Minutes of Regular Meeting held January 10, 2005

Regular meeting with the following present: Mayor Horace Fincher; Aldermen A.Jay Frausto, Mark Bowen, Gerry Elias, Erik Dahler; City Secretary Josie Campa; City Attorney Tom Cate; Police Chief Richard Priest.

Visitors: Brent Magnusson, Wayland Simmons, Joe Kauffman, Sr., Mr. & Mrs. Bill Witter, George Harris, Joe Ramos, Julio Inocencio, Curie Jones, Shawna Lewis, Fred Soto, Nick Mendez.

APPROVE MINUTES AND APPROVE PAYMENT OF BILLS
City Secretary Josie Campa added the bill from Tom Cate, legal fees totaling $648.37. Alderman Elias made the motion that Council approve the minutes from the November 8th regular meeting and payment of the bills, as presented. Seconded by Alderman Bowen. Passed unanimously.

HEAR FROM CITIZENS
Wayland Simmons, treasurer for the Lytle Volunteer Fire Department gave Council an update on the Volunteer Fire Department. Mr. Simmons told Council that the department will also miss Louis Trouart, as he had been a member of the department for twenty-five plus years.

Mr. Simmons told Council that as present time the department has 25-30 active members that are taking a roll in department activities, and that the retirees are still actively participating. Mr. Simmons reported that a boot drive had been held and $1,000.00 had been collected. Mr. Simmons told Council that the department is also renting a stall to the Atascosa County E.M.S. for $400.00 a month. Mr. Simmons told Council that the department's books are in good shape and are open at anytime the Council wishes to look at them.

JULIO INOCENCIO—CONSIDER PAVEMENT/BLACKTOP OF BALL ROAD
Julio Inocencio told Council that the residents of Ball Road are asking for the street to be paved, that speed bumps and/or speed zone signs be installed, and more security be provided. Mr. Inocencio asked the street be grandfathered. Mayor Fincher told Mr. Inocencio that the residents would have to have the street and properties surveyed the same as for Blume Drive. Since there is a question about Ball Road in regards to B.M.A. water district, Mayor Fincher agreed to get with the City Attorney and then, if necessary, go to B.M.A. No action was taken on this item.

GEORGE HARRIS—DISCUSS CITY SEWER LINE UNDER FM 3175 PRIOR TO CONSTRUCTION STARTING IN JANUARY
George Harris told Council that he had a feasibility study done on his fifteen acres and that because FM 3175 will be retopped very soon, he would like to know about installing sewer prior to construction and that this would cut the cost from $16,000.00 to $5,000.00. Mr. Harris said this was more for Council's information, in case the city is interested in doing this for future needs.
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GEORGE HARRIS-CONSIDER PLACEMENT OF STREET LIGHTS ON IH 35 FRONTAGE ROAD, FM 3175 AND SOMERSET STREET

George Harris listed pole numbers where street lights are needed along the IH frontage road and FM 3175. Mayor Fincher agreed to do a street light survey to determine needs of additional street lights.

NICK MENDEZ-CONSIDER USE OF LYTLE SENIOR LEAGUE BASEBALL FACILITIES BY NATALIA HIGH SCHOOL BASEBALL TEAM

Nick Mendez, baseball coach at Natalia I.S.D., asked Council to consider allowing N.H.S. use of the Senior league baseball field since they don’t have a field to practice on since the school’s construction project has not been completed. Mr. Mendez told Council the field would be needed January 31st to the end of February. After discussion, Alderman Bowen made the motion to grant Mr. Mendez’ request and allow Natalia I.S.D. to use the Senior league field for the said time period. Seconded by Alderman Frausto. Discussion. Motion was passed unanimously.

BRENT MAGNUSSON-LYTLE YOUTH PROGRAM-REPORT DUE TO CITY AND UPCOMING BASEBALL SEASON AND LYTLE YOUTH PROGRAM EVENTS

Brent Magnusson presented Lytle Youth Program’s annual report to Council for last season, and gave an update on the baseball complex. Mr. Magnusson also requested the city to have work done on the fences at the ball fields and provide portolets for the T-ball field. Mayor Fincher told Council that all the fences being replaced would cost between $20,000.00 to $25,000.00, and said they could be repaired. Mayor Fincher told Council that he would look at the fences and get prices and get the city crew to work on the fences. No action was taken on this item, Council agreed to consider renewal of the contract with Lytle Youth Program at the next regular meeting.

