

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, October 13, 2009, with the following in attendance:

J. Patrick Henry	Mayor
Rudy Santos	Mayor Pro Tem
Jason Perez	Councilman (absent)
Gregg Dykes	Councilman
John Wright	Councilman
Randy Rhyne	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
Patti Worfe	Economic Development Director
Robert Heinemeyer	Public Works Director
Kacey Hamlet	Utilities Director
Robert Owens	Director

And those listed on the guest registry.

1. CALL TO ORDER BY MAYOR HENRY at 6:00 p.m.
2. Pledge of Allegiance.
3. Moment of Silent Reflection/Prayer.
4. **Ceremonial presentations-**
 - A. Yard of the Month – none.
 - B. Business of the Month – El Patio

- C. Texas Court Clerk's Assn. presented Tina Taylor a plaque for Outstanding Service and Dedication for 2009 in Abilene at her conference last week.
- D. Jamae Bowman holds the Certified Volunteer Administrator certification.

5. **Citizens wishing to address council:**

Beth Journey with the Chamber – Thank you for allowing me to address you tonight. I bring to you the membership directory issue of the Heartbeat. We are very proud of this issue and we hope that you are too. This is the publication that many people see way before they ever come to our community. I am also here to offer my apology for the lateness of this issue. There are many reasons for the tardiness and I would be more than happy to go into that in detail with any of you at any time...just give me a call. On August 12, I received an email from Patti Worfe where she just wanted me to be sure that I knew the issue was budgeted in the 2008-2009 fiscal year, ending on September 30. She went on to say if the issue was not out by the end of September, we would have to go to council for payment approval. I never dreamed on August 12 that this magazine would not be out way before September 30, but many things happened beyond my control. I think that even Greg Smith can attest to that when he called a few weeks ago asking if we could stop the process long enough to get a logo approved that they weren't aware of needed to be approved before using it...so, that is...I just use that as one incident of things that can happen when you are working on a project this size with this many entities and this many people. You just never know what can pop up. And of course, we always want to have quality publications that everybody will be proud of. As you all know, I got an email from Greg Smith on September 30 saying that we would not be paid for the City's pages if the magazine was not delivered that day. At this time, there wasn't an option to come to you, but of course I knew that that would be an option to come to you and ask for you to take a look at this and make your decisions. I am here today to say that because the publication is late does not mean that it does not cost us the same to print it and mail it and to let you know that the City did get the pages and the space to get the message out that you wanted out and ask for you to consider paying us for the pages in the magazine. Thank you.

Bryan Smith – I guess I am here to ask for a little bit of mercy on pressure. None of ya'll may have been here when I got started on the apartment complex which has slowly morphed into a subdivision for houses. And how I got here was I broke my neck falling off the house and got airlifted down to John Sealy because they were the only hospital that would take me and didn't want to drive to Houston and go back because that is kinda risky and I didn't want to pay another \$10,000 helicopter ride, so I ended up coming up through 36 because that is to me felt less scary than Houston traffic. So and why I took on that project it is an old project and you may not understand how that works. The building is almost entirely made of fir and I am going to bring...that is what that wood out there...I am going to show you...a modern piece of wood (inaudible)...I really don't think the load tables for wood have been updated for the high level of pit that is in the stuff that you can buy now. There are four times as many lines of grain in the wood in that building and the grain is so close together that termites won't fit in the soft wood and so their enzyme digestive system becomes inefficient so they don't like it so there is almost no termite damage to the thing. A lot of the wood has a lot of big knots in it but when you have four times as many lines of grain in the same piece of lumber, you can understand the structural difference between the two. Piece of steel in there is $\frac{3}{4}$ inch rebar they used in the slab which concrete that is damp, damp cured and can't do anything but damp cure is all you can do down here because of the weather, doesn't stop at 3,000 psi but continues to increase in hardness. I run into a good news, bad news situation, or bad news-good news, depending on how you look at it with the slab, because busting out the areas where the retention pond goes and busting out the areas I am not going to keep took quite a bit longer because the concrete was so doggone hard. And there was so much wiring, so it was really rather difficult, but that is good news for the buildings that are still going to be left because the fact that the slabs are obviously pretty hard since there are no cracks in any of the existing brick on the pieces I left, I am not too worried about it as far as the structural aspect. Some of the pieces that are left are going to be reduced down to one floor, so they will even provide less load on there. But it is fairly alarming at this particular junction while I am working on it that I got a proposal for windstorm engineering on the first two that I am going to work on and then a gentlemen comes in and claims to be bidding on the

