

State of Texas, County of Brazoria, City of Angleton

The City of Angleton, Texas City Council conducted its Regular Meeting at 6 p.m., Tuesday, February 14, 2017, with the following in attendance:

Randy Rhyne	Mayor
Hardwick Bieri	Mayor Pro Tem/Councilman Position 1
Williams Tigner	Councilman Position 2
Carl Herbst	Councilman Position 3
Bonnie McDaniel	Councilwoman Position 4
Cody Vasut	Councilman Position 5 (Absent)
OTHERS PRESENT:	
Scott Albert	City Manager
Michael Stoldt	Interim City Manager
Mary Kay Fischer	City Attorney
Shelly Deisher	City Secretary
Susie Hernandez	Finance Director
Katherine Davis	Asst. Chief of Police
Karen Barclay	Building Services Supervisor
Jeff Sifford	Public Works Director
Martha Eighme	Economic Dev/Tourism Director

And those listed on the guest registry.

1. CALL TO ORDER BY MAYOR RHYNE at 6:00 p.m. Declare a quorum.
2. Pledge of Allegiance.
3. Invocation led by the Mayor.
4. Approval of City Council Minutes from the meetings of December 29, 2016, January 10, 2017, January 20, 2017 and January 24, 2017.

Motion by Councilman Herbst to approve the City Council Meeting Minutes from December 29, 2016, January 10, 2017, January 20, 2017 and January 24, 2017;
Second by Councilman Tigner

Motion passes with 5 for; 0 against; 1 absent (Vasut).

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 A SEPARATE ACTION.

Consent item: Declare a 2009 Dodge Charger (P20) as Surplus.

Motion by Mayor Pro Tem Bieri to approve the consent agenda;
Second by Councilwoman McDaniel.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

8. Discussion and Possible Action on the Cruz Subdivision Plat, a

subdivision of a 0.9917 Acre Tract out of Tract 17 of the H.H. Cornwall Survey, Abstract 180, Brazoria County, Texas; also known as 517 Bryan Street.

Motion by Councilwoman McDaniel to approve the Cruz Subdivision Plat as presented;
Second by Councilman Herbst.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

9. Public Hearing on ORDINANCE NO. 2017-O-2A; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING CHAPTER 28 (ZONING ORDINANCE) OF THE CODE OF ORDINANCES BY AMENDING THE USE CHART TO ADD MARKET (COMMUNITY, FARMERS) AND ADDING DEFINITIONS FOR COMMUNITY MARKET AND FARMERS MARKET.

Motion by Councilman Tigner to open the public hearing;
Second by Mayor Pro Tem Bieri.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

Mayor asked if anyone wished to speak on, for against this item. Travis Smith, representative for the Farmer's Market, spoke in favor of this ordinance.

Motion by Councilman Tigner to close the public hearing;
Second by Councilman Herbst.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

10. Discussion and Possible Action on ORDINANCE NO. 2017-O-2A; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING CHAPTER 28 (ZONING ORDINANCE) OF THE CODE OF ORDINANCES BY AMENDING THE USE CHART TO ADD MARKET (COMMUNITY, FARMERS) AND ADDING DEFINITIONS FOR COMMUNITY MARKET AND FARMERS MARKET; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Motion by Mayor Pro Tem Bieri to approve Ordinance No. 2017-O-2A;
Second by Councilwoman McDaniel.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

11. Public Hearing on a request for a Specific Use Permit to operate a Community Market at 234 South Arcola Street; 218, 227, and 335 South Chenango Street; and 212 and 216 East Peach Street; in the City of Angleton, Texas.

Motion by Mayor Pro Tem Bieri to open the public hearing;
Second by Councilwoman McDaniel.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

Mayor asked if anyone wished to speak on, for against this item. Travis Smith, representative for the Farmer's Market, spoke in favor of this ordinance.

