

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY JANUARY 8, 2015
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 Paul A. Horn, and Council members: Gabe Adame, Adam Arendell, Scott Reed, Brad Richards, Roger Stuksa and Keith Thompson. Also present: Junru Roland, Interim City Manager; Bobbi Kacz, City Attorney; and Dixie Roberts, City Clerk.

INVOCATION

Mary Saunders, Alvin Police Department Chaplain gave the invocation.

PLEDGE OF ALLEGIANCE

Council member Keith Thompson led the Pledge of Allegiance to the American Flag.

Council member Reed led the Pledge of Allegiance to the Texas Flag.

SPECIAL PRESENTATIONS

Proclamation supporting community-oriented policing and the international law enforcement partnership welcoming the Chinese Cadets Internship through Sam Houston State University at the Alvin Police Department during the week of January 7- January 11, 2015.

Mayor Horn presented the Chinese Cadet Interns with a proclamation.

APPROVAL OF MINUTES

Approve minutes of the December 16, 2014 Special Executive Session City Council meeting.

Council member Adame moved to approve the Special Executive Session City Council meeting minutes of December 16, 2014. Seconded by Council member Thompson; motion to approve carried on a vote of 6 Ayes.

Approve minutes of the December 18, 2014 Regular City Council meeting.

Council member Stuksa moved to approve the regular City Council meeting minutes of December 18, 2014. Seconded by Council member Adame; motion to approve carried on a vote of 6 Ayes.

PETITIONS OR REQUESTS FROM THE PUBLIC

Dixie Roberts, City Clerk presented information regarding an upcoming public hearing on the creation and use of voting centers on Election Day during the upcoming May election. The City of Alvin will host a public hearing on Tuesday January 20, 2015 at 7:00 p.m.

Eugene Bauer addressed council and his fellow citizens regarding his concern for safety when people walk in and out of shopping centers and grocery stores while on their phones. They are not paying attention to what is going on around them; which causes him concern.

REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES

No reports were given.

PUBLIC HEARINGS

There were no public hearings.

OTHER BUSINESS

Consider a request from the Alvin Rotary Club for a reduction of the \$50 permit fee for Temporary Food Establishments for food booths at the Alvin Rotary Frontier Days Festival, April 24-25, 2015.

Mr. Stanton with the Alvin Rotary Club is requesting that the \$50 health permit fee be reduced to \$10 per entry. See his letter of request. Fees charged by other local entities for temporary health license: Pearland - \$20.00, Lake Jackson - \$50.00, Brazoria County - \$40.00, Freeport - \$15.00.

Neil Stanton with Alvin Rotary Club and Frontier Day Marshal was present for this request.

Bobbi Kacz suggested that if Council wants to consider lowering this permit fee that they not issue a waiver but instead amend the ordinance.

Council member Reed asked that this item be brought at a future meeting to look at amending the ordinance to reflect a reduction in cost for a temporary food establishment permit. Seconded by Council member Adame; with all members present voting Aye, and Council member Stuksa voting No; motion passed.

Daniel Garza to request that Council recognize the manufactured home located on his property at 3005 CR 153, Alvin, as a non-conforming structure subject to the same regulations of other manufactured homes located outside of manufactured home parks.

Background: In 2014 Mr. Garza purchased this piece of property; planning to put a mobile home on said land. The tax records at that time showed that this property was in the county and was not within the City of Alvin's city limits. Several months down the road, staff informed the land owner that he was in violation of the mobile home ordinance by placing a mobile home in the city limits outside a mobile home park. Mr. Garza showed proof that this land was not on the City of Alvin's tax roll. The City Clerk contacted the Brazoria County tax office and found that this piece of property was not listed on the City of Alvin's tax roll although this land area was annexed back in 1984. Apparently the record of such was missed for this individual piece of property. The county records have been amended to reflect this change from this point forward.

Mr. Garza stated that in January of 2014 he purchased this property thinking that this land was in the county and not within city limits. All of the surveys and tax records indicated such. His plan was to place a manufactured home on this property. When he tried to get utilities connected, the city wouldn't issue a permit because they stated that he was within the city limits and not in compliance with the manufactured home ordinance. Mr. Garza stated that he has put in a lot of time, effort and money into this property. He asked that Council consider his request to be allowed to leave his manufactured home on the property.

Bobbi Kacz, City Attorney stated that this was an error from 1984 by either the city or the county. The tax office didn't have record that this property had been annexed. She recommended that Mr. Garza be allowed to leave his manufactured home on this property and that he is subject to the regulations spelled out in Chapter 24 ½ Article III, Manufactured Homes Located Outside of Manufactured Home Parks.

