

October 19, 2004

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

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

Alderman Browning led all in the prayer and Pledge of Allegiance.

3. 3. ROLL CALL AND CERTIFICATION OF A QUORUM

Present to-wit: Mayor Philip B. Harrison, Aldermen Wayne Browning, Monte D. Richardson, O. William "Bill" Schmidt, Michael S. "Mike" Mueller and Jerome Peters; thereby a quorum was established. Also present was City Administrator Lynn S. Roberts and City Secretary Susan Rosinski. City Attorney Charley Smith arrived at 5:37 p.m.

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 MEETINGS

A motion was made by Alderman Browning, seconded by Alderman Schmidt to adopt the minutes of the Regular Meeting of September 21, 2004 and Special Meeting of October 5, 2004.

Alderman Peters stated in item number seventeen of the Regular Meeting of September 21, 2004 it should be added, "The Administrator indicated the variance had not yet been requested but she would work on it".

Mayor Harrison called for a vote. Aldermen Browning, Richardson, Mueller and Peters voted aye. Alderman Schmidt did not vote; as he was not in attendance at the October 5, 2004 meeting. Motion carried.

6. 6. CITIZEN'S FORUM

Mr. Rodger Kruse appeared before Council and informed them the USDA building was damaged during the demolition of the water tower on South Front Street. Kruse stated this was a city job and he felt the City should intervene and speak with CB & I Constructors (contractor) insurance company. Mr. Kruse explained the employees of the USDA said the building shook when something was dropped and there is now a crack in the ceiling in the sheetrock.

Mayor Harrison stated Mr. Kruse had called him and he had gone on Saturday to look at the damage. Mayor added that we have expressed to Mr. Kruse the contractor has insurance and we could help him get in touch with the insurance company. Mayor also stated that Mr. Kruse has been nothing but generous in letting us use his property to get to the water tower and storing dirt and equipment. Mayor informed Council Administrator Roberts had volunteered to contact the insurance company.

Mr. Tom Kestler and Mr. Leroy Patton who reside on Pin Oak Drive in Bell Oaks Subdivision appeared before Council asking for assistance in dealing with water standing on their property. They informed Council that the problem started with the construction of new homes on Pin Oak Drive, which were constructed by George Lambert of Sierra Classic Homes.

Kestler asked Council if the City could suspend Sierra's permits or investigate prior to issuing a permit to build a home.

Attorney Smith stated, "it is the obligation of every person to not cause more water than to go on a person's property. We do not have the ability to cut off a person's livelihood... There is a governmental branch that being the 155th Judicial Court that would take care of the situation.

Attorney Smith asked Mr. Kestler and Mr. Patton to call him in the morning and he would look at the situation.

Alderman Peters stated that this was not the first time someone has come before City Council and complained about new construction having a negative impact on existing housing. Peters added that we do have a drainage plan in place for subdivisions and asked if there was anything we could do with our permit system to see that this problem doesn't occur again. Peters also commented that people should not have to be forced to go to District Court for a remedy.

Mayor Harrison deferred to Attorney Smith. Smith said he would look into it.

Mayor Harrison informed Council an informational packet was given to builders and new residents and possibly a reminder could be added that people are responsible for water runoff onto others property. Attorney Smith will help with the wording of the reminder.

Nancy Allen of the Bellville Economic Development Corporation appeared before Council told them the new BEDC logo (Texas with a star and the slogan "Hometown Attitude Make the Difference"). Mrs. Allen added that this slogan was the number one effort to sell the City of Bellville.

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

Alderman Peters asked Mayor Harrison if he had reviewed the information (budget book) from the Comptroller's office. Mayor Harrison replied, "No, I have not".

Alderman Richardson asked that the windsocks at the airport be replaced especially the one closest to the fairgrounds.

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

Administrator Roberts reported on the following:

Texas Municipal Retirement System approved a seven percent (7%) interest rate this year for city's deposits and retirees.

In the original budget after additions were made we were going to use reserve funds in the amount of \$14,934.00 but after the library amendments, etc. we would have had to use reserve funds in the amount of \$198,913.58. We have ended the year in the positive of \$192,217.85.

