



**CITY OF ANGLETON
CITY COUNCIL AGENDA MINUTES
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
TUESDAY, FEBRUARY 13, 2024 AT 6:00 PM**

THE FOLLOWING REPRESENTS THE ACTIONS TAKEN BY THE ANGLETON CITY COUNCIL IN THE ORDER THEY OCCURRED DURING THE MEETING. THE CITY COUNCIL OF ANGLETON, TEXAS CONVENED IN A MEETING ON TUESDAY, FEBRUARY 13, 2024, AT 6:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

DECLARATION OF A QUORUM AND CALL TO ORDER

With a quorum present, Mayor Wright called the Council Meeting to order at 6:00 P.M.

PRESENT

**Mayor John Wright
Mayor Pro-Tem Travis Townsend
Council Member Terry Roberts
Council Member Cecil Booth
Council Member Tanner Sartin
Council Member Christiene Daniel**

**City Manager Chris Whittaker
City Attorney Judith ElMasri
City Secretary Michelle Perez**

Mayor Wright had a moment of silence for the lost lives in the community.

PLEDGE OF ALLEGIANCE

Council Member Sartin led the Pledge of Allegiance.

INVOCATION

Council Member Booth led the invocation.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

Molly LeBoeuf, Angleton resident, addressed Council and stated she is speaking regarding the ongoing issue on Pine Place. There is a sewer smell around her home and neighbors are unable to flush toilets after the recent rain. Is expecting a timeline and a plan of action regarding this issue and the lift station in the neighborhood that may be the source of the problem.

Ina Robinson, Angleton resident, addressed Council and stated she resides n W. Live Oak and there is a ditch that was dug and runs behind her property where the water is not draining, and it is not being maintained. The ditch floods when it rains and does not drain. They need answers.

CEREMONIAL PRESENTATIONS

1. Presentation of employee service award.

Brenda Majors received an employee service award for five years of service with the City of Angleton.

CONSENT AGENDA

2. Discussion and possible action in selecting flood insurance as part of the City's property insurance program for a policy beginning March 24, 2024.
3. Discussion and possible action in selecting Wind and Hail property insurance as part of the City's property insurance program for a policy beginning February 16, 2024.
4. Discussion and possible action on Resolution No. 20240213-004 establishing the procedure for the May 4, 2024, General Election in Angleton, Texas; and providing for other related matters related thereto.
5. Discussion and possible action to approve a contract with Brazoria County for the May 4, 2024, General election.
6. Discussion and possible action on the Annual Racial Profile Report.
7. Discussion and possible action to approve Resolution No. 20240213-007; a resolution by the Angleton Better Living Corporation approving an agreement with the City Council of the City of Angleton, Texas regarding the construction of city park and drainage improvements and authorizing the chairman as the designated representative of the corporation to execute such agreement; and approving other matters incidental thereto.
8. Discussion and possible action to approve Resolution No. 20240213-008 authorizing the mayor to sign an interlocal agreement with the City of Granbury, TX, for cooperative purchasing.

Upon a motion by Council Member Booth and seconded by Council Member Roberts, Council approved consent agenda item No. 2. Discussion and possible action in selecting flood insurance as part of the City's property insurance program for a policy beginning March 24, 2024; 3. Discussion and possible action in selecting Wind and Hail property insurance as part of the City's property insurance program for a policy beginning February 16, 2024; 4. Discussion and possible action on Resolution No. 20240213-004 establishing the procedure for the May 4, 2024, General Election in Angleton, Texas; and providing for other related matters related thereto; 5. Discussion and possible action to approve a contract with Brazoria County for the May 4, 2024, General election; 6. Discussion and possible action on the Annual Racial Profile Report; 7. Discussion and possible action to approve Resolution No. 20240213-007; a resolution by the Angleton Better Living Corporation approving an agreement with the City Council of the City of Angleton, Texas regarding the construction of city park and drainage improvements and authorizing the chairman as the designated representative of the corporation to execute such agreement; and approving other matters incidental

thereto; 8. Discussion and possible action to approve Resolution No. 20240213-008 authorizing the mayor to sign an interlocal agreement with the City of Granbury, TX, for cooperative purchasing. The motion passed on a 6-0 vote.

REGULAR AGENDA

Mayor Wright moved to agenda item No. 11

11. Discussion and possible action to amend the approved Fiscal Year 2023-2024 overlay street list.

Hector Renteria addressed Council and presented the agenda item and stated that previously the list had to be redone because Brazoria County wanted the street list to remain in a general area and 9 streets were approved. Brazoria County is now requesting to limit the list to 4 streets with an opportunity to add more streets that are intersecting with the 4 streets.