Council member Reed moved that Mr. Garza's manufactured home is a non-conforming structure for purposes of Chapter 24 ½ regarding the placement of manufactured home within the city limits outside of a mobile home park and is subject to the same regulations found in Chapter 24 ½ Article III, Manufactured Homes Located Outside of Manufactured Home Parks. Seconded by Council member Richards; motion to approve carried on a vote of 6 Ayes.

Consider Ordinance 15-A closing, vacating and abandoning a 200 foot long portion of a 60 foot wide roadway (approximately 12,000 square feet) within Section 15, HT & BRR Co. Survey, Abstract 227, Brazoria County, Texas, Tracts 1 and 2 located in the City of Alvin, Texas, according to Volume 1037, Pages 465 and 467, Deed Records of Brazoria County, Texas; such roadway is within undeveloped land fronting Dickinson Road formerly known as Cemetery Road; authorizing conveyance of the portion of the abandoned roadway by special warranty deed and authorizing the Mayor to sign all related documents; and providing for matters related thereto; first reading.

State law authorizes cities to sell and convey rights-of-way to abutting property owners in proportion to their ownership at an appraised fair market value. The portion of the public roadway that is being requested to be abandoned runs in-between the abutting 2 lots owned by the Hinojosas and has an appraised value of \$4,200. The portion of the roadway to be abandoned has never been developed by the City and the City does not now nor in the future plan to maintain any water or wastewater distribution or transmission facilities within the referenced roadway per the City's Public Works Director. The Hinojosas want to build their home in the center of their 2 lots which is currently where the roadway is located dividing their 2 lots.

Council member Adame moved to approve Ordinance 15-A closing, vacating and abandoning a 200 foot long portion of a 60 foot wide roadway (approximately 12,000 square feet) within Section 15, HT & BRR Co. Survey, Abstract 227, Brazoria County, Texas, Tracts 1 and 2 located in the City of Alvin, Texas, according to Volume 1037, Pages 465 and 467, Deed Records of Brazoria County, Texas; such roadway is within undeveloped land fronting Dickinson Road formerly known as Cemetery Road; authorizing conveyance of the portion of the abandoned roadway by special warranty deed and authorizing the Mayor to sign all related documents; and providing for matters related thereto on first reading. Seconded by Council member Arendell; motion to approve carried on a vote of 6 Ayes.

Consider Ordinance 14-JJ amending Chapter 5½, Cemeteries, Section 3, of the Code of Ordinances; for the purpose of allowing the placement of upright grave markers/memorials/benches; and the implementation of foundation requirements for such within Oak Park Cemetery; providing an effective date; and setting forth other provisions related thereto; first reading.

This change in policy will solve many issues had within tract 5 of the Oak Park Cemetery. There are currently 2 upright markers that were approved and installed in years prior. This has caused contention amongst other families who also have loved ones buried within this section because they have not been allowed to also install the upright markers. The prohibition of upright markers within this section was put into place for maintenance reasons. I have received nothing but positive feedback in relation to this change. Most of the benches currently in place are made of concrete and are in disrepair and need to be removed. I am proposing that from this point forward, only granite or marble benches be allowed. They must be set upon an engineered concrete foundation (as specified within the ordinance). The ordinance before you is only addressing the allowance of upright memorials within tract 5 and notating that benches are allowed, provided they meet the specifications required within the ordinance. The benches currently in place will be evaluated and removed if they

Leslie Bryson with Bryson Memorials stated that he had some minor corrections to the ordinance presented. He recommended changing the maximum height of single upright memorials to 42 inches from top to bottom including the base and 60 inches in height from top to bottom including

the base for companion memorials. He also asked that the proposed foundation lumber size be changed from 1x6 or 2x6 to 1x4 or 2x4.

Ms. Roberts, City Clerk stated that she did not have an opposition to the proposed changes.

Council member Arendell moved to approve Ordinance 14-JJ amending Chapter 5½, Cemeteries, Section 3, of the Code of Ordinances; for the purpose of allowing the placement of upright grave markers/memorials/benches; and the implementation of foundation requirements for such within Oak Park Cemetery; providing an effective date; and setting forth other provisions related thereto with amendments as presented on first reading. Seconded by Council member Richards; motion to approve carried on a vote of 6 Ayes.