Motion by Councilman Herbst to close the public hearing;

Second by Councilman Tigner.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

12. Discussion and Possible Action on ORDINANCE NO. 2017-O-2B; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW OPERATION OF A COMMUNITY MARKET IN A CBD-CENTRAL BUSINESS DISTRICT ZONE, FOR PROPERTY LOCATED AT 234 SOUTH ARCOLA STREET, 218, 227 AND 335 SOUTH CHENANGO STREET AND 212 AND 216 EAST PEACH STREET, 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.

Motion by Councilman Herbst to approve Ordinance No. 2017-O-2B with a two-year term limit and approve closing off the 200 Block of East Peach for the event;

Second by Mayor Pro Tem Bieri.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

13. Discussion and Possible Action on ORDINANCE NO. 2017-O-2C; 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.

Motion by Councilwoman McDaniel to approve Ordinance No. 2017-O-2C,

Second by Mayor Pro Tem Bieri.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

14. Discussion and Possible Action on the Heritage Court Section 3 Final Plat, a Subdivision containing 5.280 Acres out of the J. De J. Valderas Survey, Abstract 380, Brazoria County, Texas.

Motion by Councilman Herbst to approve the Heritage Court Section 3 Final Plat as presented,

Second by Councilman Tigner.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

15. Public Hearing on a request to rezone Block 1, Lots 1 thru 9, Block 2, Lots 1 thru 5, and Reserve A of the Heritage Court Subdivision Section 3, out of the J. De J. Valderas Survey, Abstract 380, Brazoria County, Texas; a portion of which is zoned PD – Planned Development Overlay District, and the other portion being zoned AG – Agricultural District, to SF-7.2 – Single-Family Residential-7.2 District.

Motion by Mayor Pro Tem Bieri to open the public hearing;
Second by Councilman Tigner.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

Mayor asked if anyone wished to speak on, for against this item. No one wished to speak.

Motion by Councilwoman McDaniel to close the public hearing;
Second by Mayor Pro Tem Bieri.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

16. Discussion and Possible Action on ORDINANCE NO. 2017-O-2D; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO BLOCK 1, LOTS 1 THROUGH 9; BLOCK 2, LOTS 1 THROUGH 5; AND RESERVE A OF THE HERITAGE COURT SUBDIVISION SECTION 3, OUT OF THE J DE J VALDERAS SURVEY, ABSTRACT 380, BRAZORIA COUNTY, TEXAS; A PORTION OF WHICH IS ZONED PD - PLANNED DEVELOPMENT OVERLAY DISTRICT AND THE OTHER PORTION BEING ZONED AG - AGRICULTURAL DISTRICT, TO SF-7.2 SINGLE-FAMILY RESIDENTIAL-7.2 DISTRICT, 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.

Motion by Mayor Pro Tem Bieri to approve Ordinance No. 2017-O-2D,
Second by Councilwoman McDaniel..

Motion passes with 5 for; 0 against; 1 absent (Vasut).

17. Discussion and Possible Action on RESOLUTION NO. 2017-R-2B; A RESOLUTION OF THE CITY OF ANGLETON, TEXAS, SUPPORTING HVM 2017 NORTHSIDE SRS., LTD. AND THE PROPOSED DEVELOPMENT OF ORCHARD PARK APARTMENTS (AKA NORTHSIDE SENIORS APARTMENTS) FOR AFFORDABLE RENTAL HOUSING AT 1749 E. HENDERSON ROAD, ANGLETON, TEXAS; APPROVING THE CONSTRUCTION AND/OR RENOVATION OF THE DEVELOPMENT; AUTHORIZING AN ALLOCATION OF HOUSING TAX CREDITS FOR THE DEVELOPMENT; PROVIDING AN OPEN MEETINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

Motion by Councilwoman McDaniel to approve Resolution No. 2017-R-2B,
Second by Mayor Pro Tem Bieri.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

18. DISCUSSION AND POSSIBLE ACTION ON A MOTION AUTHORIZING THE MAYOR TO SIGN LETTER TO DENNIS HOOVER SUPPORTING APPLICATION FOR MULTI-FAMILY TAX CREDITS WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) DURING THE 2017 CYCLE FOR THE CONSTRUCTION AND/OR REHABILITATION OF THE EXISTING ORCHARD PARK APARTMENTS (AKA NORTHSIDE SENIORS APARTMENTS).