W. Myrtle – from Hancock to Erskine; S. Walker – from Bryan to Last Residential Drive; W. Wilkins – from 274 to Warren/Anchor; Anchor Rd – from W. Wilkins to W. Miller; W. Cedar – from N. Parrish to N. Walker; N. Columbia – from Miller to W Live Oak; Marshall – from W. Live Oak to W. Live Oak; and W. Locust – from Parrish to Walker.

Council recommended removing E. Bronco Bend from the street list and keep S. Walker, W. Wilkins, W. Cedar and Anchor Road as the four streets and leave the remaining streets on the list as intersecting streets. Council asked Mr. Renteria to present the recommended list to the County to see if they will accept the list.

9. Discussion and possible action to replace existing water and sanitary sewer utilities along the TxDOT Transportation Alternatives Downtown Sidewalk Improvement area on State Highway 288B.

John Peterson, City Engineer with HDR Engineering addressed Council and presented the agenda item.

Mayor Wright left the meeting at 6:30PM.

Mr. Peterson stated that he will bring back a proposal to council for the design, bid, and construction project.

Upon a motion by Council Member Roberts and seconded by Council Member Booth, Council approved to replace existing water and sanitary sewer utilities along the TxDOT Transportation Alternatives Downtown Sidewalk Improvement area on State Highway 288B with the approve funds from water sewer. The motion passed on a 5-0 vote. Mayor Wright was absent.

10. Discussion and possible action to approve the submission of two Houston-Galveston Area Council (H-GAC) Transportation Improvement Program grant applications for the Henderson Road Improvements.

John Peterson, City Engineer with HDR Engineering addressed Council and presented the agenda item.

Upon a motion by Council Member Roberts and seconded by Council Member Sartin, Council approved the submission of two Houston-Galveston Area Council (H-GAC) Transportation Improvement Program grant applications for the Henderson Road Improvements. The motion passed on a 5-0 vote. Mayor Wriath was absent.

- 12. Discussion and Annual Update of the Windrose Green Subdivision Development by the developer.**

Jeff Kolby, Windrose Green Subdivision Developer, addressed Council and gave an update. Mr. Kolby stated that Windrose Green is a 155-acre single family residential subdivision. There are 133 homes that are either completed and occupied or under some stage of construction. The current land plan shows a complete buildout of approximately 650 homes. There are three home builders completing a total of 17 new homes a month. The average home sale price is \$344,000 - \$345,00. The lowest home price was \$250,00 and the highest price point was \$573,000. Mr. Kolby stated Sections 1,2, and 3 are on the ground, Sections 4 and 5 are in design and Sections 6,7, and 8 have not been platted. The first phase of amenities has been complete that included the park on the north side, landscaping around both ponds, and all the landscaping setbacks along FM 523 passed the model home court. The next phase of landscape with extend the masonry wall fence to the eastern part of the property corner, the landscaping associated with that setback along the road, adding an additional park on the southern end, landscaping improvements, masonry wall, and a monumentation at the Henderson Road entrance. Mr. Kolby stated that they have a schematic design from the landscape architect that will connect the community to the high school. A third-party arborist was hired for the tree preservation count. They coordinated with the City on the Freedom Park detention, offsite west of the school, and helped excavate and provide 53-acre feet of volume out of the pond. He stated that they made enough value for the first bond sale in December of 2023 and the city received the water and sewer capacity reservation fees with the bond issue of \$328,000 for Section 1, and \$155,000 for Section 2. Sections 3, 4, and 5 will go into the next bond issue with hopes to sell in the fourth quarter of 2024 and the city will receive an additional \$560,000 with the three sections combined.

- 13. Discussion and Annual Update of the Riverwood Ranch Subdivision Development by the developer.**

Mr. Whitney Hopkins, Riverwood Ranch resident, addressed Council and stated that there needs to be more things for the kids to do, kids are currently playing in the streets. Would like to see more amenities to be approved for their community.

Mayor Pro-Tem Townsend left the meeting at 7:05pm and returned at 7:07pm.