CONSIDER CHANGING CONTRACT WITH WASTE MANAGEMENT TO PROVIDE “BULKY” WASTE PICK-UP EVERY OTHER MONTH OR ONCE EACH QUARTER INSTEAD OF MONTHLY

Joe Ramos from Waste Management asked the Council’s help with the bulky waste pick-up. Mr. Ramos asked Council to consider allowing bulky waste to be picked up every other month instead of every month. He said Waste Management would go down each street once instead of using a list. Mr. Ramos asked Council to consider trying this for a year to see how it works. Alderman Elias made the motion that Council grant this request from Waste Management. Seconded by Alderman Bowen. Passed unanimously.

CONSIDER EMPLOYMENT STATUS OF GREG PRESLEY

Mayor Fincher read the resignation from Greg Presley. Alderman Bowen made the motion that Council accept Mr. Presley’s resignation effective January 12th. Seconded by Alderman Frausto. Passed unanimously.

CONSIDER ENGINEERING SERVICE CONTRACT WITH HUNTER ASSOCIATES TEXAS, LTD.

This item was tabled until the March Council meeting.

CONSIDER RESOLUTION ADOPTING THE HAZARD MITIGATION PLAN FOR THE AACOG REGION

Alderman Elias made the motion that Council adopt the resolution. Seconded by Alderman Frausto. Passed unanimously.

CONSIDER “NO PARKING” ZONE ON FM 2790 EAST BEHIND CITY HALL

Mayor Fincher told Council that there are traffic problems caused by the parking by the beauty salon behind City Hall. He suggested Council create a “No Parking” zone on FM 2790 East from Hwy 132 to IH 35 access road on both sides. After discussion, Alderman Dahler made the motion that Council have the city’s legal counsel to work up ordinance creating “No Parking” zones on FM 2790 East from Hwy 132 to IH 35 access road on both sides. Seconded by Alderman Frausto. Passed unanimously.

CONSIDER VACANCY ON COUNCIL DUE TO LOUIS TROUART’S DEATH

Mayor Fincher told Council that he has had people tell him to appoint certain people to Council to fill the vacancy created by Mr. Trouart’s death. He said Council will have to call for an election in May and that he feels Mr. Trouart’s position should be left vacant until the May election. Alderman Elias made the motion that Council not appoint anyone to fill said vacancy and to have it filled at May’s election. Seconded by Alderman Bowen. Passed unanimously.
CONSIDER CALLING FOR ELECTION
Mayor Fincher told Council this year the district's up for reelection are District 1, 2, and 3. Alderman Elias made the motion that Council call for an election for the purpose of electing Aldermen for Districts 1, 2, 3 and the unexpired term for District 4. Seconded by Alderman Bowen. Passed unanimously.

CONSIDER PROPOSED CONTRACT WITH ATASCOSA COUNTY APPRAISAL DISTRICT
This item was tabled until the Atascosa County Appraisal District's contract committee meets again and draws up a revised contract.

Council took a short break at 7:52 p.m. and reconvened at 8:05 p.m.

CONSIDER PROPOSED RULES AND FEES FOR PLACEMENT OF BANNERS OVER CITY STREETS
Mayor Fincher told Council he worked on the rules and regulations for banner placement along with Alderman Bowen and told Council they could add something if they feel its necessary. After discussion, it was agreed to delete #4 and add the paragraph Alderman Dahler recommended to the rules and regulations. Alderman Bowen made the motion that Council adopt the rules and regulations for banner placement with the following changes: delete paragraph #4 and add the following paragraph "The City of Lytle shall only place or cause to be placed non-profit advertising provided that the banner's primary purpose is for promoting non profit status as recognized by the Internal Revenue Service." Seconded by Alderman Elias. Passed unanimously.

CONSIDER PROPOSAL FOR INSTALLING DRAINAGE VALVES AT WASTE WATER TREATMENT PLANT
Mayor Fincher told Council that the chlorination beds at the wastewater treatment plant do not have drainage valves. He said a lot of time is wasted by having to pump the matter into the bed and if the valves are put in they can be opened to allow for overflow. The Mayor told Council that Maurice Rihn can do this work for about $2,300.00, if the city purchases the material. After discussion, Alderman Elias made the motion that Council approve this proposal and amend the budget accordingly. Seconded by Alderman Frausto. Passed unanimously.

