Minutes of Regular Meeting held October 14, 2002

Regular meeting with the following present: Mayor Horace Fincher; Aldermen Mark Bowen, Erik Dahler, Juan J. Garcia, Gerry Elias, Charles Bushart; City Secretary Josie Campa; Police Chief Richard Priest; Director of Public Works Alfredo Aguinaga; City Attorney Tom Cate.


APPROVE MINUTES & APPROVE PAYMENT OF BILLS

City Secretary Josie Campa added bills from Tom Cate-$1135.00 and El Paso Reata Energy,L.P.- $5730.40. Alderman Bowen made the motion that Council approve the minutes from the public hearing and regular meeting held September 9th and payment of the bills, as listed. Seconded by Alderman Bushart. Passed unanimously.

CONSIDER RECOMMENDATION FROM ZONING COMMISSION ON REQUEST TO REZONE PROPERTIES ON COTTAGE STREET OWNED BY CITY AND MR. & MRS. HULSEY AND MR. & MRS. AGUINAGA FROM R-1 TO R-2

Mayor Fincher told Council that the Zoning Commission is recommending that the property Mr. Young is requesting be rezoned from R-1 to R-2 be granted this change in zoning. Jim Young then made a presentation to Council concerning his plans for the property he wants rezoned. Mr. Young told Council that he is planning to build apartments on the property already zoned R-2 and needs the other two pieces to be rezoned in order to make the apartment complex a gated community and to have the entrance/exit on Houston Street. Mr. Young assured Council his project would not be Section 8 housing. Alderman Bowen asked the cost for this project. Mr. Young told Council it would cost between 1 and 1.2 million dollars to build this project. Mr. Young told Council if the property is not rezoned, then the entrance/exit will be off of Cottage Street. Mayor Fincher asked about the size of the apartments. Mr. Young told Council there will be twenty-four two bedroom units with 1200 square feet and eight one bedroom units with 1000 square feet, and the units will rent for $600.00 and $675.00 per month. Alderman Juan Garcia told Council and Mr. Young that this project is in his neighborhood and district and for reasons he previously mentioned he is not against the project, just the location of the project.

Alderman Dahler told Council he feels the best way to handle this request is to create a special district. He said he has concerns about commitment for the proposed plan and that through a special district the Council could get assurances on the development. Mary Lou Holmgreen, attorney for Mr. Young, raised objection to the special district and said the rezoning was on the agenda. City Attorney Tom Cate told Council that one acre of this proposed project is already rezoned and Mr. Young is within his legal rights to build this project on that one acre. Mr. Cate told Council that he is concerned about the traffic congestion on Cottage Street and that building the apartment complex would make matters worse. Mr. Cate said that a special permit would accomplish the same goal as a planned development district. Mr. Cate then read Section 20.1300 of the City’s Code of Ordinances and said that a special permit will give the city added protection. Mr. Cate told Council that if Mr. Young builds on the property already zoned, he can’t be required to terms of a special permit. Mr. Cate told Council that, if the city goes the route of a special permit, then Mr. Young will have the zoning needed for the project and the Council will have assurances.

Council discussed seeing the plans for the proposed apartment complex. Council members asked questions of the city attorney about Mr. Young building on the one acre already zoned for apartments and got clarification on what a special permit would require. Alderman Bowen said he would like to be involved with the review of the architectural plans. Alderman Garcia restated his position opposing the complex’s location. Alderman Elias said the project would be nicer and safer if a special permit was granted. Alderman Dahler restated that he was impressed with Mr. Young offering to put his proposal in writing. Alderman Bushart said he has no problems with the project. Alderman Dahler made the motion that Council allow the rezoning of the said property as per Section 20.1300 of the zoning ordinance requiring a special permit. Seconded by Alderman Bowen. Discussion. Alderman Bowen said he understands the concerns of the people who signed the petition, and feels that with the restrictions of the special permit the city will have a top of line apartment complex. VOTE: FOR—Aldermen Dahler, Bowen, Bushart and Elias. AGAINST—Alderman Garcia. Motion carried.
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DISCUSSION AND/OR ACTION ON AWARDING CONSTRUCTION BIDS ON THE TEXAS COMMUNITY DEVELOPMENT PROGRAM-WASTEWATER TREATMENT PLANT SYSTEM (DE-WATER LAGOON CLOSURE) IMPROVEMENTS, CONTRACT NUMBER 721469

Philip Ruiz and Robert Neal of Hunter Associates explained the proposed project to Council and said that bids were taken on three proposals. Mr. Ruiz told Council that the grant funds would not cover all three proposals which include sludge removal; removal of contaminated subgrade and back filling of ponds. Mr. Ruiz told Council the monies available would cover proposals #1 and #2 and there is a bit left over for any overruns and part of proposal #3. Mr. Ruiz said the State is not requiring proposal #3 and that the city can do it at a later date. Mr. Neal told Council that the low bidder on proposal #1 did not comply with bids specs and is in full agreement to have his bid thrown out. Mr. Neal then recommended that Council award the bids on Proposals #1 and #2 to Paula Construction. Mr. Ruiz recommended the same and that the city use excess funds of about $51,000.00 for change orders and part of back fill project. Mayor Fincher suggested to Council that the city can use its employees to backfill the ponds and recommended the Council award the bids on proposals #1 and #2. Mr. Ruiz told Council that the award of the bid is subject to written approval from the State. Alderman Garcia made the motion that Council award the bids on proposals #1 and #2 to Paula Construction for $84,456.00 and $98,541.90, respectively, as per the engineer’s and grant administrator’s recommendation. Seconded by Alderman Elias. Passed unanimously.