Michael Foley, Riverwood Ranch Developer, addressed Council and introduced Brian Jarrard with Holcomb Properties Company, who presented the update. Mr. Jarrard stated that there are 18 homes under construction, 158 homes completed, 171 homes

sold to date, 5 homes available for sale, and 29 vacant lots. The general pace of sold homes is 10 per month. Lennar is closing their last 11 homes within Section 1 and 2 this month. Riverway is currently working to deliver Sections 3 and 4, called River Ranch North with 144 50' & 60' lot sizes, the homebuilders will be Lennar and DR Horton. Mr. Jarrard stated the detention pond excavation and mass grading is complete, Water Sewer & Drainage is underway, anticipated lot delivery is early May 2024, and landscape and amenity construction to begin May 2024.

14. Discussion and possible action on the Development Agreement for Anderson Place Subdivision between Mr. Bobby A. Weaver and the City of Angleton, for a 16-lot subdivision located on the east side of S. Anderson Street, between Southside Dr. and Cemetery Rd.

Otis Spriggs, addressed Council and introduced the agenda item.

Mr. Bobby A. Weaver addressed Council and stated he and his son will develop a total of 16 lots with existing sidewalks. Half of the Heritage trees will be saved and will be planting more trees to comply with the Heritage Tree Ordinance. Mr. Weaver stated they will be replacing a sewer line in addition to drainage issues backing up to the adjacent subdivision.

Upon a motion by Council Member booth and seconded by Council member Roberts, Council approved the Development Agreement for Anderson Place Subdivision between Mr. Bobby A. Weaver and the City of Angleton, for a 16-lot subdivision located on the east side of S. Anderson Street, between Southside Dr. and Cemetery Rd. Subject to final legal approval. The motion passed on a 5-0 vote. Mayor Wright was absent.

15. Discussion and possible action to approve Resolution No. 20240213-015 accepting the Preliminary Service and Assessment Plan (PSAP) and setting the Assessment Levy public hearing date for March 12, 2024, for the Riverwood Ranch North Public Improvement District.

Andrea Barnes, P3 Works, addressed Council and presented the agenda item.

Upon a motion by Council Member Booth and seconded by Council Member Sartin, Council approved Resolution No. 20240213-015 accepting the Preliminary Service and Assessment Plan (PSAP) and setting the Assessment Levy public hearing date for March 12, 2024, for the Riverwood Ranch North Public Improvement District. The motion passed 5-0. Mayor Wright was absent.

16. Discussion and possible action on the approval of the Reimbursement Agreement for the Riverwood Ranch North Public Improvement District.

Michael Foley with Riverway addressed Council and stated he would like to discuss being able to provide amenities, hardscape and walking trails for their residents. He stated in Sections one and two there were discussions with the city not to include the walking trail, signage and trees and landscaping as a Public Improvement District (PID) expense because the city did not want to have to maintain the items and it was placed in the Development Agreement that the Homeowners Association will be responsible

for maintaining the expenses. For the future sections 3 and 4, there was concern of allowing these amenities to be part of the PID again. They would like to include more amenities for the residents to use such as the landscaping, walking trails and the wet pond and would like those to be considered as PID eligible expenses for Sections three and four.

Judith ElMasri, City Attorney, addressed council and stated she would like to clarify the hardscape items being referenced as fencing, sidewalks, stone columns, floating fountain at the park, electrical & irrigation for the fountain, and benches. Brian Jarrard, Holcomb Properties Company, stated a detailed cost summary was provided on the hardscape items. Andrea Barnes, P3 Works, stated that the hardscape items the city attorney provided are exactly what was presented in the engineer's report by the developer to P3 Works. In order for these items to be included as PID eligible expenses the city is required to authorize them and agree to own them, otherwise they cannot be included as PID expenditures. Someone else such as an HOA can agree to maintain them through an agreement with the city but the city must own those items.

Mayor Wright arrived at 7:40PM

Samantha Ervin, Riverwood Ranch Resident, addressed Council and stated she was told that the HOA was responsible for the amenities and did not know that the city owned them until now. She would like a park inside the subdivision. She wants her kids to be comfortable and safe while playing without having to play in the street. She was led to believe there would be a park for the kids and other amenities.

Council Member Daniel stated on May 24, 2022, a motion was made to not credit a private park using public funds. The PID is the city paying for a private park that would be maintained by the HOA and that's where the issue is. She stated they would like to see the developer build the park on their own using funds from lots and houses sold, and the developer is trying to wrap it into public funds.

