

**MINUTES OF MEETING OF THE
CITY OF PRAIRIE VIEW OF WALLER COUNTY, TEXAS
CITY COUNCIL SPECIAL CALLED MEETING
AUGUST 12, 2015**

Call to Order

Mayor Frank Jackson called the Special Called Meeting to order at 6:00 p.m.

Certification of Quorum

Roll Call of the Quorum was completed by City Secretary Janie Willman. The following City Council Members were present: Mayor Frank D. Jackson, Council Member Jonathan Miller, Council Member Herbert Thomas, and Council Member Paulette Matthews-Barnett

Council Member Marie Herndon was listening in from a remote location. On the advice of the City Attorney, she was not engaging in the deliberation.

Council Member / Mayor Pro Tem Jonathon Randle was absent due to a work commitment.

Also present were City Secretary Janie Willman, City Financial Advisor JJ Johnson, and Public Works Water Superintendent Fred Alexander.

Invocation

Council Member Jonathan Miller delivered the invocation.

Citizens Comments

There were no citizens' comments.

Take action on matters related to the finding of mold in the Prairie View City Hall.

Mayor Jackson introduced this agenda item. He reported that the City Secretary found mold behind a bookcase on the first day she reported to work. He asked City Engineer David Leyendecker to provide input first as he had to leave for another meeting.

Mr. Leyendecker reported that he was attending a public hearing and was asked by the Mayor and the City Secretary to look at the areas where mold was present and to give his assessment.

Mr. Leyendecker noted he is not an expert in mold but was present this evening to provide what assistance he could. He noted areas which had mold, problems with drainage from rain water intrusion, and problems with drainage outside in the landscaped areas due to the weep holes being blocked which contributed to the problem. He indicated that due to the heavy rains, moisture was going up into the weep holes and so that there was mold on the outside areas of the building. The caulking on the roof probably broke down due to weather stresses. He noted that the downspouts bringing water from the roof which have to be opened. He reported that he sees the problems as two-fold; the gutters need to be fixed immediately to allow the flow of water away from the roof; the flower beds need to be cleaned, which he noted the City is already addressing; make sure every time that mowing is done that the lawn is mowed away from where the weep holes drain away, and that caulking around the windows needs to be done. He stated that annual maintenance needs to be done on a programmed date every year to ensure that the kinds of maintenance problems that have arisen are addressed.

Council Member Thomas asked if Mr. Leyendecker was going to prepare a list of annual maintenance that needs to be done. Mr. Leyendecker indicated that most of what has to be done is common sense maintenance. The vent needs to be replaced on the roof; caulking needs to be done to the roof; mowing needs to be done. He indicated that he could certainly do that if it was necessary.

Council Member Barnett asked if this is something that has occurred way back or has this been something recent. Mr. Leyendecker indicated that this has been a situation that occurred over time worsened by rains and maintenance issues. He indicated that he thought it was weather-related damage.

Sam Barber, a mold consultant, addressed the City Council providing input based on reports provided by The Littleton Group's report which indicated maintenance being the issue versus storm related damage.

Ms. Willman reported that on August 12, the City had received official notice from TML-IRP notifying the City that the perils were excluded related to mold because it has to do with a peril that was not covered; in other words it wasn't related to storm damages in their estimation. Ms. Willman reported on the history of the City Hall construction and the warranties which have expired.

Ms. Willman further reported on the maintenance work that has been done to address some the issues related to landscaping vegetation removal. She noted that based on recommendations arising from the TML-IRP subcontractor's report from The Littleton Group and the mold testing company that there are other areas which require attention in order to resolve some of what may be contributing factors to the development of mold, including work which needs to be done to address why the air is not flowing properly and to complete any repairs that need to be done, as yet undetermined, or to add an additional blower to force air to the front part of the building. The roof needs to have commercial-level mastic applied so as to stop water from leaking into the building. It was further noted that Longhorn Builders have been contacted at the request of the Mayor to provide an estimate. Longhorn Builders reported they have a subcontractor who is available to do water-proofing of the roofing structure.

Ms. Willman reported that City Hall repairs had been done through Greenstate Construction Services as recently as March 28, 2014, which included repairing the seams in the gutters at 8 locations; repairing the back walls of the court room and repainting to match; and repairing damaged wall area in the lobby and throughout the City Hall, and providing replacement ceiling tiles, at a total cost of \$1,350. She reported that Mr. Robert Riley of Greenstate Construction indicated he is willing to come back and re-do some of the repairs to the caulking for free to assist the City.

