

MAY 21, 2002

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

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

Mayor Harrison called the meeting to order at 5:30 p.m.

2. 2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

3. 3. ROLL CALL AND CERTIFICATION OF A QUORUM

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

4. 4. CONSIDERATION/ACTION TO ADOPT AGENDA

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

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

A motion was made by Alderman Schmidt, seconded by Alderman Browning to approve the minutes of the Regular Meeting of April 16, 2002 and Special Meeting of May 7, 2002 as presented. Motion carried unanimously.

6. 6. CITIZEN’S FORUM

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Mr. James Bruce appeared before Council and inquired as to where people would go in case of a disaster. Mayor Harrison informed him that Jerral Johnson, our Emergency Management Coordinator, is currently working on this issue.

OATH OF OFFICE ISSUED TO ELECTED OFFICIALS

CERTIFICATES OF ELECTION ISSUED TO ELECTION OFFICIALS

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The Oath of Office was administered to newly elected council members, Wayne Browning, James A. “Jim” Bishop and David H. Ottmer. Members were issued Certificates of Election.

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

Mayor Harrison informed Council that he and Alderman Bishop had recently met with members of the Bellville Housing Authority Board and HUD and were informed that the Bellville Housing Authority was now off the “troubled” status list. Mayor Harrison also commended Evelyn Blackmon, Director of the Housing Authority for doing an excellent job.

Mayor Harrison stated that the City had received a report from O’Malley Engineers regarding the stormwater drainage at the fairgrounds. Upon inspection, Mr. Craig Kankel determined that the city is not dispersing any more water in that area than in previous years and at this time he did not see any problems.

Mayor Harrison thanked the Bellville Police Department and various other agencies for all the help they provided during the Ku Klux Klan rally this past weekend. He asked that a letter of thanks be written to each agency.

Alderman Ottmer inquired as to whether Hotel/Motel monies had been issued to the Chamber of Commerce to help them with firework expenses during the July 4th Celebration. Administrator Roberts informed Council that a check had already been mailed to the Chamber.

Alderman Browning inquired as to the status of the parks grants on the property located on N. Granville Street. Administrator Roberts informed him that we have not heard from Texas Parks and Wildlife and at this time have not received any funds. Currently crews are working on removing dead trees and limbs and cleaning a fence line.

Alderman Browning stated that ditches around the city were in need of maintenance and inquired as to what type of pavement marking paint we were using as the markings were not staying in place very long.

Alderman Ottmer inquired as to what could be done about vehicles entering on the wrong side of the courthouse. Administrator Roberts stated she would contact Fred Coleman with the Texas Department of Transportation for suggestions.

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

Alderman Mueller had previously informed Administrator Roberts that citizens had been inquiring as to why they could not see the Houston Astros games on cable television. Administrator Roberts stated that she had contacted Jerry Smith of CMA Cablevision and he had informed her that they were aware of ten dates

the Houston Astro games would not be televised and without notice FOX network changed the schedule.

Administrator Roberts informed Council that Texas Municipal League, our current insurance carrier had recently completed an appraisal of all city owned buildings.

Administrator Roberts announced that she had recently spoken to Anne Burger of First Southwest Company about the need to obtain certificates of obligation in order to construct a new water tower, wastewater lines, the addition of possibly one new water well and the repair of city streets. Ms. Burger informed her that now would be a good time to obtain certificates of obligation. Ms. Roberts did not have any firm cost figures available at this time.

9. APPROVAL OF SOUTHCREEK CROSSING SUBDIVISION AND LOT SIZE VARIANCE AND ANY RELATED ACTION NECESSARY- EDWIN MALINOWSKI

Mr. Edwin Malinowski appeared before Council and asked for approval of Southcreek Crossing Subdivision and variances to lot sizes. Council had many concerns regarding lots and streets in the floodplain zone, drainage plans, utilities and relocation of the existing creek. Mayor Harrison asked that Mr. Malinowski address their concerns. A motion was made by Alderman Ottmer, seconded by Alderman Bishop to refer the proposed subdivision plan to O'Malley Engineers for further study. Motion carried unanimously.

