

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF BRAZORIA

The City of Brazoria convened in a Regular Meeting on February 14, 2017 at 6:30 p.m. with the following to-witt:

BobbyJo Newell	Mayor
Marcus Rabren	Council Position #1
Gail Logsdon	Council Position #2
Gary Kersh	Mayor Pro-Tem
Roger Shugart	Council Position #4
Irv Eddy	Council Position #5

City Personnel:	
Teresa Borders	City Manager
David Jordan	Public Works Director
R.C. Stevenson	City Attorney
Bill James	City Judge
Neal Longbotham	Police Chief

Others Present:	
Frank Quinty Jr.	Citizen
Rhonda Quinty	Citizen
Edith Ray	Citizen
Bill Lott	Citizen
Billy Cast	Citizen
Lou Larsen	Citizen
Kirby Jordan	Citizen
Gabby Taylor	Citizen
Peggy Taylor	Citizen
Carolyn Moffett	Citizen
Mamie Stewart	Citizen
Layton Davenport	Citizen
Patsy Howard	Citizen
Susan Parker	Citizen
Stephanie M. Cribbs	Citizen
Sherman Carr	Citizen
Rev. Donald Brown	Citizen
Walter Dutcher III	Citizen
Scott Galaway	Texas Water Development Board

A. CALL TO ORDER.

Mayor BobbyJo Newell called the regular meeting to order at 6:30 p.m.

B. INVOCATION TO BE GIVEN BY REVEREND DONALD BROWN OF FIRST METHODIST CHURCH AND THE PLEDGE TO THE AMERICAN AND TEXAS FLAGS BY ALL.

Invocation was given by Reverend Donald Brown of the First Methodist Church with prayer request by the Mayor for Sheila Williams, City Secretary. Councilman Gary Kersh asks to remember Sweeny in prayer from the weather damage in that area. Mayor BobbyJo Newell led the pledge to the American & Texas flags.

C. CONSIDERATION/ACTION TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS; REGULAR MEETING, JANUARY 10, 2017 AND SPECIAL MEETING & WORKSHOP, JANUARY 24, 2017.

Motion was made by Councilman Gary Kersh to approve the minutes of the following meetings with the addition of Teresa Borders, City Manager being present at the January 10, 2017 Regular Meeting; and Special Meeting and workshop, January 24, 2017. Mayor Newell asked for clarification to the change in how garbage fees were paid in revenue. Teresa Borders explained that they had been figuring the revenue off of the billing figures and not the collections figures. We should not pay revenue account by billing because not all of those funds are collected, should be pay by collection figures. Mayor Newell also asked about the TNRCC fees and why they were higher. Public Works Director David Jordan explained that the TNRCC is Texas Natural Conservation Commission and they figure the fees by water consumption and number of customers. Second was made by Marcus Rabren. Motion carried unanimously.

D. CITIZENS COMMUNICATION.

Lou Larsen, 205 S. Market, thanked Mayor and City Council for being in attendance and allowing him to speak. Have two things on mind I have almost been hit at the intersection where 36 and 521 separate. The 18 wheelers are very dangerous speeding around to miss light and would like to see a yield sign put up on 521 side to slow down traffic leaving town. To hopefully stop a bad accident from occurring. Have 5 or 6 cats in my block; don't know how many have kittens. The city only has one workable cage to catch animals. Maybe we could get someone to work on the broken cages or purchase some to help catch the feral cats.

Stephanie Cribbs, 301 W. Marion, was not raised here but has lived in town the last 12 years. She would like to speak about the new Buc-ee's store. She worked in transportation, working on the new bridge to Lake Jackson and the widening of the Lake Jackson and Clute area. Watching them work the other day she is very concerned with the drainage. There is already flooding issues in that area. Average showers will cause water in road and concerned with where they have put the culverts toward the Masonic Oak area. Those are not her homes, but any flooding like with the Brazos River is scary. Concerned with the amount of rain we have been getting on a regular basis and how high they have built, with no curb and gutter, or retention pond for the water to go into. There is only one place this water can go is on our land and streets backing up the store. She asked that we please pay attention to the construction

site. Recently dug a trench backside of the project, they shaved one side of a massive oak tree, probably damaged the roots and a good wind may blow down and surprised it hasn't already fell. The standing water is saturating the roots which will contribute to it falling. According to the Farmer's Almanac we are expected to have a wet spring. She has been a victim of a random limb falling as driving down the street, it is not fun, is scary. I don't want to see this happen or children walking home from school. She was here to tell the City to pay attention look at the issues that are there, that right now the soil and dirt are absorbing the issues, but once the concert is in there will be no where for the water and most places have a retention pond. The retention pond at this time is behind the store at the Masonic Park and side streets. She also hopes there was something in the contract to resurface the roadways and take care of them they are in bad condition, slippery when wet. Highway 36 to 332 Marion Street is used as a short cut. It is in terrible condition. There are parades, trail riders, 18 wheelers and other drive thru traffic tearing up the roads. On the other end Pleasant Street at 332 is torn up also. The heavy equipment from the construction is a part of the bad streets. Hope City has a contract to get Buc-ees to repair the streets the construction traffic has torn up.