demolition of my structures and that is essentially my life savings that he wants to demolish. So, I am just going to ask and hope that if you are going to go after everything I own that you wait until I have sold my last remaining piece of real estate in Austin and come down there in six....put that money in too, so if you are going to go for it, go for it all because I have got quite a bit in that that I intend to put into it and despite the economic calamity that has befallen over the time that I have owned it, there has nothing been really good...banks have rolled up their financing during the war because they were worried and now it's still going on the war and now (inaudible), but quite frankly, I am relentless and I don't intend to stop. I am going to put everything I have into it, including my entire equity and my personal residence I am going to bring down here. I had the house leveled and put a new roof on and detail it out. It will probably sell quickly because I am going to price it aggressively. I hope you understand that I really intend to do this and have someone come and say those things is rather alarming. He claimed he was...I don't know if he actually was. He was a particularly nice gentleman, I do know that. So I guess I am asking for you to consider letting me put all of my money into it first before you go after it.

6. **Requests to address Council other than citizenry.** None.
7. **Consent items:** Minutes from September 22, 2009 Regular Meeting.

Motion by Councilman Dykes to approve the consent item;
Second by Councilman Wright.

Motion passes with 5 for; 0 against.

ACTION ITEMS:

8. Discussion and possible action on approval of ORDINANCE NO. 2009-O-9B, AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, APPROVING THE 2009 TAX ROLLS AND PROVIDING AN EFFECTIVE DATE.

Greg Smith: This is the final step to getting budget approved.

Mayor: It does require a roll call vote. I have the amount somewhere....

Mayor Pro Tem Santos: \$4,925,068.24.

Motion by Mayor Pro Tem Santos to approve Ordinance No. 2009-O-9B;
Second by Councilman Wright.

Record roll call vote:

Councilman Perez – absent
Councilman Dykes – yes
Mayor Henry – yes
Mayor Pro Tem Santos – yes
Councilman Wright – yes
Councilman Rhyne - yes

9. Discussion and possible action on a re-plat of Case Estates located at 2808 N. Valderas.

Greg Smith: You have a map and a full version of it. One lot will be divided into three lots; house is currently sitting on lot 2. Planning & Zoning and staff have looked at this and staff has recommended it to P&Z. P&Z unanimously voted to recommend to City Council.

Councilman Wright: Do they have a deal in place to do something with this?

Mayor: They don't have to answer that.

Councilman Wright: Oh yeah.

Mayor: You can ask if there is a deal pending, but that doesn't have bearing on any decisions. They don't have to answer if they don't want to.

Councilman Wright: Is that the house by the old lawnmower shop?

Owner Debbie Case: I sit in the middle of three acres.

Councilman Wright: Okay, so the blank land on right and left side and the lot the house sits on?

Debbie Case: Right.

Motion by Mayor Pro Tem Santos to approve Planning and Zoning's recommendation to approve the re-plat;
Second by Councilman Dykes.

Motion passes with 5 for; 0 against.

10. Discussion and possible action on the final plat for Comfort Inn & Suites.

Greg Smith: This is also included in your packet. The difference between the last one and this one is they now own the property for their side access point. Before it was proposed, we all looked at it as proposed for second access. Now they actually own that property so they have to plat it as part of their property. Once again, staff recommended approval to P&Z and P&Z unanimously voted to present to council.