Mayor Wright asked the city attorney what the indemnification clause was for the HOA and the city attorney stated she looked at the agreement for the HOA provisions and there is not enough protection for the city in the existing agreement for the HOA. She stated there is no indication that there is an HOA. Mr. Jarrard stated there is an active HOA with 200 homeowners. There are annual meetings with the residents with active management. The homeowners are notified of the meetings by mail.

Andrea Barnes, P3 Works, addressed Council and stated for Sections One and Two the total for approved authorized improvements was \$425,589 that included a monument sign for \$32,000 that was removed, planter edges, sign lighting & landscape borders, trail & picnic areas, concrete trail with subgrade, benches, picnic tables, picnic shelter, barbecue grills, playground, soccer field and goals, and more that totals \$425,589. Ms. Barnes stated that unless the receipts and an affidavit that the vendor received payment is received then reimbursement cannot be received. Sections one and two were cash bids and the reimbursement cannot be received until the money from the assessments is received.

Audrey Harris, Riverwood Homeowner, addressed Council and stated that she bought a home in 2021 and was told there would be a playground. Ms. Harris also stated that the Lennar office told her that an HOA would not be in effect until all the houses were built and she was shocked to hear that the HOA held a virtual meeting without receiving any notification.

Daphne Brown, Riverwood Homeowner, addressed Council and stated that they do not care about monument signs. What they do care about is the safety of their children and would like a place for them to convene, be safe, and have fun, and to remain off the streets.

Ina Robinson, Angleton resident, addressed Council and stated that they are concerned for their kids also on W. Live Oak concerning the ditch. Nobody asked her any questions when she spoke regarding the ditch in her subdivision. Ms. Robinson stated there will be snakes and mosquitos out soon and it will be a hazard for the community. Mayor Wright stated if an item is not on the agenda then Council cannot discuss or take action. This particular item 16 is on the agenda, so discussion is able to take place. Mayor Pro-Tem Townsend and City Attorney explained that the item must be on the agenda for discussion and that the city would be violating state law if Council had a discussion with the item not being on the agenda.

Whitney Hopkins, Riverwood homeowner, addressed Council and wanted to clarify that everything he asked for, for the safety of the kids, could have been done in Sections one and two. Council clarified with yes. Ms. Barnes stated there is no expiration, but the city can hold him accountable.

Mr. Foley asked if the park requirements were met for Sections one and two. Megan Mainer, Director of Parks and Recreation, addressed Council and stated that when the project was initiated in 2018 there were proposed amenities and during that time there was a Parkland Dedication Ordinance that was adopted and approved and included park standards that this plan did not meet. Ms. Mainer stated because the city requires a minimum of five acres be dedicated, it cannot include detention areas, which in section one and two it is a majority of a detention area. Before agreements were executed, the city informed the developer what the minimum park standards were. The developer did not agree to install those amenities so what you see today is the paved path and the water feature. Those were not reimbursed as parkland dedication items. The city did receive the parkland fees because of the application filing and they were able to pay those parkland dedication fees at \$575 per dwelling unit. Again, new developments from here on out they will need to abide by the new Parkland Dedication Ordinance, which is much more costly in most cases because of the cost of land is going up and the development cost of parkland improvements are going up and so we have captured that in the new parkland dedication ordinance. Ms. Mainer stated that what is there is what the residents can expect to see. Mr. Foley agreed and stated there was not enough land to meet the minimum park requirements for the public park and instead chose the park fee.

Mayor Pro-Tem Townsend and Council Member Sartin addressed the discrepancy in the assessment list that Ms. Barnes provided with the list of items to be provided and what Mr. Foley is actually providing. Mr. Foley stated that the Service and Assessment Plan was approved prior to receiving the notice from the city that they did not meet the park minimum requirements. Instead of paying the \$88,000 for a playground the city requested a fee be paid in lieu of it. Council Member Sartin stated that there is confusion because what council believed is that the list of park items that Ms. Barnes read were in addition the parkland fees. Council agreed. Ms. Barnes stated that Council can approve Mr. Foley to put the park items that he did not have enough acreage for in Sections one and two and put them in Sections three and four and stated Council can authorize that before the Service and Assessment Plan is approved. It will be considered a Major improvement that benefits the entire PID because the assessments for Riverwood Ranch have already been levied, the residents cannot be made to pay for that.

Council discussed to table a decision on the reimbursement agreement for Riverwood Ranch North, which is Sections three and four. Between now and then, Council would like to see if the developer can propose something, on the playgrounds. Council requested more information about indemnification by HOA, how the city can come up with agreement, if in fact, the city is going to approve some of the things for River Ranch North. Council also requested to know whether or not the July 2020 executed Reimbursement Agreement for Development Agreement, whether the cost undering is allowable.

