

A regular meeting and public hearing of the City Council was held at City Hall on Tuesday, September 15, 2009.

1. Call To Order

Mayor Lott called the meeting to order. Reminded Council and audience meetings are conducted in strict compliance with Roberts Rule of Order.

2. Roll Call

Council present: Dale Lemon, Mayor Pro-Tem Neal Bess Jr, Ray Bailey and Linda Diaz.
Absent: Gary Coker

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

3. Invocation

Invocation was given by Mayor Lott

4. Pledge of Allegiance

Pledge of Allegiance was recited.

5. Presentations by Citizens -

Visitors: Al Lindley, Albert Cantu, J.W. Rhyne, John Jasso, Ernest Garcia, Larry Lamb, Glenn Moody, Harry Gaul, Albert Esquivel, Claudia Garza, Rodney Weems, Rita McMillan, Gloria Harrison, Gloria Millsap, David Cisneros

**Neal Bess welcomed members of VFW Post 241 that were in attendance.

**Gloria Millsap from Senator Joan Huffman's office spoke and gave address and phone numbers for the Senator.

6. Consent Items

A. Approval of Minutes -August 18, 2009

Neal Bess made a motion to approve the minutes from August 18, 2009 as read. Ray Bailey seconded. All in favor; motion carried.

B. Approval of Bills - \$18,105.95

Ray Bailey questioned bill for Unique (Tim Moss stated it was for water supplies). Ray Bailey made a motion to approve the bills. Linda Diaz seconded. All in favor; motion carried.

7. Public Hearings

A. 2009 - 2010 Budget

Mayor stated Council has had three budget workshops in discussion of the upcoming budget. The Mayor also stated the Council has also reduced the tax rate from .762150 to .741595. No comment from public. Public hearing closed.

8. Fire Department Report

Tim Webb gave the Fire Department report. Total of 17 calls. \$2,000.00 raised for MDA. Haunted House in October in conjunction with Dr. Leal. 2 students and 3 teaching at Angleton Fire Field. Total 26 on roster with 3 applications pending.

9. Old Business

None

10. New Business

A. Resolution to Approve the Budget 2009-2010

Charlie Stevenson read the resolution to approve the budget for the 2009-2010 fiscal year. Neal Bess made a motion to approve the resolution. Ray Bailey seconded. All in favor; motion carried.

B. Ordinance to Adopt Tax Rate 2009-2010

Charlie Stevenson read the ordinance to adopt the tax rate of .741595 for the 2009 -2010 fiscal year. Dale Lemon made a motion to approve the ordinance as read. Linda Diaz seconded. All in favor; motion carried.

C. Amend the 2008-2009 Budget

Dan Schaefer spoke regarding the amendments. Discussion made. Neal Bess made a motion to approve amendment #1 for general, enterprise, and debt service. Ray Bailey seconded. All in favor; motion carried.

D. Approve SEDC Budget 2009-2010

Discussion made; all line items now match. Ray Bailey made a motion to approve the SEDC budget for 2009-2010. Neal Bess seconded. All in favor; motion carried.

E. Discuss Fence Adjoining Property at 601 Rural Lane/Dan Ellis

Dan Ellis spoke in regards to a fence that is adjacent to his property at 601 Rural Lane. He discussed his past conversations and photos. Mr. Moss will try to get in contact with the property owners to make repairs to fence. No action taken.

F. Brazoria County Steering Committee for Veterans Day Parade/John Jasso

Mayor Lott read a statement regarding freedom. John Jasso spoke in regards to the Veteran's Day Parade and also spoke about the Resolution regarding Levi Swinford. Discussion was made regarding guidelines and other mis-communication on the parade / festivities. As well as an update on the parade and festivities. Several members of the council/audience spoke.

Commander Glenn Moody (Post 241) stated he spoke with the Steering Committee and they are working with the family to have a decorated float for the deceased. No action taken.

G. Request Changes to Original Plans Presented in July for Property at 611 Ashley Wilson Rd/Holly and Mark Romero

Holly Romero spoke. They received preliminary approval in July. However, she has made changes and needs new approval. They have moved the property line closer to Ashley Wilson. They are also requesting a 40 ft easement instead of the requested 60 ft.; because the 60ft would interfere with the existing property. Discussion made. Fire Chief Devin Lemon was in attendance and stated the 40 ft would be enough. Ray Bailey made a motion to give preliminary approval with changes to 611 Ashley Wilson. Neal Bess seconded. All in favor; motion carried.

H. Discuss Veterans Memorial for Sweeny/Mayor Lott

At Mayor's request this agenda item will be tabled until October meeting. No action taken.

