

December 21, 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

Reverend Scott 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 and Jerome Peters; thereby a quorum was established. Also present were City Attorney Charley Smith and City Administrator Lynn S. Roberts. Alderman Michael S. "Mike" Mueller was absent and City Secretary Susan Rosinski was absent due to illness.

4. 4. CONSIDERATION/ACTION TO ADOPT AGENDA

A motion was made by Alderman Browning, seconded by Alderman Richardson to adopt the agenda as presented with the exception that agenda item numbers sixteen and seventeen 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 Peters to approve the minutes of the Regular Meeting of November 16, 2004. Motion carried unanimously.

6. 6. CITIZEN'S FORUM

Dr. Herschel Smith of the Austin County Leadership Council appeared before Council to voice his concerns regarding the Bellville Police Department, racial profiling and the swimming pool.

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

Mayor Harrison presented a proclamation to Kelly Kaminski for her first barrel racing championship at the National Finals Rodeo in Las Vegas, Nevada and proclaimed Kelly Kaminski Day on Sunday, March 6, 2005.

Attorney Smith informed Council of the following:

Three bids have been obtained in the area of \$150,000.00 for the swimming pool and the recommendation has been made to start over on the pool. Smith thought we could do better than this and asked for more time on this item.

The original San Felipe de Austin proposal needs to be voted upon rather than have the proposal re-written. He recommended bringing the proposal back, turning it down,

coming back with another proposal and voting. He also asked that this item be placed on the next agenda.

In reading the manufacturers warranty provided with the library materials; there are a number of exceptions a manufacturer could claim with the way in which the library roof was installed. A letter from the manufacturer states that none of the exceptions apply and we do have a twenty-year warranty.

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

Administrator Roberts reported on the progress of the lift stations, water tower and street work.

Alderman Schmidt commented the Austin County Appraisal District's cell phone bill. Administrator Roberts stated the city was now using Nextel. She informed the Council that we use the walkie-talkie function as well as the mobile phone and that we no longer use pagers. She commented the bills have dropped substantially.

Alderman Peters informed Council that he had attended four seminars those of which included the Houston-Galveston Area Council in Houston, Texas Municipal League in Austin and the Economic Development Seminar in Bellville.

Alderman Browning commented he would like to see the Mayor, Council and the Administrator come up with a plan for the future.

9. 9. CLARIFICATION OF ALLEN CHAPEL NEIGHBORHOOD VARIANCE AND ANY RELATED ACTION NECESSARY

Reverend Warren Scott appeared before Council to clarify that the fifty-one foot corner lot on West Meyers Street of the Allen Chapel Neighborhood plat was indeed acceptable.

A motion was made by Alderman Richardson, seconded by Alderman Schmidt to accept the plat of Allen Chapel Neighborhood as drawn.

Mayor Harrison called for a vote. Aldermen Richardson, Schmidt and Browning voted aye. Peters stated that although the project is good he can't in good conscience vote and therefore abstained. Motion carried.

10. 10. CONSIDERATION OF DRAINAGE ORDINANCE AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning, seconded by Alderman Schmidt to approve Ordinance #1280 as prepared by Attorney Smith. Motion carried unanimously. Said ordinance addresses the obligation to provide for drainage of a construction project.

11. CONSIDERATION OF HACIENDA FIELD LEASE AGREEMENT AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning, seconded by Alderman Richardson to approve the extension of the lease for Hacienda Field for a one-year period expiring on December 15, 2005 as presented by Attorney Smith. Motion carried unanimously.

12. 12. CONSIDERATION OF APPOINTMENT TO LIBRARY BOARD AND ANY RELATED ACTION BOARD AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning, seconded by Alderman Peters to appoint Ian Bader, Neville Kemp Remmert & Betty Johnson to the Bellville Public Library Board for a three year term being January 1, 2005 – December 31, 2007. Motion carried unanimously.

13. 13. CONSIDERATION OF MAYOR PRO-TEMPORE APPOINTMENT AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Peters, seconded by Alderman Richardson to appoint Alderman Schmidt as Mayor Pro-Tempore. Motion carried unanimously. The appointment will expire after the May 2005 election.

14. 14. CONSIDERATION OF AMENDMENT TO ARTICLE 3.100 GOVERNING PLUMBING AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Richardson, seconded by Alderman Browning to adopt the ordinance as presented by Attorney Smith. Motion carried unanimously. Said ordinance no longer adopts the International Plumbing Code and states plumbing be installed in a safe, sound and sanitary method giving the highest priority to the health and safety of the general public.

15. 15. CONSIDERATION OF THE REQUEST OF EXECUTIVE SESSION TAPES TO CURRENT COUNCIL MEMBER AND ANY RELATED ACTION NECESSARY

After much discussion (see tape details), Alderman Schmidt made the motion of “no”, seconded by Alderman Richardson in regards to the request to provide executive session tapes to a current council member.

Mayor Harrison called for a vote. Alderman Schmidt, Richardson and Browning voted aye and Alderman Peters was opposed. Motion carried.

16. 16. CONSIDERATION/APPROVAL OF SPECIAL USE PERMIT FOR MOBILE HOME TO BE LOCATED ON W. MEYERS STREET – ROY AND JOYCE WALLER

Mr. Roy Waller appeared before Council and asked for consideration to place a mobile home at 610 W. Meyers Street. A motion was made by Alderman Schmidt, seconded by Alderman Richardson to approve the Special Use Permit for placement of a mobile home on the Waller property located at 610 W. Meyers Street. Motion carried unanimously.

17. 17. CONSIDERATION OF VARIANCES AS REQUESTED BY SAN BERNARD ELECTRIC COOPERATIVE AND ANY RELATIVE ACTION NECESSARY

Mr. William Krueger and Mr. Carl Greenstein representing San Bernard Electric appeared before Council and requested an exemption from the requirements contained in City ordinance number 1241, Technical Requirements for Commercial Properties on the following basis:

1. 1. project does not involve platting or re-platting of the property
2. 2. No structural flooding problems exist downstream of the property
3. 3. Due to the small size of the project, the increased runoff resulting from the project is insignificant and will not cause structural flooding downstream

- of the property.
4. 4. The project will not significantly increase the overall impervious character of the property.

Building Inspector David Ottmer was on hand and wanted to make sure that water drainage from the building site would not hinder the property owner behind them.

After a short discussion, a motion was made by Alderman Schmidt, seconded by Alderman Browning to exempt San Bernard Electric Cooperative from the requirements in Ordinance #1241. Motion carried unanimously.

18. CONSIDERATION OF AMENDMENT TO SOUTHWESTERN BELL/SBC CONTRACT AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning, seconded by Alderman Peters to approve the amendment to the Southwestern Bell/SBC contract. Motion carried unanimously. Said amendment states Southwestern Bell/SBC remove redundant poles in a manner satisfactory to the City of Bellville within (60) days of receipt of written notice.

19. ADJOURNMENT

A motion was made by Alderman Schmidt, seconded by Alderman Browning to adjourn at 7:15 p.m. Motion carried unanimously.