

July 15, 2003

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

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

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

3. ROLL CALL AND CERTIFICATION OF QUORUM

Present to-wit: Mayor Philip B. Harrison, Aldermen David Ottmer, Michael S. "Mike" Mueller, O. William "Bill" Schmidt and Wayne Browning; thereby a quorum was established. Also present were City Administrator Lynn S. Roberts and City Secretary Susan Rosinski. Attorney Charley Smith appeared at 5:33 p.m.

4. 4. CONSIDERATION/ACTION TO ADOPT AGENDA

A motion was made by Alderman Browning, seconded by Alderman Ottmer to adopt the agenda as presented along with the addendum. 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 June 17, 2003 and Special Meeting of June 24, 2003. Motion carried unanimously.

6. 6. APPOINTMENT TO FILL VACANCY OF GOVERNING BODY PURSUANT TO SECTION 22.010 OF THE TEXAS GOVERNMENT CODE AND ISSUANCE OF OATH OF OFFICE

A motion was made by Alderman Browning, seconded by Alderman Schmidt to appointment Nancy P. Allen to the City Council as Alderwoman, Position #3. Motion carried unanimously. Mrs. Allen will fill the vacancy created by the resignation of Jim Bishop. Mrs. Allen's term will expire in May 2004.

Attorney Smith issued the Statement of an Appointed Officer and the Oath of Office was signed.

7. 7. CITIZEN'S FORUM

There was no one present that wished to address Council.

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

There were no reports given.

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

Administrator Roberts announced that the Bellville Volunteer Fire Department will be awarded \$10,125.00 for a thermal imager from Lower Colorado River Authority and a photograph will be taken at 9:45 a.m. on Wednesday.

Administrator Roberts reminded Council that a Special Meeting was to be held on July 22, 2003 with Anne Burger to discuss street, water and sewer improvements.

Adm. Roberts reminded Council that the Board Appreciation Dinner was scheduled for July 29, 2003.

Administrator Roberts announced that we have begun working on the budget

Adm. Roberts informed Council that she had been notified that there would be a 17% increase in TML insurance premiums; but due to the efficiency of TML the Texas Municipal League health insurance premiums would increase 9%.

10. 10. CONSIDERATION OF ISSUANCE OF SPECIAL USE PERMIT FOR PLACEMENT OF A MOBILE HOME ON PROPERTY LOCATED AT 922 E. SECOND STREET AND ANY RELATED ACTION NECESSARY – CHEYENNE MELLARD AND ROY MELLARD

A motion was made by Alderman Browning, seconded by Alderman Ottmer to approve a special use permit for placement of a mobile home on the property located at 922 E. 2nd. Street. Said mobile home is to be placed on the property owned by Roy Mellard, uncle of Cheyenne and Amelia Mellard. Motion carried unanimously.

11. CONSIDERATION OF ISSUANCE OF A SPECIAL USE PERMIT FOR PLACEMENT OF A MOBILE HOME TO BE LOCATED ON W. AUSTIN STREET AND ANY RELATED ACTION NECESSARY – BETTY JACKSON

A motion was made by Alderman Browning, seconded by Alderwoman Allen to approve a special use permit for placement of a mobile home on the property owned by Betty Jackson on W. Carver Street. Motion carried unanimously.

12. CONSIDERATION OF ISSUANCE OF SPECIAL USE PERMIT FOR PLACEMENT OF A MOBILE HOME TO BE LOCATED AT WEST MEYER STREET AND ANY RELATED ACTION NECESSARY – HENRY LEAGGON

A motion was made by Alderman Mueller, seconded by Alderman Ottmer to approve a special use permit for placement of a mobile home on the property located on W. Meyer Street to be purchased by Henry Leaggon and Loretta Powell. Motion carried unanimously.

13. CONSIDERATION OF VARIANCE TO SETBACK LINE REQUIREMENT ON THE PROPERTY LOCATED AT 754 CONCORDIA DRIVE B AND ANY RELATED ACTION NECESSARY – EDGAR STEINBACH

Mr. Edgar Steinbach of 754 Concordia Drive B requested a variance in the setback line requirements for the construction of a workshop on the rear of his property. The distance from the property line from the rear of the property would be 12' and the distance from the side of the building from the property line would be 7' instead of the required 10'. A motion was made by Alderman Schmidt, seconded by Alderman Ottmer to grant a variance in the setback line requirements to Edgar Steinbach. Motion carried unanimously.

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14. CONSIDERATION TO ADOPT THE MOST CURRENT VERSION OF THE STANDARD BUILDING CODES/INTERNATIONAL BUILDING CODES AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Browning, seconded by Alderman Schmidt to adopt Ordinance #1224. Motion carried unanimously.

