

City of Alvin, Texas

Paul Horn, Mayor

Gabe Adame, Mayor Pro-tem, District E
Brad Richards, At Large Position 1
Chris Sanger, At Large Position 2
Scott Reed, District A



Adam Arendell, District B
Keith Thompson, District C
Glenn Starkey, District D

ALVIN CITY COUNCIL AGENDA THURSDAY, NOVEMBER 3, 2016 7:00 P.M. (Council Chambers)

Alvin City Hall, 216 West Sealy, Alvin, Texas 77511

Persons with disabilities who plan to attend this meeting that will require special services please contact the City Clerk's Office at 281-388-4255 or droberts@cityofalvin.com 48 hours prior to the meeting time. City Hall is wheel chair accessible and a sloped curb entry is available at the east and west entrances to City Hall.

NOTICE is hereby given of a Regular Meeting and Executive Session of the City Council of the City of Alvin, Texas, to be held on **Thursday, November 3, 2016** at 7:00 p.m. in the Council Chambers at: City Hall, 216 W. Sealy, Alvin, Texas.

REGULAR MEETING AGENDA

1. **CALL TO ORDER**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENT**
4. **PRESENTATIONS**
 - A. Proclamation – Retirement of Alternate Municipal Court Judge Bill Pannell.
 - B. Proclamation – Municipal Court Week.
 - C. Proclamation – LyondellBasell.
 - D. Citizens Academy.
5. **CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:** An item(s) may be removed from the Consent Agenda for full discussion by the request of a member of Council. Item(s) removed will automatically become the first item up for discussion under Other Business.
 - A. Approve minutes of the October 20, 2016 City Council regular meeting.
 - B. Consider a Final Plat of McCoy's Alvin Subdivision (located on the northeast corner of FM 517 and Clifford Street), an 8.61 acre replat of lots "B" and "C", Evelyn Acres, a subdivision out of the I. & G. N. R. R. Company Survey, Section 25, Abstract No. 620, Brazoria County, Texas, according to the plat of record in Volume 23, Page(s) 45 – 46 of the plat records of Brazoria County, Texas.

- C. Consider Ordinance 16-AA; amending Chapter 17 ½ Signs; Article V. Sign Types; Division 2 – Temporary Signs; Section 17 ½ - 59 Special Event Signs; (c) Grand Opening Signs to reflect change to permitting process.

6. OTHER BUSINESS:

Council may approve, discuss, refer, or postpone items under Other Business.

- A. Consider appointment of Alternate Municipal Court Judge(s) to serve on an interim basis.
- B. Consider appointment to fill the vacancy of an unexpired term on the Planning Commission.

7. REPORTS FROM CITY MANAGER

- A. Review preliminary list of items for next Council meeting.
- B. Items of Community Interest.

8. REPORTS FROM COUNCIL MEMBERS

Pursuant to S.B. No. 1182, City Council Members may make a report or an announcement about items of community interest during a meeting of the governing body. No action will be taken or discussed.

- A. Announcements and requests from Council members.

9. EXECUTIVE SESSION

- A. Section 551.072 of the Government Code: Deliberation regarding the purchase, exchange, lease or value of real property.

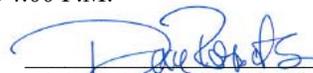
10. RECONVENE TO OPEN SESSION

- A. Direct staff to take necessary steps for possible sale of public property.

11. ADJOURNMENT

I hereby certify that a copy of this notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website: www.alvin-tx.gov, in compliance with Chapter 551, Texas Government Code on MONDAY, OCTOBER 31, 2016 at 4:00 P.M.




Dixie Roberts, City Clerk

Removal Date: _____

**** All meetings of the City Council are open to the public, except when there is a necessity to meet in Executive Session (closed to the public) under the provisions of Chapter 551, Texas Government Code. The Council reserves the right to convene into executive session on any of the above posted agenda items that qualify for an executive session by publicly announcing the applicable section of the Open Meetings Act, including but not limited to sections 551.071 (litigation and certain consultation with the attorney), 551.072 (acquisition of interest in real property), 551.073 (contract for gift to city), 551.074 (certain personnel deliberations), or 551.087 (qualifying economic development negotiations).**

**MINUTES
CITY OF ALVIN, TEXAS
CITY PLANNING COMMISSION
September 20, 2016**

BE IT REMEMBERED, that on the above date, the Planning Commission met in the First Floor Conference Room, at Public Services Facility, 1100 West Highway 6, Alvin, Texas, at 6:00 P.M. with the following members present, Darrell Dailey, Chair; Chris Hartman, Vice Chair; Santos Garza; Charles Buckelew; Martin Vela; Robin Revak-Golden and Sussie Sutton. Also present were Jason Price with LJA Engineering; David Bowman; staff members Shana Church, Administrative Assistant; and Michelle Segovia, City Engineer. Absent were Missy Jordan and Randy Reed.

1. Call To Order.

Call to order at 6:00 P.M.

2. Petition and Requests from the Public.

There were no petitions or requests from the public.

3. Approve the Minutes of the Planning Commission meeting of August 16, 2016.

Commission Member Charles Buckelew motioned to approve the minutes of the regular Planning Commission meeting of August 16, 2016. Seconded by Sussie Sutton, the motion carried on a vote of 7 ayes and 0 nays.

4. Consider a Final Plat of JSC Federal Credit Union Alvin Branch, being a subdivision of 1.000 acres of land situated in the H.T. & B.R.R. Company Survey, Section 15, Abstract 227, being all of Lot 1 and parts of Lots 2 & 3 of the Red-Arrow Addition to the City of Alvin, according to the plat recorded in Volume 3, Page 144, plat records of Brazoria County, Texas. City Engineer recommends final plat for discussion and approval. Commission Member Garza motioned to recommend for approval to City Council. Seconded by Member Hartman, the motion carried on a vote of 7 ayes, 0 nays.

5. Consider a Final Plat of Kendall Lakes Section 7, being a subdivision of 32.499 acres of land located in H.T. & B.R.R. Company Survey, Section 40, A-482, Brazoria County, Texas. City Engineer recommends final plat for discussion and approval. Commission Member Vela motioned to recommend for approval to City Council. Seconded by Member Buckelew, the motion carried on a vote of 7 ayes, 0 nays.

6. Consider a variance request for the property owner at 510 Debbie Lane to waive the building setback requirement of Chapter 21, Section 37 (a) of the Code of Ordinances. City Engineer recommends variance request for discussion and approval. Commission Member Vela motioned to recommend for approval to City Council. Seconded by Member Sutton, the motion carried on a vote of 6 ayes and 1 nay, cast by Member Buckelew.

7. Consider a recommendation to the City Council for the Fiscal Year 2017 Alvin 2035 Comprehensive Plan Implementation Action Plan Strategic Projects. The item was tabled until the October Planning Commission meeting.

