

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, November 10, 2009, with the following in attendance:

J. Patrick Henry	Mayor
Rudy Santos	Mayor Pro Tem
Jason Perez	Councilman
Gregg Dykes	Councilman
John Wright	Councilman
Randy Rhyne	Councilman

OTHERS PRESENT:

Paul Feazelle	Interim City Manager
Mary Kay Fischer	City Attorney
Shelly Deisher	City Secretary
Herb Smith	City Engineer
Susie Hernandez	Financial Director
David Ashburn	Chief of Police
Chris Saddler	Parks & Recreation Director
Patti Worfe	Economic Development Director
Robert Heinemeyer	Public Works Director
Kacey Hamlet	Utilities Director
Robert Owens	Fire Marshall/Code Enforcement Director

And those listed on the guest registry.

1. CALL TO ORDER BY MAYOR HENRY at 6:00 p.m. Declare a quorum.
2. Pledge of Allegiance.
3. Moment of Silent Reflection/Prayer.
4. **Ceremonial presentations**-Angleton Adoption Center fair parade trophy
5. **Citizens wishing to address council:** Melanie Oldham –

started attending BWA meetings. It caught my attention about some issues they were having with sludge, which is my area of public health and environmental reg and had a couple of conversations with Landon Roberts. Mr. Shaefer has been asked some hard (inaudible) questions. Mr. Shaefer and I are from two different political parties and we don't particularly agree on everything, but we do agree on transparency. I think BWA has a better need of transparency and I think this has been brought to their attention. A lot of us are really paying attention now. I asked for public records of BWA...not all of them, part of them, first of all they did not have the last five months of minutes posted on web, so I had to request it and wait a few days to get copies of the minutes. Second of all, I went and had a conversation with Landon Roberts about sludge issue. The fact was, they had forms but not the correct forms...the manifest forms...none of them were signed. They have corrected that now. Basically, every day they have truckers take their sludge away and have to sign unless they dump it on a TCEQ approved site. Unfortunately, they were not returning those forms to BWA so they had no record that they were being deposited legally. Thanks to Mr. Shaefer, they have corrected that. They do have them signed all by the same trucker, but they are all signed and in the BWA office. Second issue is about finances and I did checking. Been an issue with cash flow. One issue is that their investment policy states that they will not invest in bonds that are not federally backed, low risk bonds. Unfortunately, somebody messed up or they didn't understand and they invested in Lehman Brothers recently and Lehman Brothers went bankrupt and they lost \$280,000, I think. There are management issues...not just little mistakes. I want to thank Larry Shaefer for representing the City of Angleton and I do appreciate it.

Duke Brudner – I help coach Angleton Little League select baseball team. With daylight savings time, we currently have no option to practice at night time, although the City provides facilities for girls at Bates. We are asking for the opportunity to practice at Welch or Freedom Park where we can use the lights. We are more than willing to pay for our share of electricity just as they ask at the softball fields. If we cannot use Welch Park or Freedom Park, we ask for the opportunity to practice at Bates if they have openings. When you drive by, there are generally 1-2 teams practicing at night. I have asked Buck Henson who runs the softball association if we could be

considered for one of the fields if no one is using it. He said they would talk about it at their meeting, and at their meeting they agreed to basically blackball us from using their facility because they say their nights are all filled and all the slots are filled. So either we would like the City to help us to practice at Bates or we would really like to practice at Welch or Freedom Park or possibly Edwards. It is my understanding that Edwards is owned by the school district. No problem paying for electricity at any of those three. We have our own financing. We do fundraisers. We worked a booth at the fair to come up with cash. We have no problem paying for the electricity, we simply ask that the boys have the opportunity to practice somewhere in town since the girls are provided the same accommodations.

Mayor: Thank you. We can't discuss what is not on the agenda, but I know that you are working with the Parks Board and hopefully can come up with an agreement. Good luck.

Brudner: Can I speak? I have left messages with Chris Saddler who is supposed to be in charge of this sort of thing and I haven't received any responses. Initially, Buck Henson, the head of softball, said that it would be okay if Chris Saddler said that it was something we could do, but we have been stonewalled on that...could someone help me?

Mayor: Again, hopefully working through the Parks Board...that is generally where we refer these things to.

Brudner: So no help coming from this?

Mayor: No, not tonight. It's not on the agenda.

Brudner: How do you get on the agenda?

Mayor: You would have to request to be put on the agenda and a councilmember or two would have to approve it. Send us a letter to the City Secretary.

6. **Requests to address Council other than citizenry.** None.
7. Consent items:
 - A) Minutes from October 27 Regular meeting and November 3 Special meeting

B) Ratify Accounts Payable

Motion by Councilman Wright to approve consent items,
Second by Councilman Perez.