Bill Lott, 310 Red Oak, last summer Council was thinking about doing a bond on the May ballot. David I put a A/C unit in the City Hall but the Council Chambers needs to be on a separate unit, there are 31 people in the room right now. Do math on the size of unit and I feel this needs to be address.

Frank Quinty 205 Cherry, explained we needed a 20 mile per hour speed limit on Mari am Street and Pleasant Street. Need to have a heavy load rate on the traffic for these roads. Semi –truck trailers are coming down street. The other day one came through and could not figure how to get out and ran into the ditch, and had to be helped out with wrecker. Really need to do something with these streets. Pleasant is already 20 mph need change Miriam Street to 20 mph. Disagrees with Lady about Buc-ees tearing up streets, that they were already in bad shape when Buc-ee's began to rebuild. When they finish the drainage will take care of the flow of water.

E. CONSIDERATION/ACTION TO HEAR PRESENTATION FROM SCOTT GALAWAY AND DISCUSS LOAN PROGRAMS THROUGH THE TEXAS WATER DEVELOPMENT BOARD.

Scott Galaway explained he was glad to see the large number of citizens present. He explained he was representing the Texas Water Development Board a state agency located in Austin, but he is from the Houston Regional Office. We are a state government agency and have funds for water, wastewater and storm drainage at low interest rates for cities. The TWDB acts as a bank for entities. On the water side they produce the States water plan every 5 years, road map of what the state is using and will use in the future. They look at the population growth and the extra demand from the future population. Last one was produced in 2016, out and available. It is on web site if anyone would like to see it; it shows the future needs for 50 years. David Jordan explained that BWA is financing it projects through TWDB, our contract is for 30 years. It works like a private bank and there are State funds and 2 funds through the feds which are

environmental loan/grants. Most are low interest rate loans. There are some forgiveness grants through environmental which is through EPA. Usually beat the rates of open market by 1 OR 1 1/2 percentage points. Gary Kersh explained that we just did a loan and asked what the rate would be? Mr. Galaway explained on today's market it would be 2 1/2 percent to 3 percent. TWDB has 8 programs, with two being agriculture. Rarely are there different funds for cities. Interest rates would be lower than market, the best rates for cities in the state. Projects can be construction, repair, and rehab on water, wastewater and storm water. Having a half day workshop in Houston on April 11 to explain the program better. One thing, if you have a project in mind that you call and we discuss it, then the form is filled out. This will start the process and it typically takes 6 to 8 months time complete and be funded. The funds are available for property purchase, planning and design of infrastructure or repair to existing infrastructure, with terms typically 10, 20, 30years. Worked with Lake Jackson, West Columbia, and Angleton. Would be glad to sit down with Mayor, City Manager, Public Service Director, or a Council person to discuss in further detail projects the city would want to do. Gary Kersh said it is safe to say that the interest rate will not be over 4%. Mr. Galaway explained it depended on the open market rates. Mr. Galaway explain they is the best deal in the State for this type of loans. Cities come to TWDB because of the interest rates. Mrs. Borders was able to come to workshop in Brenham. We will be having one in Houston on April 11, 2017. These workshops are to help answer question for entities on the loan programs that the Texas Water Development Board has to offer. Quick version it is like a home mortgage you fill out an application to start the process and telling how much you want for a project, and TWDB will try and match you with the program that works. From the day you fill out the form to the day you close is around 8 months to a year. The Board is flexible on how the money can be used and drawn. You can draw the funds as need on a project so that you can. This way it can be paid back at a slower pace over time. Loans can be for 10, 20 or 30 years payback. Loan is based on the triple A State rate. If the City has a good credit rating that works in your favor, but we can work with cities that don't have good ratings. Mayor Newell asked if we have to have plans to even apply. No you just have to have an idea. Mayor Newell asked if there were certain times of the year you do it? The EPA funds have a time table, but the other funds can be applied for any time of year. Federal funds are due March 3 for 2018 funds. Gary Kersh asked about could we get funding with just an idea. Mr. Galaway explained that you would present the idea then they would work with the City and Engineers for a scope of work or project. Mayor Newell said that she wondered if it had to be engineered. Can fund a feasibility study and move forward from there to design and construction. Federal funds come with a little extra requirements in the application and longer application for these funds. Federal is always the lowest interest rates. Gary Kersh asked about them working with Lake Jackson and Mr. Galaway explain that yes they had worked with them. Work with Richwood, Surfside, and Angleton on projects. Can work with any political subdivision. Mayor explained she had gone to the web site and saw the different applications and the different types of programs. Mr. Galaway explained that we just need to get some idea's for a project and then they could talk to the City about ways to move forward, even having conference calls with Austin office. Gary Kersh ask about administrative fees and Mr. Galaway said, that were 1 1/2 percent administrative fee or origination fee, that could be paid up front or rolled into the loan. Mayor asked could she see if the public had any question and Mr. Galaway said sure. Edith Ray had a question but it was answered. Teresa Borders explained that her and Mr. Galaway had talked at the Brenham workshop about the infiltration in the system and the projects that

