

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, September 22, 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:

Greg Smith	City Manager
Herbert L. Prouty	Interim City Attorney
Shelly Deisher	City Secretary
Herb Smith	City Engineer
Susie Hernandez	Financial Director
David Ashburn	Chief of Police
Chris Saddler	Parks Department
Patti Worfe	Economic Development Director
Robert Heinemeyer	Public Works Director
Kacey Hamlet	Utilities Director
Robert Owens	Director

And those listed on the guest registry.

1. CALL TO ORDER BY MAYOR HENRY at 6:00 p.m.
2. Pledge of Allegiance.
3. Moment of Silent Reflection/Prayer.
4. **Ceremonial presentations-**
  - A. Proclamation for Holy Comforter Episcopal Church -

B. Employee of the Month-Tamisha Wiley

5. **Citizens wishing to address council:** None.
6. **Requests to address Council other than citizenry.** None.
7. **Consent items:**
  - A. Minutes from August 18, 2009 and September 8, 2009
  - B. Ratify accounts payable.

Motion by Councilman Wright to approve consent items,  
Second by Mayor Pro Tem Santos.

Motion passes with 6 for; 0 against.

**ACTION ITEMS:**

8. Discussion and possible action on approval of ORDINANCE NO. 2009-O-9C, AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS LEVYING THE AD VALOREM PROPERTY TAX OF THE CITY OF ANGLETON, TEXAS, FOR THE YEAR 2009 ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY ON JANUARY 1, 2009, AND ADOPTING A TAX RATE FOR 2009; PROVIDING REVENUES FOR PAYMENT OF CURRENT MUNICIPAL MAINTENANCE AND OPERATING EXPENSES AND FOR PAYMENT OF INTEREST AND PRINCIPAL ON OUTSTANDING CITY OF ANGLETON DEBT; PROVIDING FOR LIMITED EXEMPTIONS OF CERTAIN HOMESTEADS; PROVIDING FOR ENFORCEMENT OF COLLECTIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Herb Prouty: This is the culmination of two public hearings on tax rate. Notices were sent. Ordinance would adopt same tax rate as last year. It contains things in it in regard to Truth and taxation statutes and have to make a motion exactly in the wording of the motion that is in front of you. Vote needs to be roll call vote.

Motion made by Mayor Pro Tem Santos stating:

"I move that the Property Tax Rate be increased by the adoption of a tax rate of \$0.706000, which is effectively a 1.86% increase in the Tax Rate".

Second by Councilman Perez.

Councilman Rhyne: Are we sure this is the best we can get out of this one?

Mayor: Yes. If you weren't sure, we needed to say something before now.

Councilman Rhyne: I am ok with budget right now.

Mayor: The budget is a compromise...parts should be uncomfortable.

Roll call vote:

Councilman Perez – yes

Councilman Dykes – yes

Mayor Henry - yes

Mayor Pro Tem Santos - yes

Councilman Wright - yes

Councilman Rhyne - yes

9. Discussion and possible action on approval of ORDINANCE NO. 2009-O-9D, AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, ADOPTING AND APPROVING THE 2009-2010 FISCAL BUDGET OF THE CITY OF ANGLETON, TEXAS (BUDGET) FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010; ADOPTING AND APPROVING THE FIRST YEAR OF THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM OF THE CITY OF ANGLETON, TEXAS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION PROVIDING FOR FILING AND POSTING OF THE BUDGET; PROVIDING AN OPEN MEETINGS CLAUSE; DECLARING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Herb Prouty: This is another step in process after public hearings on the budget. This ordinance adopts the budget and appropriate funds to various accounts. This does require roll call.

Motion by Councilman Wright to approve Ordinance 2009-O-9D;

Second by Councilman Dykes.

Councilman Wright: We have 8 days to bridge to the new budget, right?

Mayor Pro Tem Santos: October 1.

