

A regular meeting of the City Council was held at City Hall on Tuesday, September 18, 2007

1. Call To Order

Mayor Piper called the meeting to order.

2. Invocation

Invocation was given by Charlie Stevenson

3. Roll Call

Council present: Mayor Larry Piper, Gary Coker, Thomas Lemon, Neal Bess Jr., Rodney Weems, and Linda Diaz.

Also present: Tim Moss, City Manager; Charlie Stevenson, City Attorney; Homer Toscano, Director of Public Works, and Gary Stroud, Chief of Police

4. Pledge of Allegiance

Pledge of Allegiance was recited.

5. Presentations by Citizens -

Visitors: Al Lindley, Wendell Becker, Charlotte Phillips, Jerry Phillips, Dan Ellis, Frank Lawrence, Phyllis Kittinger, Leo Finley, Larry Moore, Tammy Odom, and April Marze.

Emil Schmidt spoke about the drainage along Stevenson Slough. Mayor advised we would contact Public Works to see what could be done.

6. Consent Items

A. Approval of Minutes - August 20, 2007, August 21, 2007, August 27, 2007 and September 4, 2007

B. Approval of Bills- \$22,780.81

Rodney Weems stated August 20, 2007 minutes needed several amendments; including Assistant City Manager duties as well as the letter from District Attorney's office. The minutes will be researched and voted on at the next Council meeting October 16, 2007. Neal Bess noted that August 21, 2007 minutes under New Business item B; Darrin Mayberry does not own the property in question.

Gary made a motion to approve the bills in the amount of \$22,780.81. Linda Diaz seconded. All in favor motion carried.

Rodney Weems made a motion to accept the minutes of August 21, 2007, August 27, 2007 and September 4, 2007. Linda Diaz seconded. All in favor motion carried.

7. Public Hearings

None

8. Fire Department Report

Devin Lemon gave Fire Department report. They had 4 auto accidents, 2 false alarms, 1 assist hospital with Life Flight. Four fire fighters completed academy in Pearland. Two fire fighters and three instruct at Angleton Fire Field this weekend and next. Current

roster at 25; with one application pending.

9. Old Business

A. Smoking Ban Ordinance/ Neal Bess Jr.

Neal Bess spoke about the Ordinance. It would ban smoking in any public building. Discussion made. Gary Coker made a motion to table the Smoking Ban Ordinance until October 16th meeting. Neal Bess seconded. All in favor motion carried.

B. In Trust Property / Neal Bess Jr.

Neal Bess spoke; advising he would like to sell our In Trust property; and with that revenue collected give the Senior Citizen's discount on property taxes. Discussion made. Discount on taxes will be discussed again at a later date. Neal Bess made a motion to contact Jerry Shiever and Mike Darlow to sell our In Trust properties. Gary Coker seconded. All in favor; motion carried.

10. New Business

A. Adopt Tax Rate/ Ordinance

Charlie Stevenson read the Tax Rate Ordinance. Neal Bess made a motion to accept the Tax Rate Ordinance at .75. Gary Coker seconded. All in favor; motion carried.

B. Consider Variance for Barber Shop/ Orin Pinson

No one showed. No action taken.

C. Tax Resale Property at 203 MLK/ Michelle Campbell

Tim spoke on behalf of Brazoria County and Michelle Campbell. Neal Bess and Thomas Lemon both spoke on behalf the resident. Neal Bess made a motion to table until October 16, 2007. Thomas Lemon seconded. All in favor; motion carried.

D. Appoint Representative to H-GAC

No volunteers. Mayor suggested Gary Coker with Neal Bess as alternate. Neal Bess made a motion appoint Gary Coker and Neal Bess as alternate representatives to H-GAC. Thomas Lemon seconded. All in favor; motion carried.

E. Appoint Planning and Zoning Board of Adjustments Membership

One person responded; Danny Sheffield. Discussion made. Rodney Weems made a motion to table until October 16, 2007. Thomas Lemon seconded. All in favor; motion carried.

F. Consider Nomination to Appraisal District Board of Directors

Discussion made. Thomas Lemon volunteered his nomination. Neal Bess made a motion to accept Thomas Lemon's nomination to Appraisal District Board of Directors. Gary Coker seconded. All in favor; motion passed.

G. Creation of Assistant City Manager Position -funded by realignment of PD assets/ Rodney Weems

Rodney Weems made a motion to discuss items G, H, and I simultaneously. Neal Bess seconded.

Neal Bess made a motion to go into Executive Session on items G, H, and I. Gary Coker seconded. All in favor; motion carried.

H. Up/Down Vote on use of City Resources relating to Polygraphs conducted by the Chief on cases not arising within the Jurisdiction of the Sweeny PD / Rodney Weems

Neal Bess made a motion to go into Executive Session on items G, H, and I. Gary Coker seconded. All in favor; motion carried.