Motion by Councilman Herbst to authorize the mayor to sign a letter to Dennis Hoover supporting the Application for Multi-family tax credits with the Texas Department of Housing and Community

Affairs for Construction and/or Rehabilitation of the Existing Orchard Park Apartments (also known as Northside Senior Apartments),
Second by Councilman Tigner.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

19. DISCUSSION AND POSSIBLE ACTION ON:

1) MOTION MAKING A FINDING THAT REDUCING BUILDING PERMIT FEES FOR REHABILITATION PROJECT ON ORCHARD PARK APARTMENTS (AKA NORTHSIDE SENIORS APARTMENTS) AT 1749 E. HENDERSON ROAD, ANGLETON, TEXAS, SERVES A PUBLIC AND MUNICIPAL PURPOSE BY PROVIDING AFFORDABLE RENTAL HOUSING IN OUR COMMUNITY;

Motion by Councilman Herbst to reduce building permit fees for rehab project on Orchard Park Apartments as it serves as a public and municipal purpose for providing affordable rental housing in our community;
Second by Councilwoman McDaniel.

2) MOTION REDUCING THE INITIAL BUILDING PERMIT FEE BY \$100.00 FOR THE BENEFIT OF THE DEVELOPMENT;

Motion by Councilwoman McDaniel to reduce the initial building permit fee by \$100 for the benefit of the development;
Second by Councilman Tigner.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

3) MOTION AUTHORIZING THE MAYOR TO EXECUTE THE LETTER THAT AGREES TO A \$100.00 REDUCTION ON THE INITIAL BUILDING PERMIT FEE ON ORCHARD PARK APARTMENTS (AKA NORTHSIDE SENIORS APARTMENTS) OR HVM 2017 NORTHSIDE SRS., LTD.

Motion by Councilman Tigner to authorize the mayor to execute the letter that agrees to a \$100.00 reduction on the initial building permit fee on Orchard Park Apartments or HVM 2017 Northside Srs. Ltd.;
Second by Councilman Herbst.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

20. Discussion and Possible Action on RESOLUTION NO. 2017-R-2A; A RESOLUTION OF THE CITY OF ANGLETON, TEXAS, AUTHORIZING THE SUPPORT OF A CRIMINAL JUSTICE DIVISION GRANT TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, BY PLEDGING ADDITIONAL FUNDS TO PURCHASE CERTAIN COMMUNICATION EQUIPMENT FOR THE POLICE DEPARTMENT; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT AND DECLARING AN EFFECTIVE DATE.

Motion by Mayor Pro Tem Bieri to approved Resolution No. 2017-R-2A,
Second by Councilwoman McDaniel.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

21. Public Hearing on a request to rezone the North 50 feet and South 90 Feet of Lot Ten (10), and the North 50 feet and South 90 Feet of

Lot Eleven (11); Block 48 of the Angleton Townsite, in the City of Angleton, Brazoria County, Texas, from C-O/R - Commercial-Office/Retail District to SF-6.3 - Single-Family Residential-6.3 District; (located on the corner of Thomas J. Wright Street and West Locust Street).

Motion by Councilman Herbst to open the public hearing;
Second by Councilman Tigner.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

Mayor asked if anyone wished to speak on, for against this item.
No one wished to speak.

Motion by Mayor Pro Tem Bieri to close the public hearing;
Second by Councilman Herbst.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

22. Discussion and Possible Action on ORDINANCE NO. 2017-O-2E; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO 412 THOMAS J. WRIGHT STREET WITH A LEGAL DESCRIPTION OF THE NORTH 50 FEET AND SOUTH 90 FEET OF LOT TEN (10) AND THE NORTH 50 FEET AND SOUTH 90 FEET OF LOT ELEVEN (11); BLOCK 48 OF THE ANGLETON TOWNSITE (LOCATED ON THE NORTHEAST CORNER OF THOMAS J. WRIGHT STREET AND WEST LOCUST STREET), IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; FROM C-O/R - COMMERCIAL-OFFICE/RETAIL DISTRICT TO SF-6.3 - SINGLE-FAMILY RESIDENTIAL-6.3 DISTRICT; 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.