8. Reports or requests from Commission Members.

Charles Buckelew mentioned limbs are covering a traffic light when heading East on Adoue at Gordon St; the Post Office planted shrubs and cannot see to the West when heading South on Dula; the church at Bayou Dr. and House St. has shrubs along the walkway leading up to the front door, cannot see when looking to the West; limbs hanging and blocking the view of the stop sign at Kost and House St.; growth at the Northeast corner of the bridge that blocks the view for the Hike and Bike Trail at House St.; large limbs in the yard and grass growing around the curb at 1500 Bayou Dr.; and junk and junk vehicles at 1103 Bayou Dr. Michelle Segovia stated Code Enforcement and Street Department will be notified. Martin Vela mentioned himself and Santos Garza are on the Charter Review Commission and would like to welcome recommendations or comments. Santos Garza gave hats off to the staff for keeping the area from Fulton to Passmore up to par. He also mentioned citizens are mowing grass and it is going into the storm drains. Sussie Sutton asked about the status on the park in Kendall Lakes. Michelle Segovia stated they put in a playground area and extra sidewalks across the open area by the park.

9. Staff report and update.

Michelle Segovia, City Engineer stated the variance the Planning Commission saw last month was approved by Council. She also mentioned there may be a possible upcoming amendment to Chapter 21 regarding setback requirements for accessory structures.

10. Items for the next meeting.

Michelle Segovia, City Engineer stated the Commission will see the Comprehensive Plan Quarterly Update and the agenda item that was tabled tonight.

11. Adjournment.

Commission Member Charles Buckelew motioned to adjourn the meeting, seconded by Member Martin Vela. The motion carried on a vote of 7 ayes. The meeting ended at 6:36 p.m.



Office of the Mayor, City of Alvin, Texas

Proclamation

WHEREAS, after 12 years of dedicated service to the City of Alvin Municipal Court, Bill Pannell has announced his retirement as Alternate Judge; and

WHEREAS, Bill Pannell has served this community well in many ways, including twice as a member of the Alvin City Council, 1975-1978 and 1989-1998; President of the Alvin Rotary Club; Board of Trustee and Sunday School Teacher at Alvin Presbyterian Church; Chairman of the Alvin Community College Law Enforcement Academy Advisory Board; volunteered with the Passmore Elementary School Ready Program; member of the Alvin Education Improvement Committee; member of the Texas Municipal Court Association; and a member of the Masons; and

WHEREAS, in all these undertakings Judge Pannell has been blessed by having at his side Lucy Pannell, a devoted wife and mother, and a woman who has earned her place in the hearts of the people of Alvin; and

WHEREAS, the City of Alvin would like to thank Judge Pannell for his many contributions, dedication and commitment to this community.

NOW, THEREFORE, I, Paul A. Horn, as Mayor of the City of Alvin Texas and on behalf of the City Council do hereby proclaim November 3rd, 2016 as

Bill Pannell Day

in The City of Alvin and do hereby recognize Judge Bill Pannell for his outstanding service to the City of Alvin and wish him a happy and healthy retirement.

WITNESS my hand and seal this
3rd day of November, 2016.

Paul A. Horn, Mayor



Office of the Mayor, City of Alvin, Texas

Proclamation

WHEREAS, the Municipal Courts serve as the local justice center for the enforcement of local ordinances and fine-only state offenses that protect the peace and dignity of our community; and

WHEREAS, more people, citizens and non-citizens alike, come in personal contact with municipal courts than all other courts combined; and

WHEREAS, the Municipal Judges and Clerks continually strive to improve the administration of justice through participation in judicial education programs of their state and local professional organizations.

NOW, THEREFORE, I, Mayor Paul A. Horn, as Mayor of the City of Alvin Texas and on behalf of the Alvin City Council do hereby proclaim the week of November 7- 11, 2016 as

Municipal Court Week

in the City of Alvin, and extend appreciation to the Alvin Municipal Judges and court support personnel for their exemplary service and dedication to our community.

WITNESS my hand and seal this
3rd day of November, 2016.

Paul A. Horn, Mayor



Office of the Mayor, City of Alvin, Texas

Proclamation

WHEREAS, Alvin prides itself on strategic partnerships, and has such a relationship with the Lyondellbassell Company; and

WHEREAS, the City of Alvin was contacted by Lyondellbassell to consider the donation of volunteer work hours by their employees along with all materials needed for the refurbishing of two swing sets and installation of a new picnic pavilion at Ruben Adame Park; and

WHEREAS, everyday given is yet another chance to make a difference. The individuals who selflessly gave of their time and talents for this project have sown seeds of kindness which have been deeply rooted in the Alvin community; and

NOW, THEREFORE, I, Paul Horn, on behalf of the Alvin City Council do hereby express appreciation to the Lyondellbassell Company for their donation of volunteer labor hours and materials used to enhance the Ruben Adame Park in the City of Alvin, Texas.

WITNESS my hand and seal this
3rd day of November, 2016.

Paul A. Horn, Mayor

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY OCTOBER 20, 2016
7:00 P.M.**

CALL TO ORDER

BE IT REMEMBERED that, on the above date, the City Council of the City of Alvin, Texas, met in regular session at 7:00 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Pro-tem Gabe Adame; Council members: Brad Richards, Chris Sanger, Glenn Starkey, and Keith Thompson.

Staff members present: Sereniah Breland, City Manager; Bobbi Kacz, City Attorney; Junru Roland, CFO/Assistant City Manager; Dixie Roberts, City Clerk; Michelle Segovia, City Engineer; Dan Kelinske, Parks and Recreation Director; Ron Schmitz, EMS Director; and Todd Arendell, Police Captain.

INVOCATION AND PLEDGE OF ALLEGIANCE

David Bowman gave the invocation.

Council member Starkey led the Pledge of Allegiance to the American Flag and the Texas Flag.

PUBLIC COMMENT

Barbara Biggers spoke in favor of the adoption of the Alvin Senior Center rules and regulations on the agenda for Council consideration this evening.

Dr. Andrea Bush spoke before City Council sharing a statistical analysis of information collected regarding the Alvin Animal Adoption Center.

Alayna Matranga spoke before City Council regarding the Alvin Animal Adoption Center.

Angela Adams spoke before City Council regarding the Alvin Animal Adoption Center and the Alvin Animal Shelter Advisory Commission.

CONSENT AGENDA

A. Approve minutes of the September 15, 2016 City Council regular meeting.

B. Consider Resolution 16-R-26; adopting the Fiscal Year 2016-17 City of Alvin Investment Policy; providing for an effective date, and setting forth other related matters.

Pursuant to 2256.005 of the Texas Public Funds Investment Act (PFIA), the governing body of an investing entity shall review its investment policy and strategies not less than annually. The City's current Investment Policy has been certified by the Government Treasurers' Organization of Texas (GTOT) as meeting the requirements of the Public Funds Investment Act.