Consider Ordinance 15-C amending the City of Alvin, Ordinance 14-AA passed and approved September 11, 2014, same being an ordinance approving and adopting the City of Alvin's budget for fiscal year 2014-2015 by approving "Budget Amendment 2" to the original 2014-2015 budget; providing for supplemental appropriation and/or transfer of certain funds as set forth in the attached Exhibit A for the purpose of engaging an Architectural Firm to provide Predesign Architectural Services for the renovation of the Alvin City Hall Building in the amount of \$77,800; and providing for other matters related thereto; first reading.

Council member Arendell moved to approve Ordinance 15-C amending the City of Alvin, Ordinance 14-AA passed and approved September 11, 2014, same being an ordinance approving and adopting the City of Alvin's budget for fiscal year 2014-2015 by approving "Budget Amendment 2" to the original 2014-2015 budget; providing for supplemental appropriation and/or transfer of certain funds as set forth in the attached Exhibit A for the purpose of engaging an Architectural Firm to provide Predesign Architectural Services for the renovation of the Alvin City Hall Building in the amount of \$77,800; and providing for other matters related thereto on first reading. Seconded by Council member Reed; motion to approve carried on a vote of 6 Ayes.

Consider a proposal for Professional Services by Huitt-Zollars, Inc. in an amount not to exceed \$77,800.00 for Predesign Architectural Services for the renovation of the Alvin City Hall Building; and authorize the Mayor to sign an agreement upon legal review.

Due to several incidents involving security concerns that have occurred over the past few months Council directed staff, during the budget workshops, to investigate ways to better secure the City Hall Building. Staff solicited qualifications from Architectural firms to perform the Architectural Services that would be required to thoroughly assess the building and recommend/design the changes that will be needed in order to limit access to certain portions of the building. City staff, through the selection process, has selected the firm Huitt-Zollars, Inc. based on their qualifications and similar project experience. The current services agreement being considered will provide Predesign Architectural Services to assess the building to determine the best use for the various areas of the building, as well as, any areas that may need to be brought up to current codes. Once this is done then a project scope can be determined. The total cost for these services is \$77,800 and will be funded from account 111-9001-00-4100.

Council member Stuksa moved to approve the proposal for Professional Services by Huitt-Zollars, Inc. in an amount not to exceed \$77,800.00 for Predesign Architectural Services for the renovation of the Alvin City Hall Building; and authorize the Mayor to sign an agreement upon legal review. Seconded by Council member Thompson; motion to approve carried on a vote of 6 Ayes.

Consider approval of Resolution 15-R-01 accepting the Request and Petition to the City Council of the City of Alvin for Annexation of a 43.24, more or less, acre parcel of land located along East

Highway 6 in Brazoria County, Texas; setting an annexation schedule that includes public hearings on Feb. 19 and Feb. 26; providing for open meetings and other related matters.

Keith Mosing of Mosing Land & Cattle Co. of Texas is petitioning the City to annex 43.24 acres of his property on East Highway 6 that is contiguous with his property already within the City limits where Frank's Casing Alvin is already located. Mr. Mosing has expanded his business onto his adjoining property and desires the new structure also be inside limits of Alvin.

Council member Reed moved to approve Resolution 15-R-01 accepting the Request and Petition to the City Council of the City of Alvin for Annexation of a 43.24, more or less, acre parcel of land located along East Highway 6 in Brazoria County, Texas; setting an annexation schedule that includes public hearings on Feb. 19 and Feb. 26; providing for open meetings and other related matters. Seconded by Council member Richards; motion to approve carried on a vote of 6 Ayes.

Consider a Memorandum of Understanding with Brazoria County Conservation & Reclamation District #3 for the construction of a dry detention pond at Kost Road and South Street; and authorize the Mayor to sign related documents.

This item was tabled to the next meeting.

Consider the 2015 Interlocal Agreement for Emergency Services with Brazoria County Emergency Services District #3 and authorize the Mayor to sign the agreement.

The District paid the following amounts to the City: 2012 City received \$268,000 for Fire Services to District, 2013 City received \$276,040, 2014 City received \$313,040, 2015 Agreement provides for payment to the City of \$318,040 for Fire services, 2012 City received \$215,000 for EMS services to District, 2013 City received \$223,600, 2014 City received \$232,544, 2015 Agreement provides for payment to the City of \$278,772 for EMS services.

Rex Klexel, Fire Chief, gave a brief overview of the contract.

Council member Arendell moved to approve the 2015 Interlocal Agreement for Emergency Services with Brazoria County Emergency Services District #3 and authorize the Mayor to sign the agreement. Seconded by Council member Adame; motion to approve carried on a vote of 6 Ayes.

