

Giddings City Council – Regular Meeting Minutes

December 19, 2016 at 7:00 p.m.

1. Call to Order

The meeting was called to order by Mayor Dowell at 7:00 p.m. with the following present:

Members Present: Mayor John Dowell; Mayor Pro Tem Fred Jones; Council Members Doug Gaeke, Joel Lopez, Alan Casey and Linda Pruitt.

Staff Present: City Manager Ricky Jorgensen, City Secretary Lola Hazel, City Attorney Charlie Crossfield, Police Chief Haril Walpole, Captain Farah Ramsey, Code Official Spencer Schneider, Public Works Director Jeff Zgabay.

2. Pledges to the U.S. and Texas Flags

Pledges were said.

3. Invocation and Welcome

Mayor Pro Tem Fred Jones gave the invocation and Mayor Dowell welcomed all in attendance.

4. Announcements

There were no announcements.

5. Presentations and Proclamations

Recognition of the You Got Our Attention Recipient for the month of November.

6. Citizens' Comments

There were no citizen comments

7. Consent Agenda

a. Consider approval of Minutes for Regular Meeting held on November 14, 2016.

b. Consider approval of Minutes for Special Meeting held on December 5, 2016.

A motion was made by Council Member Joel Lopez and seconded by Mayor Pro Tem Fred Jones to approve items a - b of the consent agenda.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

8. New Business

a. Consider authorizing the City Manager to execute, subject to the review and approval of the City Attorney, a Construction Management and Reimbursement Agreement with the Giddings Economic Development Corporation, regarding construction of deceleration lane and traffic signal previously authorized by City under Texas Capital Fund Contract # 7216132 (CEFCO Project).

City Manager Ricky Jorgensen presented this item and introduced Gary Traylor with Traylor & Associates, Inc., the grant management firm managing the Texas Capital Fund CEFCO project. Traylor began by giving background on this item. He explained the City was awarded an economic development grant from the Texas Department of Agriculture for the purpose of constructing a deceleration lane and traffic signal for the new CEFCO location. Traylor further explained that during the final stages of the process, it was determined a different agreement would be needed than is typical for this type of project when TxDOT is involved. Traylor explained the agreement is not ready for execution, but City Council is being asked to allow the Giddings Economic Development Corporation to enter into a construction contract to construct the deceleration lane and traffic signal, and enter into a donation agreement acceptable to TxDOT, which would allow the project to move forward more rapidly.

A motion was made by Mayor Pro Tem Fred Jones and seconded by Council Member Linda Pruitt to authorizing the City Manager to execute, subject to the review and approval of the City Attorney, a Construction Management and Reimbursement Agreement with the Giddings Economic Development Corporation, regarding construction of deceleration lane and traffic signal previously authorized by City under Texas Capital Fund Contract # 7216132 (CEFCO Project).

Motion carried by the following vote:

Ayes: Council Members Jones, Lopez, Casey and Pruitt

Nays: None

Abstained: Council Member Gaeke

b. Discuss and take appropriate action to approve a Giddings Economic Development Corporation business assistance incentive of \$25,000 for Santa Fe Steakhouse.

Giddings Economic Development Corporation (EDC) President Alan Casey presented this item. Casey explained the EDC Board approved a \$25,000 business incentive for Santa Fe Steakhouse at their previous meeting. The Board is now requesting City Council's approval of the \$25,000 incentive.

A motion was made by Council Member Linda Pruitt and seconded by Council Member Joel Lopez to approve a Giddings Economic Development Corporation business assistance incentive of \$25,000 for Santa Fe Steakhouse.

Motion carried by the following vote:

Ayes: Council Members Jones, Lopez, Casey and Pruitt

Nays: None

Abstained: Council Member Gaeke

c. Discuss and take possible action on construction, installation and funding of lift station at Giddings 290 Business Park.

City Manager Ricky Jorgensen presented this item. Jorgensen explained this item was on a previous agenda for City Council discussion. Jorgensen further explained that at the previous meeting, City Council was presented with information regarding shutting down the Bon Ton lift station, constructing a new lift station that can accommodate the 290 Business Park area, and moving flow previously flowing to Bon Ton to the new lift station. Jorgensen explained City Council will be presented with a plan for covering costs at a future meeting.

No action was taken.

d. Discuss and take possible action to approve the Giddings Economic Development Corporation's purchase of downtown parking lots contiguous to transportation museum for the amount of \$80,000.