Mayor Pro-Tem Townsend left the room.

Upon a motion by Council Member Sartin and seconded by Council Member Robert, Council *tabled* the approval of the Reimbursement Agreement for the Riverwood Ranch North Public Improvement District. The motion passed on a 5-0 vote, Mayor Pro-Tem Townsend was absent.

17. Discussion and possible action to approve Resolution No. 20240213-017 setting hearing date on the Amended & Restated Tax Increment Reinvestment Zone (TIRZ) No. 2 Project and Financing Plan for March 12, 2024.

Upon a motion by Council Member Sartin and seconded by Council Member Roberts, Council approved Resolution No. 20240213-017 setting hearing date on the Amended & Restated Tax Increment Reinvestment Zone (TIRZ) No. 2 Project and Financing Plan for March 12, 2024. The motion passed on a 5-0 vote. Mayor Pro-Tem Townsend was absent.

18. Discussion and possible action to approve Ordinance No. 20240213-018 amending the Fiscal Year 2022-2023 year end budget to include the General Fund, Street Fund, Water Fund, and miscellaneous minor funds; declaring a public necessity; providing a severability clause; providing an open meetings clause and an effective date.

Upon a motion by Council Member Booth and seconded by Council Member Daniel, Council *tabled* Ordinance No. 20240213-018 amending the Fiscal Year 2022-2023 year

end budget to include the General Fund, Street Fund, Water Fund, and miscellaneous minor funds; declaring a public necessity; providing a severability clause; providing an open meetings clause and an effective date. The motion passed on a 5-0 vote. Mayor Pro-Tem Townsend was absent.

19. Discussion and possible action to approve Ordinance No. 20240213-019 Appointing the Board of Directors positions one through five for Administration of City of Angleton Texas Tax Increment Reinvestment Zone No. 2, (Riverwood Ranch Reinvestment Zone), Pursuant to Chapter 311 of the Texas Tax Code.

Mayor Pro-Tem Townsend returned to the meeting.

Upon a motion by Council Member Booth and seconded by Council Member Daniel, Council approved Ordinance No. 20240213-019 Appointing the Board of Directors to allow for six positions to add Riverwood resident Whitney Hopkins for Administration of City of Angleton Texas Tax Increment Reinvestment Zone No. 2, (Riverwood Ranch Reinvestment Zone), Pursuant to Chapter 311 of the Texas Tax Code.

Upon a motion by Council Member Booth and seconded by Council Member Daniel, Council amended the motion to allow 7 positions to add Audrey Harris and list Mayor Wright as Position No.1. The motion passed on a 6-0 vote.

Appointed members include John Wright, Cecil Booth, Robin Crouch, Jason Perez, Whitney Hopkins, Michael Foley, and Audrey Harris.

20. The Office of Emergency Management has four grants submitted to the Texas Division of Emergency Management (TDEM) and FEMA. Each grant is in varying stages of verification and approval. Two of the four grants are in the last approval phase with FEMA and TDEM. We are bringing these grants to the council due to the need for a commitment letter of matching funds and the potential for the needed funds in this budget year for the Angleton Recreation Center Generator.

Upon a motion by Mayor Pro-Tem Townsend and seconded by Council Member Daniel, Council approved a commitment letter of matching funds and the potential for the needed funds in this budget year for the Angleton Recreation Center Generator. Funds to come from the Fund Balance. The motion passed on a 6-0 vote.

EXECUTIVE SESSION

The City Council held an executive session at 9:30 P.M. pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained therein:

21. Discussion and possible action on the deliberation of real property; pursuant to Section 551.072 of the Texas Government Code.

OPEN SESSION

The City Council adjourned Executive Session at 9:53 P.M. and reconvened into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and take action, if any, on item(s) discussed during Closed Executive Session.

21. Discussion and possible action on the deliberation of real property; pursuant to Section 551.072 of the Texas Government Code.

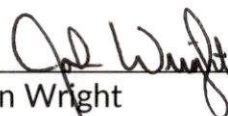
No action was taken.

ADJOURNMENT

The meeting was adjourned at 9:54 P.M.

These minutes were approved by Angleton City Council on this the 25th day of June, 2024.

CITY OF ANGLETON, TEXAS



John Wright
Mayor

ATTEST:



Michelle Perez, TRMC
City Secretary