Roll call vote:

Councilman Perez - yes

Councilman Dykes - yes

Mayor Henry - yes

Mayor Pro Tem Santos - yes

Councilman Wright - yes

Councilman Rhyne - yes

10. Discussion and possible action on approval of ORDINANCE NO. 2009-O-9E, AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, RATIFYING THE ADOPTION OF THE 2009-2010 FISCAL BUDGET OF THE CITY OF ANGLETON, TEXAS (BUDGET) FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010 AND THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET WHEN THE BUDGET WILL RAISE MORE REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Herb Prouty: This is the last step in adopting the budget under local gov't code. Have to ratify tax increase that is included in budget. Made minor change to section two. Although percentage rate is correct, monetary amount of the property taxes that are more than this years will actually be less than originally thought and you should have that before you. Again, this is a roll call vote.

Motion by Jason Perez to approve Ordinance 2009-O-9E;  
Second by Councilman Dykes.

Councilman Dykes: I will state as we have said in the past, I appreciate all of the departments and employees that have made sacrifices to get the budget where it needs to be.

Mayor Henry: I don't think anybody really understands what goes into the budget unless they see the budget books and all the people's fingers warn down to the nubs and the amount of time it takes to put it together.

Councilman Wright: When was the budget process started this year?

Greg Smith: 1<sup>st</sup> of June.

Roll call vote:

Councilman Perez - yes

Councilman Dykes - yes

Mayor Henry - yes

Mayor Pro Tem Santos - yes

Councilman Wright - yes

Councilman Rhyne - yes

11. Discussion and possible action on approval of ORDINANCE NO. 2009-O-6B, AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS AMENDING CHAPTER 18 OF CODE OF ORDINANCES OF THE CITY OF ANGLETON BY REPEALING THE CURRENT CHAPTER 18 "PEDDLERS, ITINERANT MERCHANTS AND SOLICITORS" IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 18 REGULATING THE CONDUCT OF PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS WITHIN THE CITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR LICENSING AND REGISTRATION; PROVIDING FOR BONDING OF TRANSIENT MERCHANTS; PROVIDING FOR A PENALTY NOT TO EXCEED \$500 PER VIOLATION AND MAKING EACH DAY OR PORTION OF A DAY THAT A VIOLATION CONTINUES A SEPARATE VIOLATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING FOR OTHER PURPOSES AND PROVIDING FOR AN EFFECTIVE DATE.

Herb Prouty: You have looked at this ordinance before. We have made some changes to it. This regulates the activities of peddlers, solicitors and transient merchants. It replaces an ordinance that is over 40 years old. It contains requirement for licensing of peddlers, solicitors and transient merchants. Has a lot of exemptions for charitable, nonprofit organizations for people who are exercising their freedom of speech without commercial activities. Provides due process for someone whose license has been turned down to come to City Council to appeal and also provides due process in case the license are

revoked.

Greg Smith: This has been going on since last November/December. We put a committee together consisting of Dr. Manny Sanches, Jamae Bowman and myself. We have spent a lot of time on this. We have looked at several cities and compiled the best of all of them. This is a comprehensive ordinance to deal with solicitors and peddlers, as well as people, transient merchants, setting up in parking lots. Operation time of 9 am to 7 pm and not on Sundays. Have an example of the picture ID which has an expiration date, their name and has to be worn on the outside of the clothing. Requirements are also protecting our local businesses. They have to have a lot of time, effort and money into their businesses. We have complaints of people knocking on their door. We will have no-solicitation list. This list will be given to the solicitors and will be told not to knock on their doors. If they do knock on their doors, it will be justification to pull their permits. This will protect our residents. We will do criminal history background check and everyone has to have proof of sales tax certificate. License fee is \$100 for permit which is a one time cost per time they are here. If they have 10 people selling, will have to have ID for each person selling, at a cost of \$15.00. We are recommending approval.

Mayor Henry: What about mobile vendors?

Greg Smith: They will have to meet this...

Mayor Henry: Lunch wagons...what about mobile vet services?

Greg Smith: Transient merchant – a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent or other portable shelter or empty storefront for the purpose of exposing or displaying for sale, selling or attempting to sell and delivering goods, wares, products or merchandise or other personal property and who do not remain in any one location for more than 21 consecutive days.

Herb Prouty: They will have to comply unless they fall under one of the exemptions, which there are quite a few exemptions.

Greg Smith: Boy scouts, girl scouts and churches are exempt.

What is not exempt is if there is a merchant in town who is selling for another organization or an organization that is professionally fundraising for an organization. They will have to have a permit even though the proceeds are going to that organization.