Prior to submitting the City's investment policy for certification in February, 2017, GTOT is recommending slight modifications to the City's investment policy, which include:

- *Adding that ten (10) hours of investment training must be completed within twelve (12) months of the City's investment officer assuming responsibilities as an investment officer.*

- *Identifying the Texas Ethics Commission as the entity to file a disclosure statement whenever the City's investment officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City.*
- *Including language that clarifies that receipts issued by third-party institutions that secure the City's investments be held in the City's name.*
- *Including the specific sections of the Texas PFIA where authorized investments by the state are listed.*
- *Specifying that collateralization is required for all uninsured collected balances, plus interest.*
- *Adding that "full accrued interest" be included in the quarterly investment reports.*
- *Adding language that the City's independent auditors are required to review the quarterly investment reports.*

The City implemented GTOT's recommendations several years ago, but had not reflected the recommendations in the City's Investment Policy. As a result, the recommended modifications to the City's investment policy are for disclosure purposes only, and do not reflect a change in financial/investment strategy. Staff recommends amending the City's current Investment Policy to reflect GTOT's recommendations.

C. Consider Resolution 16-R-18; adopting the 2016 Alvin Senior Center Rules and Regulations, and setting forth other matters related thereto.

The Alvin Senior Center Rules and Regulations is a document which identifies the mission, participant eligibility, management, reservations and overall operational guidelines related to the Alvin Senior Center. Staff along with the Senior Citizen Board collectively reviewed and recommended revisions to the current Senior Center Rules and Regulations, which were originally adopted by Resolution 14-R-36 on November 6, 2014.

Changes include:

1. *Enhanced mission statement - incorporated the offering of rental space to Alvin community members.*
2. *Language clarification to reflect current staff job titles*
 - a. *"Senior Center Coordinator" changed to "Senior Center Manager"*
 - b. *"Director" changed to "Director of Parks and Recreation"*
3. *Cleaning Responsibility of Renters: Specified cleaning the "reserved area" as opposed to the Senior Center.*
4. *Clarification on participant eligibility for senior citizen programs - still allowing for any adult age 50+ and their spouse of any age to participate. Language added allowing for care givers to attend alongside a participant at the expense of the participant.*
5. *Enhanced section governing "Senior Groups".*
 - a. *Definition - still defining senior groups as having 90% membership age 50+ or older. Added language to the definition stating mission or common purpose of the senior group is to benefit community members age 50+.*
 - b. *Determining senior center use - adding list of current senior groups, defining their usage as "historical precedent" aka grandfather clause.*
 - c. *Benefits - still providing 1 monthly meeting at no cost. Eliminated 2nd monthly meeting/event restricted to business hours only and allowing for 2nd meeting/event held at any time with certain provisions. Added 3rd meeting/event subject to applicable fees.*
 - d. *Onsite storage - Language was added to allow onsite storage with certain provisions.*
6. *Exercise Room – Establishing the use of the exercise room (to be used in conjunction with an existing rental/reservation of the east side room).*

The Senior Citizen Board approved the recommended revisions and passed the 2016 Senior Center Rules and Regulations at their regular meeting on September 12th by a vote of 7 ayes, 0 against.

D. Consider the purchase of a new ambulance; replacing Unit #734, out of the City's Vehicle Replacement Fund and Insurance Proceeds, from Frazer, Ltd. through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, in an amount not to exceed \$137,550.

On July 2, 2016, Ambulance unit #734 was involved in an accident that resulted in a total loss as deemed by the City's insurance adjuster. The City received \$50,999 from insurance and the vehicle replacement fund has \$86,841 allocated for a remount (chassis replacement and reuse of the box) for a total of \$137,840 available. However due to damage to the box (rear part of the ambulance mounted to the chassis) from the accident, and the inability to have the box certified as emergency response capable, it was recommended to completely replace the ambulance (chassis and box). The estimated cost of a complete new ambulance is \$137,550. This unit was due to have a

chassis replacement and a remount of the box in FY 16-17. Ambulance chassis are on an eight-year replacement schedule and the ambulance box is 16-year replacement schedule. Ambulance 734 was a 2009 chassis with 179,127 miles and a 2004 Box that has been remounted. Due to the number of remounts allowed the scheduled remount would have been the last before the purchase of a new chassis and box. The City maintains a fleet of five ambulances, three that are staffed daily and two that act as reserve for special events or maintenance rotation. As a result of this vehicle being out of service other vehicles are not rotated as often and limits our ability to up-staff for planned events or large incidents. Because of this immediate risk to public health and safety, if approved, the City will purchase the ambulance through the Houston-Galveston Area Council (H-GAC) in lieu of requests for bids to avoid further delays in the replacement process.

- E. Consider a final plat of JSC Federal Credit Union Alvin Branch (877 E. Highway 6), being a subdivision of 1.000 acre of land situated in the H.T.&B.R.R. Company Survey, Section 15, Abstract 227, being all of Lot 1 and parts of Lots 2 & 3 of the Red-Arrow Addition to the City of Alvin, according to the plat recorded in volume 3, page 144, Plat Records of Brazoria County, Texas.

On September 1, 2016 the Engineering Department received the final plat of JSC Federal Credit Union Alvin Branch for review. The property is located at 877 E. Highway 6 in the City of Alvin and is being platted for the future JSC Credit Union Alvin Branch development. This plat complies with all requirements of the City's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting September 20, 2016. Staff recommends approval.

- F. Consider a final plat of Kendall Lakes Section 7, being a subdivision of 32.499 acres (located near Highway 35 North) of land located in H.T.&B.R.R. Company Survey, Section 40, A-482, Brazoria County, Texas.

On September 1, 2016 the Engineering Department received the Final Plat of Kendall Lakes Section 7 for review. This section consists of sixty (60) single-family residential lots, four (4) blocks, and three (3) reserves and is located at the end of Lake Line Drive in the northwest corner of the subdivision. The Kendall Lakes Subdivision currently consists of six (6) previously platted sections totaling three hundred three (303) residential lots of which one hundred and eighty-six (186) have homes on them. This plat complies with all requirements of the City's Subdivision Ordinance.

The Planning Commission unanimously approved the plat at their meeting on September 20, 2016.

Staff recommends approval.

Members of Council asked to remove Item F from the Consent Agenda. This item will be considered under Other Business.

Council member Thompson moved to approve the consent agenda excluding Item F. Seconded by Council member Richards; motion carried on a vote of 5 Ayes.

OTHER BUSINESS:

Consider a final plat of Kendall Lakes Section 7, being a subdivision of 32.499 acres (located near Highway 35 North) of land located in H.T.&B.R.R. Company Survey, Section 40, A-482, Brazoria County, Texas.

Council member Sanger filed a Conflict of Interest Affidavit on this item.

Council member Thompson moved to approve the final plat of Kendall Lakes Section 7, being a subdivision of 32.499 acres (located near Highway 35 North) of land located in H.T.&B.R.R. Company Survey, Section 40, A-482, Brazoria County, Texas. Seconded by Council member Richards; motion carried on a vote of 4 Ayes; with Council member Sanger abstaining.

Consider a variance request for the property owner at 510 Debbie Lane to waive the building setback requirement of Chapter 21, Section 37 (a) of the Code of Ordinances.

On September 1, 2016 the Engineering Department received a variance request, from the property owner of 510 Debbie Lane, for a waiver to the 25' front building setback required by section 21-37(a) of the City Code of Ordinances. The owner is proposing to construct a 30'x 25' carport along the front of the home at 510 Debbie Lane. The carport, as proposed, will encroach 23.5 feet into the 25' front building setback, however the nearest edge will still be 18' from the edge of the Debbie Lane road pavement.