Giddings Economic Development Corporation (EDC) President Alan Casey presented and Director Tonya Britton introduced this item. Britton explained this item helps facilitate Item e on the agenda as it's related to Dimebox Distillery potentially leasing the transportation museum as their future business location. Britton explained the EDC Board is not ready to make the purchase of the parking lots but is requesting approval from City Council to move forward with negotiations for the purchase.

A motion was made by Council Member Joel Lopez and seconded by Council Member Alan Casey to allow the Giddings Economic Development Corporation's to move forward with negotiating the purchase of downtown parking lots contiguous to transportation museum for the amount of \$80,000.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

e. Discuss and take possible action to approve a long-term lease agreement of transportation museum with Dimebox Distillery, and other actions related to the lease of said building.

Economic Development Corporation (EDC) Director Tonya Britton presented this item. Britton explained the EDC Board is requesting approval to move forward with drafting a long-term lease agreement and other necessary documentation related to Dimebox Distillery leasing the transportation museum as a potential future business location.

A motion was made by Council Member Alan Casey and seconded by Council Member Linda Pruitt to allow the Giddings Economic Development Corporation to move forward with drafting a long-term lease agreement and other necessary documentation with Dimebox Distillery.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

f. Discuss and take possible action on authorizing the Mayor to execute a license agreement with the Lee County, TX Veterans Association, contingent on proof of non-profit designation, allowing use of 2.556 acres on what is commonly known as Veterans Park for the purpose of building the Veterans Honor Park.

Mayor Dowell presented this item. Dowell explained the license agreement will allow the Lee County TX Veterans Association to obtain their 501(3)(c) status.

A motion was made by Mayor Pro Tem Fred Jones and seconded by Council Member Linda Pruitt to authorize the Mayor to execute a license agreement with the Lee County TX Veterans Association, contingent on proof of non-profit designation, allowing use of 2.556 acres on what is commonly known as Veterans Park for the purpose of building the Veterans Honor Park, with the following amendment to the license agreement:

I. License

1.3 It is further understood that before the installation of any improvements Licensee shall present a detailed plan to the ~~City Manager~~ City Council for review and approval. Approval of any plan shall be solely within the discretion of the ~~City Manager~~ City Council.

Motion carried by the following vote:

Ayes: Council Members Jones, Lopez, Casey and Pruitt

Nays: None

Abstained: Doug Gaeke

g. Discuss and take possible action on the Chapter 59 Asset Forfeiture Report for Fiscal Year 2015-2016.

A motion was made by Council Member Joel Lopez and seconded by Mayor Pro Tem Fred Jones to accept the Chapter 59 Asset Forfeiture Report for Fiscal Year 2015-2016 as presented.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

h. Discuss and take possible action to award bid for purchase of city-owned property described as a 0.50 acre tract located to the north of S. Main St., to the east of S. Polk St., and to the south of E. Galveston St., Lee County, Texas; and identified by Lee Central Appraisal District Property ID 16605.

City Manager Ricky Jorgensen presented this item. Jorgensen explained sealed bids were accepted for this property and only one bid from was received from Alan Roberts in the amount of \$5,000.

A motion was made by Council Member Linda Pruitt and seconded by Council Member Alan Casey to accept the bid in the amount of \$5,000 for the purchase of city-owned property described as a 0.50 acre tract located to the north of S. Main St., to the east of S. Polk St., and to the south of E. Galveston St., Lee County, Texas; and identified by Lee Central Appraisal District Property ID 16605.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

i. Discuss and take possible action on a bid on trust property described as OT Giddings, Blk 94, Lot 1 & S/2 of 2; Lee County Et al vs. Annie Mae Davis; Lee Central Appraisal District Property ID 10197.

City Manager Ricky Jorgensen presented this item. Jorgensen explained this property is a tax sale property owned by Lee County, Giddings Independent School District (GISD) and the City of Giddings. The bid received was for \$2,100 from Mark Jaehne. Jorgensen explained both Lee County and GISD rejected the bid at their respective meetings.

A motion was made by Council Member Joel Lopez and seconded by Council Member Linda Pruitt to reject the bid in the amount of \$2,100 on trust property described as OT Giddings, Blk 94, Lot 1 & S/2 of 2; Lee County Et al vs. Annie Mae Davis; Lee Central Appraisal District Property ID 10197.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

j. Discuss and take possible action on a bid on trust property described as A032 Barker, J., Tract C065B, .22 Acres; Lee County Et al vs. Katy Green Et al; Lee Central Appraisal District Property ID 15189.

