Minutes of Regular meeting held May 8, 2006

Regular meeting with the following present: Mayor Horace Fincher; Aldermen Ruble Farmer, Erik Dahler, Sam Cortez; City Secretary Josie Campa; Police Chief Richard Priest; Director of Public Works James McGrath; City Attorney Tom Cate. Aldermen Mark Bowen and Gerry Elias were absent.


Mayor Fincher opened the meeting at 6:36 p.m.

APPROVE MINUTES AND APPROVE PAYMENT OF BILLS

Alderman Farmer made the motion that Council approve the minutes of public hearing and regular meeting held April 10th and payment of the bills, as presented. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER PRELIMINARY LOT LAYOUT FOR 100 PLUS ACRE TRACT EAST OF IH 35 AND SOUTH OF FM 2790 E - CHESLEY I. SWANN

This item was scratched from the agenda, since Mr. Swann told the Mayor he is not ready to make his presentation.

CONSIDER AMENDING EXISTING NOISE ORDINANCE TO INCLUDE BASS REVERBERATIONS - OLGA AND RICHARD SHARER

Olga Sharer requested Council make a amendment to the noise ordinance. Mrs. Sharer explained her problem to Council and said that bass reverberations did not register high enough on the noise meter to be a violation of this ordinance. Mrs. Sharer told Council that the bass reverberations are a daily occurrence. She told Council that she has talked to her neighbors and also written a letter to them, but nothing has been done. Mrs. Sharer presented copies of two ordinances she obtained concerning bass reverberations. Chief Priest told Council this has gotten to be more of a problem. City Attorney Tom Cate told the Police Chief to go ahead and file a complaint with the existing ordinance, as he feels it's covered in this ordinance. Council agreed to let police try testing the existing ordinance, before amending it. No action was taken on this item.

CONSIDER EMPLOYMENT STATUS OF GORDON HANSON

Police Chief Richard Priest told Council that Gordon Hanson's probation is up and recommended Officer Hanson be hired as a regular employee and be given a $100.00 per month salary increase and full benefits. After discussion, Alderman Dahler made the motion that Council hire Gordon Hanson as a regular officer and he be given full benefits and a $100.00 per month salary increase, as recommended by Chief Priest. Seconded by Alderman Farmer. Passed unanimously.

CONSIDER BUILDING FENCE ON EAST SIDE OF JOHN LOTT MUNICIPAL PARK

Mayor Fincher told Council that he had gotten a bid from DeLaGarza Fence Company for putting up a fence on the east side of John Lott Municipal Park, and that it was about $3,500.00. City Secretary Josie Campa told Council that monies were available for this project. Alderman Cortez made the motion that Council approve the Mayor's request to put up a fence on the east side of the park as per the quote he received from DeLaGarza Fence Company. Seconded by Alderman Farmer. Passed unanimously.

CONSIDER APPOINTMENT OF MEMBER TO ZONING COMMISSION TO FILL VACANCY

Alderman Cortez made the motion that Council appoint Alex Sawicki to fill the vacancy on the Zoning Commission. Seconded by Alderman Farmer. Passed unanimously.

CONSIDER APPOINTMENT OF MEMBER TO MUSEUM BOARD TO FILL VACANCY

Alderman Farmer made the motion that Council appoint Lucy Luker to fill the vacancy on the Museum Board. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER CITY SERVICES FOR LAKE SHORE ESTATES