Councilman Rhyne: For the religious organizations....I have run into people that say they are claiming that they are a church from Arkansas and Minnesota and are down in the Wal-Mart parking lot selling stuff but they are claiming to be a church...how are we going to verify that they are real tax exempt organizations?

Greg Smith: If they are selling products, I think they have to have a permit. If they are doing it for religious purposes, then they are exempt...is that correct Herb?

Herb: They are not exempt if the main activity is commercial and if they are primarily trying to collect money and not just adjunct or part of their going out and are exercising their religious freedom to try to espouse their particular faith, or get people to join their particular religion, then they have to register or get a license under the ordinance.

Councilman Wright: In the instance of a business that decides they could make extra money and they have a store front here in the city and they want to sell out of another parking lot, are they required to get a license if it wasn't on their property?

Greg Smith: Absolutely.

Mayor Henry: And it helps track sales tax.

Councilman Perez: So the person out in front of Wal-Mart trying to sell their puppies out of their car...

Greg Smith: They have to have a permit.

Councilman Perez: If someone solicits from their house to repair a windshield or wash their car, if that person didn't actively go peddle, but they are working out of their vehicle to come to that residence or business to wash a car or fix a windshield....that doesn't...

Greg Smith: No, because that is not their mode of operation. That resident has contacted that individual to do the service or work at their house. No different than calling the Maytag repairman. The repairman doesn't need one of these.

Councilman Perez: I have seen one of the guys at a local gas station doing windshield repair...

Greg Smith: He would have to have repair.

Councilman Wright: What about the guy pushing the mower down the street and knocks on people's doors to mow yards.

Greg Smith: He will have to have a permit. Will let you know we have had three cities looking at this ordinance. Believe it was on channel 13 news either last night or this morning.

Herb Prouty: There are all sorts of exemptions, not only the charitable, nonprofit organizations, but special events city-wide events that are on public grounds like rodeos, county fair, anything to promote city-wide civic function or image. If they are required by state law, the vendors would have to pay a sales tax

Greg Smith: Will make sure that we are listed. If they sell and deliver products in Angleton, regardless of where their home base is, they should be paying sales taxes to Angleton.

Councilman Dykes: How are we going to know if they do that?

Greg Smith: We will have a sales tax permit and call the State Comptroller's office and make sure we are listed as an allowable...who they pay sales tax to. Their permit will be denied until they produce that.

Mayor Henry: This was made by a citizen request...by a citizen who was concerned about who was selling ice cream to their kids. This was done because of a citizen request, not something council jumped on and said hey, let's make another ordinance.

Greg Smith: This has been going on for 9-10 months.

Mayor Henry: It does clean up a 40 year old ordinance.

Councilman Rhyne: I don't have a problem with this. The City police have had the same issue where they are bringing these vans in with 15-20 people in them and they drop them off on every corner and they are out beating on everybody's doors until 9-10 o'clock at night trying to sell magazines or something...how are we going to tell?

Greg Smith: We will send out information in November or December water bill, and if you want to be included on the no solicitation list, submit the bottom portion of the bill back to us and we will compile our list. We are going to ask residents for name, but name will not be given to permittees. Need to have a way to make sure that if somebody moves that we don't double book.

Mayor Henry: There are some cities that have signs stating we have an ordinance about peddlers.

Greg Smith: Not a bad idea. We can certainly do that and put it on our website. This is a way for police to walk up to and say where is your permit and if they don't have the ID and another form of picture ID...

Councilman Wright: How did we come up with \$100.00 fee?

Greg Smith: That is what it will cost us to go through staff time for reviewing the document, a fee we have to pay DPS to run criminal history check, time to process it by employees, calling them back, sending letters, verifying three previous places where they have done business. It is a process. It is not just here is the information and here is your permit. We have five days to review documentation and make sure it is complete and 21 days to issue the permit.

Councilman Wright: How long do you think it will take to turn one around?

Greg Smith: Minimum of 7-10 days and that is if they have everything right. Have their sales tax permit. Have to go through DPS website because police department can no longer do the background checks. That is a 2 day turn around. Having their pictures taken, produce the ID.