qualify for forgiveness. The energy saved by repairing infiltration in the lines that would save energy at the sewer plant could qualify for a percentage forgiveness. Maybe only 30% qualifies with only 15% forgiveness. Mr. Galaway said that the loan principle forgiveness or a grant. He explained that the two points of forgiveness is low income area or green projects. On the green projects you can get up to 15% forgiven. Mayor ask if the low income was done by door to door surveys and he explained it could be or go by census block figures. The State has computer programs where you type in your area and it will tell you if it qualifies by the census information. Councilman Irv Eddy asked if there is a minimum amount to borrow. Mr. Galaway said that there is not but it needed to be a loan of at least \$100,000.00 to make financial sense to process a loan.

Councilman Kersh asked David Jordan if this was something like they did with Johnson Controls in the past. David explained it was not, we did survey's for CDBG money in the past. Also, we are required by the state to lower energy cost each year by a percentage. This may help us qualify, lift stations easy to monitor because they have hourly monitors. Wastewater plant will not be as easy to monitor, no history. Mr. Galaway said the TCEQ regulations agency, are moving in that direction of saving energy. Water loss audit are done on a yearly basis, to account for all water sold. Stephanie Cribbs ask about the stringent laws of the federal money compared to that of the state money. Each project is based on its own merits. The project is reviewed by state agencies for qualification. The state requirements are not as stringent, if you have waste water plant that is older and needs upgrades this would be a project. Mayor Newell said that it is important protecting wet lands and environment. Legislature appropriated proposition 6 and voters approve in 2013 that took 2 billion dollars of funds from the raining day fund to have loans for this agency. Mayor asked if you can do projects like paint the water tower and replace wells. Yes these are projects that qualify. Sherman Carr ask if there was a site that would give a rating system on the receivers and how their projects went. There is only a list of funded entities. Councilman Gary Kersh explained going forward they would like to talk to and see how this process went for other agencies. Councilwoman Gail Logsdon said that it should not be hard to check with the local cities. Mayor Newell explained it is the Texas Water Development Board which is a government entity.

F. CONSIDERATION/ACTION TO DISCUSS AND APPROVE GARBAGE CONTRAXR WITH WASTER CONNECTIONS.

Evan Sharp District Manager for Waste Connections, explained that he had talked Mrs. Borders and David Jordan in the past week about the current contract and service. Basically have two proposals, one is the existing service and the other is back to rear load service. One concern of the Council is what these trucks are doing to the streets. Both proposals will include new trucks. Mayor Newell asked when this would go into effect. Evan explained it would June of 2017. Mayor explained that she wanted to know because we had just added \$3.00 to garbage. Last price increase 2 years ago, Evan could not remember any before that since he went to work. Councilman Roger Shugart asked about the recycling program. Evan Sharp explained they are still recycling, and building a new facility at the land field. Councilman Shugart said that the recycle points program was not very good, that you have to buy something to get a reward. Mayor Newell differed with that, she uses it all the time, with her business for magazines and they are always free. They also have the coupons that can be used. Evan said that it is a separate

