

State of Texas

County of Brazoria

City of Angleton

The City of Angleton, Texas City Council conducted its Regular Monthly Meeting at 6 p.m., Tuesday, May 27, 2008, with the following in attendance:

J. Patrick Henry	Mayor
Rudy R. Santos	Mayor Pro Tem
Gregg Dykes	Councilman
John Wright	Councilman
Jeremy Warren	Councilman
Bonnie Church	Councilwoman

OTHERS PRESENT:

Greg Smith	City Manager
Keith Vaughan	City Attorney
Amanda Davenport	City Secretary
	Staff - Dpt. Heads

And those listed on the guest registry.

1. CALL TO ORDER BY MAYOR HENRY. 6:00pm
2. Pledge of Allegiance.
3. Moment of Silent Reflection or prayer
4. Swearing in of Mr. Rudy Santos, Mr. Gregg Dykes and Mr. Jeremy Warren as Council Members by Judge Pat Sebesta.

Judge Pat Sebesta read the oath and Mr. Santos, Mr. Warren and Mr. Dykes recited the oath of office and were sworn in to the office of City of Angleton Council.

5. Recognition of former Councilman Roger Collins and Councilman Jason Perez.
Mayor Henry presented plaques to Roger Collins and Jason Perez in appreciation for their years of service.
Mr. Collins and Mr. Perez expressed their appreciation to the public and city staff for their time on council.
6. Discussion and possible action on appointment of a Mayor Pro Tem for the Angleton City Council.

Motion by Councilman John Wright to elect Rudy Santos as Mayor Pro Tem
Second by Councilman Warren

Motion passes with 6 for; 0 against; 0 absent

7. Ceremonial presentations-
 - A. Recognition of citizens by Assistant Chief Davis;
 - B. Keep Angleton Beautiful yard and business of the month presentations;
 - C. Employee of the Month Presentation by City Manager Greg Smith.

Assistant Chief Davis recognized Carol and Jerry Albright for their participation in apprehending a suspect in a tense situation in early May, without their minute by minute account of what and where the suspect was, apprehending the suspect would have been more difficult. Mr. Albright stated that they are very honored to be "honored", it was unexpected and thinks anyone who was in that situation would have done the same thing. Would like to see that it is extra special to receive this accommodation from Assistant Chief Davis, she is a shining example of what the police department has done for this City.

Mr. Greg Smith recognized Jason Crews and Sgt. David Steves as employees of the month.

Keep Angleton Beautiful Yard Business of the Month goes to Terry and Terry Law Firm; Yard of the Month goes to Mr. & Mrs. Berzenia on Iden Street.

8. Citizens Wishing to Address Council

Ms. Jan Clute from 1040 Grove Street wondered if the City has an ordinance regarding obstructing the live-ability of others. Specifically, a neighbor that is a danger to himself and others, trespasses, scares the kids, etc., this has been happening for about 2 years now. The police department in Angleton are not mental health deputies, this department does what they can, but he needs long term mental health care. The citizens of Grove Street can't enjoy our homes. The Council needs to help our street get this man some help and off the street.

Mr. Woodrow Shimek also from Grove Street, this man is very disruptive, he's totally destroyed the inside of his home, it smells bad, he builds fires and he harasses on purpose. Asking the Council for someone higher up to try to get this man off the street.

9. Requests to address Council other than citizenry.
No person spoke.

10. Consent items:
 - A. Minutes from Special Meeting on May 6, 2008, May 20, 2008 and Regular Meeting on April 22, 2008
 - B. Ratify accounts payables
 - C. Approve Investment Policy

Motion by: Councilwoman Church to approve consent items
Second by: Councilman Dykes

Motion passes with 6 for; 0 against; 0 absent

ACTION ITEMS:

11. **Open and Conduct a public hearing** on the propriety and reasonableness of the increase in rates and tariff changes proposed by CenterPoint Energy Resources Corporation, dba CenterPoint Energy Entex and CenterPoint Energy Texas Gas, Texas Coast Division.

Public Hearing opened and Mrs. Yoes stated nobody wants it.

Public Hearing closed.