Councilman Wright: We are creating all of this work because of this ordinance?

Greg Smith: Yes sir.

Councilman Wright: And we are charging \$100?

Greg Smith: Yes sir.

Councilman Wright: Are we adding any resources to do it? Do we have resources to do this?

Greg Smith: Yes, right now we do. I think this ordinance is going to greatly restrict the number of people that do this. I think that the majority of the people that do this do not have a sales tax permit for the City of Angleton. That is going to be a disqualifier up front. If they do not pay sales tax to us, they will not get a permit if it is taxable.

Mayor Pro Tem Santos: The legit people are going to do it. I think this is more for the police department. The example that Randy brought up...in a neighborhood, they drop off 10 kids and come to my house and the first thing I will do is call the police. The police show up, shuts them down.

Mayor Henry: Most of my neighbors don't want solicitors. I don't know if apartment complexes get a lot of that traffic through there.

Greg Smith: There is also a provision that if a resident wants to put up a no-solicitors sign, they can put it on their front door. As soon as a peddler steps on their property, regardless if they are permitted or not, they can be escorted off the property by this ordinance and told not to come back.

Mayor Pro Tem Santos: Does Wal-mart let them set up and sell animals?

Greg Smith: Sometimes they don't even know they are there. Call the PD and they check their permit and if they don't have one, they have to leave.

Herb Prouty: One of the requirements for an application is that they have to have the owner's permission to be on the

property.

Mayor Pro Tem Santos: At one time someone was selling rugs and pottery up front and in the back they were drying their underwear.

Greg Smith: It happened across from Mid-way Video. This is a multiple complaint driven ordinance. We still get these complaints on a weekly basis. The ordinance states from 9 a.m. to 7 p.m., none on Sundays. After 7 pm you should be able to sit in your house and not worry about anyone knocking on your door.

Councilman Perez: Looking at the exemptions...under A, I am looking at an instance where you have the art club, non-profit registered with the state of Texas, but they want to have a car wash? Where it says schools, do they fall under that window? Does that mean it can be an organization of that school?

Herb Prouty: If they are doing it as a project to raise money for the school, they are exempt.

Councilman Perez: My question is...the timeline...are we going to pass an ordinance, give so many days, full force, what is the process to get this message out?

Herb Prouty: If you want to give some time, you can change the effective date. Since this ordinance has a penalty clause in it, it won't go into effect today. It would going into effect for at least 10 days, at least until the City Secretary published it, the descriptive caption in the ordinance, but it can't go into effect for at least 10 days or longer than that if it takes longer than that to get it published. If you feel that is not enough, you can say it won't go into effect for 30 days or however long you think it will take to get the word out there.

Greg Smith: I suggest we enact it as soon as we can. If we have issues with it, we can re-address it. This is something that happens on a regular basis. This is the season where more and more of these individuals are going to be getting out to do this.

Councilman Wright: The only people I have had coming by my house is TXU energy. Will this stop them?

Greg Smith: They will have to have this permit and for everybody that is coming for TXU, they will have to have an ID.

Councilman Perez: It is one fee, \$100 for that business, even if they bring 50 people. They will get 50 ID's, but it is still \$100?

Greg Smith: Yes, sir. And then 50 ID's at \$15.00 each.

Councilman Rhyne: What about the ice cream vendor...it is only good for 21 days. That is a lot of money for people to spend for 21 days.

Wright: I understand why we are writing this, and I think it is for a good purpose, but I still think that there is going to be some that we are not going to catch.

Mayor: Is there anyone that really wants someone to come to your home at 5 pm and sell you electricity or sell you shrimp?

Greg Smith: Let's protect our businesses that have to pay for a building, insurance, taxes.

Councilman Wright: I understand about protecting the residents. But it is the other part of it, back to the puppies at Wal-Mart. If Wal-Mart gave them permission to sell those puppies, then that's Wal-Mart's responsibility, not the city's to police it.

Greg Smith: But it is our responsibility to protect those animals. That they are following the state guidelines for selling animals. Are we letting someone sell puppies that are sick, that are going to get other dogs in the neighborhood sick, that are actually wild dogs that are going to bite somebody? This is to protect residents, whether they shop on Wal-Mart property or not.

