

August 17, 2004

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

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

Mayor Pro-Tempore Schmidt 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 QUORUM

Present to-wit: Mayor Pro-Tempore O. William "Bill" Schmidt, Jerome Peters, Michael S. "Mike" Mueller, Wayne Browning and Monte D. Richardson; thereby a quorum was established. Also present were City Administrator Lynn S. Roberts and City Secretary Susan Rosinski. Mayor Philip B. Harrison was absent due to illness. City Attorney Charley Smith arrived at 5:34 p.m.

4. 4. CONSIDERATION/ACTION TO ADOPT AGENDA

A motion was made by Alderman Browning, 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 Browning, seconded by Alderman Mueller to accept the minutes of the Regular Meeting of July 20, 2004. Mayor Pro-Tempore Schmidt called for a vote. Alderman Browning, Mueller and Richardson voted aye. Alderman Peters asked for discussion. He interjected that changes needed to be made to agenda item number seven as he had said he had stated he had attended a HGAC seminar and was attending a TML seminar in Austin the following weekend and would be delivering a report on the HGAC seminar at the next meeting.

Alderman Peters also inquired as to why the pool matter was not on the agenda. Administrator Roberts responded she was asked to contact David Newmann and he in turn was to contact Charley Smith and find out the best way to address the EDC to ask for funds. David Newmann had not responded by meeting date.

Alderman Browning inquired about copies of the lease (pool) agreement. Administrator Roberts informed Alderman Browning that Attorney Smith was to have e-mailed the copies to Council members.

Mayor Pro-Tempore Schmidt stated he hoped to have the pool item on the agenda next meeting.

Mayor Pro-Tempore Schmidt called for a vote once again on the approval of the July 20<sup>th</sup> minutes. Alderman Browning, Mueller, Richardson and Peters voted aye. Motion carried unanimously.

6. 6. CITIZEN'S FORUM

Nancy Allen informed Council she and several members from Bellville and Austin County had attended a Texas Department of Agriculture – “Texas Yes” Meeting. Mrs. Allen told Council it very beneficial program that can help in marketing and cooperating with our neighbors through the region and State. The cost to join the program is free and their logo “Texas Yes” can be used in mailings, etc. Mrs. Allen recommended that City consider joining in this program.

Richard Armstrong of 140 Wild Phlox appeared before Council and questioned as to why Council had not taken action on the matter regarding the playground equipment in the street. Attorney Smith informed Mr. Armstrong of the reasons he had not drafted the ordinance.

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

Demolition Update

Attorney Smith informed Council he had met with Ernest Dotson on Friday regarding the Ranzy Dotson property on West Austin Street and he believes Mr. Dotson is resolved to having the City tear down the structure without further litigation. Mr. Dotson was to speak to Lorenzo Dotson in Universal City and he has not heard from him.

Attorney Smith informed Council there may be a flaw in our ordinance that prevents us from foreclosing to recover our cost. He recommended that Council pass a new minimum living standard that should apply to all houses; not just dilapidated structures as our present ordinance does not address minimum standard; it just defines a hazard. He asked for this item to be placed on the next agenda

Alderman Peters announced he had attended an H-GAC Elected City Officials workshop and recommended that councilmen attend this highly motivational seminar. He mentioned TML and HGAC were there and gave information about their organization. Alderman Peters also added Ron Cox, City Manager of Friendswood was a speaker and gave a sixty-page handout illustrating how the Friendswood City Council works. Alderman Peters mentioned the following items: an orientation session for newly elected public officials to look at the facilities, meet the staff and get an idea of the assets of the city, a series of workshops with elected officials and staff to have an overall view of which direction the City is going and as you get into budgeting calculations work on priority items. Alderman Peters also said he would like see the City Council and EDC use two four letter words that being GOAL and PLAN.

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

Administrator Roberts commented on the following:

Street work and dismantling of the water tower will commence the first week in September.

A pre-construction meeting will be held on the lift station project and the water tower project next week. They are submitting lift station plans and ordering pumps and equipment. Everything will be submitted to O’Malley. The lift station project will begin the first week of November.

Streetlights on Duerr Drive have been repaired.

Mark Mushrush called and extended his appreciation towards Council in working with him by granting variances on his subdivision. He also wished to inform the City that due to numerous obstacles the subdivision would not be going any further.

The new water well equipment is in and on line today.

Signs are up on the square, “No skating, cycling, skateboarding”.

