Minutes of Regular Meeting held April 11, 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; Police Sergeant Frank Reyes.

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APPROVE MINUTES AND APPROVE PAYMENT OF BILLS
Alderman Bowen made the motion that Council approve the minutes of the regular meeting held March 14th and the special meeting held March 21st and payment of the bills, as presented. Seconded by Alderman Elias. Passed unanimously.

HEAR FROM CITIZENS
Bobby Roberts told Council that they needed to check the Fuel Code about what it says about residents using certain gas pipe for their gas line.

CONSIDER ADOPTING RESOLUTION EXPRESSING CITY’S GRATITUDE TO CITY OF DEVINE AND ITS OFFICIALS
Mayor Fincher told Council and the public about the city’s emergency gas situation and how the Devine Mayor and workers stepped in to assist us. The Mayor read a resolution expressing Lytle’s gratitude for Devine’s help and recommended to Council that they adopt this resolution. Alderman Dahler made the motion that Council adopt the resolution recognizing the City of Devine’s officials and Public Works’ Employees for their aid to our city. Seconded by Alderman Frausto. Passed unanimously. Mayor Fincher then presented a framed resolution to Devine Mayor, Steve Lopez.

CONSIDER FENCELINE AT SEWER PLANT PROPERTY-CHARLES E. JONES
Charles Jones told Council that he has property that adjoins the city’s sewer plant property on the south side. He said that the city’s fence is in desperate need of repairs and asked Council to consider replacing the existing fence. Mr. Jones told Council that he had talked to the Mayor about three years ago about the fence and about other things that are happening about ten feet away from his property. He passed around pictures of these things to Council and asked that they talk to the Animal Control people about their unsanitary practices. Mayor Fincher told Mr. Jones that he would talk to City workers about disposal of animals. After lengthy discussion, Alderman Bowen made the motion that the Mayor get prices for repairing the above mentioned fence in time for the special meeting on April 18th. Seconded by Alderman Elias. Passed unanimously.

CONSIDER REVOKING LARGE ANIMAL PERMIT FOR ED GEIGER
Mayor Fincher told Council about the complaint made against Ed. Geiger’s steers and his findings when the hearing was held on April 7th. Trey Geiger gave Council copies of his presentation to show just cause for not having his large animal permit revoked, and started to read his presentation. Marsha Geiger, Trey’s mother read the prepared statement after her son was unable to finish his presentation. Ed Geiger told Council that the steer pen had gotten dirty and that he had spread the manure on his yard. He told Council he had done wrong and that he would do better. He told Council that he would like the opportunity to work at getting the pen clean and keeping these animals. Clint Townsend, the Lytle Ag teacher spoke on behalf of Trey Geiger and said he hoped Council could figure out a way to let Mr. Geiger keep his project.

Richard Cortez, the complainant, told Council that he got tired of the smell and flies and had to say something. Mr. Cortez said that since he complained the pen has been cleaned, but it still smells bad and there are a lot of flies. Alderman Elias suggested to Council that Mr. Geiger be given a probationary period for the cattle of at least six months and that this problem be monitored regularly. Mayor Fincher asked the other members of Council for their feelings. Aldermen Dahler, Frausto and Bowen all agreed to granting a probationary period to Mr. Geiger. Mayor Fincher asked for a show of hand from people in the audience that are in favor of a probationary period for Mr. Geiger’s project. The majority of those in attendance favored a probationary period. After more discussion, Mayor Fincher asked for a motion to revoke Mr. Geiger’s large animal permit. Since none of the Council made a motion, Mayor Fincher made a second and third call for a motion to revoke the said permit. Since there was no motion, this matter died for lack of motion. Council did agree to a probationary period and that surprise inspections would be made. Alderman Bowen and Elias agreed to make these inspections. No action was taken on this item.

The Council took a short break at 7:52 p.m. and reconvened at 8:06 p.m.
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CONSIDER PARKING LOT SPACE LEASE AGREEMENT WITH LONE STAR HAIR SALOON
Alderman Dahler explained his "no" vote on this item at the last regular meeting. Alderman Bowen made the motion that Council approve the parking spaces lease agreement with Gasper and Brandy Sifuentes for one year and then evaluate the situation again. Seconded by Alderman Elias. VOTE: For motion—Aldermen Bowen, Elias and Frausto; Against motion—Alderman Dahler. Motion carried.

CONSIDER ADOPTING ORDINANCE REPEALING ORDINANCE NO. 290
City Attorney Tom Cate presented Ordinance to repeal Ordinance #290. After discussion, Alderman Frausto made the motion that Council adopt Ordinance #291 repealing Ordinance #290. Seconded by Alderman Bowen. VOTE: For motion—Aldermen Frausto, Bowen, and Elias; Against motion—Alderman Dahler. Motion carried.