The Planning Commission voted 6 to 1 to approve the variance request at their meeting on September 20, 2016. The Commissioner voting against the request did not state a reason for their no vote.

Numerous variances to the front building setback requirement for similar structures have been approved in the past several years. The most recent being for a covered porch at 1009 W. Willis Street in September 2016 and for a Porte Cochere at 404 Lulac Street in December 2015. Staff recommends approval of this variance.

Council member Starkey moved to approve a variance request for the property owner at 510 Debbie Lane to waive the building setback requirement of Chapter 21, Section 37 (a) of the Code of Ordinances. Seconded by Council member Thompson; motion carried on a vote of 5 Ayes.

Consider Ordinance 16-Z; establishing a “no parking/standing 3:30 PM-4:30 PM Monday-Friday” zone along a portion of the south side of West South Street in front of Alvin Junior High; authorizing installation of appropriate signage; providing for a penalty and publication; and setting forth other provisions related thereto.

On August 29, 2016 the Engineering Department received a request from the Principal of Alvin Junior High for a no parking/standing zone between the hours of 3:30 PM - 4:30 PM Monday- Friday in front of the school to help prevent vehicles from parking in front of the school and encouraging students to cross between the buses during afternoon dismissal. Ordinance 16-Z establishes a no parking/standing zone 3:30 PM-4:30 PM Monday-Friday along the south side of West South Street directly in front of Alvin Junior High School. Alvin Independent School District (AISD) Police Department (PD) Officers are Texas Peace Officers and have the ability to enforce the no parking zone. Staff recommends approval of Ordinance 16-Z.

Council member Sanger moved to approve Ordinance 16-Z; establishing a “no parking/standing 3:30 PM-4:30 PM Monday-Friday” zone along a portion of the south side of West South Street in front of Alvin Junior High; authorizing installation of appropriate signage; providing for a penalty and publication; and setting forth other provisions related thereto. Seconded by Council member Richards; motion carried on a vote of 5 Ayes.

Consider an agreement with an Electricity Provider to supply electricity to the City beginning January, 2018, and authorize Mayor or the Mayor Pro-tem to execute agreement.

The City entered into an Electricity Supply Agreement with Reliant Energy in January, 2013. The agreement established a purchase price of \$0.05234 per kilowatt hour (kWh) and a term through December, 2017. Staff has determined that market pricing for energy is near an all-time low; and these low market prices allow the City an opportunity to possibly secure energy pricing below \$0.03800 per kWh.

Due to the volatile pricing of electricity, which changes hour by hour, electricity providers won't hold purchase prices for more than 24 hours without a considerable risk factor markup. The pricing provided in the exhibits are only indicative since the City is not entering into an agreement based on those proposals. In essence, the proposals provide information about the electricity providers; and indicate each provider's interest in executing an agreement with the City.

The City will obtain actionable prices from the selected vendors on the morning of October 20, 2016, and will present them along with an analysis and recommendation for award to the City Council at the City Council meeting.

Proposal Request: Staff requested pricing proposals from the following electricity brokerage/consultant companies to assist the City in procuring electric rates from electricity providers: SimplySmart, who works with approximately 13 electricity providers; and Texas Energy Aggregation, that works with 30+ electricity providers.

Council member Starkey moved to approve an agreement with Reliant Energy to supply electricity to the City beginning January, 2018, for a term of 48 months at a rate of .03776 kWh and authorize Mayor or the Mayor Pro-tem to execute agreement. Seconded by Council member Thompson motion carried on a vote of 5 Ayes.

Consider accepting the Texas Department of Transportation's offer of \$8,679 to purchase right-of-way located at the corner of 1100 W. Highway 6 (Public Services Facility) and Brazos Street, Alvin, Texas and authorize the Mayor to sign the necessary conveyance documents.

The Texas Department of Transportation ("TxDOT") has offered to buy right-of-way from the City of Alvin at the corner of 1100 W. Highway 6 and Brazos Street for a street widening construction project at that location. TxDOT has submitted a final offer off \$8,679 based on an appraisal performed July 19, 2016. The City has the option to accept the offer or decline it and have the property formally appraised as well. After consulting with an appraiser to review the appraisal performed for TxDOT, it was determined to be a reasonable offer.

The project bid was let in July 2016 and can begin at any time according to TxDOT. In addition to the offer to purchase, TxDOT is offering to pay an additional \$7,811.10 to enter and use the adjacent city property to construct the Highway 6 project.

Council member Thompson moved to approve accepting the Texas Department of Transportation's offer of \$8,679 to purchase right-of-way located at the corner of 1100 W. Highway 6 (Public Services Facility) and Brazos Street, Alvin, Texas and authorize the Mayor to sign the necessary conveyance documents. Seconded by Council member Starkey; motion carried on a vote of 5 Ayes.

Consider the Possession and Use Agreement for Transportation Purposes with the Texas Department of Transportation to enter and use city property for TxDOT's street widening construction project at the corner of 1100 W. Highway 6 (Public Services Facility) and Brazos Street, Alvin, Texas and authorize the Mayor to sign the agreement.

The purpose of this Agreement is to allow the Texas Department of Transportation ("TxDOT") to proceed with its Highway Construction Project without delay. TxDOT is offering to pay an additional \$7,811.10 to enter and use the city property adjacent to the said right-of-way to be acquired by TxDOT for the construction of the Highway 6 project. The \$7,811.10 is in addition to their offer to purchase the right-of-way for \$8,679. The project bid was let in July 2016 and can start at any time according to TxDOT.

Council member Starkey moved to approve the Possession and Use Agreement for Transportation Purposes with the Texas Department of Transportation to enter and use city property for TxDOT's street widening construction project at the corner of 1100 W. Highway 6 (Public Services Facility) and Brazos Street, Alvin, Texas and authorize the Mayor to sign the agreement. Seconded by Council member Sanger; motion carried on a vote of 5 Ayes.

Receive and acknowledge receipt of the Financial and Quarterly Investment reports for September 30, 2016.

The City Charter requires the Chief Financial Officer to report on the financial condition of the City. In addition, the City's investment policy requires the Chief Financial Officer to submit an investment report to the City Manager, the Mayor, and City Council each quarter.

Council member Starkey moved to acknowledge receipt of the Financial and Quarterly Investment reports for September 30, 2016. Seconded by Council member Sanger; motion carried on a vote of 5 Ayes.

Receive and acknowledge receipt of the Fiscal Year 2016 Capital Improvement Projects Report and the Comprehensive Plan Implementation Report.

Staff is working towards the completion of budgeted projects as defined in the 2016 Capital Improvements Plan (CIP). This report is an update as to the progress of such projects to date. Staff is also working through the implementation and completion of high priority projects defined in the Comprehensive Plan. This report is an update as to work completed to date.

Council member Thompson moved to acknowledge receipt of the Fiscal Year 2016 Capital Improvement Projects Report and the Comprehensive Plan Implementation Report. Seconded by Council member Sanger; motion carried on a vote of 5 Ayes.

