seconded by Alderman Browning to approve the appointments of Echo Cheely, Betty Krueger and Kay Marek to the Bellville Library Board for the term January 1, 2003 – December 31, 2005. Motion carried unanimously.

14. 14. CONSIDERATION OF AN APPOINTMENT TO THE SENS ACTIVITY CENTER BOARD AND ANY RELATED ACTION NECESSARY

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A motion was made by Alderman Browning, seconded by Alderman Schmidt to appoint Ann Kness to the Sens Activity Center Board to fill an un-expired term that being January 21, 2003 – April 15, 2004. Motion carried unanimously.

15. 15. CONSIDERATION TO ADOPT ORDINANCE # 1217 CALLING FOR A MUNICIPAL ELECTION ON MAY 3, 2003 AND ALL RELATED PROCEDURES

A motion was made by Alderman Browning, seconded by Ottmer to adopt Ordinance #1217 calling for a Municipal election to be held on May 3, 2003. Motion carried unanimously.

16. 16. CONSIDERATION/APPROVAL OF THE 2001-2002 ANNUAL AUDIT AND ANY RELATED ACTION NECESSARY

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A motion was made by Alderman Ottmer, seconded by Mueller to adopt the 2001-2002 annual audit with corrections. Motion carried unanimously.

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17. 17. OPEN SESSION ADJOURNED

Open Session adjourned at 6:50 p.m.

18. 18. EXECUTIVE SESSION CONVENED UNDER TEXAS GOVERNMENT CODE SECTION 551.074 TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE

Executive Session convened at 6:56 p.m.

19. 19. EXECUTIVE SESSION ADJOURNED

Executive Session adjourned at 7:20 p.m.

20. 20. OPEN SESSION RE-CONVENED

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Open Session re-convened at 7:25 p.m.

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

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No action taken.

22. 22. ADJOURNMENT

A motion was made by Alderman Schmidt, seconded by Alderman Browning to adjourn at 7:27 p.m. Motion carried unanimously.

ADDENDA
TO REGULAR MEETING
OF JANUARY 21, 2003

1. CONSIDERATON/APPROVAL OF PHASE II, SOUTHCREEK CROSSING SUBDIVISON (PRELIMINARY PLAN)AND AUTHORIZATION TO PROCEED TO ENGINEER AND ANY RELATED ACTION NECESSARY

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Mr. Edwin Malinowski, developer of the South Creek Crossing Subdivision appeared before Council to ask for consideration of Phase II of the South Creek Crossing Subdivision and permission to proceed to the inspector, department heads and the engineer.

A motion was made by Alderman Mueller, seconded by Alderman Ottmer that Mr. Malinowski be allowed to proceed with the development of Phase II of the South Creek Crossing Subdivision. Motion carried unanimously.

2. CONSIDERATION OF ANNEXATION OF SCHUMANN ROAD TO SOUTHCREEK CROSSING DRIVE AND ANY RELATED ACTION NECESSARY

This item was deleted.

3. CONSIDERATION OF ELECTRICAL USAGE FEES FOR STREET LIGHTS IN SOUTHCREEK CROSSING SUBDIVISION AND ANY RELATED ACTION NECESSARY

Mr. Malinowski informed Council that he would be installing streetlights in South Creek Crossing Subdivision at his expense. He asked that the city waive the electrical usage fees for these streetlights. Administrator Roberts stated that this was actually in the San Bernard Electric service area; and that she had spoken to John Adams and he had agreed to bill the city for electrical usage at their cost.

After discussion, a motion was made by Alderman Ottmer, seconded by Alderman Browning that the City of Bellville absorb the cost of electrical services to streetlights in the South Creek Crossing Subdivision. Motion carried unanimously.

4. CONSIDERATION OF A REDUCTION IN TAP FEES (WATER, WASTEWATER AND GAS) IN SOUTHCREEK CROSSING SUBDIVISION AND ANY RELATED ACTION NECESSARY

This item was deleted.