Motion passes with 6 for; 0 against.

PUBLIC HEARING

8. Mayor Henry: Let the record reflect that the City of Angleton has complied with all notice requirements as established by state law and local guidelines relating to the following two public hearings on Reinvestment Zone No. 6 and a Tax Abatement Agreement with 3M Company.

At least seven days before these hearings, written notice of both hearings was given to all presiding officers of each of the other taxing entities that has taxing jurisdiction over real property within the zone and each presiding officer was provided a copy of the proposed tax abatement agreement.

Furthermore, notice of the hearing for creation of the reinvestment zone was also published in the newspaper at least seven days before this hearing date and notice of the public hearing on the tax abatement agreement was properly posted on an agenda at least 7 days before the date of the hearing, as required by our local guidelines for granting tax abatements.

Do I have a motion to open the public hearing on the creation on Reinvestment Zone No. 6 whose boundaries shall be Kiber Street on the south, Buchta Road on the east, Downing Road on the west and from the intersection of State Highway 35 and Downing Road north to a line perpendicular to San Felipe Street to Buchta Road?

Motion by Councilman Perez to open the public hearing on the creation on Reinvestment Zone No. 6;
Second by Councilman Wright.

Motion passes with 6 for; 0 against.

OPEN PUBLIC HEARING:

8. Mayor Henry: Does anyone wish to speak for or against the designation and creation of Reinvestment Zone No. 6? At this time, come to the podium.

No one wished to speak.

Motion by Councilman Rhyne to close the public hearing;
Second by Councilman Dykes.

Motion passes with 6 for; 0 against.

PUBLIC HEARING CLOSED.

ACTION ITEMS:

9. Discussion and possible action on ORDINANCE NO. 2009-O-11A; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, CREATING REINVESTMENT ZONE NO. 6; DESCRIBING THE BOUNDARIES OF SAID REINVESTMENT ZONE AS KIBER STREET ON THE SOUTH, BUCHTA ROAD ON THE EAST, DOWNING ROAD ON THE WEST AND FROM THE INTERSECTION OF STATE HIGHWAY 35 AND DOWNING ROAD NORTH TO A LINE PERPENDICULAR TO SAN FELIPE STREET TO BUCHTA ROAD, LOCATED IN THE CITY OF ANGLETON, TEXAS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Motion by Mayor Pro Tem Santo stating:

"I make a motion that the improvements sought are feasible and practical and would be a benefit to the zone after the expiration of the tax abatement agreement and the designation of the zone is reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment to the zone";

Motion seconded by Councilman Dykes.

Motion passes with 6 for; 0 against.

Motion by Councilman Rhyne to adopt Ordinance No. 2009-O-11A creating Reinvestment Zone No. 6;
Second by Councilman Perez.

Motion passes with 6 for; 0 against.

Mayor Henry: We are opening another public hearing on the agreement. If you don't know where this is, it is the old Grief Brothers Building and land adjacent to it, on the other side of the railroad tracks, across from the Coca Cola plant. That is the easier way to explain it rather than the metes and bounds.

PUBLIC HEARING

10. Mayor Henry: Do I have a motion to open the public hearing to consider approval of a Tax Abatement Agreement with 3M?

Motion by Councilman Perez to open the public hearing to consider approval of a Tax Abatement Agreement with 3M;
Second by Councilman Wright.

OPEN PUBLIC HEARING:

Does anyone want to speak for or against the approval of a tax abatement agreement with 3M Company?

Motion by Councilman Wright to close the public hearing;
Second by Councilman Perez.

Motion passes with 6 for; 0 against.

PUBLIC HEARING CLOSED.

11. Discussion and possible action on approval of RESOLUTION NO. 2009-R-11B; A RESOLUTION OF THE CITY OF ANGLETON, TEXAS, APPROVING A TAX ABATEMENT AGREEMENT WITH 3M COMPANY; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE SAID AGREEMENT; FINDING THAT THIS AGREEMENT WAS APPROVED BY A MAJORITY VOTE OF THE CITY COUNCIL AT A REGULARLY SCHEDULED MEETING CONDUCTED IN COMPLIANCE WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE.

Motion by Councilman Perez stating:

"I make a motion that this agreement was considered in a regularly scheduled meeting of the City Council and the terms of the agreement and the property subject to the agreement meet the applicable guidelines and criteria."

Second by Mayor Pro Tem Santos.

Motion passes with 6 for; 0 against.

Motion by Councilman Wright to approve Resolution No. 2009-R-11B;

Second by Councilman Perez.

Motion passes with 6 for; 0 against.

