



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, MARCH 26, 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 Cecil Booth
Council Member Terry Roberts
Council Member Christiene Daniel
Council Member Tanner Sartin

City Manager Chris Whittaker
City Attorney Judith El Masri
City Secretary Michelle Perez

PLEDGE OF ALLEGIANCE

Council Member Council Member Roberts led the Pledge of Allegiance.

INVOCATION

Council Member Booth led the invocation.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

No one spoke

CEREMONIAL PRESENTATIONS

1. Presentation of the Fair Housing Proclamation.

Mayor Wright presented the Fair Housing Proclamation.

2. Presentation of Eli Frankum Day Proclamation.

Mayor Wright presented the Eli Frankum Day Proclamation to Royal Ranger, Eli Frankum.

CONSENT AGENDA

3. Discussion and possible action to approve the City Council minutes of February 13, 2023, Special Meeting; August 22, 2023, Special Meeting; December 12, 2023; January 9 and 23, 2024.
4. Discussion and possible action to approve Resolution No. 20240326-004 suspending the effective date for ninety days in connection with the rate increase filing made on or about March 6, 2024, by CenterPoint Energy Houston Electric LLC; authorizing the City's continued participation in a coalition of cities known as the "Texas Coast Utilities Coalition of Cities;"

Upon a motion by Council Member Roberts and seconded by Council Member Sartin, Council approved consent agenda items **3.** Discussion and possible action to approve the City Council minutes of February 13, 2023, Special Meeting; August 22, 2023, Special Meeting; December 12, 2023; January 9 and 23, 2024. **4.** Discussion and possible action to approve Resolution No. 20240326-004 suspending the effective date for ninety days in connection with the rate increase filing made on or about March 6, 2024, by CenterPoint Energy Houston Electric LLC; authorizing the City's continued participation in a coalition of cities known as the "Texas Coast Utilities Coalition of Cities;". The motion was passed on a 6-0 vote.

PUBLIC HEARINGS AND ACTION ITEMS

5. Conduct a public hearing, discussion, and take possible action on a request for approval of Ordinance No. 20240326-005 modifying an existing Specific Use Permit within a Single-family Residential 7.2 District (SF-7.2) to allow for the installation of a proposed eighteen (18') foot tall acoustic fence to reduce noise, located at Gambit Energy Storage Park, 319 Murray Ranch Rd., Angleton, Brazoria County, Texas.

Otis Spriggs, Director of Development Services introduced the agenda item.

A presentation was given by Bill Kaufman, The Kaufman Group, representative of Gambit Energy. Mr. Kaufman presented Council with a PowerPoint and stated Gambit engaged with Dudek, a national sound consultant, to address the neighbors' concerns with the noise. The sound engineers recommended Gambit to erect an 18' ft sound barrier around the battery enclosures. The barrier will surround the batteries north and east. The erection of the barrier will comply with all applicable Angleton City Ordinances, International Building Code and International Fire Code requirements. The sound barrier to be erected shall be structurally sound.

Upon a motion by Council Member Daniel and seconded by Mayor Pro-Tem Townsend, Council opened the Public Hearing at 6:25 P.M. The motion was passed on a 6-0 vote.

Gary McDaniel, Angleton resident addressed Council and stated Him and his wife live on Spreading Oaks, one of the closest homes to the battery park and can constantly hear the noise coming from the area.

Clara Dannhaus, Angleton resident addressed Council and stated that she lives on Spreading Oaks and Homeowners Association President. Ms. Dannhaus played a 10 video from September 5, 2024, at 9:02 P.M. of the noise from the battery park. Ms. Dannhaus stated she would like to see the sound being monitored to stay in compliance.

Chris Peltier, Angleton resident addressed Council and stated that picking one decimal level to be used 24/7 is inaccurate. In the beginning the hope was to make it acceptable to the neighborhood. They were told that it wouldn't be heard or seen. The sound is a big issue and it doesn't stay confined to Western Ave, Live Oak and Heritage Oak, it can be heard all the way to Buckee's, Westside Elementary, Country Village, Academy Christian School and beyond.

Upon a motion by Mayor Pro-Tem Townsend and seconded by Council Member Daniel, Council closed the Public Hearing at 6:41 P.M. The motion was approved on a 6-0 vote.

