

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, December 9, 2008, with the following in attendance:

J. Patrick Henry	Mayor
Rudy Santos	Mayor Pro Tem
Bonnie Church	Councilwoman
Bonnie McDaniel	Councilwoman
Gregg Dykes	Councilman
John Wright	Councilman
Chris Duncan	Interim City Attorney

OTHERS PRESENT:

Greg Smith	City Manager
David Ashburn	Chief of Police
Patti Worfe	Staff
Robert Heinemeyer	Staff
Herb Smith	Baker and Lawson Engineer

And those listed on the guest registry.

1. CALL TO ORDER BY MAYOR HENRY. 6:00pm
2. Pledge of Allegiance led by Chief Ashburn.
3. Moment of Silent Reflection/Prayer.
4. **Ceremonial presentations- None.**
5. **Citizens wishing to address council: None.**
6. **Requests to address Council other than citizenry.**
None.
7. **Consent items:** Minutes from November 25, 2008

Motion by Mayor Pro Tem Santos;
Second by Councilwoman Church.

Motion passes with 6 for; 0 against.

8. **Public Hearing on a re-zone request of 2329 E. Mulberry, Highway 35, from R-1 Residential to C-3 Commercial.**

Greg Smith: It is going to be the AAMI Firearms store. All notices were sent out for this rezone. We received no comments back opposing it. Planning and Zoning did approve it unanimously.

Mayor Henry: It is R-1, but there is already a business there?

Greg Smith: Yes, it was grandfathered.

Mayor Henry: No public addressing this matter, so we will close the hearing and go on with discussion of the ordinance.

9. **Discussion and possible action on Ordinance No. 2008-O-12A to re-zone 2329 E. Mulberry, Highway 35, from R-1 Residential to C-3 Commercial.**

Mayor Henry: Any questions or discussion?

Motion by Mayor Pro Tem Santos;
Second by Councilman Wright.

Motion passes with 6 for; 0 against.

10. **Public Hearing on a re-zone request of an 8.853 acre tract of land located immediately north of the existing Angleton High School, from R-1 Residential to R-7 Residential.**

Mayor Henry: Public hearing is open.

Greg Smith: Only one neighbor, Angleton Independent School District. That notice was sent by agreement, in addition to the 200 feet. There were no comments from the School District. Planning and Zoning met and unanimously approved this property. R-7 will be an apartment complex, somewhere between 80-90 units. The property is under contract with Mr. Banfield, the same one who owns Country Lane and the Cambridge Apartments behind Kroger.

Mayor Henry: No one from the public is present to address this matter, therefore, the public hearing is closed.

11. **Discussion and possible action on Ordinance No. 2008-O-12B to rezone an 8.853 acre tract of land located immediately north of the existing Angleton High School, from R-1 Residential to R-7 Residential.**

Councilman Wright: This property is under contract right now?

Greg Smith: Yes.

Councilman Wright: We are going to move it to an R-7 prior to the purchase?

Greg Smith: That is standard. Has to be zoned properly to get commercial Loan.

Mayor Henry: It was approved by Planning and Zoning?

Greg Smith: That is correct.

Councilman Wright: I know we have to do it this way, I just wonder do we ever plan where we are going to put the apartments?

Mayor Henry: Yes, and when you look at the new zoning map, you will see where they are planned. They broke it down in the new zoning ordinance into apartments, duplexes, quads.

Greg Smith: Yes and it absolutely meets the Master Plan. Even in the new one, it is not only just by apartments, but also the number of units per acre. Will know the density level in the new zoning ordinance.

Mayor Henry: Any further discussion?

Motion by Councilman Wright;
Second by Councilwoman McDaniel.

Motion passes with 6 for; 0 against.

12. Discussion and possible action on the Final Plat of 2.833 acres of land known as the CVS Masterson's Addition.

Greg Smith: All staff have reviewed this. All infrastructure is in place. Staff did recommend approval of this final plat to Planning and Zoning. Planning and Zoning also approved it. There were some stipulations in Planning and Zoning and those stipulations have been met.

Motion by Mayor Pro Tem Santos.
Second by Councilwoman McDaniel.

Motion passes with 6 for; 0 against.

13. Discussion and possible action on the Engineering Contract for the extension of 12" water line to Brazoria County Juvenile Detention Center.

