

MINUTES OF THE CROCKETT CITY COUNCIL MEETING HELD ON THE 24<sup>th</sup> DAY OF MARCH 2003 IN THE CITY HALL COUNCIL CHAMBERS, LOCATED AT 200 NORTH FIFTH IN THE CITY OF CROCKETT, HOUSTON COUNTY TEXAS AT 6:00 P.M.

THE COUNCIL MET IN SPECIAL SESSION WITH THE FOLLOWING MEMBERS PRESENT: WAYNE MASK, JACK SHIVELEY, DARIUS KITCHEN, NATHAN GARDNER, MARGARET BURNETT & CHUCK CUNNINGHAM. CITY OFFICIALS PRESENT: CITY ADMINISTRATOR BILLY HORN, CITY SECRETARY MITZI THOMPSON AND FIRE CHIEF DARRELL DECKARD.

1. OPEN MEETING WITH INVOCATION AND PLEDGE

Mayor Mask called the formal session open. Mayor Mask gave the invocation and all joined in the pledge.

2. RECOGNITION OF VISITORS

Mayor Mask recognized all visitors present.

3. APPROVAL OF MINUTES: MARCH 3<sup>rd</sup>, 2003 - REGULAR MEETING

Motion was made by Council member Burnett to approve the minutes of the March 3<sup>rd</sup>, 2003 Regular Meeting. Motion seconded by Council member Gardner. Motion passes 5-0.

4. REPORTS: MAYOR - none

CITY ADMINISTRATOR - none

5. PUBLIC HEARING ON REQUEST FROM BETHEL COMMUNITY ECONOMIC DEVELOPMENT CORPORATION FOR A ZONE CHANGE FROM MANUFACTURING TO R3 AT 913 W. GOLIAD, 5.120 ACRES OUT OF AND A PART OF THE FRANK JOHNSON SURVEY, A-46, CITY OF CROCKETT, HOUSTON COUNTY, TEXAS: CLOSE PUBLIC HEARING

Mayor Mask opened the public hearing. Mayor Mask informed council that Planning & Zoning approved this request. Mr. James McCullough spoke in favor of the request. Mr. Horn told council that if this project did not receive funding, the zone status would revert to manufacturing. No further comments. Mayor Mask closed the public hearing.

6. CONSIDER REQUEST FROM BETHEL COMMUNITY ECONOMIC DEVELOPMENT CORPORATION FOR A ZONE CHANGE FROM MANUFACTURING TO R3 AT 913 W. GOLIAD, 5.120 ACRES OUT OF AND A PART OF THE FRANK JOHNSON SURVEY, A-46, CITY OF CROCKETT, HOUSTON COUNTY, TEXAS

Motion was made by Council member Gardner to approve the request from Bethel Community Economic Development Corporation for a zone change from manufacturing to R3 with no contingency. Motion seconded by Council member Burnett. Motion fails 2-3. Council members Shiveley, Kitchen and Cunningham voted against the motion. Motion was made by Council member Cunningham to approve the request from Bethel Community Economic Development Corporation for a zone change from manufacturing to R3 at 913 W. Goliad contingent on funding of this project. Motion seconded by Council member Kitchen. Motion passes 5-0.

7. CONSIDER AND APPROVE A SURVEY PLAT OF 80.91 ACRES IN THE HENRY MASTERS SURVEY, A-53, HOUSTON COUNTY, TEXAS, LYING INSIDE THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CROCKETT, INTO (8) EIGHT TRACTS

Motion was made by Mayor Pro Tem Shiveley to approve the survey plat of 80.91 acres in the Henry Masters Survey, A-53, Houston County into (8) eight tracts. Motion seconded by Council member Cunningham. Motion passes 5-0.

8. CONSIDER ORDINANCE OF THE CITY OF CROCKETT, TEXAS, AMENDING ARTICLE IV OF CHAPTER 13 OF THE CROCKETT CODE (ORDINANCE NO. 0-010-02, DATED 01/22/02), TO PROVIDE FOR THE REGISTRATION OF RETAIL ELECTRIC PROVIDERS, REQUIRING LOCAL REGISTRATION OF RETAIL ELECTRIC PROVIDERS PURSUANT TO SECTION 39.358 OF THE TEXAS UTILITIES CODE; PROVIDING FOR A REGISTRATION FEE; PROVIDING FOR THE SUSPENSION OR REVOCATION OF REGISTRATION FOR SIGNIFICANT VIOLATIONS OF CHAPTER 39 OF THE TEXAS UTILITIES CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Mr. Horn explained that this amended ordinance lowers the registration fee of electrical providers from \$50 to \$25. The lowering of this fee was a statewide move to make fees standard in all cities. Motion was made by Council member Kitchen to approve the Ordinance of the City of Crockett, Texas, amending article IV of Chapter 13 of the Crockett Code (Ordinance No. 0-010-02, dated 01/22/02), to provide for the registration of retail electric providers, requiring local registration of retail electric providers pursuant to section 39.358 of the Texas utilities code; providing for a