Mayor: And we are aware that second access is through a residential neighborhood?

Greg Smith: Yes. There is a commercial business at the center of it and I believe where it is, there are no other houses directly associated with that.

Mayor: I saw a map somewhere and I am trying to access it.

Councilman Wright: Didn't we at one time go back and change the zoning on a portion of that property or area around that property?

Greg Smith: But it is actually going to be considered an access point, so it won't need to be zoned. They are building it to City standards to be a city street if we ever did want to accept it into our system since it is actually access to front of the piece of the property but also access to middle and back for future development, that is why we required them to build it to city standards.

Mayor: It is Angleton CO on your supporting documents...the heading. I want to make sure everybody looks at it so that when and if you ever hearing anything about that access point you are well aware of what we approved.

Councilman Dykes: There is a house where this comes out, isn't it?

Greg Smith: Is there a house at lot 20? I thought the house was in lot 21 or 22, Herb. Do you remember?

Herb Smith: Working strictly from memory, I drove down there and looked. There is one under construction. I think it is the lot next door.

Mayor Henry: Let's take a second and goggle map. We won't be able to see if there is construction, but we will be able to see if there is a house.

Councilman Dykes: Weren't we told that this was an easement that existed for a while, in some shape or form?

Greg Smith: No sir.

Councilman Dykes: So this was a residential lot...

Greg Smith: That they have bought to put in this private right of way right now, but designed and built to be a city right of way if ever deemed necessary.

Councilman Wright: Is this going to be fenced off in any way?

Greg Smith: In regards to the roadway?

Councilman Wright: In regards to the north side of the property to where the houses will sit...if there are ever houses built there?

Greg Smith: That information has not been submitted to us yet. It is not required to do the plat. This is just a final plat for location of hotel and accesses in and out.

Councilman Wright: Just asking a question based on our previous history. What was the reasoning for not being able to put access from Karankawa? I know the drainage is going there.

Mayor: The road doesn't go there, I don't think.

Herb Smith: Just past the church is really ditch 11 and there is also a huge sanitary sewer trunk line in there. There are issues about putting access roads and would there be enough room for our ditch if we extended it up there and then we wouldn't want it on the (inaudible) whole north end of Angleton if we had to get to that sewer line for repairs.

Councilman Wright: Basically, the answer is there is no other possible way to put a secondary access from there, other than going out of Wal-Mart...

Herb Smith: It would be a tremendous amount of expense.

Greg Smith: Even if you did put it at the end, it is still going to put the second access in and out of the streets. All we would do would be move it closer to 288. It doesn't change where they are still going to be driving down that street.

Mayor: What do you show on goggle map?

Greg Smith: I show one house.

Councilman Wright: It is down a couple of lots.

Herb Smith: If the lots are there, a house will be built some day. We have lots of subdivisions where streets T in.

Mayor: I am showing three houses across there. Are these residents aware of any of this, do we know?

Councilman Dykes: I was going to ask if we didn't change it, we wouldn't send any notices out like we normally do.

Herb Smith: No, there is no zoning change. The property the hotel is on has always been zoned for this type of facility.

Councilman Dykes: Will they be allowed to put a sign at the end of this road as the other entrance?

Herb Smith: I don't know. Probably not.

Greg Smith: We require two entrances in and two entrances out for public safety reasons, for police, fire and EMS. That is the only reason they have to put the second sign.

Councilman Dykes: I just want to make sure they don't put a sign in the neighborhood.

Councilman Wright: Does the road have to be open?

Greg Smith: The road would have to be open.

Herb Smith: Does provide another way out for the people in their subdivision. Right now there is only one way in and out right now.

Councilman Wright: When you say opened, could it have one of those swinging things that is not locked or anything, but just there?

Mayor: If they wanted to gate their property?

Councilman Dykes: It is just a street, right?

Greg Smith: Yes. It is basically a street off of another street. It is just not going to be a city street as it stands today.