12. Discussion and possible action on approval of RESOLUTION NO. 2009-R-11A; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANGLETON CASTING VOTES FOR A POSITION ON THE BOARD OF DIRECTORS OF THE BRAZORIA COUNTY APPRAISAL DISTRICT.

Mayor Henry: Henry Munson is who we nominated. You do not have to cast all of your votes for Henry Munson, but I would suggest that since that is how you do not water down your vote.

Motion by Mayor Pro Tem Santos to approve Resolution No. 2009-R-11A;

Second by Councilman Wright.

Motion passes with 6 for; 0 against.

13. Discussion and possible action on approval of variance to the Peddler's Ordinance No. 2009-O-6E, giving Laurie Smout, doing business as "Snow Queen", a yearly license to operate her business of ice cream delivery.

Mayor Henry: I thought that when we discussed this before, we gave the City Manager authority, but apparently that did not get written into the Ordinance. We discussed in particular making sure that he was able to do it.

Mary Kay Fischer: Mayor, I printed the minutes from that meeting and councilman Perez asked the question specifically about the ice cream lady and just questioning whether she had to pay \$100 every 21 days and that would be quite a bit out of pocket. Mr. Smith said we can have her come and request a waiver on a particular permit fee....maybe charge her \$250.00 per year for a one year permit and let it come to council as a

variance to this ordinance.

Mayor: We did talk about it, but we didn't write anything in.

Councilman Perez: Do we need to make a motion before we discuss it?

Mary Kay Fischer: You can discuss it and when you decide what you want to do, then make a motion.

Councilman Perez: Laurie, have you come and asked for a variance or a range?

Laurie: Not yet.

Councilman Perez: This is the first. We have not discussed any particular with her just yet.

Mayor: No. I would want to give her a variance, it is just figuring out how to do it and how much.

Councilman Perez: For the year, verses coming back every 21 days and \$100 every 21 days. We need to start with a dollar amount.

Motion by Councilman Perez to grant a variance to operate her business for a license fee in the amount of \$250.00;
Second by Mayor Pro Tem Santos.

Councilman Rhyne: Is that a fair price? I was thinking more in the lines of \$100.00 at the most or waive it. I would just as soon have it waived, myself.

Councilman Wright: Can we give the interim city manager the ability to negotiate the price?

Mary Kay Fischer: You could, but the key is when you give people variances, you must be consistent. Whatever you allow you must be consistent and whatever you charge you must be consistent. If you give him the authority to negotiate it, it must always be consistent.

Mayor: That sounds good. We give it to him and he is the interim, so people will be mad at him.

Councilman Wright: It would make sense to give the interim power because they can keep track of what variances have been given, rather than us giving out numbers.

Mayor: We are not sure tonight whether \$250.00 is good, bad or indifferent.

Ms. Smout: Really, if I don't have to pay \$100 every 21 days, \$250.00 is a fair amount for a year.

Mayor: Do you know anything about other peddlers in other places or the kind of things they charge taco trucks?

Ms. Smout: No, I don't.

Mayor Pro Tem Santos: Competitors in Angleton...do you have any other kinds of competitors?

Ms. Smout: There is only one other ice cream truck that comes to Angleton and she is here to find out exactly the same thing. I know they require a permit in Lake Jackson and they run about \$100-\$150.00 per year. I am not certain because I have never been over there.

Mayor: Jason, do you want to amend your motion to give Paul the authority to negotiate it?

Councilman Perez: I amend my motion to allow the interim City Manager to negotiate a fair and equitable price;
Mayor Pro Tem Santos; amend second motion.

Mayor Pro Tem Santos: You are year round, correct?

Ms. Smout: Yes, sir.

Mayor Pro Tem Santos: The other lady....are you year round?

Lady in audience: I am with Mr. Freeze. Have wholesale in Angleton and we have been all through the county. The average price per permit is \$100.00. The City of Clute charges \$75.00. The City of Freeport, I believe, is \$100.00, plus we have to pay for our background check. Every city is a little bit different. They are all around \$100.00. They normally are yearly and we just go to a permit office and apply for that, and

whatever they require, inspect the truck, make sure that we have flashing lights. Been in business over 20 years in the area. I understand you are trying to deal with fly-by-night companies.

Mayor: We haven't had an ordinance.

Councilman Rhyne: This is a business, it just happens to be on wheels. Do we charge other businesses in town a permit fee?

Mayor: I think part of that too is that there is a question of sales tax.

Lady in audience: We already have a health permit.

Mayor: Our concern has not been so much as a health issue, but who is driving around and going door-to-door in town.

Lady in audience: Actually, we aren't even solicitors. We are peddlers. I know that is very technical, but we don't knock on people's doors.

Mayor: We intended it to be mobile too because it's a scary world.