Consider Resolution 16-R-27; designating one representative and one alternate representative to the Houston-Galveston Area Council (H-GAC) General Assembly for 2017.

HGAC's bylaws provide that each Home Rule city member with a population under 25,000 as of the latest (2010) Federal Census, is entitled to designate one representative and one alternate to serve on the HGAC General Assembly.

Each year City Council is asked to appoint a member of its governing body to serve as a representative and a member to serve as an alternate to the H-GAC General Assembly by resolution.

2016: Council member Arendell served as representative and Council member Richards served as alternate.

2015: Council member Adame served as representative and Council member Thompson served as alternate.

2014: Council member Stuksa served as representative and Council member Droege served as alternate.

Members appointed can remain the same, or new members can be selected. Appointment is at the discretion of City Council.

Council member Starkey moved to approve Resolution 16-R-27; designating Council member Arendell as the representative and Council member Richards as alternate representative to the Houston-Galveston Area Council (H-GAC) General Assembly for 2017. Seconded by Council member Sanger; motion carried on a vote of 5 Ayes.

Consider the proposed Collective Bargaining Labor Agreement between the City of Alvin, Texas and the Alvin Police Officer's Association (APOA) and authorize the Mayor to sign.

Council member Sanger moved to approve the Collective Bargaining Labor Agreement between the City of Alvin, Texas and the Alvin Police Officer's Association (APOA) and authorize the Mayor to sign. Seconded by Council member Thompson; motion carried on a vote of 5 Ayes.

REPORTS FROM CITY MANAGER

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the November 3, 2016 City Council meeting.

Items of Community Interest.

Mrs. Roberts reviewed items of community interest.

REPORTS FROM COUNCIL MEMBERS

Announcements and requests from Council members.

Council member Thompson thanked Captain Fontenot for his many years of dedicated service to the City of Alvin.

Council member Richards thanked Captain Fontenot for his years of service to the City. He also thanked the City for allowing him to attend the recent training held by the Texas Municipal League in Austin.

Council member Sanger thanked Captain Fontenot for his years of service to the City and expressed his gratitude for the opportunity to attend the recent Texas Municipal League training in Austin.

Council member Sanger welcomed the newest Sanger addition to the family; both mother and son are doing well.

Mayor Pro-tem Adame congratulated Council member Sanger on the birth of his son. He also thanked Captain Fontenot for his years of service. Mayor Pro-tem stated that Mayor Horn was traveling with his family and was not able to be in attendance. Mayor Pro-tem gave a brief rebuttal to the statements made earlier this evening regarding the Alvin Animal Adoption Center.

EXECUTIVE SESSION

Mayor Pro-tem Adame called for an executive session at 7:55 p.m. in accordance to the following:

Section 551.072 of the Government Code: Deliberation regarding the purchase, exchange, lease or value or real property.

RECONVENE TO OPEN SESSION

Mayor Pro-tem Adame reconvened the meeting into open session at 8:26 p.m.

Direct staff to take necessary steps for possible sale of property located at the Southeast Corner of Willis Street and North Hardie Street, Alvin, Texas.

No Action taken.

ADJOURNMENT

Council member Richards moved to adjourn the meeting at 8:26 p.m. Seconded by Council member Sanger; motion carried on a vote of 5 Ayes.

PASSED and APPROVED this _____ day of _____, 2016.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Clerk



AGENDA COMMENTARY

Meeting Date: 11/3/2016

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider a final plat of McCoy's Alvin Subdivision (located on the northeast corner of FM 517 and Clifford Street), an 8.61 acre replat of lots "B" and "C", Evelyn Acres, a subdivision out of the I. & G. N. R. R. Company Survey, Section 25, Abstract No. 620, Brazoria County, Texas, according to the plat of record in volume 23 pages 45-46 of the plat records of Brazoria County, Texas.

Type of Item: Ordinance Resolution Contract/Agreement Public Hearing Discussion & Direction

Summary: On September 1, 2016 the Engineering Department received the final plat of McCoy's Alvin Subdivision for review. The property is located at the northeast corner of FM 517 and Clifford Street in the City of Alvin and is being platted for the development of a McCoy's Building Supply Store on Reserve A. Reserves B and C are being platted for future commercial development that is to be determined. This plat complies with all requirements of the City's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting October 18, 2016.

Funding Expected: Revenue ___ Expenditure ___ N/A X **Budgeted Item:** Yes ___ No ___ N/A X

Account Number: _____ **Amount:** _____ **1295 Form Required?** Yes ___ No X

Legal Review Required: N/A X Required ___ **Date Completed:** _____

Supporting documents attached:

- Final Plat of McCoy's Alvin Subdivision

Recommendation: Move to approve the final plat of McCoy's Alvin Subdivision (located on the northeast corner of FM 517 and Clifford Street), an 8.61 acre replat of lots "B" and "C", Evelyn Acres, a subdivision out of the I. & G. N. R. R. Company Survey, Section 25, Abstract No. 620, Brazoria County, Texas, according to the plat of record in volume 23 pages 45-46 of the plat records of Brazoria County, Texas.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

STATE OF TEXAS §
COUNTY OF BRAZORIA § KNOW THESE MEN PRESENTS:

THAT THE MCCOY CORPORATION, HEREIN ACTING THROUGH THE UNDERSIGNED DULY AUTHORIZED AGENT, THE CURRENT OWNER OF THE CERTAIN TRACT OF LAND SHOWN HEREON AND DESCRIBED IN A DEED RECORDED AS INSTRUMENT NO. 2016023510 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS, AND DO HEREBY STATE THAT THERE ARE NO LIEN HOLDERS OF THE CERTAIN TRACT OF LAND, AND DO HEREBY RESUBDIVIDE SAID TRACT AS SHOWN HEREON, AND DO HEREBY CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND DO HEREBY FOREVER DEDICATE TO THE PUBLIC THE ROADS, ALLEYS, RIGHTS-OF-WAY, EASEMENTS AND PUBLIC PLACES SHOWN HEREON FOR SUCH PUBLIC PURPOSES AS THE CITY OF ALVIN, TEXAS MAY DEEM APPROPRIATE, AND DO HEREBY STATE THAT ALL PUBLIC ROADWAYS AND EASEMENTS AS SHOWN ON THIS PLAT ARE FREE OF LIENS. THIS SUBDIVISION IS TO BE KNOWN AS MCCOY ALVIN.

TO CERTIFY WHICH, WITNESS BY MY HAND THIS _____ DAY OF _____ 20____

BY: _____
G. RICHARD NEAL
SENIOR VICE PRESIDENT
MCCOY CORPORATION

STATE OF TEXAS §
COUNTY OF _____ § KNOW THESE MEN PRESENTS:

BEFORE ME, THE UNDER SIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN UNTO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SUCH PERSON EXECUTED THE SAME FOR THE PURPOSED AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ 2016.

NOTARY PUBLIC, _____
_____ COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF BRAZORIA § KNOW THESE MEN PRESENTS:

I, CLYDE C. CASTLEBERRY, JR., REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE FOUND OR PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE CITY OF ALVIN SUBDIVISION REGULATIONS.

