

# **City Council**

## **Regular Meeting**

**November 5, 2012**

The following were present: Mayor Charlie Brown; Mayor Pro Tem Fred Jones; Council Members Tommy Ewing, Kevin Schkade, and Gene Parker, and Joel Lopez; City Attorney Michelle Weiser, City Manager Ricky Jorgensen, and City Secretary Jessica Graefe.

### **I. Call to Order**

Mayor Brown called to order the regular meeting of the City Council at 7:00 p.m. on Monday, November 5, 2012, at the Giddings Municipal Building.

### **II. Pledges to the US and Texas Flags**

Isaiah Wilson with Troop 143 led the pledges of allegiance to the U.S. and Texas flags.

### **III. Veteran's Day Proclamation**

The Proclamation was read by Mayor Brown.

### **IV. Invocation & Welcome**

City Attorney Michelle Weiser gave the invocation and Mayor Brown welcomed the visitors.

### **V. Citizens' Comments**

Charles Key (119 Wells Cove) spoke regarding the enforcement of code violations from the Code Compliance Office.

### **VI. Consent Agenda**

Mayor Pro Tem Fred Jones motioned, seconded by Council Member Tommy Ewing, to approve items under the consent agenda:

- a) Minutes of the meeting held October 15, 2012.
- b) Quarterly report from the Chamber of Commerce regarding use of Hotel/Motel Tax Revenue funds.

Motion carried by the following vote:

AYE: five

NAY: none

### **VII. New Business**

- a) Presentation made by Mike Pietsch, P.E. Consulting Services regarding ISO rating.

*To Complete a Grading Summary and List of Suggested Improvements*

*Assimilating the Information* \$ 4,800

*Grade/Prepare a Grading Scenario* \$ 1,800

*Prepare the Suggested Improvements* \$ 1,200

*Expenses (hotel, meals and transportation)* \$ 700

**TOTAL** **\$ 8,500**

*The total cost to the City of Giddings will not exceed \$8,500 to complete a Grading Summary and Create a List of Suggested Improvements. This proposal includes just 1 site visit.*

No action needs to be taken; payment has been approved in the FY 2012-2013 Budget.

b) Council Member Kevin Schkade moved to accept O'Malley's recommendation to award the bid for 2012 Texas Capital Fund Utility Relocation (TCF Contract No. 712082) to Herschap Backhoe & Ditching, Inc., from Bastrop, Texas. The base bid amount is \$50,680.00. The motion was seconded by Council Member Joel Lopez. Motion carried by the following vote:

AYE: five

NAY: none

c) Mayor Pro Tem Fred Jones moved to approve Resolution No. 307-2012 authorizing the Mayor, Finance Director, City Manager, and City Secretary as signatories for contractual documents funded by the Texas Capital Fund main Street Program. The motion was seconded by Council Member Kevin Schkade. Motion carried by the following vote:

AYE: five

NAY: none

d) Council Member Gene Parker moved to approve Ordinance No. 677 Sexually Oriented Business section 14.02.176. The motion was seconded by Council Member Kevin Schkade. Motion carried by the following vote:

AYE: five

NAY: none

Ordinance No. 677

Amendment and Replacement of Section 14.02.176 "Adult Uses"

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIDDINGS, TEXAS, REGULATING SEXUALLY ORIENTED BUSINESSES WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF GIDDINGS AND ITS EXTRA-TERRITORIAL JURISDICTION; PROVIDING DEFINITIONS; ESTABLISHING PROCEDURES; PROVIDING A PENALTY OF FINE FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE, PROVIDING SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE**

e) Ordinance No. 678 amendment of Chapter 2 "Animal Control" regarding feral cats in the city limits was tabled at the request of the City Attorney Michelle Weiser.

f) Mayor Brown opened the floor for nominations to fill the vacancy on the P&Z Commission (*Wade Harlan resigned*).

Council Member Joel Lopez nominated Tony Raiford.

With no other nominations, nominations are closed.

Council Member Joel Lopez moved to appoint Anthony (Tony) Raiford to the Planning & Zoning Commission. The motion was seconded by Council Member Tommy Ewing. Motion carried by the following vote:

AYE: five

NAY: none

g) Mayor Brown called the Council, City Attorney, and City Manager into Executive Session at 7:45 p.m., to obtain legal advice pursuant to Texas Government Code 551.071.

Mayor Brown reconvened the Open Session at 8:09 p.m., and stated that no action was taken in Executive Session.

h) Council Member Gene Parker moved to amend the City of Giddings Personnel Manual, Chapter 22 Drug Policy section 2.B.e:

City employees **in safety sensitive positions** may also be subject to random drug/alcohol testing procedures at the direction of the City Manager. ~~Random drug screens will be performed on five (5) employees each month.~~ **At least 10% of the eligible employee pool shall be tested per quarter.** The motion was seconded by Council Member Tommy Ewing. Motion carried by the following vote:

AYE: five

NAY: none

City Attorney Michelle Weiser requested to withdraw her request to have item e under new business tabled (Ordinance 678 amendment of Chapter 2 “Animal Control” regarding feral cats in the city limits).

Mayor Brown recalled item e under new business.

e) Council Member Gene Parker moved to adopt Ordinance No. 678 amendment of Chapter 2 “Animal Control” regarding feral cats in the city limits as presented. The motion was seconded by Mayor Pro Tem Fred Jones. Motion carried by the following vote:

AYE: five

NAY: none

Ordinance No. 678

Amendment of Chapter 2 “Animal Control”

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIDDINGS, TEXAS, REGARDING ANIMAL CONTROL WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF GIDDINGS; PROVIDING DEFINITIONS; PROVIDING A PENALTY OF FINE OR VIOLATIONS; PROVIDING A SAVINGS CLAUSE, PROVIDING SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE**

## **VIII. Adjournment**

Mayor Brown adjourned the meeting at 8:15 p.m.

Minutes submitted by: Jessica Graefe, City Secretary

Minutes approved by: \_\_\_\_\_