

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., Monday, October 27, 2008, with the following in attendance:

J. Patrick Henry	Mayor
Rudy Santos	Mayor Pro Tem
Bonnie Church	Councilwoman
John Wright	Councilman
Gregg Dykes	Councilman

ABSENT:

OTHERS PRESENT:

Greg Smith	City Manager
Shelly Deisher	City Secretary
Herb Smith	City Engineer
David Ashburn	Chief of Police
Kacey Hamlet	
Patti Worfe	
Kathryn Davis	
Jeremy Warren	
Susie Hernandez	Financial Director

And those listed on the guest registry.

1. CALL TO ORDER BY MAYOR HENRY. 6:00pm
2. Pledge of Allegiance.
3. Moment of Silent Reflection/Prayer.
4. **Ceremonial presentations-**
 - A. Keep Angleton Beautiful Yard and Business of the Month- Wanda Carr on Fox Lane received Yard of the Month for October. Business of the Month will be here next month.

Business of the Month is By George (caterer and tea room) on corner of Anderson and Mulberry.

- B. Employee of the Month – Mike Jones-Emergency Management Coordinator (could not attend, will receive the award next month.)

5. **Citizens wishing to address council: None.**

6. **Requests to address Council other than citizenry.**
None.

7. **Consent items:**

- A. Minutes from September 23, 2008 regular meeting and October 14, 2008 regular council meeting.
- B. Purchase of Recycle Truck

John Wright asked that his name be changed from John Warren to Wright in the September 23 minutes, then he would approve.

Motion by Councilman Dykes
Second by Mayor Pro Tem Santos

Motion passes with 5 for; 0 against.

8. **Discussion and possible action on an interlocal agreement between the City of Angleton, the Angleton Volunteer Fire Dept. and Brazoria County Emergency Services District No. 3 for the Angleton Volunteer Fire Department to provide fire protection to said District.**

Greg Smith says this is the one that was tabled last month. City Attorney and Eric Smith were able to get together and they are recommending approval. Not an ordinance.

Councilman Dykes wants to know what this is.

Greg Smith states that it is a contract where the fire department will seize emergency response within city limits as part of the ESD. That money has always been given to fire dept, just making official how to accept the money.

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

Motion passes with 5 for; 0 against;

9. **Discussion and possible action on Ordinance No. 2008-O-10B for stop signs on Shady Oak Drive at Enchanted Oaks Drive and on Southern Oaks Drive at Shady Oaks Drive. Also on Texian Trail South at Buchta Road.**

Motion by Councilman Wright.
Second by Councilman Dykes.

Motion passes with 5 for; 0 against.

10. **Discussion and possible action on list of roads to be overlaid by interlocal agreement with Brazoria County.**

Mayor Henry: We have a list of overlays. This is determined, I think, by how Robert feels they need it, in order of preference. Does anyone have any comments?

Councilman Wright would like to talk to Robert, who is not present. If delayed for one month, what would that do to the City?

Greg Smith: Nothing. Work is not started until the spring. Last year this was not approved until December or January. Tabling it to bring it back in November, then approving it the first of December won't slow us down at all.

Mayor Henry: Are we going to be able to do 28 items on the list?

Probably not, states Greg Smith. Budget \$117,000...over budget, report states \$120,000.00.

John Wright asked if he could talk to Robert before this issued was approved. Department personnel said he could probably answer questions, but John stated that there were some streets that were not on the list that he had

questions about.

Mayor Henry suggested to Councilman Wright that he might want to meet with Robert before the next council meeting.

Suggested tabling this matter and motioned by Councilman Wright.

Second by Councilman Mayor Pro Tem Santos.

Motion passes for issue to be tabled with 5 for; 0 against;

11. **Discussion and possible action approving Resolution No. 2008-R-4A, suspending TNMPC rate increase.**

Greg Smith states back in August, TNMP filed a request for rate increase with the City. They then suspended that for 30 days due to Ike, giving the cities time to respond to it. They are asking for rate increase not in the power rates that they sell the city, but the rates used for wires and poles...not purchase of electricity. It is not a rate increase for the purchase of electricity. It is a rate increase for the use of the lines and the poles in the distribution system. It is in excess of 23% rate, some as high as 78%. We are asking the City to join with this resolution suspending the rate increase and there is a coalition to negotiate with Public Utility Commission a better rate increase, if any. This was successful with a rate increase by Centerpoint...negotiation was made for less than half. There is strength in numbers. Several other cities have joined..Brazoria, League City...other cities have passed. I am recommending that we approve the resolution.