WITNESS MY HAND AND SEAL THIS THE _____ DAY OF JULY, 2016.



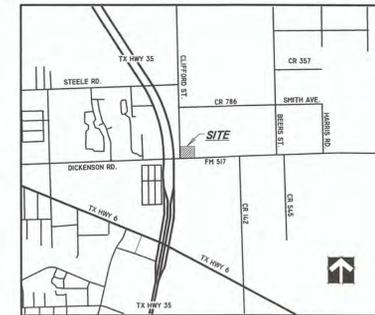
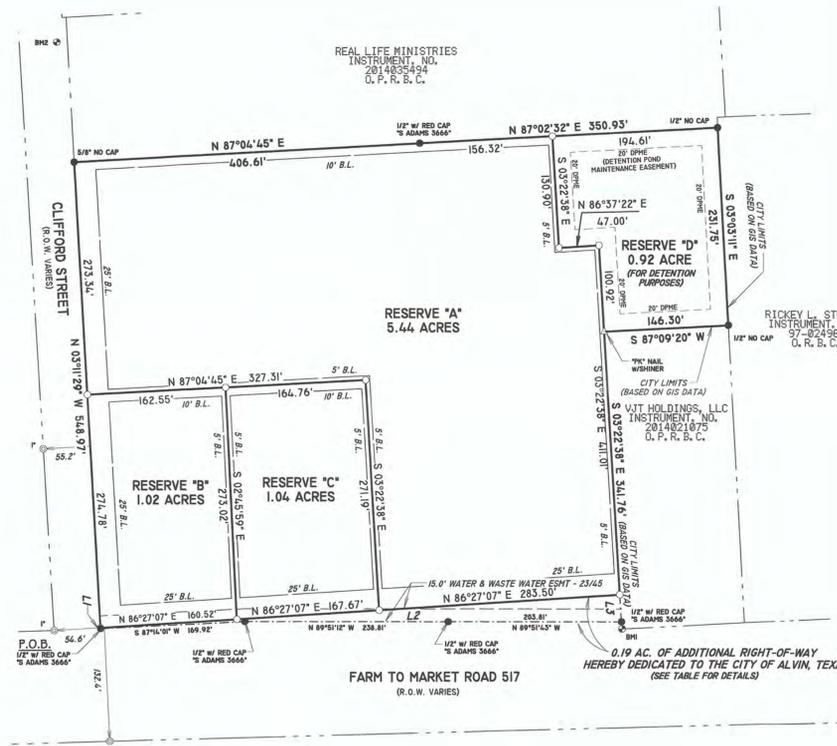
CLYDE C. CASTLEBERRY, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4835
STATE OF TEXAS

SUBDIVISION APPROVED:

- _____
PAUL HORN, MAYOR
- _____
BRAD RICHARDS, COUNCILMEMBER
- _____
CHRIS SANGER, COUNCILMEMBER
- _____
SCOTT REED, COUNCILMEMBER
- _____
ADAM ARENDELL, COUNCILMEMBER
- _____
KEITH THOMPSON, COUNCILMEMBER
- _____
GLENN STARKEY, COUNCILMEMBER
- _____
GABE ADAME, COUNCILMEMBER
- _____
MICHELLE H. SEGOVIA, P.E., CITY ENGINEER
- _____
DIXIE ROBERTS, CITY CLERK

NOTES:

1. OWNER: MCCOY CORPORATION
P.O. BOX 1028
SAN MARCOS, TEXAS 78667
(512) 353-5400
2. ENGINEER: ECKERMANN ENGINEERING, INC.
P.O. BOX 388
202 SPRING HO AVENUE
LAMPASAS, TX 76550
(512) 556-8160
TBPE FIRM NO. F-10496
3. SURVEYOR: TRIPLE C SURVEYING CO.
2124 FM 963
LAMPASAS, TEXAS 76550
(512) 845-5440
FIRM NO. 10193916
4. SIDEWALKS SHALL BE CONSTRUCTED AT THE TIME OF ISSUANCE OF A BUILDING PERMIT FOR EACH TRACT.
5. THIS AREA IS SHOWN TO BE IN ZONE X (OTHER AREAS) PER FEMA'S FLOOD INSURANCE RATE MAP #48039C0165 H DATED JUNE 5, 1989.
6. THE RESPONSIBILITY FOR MAINTENANCE OF THE DETENTION POND AND THE STORM WATER FACILITIES WILL BE THAT OF THE MCCOY CORPORATION AND NOT THE CITY OF ALVIN OR THE BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT #3.
7. THE PROPOSED DETENTION POND WILL COMPLY WITH CURRENT CITY OF ALVIN DRAINAGE CRITERIA.
8. BENCHMARKS: BENCHMARK 1 - 1/2" IPF NO CAP - ELEVATION: 36.47' NAVD 88
BENCHMARK 2 - MAG NAIL SET IN CON HEADWALL - ELEVATION: 37.93' NAVD 88



PERIMETER FILED NOTES

BEING 8.61 acres of land out of the I. & G. N. R. Survey, Section 25, Abstract No. 620, Brazoria County, Texas, the same being Lots "B" and "C", Evelyn Acres, a subdivision recorded in Volume 23, Pages 45 - 46 Plat Records Brazoria County, Texas and described by metes and bounds as follows:

BEGINNING at a 1/2" iron pin found with a red plastic cap stamped "S ADAMS 3666" at the intersection of the east line of Clifford Street and the north line of Farm to Market Road 517 for the southwest corner of said Lot "C" and this tract;

THENCE: N 03°11'29" W 549.97 feet along the west line of said Lot "C" and this tract with the east line of Clifford Street to an uncapped 5/8" iron pin found for the northwest corner of said Lot "C" and this tract;

THENCE: along the north line of this tract in the following two (2) courses and distances:

1. N 87°04'45" E 406.61 feet along the north line of said Lot "C" to a 1/2" iron pin found with a red plastic cap stamped "S ADAMS 3666" for the northeast corner of said Lot "C" and the northwest corner of said Lot "B" and continuing with the north line of said Lot "B";
2. and N 87°02'32" E 350.93 feet to an uncapped 1/2" iron pin found for the northeast corner of said Lot "B" and this tract;

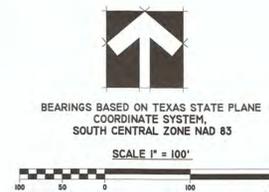
THENCE: along the east line of said Lot "B" in the following three (3) courses and distances:

1. S 03°03'11" E 231.75 feet to an uncapped 1/2" iron pin found for an exterior corner,
2. offset S 87°09'20" W 146.30 feet to a "pk" nail with shiner found for an interior corner,
3. and S 03°22'38" E 341.76 feet to a 1/2" iron pin found with a red plastic cap stamped "S ADAMS 3666" in the north line of Farm to Market Road 517 for the southeast corner of said Lot "B" and this tract;

THENCE: along the south line of this tract with the north line of Farm to Market Road 517 in the following three (3) courses and distances:

1. N 89°51'43" W 203.81 feet along the south line of said Lot "B" to a 1/2" iron pin found with a red plastic cap stamped "S ADAMS 3666" for the southwest corner of said Lot "B" and the southeast corner of said Lot "C" and continuing along the south line of said Lot "C";
2. N 89°51'12" W 238.81 feet to a 1/2" iron pin found with a red plastic cap stamped "S ADAMS 3666";
3. and S 87°14'01" W 169.92 feet to the Point of Beginning and containing 8.61 acres (374,837 square feet) of land.