Motion passes with 6 for; 0 against.

14. Discussion and possible action on approval of schedule to construct additional water supply well(s) to meet the requirements of TCEQ as described in the Notice of Violation dated May 14, 2009.

Herb Smith: Been asked by Robert to prepare this letter and must be postmarked by Friday 13th. Last inspection was a difficult inspection. Long list of things they found, which Robert, David and I have prepared answers to. This particular issue stems from (inaudible). It was always the number of service units, which in an apartment complex unit, you would have however many units there are, but never was it enforced. You got caught in where you thought you had 6200/6400 which is exactly (inaudible) that you have but you have much more by definition and you are in violation of supply. Went through 100 year drought and it looks like to me everything worked just fine. You are allowed to challenge this. The very

best you can do with the alternative capacity analysis is reduce requirement by 25%. You are 37% below the rule. Unless they waive the rule all together, must have one well, maybe two. Have so much storage that you don't need wells. You invest in storage instead of wells. Still have to have at least one. We have to respond. We have to tell them something. We are challenging whole thing. We just went through a drought and we don't think we need one. We could write the letter with legitimate response. I personally believe they will write you back and tell you no, you have to do this. Or you can tell us that you want to do the well and postpone it until you have the money. Or, you are prepared to do it next month. We just need some guidance.

Mayor Henry: We want to postpone it until we find the money trail.

Councilman Rhyne: Is this a situation we have run into before? Is this common where they change the rules midstream?

Herb: You have to be very careful here. The rule always was...it the way it is being applied now. For whatever reason, if I was uncharitable, I would say this is the way for them to make money by finding this sort of thing, but I would never say that on record.

Mayor: Maybe I shouldn't ask the question. There are technical issues with this that...what does it matter how many wells?

Herb: The rule is .6 gpm per connection. I came up with the number of two, it was about the best we could do with a reasonably priced well. Groundwater would recharge and we could make bigger wells for less money, but we don't know that. I can't tell you that will happen. I have a client that is in violation for storage (inaudible). In your case, since you went through the drought...they are very rule driven at TCEQ. The rule is .6 gallons per minute supply per connection. Alternative capacity analysis can reduce that by 25%. That's the rule and I don't believe you are going to get out of it.

Mayor: We can ask you to put in the letter that we would like to wait until we have money?

Herb: Sure, but you are going to have to tell me when that is.

Mayor Henry: It will be May 30 of 2011.

Mayor Pro Tem Santos: Your response to this letter...is there a mandate that you have to drill a well by....

Herb Smith: I don't think they can send you to water prison or anything. What they will do is forbid you from issuing a building permit. You just passed a whole incentive. Try to bring someone here to presumable build and they can play hardball.

Councilman Wright: Can they fine us?

Herb Smith: Yes, pretty severely. I can come in with a budget for the next council meeting. You can't say less than what the rule says without doing an alternative capacity analysis ...which I think postpones this discussion for 6 weeks.

Paul Feazelle: Are wells eligible for Texas Water Development Board funding?

Herb: Yes, they are. They have already had to call for this year, but the process goes slow. Water services is a good thing to do. Environmental restrictions on public drinking water and SER are so difficult that I don't encourage it, but well might be worth it because it is a small footprint. It won't create a lot of environmental impact.

Mayor Pro Tem Santos: In generality, how many other cities were using or stretching the definitions in units?

Herb: Somebody somewhere at any City Hall knows how many apartments there are. Many utility directors will do what they think is in the best interest of the city and try to prevent unnecessary construction. Not always serving best results.

Councilman Dykes: We need to decide whether we want one or two wells and the approximate time we are going to do it?

Herb: That's right.

Paul Feazelle: Hard to challenge.

Herb Smith: Let's say you are going to do it and go with that.

Mayor: That way it can buy time.

Herb: You can't say you need time because we have had this letter since May 14.

Mayor: Check with the water board. We are probably going to be doing it one way or the other. Was the approximate cost a half a million?

Herb Smith: We want to do 800 gallons so that would be \$800,00 for the well. David King is concerned about the capacity of the water plant on the north side.

Mayor: For water we probably don't need.

Herb Smith: I think the best you can do is drive it from 2 to 1. I don't think they will buy breaking the rule for you. BWA has no more capacity. They want firm, absolutely...this water will be available.

Councilman Wright: If we say we want one well right now, we are on the clock?

Herb Smith: When is the drop dead date? You are trying to argue one instead of two, later rather than sooner. Their opening gun is two, not one tomorrow. Somewhere in there we are going to find a place where everyone can live with. We have to get easements and get a plant that the plant can take it.

Councilman Wright: Does it have an effective date that it has to be in service by?

Herb Smith: You are already in violation.