The flowerbeds at the Library have been mulched; but due to the heat we will plant in the fall. Railing is being built in the shop.

9. 9. CONSIDERATION OF REQUEST OF FUNDS FOR BOYS AND GIRLS CLUB AND ANY RELATED ACTION NECESSARY - ELLEN LANCASTER

Ellen Lancaster presented in letter form a request for \$20,000.00 to be allocated to the Boy’s and Girl’s Club of Bellville. Administrator Roberts pointed out although the Boys and Girls Club is a worthwhile organization, there are limited funds in the 2004-2005 budget and items have been cut that were requested by City personnel. She also added that the City now had debt service.

After much discussion (see tape for details), Mayor Pro Tempore Schmidt mentioned the possibility of getting further into the budget process before making a decision.

A motion was made by Alderman Browning, seconded by Alderman Peters to grant funds to the Boys and Girls Club.

Alderman Richardson then made a motion to table the previous motion, which was seconded by Alderman Mueller. As there was no further discussion, Mayor Pro-Tempore Schmidt called for a vote. Aldermen Peters, Mueller and Richardson voted aye and Alderman Browning was opposed. Motion carried.

10. 10. CONSIDERATION TO AWARD BID RECEIVED BY AUSTIN COUNTY APPRAISAL DISTRICT ON PROPERTY AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Peters, seconded by Alderman Browning to accept the bid received by the Austin County Appraisal District for \$1200.00 for the sale of property on S. Hilliard Street. Motion carried unanimously. Property is identified as R00673- A073, J. Nichols, Acres .143.

11. 11. CONSIDERATION OF STREET BANNERS AND ANY RELATED ACTION NECESSARY – AUSTIN COUNTY FAIR ASSOCIATION

Susan Rathbone of the Austin County Fair Association appeared before Council to ask permission to place three banners advertising the Austin County Fair at State Highway 36 North and South and State Highway 159 East. A motion was made by Alderman Mueller, seconded by Alderman Richardson to approve Ms. Rathbone’s request to place banners at the above stated locations. Motion carried unanimously.

12. 12. CONSIDERATION TO AWARD BID FOR POLICE DEPARTMENT PROPERTY LOCATED AT 17 W. MAIN AND ANY BUDGET AMENDMENT IF NECESSARY

Bids were received for the sale of the police department property located at 17 W. Main. The bids were as follows:

Malinowski Construction	\$18,129.43
-------------------------	-------------

Jimmy Skipton	\$16,704.00
Gary W. Morris	\$21,500.00

A motion was made by Alderman Mueller, seconded by Alderman Browning to reject all three bids received on property located at 17 W. Main. Mayor Pro-Tempore Schmidt called for a vote. Aldermen Browning, Mueller, and Richardson voted aye and Alderman Peters opposed. Motion carried.

A motion was also made by Alderman Mueller, seconded by Alderman Browning to amend the budget in the amount of \$22,381.00 to cover the final expenses for the Bellville Public Library renovations and parking lot. Mayor Pro-Tempore Schmidt called for a vote. Aldermen Mueller, Browning and Richardson voted aye and Alderman Peters was opposed. Motion carried.

13. 13. CONSIDERATION TO AWARD PROPOSAL FOR BANK DEPOSITORY AND ANY RELATED ACTION NECESSARY

Bank Depository proposals were received from First National Bank of Bellville and Wells Fargo. A motion was made by Alderman Browning, seconded by Alderman Richardson to award the City of Bellville bank depository to First National Bank of Bellville. Mayor Pro-Tempore Schmidt called for a vote. Aldermen Browning, Richardson and Peters voted aye and Alderman Mueller abstained due to his affiliation with the First National Bank of Bellville. Motion carried.

Bank Depository term is from October 1, 2004 – September 30, 2007.

14. 14. CONSIDERATION OF SAN BERNARD FRANCHISE AGREEMENT AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Mueller, seconded by Alderman Browning to approve the San Bernard Franchise Agreement as recommended by Attorney Smith. Motion carried unanimously.

15. 15. CONSIDERATION TO AMEND ARTICLE 2.100 OF THE BELLVILLE CODE OF ORDINANCES AND ANY RELATED ACTION NECESSARY

Chief Larry Matthews appeared before Council and asked for consideration of changes to be made to the pet registration section of the Rabies ordinance by moving it to another section.