ADDITIONAL RIGHT-OF-WAY		
ID	BEARING	DISTANCE
L1	N 03°11'29" W	0.85'
L2	N 86°27'07" E	611.69'
L3	S 03°22'38" E	31.66'



- LEGEND
- 1/2" IRON PIN SET
 - YELLOW CAP "CCC 4835"
 - IRON PIN FOUND (AS NOTED)
 - IRON PIPE FOUND (AS NOTED)
 - ⊕ BENCHMARK (AS NOTED)
 - ORC OFFICIAL RECORDS BRAZORIA CO.
 - OPBRC OFFICIAL PUBLIC RECORDS BRAZORIA CO.
 - BUILDING SETBACK LINES (B.L.)

STATE OF TEXAS §
COUNTY OF BRAZORIA § KNOW THESE MEN PRESENTS:

I, JOYCE HUDMAN, CLERK OF THE COUNTY COURT OF BRAZORIA COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATION OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON:

_____, 2016, AT _____ O'CLOCK ____ M. IN
CABINET _____ SLIDE _____ OF PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

WITNESS MY HAND AND SEAL OF OFFICE, AT ANGLETON, BRAZORIA COUNTY, TEXAS, THE DAY AND DATE AND DATE LAST ABOVE WRITTEN.

BY: _____ DEPUTY COUNTY CLERK OF BRAZORIA COUNTY,
TEXAS.

FINAL PLAT OF
MCCOY'S ALVIN SUBDIVISION
& RESERVES
AN 8.61 ACRE REPLAT OF LOTS "B" AND "C", EVELYN ACRES,
A SUBDIVISION OUT OF THE I. & G. N. R. COMPANY SURVEY,
SECTION 25, ABSTRACT NO. 620, BRAZORIA COUNTY, TEXAS,
ACCORDING TO THE PLAT OF RECORD IN VOLUME 23, PAGE(S) 45 - 46
OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS

SEPTEMBER 20, 2016



AGENDA COMMENTARY

Meeting Date: 11/3/2016

Department: Economic Development **Contact:** Larry Buehler, Economic Dev. Director

Agenda Item: Consider Ordinance 16-AA, amending Chapter 17 ½ Signs; Article V. Sign Types; Division 2 – Temporary Signs; Section 17 ½ - 59 Special Event Signs; (c) Grand Opening Signs to reflect change to permitting process.

Type of Item: Ordinance Resolution Contract/Agreement Public Hearing Discussion & Direction

Summary: Chapter 17 ½ Signs; Article V. Sign Types; Division 2 – Temporary Signs; Section 17 ½ - 59 Special Event Signs; (c) Grand Opening Signs was initiated to assist new businesses coming to Alvin. This allows them a 14-day period to erect special signage permitted by the City for grand opening purposes. The permitting process originally was set up to require approval by the Economic Development Director for said signage. The permitting process is now better suited to allow the approval process to be directed to the Code Compliance Department.

Funding Expected: Revenue ___ Expenditure ___ N/A x **Budgeted Item:** Yes ___ No ___ N/A x

Account Number: _____ **Amount:** _____ **1295 Form Required?** Yes ___ No x

Legal Review Required: N/A ___ Required x **Date Completed:** _____

Supporting documents attached:

- Redlined changes to Chapter 17 ½ Signs; Article V. Sign Types; Division 2 – Temporary Signs; Section 17 ½ - 59 Special Event Signs; (c) Grand Opening Signs

Recommendation: Move to approve Ordinance 16-AA amending Chapter 17 ½ Signs; Article V. Sign Types; Division 2 – Temporary Signs; Section 17 ½ - 59 Special Event Signs; (c) Grand Opening Signs

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

ORDINANCE NO. 16-AA

AN ORDINANCE AMENDING CHAPTER 17½, SIGNS, OF THE CODE OF ORDINANCES, CITY OF ALVIN, TEXAS FOR THE PURPOSE OF AMENDING THE SPECIAL EVENT SIGNS SECTION REGARDING GRAND OPENINGS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN:

Section 1. That Section 17½ - 59, of the Code of Ordinances, City of Alvin, Texas is hereby amended to read as follows:

“Sec. 17½ - 59. Special Event Signs.

...

(c) Grand opening signs. The purpose of grand opening signage is intended to allow a new business to benefit from special advertising signage which is not usually permitted by the provisions of chapter 17½. The following provisions contained within this subsection shall apply to grand opening signage:

- (1) All requests for grand opening signage shall be submitted to the ~~economic development director~~ Code Compliance Department no less than three (3) days prior to the grand opening event date. If approved by the ~~economic development director~~ Code Compliance Supervisor, ~~he~~ they will ~~then forward the request to the building official~~ sign the permit request for ~~final~~ approval and issuance of the permit; and
- (2) A permit for grand opening signage shall be required by the ~~building official~~ Code Compliance Department. The permit shall be issued for a period of no more than fourteen (14) consecutive calendar days. The grand opening signage permit is limited to the address noted on the certificate of occupancy; and
- (3) Grand opening signage may include any combination of oversized banners, pennants, inflatable signs and balloons, which may be in addition to any other sign allowed by the provisions of this chapter.

...

Section 2. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty section 1-5 of the Code

of Ordinances. Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 3. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting Sign regulations within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 4. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of *Chapt. 52, Tex. Loc. Gov't. Code, and the City of Alvin Charter.*

Section 6. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't Code.*

PASSED on the first and final reading on the _____ day of _____, 2016.

ATTEST:

CITY OF ALVIN, TEXAS

By: _____
Dixie Roberts, City Clerk

By: _____
Paul A. Horn, Mayor



AGENDA COMMENTARY

Meeting Date: 11/3/2016

Department: Municipal Court

Contact: Sonya Cates, Court Administrator

Agenda Item: Consider appointment of Alternate Municipal Court Judges to serve on an interim basis.

Type of Item: Ordinance 1st Reading Ordinance 2nd Reading Resolution Public Hearing Discussion & Direction

Summary: Alternate Judge Bill Pannell has retired and the City is in the process of appointing a permanent alternate judge. However, the selection process is not complete and the Municipal Court will function more efficiently with a “temporary” judge(s). The Texas Code of Criminal Procedure details the duties of arresting peace officers and of magistrates regarding the rights of the accused. The law requires that in most circumstances, individuals in custody must be presented before a magistrate within 48 hours after their arrest. As magistrates, municipal judges are authorized to warn adult offenders of their respective rights as required by law. This requires municipal judges to handle daily jail proceedings. Judge Merkel performs the weekday jail arraignments as well as one weekend a month for the City. The remaining 3 weekends are handled by Judge Starkey and previously by Judge Pannell.