CONSIDER TERMINATING CONTRACT WITH MUNICIPAL SERVICES BUREAU

Alderman Elias made the motion that Council have the city attorney draw up a letter terminating the contract with Municipal Services Bureau. Seconded by Alderman Bushart. Passed unanimously.

CONSIDER APPROVAL AND/OR ADOPTION OF THE EMERGENCY ALERT SYSTEM/AMBER ALERT AS PROPOSED BY AACOG

Alderman Elias made the motion that Council adopt the plan concerning the "Amber Alert" proposed by AACOG. Seconded by Alderman Bowen. Passed unanimously.

APPOINT MEMBER TO LIBRARY BOARD

City Secretary Josie Campa told Council that the Library Board was recommending Donna Hendrick be appointed to their Board. Alderman Bowen made the motion that Council appoint Donna Hendrick to the Library Board. Seconded by Alderman Elias. Passed unanimously.

CONSIDER SUBLEASING WATER RIGHTS

Mayor Fincher asked Council to reconsider the price for subleasing the water rights and instead of charging $125.00 as previously set to consider to $100.00 per acre foot, so as to be more competitive. Alderman Elias made the motion that Council give the Mayor authority to test the market and to negotiate the subleasing of the city’s water rights. Seconded by Alderman Bushart. Passed unanimously.

CONSIDER HIRING OF POLICE OFFICER TO FILL VACANCY

Police Chief Richard Priest recommended Council hire Matt Dear to fill the vacancy in the Police Department. The Chief explained to Council that Mr. Dear is currently an Atascosa County Deputy and familiar with the Lytle area and that he is a certified EMT. Chief Priest asked Council to consider a starting salary of $1650.00 per month due to Mr. Dear’s qualifications. Alderman Bushart made the motion that Council hire Matt Dear to fill the vacancy in the Police Department and that his starting salary be $1650.00 per month as recommended by the Chief, after successfully completing the required testings. Seconded by Alderman Elias. Passed unanimously.

CONSIDER PURCHASING NEW POLICE VEHICLE

Chief Priest told Council he has checked with the Houston-Galveston Cog about purchasing a 2003 Ford Crown Victoria. He said they quoted a price of $21,525.00 for the car. Alderman Garcia made the motion that Council purchased a 2003 Ford Crown Victoria through HGAC for $21,525.00. Seconded by Alderman Bowen. Passed unanimously.

Council took a short break at 7:40 p.m. and reconvened at 7:52 p.m.
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**CONSIDER CITY’S OFFICIAL NEWSPAPER**

Mayor Fincher and the City Secretary recommended Council keep the Leader News as the city's official newspaper. Alderman Bushart made the motion that Council keep the Leader News as the city's official newspaper. Seconded by Alderman Bowen. Passed unanimously.

**CONSIDER EMPLOYMENT STATUS OF ALFREDO AGUINAGA**

City Secretary Josie Campa told Council that she and the Mayor had discussed the Director of Public Works' salary increase be withheld until he obtains his sewer licenses again. She said that she had talked to Mr. Aguinaga about this and he understands and agrees with this. Alderman Dahler made the motion that Council withhold Alfredo Aguinaga's salary increase until he obtains his sewer licenses. Seconded by Alderman Bowen. VOTE—FOR—Aldermen Dahler, Bowen, Bushart and Garcia. Alderman Elias abstained. Motion carried.

**DIRECTOR OF PUBLIC WORKS’ REPORT**

Director of Public Works' Alfredo Aguinaga reported on the following items:
1. Ramos' crew has started clearing brush and bringing in equipment for bank lines project;
2. sewer plant is out of sync due to heavy rains;
3. crews are patching streets, trimming trees, and replacing stop and yield signs;
4. equipment is being worked on; and
5. inventory has nearly been completed.

**POLICE CHIEF’S REPORT**

Police Chief Richard Priest reviewed his written report with Council.

Chief Priest told Council the department will be shorthanded until officer Dear goes on board.

The Chief told Council that officers attended schools in September and will be attending more schools in October and November.

Chief also told Council that he and the Sargent will be attending a school concerning terrorism in November.

Chief Priest told Council he will order the new police car and equipment for the car.

The Chief said he would be obtaining more information computers for the police cars.

**CITY SECRETARY’S REPORT**

City Secretary Josie Campa told Council that monies were available in the General Operating and Public Safety budgets for miscellaneous items, so she and Chief Priest allowed these monies to be used for supplies to equip the Disaster Relief Cargo Trailer.

**MAYOR'S REPORT**

Mayor Fincher reported on the following items:
1. construction on water and sewer line on southside of IH 35 has started;
2. Vietnam Wall will be in Natalia at end of month and he has appointed Alderman Bowen as the city’s Ambassador to this event;
3. will be stocking the Disaster Relief Cargo Trailer on November 9th at 10:00 a.m.;
4. school counselor told him that grant monies are available for sidewalks and he has assigned Alderman Garcia to work on this project and Alderman Bushart will assist and he would like a report on this item;
5. Christmas decorations have been redone with rope lights and reflective paint;
6. the railroad crossing arms on McDonald Street have been held up due to the weather;
7. had another good fiscal year;
8. rumors of business interested in properties on IH 35 are being circulated; and
9. will hold an Emergency Management meeting on Thursday.
Meeting adjourned at 8:14 p.m.

Mayor

City Secretary