

March 15, 2005

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

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

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

3. ROLL CALL AND CERTIFICATION OF 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 Administrator Lynn S. Roberts, City Secretary Susan Rosinski and City Attorney Charley Smith. Alderman Michael S. "Mike" Mueller was absent.

4. 4. CONSIDERATION/ACTION TO ADOPT AGENDA

Mayor Harrison announced agenda item number ten was not needed at this time.

Attorney Smith reported that agenda items number thirteen and fourteen were not needed due to the fact the statute (effective September, 2004) to control industrialized housing takes the city council out of the decision making process. People wishing to place a mobile home in the city limits will at this time need to follow the building permit process and not the special use process. Attorney Smith stated Council could adopt an ordinance consisting of four requirements those being: median value of houses within 500 feet, exterior siding, roofing pitch, building code setback lines and foundation. Consideration of this ordinance will be placed on the April meeting agenda.

Attorney Smith recommended not convening in the executive session posted for contemplated litigation. Smith informed Council that as part of the disclosure it has become apparent that all of us have been named as witnesses, but not all of us have been named as witnesses for the city. This situation creates a problem in attorney client privilege and therefore should not be discussed at this time.

A motion was made by Alderman Browning, seconded by Alderman Richardson to pass over agenda items numbers ten, thirteen, fourteen and the executive session as recommended. Motion carried unanimously.

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

A motion was made by Alderman Schmidt, seconded by Alderman Browning to approve the minutes of the Regular Meeting of February 15, 2005 with the exception agenda item number twelve of the meeting reflect that Alderman Mueller made the second to the motion. Motion carried unanimously.

6. 6. CITIZEN'S FORUM

Delwin Rettig appeared before Council with comments regarding a recent TX DOT meeting, street closures and Courts of Bellville Subdivision.

Carolyn Gibson of the Bellville Chamber of Commerce announced Market Days are March 19 and April 2.

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

Alderman Peters informed Council progress was being made on the minimum housing standards and also commented he would like his position back on the Bellville Economic Development Corporation Board.

Alderman Browning requested Superintendents attend all meetings during the construction period and questioned the asphalt placement at the curb-line as weeds were already growing.

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

Administrator Roberts reported painting has begun on the inside portion of the water tower and they anticipate 4-6 weeks for completion. Also street construction crews have been in town intermittently to do some additional clean up.

The Ellis Jones, Sanders, Airport, Ward and Skating Rink lift stations are essentially complete. Contractors are working on the Briarwood Lift Station at this time.

Alderman Richardson inquired about the status of the road boring. Administrator Roberts responded the fee for the permit has been mailed and we are currently waiting on the permit from the railroad.

Administrator Roberts stated a letter has been received from Texas Parks and Wildlife stating we had received the \$500,000.00 grant, along with specific guidelines we must follow.

9. 9. PRESENTATION OF 2003-2004 ANNUAL AUDIT AND ANY RELATED ACTION NECESSARY – SEIDEL SCHROEDER AND COMPANY

Michele Kwitkowski of Seidel Schroeder & Company, LLP appeared before Council and presented the 2003-2004 annual audit. A motion was made by Alderman Schmidt, seconded by Alderman Richardson to accept the 2003-2004 audit. After some discussion, Mayor Harrison called for a vote. Aldermen Schmidt, Richardson and Browning voted aye and Alderman Peters was opposed. Motion carried.

10. 10. CONSIDERATION OF APPROVAL OF COURTS OF BELLVILLE SUBDIVISION AND ANY RELATED ACTION NECESSARY

This item was passed over.

11. 11. CONSIDERATION OF BUDGET AMENDMENT IN THE AMOUNT OF \$2500.00 FOR BELLVILLE HERITAGE GATHERING AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Richardson, seconded by Alderman Browning to amend the budget in the amount of \$2,500.00 for the Heritage Gathering chuck wagon. After some discussion, Mayor Harrison called for a vote. Aldermen Richardson, Browning, and Schmidt voted aye and Alderman Peters was opposed. Motion carried.

12. 12. CONSIDERATION OF APPOINTMENT TO BELLVILLE CITY PARKS BOARD AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning, seconded by Alderman Richardson to appoint Michael Mueller to the Parks Board for an un-expired term being March 15, 2005 – October 16, 2005. Motion carried unanimously.

