



3015 Bellmead Drive  
Bellmead, Texas 76705

[www.bellmead.com](http://www.bellmead.com)

## The City of Bellmead City Council

### Regular Meeting

Cynthia Ward  
City Clerk  
(254) 799-2436

~ Minutes ~

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**Tuesday, December 8, 2009**

**6:30PM**

**Bellmead City Hall**

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#### I. CALL TO ORDER

The Meeting was called to order on November 10, 2009 at the Bellmead City Hall, 3015 Bellmead, Bellmead, Texas at 6:30 PM by Mayor Ruth Haines-Fields.

<b>Attendee Name</b>	<b>Present</b>	<b>Absent</b>	<b>Late</b>	<b>Arrived</b>
Mayor Ruth Haines Fields	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
David Schroder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Carl E. Swanson III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kevin Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Doss Youngblood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Joshua A. Collier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

#### II. INVOCATION

Council member Wilson gave the invocation.

#### III. PLEDGE OF ALLEGIANCE

Council member Swanson led the Pledge to the American flag.

#### IV. ACKNOWLEDGEMENT OF GUEST AND VISTORS/ PUBLIC COMMENT

Mayor Ruth Haines- Fields welcomed guest and visitors, opening the floor for public comment to those individuals wishing to address the Council, regarding non- agenda items.

Mr. Edward Kubiak 4016 Gram Lane addressed the council concerning beautifying Bellmead. He was upset about his neighborhood and the Bingo Hall which sits on Bellmead Dr. He stated in his neighborhood the roads are bad, there is trash everywhere and the pets are being left out. He asked the Council also to look at getting another Cable franchise for the Bellmead area. He complimented Council member Joshua Collier for the comment he made in looking out for the people in his precinct.

Mr. Eric Lindstrom place of business 706 Laclede spoke on behalf of business owner Doreen Plott. He spoke in regards to the controversy over the utility trailers parked at businesses along Bellmead Dr. He stated he was in favor of having the units removed, with a new city manager and council members, the city has an opportunity to change the face and image of the community.

The City Manager, Victor Pena addressed the council with a letter from Ms. Angela Carey 4019 Paradise Island. She stated she was in favor of seeing the utility trailers removed from Bellmead Drive. She stated she is aware the trailers are used for storage, and questioned why the businesses could not use other forms of storage. She was also upset about the plywood around the gas pumps at the Smoke Shop. She would like for city to have a better reputation and see Bellmead Dr. cleaned up.

Ms Jo Campbell 4514 Harrison addressed the council in regards to the sale of 12.44 acres of land donated by Sam Jack and Elizabeth McGlasson. She stated the land was donated to the city for a park, and felt that is what the land should be used for and nothing else. She stated to use the land for anything other than a park would be a dishonor to the McGlassons.

Julie Sykora 803 Laclede address the council in regards to the trailer ordinance. She stated she was in favor of the items B, C, and D as presented on the council agenda. She spoke in regards to the 12.44 acres of land and stressed she felt the city should honor the McGlasson's wish and make this land into a park. She stated she did not like the city donating money to the Mammoth

Mr. Jon Spelman 5604 Holsy Circle addressed the Council in regards to the 12.44 acres of land.

## **V. COUNCIL/ CITY MANAGER REPORTS**

Discussion regarding the following:

### **A. Employee Appreciation Certificates**

**Comments- Current meeting:**

Mr. Pena stated employees would be receiving gift cards this year instead of turkeys or hams.

### **B. Christmas Eve Time Off**

**Comments- Current meeting:**

Mr. Pena addressed the council in regards to staff working ½ on Christmas Eve.

### **C. Recognition of Court Clerk James Harless**

**Comments- Current meeting:**

Mr. Pena recognized Mr. James Harless for his certification as Court Clerk.

### **D. Possible procedural changes to dispatch cash drawer.**

**Comments- Current meeting:**

Mr. Pena address the council in regards to procedural changes being made in the Police Department, and asked for Council approval to make necessary changes.

