Minutes of Regular Meeting held November 16, 2006

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


APPROVE MINUTES AND APPROVE PAYMENT OF BILLS

Alderman Elias made the motion that Council approve the minutes of the regular meeting held October 9th, the special meeting and workshop held October 30th and payment of the bills, as presented. Seconded by Alderman Bowen. Passed unanimously.

CONSIDER MASSAGE PARLOR IN LYTLE-ROBERT (BOB) PETRUSHEVICH

Robert Petrushevich was not present. Therefore no action was taken.

CONSIDER ADOPTING ORDINANCE AGAINST BARS, X-RATED VIDEO AND BOOK STORES AND MASSAGE PARLORS WITHIN LYTLE CITY LIMITS-BEVERLY MCCUNE

City Attorney Tom Cate told Council that he had checked on ordinances for regulating bars, x-rated video and book stores and massage parlors in the city and that the city can regulate any sexually oriented business with zoning, but must be careful not to violate 1st amendment rights. Mr. Cate told Council Dallas has an ordinance that he recommended Council use as a guide. Alderman Bowen made the motion that Council have the attorney get this ordinance. Seconded by Alderman Stone. Passed unanimously.

CONSIDER FIRE DEPARTMENT'S INTENTIONS FOR LADDER TRUCK AND AUDIT REPORT FOR 2005-MATT DEAR, VICE PRESIDENT

Lytle Fire Department member Matt Dear told Council of the problems with the ladder truck and answered questions from the Council. Mr. Dear then presented copies of the department's audit report to Council, and said the department is doing good. Alderman Dahler formally thanked the newly formed department for their efforts.

CONSIDER PETITION FOR VOLUNTARY ANNEXATION FROM HENRY LEE KELLER AND CONSIDER ANNEXATION REQUEST FROM TONY RENDON FOR 20.7 ACRES OF KELLER PROPERTY

Mayor Fincher told Council these items would be rescheduled for after the new year due to questions on CCN in this area.

CONSIDER ADOPTING RESOLUTION APPROVING THE TRANSFER OF THE CABLE FRANCHISE

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

CONSIDER ADOPTING RESOLUTION URGING THE PRESIDENT AND CONGRESS TO STRONGLY ENFORCE THE U.S. IMMIGRATION AND NATIONALITY ACT

Alderman Dahler made the motion that Council not adopt the resolution for enforcing the Immigration Act. Seconded by Alderman Elias. Passed unanimously.

CONSIDER HAVING SOUTHWEST SECURITIES CHECK ON POSSIBILITY OF CERTIFICATES OF OBLIGATION FOR PURCHASING ADDITIONAL WATER RIGHTS

After discussion, Alderman Elias made the motion that Council have Southwest Securities check on possibility of the City issuing Certificates of Obligation for purchasing additional water rights. Seconded by Alderman Stone. Passed unanimously.

CONSIDER REQUIRING DEVELOPERS AND INDUSTRY TO SUPPLY WATER RIGHTS FOR THEIR DEVELOPMENT OR INDUSTRY

Council discussed requiring developers and industry to supply water rights for their development or industry. Alderman Dahler expressed concern over whether this was already covered in the impact fee. After more discussion Council agreed to put this item on the January agenda.

CONSIDER "PASS-THROUGH" CHARGE FOR WATER CUSTOMERS DUE TO OVERPUMPING FINES AND LEASING OF ADDITIONAL WATER RIGHTS FOR 2006 TO AVOID OVERPUMPING FINES FOR THIS YEAR

After discussion, Alderman Elias made the motion that Council adopt the "pass-through" charge to water customers effective on the January bills. Seconded by Alderman Cortez. Passed unanimously.
CONSIDER REQUIRING BUSINESSES THAT HAVE WATER METERS FOR LANDSCAPING PURPOSES TO DRILL SHALLOW WELLS
Council discussed this item and the Mayor said he would talk to businesses about shallow wells. No action was required.

CONSIDER RENEWAL OF CONTRACT WITH AMERICANA FOR AMBULANCE SERVICE
Alderman Dahler told Council reports are still not being turned in as required by contract and said response times are not good. Daniel Metcalf told Council he is now the Supervisor for this area and would get the reports and check on response times. After discussion, Alderman Elias made the motion that Council extend the contract with Americana Ambulance. Seconded by Alderman Dahler. Passed unanimously.

CONSIDER RENEWAL OF PARK MAINTENANCE CONTRACTS
Alderman Dahler made the motion that the park maintenance contracts be renewed. Seconded by Alderman Elias. Passed unanimously.