Motion by Councilman Herbst to approve Ordinance No. 2017-O-2E,
Second by Councilman Tigner.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

23. DISCUSSION AND POSSIBLE ACTION ON:

- 1) MOTION MAKING A FINDING THAT WAIVING ALL CITY OF ANGLETON PERMIT AND TAP FEES FOR TWO (2) HABITAT FOR HUMANITY HOUSES TO BE BUILT ON LOT 2 IN THE CALDWELL ROAD SUBDIVISION AND LOTS 12-13 ON THE SOUTHWEST CORNER OF NORTH ERSKINE STREET AND WEST MYRTLE STREET, SERVE A PUBLIC AND MUNICIPAL PURPOSE BY PROVIDING AFFORDABLE HOUSING IN OUR COMMUNITY;

Representative for Habitat, Mr. Wayne Mettetal brought it to council's attention that he had provided the incorrect legal description; Lot 2 should be Lot 1.

Motion by Councilman Herbst to find that waiving all City of Angleton Permit and Tap Fees for Two Habitat for Humanity Houses to be built on Lot 1 in the Caldwell road Subdivision and Lots 12-13 on the southwest Corner of North Erskine Street and West Myrtle Street serve a public and municipal purpose by providing affordable housing in our community;

Second by Mayor Pro Tem Bieri.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

2) MOTION WAIVING ALL CITY OF ANGLETON PERMIT AND TAP FEES FOR THE BENEFIT OF HABITAT FOR HUMANITY OF SOUTHERN BRAZORIA COUNTY.

Motion by Councilman Herbst to waive all City of Angleton Permit and Tap Fees for the Benefit of Habitat for Humanity of Southern Brazoria County for houses to be built on Lot 1 in the Caldwell Road Subdivision and Lots 12-13 on the southwest corner of North Erskine Street and West Myrtle Street,
Second by Councilman Tigner.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

24. Discussion and Possible Action on a "General Contract for Services" with Neal Insurance Agency, and Authorizing the City Manager to Execute the Contract.

Motion by Mayor Pro Tem Bieri to approve the general contract for services with Neal Insurance Agency and authorize the City Manager to Execute the contract;
Second by Councilman Herbst.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

25. Discussion and Possible Action on Property Insurance Bids, including Wind/Hail Coverage.

Motion by Mayor Pro Tem Bieri to award the bid to AmRisc, LLC, Option 1, and adding terrorism insurance plus 5% tax added to the bid cost;
Second by Councilman Herbst.

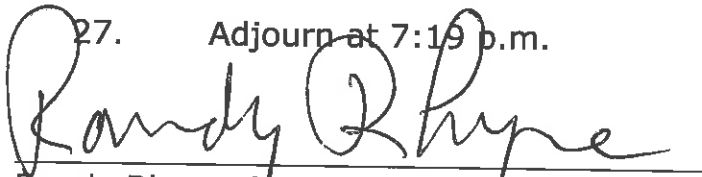
Motion passes with 5 for; 0 against; 1 absent (Vasut).

26. Discussion and Possible Action on Appointing a Brazosport Water Authority Representative for the City of Angleton.

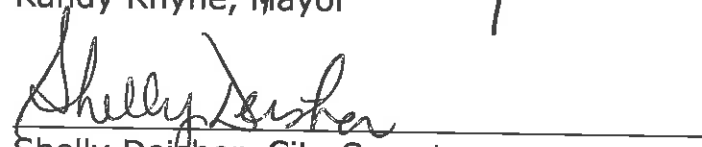
Motion by Mayor Pro Tem Bieri to approve J. R. Norris as Brazosport Water Authority Representative for the City of Angleton;
Second by Councilman Herbst.

Motion passes with 5 for; 0 against; 1 absent (Vasut).

27. Adjourn at 7:19 p.m.



Randy Rhyne, Mayor



Shelly Deisher, City Secretary