

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

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

**OTHERS PRESENT:**

Greg Smith	City Manager
Shelly Deisher	City Secretary
Herb Smith	City Engineer
Susie Hernandez	Financial Director
David Ashburn	Chief of Police
Chris Saddler	Parks Department
Eric Smith	Fire Dept. Chief
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. Exchange Club of Angleton 2008 Book of Golden Deeds Award to JW Rhyne presented by Ro'vin Garrett
  - B. Yard of the Month- The Garcia Family @ 218 Parrish Street
  - C. Business of the Month- Angleton Tractor Company
  - D. Employee of the Month-Epi Bedolla

5. **Citizens wishing to address council:** None.
6. **Requests to address Council other than citizenry.** None.
7. **Consent items:**
  - A. Minutes from February 10, 2009 regular meeting
  - B. Ratify accounts payable

Motion by Councilman Wright to approve consent items;  
Second by Councilman Dykes.

Motion passes with 6 for; 0 against.

#### **ACTION ITEMS:**

8. **Discussion and possible action on the December 2008 Quarterly Investment Report.**

Greg Smith: \$1.6 million decrease due to expenditures from Hurricane Ike, which has been applied for reimbursement through FEMA.

Motion by Mayor Prop Tem Santos to approve December 2008 Quarterly Investment Report;  
Second by Councilwoman Church.

Motion passes with 6 for; 0 against.

9. **Discussion and possible action on aerial spraying over the City of Angleton.**

Greg Smith: First time we have received this type of letter since I have been here. Requesting authorization of formal approval; is this something that Council would like to give the City Manager authorization to approve or leave it as is to present to Council?

Mayor: They have done this in the past, but it has been a long time.

Councilman Wright: I prefer to leave it to council.

Mayor Pro Tem Santos: I think it is a service that is needed;

something that should be done, whether Manager or Council approves it. Approval on a yearly basis?

Mayor Pro Tem Santos: Is this an action item?

Mayor: Yes.

Motion by Mayor Pro Tem Santos to approve letter authorizing to spray over the City of Angleton to the Mosquito Control District of Brazoria County;  
Second by Councilman Wright.

Mayor Pro Tem Santos: Has anyone ever complained about flying over to spray?

Mayor: I am sure you will find someone.

Councilwoman McDaniel: Do we want to go ahead and authorize City Manager to handle this as it comes up or do we want to continue it as Council?

Mayor: Why don't we just continue to handle it as Council?

Councilwoman Church: I don't mind him doing it, but I think it is something we need to be aware of.

Greg Smith: I will bring it to your attention every time we do the letter.

Mayor: It is a good reminder for us that it occurs and that our taxes go to pay for it.

Motion passes with 6 for; 0 against.

10. Discussion and possible action on approving revisions of the Order of General Election, to include all early voting polling locations.

Greg Smith: Was something that was an oversight of listing the early voting locations; those rules change on a regular basis so we are just modifying the order by putting the location of early voting.

Motion by Councilwoman Church to approve the revisions to the Order Of General Election;  
Second by Councilwoman McDaniel.

Motion passes with 6 for; 0 against.

11. **Discussion and possible action on approving Change Order #2 – Western Avenue Sewer.**

Greg Smith: The Change Order No. 2 is a net decrease of \$8,283.15; also with the net deduction of Change Order #1, \$3,400.50; giving this project under budget at \$11,683.65. With it coming under budget, I also wanted to let you know that we did have to cut this project short putting pipe in the ground. It called for some additional pipe that we did not do. We have purchased the pipe, but that would have been about an \$80,000 change order for the positive and I felt that needed to be handled under a different agreement with the contractor, so we are working on securing another contractor to complete the project with the pipe already purchased. They were at a stopping point and to keep this contract in budget, or close to in budget, that decision was made.

Councilman Wright: So what does that do to the area around where this is happening? Is this put back all nice and neat?

Greg Smith: Yes, construction area has been cleaned up and put back the way it was. We have one resident that we made an agreement with about sod issues, but everything else has been seeded and will make sure the warranty and all the grass is put back in the way it was. If you will go out there now, you will see where the lift station is verses where it was going to be. That lot will be cleaned up nicely.

Councilwoman Church: Where is other pipe?

Robert Heinemeyer: No name street where power easement is.

Councilman Dykes: Mr. Smith, that doesn't come online until the additional pipe has been put in place?

Greg Smith: No. All the line that is already done and the lift station is in service. Only one leg we were going to do and ran

out of money on this contract.

Herb Smith: Has old pipe still in place.

Mayor: How many feet of pipe?

Heinemeyer: About 800 feet.

Councilman Wright: but you already bought the pipe?

