

**MINUTES**  
**CITY OF ALVIN, TEXAS**  
**216 W. SEALY STREET**  
**REGULAR CITY COUNCIL MEETING**  
**JANUARY 9, 2014**  
**7:00 P.M.**

**I. 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 Scott Reed and Councilmembers Jim Landriault, Brad Richards, Greg Bullard, and Roger Stuksa. Also present were Terry Lucas, City Manager and Bobbi Kacz, City Attorney. Councilmembers Adam Arendell and Terry Droege and Mayor Gary Appelt were absent.

**II. INVOCATION**

The Reverend Charles Smith of First Christian Church gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

The City Clerk led the Pledge of Allegiance.

**IV. SPECIAL PRESENTATIONS**

A. The Mayor to present a proclamation to representatives of Sam Houston State University and Chinese police cadets from the Zhejiang Police College showing support of this community-oriented policing program and the international law enforcement partnership and includes hosting cadets during the week of January 8 through January 12, 2014.

The Mayor Pro-Tem presented a proclamation to representatives of Sam Houston State University and Chinese police cadets from the Zhejiang Police College showing support of this community-oriented policing program and the international law enforcement partnership and includes hosting cadets during the week of January 8 through January 12, 2014.

Phillip Lyons addressed the Council remarking that this marks the fifth consecutive year that Zhejiang cadets have participated in the program.

- B. The Mayor to present a proclamation to Emilio "Chicky" J. Esquivel upon his retirement from the City of Alvin.

The Mayor Pro-Tem presented a proclamation to Emilio "Chicky" J. Esquivel upon his retirement from the City of Alvin reminding him that he is well thought of within the community.

#### V. APPROVAL OF MINUTES

- A. Approval of the minutes of the regular Council meeting of December 19, 2013.

Councilmember Stuksa moved to approve of the minutes of the regular Council meeting of December 19, 2013. Seconded by Councilmember Landriault. The motion to approve carried on a vote of 5 Ayes.

#### VI. PETITIONS OR REQUESTS FROM THE PUBLIC

**Speakers may be limited to 2, 3 or 5 minutes according to Section 2-24 of the Code of Ordinances, City of Alvin, Texas. State law prohibits the Mayor and members of the City Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law. Comments should be directed to the entire council, not individual members. Engaging in verbal attacks or comments intended to insult, abuse, malign or slander any individual shall be cause for termination of time privileges and expulsion from Council Chambers.**

- A. Lonnie McEntire with Texas Custom Guns addressed the Council in support of the proposed gun range.
- B. Chief of Police Robert E. Lee invited the families of the officers who have been promoted to approach the podium with the officers. Those promoted are as follows: lieutenants: Sewell, Hubbard, Darnell, and Gilcrease; Sergeants: Ives, Trent, Kincaide, and Shoemake. Municipal Court Judge Donna Starkey complimented the work of Bruce Trent for increasing warrants served from 70 % to 90%.

#### VII. REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES

#### VIII. PUBLIC HEARING

NONE

**IX. CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:**

**All items listed under the Consent Agenda are considered to be routine, and require little or no deliberation by City Council. These items will be enacted/approved by one motion unless a Councilmember requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action. Approval of the Consent Agenda enacts the items of legislation and authorizes implementation of other items.**

- A. Consider approval of Ordinance 13-FF; amending Chapter 16 1/2, Parks and Recreation, Article II "Public Park Restrictions", of the Code of Ordinances, City of Alvin, Texas, for the purpose of establishing regulations for the Skate Park and Dog Park by adopting a new section 16 1/2-14 to be entitled "Skate Park Rules" and a new section 16 1/2-15 to be entitled "Dog Park Rules"; providing for a penalty for violations of park rules in Article II; repeal of any conflicting ordinances; providing for a savings clause and a severability clause; providing for the publication of the caption of this ordinance; and setting forth other provisions related thereto, **on second and final reading.**
- B. Consider approval of Ordinance 13-PP; establishing a "No Parking During Official School Hours" zone along a portion of the north side of Cleveland Street from the intersection of Cleveland Street and South Durant Street to the intersection of Cleveland Street and Johnson Street; authorizing installation of appropriate signage; providing for a penalty and publication of this ordinance; and setting forth other provisions related thereto, **on second and final reading.**
- C. Consider approval of Ordinance 13-GGG; amending Chapter 28, Comprehensive Fee Ordinance, of the Code of Ordinances, City of Alvin, Texas for the purpose of revising certain Parks and Recreation fees by increasing pavilion rental fees and establishing a restroom rental fee; and setting forth other provisions related thereto, **on second and final reading.**
- D. Consider approval of Ordinance 13-HHH; amending the City of Alvin 2013-2014 fiscal year budget for the purpose of purchasing 7 new Ford Explorers with emergency equipment for Alvin Police Department to be used by Patrol, 2 Ford Fusions for Alvin Police Department to be used by CID, 2 Ford Explorers with emergency equipment for AVFD to be used by Assistant Fire Chief and Fire Marshall, 1 Ford F-450 Bucket Truck with lighting to be used by Street Department, 2 Ford F-150 Trucks with lighting to be used by Utilities, and 1 Ford F-150 Truck with lighting to be used by Central Shop by appropriating \$237,355, by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to the individual accounts in all funds set forth in the attached Exhibit "A", **on second and final reading.**

No items were removed from the Consent Agenda.