Herb Smith: It will look like one.

Greg Smith: It will look like one, but we will not be responsible for maintaining or operating that access point.

Mayor Pro Tem Santos: Planning and Zoning has reviewed this with staff?

Greg Smith: Yes.

Motion by Mayor Pro Tem Santos to approve Planning & Zoning's recommendation for the re-plat of the Comfort Inn & Suites;

Second by Councilman Wright.

Mayor Pro Tem Santos: The only thing I see on this Herb, and you may have to help me out, is when we started talking about this we had drainage reserved for all construction of this...

Herb: City's current requirement and this man is aware of it in its design to provide 100% of the detention for the zoning. It

is zoned commercial and everything will be built like a hotel. We asked for reserves because we have hopes that in some future date the council will take detention ponds in for maintenance. We will have easy way to transfer title.

Santos: That reserve has the capability of that new lot?

Herb Smith: That is right.

Mayor Pro Tem Santos: No one can tell us that we are draining into Tracy Street.

Herb Smith: Taking that little bit out of Tracy Street and putting it into detention pond provides a marginal benefit to that poor street which floods all the time.

Mayor Henry: It is interesting that you ask about Karankawa John. On this map, Karankawa Lane continues as a ditch.

Councilman Dykes: We are pretty sure there are no exit signs posted in the middle of this neighborhood?

Greg Smith: Would not be allowed under the zoning because it is zoned residential area and we can absolutely control that.

Mayor: The only reason I brought this up...not that I am opposed to it...I just wanted to make sure everyone knew exactly what this was and where it was at.

Motion passes with 5 for; 0 against.

11. Discussion and possible action on approval of Agreement with Texas First Group hiring interim City Manager.

Greg Smith: You have the agreement in front of you. It is the same agreement the City has used before. Mr. Paul Feazelle would be named the interim city manager.

Motion by Councilman Wright to approve Paul Feazelle as Interim City Manager and approve the agreement with Texas First Group hiring interim City Manager.

Second by Councilman Dykes.

Motion passes with 5 for; 0 against.

12. Discussion and possible action on approval of bid/proposal for loan bid packet in the amount of \$328,373.46.

Greg Smith: You see the loan tabulation; received 4 bids. Texas Gulf locally is low bid; second was Wells Fargo. This money is to pay the city back for the purposes of vehicles and equipment we bought last year. This is the way we do it every year. We lump all of them together to get a better interest rate. Staff recommends approval of lease-purchase with Texas Gulf Bank.

Councilman Wright: The equipment that was brought from...

Greg Smith: From last year for all the different departments. We bought a front-end loader, a Bob cat, fire truck...the fire truck is obviously the bulk of it.

Councilman Wright: It would be nice to see the backup to that at some point.

Greg Smith: I will get the information for you. These items were approved by council as a lease purchase last year but I will be certain to get you the backup information.

Councilman Wright: Sorry...it is the accountant in me.

Motion by Councilman Wright to approve bid proposal in the amount of \$328,373.46 to award to Texas Gulf Bank;
Second by Mayor Pro Tem Santos.

Motion passes with 5 for; 0 against.

13. Discussion and possible action on approval of bid/proposal for Angleton Police Department remodeling project.

Greg Smith: See new agenda action form. Since we first brought this memo, low bidder backed out. They mis-quoted the job. When we called and confirmed, they backed out. Second low bidder is Vector West. \$53,410 with \$55,000 in budget. We paid a couple of thousand to Baker & Lawson to draw up our bid plans. Staff recommending approval of Vector West Construction Company for base bid and alternates 1-4, leaving 5 out. Will come back at a later time for alternate 5 for flooring.

Councilman Wright : Leaving five out at this time?

Greg Smith: Yes. We may come back and change order in item #5.

Councilman Wright: Coming out of debt service?

Greg Smith: Debt service that we had originally budgeted for \$55,000 for the police department remodel with \$5,000 contingency puts us in budget.

