

August 16, 2005

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

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

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

3. ROLL CALL AND CERTIFICATION OF QUORUM

Present to-wit: Mayor Philip B. Harrison, Aldermen James A. "Jim" Bishop,

Wayne Browning, Monte D. Richardson, Jerome Peters and Carol Courville;  
thereby a quorum was established. Also present were City Administrator Lynn S. Roberts, City  
Secretary Susan Rosinski and City Attorney Charley Smith.

4. 4. CONSIDERATION/ACTION TO ADOPT AGENDA

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A motion was made by Alderman Richardson, seconded by Alderman Browning to move agenda items number eighteen and twenty-eight to follow agenda item number nine and agenda items twenty and twenty-three be moved after the executive session. Motion carried unanimously.

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

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Alderman Browning made the motion to approve the minutes of the Regular Meeting of July 19, 2005 and Retreat of August 6, 2005 as presented. Alderman Richardson then seconded the motion. Mayor Harrison asked if there was any discussion. Alderman Peters stated he was disappointed his statements regarding the water department and his recommendation of

solutions to problems were not incorporated into the minutes of July 19, 2005. Administrator Roberts stated the City Secretary had notes and they would be incorporated into the minutes. Mayor Harrison called for a vote. Motion carried unanimously. At Alderman Peters request the following was added to the July 19, 2005 minutes: Alderman Peters made mention of a water leak on S. Matthews and the amount of time it took for repairs, the water tower overflowing, the need to isolate leaks and also the need for departments and supervisors to be properly trained in safety mechanisms.

6. 6. CITIZEN'S FORUM

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Herschel Smith of the Austin County Leadership Council spoke on an incident with the Bellville Police Department involving Kenneth Simmons and Zach Ward. Mr. Smith also mentioned the Bellville swimming pool.

Ms. Pamela Chandler spoke on the search of their home at 1528 Hwy. 159 W and the arrest of Kenneth Simmons and Zach Ward.

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

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Alderwoman Courville spoke on the retreat attended by Council on August 6, 2005 and thanked everyone for attending.

Alderman Peters inquired about the county's motor grader and asked if it was to be used at Clark Park. Administrator Roberts stated the motor grader would be used for in-kind work. The in-kind work being the clearing of property, construction of a parking lot and the placement of utility lines.

Alderman Browning inquired if the motor grader could be used to clean out the vegetation in ditches as water was standing the middle of the road during rains. Administrator Roberts responded the crews have already begun working on this project.

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

Administrator Roberts announced that a tax hearing and budget workshop would be held on August 23 and 30 and a budget hearing along with the adoption of the budget and tax rate would be held on September 13.

Adm. Roberts reported Andy Price of Texas Parks and Wildlife would be here on Thursday to check on the status of the Houston Toad at Clark Park.

Adm. Roberts stated Bell Oaks Subdivision was progressing very nicely.

9. 9. DISCUSSION OF CITATION IN REGARDS TO RACIAL PROFILING AND ANY RELATED ACTION NECESSARY – HARVEY WILLIAMS

Harvey Williams was not available for this item but did arrive later stating he was late due to a vehicle accident in Houston.

Mr. Williams spoke of a traffic citation he had received on December 3, 2004 from Officer Ken English and racial profiling.

10. 10. CONSIDERATION TO AWARD ADMINISTRATIVE CONTRACT FOR THE 2005 TEXAS COMMUNITY DEVELOPMENT PROGRAM AND ANY RELATED ACTION NECESSARY- VICKI SCHULZ

A motion was made by Alderwoman Courville, seconded by Alderman Richardson to award the administrative contract for the 2005 Texas Community Development Program to Kerbow and Associates. Motion carried unanimously.

11. CONSIDERATION TO AWARD ENGINEERING CONTRACT FOR THE 2005 TEXAS COMMUNITY DEVELOPMENT PROGRAM AND ANY RELATED ACTION NECESSARY

Vicki Schulze of Kerbow and Associates informed Council they had received two proposals for engineering services those being from O'Malley Engineers of Brenham and Goodwin -Lasiter of College Station and Lufkin. Kerbow and Associates recommended contracting with O'Malley Engineers as O'Malley met the specifications.

A motion was made by Alderman Richardson, seconded by Alderman Browning to approve the contract with O'Malley.

Alderman Peters inquired if the contract could reflect the actual (line) square footage. Ms. Schluz responded ORKA will accept an amendment but it has to be on a mutual consent.

Attorney Smith commented he did not see any problem with the contract presented but he did have a problem with the intent to amend it.

Mayor Harrison called for a vote. Aldermen Bishop, Richardson and Browning voted aye and Aldermen Peters and Courville were opposed. Motion carried.