Councilman Wright: We are already subject to a fine?

Herb Smith: Yes. You may get fined.

Councilman Wright: Even if we say we are going to build one and we don't get it done for a year, we can still be fined?

Herb Smith: That is right.

Mayor: Sometimes you can abate some of the fine money into your project.

Herb Smith: We have gone to the (inaudible) meeting in Austin, but you don't want to push them that far. You are going to lose.

Councilman Dykes: So we can say one and you can do some kind of analysis?

Herb Smith: Alternative capacity analysis, which would say you only need one.

Councilman Dykes: And we can use that in our argument back to them.

Herb: The letter should say, in my judgment, that we will agree to do one well...we are going to prepare an alternative capacity analysis and we believe we don't need this much water and that one well will be delivered for review because they control the review period. If they know what the review period is, they will give you permission to construct so if it takes me 6 months to design it and you get it delivered to them, you have 13-14 months from now.

Councilman Wright: Did TCEQ take into consideration the water we receive from BWA?

Herb: Yes. In my analysis, I can go through the numbers with you if you like. You have 8200 connections. You have each apartment's connection. You are required to have 4,920 gallons per minute. You purchase 1,250 (inaudible) from BWA. If three wells each have 800 that is 2400. You add them up, you are 1,270 short. Two wells is 1600. Using the rules literally, you are still in violation with two wells. You are supposed to be planning the third well long before before you need 1600 gallons a minute.

Mayor: If you do the analysis and we go to that step, we still haven't designed a plan or figured out what we are doing. I don't want to go any further than we have to, but it doesn't

seem prudent to making plans and drawing anything we don't....

Herb: The best thing to do...let's say an alternative capacity analysis and argue this could be postponed and we won't tell them how long. We don't know. We are going to do the analysis. I believe they are going to come back and tell you no, you have to do one well, but let's let them tell you that. When you are having to postpone somebody's park or something to do the well, you will have some state agency requiring you to do it.

Mayor: Hopefully the 3M thing works out and that alters where you want to put your well and the loops you are going to make. Or if something else comes in between now and then, then we can figure out what we are going to do with the water once it is out of the ground.

Herb Smith: We can structure a letter that sets the alternate capacity analysis and we can get you a proposal with the letter and say in the letter because of the experience with the drought of 2009 we believe we are satisfactorily supplying and we'll do the alternative capacity analysis and they will reject it and then we'll have this conversation and maybe we will have some time to think about money and location.

Mayor: Money and location and treatment once it is out of the ground and storing it. We haven't been limited by amount of water we have...how much water we can push.

Councilman Wright: I say we do an impact analysis.

Mayor: So you are making a motion we do what Herb suggested?

Motion by Councilman Wright to do an alternative capacity analysis to see what we have to do because I think there are too many variables at play right now with location and what we are going to see in the future and I don't think we can afford to built it right now anyway;
Second by Councilman Dykes.

Councilman Rhyne: Herb, didn't you say we had to give them other than just asking for the analysis that we have to give

them a date when we plan on doing something?

Mayor: Wait a minute. I have a motion from Councilman Wright and a second on Councilman Dykes to have Herb do the impact analysis for TCEQ and to send a letter.

Herb Smith: If council is not of one mind when that day is, then it is better not to give them one than give them one.

Councilman Rhyne: I agree, but by doing this, aren't we basically doing what you said would not be the best thing to do...tell them we are going to do our own study and we don't think we need this?

Herb Smith: You are allowed to do it.

Councilman Wright: We are still subject to a fine as it is now.

Interim City Manager: I think what he was saying would not be recommended would be just to tell them...no, we don't think it is needed at all. This would be saying we are going to do an analysis and see what is needed and see when it is needed.

Herb Smith: You don't want to say we don't need this.

Councilman Wright: Do you have to give them a date when that will be completed by?

Herb Smith: Yes. I will tell them as soon as possible. David and Robert have already started gathering information for me.

Motion passes with 6 for; 0 against.

15. Discussion and possible action on approval of June, 2009 Quarterly Investment Report.

Interim City Manager: I believe that is a typo. I believe it should be the quarter of September, 2009 quarterly investment report.

Motion by Councilman Wright to approval Quarterly Investment Report for September, 2009.
Second by Councilman Perez.

Motion passes with 6 for; 0 against.

16. Discussion and possible action on approval of United Healthcare as health insurance provider for the City of Angleton.

Patti Worfe: About 10% increase in budget and 5% increase for United Healthcare. BCBS came in about 30% increase. Greg had them go back and look at alternative plans. They weren't willing to renegotiate. United Healthcare is the provider we had before BCBS. Most people's co-pay on their drugs is going up. Almost all local doctors are in United Healthcare network. In general, I think people were happy with United Healthcare. The only complaint was the formulary. I know we budgeted a 5% increase at that level...it is about a 10% increase.