Councilmember Bullard moved to approve the Consent Agenda. Seconded by Councilmember Stuksa. The motion to approve carried on a vote of 5 Ayes.

**X. MATTERS REMOVED FROM CONSENT AGENDA**

There were none.

**XI. OTHER BUSINESS:**

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

- A. Receive and acknowledge the monthly financial report for November, 2013.

Junru Roland, Chief Financial Officer, gave a presentation of the November 2013 monthly financial report.

Councilmember Landriault moved to acknowledge receipt of the monthly financial report for November 2013. Seconded by Councilmember Richards. The motion to acknowledge receipt carried on a vote of 5 Ayes.

- B. Discussion of the cost analysis of outsourcing the utility billing function verses processing utility bills in-house.

Junru Roland, Chief Financial Officer, introduced Joyce Kubeczka who presented an analysis showing the savings of the present system of outsourcing versus printing letter bills or postcards in house.

- C. Consider appropriating \$11,000 for the 2014 July 4th fireworks celebration from the annual Progressive Waste Solutions of Texas, Inc. (formerly IESI) donation.

Councilmember Landriault moved to appropriate \$11,000 for the 2014 July 4th fireworks celebration from the annual Progressive Waste Solutions of Texas, Inc. (formerly IESI) donation. Seconded by Councilmember Bullard. The motion to appropriate carried on a vote of 5 Ayes.

- D. Presentation of Verhalen Elevated Water Storage Tank and Wastewater Treatment Facility rehabilitation.

Brian Smith addressed the Council to discuss projects to be considered under item E.

- E. Consider award of bid to Jamail & Smith Construction in the amount of \$614,870.06 to repaint the Elevated Water Storage Tank on Verhalen Road (\$216,300.15); rehabilitate the Wastewater Treatment Plant (\$312,274.29); and remodel the office and lab of the Wastewater Treatment Facility (\$86,295.62) with funds from the remaining bond proceeds of 2008, 2006, and 2005 bonds.

Councilmember Stuksa moved to award a bid to Jamail & Smith Construction in the amount of \$614,870.06 to repaint the Elevated Water Storage Tank on Verhalen Road (\$216,300.15); rehabilitate the Wastewater Treatment Plant (\$312,274.29); and remodel the office and lab of the Wastewater Treatment Facility (\$86,295.62) with funds from the remaining bond proceeds of 2008, 2006, and 2005 bonds. Seconded by Councilmember Bullard.

Discussion followed.

Brian Smith, Director of Public Services, addressed the Council to answer questions.

The City Manager addressed the Council for explanations.

The motion to award carried on a vote of 5 Ayes.

- E. Consider a recommendation for a Final Plat requested under the abbreviated plat procedure for Park Drive Investments LP being out of Lot 1 of H.T.B. & R.R. CO. Survey, Section 21 Abstract No. 230 as recorded in Volume 21, Page 186 Brazoria County Deed Records, Texas.

Councilmember Bullard moved to approve a Final Plat requested under the abbreviated plat procedure for Park Drive Investments LP being out of Lot 1 of H.T.B. & R.R. CO. Survey, Section 21 Abstract No. 230 as recorded in Volume 21, Page 186 Brazoria County Deed Records, Texas. Seconded by Councilmember Richards.

The motion to approve carried on a vote of 5 Ayes.

- F. Consider a request for a variance to Chapter 35-33; Fences, Walls, and Earthen Berms, received from CenterPoint Energy regarding fencing standards.

Councilmember Stuksa moved to approve a request for a variance to Chapter 35-33; Fences, Walls, and Earthen Berms, received from CenterPoint Energy regarding fencing standards. Seconded by Councilmember Bullard.  
The motion to approve carried on a vote of 5 Ayes.

- G. Consider a request for a variance to Chapter 21-42; Sidewalks, ADA Ramps, Driveways and Driveway Approaches, received from Mr. Reginald Tolbert of Real Designs for Taco City regarding the sidewalk requirement.

Councilmember Bullard moved to approve a request for a variance to Chapter 21-42; Sidewalks, ADA Ramps, Driveways and Driveway Approaches, received from Mr. Reginald Tolbert of Real Designs for Taco City regarding the sidewalk requirement. Seconded by Mayor Pro-Tem Reed.