Mayor Pro Tem Santos: Let's protect the citizens and the businesses.

Councilman Rhyne: I have never bought an animal from the side of the road.

Robert Owens: Lake Jackson just passed an ordinance that they can't sell animals and now they are trying to come here to sell them.

Motion by Mayor Pro Tem Santos to adopt Ordinance No. 2009-O-6B;  
Second by Councilman Rhyne.

Councilman Wright: Can we give a 30 day notice?

Herb Prouty: You mean you don't want it to be effective for 30 days?

Councilman Wright: Yes.

Herb Prouty: We can change it. We will change the effective date.

Greg Smith: Make it effective November 1?

All council responds yes.

Councilman Rhyne: Do we need to amend the motion?

Herb Prouty: Yes.

Amended motion by Mayor Pro Tem Santos to make Ordinance No. 2009-O-6B effective beginning November 1, 2009;  
Amended second by Councilman Rhyne.

Councilman Perez. I have one more question. I am thinking about one person. This is obviously going to impact some financially. I am thinking about the ice cream lady that is probably barely making ends meet, and she has to pay \$100.00 every 21 days. This will be a lot of money out of her pocket, \$2100.00. She may not fall under any exemption. This may put somebody out of work.

Greg Smith: We can have her come and request a waiver on her 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 the ordinance.

Councilman Perez: I know that person individually. That may

put a hardship on her.

Councilman Rhyne: I do not have a problem with variances for certain issues. I have a problem with the people that don't live here coming in...

Herb Prouty: I don't know if she is covered. One of the exemptions is any person making delivery of perishable food and dairy products to the customers on her established delivery route.

Greg Smith: She does not have an established delivery route. The intention is not to put anyone out of business. It is to provide a safe environment for our citizens and also to equal the playing field between transient merchants and our regular business owners that have a lot of extra fees for operating businesses.

Mayor Henry: We just want to make sure she has insurance and that type of thing.

Motion passes with 6 for; 0 against.

12. Discussion and possible action on approval of request for variance to obtain a license to sell beer and wine off premises at Angleton Food Mart, LLC, located at 2851 North Downing, Angleton.

Mayor Henry: We have the letter in our packet.

Councilman Dykes: It should say beer and wine on premises. The off premises is a little misleading when I read it. Off the premises...I am sure they mean at that particular location.

Mayor Henry: By terminology, I think it is what TABC uses, but the consumption is off premises because the signs say consumption of beer or wine on premises is a violation of the state law.

Councilman Perez: So, to clarify, you can sell it inside but you cannot drink it inside?

Mayor: You can't drink it in the parking lot either.

Greg Smith: The owners are present. Is it changing hands? Are you selling the store?

Owner: Yes sir.

Mayor Henry: Chief, I don't think there has been a problem?

Councilman Dykes: You sell beer and wine now, right?

Owner: Yes sir.

Councilman Wright: So this is right across from high school? We have an ordinance on the books, right?

Mayor Henry: State law says they can have a variance with our permission. When this came up the first time, I think I voted against it because I didn't think it was a good idea. Since then, there have been no problems at all. I think I was wrong. We have another site that asked for one and we did not approve and they are still closed. It looks like they will never be able to make a go. I think this is probably a good variance. How long has this been in operation?

Owner: I have been there 10 years and it has actually been there 29 years.

Councilman Wright: In all those years, you haven't had any problems?

Owner: Never any problems.

Councilman Rhyne: The letter says you are in the process of purchasing.

Current owner of store: The new owners are here, I am the current owner.

Councilman Dykes: And you have another store here in town?

Purchaser: Not in the City of Angleton, but with TABC we have other licenses. We have operated stores in Harris County and City of Houston.

Councilman Wright: And you aware of how many minors going

into that store on a daily basis?

Purchasing owner: The first thing we do when we acquire a store, we send all employees to a TABC training class, get them certified and let them sign the certification. We put it on the board where our licenses are posted. Any time we hire new employees, we let them go through the same process. We are very well aware of issues about school or about minors. I have a high school son and my daughter in college, both are underage and I do not want them to drink.

Mayor Pro Tem Santos: What will your operating hours be?

Purchaser:

6 am to 11 pm and could go to midnight on weekends.