City Secretary Josie Campa told Council she was getting complaints from people in Lake Shore Estates concerning no garbage service. She told Council that they have taken out building permits, even though they still haven't been annexed and the streets have been dedicated to the city. The City Secretary told Council that Mr. Rendon is willing to sign an authorization for using his streets for providing city services, such as garbage service and police protection until the annexation has been completed. Alderman Farmer made the motion that Council approve the city providing city services to Lake Shore Estates and authorize the City Attorney to draw up authorization paper work. Seconded by Alderman Dahler. Passed unanimously.
CONSIDER MUSEUM ACTIVITIES WHILE WAITING TO HEAR ABOUT GRANT FROM TxDOT
City Secretary Josie Campa told Council that she had placed this item on the agenda to get clarification from Council on what they expect from the Museum Board while waiting on word about the grant application. Alderman Dahler said he still has questions about how much it is going to cost to run the museum, as well as others that need to be addressed by the Museum Board and suggested the Board focus at looking at long term viability before more money is spent. Museum Board Chairperson Margaret Trouart told Council that the Museum Board has a lot of paperwork it can be doing while waiting to hear about the grant, as well as fund raisers. Alderman Farmer said he was in favor of the museum, but that the Board needs to proceed cautiously. Mayor Fincher told the Council, City Secretary and Museum Board members that they must be careful on plans for the museum if taxpayers' dollar are going to be used.

CONSIDER ADDITION STREET LIGHTS
Mayor Fincher read the list of street lights requested and recommended by Alderman Farmer after conducting a survey. Alderman Farmer made the motion that Council approve the addition of the following street lights: 19524 S. Benton Street; 19332 Bank Street; 17980 Wisdom Rd.; and 19615 Martin Street. Seconded by Alderman Cortez. Passed unanimously.

CLOSED MEETING PURSUANT TO SECTION 551.071 TEXAS GOVERNMENT CODE-CONSULTATION WITH CITY ATTORNEY ABOUT CONTEMPLATED LITIGATION
This item was scratched due to Alderman Elias' absence.

CLOSED MEETING PURSUANT TO SECTION 551.071 TEXAS GOVERNMENT CODE-CONSULTATION WITH CITY ATTORNEY ABOUT PENDING LITIGATION
Mayor Fincher announced at 7:18 p.m. that Council would go into closed session as allowed in Chapter 551.071 of Texas Government Code. The meeting was reopened at 7:38 p.m. Mayor Fincher announced that Council had discussed pending litigation on the Paula Construction case. Alderman Dahler made the motion that Council authorize the City Attorney to file a motion to rehear case, and if there is an adverse ruling, he take the necessary steps to file a petition for review with the Texas Supreme Court. Seconded by Alderman Cortez. Passed unanimously.

DIRECTOR OF PUBLIC WORKS' REPORT
Director of Public Works' James McGrath reported the following to Council:

1-Public Works' department worked 177 work orders since last Council meeting;
2-crew prepared park for Easter egg hunt and worked the event;
3-got the material to the Ag department for the park barbeque pits;
4-electrical panels at booster pump station will be put in soon;
5-will be crossing the creek at FM 3175 to relocate water line this week;
6-roof at shop building is being put on this week;
7-company will be here to start Cathodic Protection and gas leak surveys; and
8-new siren is at shop ready for installation.

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

CITY SECRETARY'S REPORT
City Secretary Josie Campa reported the following to Council:

1-current tax collected in April totaled $5,718.37, and April total is about $15,000.00 more than last year;
2-collected $1,121.53 of delinquent tax in April;
3-motel occupancy tax for quarter ending March 31st totaled $5,278.97;
4-sales tax collected in April totaled $35,533.73 and fiscal year total, to date, is about $30,000.00 more than last April's total;
5-privacy fence at park is being installed this week; and
6-has tried to contact Josh Tally about purchasing water rights and he has not returned phone calls.

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

1-Frenchie Burke Festival is May 20th;
2-he and the Mayor Pro-tem completed judge's school last week;
3-may need to replace present magistrate if the associate judge starts doing the magistrating the $150.00 monthly fee will be paid to him;
4-no work has been received on "Project Green" other than the Governor has pulled the five-million dollar incentive package on this project, and they are presently trying to get him to reinstate this incentive.
Minutes of Regular meeting held May 8, 2006 (cont.)

Meeting was adjourned at 7:55 p.m.

[Signatures]

Mayor

City Secretary