I. Amend Attachment B of the City's Investment Policy

Reatta Minshew spoke in regards to attachment B. The previous investment policy stated Exa Mae Keller and Tina Bernshausen were the employees designated as investment officers. Names should be changed to Tim Moss and Reatta Minshew respectfully. Neal Bess to make the changes as stated. Ray Bailey seconded. All in favor; motion carried.

J. Discuss/Approve Contract for Hurricane Debris Removal

Tim Moss spoke and discussed the steps that have been taken in regards to getting bids for a contract on hurricane debris removal. The two lowest bids were from TFR Enterprises and Crowder Gulf. Insurance and references were checked out on both companies. Tim would like to award the contract to TFR Enterprises and have Crowder Gulf as the alternate. This contract will need to be renewed each year. Neal Bess made a motion to award contracts as stated. Linda Diaz seconded. All in favor; motion carried.

K. Discuss Amending "Animal at Large" Ordinance/Gary Stroud

Chief Stroud spoke - he would like to amend the animal at large ordinance. He would like to take out the mandatory warning. This would give our Police Department the authority to give a citation without having issue a warning. Ray Bailey made a motion to amend the ordinance as stated. Neal Bess seconded. All in favor; motion carried.

L. Discuss Cell Phone Use Prohibited in School Zones

Tim Moss spoke about House Bill 55 that prohibits cell phone usage in school zones. Each City has the right to approve the bill or not. The cost for supplies and labor would be approximately \$500.00. Discussion made. Ray Bailey made a motion to adopt House Bill 55. Neal Bess seconded. All in favor; motion carried.

M. Permission to Negotiate Energy Contract/Tim Moss

Tim Moss stated our current energy contract will expire in November. Our current rate is around .09 per kilowatt hour with First Choice Power. Discussion made. Dale Lemon made a motion for Tim Moss, Mayor Lott, and Mayor Pro -Tem Neal Bess to go out for contract

bids and be able to sign a contract for 3 years. Ray Bailey seconded. All in favor; motion carried.

N. Appoint Members to SEDC Board

There are four positions that are up for re-election. Craig Peterson (whom opted not for re-election), Debbie Williams, Rita McMillan, and Frances Jammer. Kelly Stroud also gave a verbal resignation last night for a total of five positions available. We also have three applications for the SEDC board – Gloria Harrison, Devin Lemon, and Bill Hatchett. Neal Bess made a motion to re-elect Debbie Williams, Rita McMillan, and France Jammer to a 2 year term. Linda Diaz seconded. All in favor; motion carried.

Neal Bess made a motion to appoint Gloria Harrison to a 2 year term and Devin Lemon to a 1 year term. Ray Bailey seconded. All in favor; motion carried.

O. Appoint Representative for H-GAC

Ray Bailey made a motion to appoint Mayor Lott as representative for H-GAC; and Mayor Pro - Tem Neal Bess as alternate. Dale Lemon seconded. All in favor; motion carried.

P. Proclamation: POW/MIA Recognition Day

Charlie Stevenson read the proclamation. Ray Bailey made a motion to approve the proclamation as read. Dale Lemon seconded. All in favor; motion carried.

Q. Appoint Appraisal District Board of Directors/Tim Moss

SISD has nominated Glenn Salyer to the Appraisal District Board of Directors. Ray Bailey made a motion to join with SISD and nominate Glenn Salyer to the Appraisal District Board of Directors. Linda Diaz seconded. All in favor; motion carried.

R. Consider Craig King to Parks an Rec Board

Dale Lemon made a motion to appoint Craig King to the Parks and Rec. Board. Neal Bess seconded. All in favor; motion carried.

11. Reports of Advisory Boards & Commissions

None

12. Mayor, Council and Staff Reports

Mayor Lott – Gave Devin Lemon, Neal Bess, and members of the Fire Department letters of appreciation regarding Battle on the Bernard.

Gary Coker – Absent

Dale Lemon – None

Neal Bess – Also gave the Mayor a letter of appreciation regarding the Battle on the Bernard. Mr. Bess also suggested that Council try to attend Chamber meetings and have a better working relationship with the Chamber of Commerce

Ray Bailey – None

Linda Diaz – None

Tim Moss – Stated FEMA/County contracts for generators should be going out soon; looks like we may be getting around \$400,000.00 instead of initial \$200,000.00 because of lack of

approved contracts. The County should be back in next week to continue to work on the streets.

Chief Stroud – None

Homer Toscano – None

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.

OPEN MEETING:

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

16. Adjournment

Being no further business meeting adjourned at 8:55 pm

PASSED AND APPROVED THIS _____ DAY OF _____, 2009

Reatta Minshew, City Secretary