Consider approval of payment of project close out costs, including change orders, in an amount not to exceed \$33,015.47 to Jamail & Smith Construction, L.P. for the Wastewater Treatment Plant office and facility remodel project.

On January 9, 2014, council approved the rehabilitation of the Wastewater Treatment Facility and the repainting of the Elevated Storage Tank on Verhalen Road using remaining bond proceeds from the 2005, 2006, and 2008 bonds. These projects are complete. Staff is requesting council's approval of payment of project close-out costs, including change orders, not to exceed \$33,015.47, to close out these projects.

Council member Thompson moved to approve payment of project close out costs, including change orders, in an amount not to exceed \$33,015.47 to Jamail & Smith Construction, L.P. for the Wastewater Treatment Plant office and facility remodel project. Seconded by Council member Reed; motion to approve carried on a vote of 6 Ayes.

Consider authorization for the repair of a 33" sewer main by IPR South Central, through the Houston Galveston Area Council (HGAC) in an amount not to exceed \$61,500; and authorize Mayor to sign related documents.

Recently City crews made repairs to a 33' Sewer Main located in Summerset Subdivision. A permanent repair is needed to prevent future breaks on this segment of line due to it being the main trunk line from the city to the treatment plant. City staff contacted IPR and received a HGAC quote to perform this work.

Funding for this sewer main repair will be paid out of remaining bond proceeds allocated for water & sewer system improvements.

Council member Reed moved to authorize the repair of a 33" sewer main by IPR South Central, through the Houston Galveston Area Council (HGAC) in an amount not to exceed \$61,500; and authorize Mayor to sign related documents. Seconded by Council member Thompson; motion to approve carried on a vote of 6 Ayes.

Update on the implementation of Quiet Zones in the City of Alvin.

Michelle Segovia, City Engineer introduced engineers with HDR: John Peterson and Jose Maldonado. Mr. Peterson stated that there are some issues with the quad gate system proposed for Gordon Street, and he wants City Council to have full disclosure of the project at hand. The quad gates are very expensive; about \$250,000.00. If a quad gate system is put into the city; the city is responsible for the maintenance of the gates and takes on full liability. The original Quiet Zone plan presented would more than likely be the best option for the city, cost wise. Mr. Peterson stated that traffic along Gordon Street on the north side where the curb has to be in order to meet FRA requirements will no longer allow for motorists traveling along Old Galveston Road to make a left-hand turn to go down Gordon. This will also limit the people traveling southbound to turn onto Old Galveston Road. He also reviewed in detail the process that will have to be followed in order for the quiet zone to be installed. Council felt that a workshop needs to be held to discuss this topic in order to receive citizen input.

Discuss and consider date and time for City Manager interviews.

No discussion was had.

REPORTS FROM CITY MANAGER

Review preliminary list of items for the Council meeting of January 22, 2015.

Mr. Roland reviewed the preliminary list for the January 22, 2015 City Council meeting.

Announcements/Items of Community Interest

There were no items of community interest discussed.

REPORTS FROM COUNCILMEMBERS

Pursuant to S.B. No. 1182, City Councilmembers 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.

Announcements and requests from Councilmembers.

Council member Reed stated that during the business and financial studies done last year on the shooting range, a presentation was given by an Olympic Shooter Miranda Wilder and her father Shawn. Shawn has been very ill and only has a few more days to live. He was passionate about the sport and enjoyed working with the youth. A fund has been created at Texas Community Bank for donations to be made for the shooting range in lieu of flowers.

Council member Richards stated that he would like Code Enforcement to give an update to council at a future meeting.

Council member Stuksa stated that he would like an update regarding the parking along Sealy Street; an update on the Pearson Road into Kroger parking lot; and Council to consider additional funding for Keep Alvin Beautiful.

Mayor Horn expressed his condolences to the families of the teenagers killed in a car wreck this past week in Manvel.

CLOSED EXECUTIVE SESSION: The City Council will convene into a closed executive meeting in accordance with the Texas Government Code, pursuant to the authority contained in:

A. **Section 551.074** of the Government Code: Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

1. City Manager Search.

Mayor Horn adjourned to closed session at 8:35 p.m.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened to open session at 9:27 p.m.

ADJOURNMENT

Council member Adame moved to adjourn the meeting at 9:27 p.m. Seconded by Council member Arendell motion to adjourn carried on a vote of 6 Ayes.

PASSED and APPROVED this _____ day of _____, 2015.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Clerk