City Manager Ricky Jorgensen presented this item. Jorgensen explained this property is a tax sale property owned by Lee County, Giddings Independent School District (GISD) and the City of Giddings. The bid

received was for \$7,500 from Alan Roberts. Jorgensen explained both Lee County and GISD accepted the bid at their respective meetings.

A motion was made by Council Member Alan Casey and seconded by Council Member Joel Lopez to accept the bid in the amount of \$7,500 on trust property described as A032 Barker, J., Tract C065B, .22 Acres; Lee County Et al vs. Katy Green Et al; Lee Central Appraisal District Property ID 15189.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

k. Discuss and take possible action on a bid on trust property described as OT Giddings, Blk. 93, Lot 8; Lee County Et al vs. Livure Moore Et al; Lee Central Appraisal District Property ID 17722.

City Manager Ricky Jorgensen presented this item. Jorgensen explained this property is a tax sale property owned by Lee County, Giddings Independent School District (GISD) and the City of Giddings. The bid received was for \$1,000 from Mark Jaehne. Jorgensen explained both Lee County and GISD accepted the bid at their respective meetings.

A motion was made by Council Member Alan Casey and seconded by Mayor Pro Tem Fred Jones to accept the bid in the amount of \$1,000 on trust property described as OT Giddings, Blk. 93, Lot 8; Lee County Et al vs. Livure Moore Et al; Lee Central Appraisal District Property ID 17722.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

l. Consider Ordinance No. 812 amending Chapter 2 of the City of Giddings Code of Ordinances; defining feral cat; prohibiting the keeping of exotic or wild animals and providing for the adoption of wild animals or feral cats.

Chief Haril Walpole presented this item. Walpole explained this ordinance is being presented as a solution to the abundance of feral cats being picked up by Animal Control in the City. Walpole explained the new process will allow Staff to take feral cats that are picked up by Animal Control and adopt them out, by way of a Wild Animal Adoption Agreement, to families living in the country, outside Giddings city limits, to be used as barn cats.

A motion was made by Council Member Joel Lopez and seconded by Council Member Linda Pruitt to approve Ordinance No. 812 amending Chapter 2 of the City of Giddings Code of Ordinances; defining feral cat; prohibiting the keeping of exotic or wild animals and providing for the adoption of wild animals or feral cats.

At this time City Council changed the order of items on the agenda so Ordinance 814 was discussed prior to Ordinance 813. The order of Executive Session Items was also changed. The following shows the change:

- ~~n.~~ **m.** Consider Ordinance No. 814 amending Chapter 3 of the City of Giddings Code of Ordinances by adding a new Article 3.16; Mobile Prepared Food Units; creating rules and regulations for mobile prepared food units.
- ~~m.~~ **n.** Consider Ordinance No. 813 imposing a moratorium on the issuance of permits for mobile food units and portable buildings for the use of preparation and/or sale of food and beverages within the Giddings city limits.

- m. Consider Ordinance No. 814 amending Chapter 3 of the City of Giddings Code of Ordinances by adding a new Article 3.16; Mobile Prepared Food Units; creating rules and regulations for mobile prepared food units.**

Code Official Spencer Schneider introduced this item. Schneider explained the City currently has a few mobile food vendors, but no ordinance exists to regulate these businesses. Schneider explained Ordinance No. 814 will create the necessary regulations for these businesses.

A motion was made by Mayor Pro Tem Fred Jones and seconded by Council Member Joel Lopez to approve Ordinance No. 814 amending Chapter 3 of the City of Giddings Code of Ordinances by adding a new Article 3.16; Mobile Prepared Food Units; creating rules and regulations for mobile prepared food units.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- n. Consider Ordinance No. 813 imposing a moratorium on the issuance of permits for mobile food units and portable buildings for the use of preparation and/or sale of food and beverages within the Giddings city limits.**

Ordinance No. 813 was not addressed as it was presented in the event City Council was not satisfied with the regulations proposed in Ordinance No. 814. Ordinance No. 814, discussed in the above item, was approved by Council.