I. Up/Down Vote to require the Chief to wear a duty uniform (Consistent with the Patrol Uniform) with a rank of Major / Rodney Weems

Neal Bess made a motion to go into Executive Session on items G, H, and I. Gary Coker seconded. All in favor; motion carried.

J. Appoint SEDC Director to Board

Discussion made. Voting by ballot. Rodney Weems received 2 votes; others received one. Thomas Lemon made a motion to appoint Rodney Weems to SEDC Board of Directors. Neal Bess seconded. All in favor; motion carried.

K. Amendment to the 2006 - 2007 Budget

Amendments discussed. There was still a question about retirement; and if it had been revised. Amendments must be approved by October 1, 2007. Tim Moss will get with auditors and make sure all revisions had been made. Rodney Weems made a motion to approve amendment #1 to the 2006- 2007 budget. Neal Bess seconded. All in favor; motion carried.

L. Fiscal Fraud Policy / Rodney Weems

Tim Moss stated that the auditors suggested that we have a Fiscal Fraud Policy in place. Discussion made. Neal Bess made a motion to table the Fiscal Fraud Policy until October 16, 2007. Thomas Lemon seconded. All in favor; motion carried.

M. Agenda Ordinance / Neal Bess Jr.

Neal Bess spoke about an agenda policy. When a citizen comes in they fill out a form to be on the agenda; and we put the necessary paperwork with that form so Council can have it prior to meeting. Discussion made. Neal Bess made a motion to accept a agenda policy. Rodney Weems seconded. All in favor; motion carried.

N. Ordinance Amending the Zoning Ordinance

Charlie Stevenson read the ordinance amending the Zoning Ordinance. Discussion made. Rodney Weems made a motion to accept the Ordinance amending the Zoning Ordinance. Thomas Lemon seconded. All in favor; motion carried.

11. Reports of Advisory Boards & Commissions

None

12. Mayor, Council and Staff Reports

Gary Coker – None

Thomas Lemon – None

Neal Bess – Request to get information to televise the Council meetings. Also, mentioned having policies in place for employees getting injured or ill on the job.

Mayor – Read letter from Texas Municipal Courts Education Center commending Tammy Odom for her contributions in teaching.

Rodney Weems – None

Linda Diaz – None

Tim Moss – None

Chief Stroud –Benefit for Bob Moore Sunday, September 23, 2007 at the Community Center.

Homer Toscano – Spoke about one of our employees that went to hospital earlier today; and gave update.

13. Announcements

None

14. Closed Executive Session in Accordance with the Open Meetings Act, Tex. Gov't Code

§ 511.071, § 551.072 and § 551.074. To Discuss:

A. Creation of Assistant City Manager Position -funded by realignment of PD assets/ Rodney Weems

B. Up/Down Vote on use of City Resources relating to Polygraphs conducted by the Chief on cases not arising within the Jurisdiction of the Sweeny PD / Rodney Weems

C. Up/Down Vote to require the Chief to wear a duty uniform (Consistent with the Patrol Uniform) with a rank of Major / Rodney Weems

OPEN MEETING:

15. Discussion and action on any items discussed in Executive Session

Meeting reopened at 9:14 PM

A. Creation of Assistant City Manager Position -funded by realignment of PD assets/ Rodney Weems

Rodney Weems made a motion to discuss items G, H, and I simultaneously. Motion was passed earlier. Rodney Weems discussed the creation of the Assistant City Manger would help the City Manager with drainage, infrastructure and budget, this would give the City Manager extra time to look at issues in the City and to apply for grant monies and there was enough open time in the Police Department to give that assistance to the City Manager. Rodney Weems showed graphs to the Council showing the changes in mileage, tickets, and arrests from the Police Department over the past several years. Discussion made. Neal Bess made a motion to create an Assistant City Manager position. Rodney Weems seconded. Vote was 2- for (Rodney Weems and Neal Bess); 3 against

(Gary Coker, Thomas Lemon, and Linda Diaz) motion denied.

B. Up/Down Vote on use of City Resources relating to Polygraphs conducted by the Chief on cases not arising within the Jurisdiction of the Sweeny PD / Rodney Weems

Rodney Weems questioned Chief Stroud about how and when polygraphs are conducted. Discussion made. Linda Diaz made a motion for Chief Stroud to continue doing polygraphs with documentation on monthly reports. Thomas Lemon seconded. Vote was 4- for. 1- opposed (Rodney Weems). Motion carried.

C. Up/Down Vote to require the Chief to wear a duty uniform (Consistent with the Patrol Uniform) with a rank of Major / Rodney Weems

Rodney Weems suggested the Chief of Police wear a duty uniform. Discussion made. Neal Bess made a motion to have Chief Stroud to wear a uniform with four stars at his discretion for major events. Gary Coker seconded. Vote was 4- for. 1 - opposed (Rodney Weems). Motion carried.

16. Adjournment

Being no further business meeting adjourned at 9:40 PM

PASSED AND APPROVED THIS _____ DAY OF _____, 2007

Reatta Minshew, City Secretary