Council Member Sartin asked Mark Storm, Acoustic Services Manager with Dudek, if they had the capability to monitor the decimal point for noise and Mark stated no but could possibly create a new system. Keith Merkel, Senior Technical Asset Manager with Power Plus, addressed Council and stated that there is technology that can be installed externally that will allow a decimal measurement. The decimal measurement system will also include background noise and the information needed from the decimal measurement will only need to be the noise erected from the battery park itself. Council Member Sartin stated that the citizens of the neighborhood are concerned about when it's nice and quiet in their neighborhood and they can hear the noise there. That wouldn't be a time you would be worried about outside noise pollution. Mr. Merkel stated there would be time stamp bata collection and compare it with conditions.

Mr. Merkel stated that the tarp is made to be a sound barrier and absorber, will be 18ft tall to resist wind loading and otherwise be structurally sound and safe. It will be built inside the wall surrounding the battery systems.

Council Member Daniel stated she is concerned that they are willing to install a fence and later do sound testing. Mr. Merkel stated that would allow everyone to have an opportunity to evaluate the performance. Council Member Daniel stated she would like a study done prior to installing a fence.

Mayor Wright asked if the residents will still hear the noise and Mr. Merkel stated with the sound wall in place the residents will hear a reduced level of noise. It will be audibly and immeasurably reduced.

Mayor asked about the vegetation, and Christian Hoffman stated there was a number of places where vegetation was preserved and vegetation was planted. Recently did a walkthrough of the site within the last six months and they have identified areas where

some of the plants that were planted have not survived. Received quotes from landscapers to go out and do replanting. While onsite, it was noticed from Spreading Oaks that you can see the tops to some of the battery enclosures. Ms. Hoofman stated they are trying to come up with a color that will make that blend in because white is striking, especially in wintertime. The installation of the noise barrier will help a little bit with the visualization or visual screen. Once they have a good sense of what it looks like they will know where they should target their plantings at three different levels so that there are not trees that grow with no leaves at the bottom. Trees and shrubs will be planted for full coverage.

Upon a motion by Council Member Booth to approve Ordinance No. 20240326-005 modifying an existing Specific Use Permit within a Single-family Residential 7.2 District (SF-7.2) to allow for the installation of a proposed eighteen (18') foot tall acoustic fence to reduce noise, located at Gambit Energy Storage Park, 319 Murray Ranch Rd., Angleton, Brazoria County, Texas.

Council Member Booth removed his motion.

Upon a motion by Council Member Sartin and seconded by Council Member Booth, Council approved Ordinance No. 20240326-005 modifying an existing Specific Use Permit within a Single-family Residential 7.2 District (SF-7.2) to allow for the installation of a proposed eighteen (18') foot tall acoustic fence to reduce noise, located at Gambit Energy Storage Park, 319 Murray Ranch Rd., Angleton, Brazoria County, Texas. Have the SUP in effect for 12 months. With the conditions of decibel monitoring, and the two conditions of Planning and Zoning which are the permitting for the 18 ft wall and the Electric Reliability Council of Texas (ERCOT) declared emergency. The motion passed on a 6-0 vote.

REGULAR AGENDA

6. Update and discussion by Susan Spoor, Brazoria County Appraisal District Board member and City representative.

Agenda item was postponed. No discussion or action taken.

7. Update, discussion, and possible action on the final results of the development phase 1, Facilities Energy Savings Investment Grade Audit, presented by Schneider Electric.

Agenda item was postponed. No discussion or action taken.

Mayor recessed the meeting at 7:59 P.M. and returned at 8:11 P.M.

8. Update discussion, and possible action on the Henderson Road Project by City Engineer, John Peterson with HDR.

John Peterson, City Engineer with HDR gave a presentation of two options for Henderson Road. Mr. Peterson requested that once Council has reviewed the two options then they can comeback and modify it with what they would like to see happen.

Option one was presented with medians throughout the area and option two has no medians.

Council Member Booth stated he would like to see a task force that includes a couple of Council Members.

9. Discussion and possible action on the recovery efforts from the Severe Weather on March 15th, 2024.

Jamie Praslika, Emergency Management Operations, addressed Council and gave an update on the storm recovery efforts. She stated that Waste Connections is running two trucks everyday and averaging four loads of debris every day. The city has contracted with a debris management company, and they will begin April 4th or 5th running two trucks everyday picking up large debris. Ms. Praslika stated the cost for the actual event, not recovery, is approximately \$17,568. The hours used for exempt employees is 279 hours, a perishable and non-perishable food drive was held, and 22 homes are requesting volunteer services.