- o. Discuss and take possible action on approving suggested Charter amendments to be placed on the May 6, 2017 Election Ballot.**

City Secretary Lola Hazel presented this item. Hazel addressed each item suggested by the Charter Review Committee with the assistance of City Attorney Charlie Crossfield. City Council action is recorded below each item. Some items were not addressed by Council as those changes were so minor they do not change the meaning of current wording.

- The first suggested change addressed was to Article II, Section 4. Qualifications.

Article II. Officers, Section 4. Qualifications

The Mayor and each councilperson shall be residents of the City of Giddings and have the following qualifications:

- a. Must be a citizen of the United States.
- b. Must be a qualified voter of the State of Texas.
- c. Must have resided at least twelve (12) months ~~next~~ preceding the election within the corporate limits of the City of Giddings.
- d. Must be at least twenty-one (21) years of age.
- e. Must not be in arrears in payment of taxes or other liabilities due the City of Giddings.
- f. Must not be in arrears in payment of child support payments as ordered by the court.
- g. Must not have been convicted of a felony.
- ~~g.~~h. Must not be disqualified by reason of any provision of any other section of this Charter.

A motion was made by Council Member Alan Casey and seconded by Mayor Pro Tem Fred Jones to disapprove the suggested changes shown above.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The second suggested change addressed was to Article II, Section 7. Elections. The Charter Review Committee's intent was to change the City's Uniform Election Date from May to November.

Article II. Officers, Section 7. Elections

The regular City election will be held annually ~~on the Uniform Election Date prescribed by the~~ in accordance with the provisions of the Texas Election Code ch. 41. The City Council shall, by ordinance, establish the general election date. The Mayor and two Councilpersons shall be elected in an even-numbered year. The remaining three Councilpersons shall be elected at an election of every odd-numbered year. Run-off elections and elections to settle a tie vote may be held on a date other than a uniform election date. (Amended by Ord. 663 at an election held on May 12, 2012, prop. 2)

A motion was made by Council Member Alan Casey and seconded by Mayor Pro Tem Fred Jones to disapprove the suggested changes to the Charter and disapprove changing elections from May to November.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The third suggested change addressed was to Article II, Section 13. Canvassing Elections. The suggested change changes the outdated wording to simple wording.

Article II. Officers, Section 13. Canvassing Elections

Returns of the elections, general and special, shall be made by the election officers to the City Council in accordance with State law. ~~on the first Monday next following said election at which time the Council shall canvass and declare the results of such election.~~

A motion was made by Council Member Alan Casey and seconded by Council Member Linda Pruitt to approve the above change to simple wording of, "in accordance with State law".

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The fourth suggested change addressed was to remove Article VI., Section 11. Regulation of Railroads. Hazel and Crossfield echoed the opinion of the Charter Review Committee in that the City has very limited power to regulate railroads.

Article VI. General Powers, ~~Section 11.~~ Regulation Of Railroads

~~The City Council shall have the power by ordinance to direct and control, within the City limits, the speed of engines, locomotives, and motor cars operating on railroad tracks, the length of trains, the construction of railroad tracks, turnouts and switches, the regulation of the grade thereof and the use of the streets for switching or stopping cars.~~

~~If improvements be ordered constructed in any part of any area used or occupied by the tracks or facilities of any railroad, then the City Council shall have power to assess the whole cost of improvements in such area and the added costs of improvements in the area adjacent thereof made necessary by such use or occupancy against such railway or utility, and shall have power, by ordinance, to provide for the enforcement of such assessment.~~

~~Editor's note Pursuant to the Federal Rail Safety Act, 45 U.S.C. 434 (1986), only a state may adopt or continue to enforce a law, rule, regulation, order or standard relating to railroad safety following the promulgation of regulations by the Secretary of Transportation. (See Donelon v. New Orleans Terminal Company, 474 F.2d 1108 (5th Cir. 1973). See also Opinion of the Texas Attorney General No. GA-0331 regarding the federal Interstate Commerce Commission Termination Act of 1995 and the Federal Railroad Safety Act.)~~

A motion was made by Council Member Alan Casey and seconded by Mayor Pro Tem Fred Jones to approve the removal of the above section regarding regulation of railroads.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The fifth suggested change addressed was to Article VII., Section 5. When Due and Payable regarding due date for taxes. Hazel explained State law says taxes are delinquent if not paid before February 1st.