Greg Smith: Brazoria County did an addition to their Detention Facility. When they first ran their water pressure, they felt like they had enough with the existing line. As the facility has been constructed, it turns out they do have concerns that the dead-end line that goes to that facility is adequate. We met with County Engineer and he is requesting that we proceed with looping that with a 12" line from the Subdivision. This is the engineering contract to get this started. The next phase will be an Interlocal agreement with County stating they will reimburse the City of Angleton for the cost. We do need to declare it a necessity to preserve and protect the public health and safety to allow immediate processing of quotes in the time needed to get the necessary permit from Union Pacific Railroad. If we do not do this, the County stands the potential to have jeopardy of the building being completed and not have adequate water to open it up.

The contract is with Baker and Lawson to do the engineering. The Interlocal will be with the County to pay the City back.

Councilman Wright: When will the Interlocal be available?

Greg Smith: Hopefully will be ready at the December 23rd Council meeting.

Herb Smith: City attorney should be receiving before that.

Councilman Wright: This is just the design and special services fee?

Herb Smith: Yes. We intend to be through next week. The problem is that the railroad takes 90 days to approve the permit.

Mayor Pro Tem Santos: When will you receive quotes?

Herb Smith: End of the month or early in January.

Mayor Pro Tem Santos: And notice to proceed right after the approval by administration?

Herb Smith: Build everything but the railroad crossings because we won't have a permit, but the insurance requires a permit and as soon as a permit is issued, then they connect up and have water.

Greg Smith: Being declared an issue with public health, we are hoping that will help speed up the process with the railroad. Will seek bids from local contractors and will also seek bids from contractors in town doing work for School District and will entertain them getting the opportunity. Design phase is \$14,312 and surveying and permit and construction inspection is \$7,100, for a total of \$21,412.

Motion by Councilwoman Church to approve.
Second by Mayor Pro Tem Santos.

Motion passes with 6 for; 0 against.

14. Discussion and possible action on approval of budgeted expenditure of \$25,500.00 for SCADA System for six lift stations.

Greg Smith: This was in the budget process and an approved project. Will cut our overtime and use of telephone lines. Uses wireless technology to tell us when there is a problem with the lift station. Each additional Year, we will try to add one or two more systems if the budget allows, but Will allow us to get the systems up and running.

Councilwoman Church: Does it have any redundancy in it?

Robert Heinemeyer: Yes.

Greg Smith: Staff recommends approval.

Motion by Councilwoman Church.
Second by Councilman Dykes.

Motion passes with 6 for; 0 against.

15. Discussion of potential projects for Federal Stimulus Package Participation.

Greg Smith: This is a discussion item only. No action requested. Quick history is that President Elect Obama has been talking about a federal stimulus package for infrastructure. They are talking billions of dollars. Herb understands that for the stimulus project, construction must be ready to go immediately. Have to be projects that are fully engineered. City has three projects and would like for Council to agree for us to go forward. May have minor expense to spend on these projects to make ready by January.

Herb Smith: First is Shanks Road. Have not been able to build because no right-of-way. Is in budget. Just need to procure right of way. Will need \$2500.00 to stake it, then that project can be done.

Miller Street: we have designed it and been paid. Will be working with local elected officials to get Angleton's name up there. There would be a fee to bundle everything up, plus the construction phase fees. City would not be out of pocket.

Waste Water Treatment Plant 2 to Waste Water Treatment Plant 1: project is already budgeted. It is our opinion that you have to do it. If this is a good idea, we ask you to authorize it on the 23rd, because we are already working on it, and we are probably half-way through with it, but we will guarantee we will be through by January 20, which is the earliest this can be done. It will be ready to go out for bids at that time. If you do not get the federal money, this is still a good time to be out there bidding on projects.

Mayor Pro Tem Santos: Two are in our budget and one is not? Is there a limit to the number of Projects?

Herb Smith: Only to have ready. Nothing else ready.

Mayor Pro Tem Santos: What about Chenango and Locust?

Herb Smith: Not far enough along.

Councilman Dykes: What is the Miller Street roadway?

Herb Smith: In the last bond issue or large CO issue, included original projects were Buchta, Miller and Chenango. We added Hospital and a lot of offsite drainage. The estimate was short. We had done Miller but at the end we were out of money.

Mayor Henry: Tell them what you are talking about with Miller.

Herb Smith: Miller goes from Heritage Oaks starts out in the woods all the way across 288B and goes past the subdivision with the pump, at Anchor Road. Ran storm sewer up Anchor, busted the level and picked up the drainage and will no longer need the pump. Huge advantage for the City and the people who live out there. Anchor road pit has to be fully engaged. If we are underway with this, we will have this big stick to say get it pumped, station installed, pump it down so it will all work. Ends up at Chenango Street.