12. Discussion and possible action on adopting ordinance No. 2008-O-5A Denying CenterPoint Energy's Rate Increase.

Mr. Smith stated that this is the final step in denying the rate increase. CenterPoint Energy came to council 90 days ago and we tabled it, there has been zero conversation between the City and CenterPoint Energy and I've recommended that we join the coalition to fight this rate increase.

Councilman Jeremy Warren asked if we had to pay a retainer to this law firm, answer was "no". Warren asked what we are looking for in a settlement. Answer: we are trying to limit their base rate increase.

Motion by Councilman Wright to adopt the ordinance
Second by Mayor Pro Tem Santos

Motion passes with 6 for; 0 against; 0 absent

13. Discussion and possible action regarding awarding bids on the "quiet zone" project.

Greg Smith presented this saying you have the one bid in front of you, there have been some changes. We have some flexibility with this project, we put in some signals and markers to add to the project, these can be taken out for budget restrictions if necessary. Staff is recommending the approval of this bid but trying to keep it within the \$80K budget.

Herb Smith told Council that we can get to the "quiet zone" without all of these signals and markers, but that is a lot of liability and one day someone is going to try to get around it. Anderson Street and Orange are not even in the calculation. I recommend that we do it all, however, I know there are budget constraints.

Mayor Pro Tem Santos wants a quick rundown of what a quiet zone requires to enact. The City will have to maintain. We are looking at all the crossings in town.

Mayor Henry would like to find a way to cover the entire cost of this project instead of leaving some of the intersections out.

Councilman Wright wants to know how long the one in Houston has been operating.

Gregg Dykes would like to see a consistent mechanism at every crossing so the citizens are used to it.

Jeremy Warren wants to get a better visual of what the intersection would look like.

Erecting three foot break-away barriers between the arms is supposed to deter people from weaving around the arms.

Councilman Wright wants to know the estimated time table to get this finished. Herb--he'll be through in 30 days after we

engineer the driveway that is being taken away. Long term probably 90 days.

Mayor Pro Tem Santos wants to know if being the sole bidder is he qualified. Herb says yes, he is also the supplier.

Motion by Councilwoman Church to go forward with the quiet zone

Second by Councilman Wright

Motion passes with 6 for; 0 against; 0 absent

Mayor Henry stated that without Mr. and Mrs. Cates this would never have come to fruition, we thank you Mr. Cates for all your research and legwork.

14. Discussion and possible action on the Preliminary Plat dedicating the right of way for Stadium and Campus Drives to the City of Angleton.

Greg Smith presented this item dedicating the right of way, TXDOT has forced the school district to move the intersection further south of FM523 which has forced the City to get more right of way from the school.

Staff is recommending approval.

Motion by Councilman Dykes to approve the plat

Second by Councilman Wright

Motion passes with 5 for; 0 against; 0 absent

Mayor Pro Tem Santos abstained due to conflict of interest

15. Discussion and possible action on the Preliminary Plat for Comfort Suites hotel.

The entrance to Chili's will be widened and this hotel will be built behind Chili's. There will be a Memorandum of Understanding required regarding retention/detention before it comes back for final. Right of Way will be connecting to Karankawa.

Motion by Mayor ProTem Santos to approve the preliminary plat

Second by Councilwoman Church

Motion passes with 6 for; 0 against; 0 absent

16. Discussion and possible action on the Preliminary Plat for Master Lee/Tae Kwan Do on Henderson Road.

Greg Smith stated that you have seen this before, this is the second preliminary plat for this project. The retention/detention will be behind his property and it will be large enough for that entire strip, there will be a Memorandum of Understanding executed regarding this and a property owner's association. Mayor Pro Tem Santos asks if the developer has already been contacted, answered - the developer is fully aware.

Motion by Mayor Pro Tem Santos to approve the preliminary

plat
Second by Councilman Warren

Motion passes with 6 for; 0 against; 0 absent

17. Discussion and possible action on the Preliminary Plat for Technical Innovations.

Greg Smith presented this item stating that it is located off Galaznik Rd., three lots into one. This developer comes from the Brazoria/West Columbia area and has everything in order. He is anxious to get started and may start moving dirt before the plats are finalized. He has been informed that this would be at his own risk.