portion of the company that does this and he can get them in touch with the City to answer questions. Councilman Roger Shugart explained that he had around 15,000 points and you could get a gift card of \$10 once a month for 2,000 to 5,000 points, taking around 6 months to use points. Evan explained he would get the people to come talk to Council, and that is was probably something they needed to revamp. Councilman Gary Kersh asked about the contract now and price. City Manager Teresa Borders explained it was the same as the City was paying at this time and would be locked in for 2 years at \$16.11. The price for the rear load was done because of the concerns for the roads. Mayor Newell ask Charlie Stevenson, Attorney if we needed to put it out for bids. He explained it could be or we could renew with the company we now use. Councilman Shugart asked if the rear loader would work for recycle, and Evan explained that it would. They would come through and pick up both trash and recycle with either truck. The cost of the rear loader is more, because you must have a man on the back. Councilman Kersh explained that we looked at both prices because the truck to empty carts goes down one side of the street then comes back through to get the other side making double trips on the roads with more wear and tear to the road. Mayor asked if they had rear loads in any other cities, Evan answered no they did not; Angleton is the last city to go away from the rear load. Mayor Newell asked if there was any other way to fix this issue, like build better roads. They do not get the complaints from other cities about the roads. Gary Kersh explained our roads are narrow, causing them to go on the same area each time causing the issues. This does not occur on wider roads. Mayor Newell explained as a citizen she would rather the \$7.00 to have rear loader be spent to make better roads. Know that it will take time, but as a Mayor and citizen that would be my solution. Mayor loves the recycling factor that a lot of cities don't have. It would be great for you to send a representative to talk to the city. Evan said he would be glad to and would come with them. Councilman Kersh asks if the Council wanted to accept this or go out for bids. Councilwoman Gail Logsdon explained she would be interested in check with other companies. City Manager Teresa Borders explained the contract was bid and negotiated with Sweeny and West Columbia involved in order for cheaper prices. David Jordan said that West Columbia was 6 months difference in renewal, but all negotiated together. David also explained to go out for bids we need to notify them in writing soon. Councilwoman Logsdon explained that there was no major issue with Waste Connections. Mayor explained this was not the time to hear issues with service, and they could get with the issues at a later time out of the meeting. Councilman Shugart asked about getting all cans on one side of the street and it was explained that would not be easy could cause a lot of issues. Motion was made by Councilman Gary Kersh to table the renewal of the garbage contract at this time. Second by Councilwoman Gail Logsdon with the motion carried unanimously.

G. CONSIDERATION/ACTION TO APPROVE RE-PLAT FOR ALBERT DUTCHER III OF LOTS 1-4 OUT OF BLOCK 199 OF THE BRAZORIA TOWNSITES.

Councilman Kersh asked David Jordan if there were any issues with this plat. David explained there are no issues. He has more property that he is trying to sell, to save a garage is to move the property line. Mayor asked if the public had any questions and Susan Parker asked if we had Google earth with this on it. The city did not have Google earth to look at. Motion was made by Councilman Roger Shugart and a second by Councilwoman Gail Logsdon to approve the re-plat

or Albert Walter Dutcher III of Lots 1-4 out of Block 199 of the Brazoria Townsite. Motion carried with Rabren, Logsdon, Shugart, and Eddy voting for, with Kersh abstaining for conflict of interest.

H. CONSIDERATION/ACTION TO LOOK AT INCREASING PROPERTY TAX EXEMPTIONS FOR HOMESTEADS OVER 65 AND DISABILITY.

Councilman Roger Shugart did not see where it showed the increase in the cost. Teresa Borders explained that the increase from \$30,000 to \$50,000 would cost the City an additional \$33,683.83 more than the cost right now. Councilman Gary Kersh asked about the other exemption that was listed on the sheet which is for under 65 disabled. That currently they get \$10,000 but if the City went up to \$20,000 it would be an increase of \$1,660.47 with only 21 citizens with this exemption. Councilman Gary Kersh explained he would like to increase it by \$10,000 for over 65 and under 65 to \$15,000. Teresa Borders explained it would be half of the \$33,683.83 to up it by \$10,000 instead of \$20,000. Councilman Marcus Rabren clarified that it does not affect this year's budget, but would be next years, when do we need to make a decision. Teresa Borders explain that it would need to be done around July for the next year's taxes. Mayor Newell explained this was because of the increase in gas. Councilman Gary Kersh explained we went up on gas, taxes and water. Mayor Newell said that no one had complained about the tax increase. Mayor Newell explained that we have people complaining because their ditches don't drain, sewer doesn't flush. Councilman Rabren said we need to just look at it between now and July. Councilman Kersh explained they we can take and take but somewhere need to give back, to the people on fixed incomes. Mayor Newell explained that she understood that but we were just talking about not having money to fix roads with trash trucks causing damage. Councilman Rabren and Councilwoman Logsdon explained they wanted to bring it back before July to look at. Mayor suggested we could even have some public hearings on it. Motion was made by Councilman Marcus Rabren to take no action and a second by Councilwoman Gail Logsdon. Motion carried unanimously.