Greg Smith: Yes, we bought the pipe in this contract so the pipe is already purchased and being stored inside a facility so it won't break down and we are in the process of getting contractor price to install pipe only for that additional leg. Will come back to council for an additional approval on that work. We still need to do that last section of pipe.

Mayor: What was the total project cost?

Mayor Pro Tem Santos: \$483,000.00 with \$3,000 and \$8,000 credit, bringing it to \$471,000.00. Was this scope of work defined in the original contract?

Herb Smith: Yes. The way we bid quicksand up until now was below the line. (Inaudible Section, not standing at the podium). Because we did so much of it, it's not like \$5,000.00 worth of it or something. We are very reluctant to come in and say we need it, but we had to authorize it. These guys had to move forward. We were reluctant to come to you and say we just spent \$80,000.00, you have to approve this change order, you have no choice. So this is how we did it. We just came back through and said we will cut it back to within the amount of money and come back to you not next meeting, but the meeting after that with these quotes. Will go ahead and get it re-installed if the City is amenable to that.

Councilman Wright: In 30 days?

Herb Smith: Yes, in 30 days. I can't do it in two weeks because I have to get three quotes.

Councilwoman Church: And that is for labor only?

Herb Smith: Sure and we will provide the pipe.

Mayor Pro Tem Santos: Do we have to amend the original contract?

Herb Smith: No. That is the purpose. The next action is to accept, give him his retainage, he can go home and then we will get competitive quotes.

Mayor Pro Tem Santos: There won't be an issue with a different contractor because of a better price and still qualify to put it in? There is no issue on voiding his warranty or substantial completion issues?

Herb Smith: The only thing we have is the pipe had to be delivered and stored safely, which I am sure (inaudible).

Mayor Pro Tem Santos: And you are going to get those additional quotes on a pro bono situation for us?

Herb Smith: Yes.

Mayor Pro Tem Santos: Thank you. Is it 800 or 1700 feet of pipe that we have already acquired and put up in a warehouse?

Herb Smith: I don't remember how much it was, but it was all we needed.

Mayor Pro Tem Santos: It is 1750 according to the map that was given to us and of course all the different amenities that go with it...the risers and everything that goes with it.

Herb Smith: What happened was that M&M already spread it on the ground and we weren't going to pay them to pick it back up so we asked them what it was going to cost to just buy it and the number was in the budget.

Mayor Pro Tem Santos: Herb, we just need to rely on you that the whole initial scope of work that was hopefully we should have gotten the first go around will be delivered to us and the citizens around there and I am sure it will be.

Herb Smith: That will be done.

Mayor: Do we have this in the right order? Change order first?

Greg Smith: Yes, change order first and then close it out.

Heinemeyer: If you re-stock, there is a 25% re-stocking fee.

Mayor Pro Tem Santos: You put the pressure on us to go ahead and install it and instead of the actual credit to this scope of work, it is going to be a \$30-40,000 addition to finish this scope of work.

Motion by Mayor Pro Tem Santos to accept change order as presented.

Second by Councilwoman McDaniel.

Councilman Wright: Just so I understand this, the only reason we are doing this is to get more quotes to see if we can get a better quote? We are still going to spend the money regardless, we are just trying to save money by going back for quoting.

Greg Smith: No, we are not trying to save money, we are trying to stay within the means of the contract, which was a set amount of money that the council approved, so we are staying within the contract amount. We could have come back and asked for a change order to do this additional pipe under this contract, but that would have then taken this contract over budget. This is a substantial cost that I can't tell you today where the money is going to come from, so staff has to look at it and Herb has to get prices. Honestly, I hope we do get a better price. This was bid 9-10 months ago and the bids were a lot higher. We could see a much less expensive project. We might be able to come in budget. We got \$11,000 of the price right now. All it is will be labor. They don't have any outflow of capital. They don't have to buy pipe. They just have to provide equipment and labor.

Motion passes with 6 for; 0 against.

12. **Discussion and possible action on accepting Sanitary Sewer and Lift Station into City System – Western Avenue Sewer.**

Greg Smith: As just discussed, project is complete and everything running. After today, will have standard one year

warranty for this project. Staff is recommending accepting into our system.

Motion by Councilwoman Church to approve the Sanitary Sewer and Lift Station into City System – Western Avenue Sewer;

Second by Mayor Pro Tem Santos.

Motion passes with 6 for; 0 against.

