

Minutes of Regular Meeting held September 14, 2009

Regular meeting with the following present: Mayor Mark Bowen; Aldermen Jerry Stone, Rudy Hernandez, Ward Sanders, Kevin Keith, Sam Cortez; City Secretary Josie Campa; Police Chief Richard Priest; City Attorney Tom Cate; Fire Marshal Matt Dear; Director of Public Works James McGrath; Library Director Cassandra Cortez.

Visitors: Craig Bell, Christopher Bowen, Bobbie Lassiter, Kim Williams, Rudy Howard, Franklin Wanjura, Jr., Chuck Bayne, Ernie Kroeger, Betty Kroeger, Amy Gomez, Olga Ramirez, William Alonozo, Kelly Haney, Pam Fintel, Bobby Roberts.

APPROVE MINUTES AND APPROVE PAYMENT OF BILLS

Alderman Hernandez made the motion that Council approve the minutes of the regular meeting held on August 10th, as corrected by the City Attorney and the minutes of the budget workshops held August 17th and 24th; the special meetings held August 24th and August 31st; and payment of the bills, as presented. Seconded by Alderman Keith. Passed unanimously.

CONSIDER ENGINEER'S FINDINGS ON BALL ROAD

City Engineer Craig Bell talked to Council about his findings on Ball Road. He told Council the normal width for a street is 18 to 20 feet and Ball Road is about 14 feet and 8 to 9 feet in some areas. He talked to Council about drainage and the need for crowning and bar ditches. Mr. Bell also told Council the best time to start this project is in spring with acquiring bids and then the actual work being done in June, July or August. The engineer also told Council that the spoils that were dumped on Ball Road are a mixture of several things and can't be expected to act like a limestone base. Mr. Bell told Council that phone poles may need to be moved, but the water lines look to be okay. He also said if a turnaround is wanted at the end of the road, easements will have to be obtained. City Attorney Tom Cate told Council that BMA will need to be contacted and offered to contact them. Mr. Bell said if everything is done as addressed above, he thinks the road improvement cost could be in excess of \$100,000.00. Council members asked some questions of the engineer. City Attorney Tom Cate told Council that they need to get an agreement with the residents of Ball Road and with Bobby Roberts saying that prior to the city incurring any engineering cost on Ball Road, the spoils will be removed. After more discussion, Alderman Hernandez made the motion that Council allow the City Attorney to draw up contracts with Ball Road residents about continuing with this project, an agreement with BMA and an agreement for the spoils to be removed by the end of October or middle of November prior to the City incurring any costs for Ball Road improvements. Seconded by Alderman Stone. Discussion. Alderman Hernandez amended his motion to include that Council will determine width before project is engineered. Alderman Stone agreed to second the amended motion. Motion passed unanimously.

CONSIDER RAILROAD PARKING AND HANDICAP PARKING ON SIDE OF BUILDING ON N. SOMERSET STREET-KIMBERLY WILLIAMS

Kimberly Williams' husband, Rudy Howard asked Council to consider allowing them to setup handicap parking for their new café in the area presently designated a "no parking" zone. Chief Priest told Council this intersection is already a problem and there is a handicap parking spot

CONSIDER RAILROAD PARKING AND HANDICAP PARKING ON SIDE OF BUILDING ON N. SOMERSET STREET-KIMBERLY WILLIAMS (CONT.)

across the street with less space. After discussion, Alderman Stone made the motion that Council get TxDot to look at this and that Council approve this request contingent upon their findings. Seconded by Alderman Hernandez. Passed unanimously.

CONSIDER REQUESTS FOR CITY'S PARTICIPATION IN NATIONAL NIGHT OUT-WAYNE VAUGHN

City Secretary Josie Campa told Council that Wayne Vaughn had several requests for National Night Out on Adams Street. Mayor Bowen said Council had mentioned they would like to see other areas in town have block parties Alderman Hernandez told council that National Night Out is about neighborhoods getting together and the city shouldn't concentrate in only one area of town. Mayor Bowen said city could use website for getting more involvement for National Night Out. After discussion, Alderman Hernandez made the motion that Council take no action on Mr. Vaughn's requests and that the city participate at Vaughn's block party but also go to other areas having get togethers. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER REQUEST FROM CHRISTMAS DECORATING COMMITTEE TO HAVE HORSES IN PARK DURING HOMECOMING FESTIVAL

Pam Fintel, Chairman of the Christmas Decorations Committee asked Council's permission to have horses at the park for the Homecoming Festival. She said that Miracle Meadows would like to bring horses and they will corral them and clean up after them. Alderman Hernandez made the motion that Council allow Miracle Meadows to have horses in park for the Homecoming Festival. Seconded by Alderman Keith. Passed unanimously.