### **E. Financial Statements**

**Comments- Current meeting:**

Mr. Pena address the council to let them know the financial statements were ready and in their boxes for review.

*Adjourned regular meeting at 7:13 PM to go into executive session.*

**VI. EXECUTIVE SESSION**

- A. Closed meeting will be held pursuant to §551.072 of the Texas Government Code to discuss the value and possible action on 12.44 acres of land out of the Thomas de La Vega Grant in McLennan County , Texas.

**OPEN SESSION**

*Returned to open session at*

**VII. CONSENT AGENDA**

**All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.**

**Motion was made to approve the Consent Agenda.**

**Discussion: None**

<b>MOTION:</b>	Kevin Wilson, Councilperson
<b>SECONDED:</b>	David Schroeder, Councilperson
<b>AYES:</b>	Swanson, Youngblood and Collier
<b>NAYES:</b>	

**A. Minutes Approval**

**1. Tuesday, November 10, 2009**

**VIII. REGULAR AGENDA**

- A. Discussion and or possible action authorizing City Manager to enter in to a contract with Hall Buick Pontiac GMC for the purchase of a Ferrera Fire Apparatus model RP 1001 Custom Pumper for \$339,539.

Mr. Pena address the Council in regards to the new Fire Truck. He stated the current Fire Truck is more than 25 years old and we no longer get credit for the pump test since it is so old. He gave a break down to the council how new truck will be financed. The 2010 budget in capital outlay there is \$75,000 budgeted, there is \$165,000 in a CD and the rest was to be financed by American Bank in a tax exempt note for \$100,000for one year. He was his recommendation to the Council to allow the City Manager to enter into a contract with Hall Buick Pontiac GMC for the purchase of a New Fire Truck.

Council man Swanson asked the Fire Chief James Karl to speak to the council in regards to the New Fire Truck.

Fire Chief James Karl concurred.

<b>MOTION:</b>	Carl E. Swanson, Councilperson
<b>SECONDED:</b>	David Schroeder, Councilperson
<b>AYES:</b>	Wilson, Youngblood, and Collier
<b>NAYES:</b>	

- B. Discussion and / or possible action regarding an ordinance amending Section 11-56 and 11-58 of the code of ordinance providing for definition and allowing delivery trailers and storage trailers for sale or rental to be kept on property zoned B1.

Council member Collier spoke to the council in regards to the trailer ordinance he stated the way the ordinance reads now creates a problem for current business and businesses that may want to come to Bellmead. He stated he feels the definition need to be clarified.

City Attorney Olson agreed and read a proposed ordinance to the City Council.

**AN ORDINANCE OF THE CITY OF BELLMEAD, TEXAS AMENDING CHAPTER 11, MISCELLANEOUS PROVISIONS AND OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF BELLMEAD TO ADD SUBSECTIONS 11-56 (F),(G), AND (H) AND AMEND SECTION 11-58; PROVIDING FOR DEFINITIONS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLMEAD, McLENNAN COUNTY, TEXAS AS FOLLOWS:**

**Section 1.** Chapter 11, Miscellaneous Provisions and Offenses, of the Code of Ordinances of the City of Bellmead is hereby amended to provide as set forth herein.

1.1 A Subsection (f) is added to Section 11-56, to provide as follows:

**(f)“Actively Used”** means used at least once every thirty (30) days for Business Deliveries.

1.2 A Subsection (g) is added to Section 11-56, to provide as follows:

**(g)“Business Deliveries”** means delivery of products, goods or merchandise from the property to an Off-Premise Site, or delivery of products or inventory from an Off-Premise Site to the property.

1.3 A Subsection (h) is added to Section 11-56, to provide as follows:

**(h)“Off-Premise Site”** means a site not located on the property or adjacent to the property.

1.4 Section 11-58 is amended to provide as follows:

**Section 11-58. Use of Trailers for Office Use Prohibited in Certain Zones.** No person shall maintain or place a Trailer for Office Use on property zoned B-1 within the City limits of the City of Bellmead, Texas. However, this section shall not apply to:

- a) trailers kept on property for the purpose of sale or rental of the trailers themselves as a part of business operations carried out on the property. [However, this exception is inapplicable unless the sale or rental of trailers is a regular and customary part of actual commercial operations on the property.];
- b) trailers Actively Used for Business Deliveries to or from an Off-Premise Site. [A non-operational trailer, or a trailer that may not lawfully be operated on the public streets or highways does not qualify for this exception.]