Said ordinance is an amendment to Article 3.100 of the Bellville Code of Ordinances and allows the City to always use the most recent version of the National Electric Code and the standard building codes published by the International Code Council, Inc. which include the following: International Building Code, International Energy Conservation Code, International Existing Building Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code and the International Mechanical Code.

15. CONSIDERTION TO ADOPT AN AMENDMENT TO ARTICLE 10.111 OF THE CODE OF ORDINANCES REGARDING OBSTRUCTION OF STREETS, PARKWAYS, SIDEWALKS AND SQUARE AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Mueller, seconded by Alderman Schmidt to adopt Ordinance # 1225. Motion carried unanimously.

Said ordinance is an amendment to Article 10.111 of the Bellville Code of Ordinances and states that no person shall obstruct or impede the ordinary use of the streets, sidewalks, public square or parkways within the city limits without first obtaining a permit from the city council. It further states that pedestrians shall have the right of way and priority use of all sidewalks. Operations of bicycles, skateboards or any other vehicle, motorized or otherwise, shall not be used on any sidewalk when the sidewalk is also being used by a pedestrian. The restriction shall not apply to wheelchairs or other vehicles used to assist the handicapped.

16. CONSIDERATION TO ADOPT AN AMENDMENT TO ARTICLE 4.20 (HOME SOLICITATION) ORDINANCE AND ANY RELATED ACTION NECESSARY

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A motion was made by Alderman Ottmer, seconded by Alderwoman Allen to adopt Ordinance #1226. Motion carried unanimously.

Said ordinance is an amendment to Article 4.20 entitled "Home Solicitation" and gives the City Administrator the authority to immediately suspend a solicitors license issued if he has good reason to believe and does believe that a home solicitor has violated any term of the Solicitation Ordinance or the laws of the State of Texas, or the United States or has been convicted of a felony or other crime involving moral turpitude. It also states that in the event a license is suspended by the City Administrator, the solicitor shall refrain from doing business within the city limits of the

City of Bellville until the Council reviews the suspension during its next regularly scheduled council meeting.

17. CONSIDERATION TO APPROVE AND AMEND THE CURRENT SUBDIVISION ORDINANCE AND ANY RELATED ACTION NECESSARY

- This item was tabled.

18. CONSIDERATION OF RE-INSPECTION FEES AS ASSOCIATED WITH PERMITS AND INSPECTIONS AND ANY RELATED ACTION NECESSARY

- A motion was made by Alderman Schmidt, seconded by Alderman Ottmer to adopt Ordinance #1227 regarding re-inspections. Motion carried unanimously.

Said ordinance is an amendment to Appendix A (Fee Schedule) of the Bellville Code of Ordinances and states that if any aspect of the project fails to pass the first inspection, that aspect must be re-inspected. Any re-inspection shall cost \$50.00 per each re-inspection. The amendment further states each aspect of the project re-inspected shall be considered a separate re-inspection and shall bear the fee charged regardless if more than one re-inspection is made during an inspector's visit to the job site.

19. CONSIDERATION OF SPEED LIMITS IN SOUTH CREEK CROSSING SUBDIVISION AND ANY RELATED ACTION NECESSARY

- A motion was made by Alderman Mueller, seconded by Alderwoman Allen to adopt a 20-mile per hour speed limit in South Creek Crossing Subdivision upon Chief Matthews's recommendation. Motion carried unanimously.

20. CONSIDERATION OF REQUEST TO EXPEND FUNDS FROM ECONOMIC DEVELOPMENT TAX FUNDS FOR ECONOMIC DEVELOPMENT TRAINING AND ANY RELATED ACTION NECESSARY

- A motion was made by Alderman Schmidt, seconded by Alderwoman Allen to authorize an expenditure in the amount of \$875.00 from Economic Development Funds. Motion carried unanimously. Said funds will be used for a mandatory training seminar attended by board members and the recording secretary.

21. OPEN SESSION ADJOURNED

Open Session adjourned at 5:55 p.m.

22. EXECUTIVE SESSION CONVENED UNDER SECTION 551.04 TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL; OF A PUBLIC OFFICER OR EMPLOYEE AND ANY RELATED ACTION NECESSARY

Executive Session convened at 5:57 p.m.

23. EXECUTIVE SESSION ADJOURNED

Executive Session adjourned at 7:23 p.m.

24. OPEN SESSION RE-CONVENED

Open Session re-convened at 7:30 p.m.

25. CONSIDERATION OF THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL; OF A PUBLIC OFFICER OR EMPLOYEE AND ANY RELATED ACTION NECESSARY

No action taken.

26. ADJOURNMENT

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A motion was made by Alderman Schmidt, seconded by Alderman Browning to adjourn at 7:32 p.m. Motion carried unanimously.