

City of Angleton, Texas  
City Council Regular Meeting  
Tuesday, December 13, 2011  
@ 6:00 p.m.

The City of Angleton, Texas, City Council will conduct their Monthly Meeting beginning at 6 p.m., Tuesday, December 13, 2011 at City Council Chambers, 120 S. Chenango, Angleton, TX, to consider the following:

1. Declaration of quorum and call to order.
2. Pledge of Allegiance.
3. Moment of silent reflection or prayer.
4. Ceremonial presentations-
  - A) Employee Appreciation Certificates:  
15 years of service: Laura Martinez, David Steves and Juan Delgado  
10 years of service: Quenton Rush and Greg Mitchell  
5 years of service: Chloe Campbell, Janet Heckler and Pat Cosme;
  - B) 6<sup>th</sup> Grade America Recycles Day Art Contest Winners;
  - C) November Yard of the Month-816 Marshall; and
  - D) November Business of the Month-332 T. J. Wright.
5. Citizens Wishing to Address Council.
6. Requests to address Council other than citizenry.

**CONSENT AGENDA:**

7. *ALL ITEMS LISTED UNDER THE "CONSENT AGENDA" ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER REQUESTS, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED BY SEPARATE ACTION.*

**CONSENT ITEMS:**

- A) Ratify Accounts Payable for October, 2011
- B) Purchase of Three Police Department Vehicles and One Emergency Management Vehicle

C) Appoint Sheryl Devereaux to Parks Board.

**DISCUSSION ITEM:**

8. Discussion and update on Angleton Fire Department activities and ESD Reports (Chris Hogan, Fire Chief).

**ACTION ITEMS:**

9. Discussion and Possible Action on approval of ORDINANCE NO. 2011-O-12C, AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ANGLETON TEXAS, AND THE VOLUNTARY ANNEXATION OF CERTAIN TERRITORY, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ANGLETON, TEXAS; AND PROVIDING THAT FROM HENCEFORTH SAID TERRITORY SHALL BE A PART OF THE CITY OF ANGLETON, TEXAS, SUBJECT TO AND BOUND BY THE PROVISIONS OF ALL ORDINANCES AND CODIFICATION OF ORDINANCES OF SAID CITY; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION (Mary Kay Fischer, City Attorney).
10. Discussion and Possible Action on Approval of RESOLUTION NO. 2011-R-12A, A RESOLUTION OF THE CITY OF ANGLETON, TEXAS, STATING THE CITY OF ANGLETON'S INTENT TO PARTICIPATE IN TAX ABATEMENT AND ESTABLISHING THE GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENTS IN A REINVESTMENT ZONE CREATED IN THE CITY OF ANGLETON (Mary Kay Fischer, City Attorney).

**PUBLIC HEARING**

11. Public Hearing on Creation of Reinvestment Zone No. 7, Whose Boundaries Consist of Two Parcels of Land Totaling 6.71 Acres Owned by Country Village Care, Inc., Whose Address is 721 W. Mulberry, Angleton, Texas, Whose Boundaries Encompass a 3.89 Acre Tract, Being a Called 2.878 Acre Tract and a Called 1.00 Acre Tract, Out of the Mrs. Adriance Munson Tract, Being Part of Lots 15, 16, 17 AND 18, Block 1 and a 2.82 Acre tract, out of the Mrs. Adriance Munson Tract, Being Out of Lots 13, 14, 19 AND 20, Block 1, Both tracts being in the West Angleton Subdivision in the H&H Cornwall Survey, Abstract 180, Brazoria County, Texas, Located in the City of Angleton, Texas.

Mayor Rhyne: "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. 7 and a Tax Abatement Agreement with Country Village Care, Inc.

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.

Notice of the hearing for creation of the reinvestment zone was also published in the newspaper at least seven days before this hearing date".

**ACTION ITEMS:**

12. Discussion and Possible Action on Approval of Ordinance No. 2011-O-12A, AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, CREATING REINVESTMENT ZONE NO. 7; DESCRIBING THE BOUNDARIES OF SAID REINVESTMENT ZONE CONSISTING OF TWO PARCELS OF LAND TOTALING 6.71 ACRES OWNED BY COUNTRY VILLAGE CARE, INC., WHOSE ADDRESS IS 721 W. MULBERRY, ANGLETON, TEXAS, WHOSE BOUNDARIES ENCOMPASS A 3.89 ACRE TRACT, BEING A CALLED 2.878 ACRE TRACT AND A CALLED 1.00 ACRE TRACT, OUT OF THE MRS. ADRIANCE MUNSON TRACT, BEING PART OF LOTS 15, 16, 17 AND 18, BLOCK 1 AND A 2.82 ACRE TRACT, OUT OF THE MRS. ADRIANCE MUNSON TRACT, BEING OUT OF LOTS 13, 14, 19 AND 20, BLOCK 1, BOTH TRACTS BEING IN THE WEST ANGLETON SUBDIVISION IN THE H & H CORNWALL SURVEY, ABSTRACT 180, BRAZORIA COUNTY, TEXAS, LOCATED IN THE CITY OF ANGLETON, TEXAS; MAKING RELATED FINDINGS THERETO; PROVIDING FOR SEVERABILITY; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE (Mary Kay Fischer, City Attorney).