**13. Discussion on purchase/lease purchase of new fire truck.**

Greg Smith: Discussion item only, not asking for any formal action tonight. Fire Dept. received notification of receipt of a grant for an apparatus. The original apparatus that the grant was awarded for was a tank truck. This grant was applied for many, many years ago and it has just now been awarded. Since that time, the Volunteer Fire Dept. has already purchased a tank truck on their own. These funds are available to purchase a different truck. Eric would like new pumper truck. Grant amount is \$173,000. Estimated cost of the truck was \$340,000 when we put this agenda out. Eric has since received a firm price now through HGAC and that price is \$368,095.00. Reason for increase is the way it is equipped. Will send all our radios, antennas and equipment and they will install all equipment. This way one of our volunteers or somebody does not come in and start drilling holes in a \$350,000 fire truck; drill a small pinhole in a tank. If you drill a hole in the wiring harness in your dashboard, you can destroy a \$6,000-\$15,000 wiring harness. It is coming with the material already in the compartments to hang all of the equipment. Everything will be in place, service ready. They are doing all striping for us. Original price presented was just the truck. After Eric got the actual price, I totally support the concept of having the truck ready on delivery. If something is done wrong, they warranty it, not us. This is a cash-match grant. It is 90/10. We will well exceed that amount. We have looked at finances and looking at 10 year lease purchase, same as ladder truck purchase. Next year, we are having a decrease in our lease-purchase to not as much as in the future years but in 2011 will have a \$17,000 decrease and in 2012 will have a \$160,000 decrease in lease-purchase. We have the funds available in the lease-purchase account to handle this expenditure. We will have a little bit of expenditure this year

that will be unbudgeted and Eric and I are trying to find that one payment out of this year's budget within the fire dept. and I think we are pretty close to being able to find it. Time frame is short. Truck has to be delivered by 8/15/09 and there is a lead-time on these vehicles. It will be a custom cab Pierce truck. Chief Smith wants to stay with Pierce, same as the ladder truck we have, trying to get a more uniform fleet to where if we have a repairman come from Pierce they can work on all of the trucks. Tonight is discussion item only. If you have any specific questions, we will be glad to answer them. The reason we want the CAFS system is that it is a big push for ISO. It is a compressed air foam system and it gives you a larger point in your IOS rating which then helps lower homeowners insurance. It is bid both ways in his letter and gives you the price of the truck with and without CAFS system. Will bring action item back to March 12 meeting if this meets with Council's approval. We will be sending the specifications into the grant company to confirm the way we read it and have met all requirements that grant requires.

Councilman Wright: What is the City's ISO rating currently?

Greg Smith: I think we are a 4.

Councilman Dykes: Is there any way to relate that into dollars on what it might save a homeowner?

Greg Smith: Not sure currently for Angleton, but in Henderson we did the same thing and dropping one ISO point saved resident an average of 8% and commercial 12%.

Councilman Wright: Will we have the other pump trucks still working?

Eric Smith: Yes.

Councilman Wright: Where would we put this other one?

Eric Smith: This new truck will go to downtown station, the truck that is there will shift to Station 2 and the one at Station 2 will be a stand-by truck and will be put at Station 3.

Councilman Wright: We will still have all of them protected?

Eric Smith: Absolutely. Nothing stays outside.

Mayor: So, in essence, we are getting a fire truck for about half price?

Greg Smith: Best way to look at it.

Mayor: What is the age of the newest equipment we have?

Eric Smith: 1994 or maybe 1992.

Mayor: These trucks last a long time.

Eric Smith: They only have a credit rating of so many years. After it hits the magic date, you no longer get ISO credit on it any more.

Mayor: So, this truck's sister is 14 years old already.

Councilman Dykes: What is the magic number?

Eric Smith: 20 years is usually max on these vehicles. Some ask why not get it recertified, but the only way to get it certified is to have motor overhauled, all drive train overhauled and it will only give you 7-8 more years. It is really not worth all the expense. We have never done that before.

Councilman Dykes: So it is useful to the citizens for ratings for 20 years.

Greg Smith: Yes. This falls into what I have discussed with this council is lease purchase for half of the life of the vehicle. At half the life of the vehicle you are at no expense to that truck and the other half of that life you are making a payment on.

Councilwoman McDaniel: Do we have any vehicles with the fire dept. that are going to need to be replaced any time in the near future?

Mayor: Of fire vehicles?

Eric Smith: Yes. We are going to start having a replacement program. We have talked about it but not gotten totally

through it.

Greg Smith: You will see this year that on all other City vehicles we do have a replacement program that each department has. They have submitted all of their equipment information and when they anticipate when they will have to be replaced.

Eric Smith: All of our first run equipment except for this unit. Our rescue truck is new. It was like \$275,000. Our tankers are new. Pumper is currently the one that needs to be replaced next.

Councilwoman Church: Is this ISO number higher or lower than what we have had or the same?

Eric Smith: With this new piece of equipment, it should drop. The ISO rating is based on a lot of other things such as the City's water system. I anticipate the possibility, since the last ISO rating, and since we put another water plant in service at the Jamison place, we could be looking at a decent sized drop.