12. CONSIDERATION TO ADOPT RESOLUTION PROMOTING FAIR HOUSING WITHIN THE CITY OF BELLVILLE AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Peters, seconded by Alderwoman Courville to adopt the resolution promoting fair housing within the City of Bellville. Motion carried unanimously.

13. CONSIDERATION TO APPOINT FAIR HOUSING OFFICER AND ANY RELATED ACTION NECESSARY

A motion was made to Alderwoman Courville, seconded by Alderman Browning to appoint Lynn S. Roberts as the Fair Housing Officer. Motion carried unanimously.

14. CONSIDERATION TO ADOPT RESOLUTION AUTHORIZING SIGNATURES AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Peters, seconded by Alderman Browning to adopt the resolution authorizing the Mayor, City Administrator, City Secretary and Administrative Coordinator signatures on the request for payment and purchase vouchers. Motion carried unanimously.

15. CONSIDERATION TO ADOPT SECTION 504 GRIEVANCE PROCEDURES AND ANY RELATED ACTION NECESSARY

A motion was made by Alderwoman Courville, seconded by Alderman Peters to adopt Section 504- Grievance Procedures based upon handicapped standards. Motion carried unanimously.

16. CONSIDERATION TO ADOPT EXCESSIVE FORCE RESOLUTION AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning, seconded by Alderwoman Courville to adopt the Excessive for Force Resolution as presented. Motion carried unanimously. This is a HUD requirement.

17. CONSIDERATION TO AUTHORIZE KERBOW AND ASSOCIATES TO PROCEED WITH 2007-2008 TXDP APPLICATION AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Richardson, seconded by Alderman Browning to authorize Kerbow and Associates to proceed with the 2007-2008 grant application project for the next projection period. Motion carried unanimously.

18. CONSIDERATION TO APPROVE BUDGET AS APPROVED BY THE BELLVILLE ECONOMIC DEVELOPMENT CORPORATION AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning, seconded by Alderman Bishop to approve the budget of the Bellville Economic Development Corporation Board as presented. Motion carried unanimously.

19. CONSIDERATION OF ORDINANCE #1290 ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Richardson, seconded by Alderman Browning to approve Ordinance #1290 adopting the National Incident Management System. Motion carried unanimously. This adoption allows the City of Bellville to proceed with emergency management grants.

20. DISCUSSION OF BELLVILLE SWIMMING POOL AND ANY RELATED ACTION NECESSARY

This item was passed over.

21. CONSIDERATION TO ADOPT AMENDMENT TO ORDINANCE #1.300 AS PREVIOUSLY APPROVED AND ANY RELATED ACTION NECESSARY

A motion was made by Alderwoman Courville, seconded by Alderman Browning to approve the amendment to Ordinance #1.300 as previously approved. Motion carried unanimously. This amendment authorizes the City Administrator and City Secretary to cosign payroll checks and payroll related expenses (payment of payroll taxes to Federal or State agency, child support payment and payments for health and disability insurance).

22. CONSIDERATION TO APPROVE HABITAT FOR HUMANITY FOR AUSTIN COUNTY CONTRACT AND ANY RELATED ACTION NECESSARY

This item was tabled as Attorney Smith stated it was not ready for action.

23. BUDGET WORKSHOP

No action taken.

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24. OPEN SESSION RECESSED

Open Session recessed at 6:55 p.m.

25. EXECUTIVE SESSION CONVENED UNDER TEXAS LOCAL GOVERNMENT CODE SECTION 551.071 PENDING OR CONTEMPLATED LITIGATION, SECTION 551.072 ACQUISITION OF REAL PROPERTY AND SECTION 551.074 TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL; OF A PUBLIC OFFICER OR EMPLOYEE

Executive Session convened at 7:00 p.m.

26. OPEN SESSION RE-CONVENED

Open Session re-convened at 7:26 p.m.

27. CONSIDERATION OF PENDING OR CONTEMPLATED LITIGATION, ACQUISITION OF REAL PROPERTY AND THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DISCIPLINE OR DISMISSAL; OF A PUBLIC OFFICER OR EMPLOYEE AND ANY RELATED ACTION NECESSARY

No action taken.

28. CONSIDERATION TO APPROVE THE BELLVILLE ECONOMIC DEVELOPMENT CORPORATION  
CONTRACT WITH BELLVILLE CHAMBER OF COMMERCE FOR ADMINISTRATIVE SERVICES AND  
ANY RELATED ACTION NECESSARY

A motion was made by Alderwoman Courville, seconded by Alderman Browning to approve the Bellville Economic Development Corporation's contract with Bellville Chamber of Commerce for administrative services. Motion carried unanimously.

29. ADJOURNMENT

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A motion was made by Alderman Browning, seconded by Alderman Bishop to adjourn.  
Motion carried unanimously.