

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, March 24, 2009, with the following in attendance:

J. Patrick Henry	Mayor
Bonnie Church	Councilwoman
John Wright	Councilman
Bonnie McDaniel	Councilwoman
Gregg Dykes	Councilman

OTHERS PRESENT:

Herbert L. Prouty	Interim City Attorney
Shelly Deisher	City Secretary
Herb Smith	City Engineer
Susie Hernandez	Financial Director
David Ashburn	Chief of Police
Chris Saddler	Parks Department
Robert Heinemeyer	Public Works Director

And those listed on the guest registry.

1. CALL TO ORDER BY MAYOR HENRY. 6:00 p.m.
2. Pledge of Allegiance.
3. Moment of Silent Reflection/Prayer.
4. **Ceremonial presentations-**
 - A. Proclamation for National Child Abuse Awareness Month
 - B. Yard of the Month-Henry C. and Marjorie Berry – 1021 Vine Street
 - C. Business of the Month- Holy Comforter Episcopal Church on Chenango
 - D. Employee of the Month-Irene Contreras

5. **Citizens wishing to address council:** None.
6. **Requests to address Council other than citizenry.** None.

7. **Consent items:**

A. Minutes from March 12, 2009 meeting

Motion by Bonnie Church approving March 12, 2009 minutes with corrections, changing Bonnie McDaniel to Bonnie Church as speaker in the Council Information section and changing the number of votes on action item number 8 regarding the zoning request changes, including Rudy Santos as a vote and changing the number from three to four to pass the motion.
Second by Councilman Dykes.

Motion passes with 5 for; 0 against.

B. Ratify accounts payable

Motion by Councilwoman Church to approve ratifying accounts payable;
Second by Councilman Wright.

Motion passes with 5 for; 0 against.

ACTION ITEMS:

8. Discussion and possible action on approving a variance for the Angleton Volunteer Fire Department-Fill the Boot.

Mayor Henry: This is something we give them a variance every year for.

Motion by Councilman Wright to approve variance for the Angleton Volunteer Fire Department-Fill the boot campaign;
Second by Councilman Dykes.

Motion passes with 5 for; 0 against.

9. Discussion and possible action on awarding contract for Henderson Road sidewalk.

Mayor: We had a revised proposal for that which came today.

Agenda item corrected and copy is in front of us.

Herb Smith: Project was bid with multiple surfaces; red cinder, crushed granite and then asphalt. Initial budget was \$80,000; only way we can do it is asphalt. This is temporary. Looking for funding for Henderson Road. Most expensive part of this are two pedestrian bridges which cross existing ditches. They are outside of the road right-of-way and will be maintained. Recommending to award the bid to Total Site; they are an excellent contractor. Encourage inspection budget. Overall contract will have to be looked at by ABLC Monday because Freedom Park is included. Will move forward after ABLC approves.

Greg Dykes: What did you say about the bridges?

Herb Smith: They are outside of the right-of-way so we will keep them. Sidewalks are where we can fit it and they will be torn out when the time comes, so we didn't want to spend a lot of money on this.

Mayor: And we do not know how temporary it is.

Councilwoman McDaniel: How well is asphalt going to hold up?

Herb Smith: Will hold up well.

Robert Heinemeyer: Easy for public works to repair.

Councilman Wright: How wide?

Herb Smith: 5 feet. Mandatory for ADA.

Councilman Wright: You say that it is \$83,000 with 10% contingency..is that included?

Herb Smith: Bid was estimated. Procedure before bid, but we couldn't get to it. We measured it and left stakes for the contractor to use to build it so we went from estimated to quantity. Small adjustment down after bid came in. Greg and his budget numbers is what he is talking about here. We estimated the quantities and estimated high.

Councilman Wright: So the \$83,888.69 does not include

contingency?

Smith: That is right. The budget has a contingency and we are below that. We do not anticipate any issues with this because nothing is underground. Available budget is \$88,000 and that has contingency in it and we are at \$83,000, which is below the \$88,000.

Wright: So the original budget was \$80,000 so we are \$3,000 over the original budget number.

Herb Smith: That is correct.

Mayor: We need a motion to award the contract to Total Site and approve Baker & Lawson to provide inspection.

Motion by Councilman Wright to award the contract on Henderson Road;
Second by Councilwoman Church.

Councilman Wright: When will it start?

Herb Smith: Assuming ABLC award, there is not an issue here, they will get their contract on Tuesday. They will have to get bonds and insurance...probably middle of April.

Motion passes with 5 for; 0 against.

10. Discussion and possible action on approving Ordinance No. 2009-O-3C; An Ordinance of the City of Angleton, Texas amending Chapter 27 of the Angleton Code of Ordinances and Ordinances No. 2322 and 2004-O-6A; increasing storage, standby, dolly and wrecker fees for non-consent tows in the City of Angleton, Texas; providing for wreckers to carry absorbent adequate to clean up spills, wrecker drivers to wear reflective vests and that no charges are to be made for towing trailers connected to wrecked vehicles; providing that ordinances or parts of ordinances in conflict herewith shall be repealed to the extent of the conflict only; providing for a severability clause; providing a penalty not to exceed \$500.00 for each violation and that each day the violation continues will be considered a separate violation; providing an open meetings clause, an effective date clause, and providing for other purposes.