Motion by Councilman Rhyne to accept Vector West Construction Company bid for \$53,410.00;
Second by Mayor Pro Tem Santos.

Councilman Dykes: They are out of Spring?

Greg Smith: Yes sir. Jeff is here if you have any specific questions. When they submitted bids, they showed us some of their work. The quality of their work is really good as well as their recommendations.

Councilman Wright: How long has Vector West been in business?

Jeff - Owner of company: Started with my uncle in Pensacola Florida for 14 years. This is new start up. There is a lot of experience and relationships with subcontractors to more than satisfy the need for this contract. Begin work within 30 – 45 days.

Motion passes with 5 for; 0 against.

14. Discussion and possible action on canceling the November 24, 2009 regular City Council meeting to observe the Thanksgiving Holidays.

Greg Smith: This is the Tuesday before Thanksgiving. We typically always cancel that meeting.

Motion by Mayor Pro Tem Santos to cancel November 24 regular City Council meeting to observe Thanksgiving Holidays.
Second by Councilman Wright.

Motion passes with 5 for; 0 against.

15. Discussion on City Hall roof repairs.

Greg Smith: Council, as you recall, we have talked about roof at city hall and have been looking at alternatives. Robert Owens has come up with alternative which will be about half of the cost. It is a different concept from what you have seen done.

Robert Owens: Diversified Roofing contacted me. Brought a type of repair that is used a lot in Louisiana and other areas that involves recoating the roof membrane with a silicone based coating that is about 22 mils thick. If you have any questions, they will be able to answer them. I have a sample with this coating on it.

Mayor: Robert, why is it half the price?

Robert Owens: Not having to replace the whole membrane. The other was like DuraLast Roofing where they go in and overlay a complete other membrane over the top. The existing membrane is treated with an activator to give it an adhesive ability for the silicone and they apply it. It carries 10 year warranty.

Steven Murray, general manager and Paul, representative of Gaco Western: Brochure gives explanation of recovering as opposed to re-roofing. Basically will clean the area to be repaired, repair it and put a coating on it. It is 95% solids coating and very green. No solvents involved. Cost savings because there is no tear off of existing roof. There are trouble areas. We have seen the roof. We do an infrared scan to areas to tell us where it is leaking and how far the water has penetrated. Those areas will be patched and then the roof is coated with silicone coating. Power washed and scrubbed with cleaning solvent. Any areas that are damaged will be cut open. Insulation will be replaced. Infrared scan will determine that. Come back with primer and do another coating over seams. Add another 22 mils on top of that. Getting additional millage on total roof. In 10 years we do another inspection and can have another coating for even less than it costs now because you won't have to do the cleaning or inspection or any repairs.

Councilman Dykes: (Holding up sample) Is this going to be the thickness that you are going to put on?

Paul: The white section is the mil section. The black section is actually the EPDM roof.

Councilman Dykes: What happens to this during a hurricane? How easy is it to repair?

Steven: Can be repaired and patched. If the existing roof gets torn, you basically glue it back together and then put another coating on top, there are no seams.

Councilman Dykes: So you can put patches on it and seam it in alright?

Steven: The only seam will be where the roof is torn. When you put the coating on top, the seam goes away.

Paul: No fasteners or seams involved.

Councilman Dykes: I guess it has to meet some type of windstorm standards?

Steven: Yes sir. Most stringent standards nationwide. The coating and foam meet everything.

Paul: Currently installing on JC Penneys headquarters in Fort Worth. Gaco has been around for 54 years.

Mayor Pro tem Santos: You said you have physically been on the roof?

Paul: Yes.

Mayor Pro Tem Santos: Any evidence of ponding water?

Steven: Yes.

Mayor Pro Tem Santos: So we have no slope?

Paul: Very little but actually looks pretty good.

Mayor Pro Tem Santos: Can you fix the areas that are ponding

water?

Paul: There is no need. Silicone is basically...

Mayor Pro Tem Santos: You have no acrylic base in your silicone?