Article VII. Taxation, Section 5. When Due and Payable

All taxes due the City shall be payable to the City and may be paid at any time after the tax rolls for the year have been completed and approved which shall be by October 1st, unless the City Council determines otherwise.

Taxes shall be paid before ~~February 1st January 31st~~ following said date of October 1st, and all such taxes not paid prior to such date shall be declared delinquent and shall be subject to such penalty and interest as may be provided by State law. The City Council may by ordinance provide that delinquent taxes due the City, may be paid in installments.

A motion was made by Council Member Alan Casey and seconded by Council Member Joel Lopez to approve the suggested change from "January 31st" to "February 1st".

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The sixth suggested change addressed was to reduce the number of readings and the amount of material published for ordinances granting, renewing, extending, transferring or amending a public utility franchise.

Article VIII. Franchise and Public Utilities, Section 4. Ordinance Granting Franchise.

~~The caption of E~~every ordinance granting, renewing, extending, transferring or amending a public utility franchise shall be read at ~~one~~~~three~~ (13) regular meetings of the Council, and shall not be finally acted upon until thirty (30) days after the ~~first~~ reading thereof. Within five (5) days following ~~the each of the three (3)~~ readings of the ordinance, the ~~full-text ordinance caption thereof~~ shall be published one time in some newspaper of general circulation in the City, and the expense of such publication shall be borne by the prospective franchise holder. No such ordinance shall become effective until the expiration of thirty (30) days following the date of its final adoption by the Council, and every such ordinance shall be subject to the referendum procedure provided by state law and this Charter. (Amended by electorate 4/7/84)

A motion was made by Council Member Alan Casey and seconded by Council Member Joel Lopez to approve above changes to Article VIII, Section 4 regarding the reading and publication of franchise ordinances.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The seventh suggested change addressed was to Article XI, Section 7. Lease-Purchase of Equipment. Hazel explained the City abides by State purchasing guidelines which require competitive bidding at \$50,000 or more, making the current amount of \$5,000 less than the guidelines used by the City.

Article IX. Municipal Bonds And Warrants, Section 7. Lease-Purchase of Equipment

The City Council shall have the authority to purchase equipment on a lease-purchase plan and to enter into such contracts as may be necessary for the purchase of such equipment. Such purchase shall be on plans and specifications and competitive bids on all items over ~~twenty five thousand dollars (\$25,000)~~ fifty thousand (\$50,000) ~~five thousand dollars (\$5,000.00)~~. This shall not apply to emergency items.

A motion was made by Council Member Alan Casey and seconded by Mayor Pro Tem Fred Jones to change the competitive bid requirement for lease-purchase of equipment from \$5,000 to \$50,000 in accordance with State purchasing guidelines.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Casey and Pruitt

Nays: Council Member Joel Lopez

- The eighth suggested change addressed was to Article X, Section 14 regarding publication of the audit summary and the ability to retain auditing firms for a period of five (5) years instead of three (3) years.

Article X, Section 14. Audit

The City Council shall cause a continuous audit of the books of account and of all records and transactions of the administration of affairs of the City, such audit to be made annually embracing each fiscal year and shall be made by a public accountant licensed by the State of Texas. The duty of the accountant shall include the certification of all statements required by [Section 13](#) herein [of this Article X]; such statements shall include a general balance sheet showing summaries of income and expenditures and also comparisons, in proper classifications, with the last previous audit; ~~and such summaries shall be published in a newspaper having general circulation in the City one time within ten (10) days after the completion of such audit. Notice shall be given in accordance with State law~~ The audit shall be filed in the office of the city secretary within 180 days after the last day of the fiscal year, pursuant to Texas Local Government Code ch. 103. No auditing firm shall be retained for a period of more than ~~three (3)~~ five (5) years.

A motion was made by Council Member Alan Casey and seconded by Council Member Linda Pruitt to approve the above changes to Article X, Section 14 regarding removal of the requirement to publish the audit caption, adding the sentence regarding filing the audit with the city secretary within 180 days after end of fiscal year, and changing the period to retain an auditing firm from three (3) years to five (5) years.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The ninth suggested change addressed was to Article X, Section 15 regarding how long a financial institution shall be retained as the City depository.

Article X, Section 15. Depository

At the beginning of the fiscal year, the City Council shall designate a financial institution in the City as the City depository which shall be selected for a period ~~of five (5) years. two (2) years.~~ The City Council shall have the right to reject any or all bids offered as City depository. The financial institution selected as such depository shall give adequate bond. The bids shall be reviewed by current auditor, Director of Finance, City Manager, and Financial Advisor with a written recommendation to the city council.