Chief Ashburn: Had wrecker meeting on March 17 and all companies were there. Everyone was in agreement to make changes. This is warranted because there has not been an increase since 2004. Everything has gone up. Recommending rates to go up to \$115.00 verses \$95.00 right now. Storage is \$15 going up \$5.00. Added in oil absorb because we have had to call in fire truck for a minor spill. Reflective vests are required.

Mayor Henry: Still do rotation?

Chief Ashburn: Yes, still do rotation. No complaints.

Herb Prouty: One minor change in the ordinance under Section 3, third paragraph, second sentence to change word from reflection vest to reflective vest.

Councilwoman McDaniel: What is the dolly?

Gentleman from audience: Dolly is when you go to the wreck and cannot tow the vehicle. You have to put the dolly underneath the vehicle.

Councilwoman McDaniel: Mentions dolly fee of \$40.00 with no rollback?

Chief Ashburn: The rollbacks are the trucks they have that hydraulically go down and winch the vehicle on the trailer. If they don't have a rollback, we had to specify on the dolly because sometimes they have to put the wheels down.

Councilwoman Church: Is there an additional charge?

Chief Ashburn: If they use a rollback, there is no additional charge.

Councilwoman Church: If they use a dolly?

Chief Ashburn: If they have to use a dolly on a wreck, if it is that back, they have an additional charge.

Councilwoman Church: So it is \$115.00 plus \$40.00. Each wrecker is equipped with both?

Chief Ashburn: Yes. If they do not have it at the scene at the time, they have units they can call.

Motion by Councilwoman McDaniel to approve the Ordinance as written;
Second by Councilwoman Church.

Motion passes with 5 for; 0 against.

11. REPORTS OF BOARD & COMMISSIONS:

Angleton Better Living Corporation – Mayor: will not meet until next week.

Angleton Parks Board – Councilman Wright: Playground equipment. Easter Egg Hunt next weekend on the 4th.

Engineer's Report – Herb Smith: nothing.

Keep Angleton Beautiful – Jamae Bowman: Cleanup and e-waste on 4th. Website has all the information. Council is cooking and we have relief when you have to leave to go to Easter Egg hunt. Brazoria County Environmental Center Report for January of their collections and shows all cities involved and percentage of usage included; Angleton is second in usage. We have not paid our dues yet. Cost per year is \$729.00. Has not come out of KAB's budget in the past. Planters will be done on the 4th.

12. City Staff Comments/Questions

Councilwoman Bonnie McDaniel. Lot of calls about missing traffic signs. Vandalized or stolen?

Robert Heinemeyer: Occasionally have rashes of taking what they want (students). David King and I did go to a joint meeting with BWA on Hurricane Ike issues and on their proposed increase on their budget. Some things looking into are change in the way that they shut down as far as their bylaws or personnel policies say to shut down 24 hours in advance. Possibly shortening that to 12 hours. Looking at a Pump for pressure on the line to continue getting water. May possible leave people here next time in different EOC's and having a rep where they would be more involved. Would have been helpful last time. We encouraged them to try to cut the rate increase or put off for at least a year and they said they

would try.

Councilman Wright: The proposed increase...is that off the contract we have with them that we signed with Brazosport Water Authority, that they are entitled to a rate increase every so many years?

Robert Heinemeyer. They haven't had one in 8 years.

Mayor Henry: That is a problem because when you finally go to ask for you, you ask for a huge one.

13. **Council Information**

Mayor Patrick Henry-Friday went to different meetings (hurricane Ike ORCA meeting). Angleton has huge leg up because of participation in program. In November, they asked what we needed or what had been damaged. They have not done engineering work but done specs and pricing on whether they will provide portable lift station, they want a permanent lift station. We are way ahead of the cities that did not participate in that program. Some things they said they did not assess, probably will not get funding. We would like to do a drainage study...they said we didn't have any flooding. No upgrade to Henderson because it did not flood. The question now is who is going to get the money. Looks like County will get money. County will decide how much they will give you and the City will apply through ORCA for the funding. Does look like we are going to get something. City will apply for key generators at the water plants and the lift stations and maybe wiring to connect generators because they will pay for the wiring to connect the generators to the others. Given a booklet and they have a website for reference.

Councilman John Wright - Attended HGAC meeting. HGAC talked about two difference approaches. Does county take the money--MOD (method of distribution) or HGAC take money? Who will divvy up money to cities? What if one city does not want to participate. If all cities don't participate, the money will go back to HGAC. Projects are given a point system by HGAC. Brazoria Co. getting 17 million dollars. Braz. Co's percent split between housing and non-housing is 50%. Greatest advantage of county getting it is that if a city has more housing needs than non-housing, we can spread the money around to the cities that need it for their city the most.

Can we use this money for matching funds? No. Can go toward amount not paid by FEMA. No other districts eligible (school, hospital, drainage, unless the city goes for them. Have two years for money to be spent. Quarterly assessment will be made on spending money by HGAC. Talked about there may be another round of money coming for qualifying projects, road and bridges, shelters, wastewater treatment plants, and economic development. Interlocal agreement with county would be to our advantage. Colony drive streetlights are out since storm.

Councilwoman Bonnie Church – Cooking for cleanup. Did go to meeting of Senior Commission. Very well attended. Very informative meeting. Enthusiastic people on board. Thank Chris and Amber for their work.

Councilman Gregg Dykes – Went to HGAC annual meeting on March 6 to represent the city and no big news came out of it.

Councilman Bonnie McDaniel – no comments.

14. Council did not adjourn into executive session.

Adjourn 6:51 p.m.

J. Patrick Henry, Mayor

Shelly Deisher, City Secretary