

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY JANUARY 22, 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, Brad Richards, Roger Stuksa and Keith Thompson. Also present: Junru Roland, Interim City Manager; Bobbi Kacz, City Attorney; and Grace Cruzen, Deputy City Clerk. Absent was Councilmember Scott Reed.

INVOCATION

Reverend Charles Smith of First Christian Church gave the Invocation.

PLEDGE OF ALLEGIANCE

Council member Stuksa led the Pledge of Allegiance to the American Flag.

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

SPECIAL PRESENTATIONS

There were no special presentations.

APPROVAL OF MINUTES

Approve minutes of the January 8, 2015 Regular City Council meeting.

Councilmember Stuksa moved to approve the regular City Council meeting minutes of January 8, 2015. Seconded by Councilmember Thompson; the motion to approve carried on a vote of 6 Ayes.

PETITIONS OR REQUESTS FROM THE PUBLIC

There were no petitions or requests from the public.

REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES

No reports were given.

PUBLIC HEARING

There was no public hearing.

CONSENT AGENDA

Consider Ordinance 15-A (abandoning ROW between 2 parcels that front Dickinson Road) 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; second reading.

Consider Ordinance 15-C (budget amendment to fund architectural predesign services of City Hall renovations) 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; second reading.

Consider closure of City streets for the 2015 Alvin Rotary Club Frontier Day Parade & Car Show on Saturday, April 25, 2015 for the following streets and times:

Parade - 9:00 a.m.; beginning and ending at the Alvin High School Football Stadium (AHS); Street Closure request along parade route: South on College Dr., E. on Stadium Dr., N. on Johnson St., E. on Adoue, N. on Gordon, W. on Sealy, S. on Johnson, W. on Adoue, South on Second St. ending at AHS stadium parking lot.

Car Show - 7:00 a.m. – 4:00 p.m.; National Oak Park; Street Closure Request: Depot Centre Blvd @ E. Sealy St, Depot Centre Blvd @ E. Sidnor St., E. Sidnor St. @ Depot Centre Blvd, E. Sidnor St. @ Magnolia St., Entrance to National Oak Park parking lot @ E. Sidnor St.

Consider approval of out of state travel for Amy Mallett (Utility Billing Supervisor) from May 3 – 6, 2015 to Atlanta, Georgia, to attend the Tyler Tech (Incode) Conference for software training related to Utility Billing.

Item C was removed by Councilmember Arendell. Councilmember Droege moved to approve the remaining items on the Consent Agenda. Seconded by Councilmember Adame; motion to approve carried on a vote of 6 Ayes.

MATTERS REMOVED FROM CONSENT AGENDA

Consider Ordinance 14-JJ (amendment to allow upright grave markers) 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; second reading.

Councilmember Arendell asked if the ordinance contained the changes on the measurements. The City Attorney responded that the changes were incorporated into the second reading of Ordinance 14-JJ. Councilmember 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; second reading. Seconded by Councilmember Thompson; the motion to approve carried on a vote of 6 Ayes.

OTHER BUSINESS:

Receive and acknowledge the monthly financial report for December, 2014.

Mr. Junru Roland, Interim City Manager, presented the financial report for December 2014.

Councilmember Droege moved to acknowledge receipt of the December 2014 financial report. Seconded by Councilmember Thompson; motion to approve carried on a vote of 6 Ayes.

Receive and acknowledge the quarterly investment report.

Mr. Roland presented the quarterly investment report for the quarter ending December 2014.

Councilmember Adame moved to acknowledge receipt of the quarterly investment report for the quarter ending December 2014. Seconded by Councilmember Richards; motion carried on a vote of 6 Ayes.

Presentation and discussion from Code Compliance Division on the department's progress and goals.

Mayor Horn announced that he had been advised by the City Attorney that due to the way this item is written on the agenda only matters concerning code compliance could be discussed. He stated that legally the Johnson Street Museum and the carport on Bypass 35 could not be discussed as it is not listed on the agenda. Mayor Horn requested that an item be placed on the next agenda to discuss everything and anything dealing with codes: building, fire and code compliance or any other codes.