Greg Smith: ISO looks at multiple things; water pressure, number of hydrants, distance of hydrants, personnel...they have a list of every piece of equipment that has to be on the truck, how many ladders. Inspection is every 10 years.

Eric Smith: We are at 8  $\frac{3}{4}$  years since last inspection.

Councilman Dykes: What kind of premium do we pay on this type of equipment? Do we self insure?

Greg Smith: The truck goes into the general fleet. There is an additional insurance cost, but difficult to put a dollar figure. It is a big pool program.

Councilwoman Church: Basically, we are getting a truck for half price, which you can't really knock that.

Councilman Wright: Do we have to use this grant before the end of the year?

Eric Smith: The truck has to be received and paid for no later than August.

Greg Smith: We put 8/15 as the due date to make that deadline.

Eric Smith: I met with the salesman last night and he seems to think that is when it could be delivered. They already have the truck on the assembly line.

Councilman Wright: What is the quality like for the Pierce truck? Do we have any in service?

Eric Smith: Our rescue truck is a Pierce.

Greg Smith: Pierce is an excellent quality truck.

Eric Smith: It happens to be the unit that we want. If we wanted to go with another manufacturer, there would be no way, by the time we went through the bid processes and everything.

Mayor Pro Tem Santos: The procurement method is through HGAC.

Councilman Wright: If this is a lease purchase, what is the estimated expenditure.

Greg Smith: \$23,691.00.

Councilman Wright: Am I missing that somewhere?

Greg Smith: No, because I just got that figure. We got the new price from Eric this morning. Susie has given me the new figures. It is about \$8,500-\$9,000 this first year and that is where Eric and I will have to work it out and we think we have that resolved. Next year it becomes a \$23,691.00 payment.

Councilman Wright: We are going to pay more upfront?

Greg Smith: No. We have to make the first six months of interest. That is the \$8500-9000 sum is, then the payment goes to \$23,691.00.

Councilman Wright: So the cash expenditure in '09 is \$8500.00.

Greg Smith: Yes. Each year after that it goes to \$23,691.00, for ten years. At the end of that, we pay \$1.00 and the truck is ours.

Mayor Pro Tem Santos: This services the whole community and the surrounding area. This is an '09 model, isn't it Eric?

Eric Smith: Nods yes.

Mayor Pro Tem Santos: And the procurement method is good? We are not jeopardizing the grant in any way? If we come to council at the next meeting, your numbers should be right on target?

Greg Smith: Yes. This is an HGAC approved vendor.

Mayor Pro Tem Santos: Who picks it up? Do they drive it down?

Eric Smith: Absolutely. I do not want the responsibility. If something is going to break between there and here, it is going to be on them.

Mayor Pro Tem Santos: What do you need...a nod of the head?

Greg Smith: This is just a discussion and I think I have what I need out of the discussion.

Councilman Wright: I have one last question. Where is this made?

Greg Smith: Pierce is in Florida.

Eric Smith: This factory that this one owns is in Florida.

Mayor Pro Tem Santos: Thank you Eric for the work you have done on this and acquiring the grant, first of all. If it wasn't for that grant, we probably wouldn't be having this discussion. Thank you and your boys for all the work that you do for the city.

**14. REPORTS OF BOARD & COMMISSIONS:**

Angleton Better Living Corporation – Met yesterday evening.

Discussed Freedom Park. Rotary presented check for playground equipment; handicapped accessible. Discussed swimming pool and partnering with AISD. Bubble significantly more expensive, slowing down on bubble.

Angleton Parks Board – met and discussed pool and Easter Egg Hunt.

Engineer's Report – none.

Keep Angleton Beautiful – cleanup is on 4<sup>th</sup>. Clean-up ends at noon, starts at 8 a.m. Planting planters downtown on March 14. Public works will be moving planters around. Downtown clean-up over next two weeks. Giving away trees...first come first serve. Only have to show residency to receive a tree. E-waste collection day, sponsored by Dow; pick-up includes TVs, microwaves, all those things that normally cost. County commissioners are helping out. Looking for new member.

15. **CITY MANAGER REPORT:** nothing.

16. **Staff Reports & Questions for Staff**

17. **Council Information**

Mayor Patrick Henry- Rotary banquet was good event; \$65,000 donated to us.

Mayor Pro Tem Rudy Santos – Thank you mayor for collecting Rotary check.

Councilwoman Bonnie Church – thank everyone, especially Fire Dept.

Councilman John Wright - Friday night at AISD.

Councilman Gregg Dykes – question for chief; have more calls already this year than the whole year?

Chief: month to month.

Councilman Bonnie McDaniel – this year good year to buy, \$8,000 stimulus package to first time buyers.

18. Council did not adjourned into executive session.

Meeting was adjourned at 7:02 p.m.

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J. Patrick Henry, Mayor

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Shelly Deisher, City Secretary