John Wright: has TNMPC offered to come speak to Council?

Greg Smith: I am sure they would.

Mayor Henry: John, if you would read your background information here, they are asking for their return of equity of 11.25%. They are asking for an increase on our street lights of 78%. Usually, how this works, is they ask, we say no, because of PUC and we get something inbetween.

Greg Smith: TNMPC has already extended once to give

cities more time to intervene to suspend it. Other cities have already joined the coalition.

Mayor Henry: City doesn't have expertise to read 3,000+ page report. If they would like to come talk to us, that would be fine.

Approval of Resolution No. 2008-R-4A:

Motion by Mayor Pro Tem Santos
Second by Councilwoman Church

Motion passes with 5 for; 0 against.

12. Discussion and possible action approving Ordinance No. 2008-O-10C amending the 2007-2008 Budget.

Greg Smith: You have a copy of the ordinance in front of you with one highlighted area; one typographical error in the copy sent to you on Friday; the second copy shows the actual expenditures exceeded the budget for the Street Department in the general fund by \$480.00. The first one did not say Street Department. That is the only change in the ordinance. As you can see, most of the amendments are very minimal--\$480.00 in the Street Dept. in the General Fund. That is for accruals. Our new auditor wants us to accrue things differently.

We have made the necessary corrections and a line item has changed slightly. This is the only change in the ordinance.

Unaudited numbers at the end of last fiscal year shows a surplus from last year's budget of nearly \$1,000,000.00 citywide; the major accounts are \$445,849.00 the general fund, \$135,618.00 street fund and water fund (first time since Intermedics has closed that there is a \$229,000.00 surplus in the water fund).

Mayor Henry: That water fund surplus is amazing. I am not sure that before Intermedics closed we ran with surplus.

Smith: We are getting ourselves back in good fiscal shape; goal for all of us to build up reserves. Right before I got here we had some very high, unexpected expenses for water and sewer issues. Hopefully will get those resolved and continue to work to improve infrastructure.

Mayor Henry: Can you figure out the general fund...what that is in terms as far as reserve? I know that is hard to do.

Smith: Can take average budget and divide it and come up with something.

John Wright: What is big driver in this?

Smith: It could be timing, personnel expenses are 53% of budget. \$200,000 savings in budget just from health insurance. Half of the surplus came just from savings of the health insurance last year. I think some of it that was brought in control was by implementing the purchase order system. Dept. heads realize how much things cost when they actually have to approve it and I think we are doing a better job of getting the best prices for our purchases.

Susie: We actually did well as far as the budget – we had already budgeted to put into fund balance \$185,000.00 and put in the \$425,000.00, the remaining was the payroll from the savings, also there was the \$25,000.00 from teen court that we did not pay and each department had something to contribute to that.

John Wright: So, it is across the board?

Susie: It is across the board. We had already put in to transfer fund balance of \$185, but remaining \$260,000 was mostly from payroll. Each dept. contributed.

Wright: So next budget season, the final numbers we see here are going to be what we raise the bar against?

Greg Smith: I wouldn't necessarily say that. Each year I think you should take it on a case-by-case basis. This gets our reserves back where it needs to be, or at least starting to get them where they need to be. Pretty thin year for us...2-3 openings all year in PD. We are staffed now 100% with PD. Health insurance we budgeted 5% and that came in higher than that, initially.

Patrick: one big catastrophe can wipe out reserves and then some.

Greg Smith: We had our drainage study come in under budget.

We had overage in quiet zone budgeted so we have taken up most of those overages on quiet zone from the money from the drainage study since they were both capital projects. Money available at the end of a couple of the other sewer projects and other special projects.

Approval of ordinance:
Motion by Mayor Pro Tem Santos
Second by Councilman Wright.

Motion passes with 5 for; 0 against;

13. Discussion and possible action on Holiday Schedule change from Wednesday, December 24, 2008 to Friday, December 26, 2008.

Smith: Council, we just missed this in presentation to you last year. It doesn't make sense to be open on Monday, Tuesday and Friday, returning to work one day and then off again, rather than being open Monday, Tuesday and Wednesday, being closed Thursday and Friday.

Councilwoman Church: That makes sense.