Mayor: Do we have any idea what dollar amount that is?

Paul Feazelle: \$30,000 increase for the year.

Patti Worfe: One of the things Paul and I discussed today, is by not having a City Manager the costs will be a little less, but we will still be out of budget.

Councilman Perez: By looking at the spreadsheet with comparison, I see where the current rates are off to the far right, which United Healthcare plan...so I can compare.

Patti Worfe: It is actually the very first one...

Councilman Perez: So the one that is for employee only is the \$546.38?

Patti Worfe: Yes, sir. The BCBS...that was actually their renewal. This is several different United Healthcare Plans. The first is the closest to what we have now. Co-pays are higher.

Councilman Perez: You polled the employees and said if we went to this, it is not going to be a huge detriment?

Patti Worfe: Did not poll any employees. If you went to the next plan, your deductible would go from \$500 to \$1,000. We felt like a \$20-\$30 co-pay would be an easier cross to bear rather than a \$500 to \$1,000 deductible. Brandei, I don't know

how many came back. This plan as the closest to what we currently have.

Councilman Wright: Brandei, do you have anything you would like to add?

Brandei (Burrige Insurance Co): With the original submission, there were three carriers that submitted proposals when we had the bid openings. United Health was in front, and TML, Entrust and United Healthcare were similar on employee only premiums, but benefits did not match up apples to apples. Greg felt like that United Healthcare plan best matched apples to apples with the current plan. The premium was within a couple of dollars of Entrust premium. It was real close dollar wise.

Patti Worfe: Because we have had United Healthcare before and it was a good plan for us, I think everybody understands how healthcare is nationally. Jason, we got this call in the middle of last week. I kinda walked around and said did you have luck with United Healthcare and most people said yes they did. I remembered before that the formulary was not very strong.

Councilman Perez: So in the interest of the employee, if it is just the employee only, they are not going to see anything, those that insure their spouses and children, how many people is that going to impact?

Patti: There is one employee that covers their spouse, 25 that cover their children, and five that cover their families. Did they see Greg's recommendation on the subsidy?

Paul Feazelle: It was a memo.

Councilman Wright: The extra funding is not worth the subsidy to be removed.

Patti Worfe: It does help the employees. I was thinking it was about \$40 per pay period for people who covered families. I don't know exactly what the subsidy is.

Councilman Perez: I think we are very fortunate to offer that subsidy for their family. Most places don't.

Paul Feazelle: During the last week of Greg's presence, when he and I were meeting with all different Dept. heads, that was an item that came up a number of times was there was a concern among the employees that their healthcare benefits would be drastically cut and I think the recommendation was the best case possible and not substantially harm their benefits.

Councilman Rhyne: How are we going to make it up to \$30,000 with the budget?

Paul Feazelle: The life insurance is a little under budget. You had a contractual obligation with Greg to cover family....you may not do that with his replacement so that might be some savings there. The rest we will have to do budget review and it will have to be addressed.

Brandei: Life insurance is a three-year rate guarantee which is a really nice benefit that was not offered by any other carrier. The rate itself is really really good and it is going to be held for three years.

Motion by Councilman Dykes to approve United Healthcare as insurance provider;

Second by Councilman Wright.

Motion passes with 6 for; 0 against.

17. Discussion and possible action on approval of maintaining the current provider of Blue Cross/Blue Shield as the dental insurance provider for the City of Angleton and Hartford as the life insurance provider.

Patti Worfe: These were the best providers. Life and dental were identical. No benefits changed. Dental went up about \$1.00 on employee only. There is no subsidy on the dental. \$2.00 it goes up for children. Those were minimal. Employee life went down a couple of cents. Paul and I agreed with those recommendations.

Motion by Councilman Perez to approve maintaining the current provider of Blue Cross/Blue Shield as dental provider and Hartford as the life insurance provider;

Second by Councilman Wright.

Councilman Wright: Would you have anything to add to that one Brandei?

Brandei: No. I would just say on the dental, I think that was a really good recommendation for the employee's sake.

Motion passes with 6 for; 0 against.

18. Discussion and possible action on holding the December 22, 2009 City Council meeting.

Paul Feazelle: I requested that this be placed on the agenda for your consideration since there is not another meeting prior to then...I am sorry...there is another meeting scheduled prior to then...but, that being that week of Christmas I didn't know if you wanted to meet.

Mayor: Does staff think we need to have a second meeting in December?

Paul Feazelle: I don't think so. It normally slows down that time of year.

Mayor: If we need to have one, we can schedule one.

Councilman Perez: We have until the Friday before.