**Section 2.** This Ordinance shall become effective upon passage.

<b>MOTION:</b>	Joshua Collier, Councilperson
<b>SECONDED:</b>	David Schroeder, Councilperson
<b>AYES:</b>	Wilson, Swanson, and Youngblood
<b>NAYES:</b>	

**Discussion:** Council member Wilson had concerns about which part of the ordinance was being modified.

Council member Swanson asked Olson to explain in layman's terms the ordinance changes. Attorney Olson stated in regards to empty trailers or box trucks, they would be allowed to stay on the property, as long as they are being used actively and/ or were for sale. Council member Wilson asked for a friendly amendment to the ordinance. Council members Collier and Schroeder agreed

The motion carried.

Mr. Olson offered the second reading of the ordinance.

**AN ORDINANCE OF THE CITY OF BELLMEAD, TEXAS AMENDING CHAPTER 11, MISCELLANEOUS PROVISIONS AND OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF BELLMEAD TO ADD SUBSECTIONS 11-56 (F),(G), AND (H) AND AMEND SECTION 11-58; PROVIDING FOR DEFINITIONS.**

**Discussion:** None

Motion: Council members Collier, Wilson, Schroeder and Youngblood all agreed. Council member Swanson opposed.

Mr. Olson offered the third and final reading.

**AN ORDINANCE OF THE CITY OF BELLMEAD, TEXAS AMENDING CHAPTER 11, MISCELLANEOUS PROVISIONS AND OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF BELLMEAD TO ADD SUBSECTIONS 11-56 (F),(G), AND (H) AND AMEND SECTION 11-58; PROVIDING FOR DEFINITIONS.**

**Discussion:** None

Motion: Council members Collier, Wilson, Schroeder and Youngblood all agreed. Council member Swanson opposed.

- C. Discussion and/ or possible action regarding an ordinance amending section 11-60 of the code of ordinance changing the number of days that a trailer is allowed to be parked temporarily.

Council member Collier stated if the businesses were given more time in businesses days they could bring in smaller loads and sell it, and be in accordance to the ordinance.

Attorney Olson stated to the council the amendment to this ordinance would just change the number of days a trailer could be parked from 3 days to 7 days.

Attorney Olson read the following ordinance to the council:

**AN ORDINANCE OF THE CITY OF BELLMEAD, TEXAS AMENDING CHAPTER 11, MISCELLANEOUS PROVISIONS AND OFFENSES, OF THE CODE OF ORDINANCES OF THE CITY OF BELLMEAD TO AMEND SUBSECTIONS 11-60 (B),(C), AND (D)**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLMEAD, McLENNAN COUNTY, TEXAS AS FOLLOWS:**

**Section 1.** Chapter 11, Miscellaneous Provisions and Offenses, of the Code of Ordinances of the City of Bellmead is hereby amended to provide as set forth herein.

- 1.1 Subsection (b) of Section 11-60, is amended to provide as follows:

(b) A trailer parked for less than seven (7) Business Days on a paved parking lot of a business awaiting unloading into Primary Business Facilities that have loading/unloading bays or docks;

1.2 Subsection (c) of Section 11-60, is amended to provide as follows:

(c) A trailer parked for less than seven (7) Business Days on a paved parking lot of a business that has been loaded from Primary Business Facilities and is awaiting transport to another location;

1.3 Subsection (d) of Section 11-60, is amended to provide as follows:

(d) A trailer parked temporarily, not to exceed (7) seven Business Days, for the purpose of loading into Primary Business Facilities or unloading from Primary Business Facilities. This exception shall not apply to a Trailer that is moved from the premises of a business and returned to the premises of the business containing substantially the same cargo as contained in the Trailer when taken from the premises;

**Section 2.** This Ordinance shall become effective upon passage.

<p><b>MOTION:</b> Joshua Collier, Councilperson <b>SECONDED:</b> Doss Youngblood, Councilperson <b>AYES:</b> <b>NAYES:</b></p>
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**Discussion:** Council member Swanson wanted to know if the adjustment concerned items B, C, and D, and if so, how is this pertaining to the two businesses and is this allowing them to keep the trailers.