Collen Martin, Director of Human Resources addressed Council and stated the city hired a second party vendor to immediately mitigate the water damage by drying out at the Police Department and other office locations. Damages were reported to Texas Municipal League (TML) who assigned two third-party adjusters for vehicles, property, and mobile equipment damages.

The City Council thanked the surrounding cities, neighbors, staff and everyone who helped during the severe weather event.

Mayor Wright moved to agenda item No. 11.

11. Discussion and update on a development proposal for Serenity Oaks, formally known as Stasny Development for area currently within the ETJ of the City of Angleton, Texas for property totaling approximately 303.96 acres, located west of SH-288, north of SH 35.

Otis Spriggs, Director of Development Services, introduced the agenda item.

Parke Patterson, representative of Angleton 300 Res Dev LP and Angleton Stasny Land LP, addressed Council and gave a project overview for Serenity Oaks Development. Mr. Patterson presented the Master Plan to include 286 lots, single family residential, ½ and 1 acre lots in size, existing trees will be saved in all areas possible, open space amenity for each homeowner, and entry monuments with a wood railed fence. Mr. Patterson stated two nationally recognized homebuilders will be chosen to build in Serenity Oaks, homes will range from 1,800 – 3,000 SF on the ½ acre lots and 2,500 – 3,700 SF on the 1 acre lots, home prices will range from \$375,000 to \$600,000, These price points give homebuyers an option to purchase a home on a large lot at a price that is not much more than smaller sized 60', 70' and 80' wide lots. Water will be provided by a private water company and sewer will be septic facilities on each lot. Mr. Paterson stated their request is to be released from the ETJ as allowed by Senate Bill 238, the application was submitted to staff and de-annexation from the city limits of approximately 29.90 acres – application was submitted to staff.

Council discussed that the de-annexation will cause a land lock and whether or not they are in the ETJ the homeowners will have an Angleton address that go to Angleton schools, have use of Angleton parks and sports, and use of Angleton Fire Department.

Mayor Wright moved to Executive Session.

EXECUTIVE SESSION

The City Council convened into executive session at 9:03 P.M. pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained therein:

18. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; pursuant to Section 551.074 of the Texas Government Code. (Appointments to the Parks & Recreation Board and Angleton Better Living Corporation).
19. Discussion and possible action on Deliberation regarding Consultation with Attorney regarding contemplated litigation, pursuant to Section 551.071 of the Texas Local Government Code; (Case No. D-1-GN-23-007785; The City of Grand Prairie Texas v. The State of Texas).

OPEN SESSION

The City Council adjourned Executive Session at 9:44 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.

18. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; pursuant to Section 551.074 of the Texas Government Code. (Appointments to the Parks & Recreation Board and Angleton Better Living Corporation).

Upon a motion by Mayor Pro-Tem Townsend and seconded by Council Member Daniel, Council approved to appoint Gary Dickey to Angleton Better Living Corporation to finish the term of Jaime Moreno with a term to expire 10/2024 and David Heinicke to the Parks and Recreation to finish the term of Jaime Moreno with a term to expire 10/2024. The motion passed on a 6-0 vote.

19. Discussion and possible action on Deliberation regarding Consultation with Attorney regarding contemplated litigation, pursuant to Section 551.071 of the Texas Local Government Code; (Case No. D-1-GN-23-007785; The City of Grand Prairie Texas v. The State of Texas).

Upon a motion by Mayor Pro-Tem Townsend and seconded by Council Member Sartin, Council approved joining litigation with the City of Grand Prairie v. the State of Texas. The motion passed on a 6-0 vote.

REGULAR AGENDA

10. Discussion and possible action to approve the Angleton 300 Res Dev LP, and Angleton Stasny Land LP, Petition for Dis-annexation of acreage from the corporate limits, being a tract containing 29.900 acres of land.

Otis Spriggs, Director of Development Services, introduced the agenda item.

Upon a motion by Mayor Pro-Tem and seconded by Council Member Booth, Council moved to *deny* the Angleton 300 Res Dev LP, and Angleton Stasny Land LP, Petition for Dis-annexation of acreage from the corporate limits, being a tract containing 29.900 acres of land. The motion passed by a 6-0 vote.

12. Discussion and possible action to approve the Angleton 300 Res Dev LP, and Angleton Stasny Land LP, Petition for Release of an Area from a Municipality's Extraterritorial Jurisdiction (ETJ), being a tract containing 303.96 acres of land located in the Andrew Roberts Labor, in Brazoria County, Texas.