Councilman Dykes: The engineering part is completed?

Herb Smith: 100%. Cost about \$25,000. The guy that walked it for me said there were changes, but we wouldn't do that unless you were awarded it. By the time they are going to give you the money and you have it, we will complete and bundle up the construction phase. That will actually cost you nothing. The others, we are just spending the money you have budgeted instead of waiting til February and asking you to kick it in now so we can get them ready.

Robert Heinemeyer: Does that include the tie-back over to Walker?

Herb Smith: Yes.

Mayor Henry: That would be a great project.

Herb Smith: It is one we really want to do, it is just ended up never having enough money to do it. The other thing working for us on the Waste Water Treatment II, if you saw the paper today, they have already started environmental clearance on the force main. We will be environmentally clear. Meeting with rep from Bonnen's office tomorrow. Also turned one in, a made up project to go 16" water line to 35 and then 12" back down, we could have that ready if they want to fund that one. Have to pay for design end, not in budget.

Greg Smith: The two projects – Shanks Road right of way – basically staking and Then our attorney getting the right of way and easements that we need for That. Not enough to build street, but that is what we do first, get the right of way.

Mayor Henry: Need the right of way for the drainage.

Greg Smith: That is correct. The second one – the Waste Water Treatment Plant II, pumping station, we have had discussions and Council gave us the direction to move forward with that. Time to put in contract. We have started process with grant consultant to get that changed over. Ready to put under contract. When we say budgeted, the construction contract may not be budgeted, but we have money in this year's budget to fund the engineering portion and what is needed to get both projects ready for stimulus package. HGAC kind of eluded to this when Councilman Wright went to the meeting last month and if projects were ready, there probably would be funding.

Mayor Henry: The more I read about this and become familiar with it, something is going to happen.

Greg Smith: They have said that this will be as much money as when they started the interstate highway program.

Councilman Wright: What was the price back then for Miller?

Herb Smith: 5-6 million today, probably half of that.

Councilman Wright: You already have a dollar figure?

Herb Smith: Yes. One of the things we are going to do is refine those numbers...do a better job on that between now and January. Even on Miller Street project, we will not invoice you, but we will look at it and see what we need to do to get a good cost estimate.

Councilman Wright: How long would it take to get Henderson road?

Herb Smith: A year, minimum. Horribly complicated with right of way issues and drainage issues. I really struggled with it. We could turn it in and see if they want to fund the engineering. I got the sense from the radio talk that we are talking moving dirt projects.

Councilman Wright: I was wondering about the pumping station. From what I heard, it is road and bridge.

Greg Smith: They also said water and waste water.

Councilman Wright: That is news to me.

Councilwoman McDaniel: Anything that helps the environment sounds like it is going to be.....(Greg Smith talking)...

Greg Smith: I am sorry, Ms. McDaniel. What I have actually heard in some of the later things, there are going to be X amount of road and bridge and then they are going to put some aside for water/waste water.

Mayor Pro Tem Santos: What about public recreation?

Herb Smith: I haven't heard anything about that, but I have heard about buildings.

Mayor Henry: Is there any way that we can say that Phase II on the pond at Freedom is....

Herb Smith: Will throw it in and all he can do is say no.

Councilwoman McDaniel: Herb, are there any other things? Obviously I am still new enough that I do not know the projects that have been on-going. I have always found that doing something like this....you put in the extras and you at least get the minimum of what you want and sometimes you get the extras. My next question is...are there other projects that are close enough that we could be thinking in terms of getting those ready because if this is going well, I have a feeling this may continue for a while.

Herb Smith: I think this will be a discussion that is ongoing. Projects that you have to do, at least you have some budge items for, you cannot get ready for first round, but... (Councilwoman McDaniel talking)....Waste Water Treatment Plant I is scheduled for improvements. Complicated problem.

Mayor Henry: We used to get a wish list from Planning and Zoning...we could dig that list up again.

Mayor Pro Tem Santos: Gifford, Shanks, Cemetery, Hospital.

Herb Smith: I will try to meet with the people in Austin and see what it is what They think will happen. There is some sort of economic development group that kicks Around here and maybe they will be the one divvying it up. Maybe it will be Applied directly to Washington.

Councilman Wright: HGAC believes they are going to get the funding.

Greg Smith: If that happens, it will be the worst thing that can happen.

Mayor Henry: We have done fairly well with HGAC.

Herb Smith: It may be decided in Austin who gets to do this.