CONSIDER PROPOSALS FOR DEPOSITORY CONTRACT

City Secretary Josie Campa told Council that the City had received two (2) proposals for the city's depository, and they were very similar, but Lytle State Bank's interest rates are higher. Alderman Stone made the motion that Council accept the proposal from Lytle State Bank. Seconded by Alderman Sanders. Passed unanimously.

CONSIDER RATIFYING PROPERTY TAX LEVY INCREASE REFLECTED IN PROPOSED 2009-2010 BUDGET

Alderman Hernandez made the motion that Council ratify the property tax levy increase reflected in the proposed 2009-2010 budget. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER ADOPTION OF 2009-2010 BUDGET

Alderman Sanders made the motion that Council adopt Ordinance No. 333 establishing the budget for fiscal year 2009-2010 as presented. Seconded by Alderman Stone. Passed unanimously.

CONSIDER ADOPTION OF 2009 TAX RATE

Alderman Cortez made the motion that Council adopt Ordinance No. 334 setting the tax rate for 2009 at \$.3075 per \$100.00 valuation. Seconded by Alderman Keith. Passed unanimously.

CONSIDER INCREASING GAS MINIMUM TO COVER COSTS OF GAS OUTAGE DUE TO PIPELINE INTEGRITY TESTING

City Secretary Josie Campa explained the gas rate increase to pay for the outage cost in seven years. She told Council that if spread out evenly over seven years the increase on the gas minimum would be \$2.77 per month. Alderman Hernandez made the motion that Council increase the gas minimum to \$2.85 per month. Seconded by Alderman Stone. Passed unanimously.

CONSIDER INCREASING GARBAGE RATE MINIMUM TO COVER COST OF BRUSH PICK-UP SERVICE

Alderman Hernandez made the motion that Council increase the garbage fee minimum \$1.00 per minimum per month to help defray the cost of quarterly brush pick-up. Seconded by Alderman Sanders. Passed unanimously. The city secretary said she would put this on the website and in the quarterly newsletter.

CONSIDER INCREASING TIERS OF WATER RATES DURING CRITICAL PERIODS

City Secretary Josie Campa told Council that she had calculated the percentages for water users that they had requested and that only 15% of water customers use over 25,000 gallons per month. After discussion, no action was taken on this item until a new ordinance is adopted.

CONSIDER PROPOSAL FROM GIDLEY FARMS FOR PURCHASING ADDITIONAL WATER RIGHTS

City Secretary Josie Campa told Council that Mr. Gidley had said he would sell 10 acre feet of water to the city, if not enough is budgeted. Mayor Bowen told Council that he has been approached by someone else that would like to sell water rights to the city, and said he would like the water committee to look at these proposals. After discussion, no action was taken on this item until committee can look into this as per the Mayor's suggestion.

CONSIDER ADOPTION OF 2009 BUILDING CODE

Alderman Hernandez made the motion that Council adopt the 2009 Building Code. Seconded by Alderman Keith. Passed unanimously.

Council took a short break at 7:57 p.m. and reconvened at 8:08 p.m.

CONSIDER RENEWAL OF CONTRACT WITH SIMON PENA FOR GAS SYSTEM CONSULTING SERVICE

Alderman Hernandez made the motion that Council approve the renewal of the gas contract with Simon Pena. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER AMENDING ORDINANCE RELATING TO THE TIMES FOR SCHOOL ZONES-CHIEF PRIEST

Police Chief Richard Priest asked Council to consider amending the ordinance relating to the times for the school zones since the school district has changed the starting and ending times for the schools. Council discussed changing the school zones to only during start and end peak times and traffic on street with the school zones. Alderman Hernandez made the motion that Council amend the ordinance concerning the school zones to reflect the new times from 7:00 to 9:00 a.m. and from 2:30 p.m to 5:00 p.m. Seconded by Alderman Stone. Discussion on N. Prairie Street school zone due to high traffic count. Alderman Hernandez amended his motion to exclude N. Prairie Street from the time periods listed above and instead have the school zone in effect all day from 7:00 a.m. to 5:00 p.m. Alderman Stone seconded the amended to the motion. Passed unanimously.