10. CONSIDERATION OF 2000 – 2001 AUDIT REPORT AND ANY RELATED ACTION NECESSARY – GINGER SNIDER

A motion was made by Alderman Schmidt, seconded by Alderman Ottmer to approve the 2000-2001 annual audit with the following changes: Page 5 under Totals

(Memorandum Only) – Certificate of Obligation payable: \$ 5,045,000. be inserted. Page 15 the wording under C. Restricted Assets – Investments should be corrected to read Restricted for wastewater plant improvements instead of restricted water plant improvements. Motion carried unanimously.

11. PUBLIC HEARING REGARDING FILTERING AND INTERNET USE POLICY AT BELLVILLE PUBLIC LIBRARY- KATHRYN KING

Mrs. Kathryn King, Director of the Bellville Public Library appeared before Council and presented information concerning filtering and the internet use policy. A public hearing was held at the same time and Mr. Delwin Rettig asked one question.

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Council took a break at 6:53 p.m.

Meeting re-convened at 6:58 p.m.

12. CONSIDERATION OF SECURITY FOR PARADES AND GATHERINGS AND ANY RELATED ACTION NECESSARY

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Attorney Smith informed Council that at this time we had no authority to ask for persons holding parades and gatherings to provide security. In order to do this we would have to have five thousand or more people attending the event and the event would have to last longer than five hours. Attorney Smith recommended that Council stand back and see if gatherings would become a reoccurring problem. He explained that at this time it was the city's choice to provide security at this level.

13. CONSIDERATION OF SUBDIVISION ORDINANCE AND ANY RELATED ACTION NECESSARY

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City Attorney Charley Smith informed Council that he had made changes in the draft of the Subdivision Ordinance that O'Malley Engineers had forwarded for our use. Attorney Smith made changes in the size of the streets and lots and incorporated all requests by city supervisors. He explained that this was a "Cadillac" ordinance and it would dramatically increase fees for subdivisions. He asked that council members read the draft Subdivision ordinance and come back with suggestions.

Mayor Harrison asked that a copy of the current Subdivision ordinance be forwarded to all members.

14. CONSIDERATION/APPROVAL OF CITY LIMIT MAP AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Schmidt, seconded by Alderman Ottmer to adopt the map as produced by the Austin County Appraisal District as the official city limit map. Motion carried unanimously. Mayor Harrison asked that staff contact the Austin County Appraisal District and verify the city limit lines on East Hacienda Street and State Highway 36 South.

15. 15. CONSIDERATION OF APPRECIATION DINNER FOR BOARDS AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Bishop, seconded by Alderman Ottmer to host an appreciation dinner for city appointed board members and families. Also

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included in the motion was that the dinner be held in the month of June at the Turnverein at approximately 7:00 p.m. Motion carried unanimously.

16. CONSIDERATION OF REVISED WEED ORDINANCE AND ANY RELATED ACTION NECESSARY

Attorney Smith presented an amendment to the Weed ordinance. After discussion, a motion was made by Alderman Bishop, seconded by Alderman Browning to table this item until further information can be obtained from surrounding entities on how they handle lots that are in need of mowing. Motion carried unanimously.

17. CONSIDERATION TO AMEND ORDINANCE #746 ENTITLED " SMOKING PROHIBITED IN CITY HALL" AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Schmidt, seconded by Alderman Browning to amend Ordinance #746 to include that no person shall smoke or possess a burning tobacco product or use other type of tobacco products within any building owned or controlled by the City of Bellville. Motion carried unanimously.

18. OPEN SESSION ADJOURNED

Open Session adjourned at 7:40 p.m.

19. EXECUTIVE SESSION CONVENED UNDER TEXAS GOVERNMENT CODE 551.071 TO DISCUSS PENDING OR CONTEMPLATED LITIGATION

Executive Session convened at 7:42 p.m.

20. EXECUTIVE SESSION ADJOURNED

Executive Session adjourned at 8:05 p.m.

21. OPEN SESSION RE-CONVENED

Open Session re-convened at 8:07 p.m.

22. CONSIDERATION OF PENDING OR CONTEMPLATED LITIGATION AND ANY RELATED ACTION NECESSARY

No action taken.

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23. ADJOURNMENT

A motion was made by Alderman Schmidt, seconded by Alderman Browning to adjourn at 8:08 p.m. Motion carried unanimously.