Judge John Vasut (Brazoria County Judge Precinct 2, Place 1, Manvel) and Judge Richard Davis (Brazoria County Judge Richard Davis Precinct 2, Place 2, Angleton) are both certified as municipal court judges, as well as Justices of the Peace in their respective precincts. Judge Vasut and Judge Davis each currently perform arraignments for county inmates in the Alvin city jail one designated weekend of the month. They are both willing to help the Municipal Court on an interim basis until a permanent alternate judge is appointed. As an alternate judge, their duties will consist of arraigning city inmates in the City jail as well as the county inmates during their currently scheduled weekends, thus, they are not requesting any compensation at this time. To perform this function, even though it is on an interim basis, council action is required to appoint alternate judges of the City’s Municipal Court.

Funding Expected: Revenue ___ Expenditure ___ N/A **Budgeted Item:** Yes ___ No ___ N/A

Account Number: _____ **Amount:** _____ **1295 Form Required?** Yes ___ No

Legal Review Required: N/A ___ Required **Date Completed:** October 27, 2016

Supporting documents attached: None

Recommendation: Move to approve appointing John Vasut and Richard Davis to serve as Alternate Municipal Judges on an interim basis.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager



AGENDA COMMENTARY

Meeting Date: 11/3/2016

Department: City Clerk

Contact: Dixie Roberts, City Clerk

Agenda Item: Consider appointment to fill the unexpired term on the Planning Commission.

Type of Item: Ordinance Resolution Contract/Agreement Public Hearing Discussion & Direction

Summary: A Planning Commission member was appointed to serve a two (2) year term on the Planning Commission in December, 2014. Unfortunately, due to his work schedule he has missed three (3) consecutive meetings. According to the City Charter, members who miss three (3) consecutive meetings are automatically removed from the commission. A phone call was provided and a letter was sent via U.S. mail to notify him and to also thank him for his service on the commission.

Article VIII – Section 3 of the Charter states: Vacancies occurring in the commission shall be filled within thirty (30) days by the council for the remainder of the unexpired term. Membership shall be accompanied by active participation in the activities of the commission, and any member who is absent from three (3) consecutive regular meetings shall automatically be dropped from membership and the commission shall immediately notify the council that a vacancy exists.

The Charter also states that the commission shall consist of at least five (5) members nor more than fifteen (15) members.

City Council will appoint members to boards and commissions in December, 2016. This vacancy can remain vacant until that time, or City Council can appoint a member to fill the vacancy until December, or Council can decide to not fill this position at all since the minimum board member requirement has been met. Charter requires that members of the commission be residents of the City of Alvin.

The current board members are: Charles Buckelew, Chair, Missy Jordan, Vice Chair, Darrell Dailey, Santos Garza, Robin Revak-Golden, Chris Hartman, Sussie Sutton, and Martin Vela.

This vacancy has been advertised on all of the city’s social media accounts.

Nicole Kelinske, Jake Starkey, and Kerry Ulm have submitted a Consent and Willingness to Serve Form to specifically serve on the Planning Commission.

A spreadsheet of applicant information is included in your packet.

Funding Expected: Revenue ___ Expenditure ___ N/A **Budgeted Item:** Yes ___ No ___ N/A

Account Number: _____ **Amount:** _____ **1295 Form Required?** Yes ___ No

Legal Review Required: N/A ___ Required ___ **Date Completed:** _____

Supporting documents attached:

- City Charter; Article VIII – Municipal Planning

- Spreadsheet of applicant information

Recommendation: Move to appoint _____ to fill the unexpired term on the Planning Commission.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

ARTICLE VIII. - MUNICIPAL PLANNING

Sec. 1. - Planning commission.

The council shall appoint a city planning commission, consisting of not less than five (5) nor more than fifteen (15) members who shall be residents of the city, and shall serve without compensation. The commission shall meet at least once each month. All minutes of the planning commission meetings shall be submitted to the city council.

(Ord. No. 66-B, 2-15-66; Ord. No. 88-R, § 5, 5-9-88; Ord. No. 06-J, § 1, 2-16-06)

Sec. 2. - Term of office.

Members shall be appointed for a three-year term with one-third to be appointed each year on a continuing basis.

Sec. 3. - Vacancies.

Vacancies occurring in the commission shall be filled within thirty (30) days by the council for the remainder of the unexpired term. Membership shall be accompanied by active participation in the activities of the commission, and any member who is absent from three (3) consecutive regular meetings shall automatically be dropped from membership and the commission shall immediately notify the council that a vacancy exists.

Sec. 4. - Organization.

The commission shall elect a chairperson from its membership annually and shall establish rules of procedure which shall include the following:

- (a) A quorum shall consist of a majority of the membership, and an affirmative vote of a majority of those present shall be necessary to pass upon pending questions.
- (b) The chairperson shall be entitled to vote upon any question.
- (c) Minutes shall be kept of the proceedings of the commission and shall be a public record.
- (d) All meetings shall be open to the public.

(Ord. No. 86-D, 2-12-86; Ord. No. 86-J, § 3, 4-9-86)

Sec. 5. - Powers and duties.

The commission shall have the power and be required to:

- (a) Be responsible to and act as an advisory body to the council.
- (b) Submit findings and recommendations to the council concerning the making, amending, extending and adding to a master plan for the physical development of the city.
- (c) Review all plans for platting or subdividing of land within the city and within adjacent areas as permitted by law and submit findings and recommendations to the council.
- (d) Submit annually to the city council, not later than April first, a list of recommended capital improvements found necessary or desirable for each of the next three (3) budget years.
- (e) Perform such other duties and be vested with such other powers as the council may prescribe in accordance with the laws of the State of Texas.

(Res. No. 70-R-14, § 3, 12-10-70; Res. No. 75-R-6, § 2, 4-7-75; Res. No. 81-R-12, § 3, 4-16-81; Ord. No. 88-R, § 5, 5-9-88; Ord. No. 99-H, § 1, 2-18-99)

Planning Commission - Applicant Information 11/03/16

First Name	Last Name	Employment	Occupation	Resident of Alvin	Past Boards Served on	Notes Provided on Consent and Willingness to Serve Form
Nicole	Kelinske	Business Owner	Self Employed	5.5 Years		<i>Applied 10/20/16</i> - I am interested in serving our community and after growing up working for my family construction company this commission is one I feel that I could best serve. Serve on the Forest Heights POA ACC.
Jake	Starkey	Johnson Controls	Project Manager	30 Years		<i>Applied 10/27/16</i> - <i>Applied for Planning Commission and Cultural Diversity Awareness Commission.</i> I have previously worked for municipal governments in various capacities for 5+ years, understand budgets and have a desire to see Alvin grow and improve.
Kerry	Ulm	Friendswood Animal Clinic	Vet Tech	1.5 Years	Charter	<i>Applied 10/20/16</i> - Applied for Parks Board and Planning Commission. I enjoy going to parks. I would like to help build the City of Alvin into a great city. I am on the Charter Review Commission.