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

Motion passes with 5 for; 0 against;

14. Discussion and possible action on 2009 Holiday Schedule.

Greg Smith: Exact same holiday schedule as last year, with no additional days or changes. We did actually check each day to make sure we would not have to come back and make a modification.

Motion for approval from Mayor Pro Tem Santos.
Second by Councilman Dykes.

Motion passes with 5 for; 0 against.

15. City Manager Report

- A. Welcome Shelly to our first meeting as new City Secretary (by herself).

B. Debris removal: No more storm debris on the streets. One small modification that they thought debris was on railroad ROW but supervisors determined that it is City right of way. They were to have trucks out there first thing this morning. Can say debris removal has ended. Anything left from this point will have to meet the requirements of our solid waste contract. There is still fencing down, trees not cut up, and may have case-by-case issues which will be taken care of independently. We do not want to penalize Republic Waste nor our citizens, so all will be on a case-by-case basis.

Steve Carroll with Republic Waste says they will be willing to work with individuals. They have ridden around town and have case-by-case situations.

Mayor Henry: Do you have any idea how much more you picked up than normal? Do you know many cubic yards you picked up?

Steve: Actually, what we got in the bag is probably 3-4 times more picked up than normal, but a lot of leaves and grass picked up more than normal. Concern is things are hanging high in trees. Republic does not sign off, but will resume normal operations. Been in touch with individuals and riding town and marking areas. Contractors may have missed a few spots, but only because they did not know the town well enough to know where to look.

Greg Smith: First estimate was about 50,000 cubic yards on Saturday after storm. To date, I think we have picked up over 70,000 cubic yards and that does not include the cubic yards Republic picked up of bag waste. 25% over what the initial estimate was. Did a windshield estimate, so not a bad figure.

Freedom Park: Citizens at last council meeting had concerns about traffic. Those concerns were absolutely valid after we started looking at it and monitoring it. Gone to great extents to prevent drive-through traffic. Will come up with long-term solution to the traffic problem. In the meantime, the contractor is leaving equipment parked at both entrances. When the equipment is being used by the contractor, some drivers are just getting out of their vehicles, moving the barricades and driving through. We have asked PD to patrol the area with zero tolerance. We have also had contractors cutting through Rancho. We are aware of it and I have driven out there without anyone's

knowledge and the patrol unit is sitting out there trying to control traffic. Site clean up plan and cleanliness addressed. Fence issue addressed at the end of the road on a permanent basis before park is accepted. Construction: light poles and electrical done. Construction on concession stands and walkways has begun. Get pricing on pavilion and sidewalks/walking trail which was originally taken out of the contract to apply for a grant through Texas Parks & Wildlife. We are getting the total sight to see what it will cost to change that back into the contract, if it can be changed back into the contract. If it cannot, we will go out to bid on what we are calling Phase II, which was originally part of the first Phase, which includes pavilions, walking trail and possibly even looking at a playground. Complex to not only be a sports complex, but park for entire family.

County Road 609 – Justin Sand Co. They are making slow progress. We are working with them. Owner is now involved and we will keep you updated on progress. Last timeframe is end of December. We seem to be making good progress.

Quiet zone – all construction is complete. Did have a story generated in newspaper by letter to the editor. 30-day period for which comments were taken; fewer comments the better. Governmental entities can only make comments, not a public comment section.

Herb Smith: The rule is 21 days, but made 30; made it longer rather than shorter.

Greg: Hopefully by mid-November, first of December, quiet zone will be official. If conductor chooses to use horn because of safety issue, he is allowed to use horn. Horn will not be totally eliminated. Should reduce usage, but not completely eliminate it.

Rec Center expansions: 50-60% completion of plans. Moving forward to bid in Jan.

City Hall Expansion: We have done our slab and received our bolt patterns back from the building company. Although you haven't seen much visual work in the back, there has been a lot of behind scenes work being done. 50-60% plan review on that project. Will bring you a couple of minor modifications to plans.

GASB 34-spread sheet of all water, sewer and streets. Spread

sheet is being analyzed by Susie; have to get current and beginning values which need to be amortized and depreciation. Salvage value should be depreciated. Gratzner giving her help. Could be compliance this year.

Mayor Henry: Is Gary impressed that we are going ahead with that after all these years?

Susie: Yes, he also knows how much work it is because he had to do it for Bay City.

Wright: How much time do you think it will take on average now that you have a spread sheet, taking it and putting it in the right format..it is in Incode, right?