If the Council rejects the bid or bids offered by the financial institution in the City, the City Council may seek bids from financial institutions outside of the City.

A motion was made by Council Member Alan Casey and seconded by Council Member Joel Lopez to approve the change from two (2) to five (5) years regarding the period for retaining a financial institution as the City's depository.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The tenth suggested change addressed was to Article XIII, Section 1 regarding provisions for damage suits.

Article XIII. Damage Suits, Section 1. Special Provision for Damage Suits

Before the City shall be liable to damage claim or suit for injury of one's person or property or death, the person who is injured or whose property is damaged or the person claiming damages from the death or someone in his or her behalf shall give the Mayor or City Secretary notice in writing within ~~thirty (30)~~one hundred eighty (180) days after the occurring of the alleged injury or damage, stating specifically in such notice when and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the City for injury to one's person or property prior to the expiration of ~~thirty one hundred eighty (30) 180~~ days notice hereinabove described has been filed with the Mayor or City Secretary. ~~After the expiration of the thirty (30) days aforementioned, the complainant may then have forty five (45) days in which to bring an action at law.~~

A motion was made by Council Member Alan Casey and seconded by Council Member Joel Lopez to approve the suggested changes to Article XIII, Section 1 regarding provisions for damage suits.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The eleventh suggested change addressed was to the wording used for the Oath of Office in Article XIV, Section 2. Hazel explained the change is to simpler wording that still demands necessary documents as prescribed in the Constitution of the State of Texas.

Article XIV. General Provisions, Section 2. Oath of Office

All officers of the city shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed in the Constitution of the State of Texas.

~~All elective officers of the City shall, before entering upon the duties of his or her office, take and subscribe the following oath or affirmation to be filed and kept in the office of the City Secretary:~~

~~“I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the City of Giddings, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. So help me God.”~~

~~All full time appointed officers of the City shall, before entering upon the duties of his or her office take and subscribe the following oath or affirmation to be filed and kept in the office of the City Secretary:~~

~~“I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ of the City of Giddings, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm) that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure by appointment or the confirmation thereof, so help me God.”~~

A motion was made by Council Member Alan Casey and seconded by Council Member Joel Lopez to approve the change to simpler wording in Article XIV, Section 2 Oath of Office.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The twelfth suggested change addressed was to Article XIV, Section 3 regarding the State laws listed governing zoning and the Board of Adjustments. Hazel explained the current State laws listed in the text are out of date and suggested those sections be changed to simpler wording of “State law”.

Article XIV. General Provisions, Section 3. Zoning Ordinances

For the purpose of promoting the health, safety, morals or general welfare of the City, the City Council shall have the full power and authority to zone the city and to pass all necessary ordinances, rules and regulations governing same, under and by virtue of the authority given to cities and legislative bodies thereof, by State law TEX. REV. CIV. STAT. arts. 1011a through 1011j (1925), ~~together with all existing amendments and amendments which may hereafter be made thereto.~~

The City Council shall have further power to create a Board of Adjustments, as provided by State law TEX. REV. CIV. STAT. art. 1011g, ~~and all existing amendments thereto~~, to review all grievances and appeals pertaining to or relating to the zoning of the City.

A motion was made by Council Member Alan Casey and seconded by Mayor Pro Tem Fred Jones to approve the change to simpler wording of “State law” in Article XIV, Section 3. Zoning Ordinances.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The thirteenth suggested change addressed was to Article XIV, Section 7 regarding elected officers serving out their full terms. Hazel explained this section was put in place when the Charter was initially written but is no longer necessary as the Charter has been in existence for some time.

Article XIV. General Provisions, ~~Section 7. Elected Officers Shall Serve Out Full Term~~

~~All City officials who have been elected to office prior to the effective date of this Charter shall continue to perform the duties assigned to them and shall continue to have all of the powers delegated to them prior to the effective date of this Charter, until their term has expired, unless such officer resigns, dies, or his or her office becomes vacant for some other reason.~~

A motion was made by Council Member Alan Casey and seconded by Council Member Joel Lopez to approve the removal of Article XIV, Section 7. Elected Officers Shall Serve Out Full Term.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The fourteenth suggested change addressed was to Article XIV, Section 9 regarding process for amending the Charter. Hazel explained the Charter Review Committee suggested the Charter be reviewed less often and that more members be appointed to the Committee.