Motion that the City Council Make Findings 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 to Approve Ordinance No. 2011-O-12A.

## **PUBLIC HEARING**

13. Public Hearing on the Tax Abatement Agreement with Country Village Care, Inc.

### **ACTION ITEMS:**

14. Discussion and Possible Action on Approval of RESOLUTION NO. 2011-R-12B, A RESOLUTION OF THE CITY OF ANGLETON, TEXAS, APPROVING A TAX ABATEMENT AGREEMENT WITH COUNTRY VILLAGE CARE, INC.; 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 (Mary Kay Fischer, City Attorney).

Motion: "I make a motion that the City Council makes findings 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."

Motion to Approve Resolution No. 2011-R-12B.

15. Discussion and Possible Action on Approval of ORDINANCE NO. 2011-O-12B, AN ORDINANCE AMENDING THE 2010-2011 FISCAL YEAR BUDGET AT END OF YEAR BY AMENDING THE GENERAL FUND, THE STREET FUND, THE WATER FUND, THE HOTEL FUND, THE DEBT SERVICE FUND, THE REC CENTER FUND, THE RECYCLING FUND AND MISCELLANEOUS MINOR FUNDS; DECLARING A PUBLIC NECESSITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE. (Susie Hernandez, Finance Director).

## **PUBLIC HEARING**

16. Public Hearing on issuing a Specific Use Permit to Allow the Operation of a Child Day Care (Business) in a C-OR – Commercial-Office/Retail District Zoned Property Located at 938 East Myrtle.

## **ACTION ITEMS:**

17. Discussion and Possible Action on Approval of ORDINANCE NO. 2011-O-12E, AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A CHILD DAY CARE (BUSINESS) IN A C-OR – COMMERCIAL-OFFICE/RETAIL DISTRICT ZONED PROPERTY LOCATED AT 938 EAST MYRTLE, WHOSE LEGAL DESCRIPTION IS WILSHIRE (ANGLETON), BLOCK 4, LOT 6 AND WEST ½ OF LOT 7, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Patti Worfe, Interim City Manager).
18. Discussion and Possible Action on Supporting the Development of a Regional Water System and Authorizing the Mayor to Sign the Letter of Support. (Robert Heinemeyer, Public Works).
19. Discussion and Possible Action to Approve RESOLUTION NO. 2011-R-12C, A RESOLUTION AUTHORIZING PARTICIPATION IN THE BRAZORIA COUNTY REGIONAL WATER FACILITY PLANNING STUDY AND GRANTING AUTHORITY FOR BRAZOSPORT WATER AUTHORITY TO ENTER INTO A CONTRACT WITH THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE CITY OF ANGLETON TO CONTRIBUTE THE NECESSARY IN-KIND SERVICES, FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE (Robert L. Heinemeyer, Public Works Director).
20. Discussion and Possible Action on Approval of Lease Agreement between the City of Angleton, Texas and David R. Linder (Mary Kay Fischer, City Attorney).
21. Discussion and Possible Action on Approval of Street Overlay Options for 2011-2012 (Robert L. Heinemeyer, Public Works Director).
22. Discussion and Possible Action on Approval of Ordinance No. 2011-O-12D, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, REPEALING ORDINANCE NO. 2011-O-8A AND ADOPTING A NEW ALARM SYSTEMS ORDINANCE IN ITS PLACE; FOR THE PURPOSE OF PROVIDING FOR AN ALARM PERMITTING PROCESS AND THE RECOVERY OF COSTS INCURRED BY THE CITY IN RESPONDING TO EXCESSIVE FALSE ALARMS; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE;

PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Mary Kay Fischer, City Attorney).

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

Angleton Better Living Corporation  
Angleton Parks Board  
Senior Citizen Commission

24. **Staff Reports & Questions for Staff**

- A) Code Enforcement Building Report
- B) Code Enforcement Report
- C) Code Enforcement-Food Service Inspection Report
- D) Economic Development and Tourism Report
- E) Financial Reports
- F) Keep Angleton Beautiful Report
- G) Municipal Court – Department of Public Safety Report
- H) Municipal Court – Activity Report
- I) Parks & Recreation Reports
- J) Police Department Report
- K) Public Works Report
- L) Public Works Recycling Report
- M) Utility Department Report

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

Mayor Randy Rhyne  
Mayor Pro Tem Rudy Santos  
Councilman Carl Herbst  
Councilman Gregg Dykes  
Councilman John Wright  
Councilman Roger Collins

*The City of Angleton, Texas reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices) and 551.087 (economic development).*

26. **Adjourn.**

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Shelly Deisher,  
City Secretary

Any person wishing to attend this meeting who is in need of assistance due to a handicap or special need is asked to call the city secretary/public information office anytime between 8 a.m. and 5 p.m. Monday through Friday. (call 979-849-4364)

Posted in accordance with the Texas Government Code, Chapter 551, on the \_\_\_\_ day of \_\_\_\_\_, 2011 at \_\_\_\_ am/pm and removed the \_\_\_\_ day of \_\_\_\_\_, 2011 at \_\_\_\_am/pm.

Witness to posting: \_\_\_\_\_

Witness to removal: \_\_\_\_\_