registration fee; providing for the suspension or revocation of registration for significant violations of chapter 39 of the Texas utilities code; and providing for an effective date. Motion seconded by Mayor Pro Tem Shiveley. Motion passes 5-0.

9. CONSIDER A RESOLUTION OF SUPPORT OF THE CITY COUNCIL OF THE CITY OF CROCKETT, TEXAS, AUTHORIZING SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE PROGRAM

Mr. Horn explained that the submissions of these two applications are for grants of \$300,000 each, would provide homeowners who qualify, assistance with the rehabilitation of homes. Motion was made by Council member Cunningham to approve the Resolution of support of the city council of the City of Crockett, Texas, authorizing submission of an application to the Texas Department of Housing and Community Affairs for home investment partnerships program funds; and authorizing the Mayor to act as the city's chief executive officer and authorized representative in all matters pertaining to the City's participation in the program. Motion seconded by Council member Burnett. Motion passes 5-0.

10. CONSIDER A RESOLUTION OF SUPPORT OF THE CITY COUNCIL OF THE CITY OF CROCKETT, TEXAS, AUTHORIZING SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS (SPECIAL NEEDS); AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE PROGRAM

Motion was made by Council member Kitchen to approve the Resolution of support of the city council of the City of Crockett, Texas, authorizing submission of an application to the Texas Department of Housing and Community Affairs for home investment partnerships program funds (special needs); and authorizing the Mayor to act as the city's chief executive officer and authorized representative in all matters pertaining to the city's participation in the program. Motion seconded by Mayor Pro Tem Shiveley. Motion passes 5-0.

11. CONSIDER A RESOLUTION OF THE CITY OF CROCKETT TO SUPPORT THE MEMBERS OF OUR ARMED FORCES AND OUR GOVERNMENT DURING THESE UNCERTAIN TIMES

Motion was made by Mayor Pro Tem Shiveley to approve the Resolution of the City of Crockett to support the members of our Armed Forces. Motion seconded by Council member Burnett. Motion passes 5-0.

12. CONSIDER/ACTION ON REQUEST FROM MEMBERS OF THE CROCKETT VOLUNTEER FIRE DEPARTMENT THAT THE CITY COUNCIL CONDUCT AN INQUIRY, IN ACCORDANCE WITH ARTICLE III, SECTION 3.11 (r) OF THE HOME RULE CHARTER, INTO THE CONDUCT OF THE CROCKETT VOLUNTEER FIRE DEPARTMENT IN THEIR RESPONSE AND LATER FIREFIGHTING ACTIONS ON THE HOUSE FIRE WHICH TOOK PLACE AT 210 OAK STREET, ON APRIL 2, 2001, WHICH IS A SUBJECT OF A RECENT LAWSUIT FILED BY COUNCILPERSON MARGARET BURNETT

Fire Chief Deckard addressed council on the recent lawsuit brought before the Volunteer Fire Department. He asked council for assistance in settling a point of contention between the fire department and Council member Burnett. He stated that he and the fire department stand behind their actions and challenge the statements made by Ms. Burnett. He also requests a formal statement from council be read into the minutes, proclaiming its findings in this matter at the conclusion of the investigation. He then gave Mayor Mask copies of the department run sheets and reports relative to the call. Mayor Mask stated that he felt it was their responsibility to move forward on this and honor the request from the Fire Chief. Mayor Pro Tem Shiveley made a motion to grant a request for an inquiry into the matter as stated. Motion seconded by Council member Kitchen. Motion passes 3-0. Council members Burnett and Gardner abstained from the vote.

13. COMMENTS FROM AUDIENCE OR COUNCIL

Mr. Horn - March 29<sup>th</sup> is Clean Crockett at the park.  
Mr. James Hall – Lions Club Raffle.

14. ADJOURNMENT

With no more business to consider, meeting was adjourned at 6:30 pm.

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Wayne Mask, Mayor