Article XIV. General Provisions Section 9. Amending the Charter

The Mayor and each Councilmember shall appoint a member to serve on the Charter Review Commission. Charter reviews shall be conducted ~~at least every four (4) years no less than~~ at least every five (5) years ~~nor more often than every seven (7) years.~~ The Council shall appoint ~~seven (7) six (6)~~ members to serve. The Committee shall inquire into the operations of the City government as related to the Charter and review the Charter to determine if amendments should be recommended. Public hearings may be held and the Committee shall have the power to compel the attendance of City officers or employees and may require the submission of the City records necessary to review. The Charter Review Committee shall make a written report of its findings and recommendations to the Council, including any proposed amendments, and shall be signed by all members of the Commission. (Amended by Ord. 663 at an election held on May 12, 2012, prop. 10)

A motion was made by Alan Casey and seconded by Council Member Linda Pruitt to change the timeframe for review the Charter from four (4) years to five (5) years and to appoint seven (7) members to serve on the Committee instead of six (6) members.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The fifteenth suggested change addressed was to Article XV, Section 1 regarding the number of petitioners required for proposing an ordinance by power of initiative.

Article XV. Initiative, Referendum and Recall, Section 1. Power of Initiative

The electors shall have power to propose any ordinance except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the "initiative." Any initiative ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to at least fifteen (15) percent of the qualified voters in the City, ~~or one hundred seventy five (175), three hundred seventy five (375) whichever is greater.~~

A motion was made by Alan Casey and seconded by Mayor Pro Tem Fred Jones to delete the last sentence in the paragraph, leaving only the requirement of fifteen (15) percent for number of required petitioners.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The sixteenth suggested change addressed was to Article XV, Section 4 regarding filing, examination and certification of petitions. Hazel explained the Charter Review Committee suggested removal of the below sentence as it does not make sense.

Article XV. Initiative, Referendum and Recall, Section 4. Filing, Examination and Certification of Petitions

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within ten (10) days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. The City Secretary shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator the last signatures in excess of the number certified shall be disregarded. ~~If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds.~~ After completing his or her examination of the petition, the City Secretary shall certify the result thereof to the Council at its next regular meeting. If he or she shall certify that the petition is insufficient he or she shall set forth in his or her certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his or her findings.

A motion was made by Council Member Alan Casey and seconded by Council Member Joel Lopez to remove the sentence as shown above.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The seventeenth suggested change addressed was to Article XV, Section 14 regarding number of petitioners required for a recall petition.

Article XV. Initiative, Referendum and Recall, Section 14. Recall Petitions

The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) days after filing of the affidavit required in [Sec. 13](#) of this Article [XV], and it must be signed by qualified voters of the City equal in number to at least fifteen (15) percent of the total number of qualified voters, ~~or one hundred seventy five (175) three hundred seventy five (375), whichever is greater.~~ No petition papers shall be accepted as part of a petition unless it bears the signature of the City Secretary as required in [Sec. 13](#) of this Article [XV].

A motion was made by Council Member Alan Casey and seconded by Mayor Pro Tem Fred Jones to remove the sentence as shown above, leaving only the requirement of fifteen (15) percent for number of required petitioners.

Motion carried by the following vote:

Ayes: Council Members Jones, Gaeke, Lopez, Casey and Pruitt

Nays: None

- The following suggestions from the Charter Review Committee were not addressed by City Council as these changes were believe to be so minor they do not change the intended meaning of each section.

- **Article III. Duties, Section 2. Duties and Powers of the Council:** Changing the phrase of “planning commission” to “planning and zoning commission”.
- **Article XI. Legislative Procedure, Section 2. Procedure:** Removing the use of the word “journal” and replacing with “minutes” as the City Secretary no longer keeps minutes in a journal.
- **Article XVI. Submission of Charter and Effective Date, Section 1. Submission of the Charter to Electors:** addressing the typo of the word “entirely” and changing to “entirety”.

9. City Manager’s Report, And Announcements

1. Continued discussions with Representative Cyrier regarding railroad crossing issues.

10. Adjournment

Mayor Dowell adjourned the meeting at 9:10 p.m.

ATTEST:

Lola Hazel, City Secretary

John Dowell, Mayor