Council member Collier stated this would give the businesses 7 days instead of 3 to empty the trailers, which would help them to stay under the ordinance.

Council member Swanson stated he has conveyed this many times, and there are a lot of people in the city that are against the trailers being able to just sit on Bellmead Dr.

He stated many people drive up and down Bellmead Dr. and the trailers are just an eye sore. He strongly stated the council needed to stick together and clean up Bellmead Dr.

Council member Collier agreed with Council member Swanson on the clean up aspect, but not at the expense of others.

Council member Swanson stated this is not at the expense of others, its just to clean up Bellmead Dr.

Mayor Haines- Fields asked Council member Wilson to speak on behalf of the Economic Development aspect of the City.

Council member Wilson stated classes talk about the community and you have to have pride in the community and the heart of the community is the downtown area. And to be successful in the development of the city you have to work on the downtown. In closing he stated he would like to grandfather in the current businesses only, and give them 3 years to work with the council in cleaning up their property.

Council member Swanson stated that would be one more year, since that have already had two to clean up their property.

After much debate on this ordinance, Council member Collier withdrew this item and item D from the agenda for future discussion.

**Motion:** Item was withdrawn.

- D.** Discussion and/ or possible action regarding an ordinance amending section 11-60 of the code of ordinance providing an exemption for trailers enclosed by sufficient fencing under certain conditions.

**Motion:** Item was withdrawn.

- E. Discussion and possible sale of 12.44 acres of land out of the Tomas de la Vega Grant in McLennan County, Texas, being a portion of the Sam Jack McGlasson acre tract.

Mr. Pena recommended the council reject the bid from Bellmead McLennan NH, LTD for the amount of \$541,887.

<b>MOTION:</b>	Joshua Collier, Councilperson
<b>SECONDED:</b>	Kevin Wilson, Councilperson
<b>AYES:</b>	Schroeder, Swanson, and Youngblood
<b>NAYES:</b>	

**Discussion:** Council member Swanson asked the City Attorney to address the council in regards to the land.

City Attorney Olson stated there were two deeds given to the city for 72 acres of land which included a gravel pit for the purpose of a park. If the land was used for something else it would go back to the owners. A year later another deed was given to the city stating the McGlasson did not want the property back. A year later another deed was conveyed to the city concerning 12.44 acres of land and this property does not contain any reservations.

**Motion:** Carried

- F. Discussion and / or approval to donate money from the Hotel Motel Fund to the City of Waco for the Waco Mammoth Site.

Council member Wilson stated Hotel Occupancy Tax is revenue the City receives from Hotel rentals at 15% tax rate which is paid by individuals once the rooms are rented. He stated in meeting with the Hotel owners in Bellmead, they stress how they wanted to be a part of what happens with the Hotel/Motel funds. He stated they would like to see \$20,000 dollars go to the Mammoth Project, in order to bring tourism to Bellmead.

<b>MOTION:</b>	David Schroeder, Councilperson
<b>SECONDED:</b>	Joshua Collier, Councilperson
<b>AYES:</b>	Wilson, Swanson, and Collier
<b>NAYES:</b>	

**Discussion:** Collier asked about advertisement for the Mammoth Site.

Council member Wilson was not sure about the advertisement, but stated the Mammoth site is closer to the Bellmead Hotels than any other hotels in this area.

**Motion:** Carried

## IX. ADJOURNMENT

### A. **Motion To:** Adjourn

COMMENTS – Current Meeting:

There being no further business before the Council, the meeting was adjourned at 7:40 p.m.

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Ruth Haines-Fields, Mayor

ATTEST:

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Cynthia Ward, City Clerk