Ms. Willman reported that her information on the air conditioning capacity load which is leading to the heat in the front and administrative sections of the building came from Mr. Cline whose company has serviced the air conditioning unit twice within the last three weeks. As an air conditioning expert, he recommended that the City obtain an engineer to study the capacity load on the air conditioner in the administrative suite of offices as well as other professionals who have provided information in their various reports to the City.

She reported that mold remediation is recommended to be done once maintenance is done on the building to ensure that contributing factors are resolved. With the mold report indicating that the mold is less than 25 foot in a contiguous area, less stringent standards would not apply under the Texas statutes. She introduced mold consultants and mold remediation contractors in the Chambers this evening to provide information and answer technical questions.

Mayor Jackson reiterated his understanding of the steps in which they need to be taken; attend to maintenance issues, repair the roof and the vents, get the downspouts and gutters repaired including the windows caulking. The repair work needs to be done before the remediation.

The City Secretary introduced the mold remediation and mold experts to address the City Council. Sam Barber, Kevin Delahunty, and Don McGlamery addressed the City Council. Willman noted that the City Council had other proposals in their packets for consideration. She informed the City Council that the Mayor had requested that experts in mold remediation and removal be present to answer the City Council's technical questions.

Mr. Barber, Mr. Delahunty and Mr. McGlamery detailed the processes required to address the situation including the development of a protocol, develop a remediation plan, remediate the mold, test for remediation, re-test the affected areas, once the re-testing is done, the drywall being replaced and repainted, and the furniture being replaced.

Council Member Barnett asked about possible health-related issues related to the mold and precautions that need to be taken. Mr. Barber stated there are no health regulations when it comes to mold according to EPA or OSHA. Mr. Barber explained that some persons are sensitive to mold while other persons can actually sleep next to it and not be bothered. It is all relative depending on the person. Mr. Barber spoke to the different kinds of mold.

Ms. Willman reported that regarding the continuation of operations, it has been considered that if the mold can be remediated one section at a time on one side of the building, that staff can be moved to adjacent offices or shared work spaces in the building until required testing is returned indicating the space is safe for occupancy; thus allowing the City to continue its operations. If mold cannot be remediated and the building is found to be unsafe for habitation, staff would have to relocate to the adjacent workspace previously occupied across from the City Hall, thus allowing the City to continue its operations.

Regarding the procurement process, the City used the exception under the Local Government Code Section 252.022(a)(2) which states that a city is not required to follow the competitive bidding procedures when making a purchase that is necessary because of unforeseen damage to public machinery, equipment, or other property. Ms. Willman reported she contacted at least three vendors from a Centralized Master Bidders List obtained from TXMAS with the focus on HUB vendors in the greater Houston area.

Mayor Jackson indicated he would like to have additional information (more bids for repairs) brought back at the next meeting which will be a special called meeting related to the budget workshop.

City Financial Advisor, J.J. Johnson reported that in anticipation he had approached a number of funding services including Prosperity Bank in Hempstead about a five year loan to address some of the issues related to maintenance and mold removal and testing. The loan would allow for early repayment.

City Secretary Willman will have to obtain an estimated total cost including bids on repairs, window sealing, roof caulking, remediation, mold removal, plumbing report, HVAC report, HVAC upgrades, changes, roof repairs, removing furniture, building back, HVAC engineering certification, windows, and drainage.

Mayor Jackson indicated that he would request from City Attorney Paula Alexander for a legal opinion regarding the procurement process. The City Attorney's opinion will be shared with the City Council.

Adopt an Ordinance formalizing those persons authorized to sign on the City of Prairie View Bank Accounts. No action was taken on this item due to the lack of a super majority of City Council Members.

Adjourn. Motion by Council Member Thomas and second by Council Member Barnett to adjourn the City Council Meeting at 7:16 p.m.

Voting Yes: Miller, Thomas, and Barnett.

Voting No: None.

Absent: Randle, Herndon

Approved this 17th day of November, 2015.



Mayor Frank D. Jackson

ATTEST:



City Secretary Janie Willman