Some complaints had been received regarding the street renovation project but basically citizens have been patient and understanding.

9. 9. CONSIDERATION OF INTER-JURISDICTIONAL EMERGENCY MANAGEMENT PLAN AGREEMENT FOR AUSTIN COUNTY AND MEMBER CITIES – JUDGE CAROLYN BILSKI

Austin County Judge Carolyn Bilski appeared before Council and explained that the Inter-Jurisdictional Emergency Management Plan for Austin County and Member Cities was the plan that is presented to the State which was part of the Homeland Security effort. Bilski added that every five years you are required to submit an update to the State.

Judge Bilski commended Lt. Blakey for the great job in chairing the Emergency Communication meetings. She added that the county wide communication plan will take out the dead spots, put in new repeaters and add some equipment. These items will be purchased with the homeland security grant money.

After further discussion, a motion was made by Alderman Browning, seconded by Alderman Peters to adopt the agreement as presented. Motion carried unanimously.

10. 10. PRESENTATION OF BOYS AND GIRLS CLUB PROGRAMS, REQUEST FOR RELEASE OF FUNDS AND ANY RELATED ACTION NECESSARY – TOM FEUX AND JONATHAN MOLLENCOPS

Tom Feux and Jonathan Mollencops were not available for presentation due to possible miscommunication as reported by Mayor. This item was tabled.

11. 11. CONSIDERATION OF PROPOSED SUBDIVISION – THE COURTS OF BELLVILLE, VARIANCE REQUESTS AND ANY RELATED ACTION NECESSARY – BELLVILLE DEVELOPMENT GROUP, INC.

This item was passed over and will appear on the Special Meeting agenda of October 26,

2004.

12. 12. CONSIDERATION OF PROPOSED SUBDIVISION – ALLEN CHAPEL NEIGHBORHOOD, VARIANCE REQUESTS AND ANY RELATED ACTION NECESSARY – REV. WARREN SCOTT

This item was passed over and will appear on the Special Meeting agenda of October 26, 2004.

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

A motion was made by Alderman Browning, seconded by Alderman Mueller to appoint Howard Bryant and Larry Chaney and reappoint Ian Bader to the Bellville Parks Board. Motion carried unanimously. The terms are October 19, 2004 – October 18, 2007.

14. 14. CONSIDERATION OF APPOINTMENT TO BELLVILLE ECONOMIC DEVELOPMENT CORPORATION BOARD AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Mueller, seconded by Alderman Richardson to reappoint Wayne Browning and Nancy P. Allen and appoint James Freeman to the Bellville Economic Development Corporation Board. Mayor Harrison called for a vote. Aldermen Schmidt, Mueller, Richardson and Browning voted aye and Alderman Peters abstained. Motion carried. The terms are October 19, 2004 – December 19, 2006.

One more appointment is required; therefore this agenda item will appear on the Special Meeting agenda of October 26, 2004.

15. 15. CLARIFICATION/AMENDMENT TO MOBILE HOME ORDINANCE AND ANY RELATED ACTION NECESSARY

Consensus of Council was the property owner across the street from the proposed site of the placement of a mobile home is notified of such placement. This also pertains to the House Moving ordinance

16. 16. CONSIDERATION OF GAS CONTRACT AND ANY RELATED ACTION NECESSARY

The gas contract was not ready; Attorney Smith stated significant progress had been made in dealing with the load factor, resale, and charges.

Administrator Roberts said Attorney Smith, Mayor Harrison, the gas consultant and herself would be meeting with the president of the gas company in hopes of obtaining an extension of time in order to come to terms or a recommendation. We will have to have an extension of our contract or an agreement in place by November 1, 2004.

Attorney Smith commented that the goal was to at least get the same deal Brenham had received.

17. 17. CONSIDERATION OF CONTRACT IN RELATION TO THE SAN FELIPE DE AUSTIN ARCHEOLOGY PROJECT AND ANY RELATED ACTION NECESSARY

This contract was not ready. Clarifications needed to be made.

18. ADJOURNMENT

A motion was made by Alderman Schmidt, seconded by Alderman Browning to adjourn at 6:37 p.m. Motion carried unanimously.