Motion by Councilman Dykes to approve variance;  
Second by Councilman Perez.

Councilman Wright: Since it has been operating 10 years and chief is telling us that there have not been any issues, I feel better about it.

Mayor Henry: It is probably better to have an operating business rather than an empty building.

Motion passes with 6 for; 0 against.

13. Discussion and possible action on placing "NO CELL PHONES" signs in school zones.

Greg Smith: State law went into effect Sept. 1. There are a lot of questions about this law.

Herb Prouty: I have discussed this with Chief Ashburn. It is misleading when it says no cell phones. There are actually several exemptions. This is for hand-held phones. If the person is stopped, this is not a violation. It creates some problems because we have to prove everything without a reasonable doubt.

Greg Smith: Some school zones could be changing with the coming of the changes in the schools. You will see the list of schools. Total of about 35 signs, which we can make them in-

house.

Robert Heinemeyer: Cost is about \$100 per sign.

Greg Smith: You are looking at about \$3500 for signs. Without signs it is not enforceable.

Councilman Wright: State says they will pay for them if they are located on the highway.

Greg Smith: It is just the opposite. They will provide us with the pole and we provide the sign. I think next time you see legislature meets, you will see cell phones without hands-free device banned everywhere in the state of Texas while driving down the roads. At that point and time, there will be no signs that need to be posted.

Councilman Wright: California already has it in effect and people can't see it because they are too busy talking on their phones.

Mayor Henry: I think about the traffic at high school when it lets out. How are you going to try to catch someone talking on the cell phone.

Councilman Dykes: We could spend a lot of money trying to convict it and we have to prove whether it was an emergency call.

Herb Prouty: It is difficult to see through tinted glass and actually see that person with a cell phone.

Councilman Dykes: Then you are looking at a waste of an officer's time and court's time.

Mayor Henry: This could be a deterrent for people to slow down with the cell phones and texting.

Herb Prouty: It is second to speeding in the cause of accidents.

Greg Smith: You could cut these signs in half by putting right in front of each location.

Councilman Wright: On the no cell phones, I think we might be jumping the guns. When do we plan on fixing our school zones?

Greg Smith: We will get the school involved with the new school campus. May be 6-7 months. This will change dramatically come next year.

Councilman Wright: I just didn't want to waste the money on putting signs up that won't be any good soon.

Greg Smith: Recommendation by scaling it down or putting it on another agenda?

Councilman Perez: It took state law to make this, why can't you make it an ordinance and have it stated.

Councilman Rhyne: I don't think pairing it down would be an option. Do either none or all.

Councilman Dykes: Once place you have school zones and one place you have crossing zones.

Herb Prouty: It has to be a school crossing zone.

Councilman Dyke: It has to be a crossing walk...

Herb Prouty: Has to be.

Chief Ashburn: It is at the crossing zone signs.

Mayor Henry: With the idea that school zones might change...we don't have to take any action.

Greg Smith: This is scaled way back from what we originally looked at.

Councilman Rhyne: I looked at the definition of school zone and that is my interpretation by reading the Texas Transportation Code.

Chief Ashburn: sign that complies with standards described at entrance of each school crossing zone and can attach to existing sign.

Councilman Rhyne: Look at the definition.

Herb Prouty: There is the question...what does that mean?

Motion by Councilman Dykes to table this item and get better definitions

Second by Councilman Perez to table.

Motion passes with 6 for; 0 against.

14. Discussion and possible action on approval of bid for renovation of existing City Hall.

Greg Smith: This project went out for bid; first project being renovation of old council chambers for permit department/code enforcement and second being unmanned visitor center on south corner of building.

Low bid is DLM Construction of \$18,681. Added alternate one which was carpeting to match existing carpeting in the building to bring total to \$20,506. \$6,000 will be tourism's part.

Second bid was Warwick construction of \$57,830. Staff is recommending DLM Construction for a total bid of \$20,506. They are a local contractor.

Councilman Wright: They are an established contractor?

Greg Smith: Established but they have not done work for us before. They actually built the Bucee's at Wilkins.

Mayor Pro Tem Santos: DLM has been around.

Motion by Mayor Pro Tem Santos to accept bid from DLM;  
Second by Councilman Wright.