Greg Smith: There will be two agenda items on the meeting for the 23rd to approve The full engineering contract for Waste Water Treatment Plant II's pump station and Force main and the additional funds for the staking for the ROW acquisition.

16. Discussion and possible action on Resolution No. 2008-R-12A denying the rate increase proposed by Texas-New Mexico Power Company.

Mayor Henry: I think the attorneys or the firm representing the coalition of Cities said we need to do a resolution.

Greg Smith: We actually said we wanted to oppose it. We took action to join the group and now they have come back and said we have to have a resolution specifically

stating that we are denying their rate increase and that is what this is stating.

Mayor Pro Tem Santos: And that is what the resolution says, denying the rate increase?

Greg Smith: That is right.

Motion by Mayor Pro Tem Santos.
Second by Councilman Dykes.

Mayor Henry: Any questions:

Councilwoman McDaniel: I have a question. Is this denial based specifically on the fact that Texas New Mexico has not given a reason for the increase or have not made it Clear.

Greg Smith: And some of their rate increases seems excessive. This is the rate for The use of the lines. Street lights are going up 35%. No justification for rate increase.

Councilwoman McDaniel: Are they going to provide better service with these rate increases?

Mayor Henry: When they ask for rate increase, they do not specify service. They are just saying that to be profitable..still guaranteed 10% profit even under de-regulation, they need this rate increase.

Greg Smith: This is just additional charge for the wires and the poles.

Mayor Henry: They always ask for X, you get a group together and ask for Y and some where in-between is where it ends up.

Mayor Pro Tem Santos: Basically same thing with gas company.

Motion passes with 6 for; 0 against.

17. Reports of boards & commissions: None.

18. City Manager Report:

A) County Road 609 – open and basically done. Completed punch list. One issue With county...has incline in the road. No passing on incline and see if Mr. Roberts can approve or does it have to go to Commissioner's Court. Finished before Thanksgiving.

B) Heart of Christmas-having our review meeting tomorrow with dept. heads. We think it was a great event. Had lots of good feedback. Some things we can improve on. One email said thousands of people were there. Hard to judge how many. Attendance is not the big issue. Big thing is...it was a success. By next morning for Fun Run, street was spotless. County gave us probationers. Digital Santa pictures. Did about 190 pictures. Send out flyer next year unless Council has an issue with it. Will call it 2nd annual.

19. Council Information

Mayor Patrick Henry-very proud of the Heart of Christmas. Make sure and let the County know that we appreciate their help. Everything I have heard has been positive. Jingle Bell Fun Run was nice also. Get more organized every year.

Mayor Pro Tem Rudy Santos-Same thing. Everything went well. Thank you Greg and Patti, Eric and fire department. Was a more friendly event.

Councilman John Wright-Just like everyone else. Enjoyed HOC festival. Great to live in a small town. All other boards who participated and

citizens who signed up for the booths, entertainment...a real city event.
Councilwoman Bonnie Church-echo what everyone said. Does anyone else have a problem with 23rd meeting? I cannot make that meeting.
Councilman Gregg Dykes-echo what everybody else said.
Councilwoman Bonnie McDaniel-enjoyed exercise on Sat. morning. Will put in wish list – need more sidewalks in older parts of town. On quiet zone...is it done?

Greg Smith: Tomorrow morning at 8:00 it is supposed to go into effect.

Councilwoman McDaniel: Basically has been more quiet. Everyone not participating.

Greg Smith: Not official. It is recognized on National/Federal railroad site. Union Pacific has not given official designation. Will come out in the morning. Will take a couple of days to disseminate the no using of horns in the quiet zone.

Mayor Henry: If the engineer sees a need to blow the horn, he can still blow it.

Councilwoman McDaniel: That is understandable. One or two engineers love to lay on the horn.

Greg Smith: By Friday or Monday, it should be a much quieter situation.

Councilwoman McDaniel: Last question, what about the Ike debris?

Greg Smith: We will have a definite answer Monday. Does look like FEMA will assist in picking up additional debris. Don't think we can get a contractor back here. Pilot program cuts the city a check..ends in the next nine days. We are looking at one other avenue...a forced labor account. Will pick up Sat. and Sundays and they will reimburse overtime and equipment we use. We have to see if we have staff willing to do it, as well as equipment. Some concerns that it will be questioned by FEMA. Will take additional justification by us. Trying to determine between contractor debris and storm debris.

20. Council adjourned into executive session to discuss personnel matters.

Out of executive session at 8:30 p.m. and no items for action.

Adjourn 8:40 P.M.

J. Patrick Henry, Mayor

Shelly Deisher, City Secretary