13. 13. CONSIDERATION OF SPECIAL USE PERMIT FOR MOBILE HOME TO BE LOCATED AT 654 W AUSTIN - BOB GODLEWSKI REPRESENTING JOSE AND MONICA TRUJILLO

This item was passed over. (See information under agenda item number four.)

14. 14. CONSIDERATION OF SPECIAL USE PERMIT FOR MOBILE HOME TO BE LOCATED AT 226 S. HILLIARD - HECTOR AND ISABELLA MONTELONGO

This item was passed over. (See information under agenda item number four.)

15. 15. PRESENTATION OF TIMETABLE FOR CITY OF BELLVILLE GOAL DEVELOPMENT AS PREPARED BY ALDERMAN PETERS AND ANY RELATED ACTION NECESSARY

Alderman Peters presented a timetable he prepared for City of Bellville goal development.

16. 16. CONSIDERATION TO DONATE OLD PATROL VEHICLE TO AUSTIN COUNTY LAW ENFORCEMENT ALUMNI ASSOCIATION AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Schmidt, seconded by Alderman Peters to donate an old police patrol vehicle (#165) to Austin County Law Enforcement Alumni Association for assistance on special assignments in high crime areas and the new city park. Motion carried unanimously. The vehicle title will transfer to Austin County Law Enforcement Alumni Association, the City of Bellville logo will be replaced and the City of Bellville will not provide insurance coverage.

17. 17. REVIEW AND CONSIDERATION OF RECOMMENDATIONS TO DESIGNATED SCHOOL ZONES AND ANY RELATED ACTION NECESSARY

Chief Larry Matthews appeared before Council and presented them with a list of proposed school zones and sign placements as well as a list of streets on which school zones should be removed along with one device. A motion was made by Alderman Browning, seconded by Alderman Richardson to approve the recommendations as presented by Chief Matthews. Motion carried unanimously. Changes are as follows:

School Zones and Sign Placement

Austin Street beginning at the intersection of Live Oak traveling west bound.

Austin Street beginning at the intersection of Matthews Street traveling east bound.
Tesch Street beginning at the intersection of Austin Street traveling south bound
Matthews Street beginning at the intersection of Austin Street traveling south bound.
Matthews Street beginning at the intersection of Strauss Street traveling north bound.
O'Bryant Street beginning at the intersection of Bell Street traveling east bound.
Tesch Street beginning at the intersection of Strauss Street traveling north bound.
O'Bryant Street beginning at the intersection of Live Oak Street traveling west bound.
Live Oak Street beginning at the intersection of O'Bryant Street traveling north bound.
Yaupon Street beginning at the intersection of Live Oak Street traveling east bound.

Removal of School Zones and Devices

Masonic Street, Holland Street, Thaemer Street, Bell Street, Tesch Street between Wendt Street and Strauss Street

One-way traffic flashing light at Matthews Street at the intersection of Austin Street traveling south bound.

18. 18. CONSIDERATION AND APPROVAL OF BID RECEIVED ON PROPERTY IDENTIFIED AS R00602, A73, J. NICHOLS LEAGUE, .50 ACRES AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Peters, seconded by Alderman Schmidt to accept the bid received by the Austin County Appraisal District on the property identified as R00602, A73, J. Nichols, .50 acres (208 S. Fields) in the amount of \$7,500.00. Motion carried unanimously.

19. 19. CONSIDERATION/APPROVAL OF GENERAL ORDERS AND ANY RELATED ACTION NECESSARY

Chief Larry Matthews presented General Orders to Council for consideration. A motion was made by Alderman Browning, seconded by Alderman Richardson to approve General Orders #300-04 Compensation and #400-18 Responsibility for City Property. Motion carried unanimously.

20. 20. CONSIDERATION OF THE APPOINTMENTS OF ELECTION OFFICIALS FOR THE 2005 MUNICIPAL GENERAL ELECTION AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Peters, seconded by Alderman Browning to appoint Margaret Flanagan, Presiding Judge and Betty Johnson, Alternate Judge for the 2005 Municipal General Election. Motion carried unanimously.

21. 21. OPEN SESSION ADJOURNED – Items number twenty-one through twenty-four were passed over.

22. 22. EXECUTIVE SESSION CONVENED UNDER TEXAS GOVERNMENT CODE 551.071 PENDING OR CONTEMPLATED LITIGATION

23. 23. OPEN SESSION RE-CONVENED

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

25. 25. ADJOURNMENT

A motion was made by Alderman Schmidt, seconded by Alderman Browning to adjourn at 7:17 pm. Motion carried unanimously.