Motion by Mayor Pro Tem Santos to approve the preliminary plat for Technical Innovations
Second by Councilman Warren

Mayor Pro Tem Santos asks if they are coming in with any caveats, etc.

Patti Worfe says they've asked for applications for tax abatement however we haven't heard anything since that time.

Motion passes with 6 for; 0 against; 0 absent.

18. Discussion and possible action on the attendance portion of the Keep Angleton Beautiful ordinance.

Jamae Bowman presented this item. We've been having a quorum problem and this must be addressed. The current attendance ordinance is not working, the Board would like to change the ordinance to read that missing 4 meetings or 3 in a row would meet the requirements for dismissal.

Motion by Councilwoman Church to approve this ordinance change
Second by Councilman Warren

Motion passes with 6 for; 0 against; 0 absent.

19. Discussion and possible action regarding a sign variance request.

Greg Smith presented this item stating that there is no one in attendance to defend this request. We only have their letter to represent them.

No action was taken on this item.

20. Discussion and possible action requesting a variance of the peddler ordinance for the "Fill The Boot" campaign for the Angleton Volunteer Fire Department.

Fire Chief Eric Smith presented this item stating that we are requesting this for June the 14th. MDA Fill The Boot.

Motion by Councilman Wright to move that we grant the

variance
Second by Mayor Pro Tem Santos

Motion passes with 6 for; 0 against; 0 absent

21. Discussion and possible action on closing the Downing Road And Isabella Blvd And Downing Road And Henderson Road intersections for the period 31 May 2008 – 17 August 2008.

Greg Smith presented this item stating that this is to expedite this project. All parties involved like this idea since school is out and there are other entrances into Rancho Isabella Subdivision. We've told the contractor that the pavement must be done by the first day of school in 2008 Fall. We'll be notifying people on the water bills.

Motion by Councilwoman Church to approve closing these roads
Second by Councilman Dykes

Motion passes with 6 for; 0 against; 0 absent

22. **Reports of boards & commissions:**

ABLC - did not meet

Parks - Going out for Freedom Park bids

Engineer - Had to move the bid for the WWTP2 to next week, the bidders were complaining, I need Council to consider a quorum to show up before July 1 to award a bid.

KAB - nothing, Mayor Henry states that the planting looks good and I notice we are working on an HGAC recycling grant.

23. **Staff Reports:**

City Manager – Recreation Center, next week in Houston Family Fitness has recognized as one of the top 50 in the area to workout at.

Economic Development- Wright - Wendy's anytime soon? Councilman Warren wants to know who is dealing with the Intermedics building. Mrs. Worfe says she can't reveal that, but it is under contract.

Public Works – Gave you a handout regarding the ditch maintenance, I will be updating that monthly. You may have seen the ditch between the chinese buffet and the Hotel has been cleaned and behind the recreation center and brushy bayou ditch.

Building Department -

Finance – We're doing good with the sales tax still at 8.5%.

Police Dept. – Our Junior Citizens Police Academy will start June 9. Two second place and a third place at the Explorer Trials in LJ.

Municipal Court –

Attorney - Tay-Wal Loop we have secured all the needed signatures and it is ready to go to Herb. If necessary we'll have prices to you by the June council meeting.

24. **Council Reports –**

Mayor Henry - may be out of town and he'd like the Mayor Pro Tem to do the flag day and Juneteenth celebration on the 14th.

Mayor Pro Tem Santos – nothing

Councilman Dykes - I'm happy to be here and be associated with the City.

Councilwoman Church - nothing

Councilman Wright - congratulations to the state softball team won 2nd place in LJ; Mr. Heinemeyer does the city maintain the ditch on Western avenue? - that is the mowing crew. Paving of Henderson Road will that be done while school is out? Yes.

Councilman Warren - nothing.

Adjourned to executive session at 7:50

25. **Action coming out of Executive Session:**

No action out of executive session.

Adjourned. 8:04 p.m.

J. Patrick Henry, Mayor

Amanda Davenport, City Secretary