CONSIDER ENFORCEMENT OF NEW STATE LAW REGARDING CELL PHONE USE BEING PROHIBITED IN SCHOOL ZONES AND NECESSARY SIGNAGE

Chief Priest told Council that the new State law concerning prohibiting cell phone use in school zones cannot be enforced without proper signage. He said the school zones on FM 2790 N. are controlled by the State and already have the signs up, but the city is required to put up signs on city streets. After a short discussion, Alderman Hernandez made the motion Council adopt an ordinance to enforce the new State law. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER POLICIES AND PROCEDURES RELATING TO ANIMAL CONTROL OFFICER, ANIMAL SHELTER VOLUNTEER AND OPERATIONS-CHIEF PRIEST

Police Chief Richard Priest presented Council with policies and procedures relating to the Animal Control Officer, animal shelter volunteers and operations and briefly discussed them with Council. Alderman Sanders told Council that the committee had come up with these guidelines based on what the vet had given them and that they are emphasizing health and safety first. Chief Priest told Council that Betty Kroeger has been assigned the Volunteer Coordinator for the shelter and her husband Ernie is her assistant.

Betty Kroeger told Council they are very excited about the new shelter and that they plan to run the shelter in a very professional manner and per the training they received from the Humane Society.

After a lengthy discussion, Alderman Hernandez made the motion that Council tentatively approve the operating policies and procedures for the Animal Control Officer and animal shelter volunteers pending final review. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER ADOPTION OF NEW DAYS AND TIMES FOR LIBRARY AS APPROVED BY LIBRARY ADVISORY BOARD

Alderman Hernandez made the motion that Council adopt the new times and days for library as proposed by advisory board. Seconded by Alderman Keith. Passed unanimously.

CONSIDER PARKING LOT FOR NEW ANIMAL SHELTER

Mayor Bowen told Council that the contractors have done a great job at the new animal shelter and that the city is the hold up since the septic tanks need to be put in. The Mayor told Council he would like to get started on a parking lot for the shelter and he has a lady in mind to assist the city with this project.

After discussion, Alderman Hernandez made the motion that Council allow the Mayor to get started on parking lot project, and allow this lady to work with Alderman Sanders to get design and cost estimate and cap this process at a cost of \$500.00. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER ORDERING NEW VEHICLES AS PROPOSED IN BUDGET FOR 2009-2010

City Secretary Josie Campa asked Council to consider allowing the new vehicles budgeted for the 2009-2010 fiscal year to be ordered now, since it usually takes a few weeks for delivery. Alderman Hernandez made the motion that Council allow these vehicles to be ordered now. Seconded by Alderman Sanders. Passed unanimously.

CONSIDER ALLOWING PAYMENT OF INCOMING BILLS FOR THIS FISCAL YEAR'S BUDGET

Alderman Stone made the motion that Council allow the City Secretary to pay incoming bills in September from the 2008-2009 budget. Seconded by Alderman Cortez. Passed unanimously.

LIBRARIAN'S REPORT

Library Director Cassandra Cortez reviewed her written report with Council.

DIRECTOR OF PUBLIC WORKS' REPORT

Director of Public Works James McGrath reported the following:

- 1 - 153 work orders completed;
- 2 - 11 water service leaks fixed;
- 3 - 6 customer leaks fixed;
- 4 - 3 water main breaks fixed;
- 5 - 1 leak on fire hydrant in residential area stopped;
- 6 - another leak on a fire hydrant will be fixed when a company rep comes out to show crew how to repair;
- 7 - 1 sewer main stoppage fixed;
- 8 - 3 sewer blockages on customer line taken care of;
- 9 - 1 customer line gas leak fixed;
- 10 - permits on septic tanks for the animal shelter obtained and work will be done this week; and
- 11 - Railroad Commission is conducting audit of gas system.

POLICE CHIEF'S REPORT

Police Chief Richard Priest reviewed his written report with Council.

CITY SECRETARY'S REPORT

City Secretary Josie Campa added the following items to her report:

- 1 - floodplain meeting on Tuesday;
- 2 - October 17th parade invitation-Mayor wants Council to participate;
- 3 - park repairs are being made;
- 4 - bleacher covers are being built;
- 5 - receiving applications for Public Works; and
- 6 - go-live date for new website in September 18th.

MAYOR'S REPORT

Mayor Bowen reported the following to Council:

- 1 - Best Western work to start next week;
- 2 - trying to get more restaurants in Lytle;
- 3 - utilities for other side of IH 35 on next month's agenda;
- 4 - website will be a great tool for Lytle; and
- 5 - Freedom Walk held on Saturday was well attended and helped everyone to reflect on the cost of freedom.

Meeting adjourned at 9:37 p.m.