

March 16, 2004

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 David Ottmer, Michael S. "Mike" Mueller, O. William "Bill" Schmidt, Nancy P. Allen and Wayne Browning; thereby a quorum was established. Also present were City Administrator Lynn S. Roberts, City Secretary Susan Rosinski and City Attorney Charley Smith.

4. 4. CONSIDERATION/ACTION TO ADOPT AGENDA

A motion was made by Alderwoman Allen, seconded by Alderman Ottmer that agenda item number fourteen follow agenda item number eight. Motion carried unanimously.

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

A motion was made by Alderman Browning, seconded by Alderman Allen to approve the minutes of the Regular Meeting of February 17, 2004 and Emergency Meeting of February 19, 2004. Motion carried unanimously.

6. 6. CITIZEN'S FORUM

Troy Arndt appeared before Council to voice his concern over the City Attorney not prosecuting his neighbor over an ongoing case involving the death (shooting) of his dog. Mayor Harrison said that the City would investigate this allegation further.

David Hubenek of Austin County, Precinct #4 spoke in support of the Austin County Jail restoration project and congratulated David Ottmer on his upcoming position of Austin County Commissioner.

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

Mayor Harrison stated that the 2002-2003 annual audit was not placed on this agenda, as there had not been enough time to review it as some members of the Council had just returned from New York where meetings were held regarding our certificates of obligation. Mayor Harrison also stated that additional meetings were held with rating companies and insurance companies.

Alderwoman Allen informed Council of the following:

A visit to the wastewater treatment facility was made and she was amazed by the process and encouraged other members to make a visit.

The need to address the use of the old Police Department and asked for placement of this item on an agenda.

The parking on the town square was a concern and she had the desire to form a team to address the issue. Alderwoman Allen inquired as to whether a team could be made up of Adm. Roberts, two police officers, Aldermen Ottmer, Alderman Browning and herself. Mayor Harrison agreed.

A meeting was held with the Texas Department of Public Transportation, Bellville Economic Development Corporation, Austin County Judge Carolyn Bilski, State Representative Lois Kolkhorst and a representative of the Sealy Economic Development Corporation regarding by-pass issues. Alderwoman Allen stated, "problems were not solved, but lines of communication were opened".

Alderman Ottmer stated he had been contacted by citizens regarding different routes for the by-pass.

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

Administrator Roberts reported on the following:

The new water well behind City Hall is being conditioned and they are cleaning up the mess. The rig will be out by the end of the week and the street (West Luhn) will be opening up once again.

The Lower Colorado River Authority was contacted and asked to perform a rate study. LCRA has determined our rates are adequate; the fuel adjustment will go up and down as necessary. By using LCRA there was a cost savings of \$30,000.00 - \$40,000.00, as this is what this type of study would have cost.

The Holland Square Subdivision is back on track. The developer will be submitting a drainage plan and there will be approximately six homes built facing North Holland Street. The property is located past E. Glenn Street near the Lonnie Lischka property.

We have been unsuccessful in getting BNSF to place private property signs at the four-way light at E. Hacienda and State Highway 36 where vehicles are for sale.

New City limit signs have been ordered and brackets are in the ground.

Mayor Harrison reported, "that during the meetings in New York, Standard & Poors and other rating agencies were concerned that the City was not charging enough ad-valorem tax". Mayor Harrison stated "We had to explain to them the City was efficient and each one of our utility funds stands on it's own. They were not used to this".

Alderman Browning inquired as to when the last census was done.

9. 9. CONSIDERATION TO AMEND BUDGET AND ANY RELATED ACTION NECESSARY

Administrator Roberts informed Council that our auditing firm, Seidel and Schroeder recommends that we remove salaries and benefits from the Construction Department as we only have one employee that is paid from this department. Adm. Roberts requested that the employees' salary and benefits be placed in the Water Department.

A motion was made by Alderman Mueller, seconded by Alderwoman Allen to move the salary and benefits of one employee from the Construction Department to the Water Department. Motion carried unanimously.

10. 10. CONSIDERATION TO AWARD LIBRARY RENOVATION AND ADDITION BID AND ANY RELATED ACTION NECESSARY

- The second set of bids for the Library renovations and additions were opened on March 9, 2004 with the following results:

Dudley Construction	\$275,208.00	
Gaeke Construction	\$237,340.00	
Malinowski Construction	\$200,260.43	- Did not meet bid specifications.

- After much discussion (see tape for details), which included possibly doing building and renovations in stages; a motion was made by Alderman Schmidt, seconded by Alderman Browning to reject all bids. Motion included architect, Tommy Upchurch revise the plans to change the entrance (with composition roof) to the west side of the building, build an ADA compliant restroom, convert current restrooms to one restroom and do the concrete work at the location where the new entrance addition meets the current building. Motion carried unanimously.

11. CONSIDERATION OF REVISION/APPROVAL OF POLICE DEPARTMENT GENERAL ORDERS AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Ottmer, seconded by Alderwoman Allen to adopt General Order Number 400-23 and the revision to General Order Number 300-11 along with the recommendation from Attorney Smith "to turn the video camera on as soon as there is reason to believe an offense has occurred". Motion carried unanimously.

12. CONSIDERATION OF APPOINTMENTS TO BELLVILLE HOUSING AUTHORITY BOARD AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Ottmer, seconded by Alderman Mueller to appoint Lynette Traylor to the Bellville Housing Authority Board for the term March 16, 2004 – March 15, 2006. Motion carried unanimously.

Mayor Harrison stated he would fill the other position by a letter appointment.

13. CONSIDERATION OF THE PURCHASE OF DEFIBRILLATORS FOR CITY HALL AND POLICE DEPARTMENT AND ANY RELATED ACTION NECESSARY

Alderman Schmidt distributed information on defibrillators to Council members for study and suggested that we purchase defibrillators to be placed in the Chief's car, police "on duty car" and City Hall to be used in emergency situations. Alderman Schmidt stated that EMS had volunteered to instruct interested personnel in the use of the defibrillator unit.

Attorney Smith read the statute that provides for no liability in using this type of automated equipment. The statute read as follows: "provides that a person who in good faith administers emergency care including the use of automated external defibrillator is not liable in civil damages for an act performed during an emergency unless the act is willful and wantonly executed".

14. CONSIDERATION OF BELLVILLE ECONOMIC DEVELOPMENT CORPORATION PROJECTS AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Ottmer, seconded by Alderman Schmidt to award \$25,000.00 to Austin County for renovation of the Austin County Jail Museum as recommended by David Ottmer, President of the Bellville Economic Development Corporation Board. Motion carried unanimously.

15. OPEN SESSION RECESSED

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Open Session recessed at 6:40 p.m.

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

Executive Session convened at 6:50 p.m.

17. EXECUTIVE SESSION ADJOURNED

Executive Session adjourned at 7:16 p.m.

18. OPEN SESSION RE-CONVENED

Open Session re-convened at 7:20 p.m.

19. CONSIDERATION OF PENDING OR CONTEMPLATED LITIGATION, ACQUISITION OF REAL PROPERTY AND THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL; OF A PUBLIC OFFICER OR EMPLOYEE AND ANY RELATED ACTION NECESSARY

No action taken.

Alderman Schmidt reported on the Shattered Dreams program that took place at Bellville High School.

20. ADJOURNMENT

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A motion was made by Alderman Schmidt, seconded by Alderman Browning to adjourn at 7:25 p.m. Motion carried unanimously.