Susie: Well for right now, I have it on Excel, but will be entering into Excel for figures. This year that will be enough. Next year I will be putting it in Incode. It will take me about a whole week.

Wright: I try not to speak too much accounting for all the rest, but you have to run depreciation.

Susie: I have to get a price index; and they told me when it is billed and I have figures to tell me what \$100.00 is worth today and what it was worth in 1960 and then I calculate it, but then I get formulas for all that and then depreciate it by the number of either 40 or 18 years...depending if it is concrete or pavement, then that gives us a price to put in and then the depreciation as of Oct. 1, 2007 and new depreciation for this year.

Wright: Sounds like a lot. How many items on a spreadsheet?

Greg Smith: Thousands because each road is segmented out to a particular block from corner to corner, street to street.

Susie: Some streets are not all concrete.

Wright: how much time is being spent?

Mayor Henry: I think we figured it may not end up costing that much. I think we estimated it would cost us \$50,000.00 to be GASB compliant, by the time you get all the work done.

Greg Smith: We are not even going to be close to a fifth of what the original estimate was the way we are doing it. It is going to

take a lot of Susie's time. She has got last year closed out and now she is going to concentrate on this. This year won't be perfect. Each year will have to be modified because Downing Road, Campus and Stadium were not completed and accepted into our system, which will have to be added to the system.

Heart of Christmas: Received response on Saturday that High School band will participate and lead off the parade. We are getting more and more calls. Announced early and starting to pick up. Interests will continue to grow with a big success. Very positive feed-back.

Western Ave lift station: Lift station is in the ground. Waiting on TNMPC to get us power and will finish that project. Moved to far back of the street. Neighbors have not made much comment. Will deal with neighbors about re-sodding grass.

Also, we need electricity for Freedom Park for anything to be tested.

Wright: Regarding the small parking area...which way will parking go? Against fenceline or against side of park?

Greg Smith: I think against the side of the park to keep the headlights pointing to baseball field and away from the houses.

Wright: That is my goal.

Smith: That can happen. I think it is how it was originally designed.

Wright: Is there anything we can do with KAB/Eagle Scouts to get oleanders to plant against fences?

Smith: No landscape plans or designs have been put in place. Absolutely we can do plantings and have budget money to help get those started.

Wright: KAB and City may work together to complete this, to help with the privacy issue along the fenceline.

Dykes: Should get baseball league involved regarding headlights and landscape. Once you point headlights towards the fields, they may say it will disturb the ballgames.

Smith: Lights are going to either face baseball field or back yards. Less intrusive to do it to baseball fields, but more detrimental to baseball association. May have to do something on both sides. It will make the park look better. It is just getting money to take care of this. I know we can get the labor, it is just the cost of it.

Gregg Dykes: What is happening with the company that does the hole drilling with the plastics...Technical Innovations?

Greg Smith: They are about to kick it off. Had some design changes in the building which delayed them. Hoping to be open by April.

16. REPORTS OF BOARD AND COMMISSIONS:

KAB – Jamae Bowman: Recycling at fair was successful. Do not have those numbers back, but have pictures of amount of aluminum bottles. Was very little contamination. Judge Warren was out there and appreciated that. Other thing was that the Board approved the concept of bringing a program into the schools to promote recycling with blue bag. It may be next fall but will start with preschool and any special events in January. Should have Blue Bag Man back by then.

17. Staff reports and questions.

Council information: Mayor Henry: CPS thing coming up next month on 15th. Greg Smith: Train ride from and to Bay City, November 4, 2:30. Four council members attending.

18. John Wright: Great job in budget. Staff doing great job.
Bonnie: Thank Robert Heinemeyer and group re road to soccer fields; in bad shape and did an excellent job of repairing.

19. Council adjourned into executive session.

Action out of executive session:

Letter of resignation from Keith Vaughn effective last Friday, Oct. 24. Need to take action.

Move to accept resignation by Gregg Dykes.

Second by councilwoman Church.

Motion passes with 5 for; 0 against.

Action: Appoint Bonnie McDaniel to City Council position to fill Jeremy Warren's position.

Mayor Henry: We looked at eight applications of very qualified people. Those who were not appointed, we have a lot of positions that come open.

Eight resumes were considered...very involved persons in the community. There are a lot of positions in the City come open that we can use help.

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

Motion to appoint Bonnie McDaniel as City Council member passes with 5 for; 0 against.

Adjourn 8:06pm

J. Patrick Henry, Mayor

Shelly Deisher, City Secretary