CONSIDER PURCHASING PROPERTY FOR MUSEUM
City Secretary Josie Campa told Council that there is a piece of land for sale on N. Somerset Street that adjoins the city's park. The City Secretary showed pictures of the property to Council and said the owners will sell the .62 acre tract to the city for $42,000.00. The City Secretary told Council that the museum committee has talked about needing land for a museum and asked Council to consider purchasing this land. Mayor Fincher recommended to Council that the city purchase this land for a museum. Pam Wanjura, the chairperson for the museum committee told Council that the city should purchase this land for a museum. Mayor said if the city provides the land for the museum, it needs a representative on the Board. Alderman Frausto made the motion that the City purchase the property on N. Somerset Street from Roger and Elizabeth Perez for $42,000.00. Seconded by Alderman Bowen. VOTE: Aldermen Frausto, Bowen, and Elias voted, FOR and Alderman Dahler told Council he was not comfortable voting for this motion without considering more things. Motion carried three to one (3 to 1).

CONSIDER ECONOMIC DEVELOPMENT SALES TAX
Alderman Dahler told Council that the city is "capped out" on sales tax and an economic development tax cannot be added. No action was taken on this item.

CONSIDER ADOPTING OF PROCLAMATION AUTHORIZING APRIL AS FAIR HOUSING MONTH AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO APRIL AS FAIR HOUSING MONTH
Alderman Elias made the motion that Council adopt the proclamation for April as Fair Housing month. Seconded by Alderman Frausto. Passed unanimously.

CONSIDER APPOINTMENT OF ELECTION JUDGE AND ALTERNATE JUDGE
City Secretary Josie Campa told Council she had talked to Margaret Trouart and Jesse Camarillo about serving as Election Judge and Alternate Judge, respectively, and they had agreed to work if Council approves their appointment. Alderman Bowen made the motion that Council appoint Margaret Trouart as Election Judge and Jesse Camarillo as Alternate Judge. Seconded by Alderman Frausto. Passed unanimously.

CONSIDER IMPACT FEE ORDINANCE
City Attorney Tom Cate presented the impact fee ordinance to Council for information purposes. Alderman Elias made the motion that Council table this item for review. Seconded by Alderman Bowen. Passed unanimously.

CONSIDER APPOINTMENT OF FIRE MARSHAL
Mayor Fincher told Council that the Council needs to appoint a new Fire Marshal and that he thinks the city needs to get more people to apply for this job. He said the Police Chief is presently serving as Fire Marshal. Alderman Elias made the motion that the city advertise for a Fire Marshal. Seconded by Alderman Bowen. Passed unanimously.
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CONSIDER HIRING OF DIRECTOR OF PUBLIC WORKS
Mayor Fincher told Council that the city needs to advertise for the Public Works' Director position for the May agenda. Aldermen Bowen and Elias agreed to serve on the committee to study the job description for the director. Alderman Elias made the motion that the city advertise for the position of Director of Public Works. Seconded by Alderman Frausto. Passed unanimously.

CONSIDER ADOPTING OF ORDINANCE AS PER SECTION 2.053 OF THE ELECTION CODE ALLOWING CITY TO DECLARE EACH UNOPPOSED CANDIDATE FOR OFFICE ELECTED
Alderman Elias made the motion that Council adopt Ordinance No. 292, declaring the unopposed candidates for office elected. Seconded by Alderman Frausto. Passed unanimously.

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

Chief Priest told Council that the Atascosa County Sheriff is holding an auction April 27th. Alderman Dahler told Council his intention for using the old police car. Council agreed to discuss the disposition of the old police car at the April 18th special meeting.

CITY SECRETARY'S REPORT
The City Secretary told Council that the City had lost nearly $400,000.00 of the 2004 tax roll due to the Atascosa County Chief Appraiser's reluctance to work with Medina County. She told Council she was having to make refunds of over $1,600.00 to the taxpayers.

The City Secretary told Council that due to an error by the Leader News, the Council would need to meet on April 18th to consider the mobile home placement request of Victor Carrillo.

MAYOR'S REPORT
Mayor Fincher reported to Council on the following items:

1-will be spending $2,000.00 for July 4th fireworks display;
2-sewer project on FM 2790 is nearly complete;
3-city's gas main was broken on April 1st and city was without gas for several hours;
4-will be making presentation to AACOG on Friday for this grant cycle and will be one of twenty-applicants and only fourteen will be funded. He said TCEQ said they would work with city and extend deadline for booster pump capacity, if we get funded in the second cycle; and
5-the siren system worked well last week, after problem with transmitting was solved. Siren will continue to be tested on the third Thursday of the month.

Meeting adjourned at 9:10 p.m.

[Signatures]
Mayor
City Secretary