Brain Smith, Public Works Director, introduced Kacey Roman, Code Supervisor. Ms. Roman gave a presentation of the Code Compliance Department. She explained the different areas that code compliance is responsible for, and the officers in her department that oversee such. She gave statistical information on the number of violations, cases and actions taken in 2014. Ms. Roman explained the process involved when there is a code violation. Under accomplishments of the department, she explained the reinstatement of the dangerous building program, commencement of mowing properties and establishing a fix rate for mowing. Ms. Roman also informed the Council on the goals of the department: updating ordinances relevant to the department, computerization of records, apartment inspection program, and the implementation of a swimming pool inspection program.

Councilmember Adame inquired about the time frame for junked vehicles. He expressed concern on maintaining the city's corridors. He commended the efforts of Keep Alvin Beautiful for improving the entry ways of Alvin. He requested that the overpass at Bypass 35 and Hwy. 6 be improved. Councilmember Droege also requested that the main corridor be maintained. Mayor Horn requested that citizens be provided with a response whenever they file a complaint. He also requested that a review be done on old ordinances. Councilmember Thompson inquired about the terminology of "grandfathering" as it applies to code compliance ordinances.

Consider entering into a Chapter 380 Agreement with Tomasso's Italian Grill and Seafood Market; and authorize Mayor to sign.

Sal Achille of Tommaso's Italian Grill and Seafood Market is proposing several improvements to the existing facility at 507 North Gordon Street. He is requesting to construct a palapa over the patio area and add a dynamic reader board to the main pylon signage. For this consideration, he will be taking down the complete pylon signage next to the Mustang Bayou bridge as a beautification enhancement to the downtown area, and within one year, come into compliance on the building signage by removing two of the three existing signs on the face of the structure.

Larry Buehler briefed the Council on the Chapter 380 Agreement with Tomasso's Italian Grill and Seafood Market. Mr. Sal Achille explained to the Council his project and answered questions.

Following discussion, Councilmember Droege moved to enter into a Chapter 380 Agreement with Tomasso's Italian Grill and Seafood Market; and authorize Mayor to sign. Seconded by Councilmember Adame; motion to approve carried on a vote of 6 Ayes.

Consider Ordinance 15-F (budget amendment funding a \$5,000 increase to Keep Alvin Beautiful) 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 2014-15 by approving "Budget Amendment 3" to the original 2014-15 budget; providing for supplemental appropriation and/or transfer of certain funds as set forth in the attached Exhibit A for Keep Alvin Beautiful in the amount of \$5,000; and providing for other matters related thereto - first reading.

Each year, the city budgets funds to contribute to Keep Alvin Beautiful (KAB). For fiscal year 2014-15, the city adopted a \$15,000 budget to provide to KAB. Councilman Stuksa is requesting that the 2014-15 budget be amended to increase the City's contribution to KAB by \$5,000. As it has been the City's practice to budget contributions to KAB from the Sanitation Fund, if council approves this amendment, KAB will need to restrict the use of the City's \$5,000 contribution to activities related to solid waste collection and/or disposal services.

Mayor Horn explained that all budget amendments will be presented at one time during the year (mid-year budget adjustment) with the exception of an emergency budget amendment.

Following discussion, Councilmember Stuksa moved to process the budget amendment, funding a \$5,000 increase to Keep Alvin Beautiful, during the time the Chief Finance Officer makes his budget amendments at one time (mid-year budget amendment). Seconded by Councilmember Arendell; motion to approve carried on a vote of 6 Ayes.

Consider Ordinance 15-G (amendment to reduce the fee charged for a Temporary Food Establishments permit) amending Chapter 28, Comprehensive Fee Ordinance, of the Code of Ordinances, City of Alvin, Texas for the purpose of reducing the fee amount for permits for Temporary Food Establishments; providing an effective date; and setting forth other provisions related thereto.