Patti Worfe: For most of the staff they can get the reports in early. Typically nothing happens around the holidays.

Councilman Dykes: If the discussion is about quorum, I don't plan on being here, if you are looking how many people are going to be here.

Motion by Mayor Pro Tem Santos to cancel the city council meeting of December 22, 2009;
Second by Councilman Wright.

Councilman Perez: I have one discussion item. Just consider it a gift to staff to a reprieve for that two week period.

Motion passes with 6 for; 0 against.

19. Discussion and possible action on approval of ORDINANCE NO. 2009-O-11B AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING CHAPTER 7, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF ANGLETON, TEXAS; ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE AND MAKING AMENDMENTS THERETO; PROVIDING RULES AND REGULATIONS FOR ADMINISTRATION OF THE REGULATIONS CONTAINED THEREIN AND FOR APPEALS OF DETERMINATIONS OF THE FIRE CODE OFFICIAL; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

Paul Feazelle: At staff meeting last week, we were discussing ISO inspection to happen next week. Robert had done some work and did some more. Mary Kay provided some information from other cities, and now bring this ordinance to you to help ISO ratings.

Councilman Rhyne: Did this just come up all of a sudden in regard to...overnight?

Robert Owens: An audit was being done to evaluate the insurance rates in the community. This information we got was from a consultant. We are doing this right now to make sure we have all of our ducks in a row. This was one of the issues that came up.

Councilman Wright: Any major changes from the old code that you identified that would affect any of our current ordinances?

Robert Owens: Not a lot of changes. Some changes we don't even use that have to do with some (inaudible) manufacturing, something like that. We put the same amendments in there that we had before that fit our community. It is like any of them, if we see something that comes up, maybe a fire code that is not as friendly, we can fix that ordinance. I do pay attention on how the ordinances affect the businesses. Doesn't have anything to do with residential. Fire code is basically a commercial maintenance code to enforce the requirements of the building codes on the fire protection services on the building. All housing construction is governed under the International Residential Code.

Councilman Dykes: Does that include apartments?

Robert Owens: No, apartments are commercial. Anything over four units is considered commercial.

Councilman Dykes: Do we have the sprinkler requirements no for our apartments?

Robert Owens: Yes. That was in the 2000 International Fire Code.

Mayor: It does affect our ISO and that affects residential insurance.

Robert Owens: Ordinarily, we would have already been working on this code and adopted it, but we have had a lot going on and it got put on the back burner. State has already gone to 2006.

Councilman Rhyne: Have you found anything goofy on this?

Robert Owens: County has contacted me and are interested in updating their code. They are still 2000 also.

Councilman Wright: It is not as easy as you saying we are going to use this code. You have to go in and see what affects our city?

Robert Owens: Yes and the ones that affect the city we put in the same amendments.

Councilman Perez: If we pass this, it is only for new construction or renovation...nothing that is pre-existing.

Robert Owens: If it is pre-existing, it has to be brought up to today's codes if it is a new owner or sold. Fire codes are basically maintenance codes

Councilman Perez: Use Wal-Mart...just for XYZ storefront...

Robert Owens; Doesn't affect Wal-Mart.

Councilman Perez: Only if they are renovating?

Robert Owens: Yes.

Mayor Pro Tem Santos: What is our ISO rate right now?

Robert Owens...4. One is the best. We are trying for three. Fire truck, additional water plant, all things that help get fire rating lowered.

Councilman Wright: I would like to see an analysis in the future. Something we can inform people to let them know what is coming towards them if they sell a house or build a new one.

Owens; This does not affect residential structures.

Councilman Wright; Or if a new business opens or they want to remodel their store.

Councilman Rhyne: They can't do the same thing basically like the health department does...they change the rules today and your man do something from an old building or whatever?

Robert Owens; If it is a life safety issue...no life safety issue is grandfathered.

Councilman Wright: Can you give us an example of that?

Robert Owens: Say you have a dance floor and it is packed out. May not be up-to-standards for exits that you have to have. If somebody bought it, you would have to change it to update to fire code. Most every one of those codes have been written because something has happened in the past.

Motion by Councilman Wright to approve Ordinance No. 2009-O-11B;
Second by Councilman Perez.

Councilman Rhyne: Is there any part we can amend?

Paul Feazelle: Every part of it.

Motion passes with 6 for; 0 against.

