

A regular meeting of the City Council was held at City Hall on Tuesday, December 18, 2007

**1. Call To Order**

Mayor Piper called the meeting to order. Reminded Council and audience meetings are conducted in strict compliance with Roberts Rule of Order.

**2. Invocation**

Invocation was given by Charlie Stevenson

**3. Roll Call**

Council present: Mayor Larry Piper, Gary Coker, Thomas Lemon, Neal Bess Jr., Rodney Weems, and Linda Diaz.

Also present: Tim Moss, City Manager; Charlie Stevenson, City Attorney; Homer Toscano, Director of Public Works, and Gary Stroud, Chief of Police

**4. Pledge of Allegiance**

Pledge of Allegiance was recited.

**5. Presentations by Citizens -**

Visitors: Al Lindley, Frank Lawrence, Harvey Land, Patricia Parrinello

**6. Consent Items**

**A. Approval of Minutes -** November 20, 2007

**B. Approval of Bills-** \$32,464.18

Neal Bess made a motion to approve the consent items. He did have a few questions about the bills; but stated he would get with the City Manager on these. Mr. Bess also mentioned his concerns with the amount of fuel that is used. Gary Coker seconded. All in favor motion passed.

**7. Public Hearings**

**A. Planning and Zoning Commission** – Discussion made. Rodney Weems explained the areas that were annexed and the recommendation of the commission for how to zone them. They suggested Old Main St. between the funeral home property and to Dr. Marsh’s office to be R-2 residential. The day care, funeral home property, and Dr. Marsh would be commercial. FM 524 (West side) would be R-2 residential. FM 1459 new annexed land be R-2 residential. Also, discussed were the changes to the existing Zoning Ordinance. Changes were as follows: Sec.110-12 Certificate of occupancy -- (a) add fire official. (b) add to state that the business owner to display certificate of occupancy. And, Sec. 110-69.2 R-2B -- (9) d. ten (10) feet; provided that it is not a major street; and structure in question is at least sixty (60) feet from center of street. Charlie Stevenson will make changes; the ordinance to be approved at January meeting.

## **8. Fire Department Report**

Devin Lemon gave the Fire Department report. Total of 5 calls. Shattered Dreams presentation on underage drinking and driving at the High School. Breakfast with Santa and Christmas in the Park. Banquet January 19, 2008; invitations extended.

## **9. Old Business**

### **A. Appoint Planning and Zoning Board of Adjustments**

Rodney Weems mentioned the names of those requesting to be on the Board of Adjustments. Rodney Weems, Frank Lawrence, Danny Sheffield, Al Lindley, and Colby Lawrence. Neal Bess made a motion to accept the names and appoint them as the Planning and Zoning Board of Adjustments. Linda Diaz seconded. All in favor; motion carried.

### **B. Variance for Survey / Harvey Land**

Mr. Land spoke on behalf of the new home owners. The survey done during the purchase of the home located at 912 Ave B indicated the house was situated 3 ½ feet from side boundary and not in compliance with the set back requirement of five feet. Mr. Land requested a variance. Gary Coker made a motion to grant a variance for the survey on 912 Ave B; on the condition the new owners are to write a letter to council requesting the variance. The letter, council minutes, and survey to be on file. Neal Bess seconded. All in favor; motion carried.

### **C. Variance for Set Back Requirements at 3<sup>rd</sup> and Pecan / S & E Roofing**

No show. Rodney Weems made a motion to table until further notice. Thomas Lemon seconded. All in favor; motion carried.

### **D. New Business / Patricia Parinello**

Ms. Parinello spoke; she is requesting property on FM 524 to be grand-fathered and not have to be brought up to building, plumbing, electrical, and fire codes. Discussion made. Ms. Parinello will write a proposal and meet with the building inspector and fire marshal. Rodney Weems made a motion to deny request pending additional information and application. Gary Coker seconded. All in favor; motion carried.

### **E. Flood Hazard Ordinance / Tim Moss**

Tim Moss spoke on behalf of FEMA about the Flood Hazard Ordinance. Tim did make a change from the proposed ordinance to change the minimum build up in the flood plain according to the map from 1 foot to 1 ½ foot. Discussion made. Effective today. Thomas Lemon made a motion to accept the Ordinance with change as noted. Neal Bess seconded. All in favor; motion carried.

### **F. Animal Ordinance / Chief Stroud**

Chief Stroud spoke and stated that the State has approved a new law Chapter 8 .22 under the Health and Safety Code. It is now a felony if your dog attacks and causes bodily harm or death to someone. No action taken.

**10. New Business**

**A. Planning and Zoning Commission / Rodney Weems**

Discussion made. Neal Bess made a motion that Old Main St. between the funeral home property and to Dr. Marsh's office to be R-2 residential. The day care, funeral home property, and Dr. Marsh would be commercial. FM 524 (West side) would be R-2 residential. FM 1459 new annexed land be R-2 residential. Gary Coker seconded. All in favor; motion carried.

**B. Tax Tangible Personal Property in Transit Ordinance / Mayor Piper**

Mayor Piper spoke. We had previously opted out. However, if we opt out we would not be able to opt in at a later date. Rodney Weems made a motion to opt into The Tax Tangible Personal Property in Transit Ordinance. Thomas Lemon seconded. All in favor; motion carried.

**C. West of Brazos Calendar / Betty Lytle**

No show. Tabled until January meeting

**D. 2008 Holiday's**

Neal Bess made a motion to accept the 2008 holiday's as scheduled. However, they can choose to work a holiday and take off their birthday. Linda Diaz seconded. All in favor; motion carried.

**11. Reports of Advisory Boards & Commissions**

None

**12. Mayor, Council and Staff Reports**

**Gary Coker** – Merry Christmas; Happy New Year

**Thomas Lemon** – Merry Christmas; Happy New Year

**Neal Bess** – Merry Christmas; Happy New Year

**Mayor** – None

**Rodney Weems** – Merry Christmas; Happy New Year

**Linda Diaz** – Merry Christmas; Happy New Year

**Tim Moss** – Gave update on drainage work being done by City and County. Accurate Construction working on sidewalks at the pharmacy.

**Chief Stroud** – None

**Homer Toscano** – None

**13. Announcements**

None

**14. Closed Executive Session in Accordance with the Open Meetings Act, Tex. Gov't Code**

**§ 511.071, § 551.072 and § 551.074. To Discuss:**

**OPEN MEETING:**

**15. Discussion and action on any items discussed in Executive Session**

**16. Adjournment**

Being no further business meeting adjourned at 8:15 PM

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008**

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**Reatta Minshew, City Secretary**