Minutes of Regular meeting held October 11, 2004

Regular meeting with the following present: Mayor Horace Fincher; Aldermen A.Jay Frausto, Louis Trouart, Mark Bowen, Gerry Elias, Erik Dahler; City Secretary Josie Campa; City Attorney Tom Cate; Police Chief Richard Priest; City Engineer Paul Boedeker; Director of Public Works Greg Presley.

Visitors: Tom McCloskey, Gasper and Brandy Sifuentes, Kathy Boedeker, Ann Patrie, Armando Gutierrez, Wayland Simmons, Victor Aaron, Shawna Lewis, Jay Dahler, Currie Jones, Larry Cromer and Theresa Humphrey.

APPROVE MINUTES AND APPROVE PAYMENT OF BILLS
Alderman Elias made the motion that Council approve the minutes of the September 13th regular meeting and payment of the bills be approved, as presented. Seconded by Alderman Trouart. Passed unanimously.

HEAR FROM CITIZENS
Alderman Frausto asked Council about an emergency exit for Coal Mine residents in case of a train derailment.

CONSIDER RECOMMENDATIONS FROM ZONING COMMISSION ON REQUESTS FROM TOM AND SUSAN McCLOSKEY, GASPER AND BRANDY SIFUENTES AND THE CITY OF LYTLE
Alderman Trouart made the motion that Council approve the recommendations of the Zoning Commission on all three requests. Seconded by Alderman Dahler. Passed unanimously.

CONSIDER REQUEST FROM LYTLE FIRE DEPARTMENT FOR FUNDS TO PAY OUTSTANDING BILLS
Wayland Simmons, Lytle Volunteer Fire Department Treasurer, told Council that he has been with the fire department a few months now and that the financial record keeping has been set up and things are progressing. Mr. Simmons told the Council that the department has received a couple of ‘surprise’ bills, one totaling $2,233.00 for helmets from Casco, and one for worker’s comp totaling $2,422.00. Mr. Simmons asked Council to consider giving the fire department $4,655.00 in order to pay these outstanding bills. After discussion, Alderman Bowen made the motion that Council grant Mr. Simmons’ request and give the Lytle Volunteer Fire Department $4,655.00 to pay these bills and that the budget be amended accordingly. Seconded by Alderman Frausto. Discussion. Motion was passed unanimously.

CONSIDER REQUEST FROM SANTIAGO CONTRERAS TO REPLACE YIELD SIGN WITH STOP SIGN AT THE INTERSECTION OF N. BENTON AND HOUSTON STREETS
Chief Priest told Council that he had looked at the intersection in question and it is a good idea to approve Mr. Contreras’ request to change out the yield sign. Alderman Elias made the motion that Council approve this request and have the attorney with an ordinance to this effect. Seconded by Alderman Frausto. Passed unanimously.

CONSIDER BID RECEIVED ON NORTH BENTON STREET DRAINAGE PROJECT
City Engineer Paul Boedeker told Council that one bid had been received on the N. Benton Street drainage project from Myers Construction for $168,800.00. Mr. Boedeker recommended to Council that this bid be rejected, and that the specs for this project be reconstructed to include the city doing part of the work. After discussion, Alderman Bowen made the motion that Council reject the bid from Myers Construction. Seconded by Alderman Dahler. Passed unanimously. Alderman Bowen made the motion to have the engineer go out for bids on this project once the bid specs are revised. Seconded by Alderman Trouart. Passed unanimously.

CONSIDER REQUEST FROM ARMANDO GUTIERREZ FOR TEMPORARY PLACEMENT OF MOBILE HOME AT CONSTRUCTION SITE
Armando Gutierrez asked Council for permission to temporary place a mobile home on his property on Gray Street during the construction of his home. Mr. Gutierrez estimated that his home would be completed within ninety (90) days. Alderman Elias made the motion that Council approve Mr. Gutierrez’s request for temporary placement of mobile home. Seconded by Alderman Trouart. Passed unanimously.

CONSIDER APPROVAL OF IMPOSITION OF IMPACT FEES
Mayor Fincher recommended to Council that they adopt the impact fees as proposed by the Impact Fee Advisory Committee. Alderman Elias made the motion to adopt the impact fees as proposed. Seconded by Alderman Dahler. Passed unanimously.
Minutes of Regular meeting held October 11, 2004 (cont.)

CONSIDER INTERLOCAL AGREEMENT WITH MEDINA COUNTY FOR INSPECTION OF ON-SITE SEWAGE FACILITIES
Alderman Dahler made the motion that Council enter into an interlocal agreement with Medina County for inspection of on-site sewage facilities. Seconded by Alderman Elias. Passed unanimously.