Break at 7:13

20. Presentation of Brazosport Water Authority Report by Larry Shaefer, City of Angleton Representative. There has been a little change in cooperation. We are still working on that. USDA wants to dictate what contract scene is. Drought emergency account is not funded. The bill for the ground emergency is either 86,000 or 106,000, they are not quite sure just yet. Plan on putting in a \$5,000 a month contribution into this account and keep that account so we don't get caught short. When it grows to a large account, we will have it. We also have not figured out or started paying back the Dow bill yet. Employee surety bonds are in effect since October. Never been in effect. For the past two years, Dec. 31 audits of BWA have been late. Last year's audit was produced in late March. Same for this year. It is required in the City's contract. We are tending to be 140-180 plus days in audit. They need to be on time. Problem is majority of board continues to limit the rights of the cities. Trying to limit agenda items for discussion. You do have a letter of complaint which is the next agenda item. You are the only of the seven cities that cannot come to our regularly schedule meetings because meetings conflict. The first Monday of the month would be a non-conflicting meeting day and has not passed. All cities are starting to attend the meetings. Maybe a letter would be helpful to the board.

Mayor: Are they going to meet on the 24th of November or the 22nd of December?

Larry Shaefer: Tentative meeting is Dec. 12 and another has not been scheduled.

21. Discussion and possible action on response to letter from Brazosport Water Authority.

Mayor: Wished to discuss a response to the letter, not the letter. I would like to write a letter and tell them thank you for their input and suggest they change some of their meeting dates.

Councilman Rhyne: Bond should be paid off in 2018?

Mayor: I don't know if that means anything.

Councilman Rhyne: Which bonds are we talking about...they ones that built the place?

Larry Shaefer: That is what the general manager informed me.

Mayor: that is not the end of our 40 years of wandering in the desert, is it?

Larry Shaefer: No.

Councilman Wright: No, 40 years from '87.

Larry Shaefer: The matter of the bond is coming up and I am not prepared to address that.

Mayor: Really no action on the letter, only input.

22. **CITY MANAGER REPORT:** Trying to get a handle on what is going on. Nothing specific to report.

23. **Staff Reports & Questions for Staff**

- A) City Utilities-Billing & Receivables
- B) Account Aging Report-Revenue Codes
- C) Utility General Ledger Reconciliation Report
- D) Municipal Court Report
- E) Department of Public Safety Report 10/1 to 10/31
- F) Code Enforcement Report
- G) Building Permit Report
- H) Angleton PD Report
- I) Angleton PD Accident Report
- J) Animal Control Report
- K) Recycle Report
- L) Park Report
- M) Revenue Report for Rec Center and Parks
- N) Recreation Report to Council

Councilman Dykes: I had a question about the outstanding money and turning off meters...they can't turn off sewer service.

Paul Feazelle: You can cut in and block the line, but you have to go back and repair it when they pay it and it ends up costing us more than the money collected off of it, so normally if it is a sewer only customer, you have to resort to (inaudible).

Mayor: I think it is fair to say that we are behind. Kacey, you said they were turning off meters?

Kacey: Yes sir, all day Monday and today.

Councilman Rhyne: Do we start with the biggest violators first?

Kacey Hamlet: Yes, sir. I spoke to Mary Kay about the future.

Mayor: Chief, has the money from the DPS been fairly steady?

Tina Taylor: We get about 20-25 tickets a month.

Councilman Wright: On the animal control, Chief, is there any action on setting up the board for the adoption center?

Chief: No, we are addressing other issues right now, but I will make a note to get that started.

Mayor: Email me and I may know some people that would like to volunteer for those positions.

Councilman Wright: I encourage council to look at the rec center and understand that what they are doing is pretty amazing. Almost 40% subsidized.

24. **Council Information – (limited to items of community interest)**

Mayor Patrick Henry- Bates Park, fall festival 2-6 Saturday. The football playoffs are Saturday and playing at home. Went to Austin Town Celebration this weekend.

Mayor Pro Tem Rudy Santos – had the opportunity to read the proclamation to 100 year old woman at Cypress Woods.

Councilman Jason Perez – Sat at 2:00 is Wildcat playoffs. Can we do CTY email for citizens to wear purple on Saturday?

Councilman Gregg Dykes – nothing.

Councilman John Wright - Austin Town is really a good thing. Saturday after Thanksgiving will be ringing the bell.

Councilman Randy Rhyne – attended first KAB meeting and that was an interesting group.

25. Council will adjourn into executive session as authorized by

Texas Government Code Sections 551.071, 551.072 and 551.087 to consult with its attorney, to deliberate the purchase or value of real property and to deliberate the offer of a financial or other incentive to a business prospect that the governing body seeks to have locate in the City of Angleton and with which the governmental body is conducting economic develop negotiations, with possible discussion and action related thereto in open session. Adjourned into executive session at 7:40.

Reconvened from executive session at 8:10 p.m. No action out of executive session.

Adjourn meeting at 8:12 p.m.

J. Patrick Henry, Mayor

Shelly Deisher, City Secretary