A roll call vote followed:

Councilmember Landriault	No	Councilmember Richards	No
Mayor Pro-Tem Reed	Aye	Councilmember Bullard	No
Councilmember Stuksa	No		

The motion to approve failed on a vote of 1 Aye and 4 Nos.

- H. Consider appointments to citizen Boards, Committees and Commissions.

Councilmember Landriault moved to appoint Craig Martin and Shandar N. Hobbs for 3-year terms on the Library Board. Seconded by Mayor Pro-Tem Reed. The motion to appoint carried on a vote of 5 Ayes.

Councilmember Stuksa moved to appoint Chris V. Hartman, James Dwight Rhodes, and Cindy DeJongh for 2-year terms on the Parks and Recreation Board. Seconded by Councilmember Landriault. The motion to appoint carried on a vote of 5 Ayes.

Councilmember Bullard moved to appoint Santos Garza and Randy Reed for 3-year terms on the Planning Commission. Seconded by Councilmember Landriault. The motion to appoint carried on a vote of 5 Ayes.

Mayor Pro-Tem Reed moved to appoint Betty Hodges, Wanda Garrett, and P.W. Henny for 2-year terms on the Senior Citizen Board. Seconded by Councilmember Stuksa. The motion to appoint carried on a vote of 5 Ayes.

Councilmember Landriault moved to appoint Becky Noerr for a 3-year term on the Animal Shelter Advisory Board. Seconded by Councilmember Bullard. The motion to appoint carried on a vote of 5 Ayes.

Councilmember Stuksa moved to appoint Craig Martin for a 4-year term on the Building Board of Adjustments and Appeals. Seconded by Mayor Pro-Tem Reed. The motion to appoint carried on a vote of 5 Ayes.

**XII. REPORTS FROM CITY MANAGER**

- A. Review preliminary list of items for the Council meeting of January 23, 2014.

The preliminary list of items for the Council meeting of January 23, 2014 was presented and reviewed.

**XIII. REPORTS FROM COUNCILMEMBERS**

**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 Councilmembers.

Councilmember Landriault requested from the City Manager a report concerning EMS.

Councilmember Bullard inquired from the City Manager how the changes in Bypass 35 will work. The City Manager responded that the confusion should end when lights are in place. Bullard then inquired about a crossing between the YMCA and Kroger.

Councilmember Bullard made comments about a letter that appeared in a local newspaper that criticized action taken by the City Council regarding the proposed shooting range. He challenged anyone who feels the Council has acted inappropriately to file an Ethics Violation.

Councilmember Bullard feels that Council sometimes need to have workshops to discuss matters informally.

Councilmember Bullard commented that discussion should begin on a long-term plan to reduce the tax rate in the City of Alvin. He commented that governments want to bring in as much taxes as possible. The City Manager responded that the Chief Financial Officer could work on a ten-year forecast, and he pointed out that nearby cities place sales tax revenue in their general funds while Alvin cannot because of provisos in the City Charter.

Councilmember Bullard commented that he wants input on how the City Council could get on the ballot a provision for allowing liquor stores in Alvin.

Councilmember Bullard remarked that community leaders should become involved in the comprehensive planning.

Councilmember Stuksa commented the he thanked Councilmember Bullard for support regarding workshops. He requested a report on the Animal Shelter.

Councilmember Richards thanked Councilmember Bullard for all he said.

The Mayor Pro-Tem reported that he would attend CPT training the following day. He also commented that the editor of the local newspaper has never visited with him concerning the proposed shooting range, and he would be glad to visit with her on the subject.

#### **XIV. EXECUTIVE – CLOSED SESSION**

The Mayor Pro-Tem called an executive session at 8:23 P.M.for the following:

- 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.**

Discuss the evaluation of the City Manager.

Discuss the evaluation of the City Attorney.

The meeting reconvened at 8:37 P.M.

#### **XV. ACTION ITEMS FROM EXECUTIVE – CLOSED SESSION**

**NONE**

#### **XVI. OPEN MEETINGS ACT RESOLUTION**

- A. Consider Resolution No. OMA-R-14-01-09, A RESOLUTION CONFIRMING COMPLIANCE WITH THE PROVISIONS OF THE OPEN MEETINGS ACT.**

Councilmember Landriault moved to approve Resolution No. OMA-R-14-01-09, a resolution confirming compliance with the provisions of the Open Meetings Act. Seconded by Councilmember Bullard. The motion to approve carried on a vote of 5 Ayes.

**XVII. ADJOURNMENT**

Councilmember Stuksa moved to adjourn. Seconded by Councilmember Richards. The motion to adjourn carried on a vote of 5 Ayes. The meeting adjourned at 8:37 P.M.