CONSIDER CALLING FOR BIDS ON REPAINTING OF AERATION TANK
Mayor Fincher told Council that he and Paul Boedeker had checked with several companies on prices for painting the aeration tank. The Mayor said the lowest price Mr. Boedeker had received was $18,050.00 and that he had received a price of $16,793.00 from Travis Industries. Since the price quotes are less than $25,000.00 bids are not necessary. Alderman Bowen and Dahler both asked about testing for lead. After discussion, Alderman Dahler made the motion that Council hire Travis Industries paint the aeration tank for $16,793.00 if there is no lead in the paint. Seconded by Alderman Bowen. Mayor Fincher told Council that he will check on the lead matter. Passed unanimously.

CONSIDER HIRING PUBLIC WORKS' EMPLOYEE
Director of Public Works' Greg Presley recommended to Council that Kevin Warren be hired to fill the vacancy in the Public Works' Department. Alderman Frausto made the motion that Council hire Kevin Warren to fill the vacancy in the Public Works department, once he has completed his physical and drug screen successfully. Seconded by Alderman Bowen. Passed unanimously.

CONSIDER EMPLOYMENT STATUS OF GREG PRESLEY
City Secretary Josie Campa told Council she had discussed Greg Presley's employment status with him and has decided Mr. Presley's probationary period needs to be extended for three months. After discussion, Alderman Bowen made the motion that Council extend Greg Presley's probation three months, as recommended by the City Secretary. Seconded by Alderman Elias. Passed unanimously.

CONSIDER PROPOSAL FROM PHIL SAGABIEL FOR CONSULTANT FOR FINANCIAL AND ACCOUNTING MATTERS
Alderman Dahlder told Council he had this item put on the agenda because he feels sometimes the Council needs an expert opinion. After discussion, Alderman Frausto made the motion that Council enter into a contract with Phil Sagabiel to act as a financial consultant to the city. Seconded by Alderman Bowen. Passed unanimously.

CONSIDER PROPOSAL FROM BKT CORPORATION FOR ANTENNA SITE MANAGEMENT
Alderman Dahler told Council that in the past when the city has gotten a request for wireless on the city's water towers, none of the members of Council have any expertise on this subject, therefore, he had asked BKT to submit a proposal for managing the city's antenna sites. After discussion, Alderman Bowen made the motion to enter into a contract with BKT Corporation. Council had a discussion on terms of the contract. Alderman Bowen retracted his motion, and then made the motion that Council consider this item on the November agenda and have Tex Kennedy talk to the Council about this matter. Seconded by Alderman Elias. Passed unanimously.

EXECUTIVE SESSION - CONSULTATION WITH CITY ATTORNEY PURSUANT TO 551.071 OF THE TEXAS OPEN MEETINGS ACT ABOUT PROPOSED CONTRACT FOR E.M.S. AND AMBULANCE SERVICES WITH AMERICANA AND THE POSSIBLE RAMIFICATIONS OF SUCH A CONTRACT. IT IS THE OPINION OF THE CITY ATTORNEY THAT HIS DUTY TO THE LYTLE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS REQUIRES THAT THIS AGENDA ITEM BE DISCUSSED IN EXECUTIVE SESSION WITH THE LYTLE CITY COUNCIL
Mayor Fincher announced at 7:24 p.m. that Council would go into closed session as allowed by Chapter 551.071 of the Texas Open Meetings Act.

The Mayor reopened the meeting at 7:55 p.m. and announced that Council had discussed the proposed contract for E.M.S. and ambulance service with the City's attorney, but no action was taken.

CONSIDER APPROVAL OF CONTRACT WITH AMERICANA FOR E.M.S., AMBULANCE AND 9-1-1 SERVICE
Council held a discussion about the contract with Americana with company representative, Theresa Humphrey, and pointed out several items that need negotiating. After a very lengthy discussion, Mayor Fincher asked Aldermen Gerry Elias and Erik Dahler to serve on a committee with him to hash out the terms of a contract with Americana. No action was taken on this item.
PUBLIC WORKS DIRECTOR'S REPORT
Director of Public Works Greg Presley reviewed his written report with Council.

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

CITY SECRETARY'S REPORT
City Secretary Josie Campa told Council that October's sales tax allocation would be $31,181.26 which is about $600.00 less last October's total. She asked if Council had any questions on her written report.

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

1-Public Works' crew is fixing up a trailer with a 4100-watt generator to be used for emergencies that require lighting;
2-talked to Mr. Gidley about purchasing 50 acre feet of water each year for the next few years, instead of 25 acre feet a year, as Council had discussed; Mr. Gidley will let him know in January after the family reunion as to whether the family will sell the city more water rights.

Meeting adjourned at 8:25 p.m.