CONSIDER EMPLOYMENT STATUS OF MORRIS COLLINS, JR.
Director of Public Works James McGrath recommended to Council that Morris Collins' probationary period be extended for six months. Alderman Stone made the motion that Council extend Mr. Collins' probation as recommended by the Director. Seconded by Alderman Bowen. Passed unanimously.

CLOSED MEETING PURSUANT TO SECTION 551.071 TEXAS GOVERNMENT CODE-CONSULTATION WITH CITY ATTORNEY ABOUT CONTEMPLATED LITIGATION
Mayor Fincher announced that Council would go into closed session at 7:52 p.m. as allowed in Chapter 551.071, Subchapter D of the Government Code.

The meeting was reopened at 8:01 p.m. Mayor Fincher announced that Council had discussed contemplated litigation with the City Attorney.

CONSIDER PURSUING LITIGATION ON MATTER DISCUSSED WITH CITY ATTORNEY IN CLOSED SESSION
No action was taken on this item.

CONSIDER SALARY FOR ASSOCIATE MUNICIPAL COURT JUDGE
Mayor Fincher told Council that he had misunderstood Gerry Elias during the budget preparation time and that he was wanting an increase of $600.00 per month. He told Council he thought it would be appropriate to increase the Associate Judge's salary to $1,000.00 per month due to this misunderstanding and asked for a motion to make this effective December 1st. Alderman Stone made the motion that Council increase the Associate Judge's salary to $1,000.00 per month effective December 1st. There was no second to this motion, so the Mayor asked for a second three times. Motion died for lack of a second. Alderman Dahler made the motion that on the next agenda Council consider the Municipal Court. Alderman Dahler asked that the City Secretary compile a report giving the average number of hours per month spent on municipal court and see what each judge is doing. Alderman Bowen asked for information on what cities similar to Lytle are paying their judges. The City Secretary asked if the cities were to be comparable in size and was told comparable in size to Lytle. Also requested from the Council was information on whether elected officials are serving as judges in these cities.

CONSIDER PURCHASE OF SEWER MACHINE
Director of Public Works James McGrath told Council that they are having problems with the sewer machine and requested permission to advertise for a new machine. Mayor Fincher told Council that this item was budgeted. Alderman Bowen made the motion that the city advertise for a new sewer machine once specs are received. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER OVERALL COMPENSATION FOR CITY EMPLOYEES
Alderman Elias made the motion that Council approve overall compensation for all city employees as budgeted. Seconded by Alderman Bowen. Passed unanimously.
Minutes of Regular Meeting held November 16, 2006 (cont.)

CONSIDER CANCELLING DECEMBER REGULAR MEETING DUE TO HOLIDAYS AND ALLOWING BILLS TO BE PAID
Alderman Elias made the motion that Council cancel the regular December meeting and allow the City Secretary to pay routine bills. Seconded by Alderman Bowen. VOTE: FOR motion—Aldermen Elias, Bowen, Cortez and Stone. AGAINST motion—Alderman Dahler. Motion carried.

CONSIDER ADOPTION OF RESOLUTION SUSPENDING THE RATE INCREASE REQUEST FROM AEP TEXAS CENTRAL COMPANY
Alderman Elias made the motion that Council adopt the resolution suspending AEP’s rate increase. Seconded by Alderman Cortez. Passed unanimously.

DIRECTOR OF PUBLIC WORKS’ REPORT
Director of Public Works James McGrath reported the following:
1-203 work orders completed in October;
2-PAPS will be repairing rectifier;
3-sewer water recirculation system is on line;
4-3 new water meters installed;
5-2 small gas leaks repaired;
6-have been putting up Christmas lights and getting ready for hayride;
7-right-of-ways are being mowed;
8-got 20 credit hours in Corpus and 20 hours in New Braunfels.

City Secretary Josie Campa told Council that if all goes as planned Mr. McGrath will be able to test for his "C" water license in December and his "C" sewer license in January.

The City Secretary also told Council that a solenoid was installed at the well and that with the sewer recirculation system in place, these two items should save the city about 35 acre feet of water per year.

POLICE CHIEF’S REPORT
Police Chief Richard Priest reviewed his written report with Council, and said things have been running smooth and they are getting caught up on cases.

The Chief told Council that he will be advertising to fill the position vacated by Santos Ramirez.

Chief Priest told Council that the department fingerprinted Kids at the Methodist Church Festival.

CITY SECRETARY’S REPORT
City Secretary Josie Campa told Council she would be advertising to fill the vacancy in the office.

The City Secretary also told Council that the audit would be done next week.

MAYOR’S REPORT
Mayor Fincher reminded Council about the hayride on November 25th.

Meeting adjourned at 8:30 p.m.

[Signatures]
Mayor
City Secretary