Staff recommends the fee for temporary food establishments remain at \$50 due to the cost of inspections by city staff.

Following discussion, Councilmember Thompson moved to keep the temporary food establishment fee at \$50.00 due to the cost of inspections. Seconded by Councilmember Stuksa; motion 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 agreement reflects the duties and obligations of the City and the C&R for the detention pond project. This agreement does not provide the entire scope of work or costs for this project as additional sources and contractors will need to be engaged to complete the project.

Bobbi Kacz, City Attorney stated that this MOU designates the City's duties and the C&R Districts duties regarding the excavation portion of this project. The City Attorney mentioned that the City is paying for the fuel to cover the cost of the excavator and/or if there is dozier used.

Brian Smith, Public Works Director, explained that the City will have a big part in the digging of the detention pond and that other projects within the city will more than likely have to be put on hold in order to accommodate this project. He will make sure there will be city staff and equipment available. He explained out of the three crews there will be one or two crews working on the detention pond. The Mayor asked that Mr. Smith provide estimated costs to be included in the mid-year budget adjustment. Mr. Roland reviewed the estimated cost for this project that was provided to him by the C&R District#3.

The City Attorney explained that there are three property owners that will accept the free dirt.

Following discussion, Councilmember Adame moved to approve the 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. Seconded by Councilmember Droege; motion to approve carried on a vote of 6 Ayes.

Consider Resolution 15-R-02 supporting the expedited construction of "Segment B" of SH 99 (Grand Parkway) in Brazoria County; and setting forth related matters thereto.

Rep. Ed Thompson sent a letter to TXDOT supporting the expedited construction of Segment B of the Grand Parkway citing that Alvin and surrounding areas of Brazoria County are expanding at a rapid rate and that expediting the construction of Segment B will allow for added safety and convenience needed for this fast-growing area. Rep. Thompson asked if the City would also state their support of the expedited construction to TXDOT and this resolution accomplishes the City's support.

Councilmember Arendell moved to approve Resolution 15-R-02, supporting the expedited construction of "Segment B" of SH 99 (Grand Parkway) in Brazoria County; and setting forth related matters thereto. Seconded by Councilmember Richards; motion to approve carried on a vote of 6 Ayes.

Consider Resolution 15-R-03 accepting an allocation of funds in the amount of \$26,269.00 from the Houston-Galveston Area Council for the purpose of upgrading software and hardware in the Alvin Police Department's 911 Dispatch Center.

HGAC, through the State allocated budget for 911 upgrades is providing \$26,269.00 worth of software and hardware upgrades for the Alvin Police Department 911 dispatch center. There is absolutely no cost to the City of Alvin for these upgrades or for their installation and testing.

Councilmember Droege moved to approve Resolution 15-R-03 accepting an allocation of funds in the amount of \$26,269.00 from the Houston-Galveston Area Council for the purpose of upgrading software and hardware in the Alvin Police Department's 911 Dispatch Center. Seconded by Councilmember Thompson; motion to approve carried on a vote of 6 Ayes.

Consider Resolution 15-R-04 acknowledging and accepting an easement granted to the City of Alvin by Tom Floyd, General Manager of Star State Land, LP for the TxDOT Bridge Replacement project on County Road 51.

TxDOT required the City to obtain easements from the property owner in order to accomplish the bridge replacement project on CR 51. This resolution formally acknowledges the City's acceptance of this easement being granted to the City by Tom Floyd, General Partner of Star State Land.

Councilmember Droege moved to approve Resolution 15-R-04 acknowledging and accepting an easement granted to the City of Alvin by Tom Floyd, General Manager of Star State Land, LP for the TxDOT Bridge Replacement project on County Road 51. Seconded by Councilmember Arendell; motion to approve carried on a vote of 6 Ayes.

Consider the Roofing Material and Services Proposal by Garland/DBS, Inc. to replace the flat roof portion and repair other damaged portions of the roof at the Senior Center in an amount not to exceed \$42,871.00; and authorize the Mayor to sign all relevant documents.

