

City Council

Regular Meeting

February 4, 2013

The following were present: Mayor Charlie Brown; Mayor Pro Tem Fred Jones; Council Members Tommy Ewing, Kevin Schkade, 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, February 4, 2013, at the Giddings Municipal Building.

II. Pledges to the US and Texas Flags

Boy Scout Chandler Hosch led the pledges of allegiance to the U.S. and Texas flags.

III. Invocation & Welcome

Mayor Brown gave the invocation and welcomed the visitors.

IV. Citizens' Comments

Kaye Gonzales (494 E. Brenham) feral cats

Linda Beissert (961 W. Independence)- concerned about handicap parking at Wal-Mart and Brookshire Bros., and the lights on the soccer field at the Simmang Park are being left on.

V. Consent Agenda

Council Member Tommy Ewing motioned, seconded Council Member Gene Parker, to approve items under the consent agenda:

- a) Minutes of the meeting held January 7, 2013.

Motion carried by the following vote:

AYE: five

NAY: none

VI. Unfinished Business

- a) Council Member Kevin Schkade moved to close Titus Street from Columbus to Cuero Street. The motion was seconded by Council Member Tommy Ewing.

Motion carried by the following vote:

AYE: five

NAY: none

VII. New Business

- a) Council Member Tommy Ewing moved to accept Ordinance 679 ordering the General Election for May 11th of City Officials and GISD trustee's. The motion was seconded by Council Member Joel Lopez.

Motion carried by the following vote:

AYE: five

NAY: none

CITY OF GIDDINGS, TEXAS
ORDINANCE NO. 679

ORDER and PROCEDURE OF ELECTION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIDDINGS, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 11, 2013, FOR THE PURPOSE OF ELECTING THREE COUNCIL MEMBERS FOR FULL TERMS; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code, as amended (hereinafter referred to as the "Code") establishes Saturday, May 11, 2013, as a "uniform election date" for the purpose of conducting an election; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIDDINGS, TEXAS:

Section 1. Findings

That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

Section 2. Election Order; Election Date; Purpose of Election

The joint election agreement was made the day of January 4, 2011, by and between the Giddings Independent School District ("GISD") and the City of Giddings ("the City").

The City plans to hold a City Council Election on May 11, 2013 for the purpose of electing three Council Members for two-year full terms.

GISD plans to hold a Board of Trustees Election on May 11, 2013 for the purpose of electing three trustees to positions 3, 4, and 5 for three-year terms each.

A candidate's application for a place on the ballot for the general election of city officers may be filed starting on January 30, 2013, and must be filed no later than 5:00 p.m. on March 1, 2013.

Section 3. Election Officials

The election official shall be Jessica Graefe, Early Voting Clerk, whose address is 118 E. Richmond Street, Giddings, Texas 78942; and the Early Voting Clerk may designate two deputy clerks, and Mary Gutierrez shall serve as Early Voting Ballot Board Judge and Election Judge; and Eunice Dunk shall serve as Alternate Judge, and the Election Judge may appoint up to five election workers; and election workers shall be compensated at a rate of \$8.00 per hour, the election judge at a rate of \$8.50 per hour.

Section 4. Election Equipment

Voting in said election shall be by the use of AccuVote-TSK which shall be in both English and Spanish and which shall conform to the requirements of the Texas Election Code. Oral bilingual assistance shall be available during the election.

Section 5. Early Voting

Early voting by personal appearance will be conducted each weekday at 118 E. Richmond, Giddings, Texas 78942, between the hours of 8:00 a.m. and 4:45 p.m. on May 1, 2013, and ending on May 7, 2013. To comply with House Bill 2309, requiring early voting to take place for at least 12 hours on two weekdays;

on Monday, April 29, 2013 and Tuesday, April 30, 2013 early voting by personal appearance will be conducted between the hours of 7:00 a.m. and 7:00 p.m.

Applications for ballot by mail shall be mailed to:

City Secretary's Office
118 E. Richmond
Giddings, Texas 78942

Applications for ballot by mail must be received no later than the close of business on May 3, 2013.

The location of the polling place for the May 11, 2013, elections shall be the Giddings Municipal Building, 118 E. Richmond, Giddings, Texas 78942. The polling place shall be kept open from 7:00 a.m. until 7:00 p.m. on May 11, 2013, and due return shall be made to the City Council showing the number of votes cast for each candidate for membership on the City Council.

Section 6. Notice of Election

Notice of said election shall be given by: 1) publishing notice of the election, in English and Spanish, at least once, not earlier than the 30th day nor later than the 10th day (Friday, April 12, 2013 – Wednesday, May 1, 2013) before election day, in a newspaper of general circulation in said City; and 2) not later than the 21st day (April 19, 2013) before election day, by posting notice of the election, in English and Spanish, on the City's bulletin board used for posting notices of the meetings of the Giddings City Council.

Repeal of Conflicting Ordinances: All ordinances or parts of ordinances conflicting with any of the provisions of this section are hereby repealed.

Separability of Provisions: Should any section or provision of this ordinance be declared invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this ordinance.

Effective Date: The provisions of this ordinance shall take effect and be in force upon its passage.

PASSED, APPROVED AND ADOPTED this the 4th day of February 2013.

City of Giddings
Charlie Brown, Mayor

Attest:
Jessica Graefe, City Secretary

b) Mayor Pro Tem Fred Jones moved to approve O'Malley's recommendation to award the bid to M-W-D Construction Co., Inc. (*Base Bid \$278,440.00*) for the 2012 Lift Station No.3 Replacement on Cuero Street (OE Job No.27.079-SF). The motion was seconded by Council Member Kevin Schkade.

Motion carried by the following vote:

AYE: five

NAY: none

c) Council Member Gene Parker moved to approve O'Malley's recommendation to award the bid to Supak Construction, Inc., (*Base Bid \$544,570.75/Alt. Bid \$286,368.75*) for the 2012 Water and Sewer Utility Systems Improvements (OE Job No.27.079-UA/UB). The motion was seconded by Council Member Joel Lopez.

Motion carried by the following vote:

AYE: five

NAY: none

VIII. Adjournment

Mayor Brown adjourned the meeting at 7:33 p.m.

Minutes submitted by: Jessica Graefe, City Secretary

Minutes approved by: _____