Councilman Wright: How much is coming out of debt service?

Greg Smith: \$14,506, \$6,000 out of hotel/motel.

Councilman Wright: It is still funded through that debt service?

Greg Smith: Yes, Sir.

Councilman Wright: And nothing is coming out of budget?

Greg Smith: No Sir. We don't have exact costs for furniture and fixture, but we feel comfortable that those are going to come in at the budgeted amount.

Councilman Rhyne: This is for the unmanned visitor's center?

Greg Smith: Yes, I believe that Councilman Santos or Wright suggested putting these bids together. We saved some money.

Motion passes with 6 for; 0 against.

15. **REPORTS OF BOARD & COMMISSIONS:**

Angleton Better Living Corporation – did not meet.

Angleton Parks Board – Met and went over the contract for the Associations, Punt pass and kick.

Engineer's Report: Herb not present.

Keep Angleton Beautiful – Cash for cans challenge that KAB has decided to participate in. Contacting schools for contest, partnered with BCFA and along fair parade route we are encouraging people to donate dry bags full of aluminum cans.

Senior Citizen Commission – Met a couple of times and had a special meeting. They are moving things and making programs. Are trying to select a name. Possibly Silver Cats. Moving right along.

16. Staff Reports & Questions for Staff.

17. City Manager Report:

- A) Rec Center open house-Thursday, October 8 from 1-5 with ribbon cutting at 5:00. Will go out in everyone's water bill. Can exchange the flyer for a three day pass. New equipment will be installed by middle of next week.
- B) Heart of Christmas-December 4 from 6:30 to 9:30. Also going out in this month's water bill. Our request for use of County property has been approved.

Everything will still be free. Will have schedule sent out in December's bill with performance times.

- C) Angleton Police Officer's Association-Raised \$3700 last Saturday at a bike rally. Money will end up back in the community.
- D) City Hall Roof repairs – have done investigation on underneath roof. We inspected from inside and roof company came and did a core sampling. No sign of deterioration of roof deck. Will proceed forward with getting prices and bringing it back to you.

Next Tuesday NIMS meeting here at 6:00.

18. **Council Information**

Mayor Patrick Henry- Sat. is Angleton Christian School fundraiser; Sunday is Holy Comforter and Methodist Church is having a fundraiser.

Mayor Pro Tem Rudy Santos – nothing.

Councilman Jason Perez – encourage everyone get seasonal flu vaccination, cover your mouth and wash your hands.

Councilman Gregg Dykes – nothing.

Councilman John Wright – Can we look into contractor board where we put notices of upcoming ordinances? Maybe see status of that next time.

Greg Smith: We will put board up once we get in new place. Will do email list through CTY.

Councilman Wright: Brazoria is doing flag drive. We want to find some way of honoring our military that is overseas. I have had preliminary discussion of that. Hopefully that will be an agenda item soon.

Councilman Randy Rhyne – nothing.

19. Executive Session Item #1: Council will adjourn into executive session as authorized by Texas Government Code Section 551.087 "Deliberation Regarding Economic Development Negotiations" and under Section 551.071 (Consultation with Attorney) to deliberate the offer of a financial or other incentive to a business prospect and/or to deliberate certain other commercial or financial information received from the prospect under Section 551.087 and to consult with the Interim City Attorney concerning this matter where to discuss this matter in open session would conflict with the duty of the Interim City Attorney under the Texas Disciplinary Rules of Professional Conduct.

Executive Session Item #2: Council will adjourn into executive session as authorized by Texas Government sections 551.074 (Personnel Matters) and Texas Government Code Section 551.071 (Consultations with Attorney) to discuss the appointment, employment and duties of the City Attorney and to consult with the Interim City Attorney concerning this matter, where to discuss this matter in open session would conflict with duty of the Interim City Attorney under the Texas Disciplinary Rules of Professional Conduct.

20. Out of executive session at 8:57. Discussion and possible action on executive session items.

Motion by Councilman Rhyne to authorize City Manager to proceed with items discussed in Executive Session; second by Councilman Wright.

Motion passes with 6 for; 0 against.

21. Adjourn at 9:03.

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J. Patrick Henry, Mayor

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Shelly Deisher, City Secretary