Mayor Horn announced that this item has been tabled.

Consider the proposal by Clear the Air for HVAC services to replace one HVAC unit and remove and re-install two HVAC units and a condensing unit during the roof repair project at the Senior Center in an amount not to exceed \$14,957; and authorize the Mayor to sign all relevant documents.

Mayor Horn announced that this item has been tabled.

Consider approving the purchase of 8 new vehicles including all necessary equipment from the vehicle replacement fund for a total cost not to exceed \$293,641.00. These vehicles were budgeted for and approved during the 2014-2015 budget process. The vehicles being purchased are 1- Ford Escape for Capital Improvements, 1- Ambulance for EMS, 1- F-350 Crew for Parks, 1- 12 passenger van for Parks, 1- Fusion for Police CID, 1- F-350 for Police Humane, 2 - F-250 Crew for Streets.

A total of 8 vehicles are being purchased to be used in various departments. The vehicles that are being replaced have met their life expectancy within the City of Alvin Vehicle Replacement Program and are in

need of replacement. All vehicles were budgeted for and approved during the 2014-2015 budget process. Required quotes have been obtained for these purchases.

Following discussion, Councilmember Arendell moved to approve the purchase of 8 new vehicles including all necessary equipment from the vehicle replacement fund for a total cost not to exceed \$293,641.00. These vehicles were budgeted for and approved during the 2014-2015 budget process. The vehicles being purchased are 1- Ford Escape for Capital Improvements, 1- Ambulance for EMS, 1- F-350 Crew for Parks, 1- 12 passenger van for Parks, 1- Fusion for Police CID, 1- F-350 for Police Humane, 2 - F-250 Crew for Streets. Seconded by Councilmember Richards; motion to approve carried on a vote of 6 Ayes.

Consider resale of trust property located at 4254 County Road 305B, described as Abstract 468, Mary V O'Donnell Tract 3D2, Tax Account 0468-0004-287, to Jose Garza, for the sum of \$14,710.00.

This property was subject to a Sheriff's Sale because of taxes owed against it. The Sheriff's deed was filed on April 7, 2012. Jose Garza is now offering to purchase the parcel for \$14,710.00. If this offer is approved, the amount received will be distributed to all taxing entities on a pro-rated share of what is owed. All affected governing bodies must approve this offer since it is for less than the total amount due.

Councilmember Thompson moved to approve the resale of trust property located at 4254 County Road 305B, described as Abstract 468, Mary V O'Donnell Tract 3D2, Tax Account 0468-0004-287, to Jose Garza, for the sum of \$14,710.00. Seconded by Councilmember Richards; motion to approve carried on a vote of 6 Aye.

REPORTS FROM CITY MANAGER

Review preliminary list of items for the Council meeting of February 5, 2015.

Mr. Roland reviewed the preliminary list of items for the Council meeting of February 5, 2015.

Items of Community Interest.

Mr. Roland gave a status report on the TxDot bridge replacement projects.

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.

Announcements and requests from Council members.

Councilmember Thompson commended the Police Department for its efforts in the missing person in his district.

Councilmember Stuksa inquired when the mid-year budget adjustment will occur. Mr. Roland, Interim City Manager responded that it will occur at the end of February beginning of March.

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 551.087** - of the Government Code: (1) Deliberations regarding commercial or financial information that the governmental body has received from a business prospect that the

governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations or (2) deliberations regarding the offer of a financial or other incentive to a business prospect described by Subdivision (1).

Mayor Horn adjourned the meeting into close session at 8:10 p.m.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting to open session at 8:47 p.m.

ADJOURNMENT

Councilmember Arendell moved to adjourn the meeting. Seconded by Councilmember Droege; the motion to adjourn carried on a vote of 6 Ayes. The meeting adjourned at 8:47 p.m.

PASSED and Approved this _____ day of _____, 2015.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Clerk