Paul: No.

Councilman Rhyne: UV rating on silicone is not good in this weather.

Paul: This product is actually the resin that is used in automotive bumpers. Little different than silicone coating. This is 100% silicone resin. It is inert to UV or ponding water. Can line a tank with it if you want. It is soft for wear but is great for roofs.

Councilman Wright: What is the warranty on this?

Paul. 10 year full-system warranty which means we will come in and fix it. It is renewable warranty. In 10 years recommend another 10 mil coat, which is half of the original coat to add another 10 year warranty.

Mayor Pro Tem Santos: No dollar limit warranty for 10 years?

Paul: No.

Mayor Pro Tem Santos: Can you do a vertical wall?

Paul: Yes. Our proposal counts for going up 7 foot on those walls on the one section in the back.

Mayor Pro Tem Santos: Whose observation was it about the stucco and the roof transition? Was that your observation?

Paul: That was our observation.

Mayor Pro Tem Santos: Can you just coat the stucco wall?

Steven: You can, but there needs to be some repair done to the flashing.

Paul: Looks like the flashing may have been put on backwards.

Robert Owens: I have photographs of how the flashing was applied.

Mayor: Is this a discussion item only?

Greg Smith: This is a discussion item only. If you want us to pursue going out for bid and for new roof and/or a cover or coating also as a viable option for City Hall roof project.

Councilman Dykes: Have you done this for anybody in the immediate area?

Paul: No. In Florida and Louisiana, but not locally, not just the coating.

Greg Smith: Any that we can look at along the gulf coast?

Paul: Closest is Fort Worth. First recommendation is infrared scan. Have a couple of problem areas. Pretty obvious. Can't be sure until you do the scan. This is very effective.

Mayor: So you are looking for us to say that this might be an option we pursue?

Greg Smith: This is an alternate method.

Mayor: I would consider this and bid it the other way too.

Councilman Rhyne: I don't mind looking at it. If we can get a list of your customers and contact numbers so we can do our own?

Councilman Wright: There is incentive here that if work is completed within 45 days there is a 5% discount.

Paul: The reason for that is because there are no start-up costs. We can bring our crews. We have about three weeks before the JC Penney roof is completed.

Councilman Wright: How long will it take to start this and finish a job?

Steven: 3-5 days, depending on the areas that have problems. Moisture cure, cures with humidity. Silicone is 95% percent solid. No solvents in coating. Moisture cure and cures with humidity.

Councilman Wright: It says that price excludes wall caps, general sheet metal...all of that stuff that is excluded. Is this included in this price or that added to it?

Steven: Those things aren't needed with the coating. The metal is in good shape. It doesn't need to be replaced. We have that spelled out specifically.

Councilman Wright: Do work yourselves?

Steven: Absolutely.

Councilman Wright: You don't subcontract?

Steven: No...do not contract out. All employees are Diversified Roofing employees. We are licensed and bonded with workman's compensation.

Mayor: Looks like something we can look at.

16. **City Manager Report:** Nothing to report on.

17. **Council Information**

Mayor Patrick Henry- nothing.

Mayor Pro Tem Rudy Santos – grand opening of rec center. Had nice turnout.

Councilman Jason Perez – absent.

Councilman Gregg Dykes – Union Pacific breakfast was good. Had nice cars come in. Congratulate Fire Dept. for third largest fundraiser for Fill the Boot.

Councilman John Wright – Thanks for letting us ride the fire truck.

Councilman Randy Rhyne – As senior member of cook-off team, ya'll come out Friday and Sat. and eat barbecue and socialize.

18. Council adjourned into executive session as authorized by Texas Government Code Section 551.074 (Personnel Matters – City Manager Duties) and Section 551.072 (Real Property) at

6:55 p.m.

9:24 out of executive session. No action out of executive session.

Adjourn 9:25 p.m.

J. Patrick Henry, Mayor

Shelly Deisher, City Secretary