Otis Spriggs, Director of Development Services, introduced the agenda item.

Upon a motion by Council Member Sartin and seconded by Council Member Booth, Council moved to *deny* the Angleton 300 Res Dev LP, and Angleton Stasny Land LP, Petition for Release of an Area from a Municipality's Extraterritorial Jurisdiction (ETJ), being a tract containing 303.96 acres of land located in the Andrew Roberts Labor, in Brazoria County, Texas. The motion passed on a 6-0 vote.

Mayor Wright moved to agenda item No. 15.

15. Discussion and possible action on a request for a final plat extension for Austin Colony Subdivision, Section 1A for a period of one year as requested by Wayne Rea, II of Tejas-Angleton Development LLC.

Otis Spriggs, Director of Development Services, introduced the agenda item.

Wayne Rea addressed Council and gave an update.

Upon a motion by Council Member Booth and seconded by Council Member Roberts, Council approved a final plat extension for Austin Colony Subdivision, Section 1A for a period of one year as requested by Wayne Rea, II of Tejas-Angleton Development LLC. The motion passed on 6-0 vote.

Mayor Wright moved to agenda item No. 13.

13. Discussion and possible action to approve Resolution No. 20240326-013 setting hearing date on the Amended & Restated Tax Increment Reinvestment Zone (TIRZ) No. 2 Project (*Riverwood Ranch*) and Financing Plan for April 23, 2024.

Otis Spriggs, Director of Development Services, introduced the agenda item.

Upon a motion by Council Member Booth and seconded by Council Member Roberts, Council approved Resolution No. 20240326-013 setting hearing date on the Amended

& Restated Tax Increment Reinvestment Zone (TIRZ) No. 2 Project (Riverwood Ranch) and Financing Plan for April 23, 2024. The motion passed on a 6-0 vote.

14. Discussion and possible action to approve Resolution No. 20240326-014 accepting a Preliminary Service and Assessment Plan (PSAP) and setting the Assessment Levy public hearing date for April 23, 2024, for the Riverwood Ranch North Public Improvement District.
16. Discussion and possible action on the approval of the Reimbursement Agreement as revised for the Riverwood Ranch North Public Improvement District.
17. Discussion and possible action on the eligible expenses submitted for reimbursement, the SAP, the Reimbursement Agreement, and items submitted by the Developer for reimbursement, and other items including the restrictive covenants and HOA in the Riverwood Ranch Public Improvement District, (Phases 1 and 2 of Riverwood Ranch).

Mayor Wright combined agenda items No. 14, 16, and 17 and read them out loud together.

Otis Spriggs, Director of Development Services, introduced the agenda items.

Andrea Barnes, P3Works, addressed Council and addressed agenda item No. 17 and stated that under the Texas Local Government Code Section 372.013D Council could amend the budget tonight to allow for overruns and underruns substitutions. Ms. Barnes went over Budget amendment amounts after Draw No. 1 (completed) and after Draw No. 2 (submitted and subject to Council approval).

Upon a motion by Mayor Pro-Tem Townsend and seconded by Council Member Roberts, Council approved to deny budget amendment draw No. 2 submission as being included in the Public Improvement District and the soft cost. The motion passed on a 6-0 vote.

Ms. Barnes addressed Council regarding the proposed budget amendment for the playscape.

Upon a motion by Council Member Booth and seconded by Council Member Roberts, Council approved to reimburse half of the maximum certified cost up to \$105,000 and the developer's attorney work with the city attorney on an appropriate agreement to make sure the city has no responsibility for upkeep, maintenance, and cleaning. The motion passed on a 6-0 vote.

Upon a motion by Council Member Roberts and seconded by Council Member Booth, Council approved Resolution No. 20240326-014 accepting a Preliminary Service and Assessment Plan (PSAP) and setting the Assessment Levy public hearing date for April 23, 2024, for the Riverwood Ranch North Public Improvement District. The motion passed on a 6-0 vote.

Upon a motion by Council Member Sartin and seconded by Council Member Booth, Council approved the Reimbursement Agreement as revised for the Riverwood Ranch

North Public Improvement District with the same stipulations that was put forth for the Riverwood Ranch Subdivision. The motion passed on a 6-0 vote.

ADJOURNMENT

The meeting was adjourned at 11:12 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