CLOSED MEETING. PRIVATE CONSULTATION WITH CITY ATTORNEY TO CONSULT ABOUT PENDING LITIGATION. CAUSE NO. 04-12-17186 CV, PAULA CONSTRUCTION, INC. v CITY OF LYTLE, HUNTER ASSOCIATES TEXAS, LTD. AND KEVIN BEAU PERRY, 38TH DISTRICT COURT, MEDINA COUNTY, TEXAS. CLOSED SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE AND DISCUSS AND TAKE ACTION ON CLOSED MEETING WITH CITY ATTORNEY ON PENDING LITIGATION. PAULA CONSTRUCTION, INC. v CITY OF LYTLE at al
Mayor Fincher announced at 8:32 p.m. that Council would go into closed session as allowed by Section 552.071 of the Texas Government Code. The meeting was reopened at 8:50 p.m. Mayor Fincher announced that Council discussed the lawsuit by Paula Construction with City Attorney Tom Cate. No action needed on Item #19. Alderman Dahler made the motion that Council authorize the City Attorney to take any and all action necessary in this lawsuit and Mayor Fincher and the City Secretary be authorized as city's agents as prior action ratifies. Seconded by Alderman Elias. Passed unanimously.

CONSIDER APPOINTMENT OF INTERIM DIRECTOR OF PUBLIC WORKS
Mayor Fincher told Council the city is in the same shape as it was several months ago. He said that Mike Fernandez is holding the city's licenses for water and sewer. After discussion, Alderman Dahler made the motion that Council appoint Mayor Fincher as Interim Director of Public Works and Henry Soto, Assistant Director of Public Works with a $1.00 per hour salary increase and Council review this matter again next month. Seconded by Alderman Elias. VOTE: For motion-Aldermen Dahler, Elias and Bowen. Against motion-Alderman Frausto. Motion carried.

CONSIDER HIRING PUBLIC WORKS' EMPLOYEE TO FILL VACANCIES
Mayor Fincher recommended to Council that they hire Jeffrey Tillman and Ted Solis to fill the vacancies in the Public Works department. Alderman Elias made the motion that Council hire Jeffrey Tillman and Ted Solis at $6.00 per hour after they complete the physical and drug tests satisfactorily. Seconded by Alderman Bowen. Passed unanimously.

Council discussed advertising for the director's position. Mayor Fincher asked Council for a couple of months to see how things work out with Henry Soto.
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**CONSIDER DISPOSITION OF OLD POLICE CAR**
After discussion Alderman Bowen made the motion that the City advertise for sealed bids on the 1997 Ford Crown Victoria with a minimum bid of $3,000.00 required. Seconded by Alderman Dahler. Passed unanimously.

**CONSIDER DECREASING GAS RATES FOR WINTER MONTHS**
Alderman Bowen made the motion that Council allow the gas rates to be lowered by cutting the gas surcharge out for a couple of months as in past few years. Seconded by Alderman Elias. Passed unanimously.

**CONSIDER RENEWAL OF DELINQUENT TAX COLLECTIONS CONTRACT**
Alderman Dahler made the motion that Council renew the delinquent tax collections contract with Tom Cate. Seconded by Alderman Elias. Passed unanimously.

**CONSIDER ANNUAL CITIZENSHIP AWARD**
Council discussed the annual citizenship award and nominees for the award. Mayor Fincher nominated Dee Cromer; Alderman Frausto nominated the retired firefighters that have been helping the Fire Department. Alderman Elias suggested Louis Trouart be given this award posthumously for his years of service to the city. Mayor Fincher told Council he would issue a proclamation making February 2nd, Louis Trouart Day. The Council voted 3 to 1 to award Louis Trouart the annual citizenship award.

**POLICE CHIEF’S REPORT**
Police Chief Richard Priest reviewed his written report with Council.

The Chief reported the new police car on line, but the cage has not been installed yet.

Chief Priest said the fatality accident on IH 35 and family violence have caused a lot of reports for the department.

**CITY SECRETARY’S REPORT**
City Secretary Josie Campa didn’t have any additions to her written report.

**MAYOR’S REPORT**
Mayor Fincher reported on the following items:

1-work on N. Benton Street drainage project will start during Spring break;
2-“Links of Love” are being sold by the school districts’ personnel and students for the relief of the tsunami victims; and
3-great improvement has been made with the sewer plant; the bearing will be replaced on Wednesday, then both tracks will be back in operation and the contract for sludge removal is being redone.

Meeting adjourned at 9:42 p.m.

[Signatures]
Mayor
City Secretary