After explanation by Attorney Smith, a motion was made by Alderman Mueller, seconded by Alderman Richardson to re-codify and re-number the Rabies Ordinance. Motion carried unanimously.

16. 16. CONSIDERATION OF INTERLOCAL AGREEMENT WITH TML REGARDING GOVERNMENTAL EMPLOYEE BENEFITS AND ANY RELATED ACTION NECESSARY

Administrator Roberts informed Council several years ago a decision was made to go with Texas Municipal League for our insurance purposes. Adm. Roberts added there would not be a rate increase to our liability insurance, our worker's compensation insurance unless raises were given and no rate increase in health insurance. We would also be receiving for the second year in a row a one-month premium holiday. A premium holiday is twelve months worth of benefits for eleven months of premiums.

Administrator Roberts recommended that we renew our agreement with Texas Municipal League.

A motion was made by Alderman Browning, seconded by Alderman Peters to approve the Texas Municipal League Intergovernmental Employee Benefits Pool Inter-local Agreement as presented. Motion carried unanimously.

17. 17. CONSIDERATION TO PLACE A PROPOSAL TO ADOPT TAX RATE ON FUTURE AGENDA AS ACTION ITEM, SCHEDULE RELATED HEARING DATE AND ANY RELATED ACTION NECESSARY

Administrator Roberts informed Council “the city normally goes up 3% on the tax rate without a hearing. This year I recommend an 8% increase. In the past we have been okay, but we don’t want to fall behind. Last year’s tax rate was .3724 (per \$100.00 valuation); even with the 8% increase the tax rate would be .3650 (per \$100.00 valuation).

A motion was made by Alderman Richardson to increase the tax rate by no more than 3%, which would not require hearings and place this item on a future agenda. Alderman Browning then seconded this motion.

After discussion, Alderman Richardson then changed his motion that Council adopt a hearing schedule consistent with the intent to consider a rate increase not to exceed 8%. Alderman Browning then seconded the motion. Motion carried unanimously.

A budget workshop was set for Tuesday, September 7, 2004.

18. 18. CONSIDERATION/APPROVAL OF GENERAL ORDERS #200-09 AND #500-01 AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Peters, seconded by Alderman Browning to approve General Orders #200-09 and #500-01 as presented by Chief Larry Matthews. Motion carried unanimously.

19. 19. CONSIDERATION OF BELLVILLE ECONOMIC DEVELOPMENT CORPORATION BOARD APPROVED PROJECT AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Peters, seconded by Alderman Browning to approve \$20,000.00 to San Felipe de Austin Archeological Consortium as recommended by the Bellville Economic Development Corporation Board. Motion carried unanimously.

The funds will be utilized for the completion of artifact analysis from the 2003 excavations at the site, the production and publication of a report for sale to the general public and the start of the next phase of fieldwork beginning in September 2004.

20. 20. CONSIDERATION TO APPROVE BELLVILLE ECONOMIC DEVELOPMENT BUDGET AND ANY RELATED ACTION NECESSARY

Alderman Peters inquired as to why the bleachers and the 2003 –2004 BEDC budget were not approved by Council. Administrator Roberts responded that she would check on it.

A motion was made by Alderman Browning, seconded by Alderman Mueller to approve the Bellville Economic Development Corporation's 2004 – 2005 annual budget. Motion carried unanimously

21. 21. CONSIDERATION OF EMERGENCY MEDICAL SERVICES AND EMERGENCY MANAGEMENT AND ANY RELATED ACTION NECESSARY

County Judge Carolyn Bilski appeared before Council and presented them with a breakdown of Emergency Medical Service calls by location of call, district in which call was made, the medic unit that responded and the hospital where patient was transported.

Judge Bilski also stated the City of Bellville has been very gracious and generous in funding \$5,000.00 for Emergency Medical Service expenses each year and was in hopes of receiving funding this year. Administrator Roberts interjected the \$5,000.00 was included in the proposed 2004-2005 budget recently given to Council for consideration.

Judge Bilski also asked for consideration of the Mutual Aid Agreement for Disaster Emergencies. A motion was made by Alderman Browning, seconded by Alderman Richardson to approve the Mutual Aid Agreement with Austin County as presented by Judge Bilski. Motion carried unanimously.

22. 22. ADJOURNMENT

A motion was made by Alderman Browning, seconded by Alderman Mueller to adjourn at 6:55 p.m. Motion carried unanimously.