I. CONSIDERATION/ACTION TO AMEND 2016/2017 BUDGET.

Teresa Borders explained that the paper work for this item was not ready a packet. No action was taken and City Manager explained that a budget was given to each one of them to review with the changes written on them. The change from part time to full time dispatcher and radio up grades that had to be made to come up to County requirements to be able to have communications in the Police Department. Discussion by Council on the position of dispatch and how hard it is to find someone to work part time, without benefits, strange hours and stress of the job. Stephanie Cribbs ask where the job was being advertised, just local or in other areas. Explained it was put in local papers, on internet and word of mouth through other departments. It was explained that the law enforcement job market is very competitive at this time and all departments seem to be short.

J. CONSIDERATION/ACTION TO APPROVE RESOLUTION #17-001 OPPOSING REVENUE CAPS AND LEGISLATION INTERFERENCE WITH LOCAL SERVICES.

Mayor explained she had attended the BCCA meeting last month and Ro'vin Garrett, Tax Assessor/Collector for Brazoria County asked the Officials to stand up and try to tell upper government to stop telling the local governments what to do, they are trying to tell local government what revenue caps are going to be. Sheila did a resolution for BCCA and Mayor request that Sheila write one for the City. Mayor read the resolution to the public. Motion was made by Gary Kersh and a second by Councilman Roger Shugart to approve Resolution #17-001. Motion was carried unanimously.

A RESOLUTION IN OPPOSITION TO REVENUE CAPS AND LEGISLATIVE INTERFERENCE WITH LOCAL SERVICES.

K. CITY DEPARTMENT HEADS REPORT.

1. Court Dept. – Judge James explained they had been busy with pre-trials and would be having trials. Gave report in packet.
2. Police Dept. – Chief Neal Longbotham gave report in packet. Radar was set up on Marion Street need to download data this week to look at number of cars and speeds. Gave each one of the Council packets on the radio bid and the dispatch proposal and duties. Press release on train pedestrian accident. Dead line for radios is March 31, 2017.
3. Public Service Dept. – Public Works Director David Jordan gave report in packet. David explained that the Keep Brazoria Beautiful was still active in Brazoria, co-sponsored by the Brazoria Heritage and the Lions Club. They usually have two clean up days they sponsor. This last year alone we have put in to recycling over 2000 gallons of motor oil, almost 3,000 tires, 10,000 pounds of waste that was sent to landfill that did not go in ditches. State estimates we get a return on every dollar spent for cleanup will return \$52.00. We have either collected or put liens on property for this waste pick up. Magnolia Gardens is half way through. County is working with us on drainage. Have a vacancy for Animal Control Officer and Code Enforcement. Apartments have started remodels and the work will be more than they first told the city they were going to do. 56 units to be remodeled and brought up to code alone with the sidewalks to be ADA compliant.
4. Fire Dept. – no report

L. CITY MANAGER REPORT.

Did not get report in packet is at your station. Sales tax is down again in February for same month last year. There is a report from Civicplus on the web site showing how many people are viewing it and different activity on it. Update on Brazosport Water Authority on progress they are making in Fort Bend County. Auditor will have report for March meeting, he was not comfortable rushing to get it on this month.

M. REPORTS FROM MAYOR, CITY COUNCIL AND CITY ATTORNEY.

Mayor Newell reminded everyone the City offices would be closed Monday for Presidents day. Irv Eddy congratulated Sheila Williams for getting her recertification for Municipal Clerks it takes a lot of work to achieve this and continue with it. Program is through North Texas University, Denton, Texas for this recertification. Pray for a fast return and healing for Sheila. Councilman Roger Shugart appreciates everyone coming tonight. Thank you to the ones who spoke in citizen's communication we need to hear these things. We can take the little things and make big things happen.

Councilman Gary Kersh, I would like to address the issue with Buc-ees for just a minute, we did contact Buc-ees- interruption by Mayor and Attorney that this could not be discussed at this time. Thank you for coming.

Councilwoman Gail Logsdon we are looking for employees and it seems to be something occurring all over the community. We dodged the weather today, I don't know how the rain effected us and a lot of communities had wind damage. Certification do required so much to achieve. So many things you have to be certified for with so many hoops to jump through. Appreciate all the effort for those achievements. Thank you for all coming, we sit up here and do not make decision lightly these are things that we think about to make decisions. Thanked everyone here would like to see them each month.

Councilman Marcus Rabren said there was good communication tonight; appreciate bringing the Water Development Board in to hear. Radio situation is critical.

Mayor Newell thanks everyone for coming.

N. ADJOURN REGULAR MEETING.

Mayor Newell adjourned regular meeting at 8:05 p.m.

BobbyJo Newell, Mayor

ATTEST:

Sheila Williams, City Secretary