

September 20, 2005

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

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

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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 Wayne Browning, Monte D. Richardson, James A. "Jim" Bishop, Carol H. Courville 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.

4. CONSIDERATION/ACTION TO ADOPT AGENDA

A motion was made by Alderman Browning, seconded by Alderwoman Courville to adopt the agenda as presented. Motion carried unanimously.

5. CONSIDERATION/ACTION TO APPROVE MINUTES OF PREVIOUS MEETINGS

A motion was made by Alderwoman Courville, seconded by Alderman Browning to adopt the minutes of the Regular Meeting of August 16, 2005, Special Meeting of August 23, 2005 and Special Meeting of August 30, 2005. Alderman Peters interjected he wished to have the following changes added to the minutes of August 16, 2005: agenda item number 14 – "for sewer system grant" and agenda item number 17 – TXDP to TCDP.

Mayor Harrison then called for a vote. Motion carried unanimously.

6. CITIZEN'S FORUM

Carolyn Gibson of the Chamber of Commerce wished to announce that there was a seminar on Business Retention and Incubation on Thursday, September 22 if anyone would like to attend.

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

Alderwoman Courville presented a copy of a letter taken from the Bellville Times section "Letters to the Editor" written by Gene Pfeffer. The letter was in regards to illegal parking in handicapped areas around the Austin County Courthouse. Administrator Roberts responded the officers were patrolling this area.

Alderwoman Courville presented a letter to Council from residents of the Tangle Oaks Subdivision in regards to the horrible smell of garbage, the overflow of the garbage dumpster and rodents. She informed Council that the Health Inspector, Dr. Winston Neely had been by and visited with the Brookshire Brothers manager. Attorney Smith stated that city ordinance does prohibit obnoxious odors and if anyone wished to file a complaint the matter could be taken to court.

Alderman Peters mentioned the I-69 Corridor and the State Routes to School program.

Alderman Browning mentioned that Austin County and the City of Bellville were coming together tomorrow to make hurricane plans. He also asked that ditches be cleaned to make sure water flows properly during the storm.

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

Administrator Roberts announced she, superintendents and the police chief had met this morning and plans are underway for the hurricane should it come this way. There are no evacuations sites at this time; but there would probably be for persons living in mobile homes.

Adm. Roberts stated the streetlights in Bell Oaks were burning and no new holes would be opened in Bell Oaks Subdivision during this time.

Adm. Roberts also announced that Fall Clean Up would be held the last week of October and first week of November. The Recycling Center will be open for customers to bring in their debris free of charge during this time.

9. DISCUSSION AND CONSIDERATION OF THE CLOSE OUT OF LIFT STATION PROJECT AND ANY RELATED ACTION NECESSARY – SHERYL MERCER

Craig Kankel of O'Malley Engineers informed Council the sewer lift station was essentially finished.

Mr. Sheryl Mercer of Mercer Construction appeared before Council and asked for consideration of an error that occurred during the sewer plant bid process. The error Mr. Mercer was speaking of was the oversight of electrical hardware in the amount of \$51,138.00, which was not placed in the bid.

A motion was made by Alderman Richardson to approve the remainder of the balance (an itemized list was requested) for the sewer plant work in the amount of \$51,138.00. Alderman Browning seconded the motion. Mayor Harrison called for a vote. Aldermen Richardson, Browning, and Bishop voted aye and Aldermen Peters and Courville were opposed. Motion carried.

10. CONSIDERATION OF CHANGE ORDER FOR BELL OAKS STREET PROJECT AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Bishop to approve the change order for delays in the Bell Oaks Subdivision in an amount not to exceed \$19,800.00 for Cornerstone Paving. Alderwoman Courville seconded the motion. Motion carried unanimously. The change order was due to the increase in the unit price for items of work in Bell Oaks Subdivision due to an increase in material and fuel cost, as the contractor was unable to start work on the project until the first week of April 2005 due to utility relocation delays.

11. DISCUSSION AND CONSIDERATION REGARDING LOCAL GOVERNMENT MANAGEMENT REVIEW BY STATE COMPTROLLER AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Peters to pass the resolution authorizing the local government management review by the State Comptroller's office. Alderman Bishop seconded the motion. Motion carried unanimously. A letter will be written requesting a review by the Comptroller's office.

12. CONSIDERATION OF APPOINTMENT TO HOUSTON-GALVESTON AREA COUNCIL GENERAL ASSEMBLY AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Bishop, seconded by Alderman Richardson to appoint Alderman Browning as representative and Alderman Peters as alternate representative to the Houston-Galveston Area Council 2006 General Assembly. Motion carried unanimously.

13. CONSIDERATION TO AMEND THE BUDGET IN REGARDS TO TAX REVENUE AND ANY RELATED ACTION NECESSARY

A motion was made by Alderman Richardson, seconded by Alderman Courville to amend the budget to include the tax rate of .3434 per \$100. valuation. The budget also included the addition of gasoline from \$85,000.00 to \$144,000.00 as previously approved to be dispersed among departments. Motion carried unanimously.

14. CONSIDERATION TO ACCEPT DEED FOR SWIMMING POOL PROPERTY AND ANY RELATED ACTION NECESSARY

Administrator Roberts stated that should we accept the deed to the swimming pool property we would mow and drain the water from the pool prior to the Austin County Fair. Administrator Roberts added she would like to see a parking lot at the site.

A motion was made by Alderman Browning to accept the warranty deed to the swimming pool property. Alderwoman Courville seconded the motion. Motion carried unanimously.

Alderman Peters asked that construction be held off until after November as there is a Veteran's Day event scheduled at the park.

Alderman Bishop inquired about testing the water in the pool. It was determined the water could be sanitized prior to draining the pool.

15. CONSIDERATION OF HABITAT FOR HUMANITY CONTRACT AND ANY RELATED ACTION NECESSARY

Attorney Smith informed Council the old police department building located at 17 W. Main would be rented to Habitat for Humanity for \$250.00 per month. Lessee (Habitat) agrees to make all repairs and improvements to premises up to code requirements. The lessee will receive a credit against rent due, being labor and materials both purchased and donated. If the lessor cancels the lease agreement, the Lessee shall be entitled to a reimbursement for any expenditures that have been made for labor or materials that exceeds the amount of rent that is due or owing at the end of the contract period.

A motion was made by Alderman Browning to accept the Habitat for Humanity contract as presented. The motion also included Attorney Smith negotiating the area of the parking lot. Alderman Richardson seconded the motion. Motion carried unanimously.

16. ADJOURNMENT

A motion was made by Alderman Bishop, seconded by Alderman Bishop to adjourn at 6:36 p.m.
Motion carried unanimously.