

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
MARCH 6, 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 Gary Appelt and Councilmembers Scott Reed, Jim Landriault, Adam Arendell, Brad Richards, Terry Droege, Greg Bullard, and Roger Stuksa. Also present were Terry Lucas, City Manager and attorney David Olson. Bobbi Kacz, City Attorney was absent.

II. INVOCATION

The Revered David Price of Grace Episcopal Church gave the Invocation.

III. PLEDGE OF ALLEGIANCE

The Mayor led the Pledge of Allegiance.

IV. SPECIAL PRESENTATIONS

V. APPROVAL OF MINUTES

A. Approval of the minutes of the regular Council meeting of February 20, 2014.

Councilmember Droege moved to approve the minutes of the regular Council meeting of February 20, 2014. Seconded by Councilmember Landriault.

The motion to approve carried on a vote of 7 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. Dick Tyson addressed the Council to present the retiring City Clerk a copy of the Biographical Directory of the United States Congress, 1774-1989.
- B. Mark Blevins addressed the Council to request that a red blinking light be installed at the intersection of West Adoue and South Hood streets.

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 request for street closures for the Alvin ISD Education Foundation Ford Drive One 4UR School event on Saturday, April 12, 2014. Street closures are requested from 6:30 a.m. to 5:00 p.m. as follows; East Bound Lane at Second St and Cleveland St and East Bound Lane at Second St and Betsy Ross St.
- B. Consider request for street closures for the Alvin Little League Baseball Opening Day festivities scheduled for Saturday, March 22, 2014. Street closures are requested from 8:00 a.m. to 6:00 p.m. as follows; College Dr. at W. Dumble St. and College Dr. at Stadium Dr. for all incoming and outgoing traffic.
- C. Consider request for street closures for the Alvin Sunrise Rotary BBQ and Music Festival from 6:00 a.m. Thursday, March 27, 2014 to 6:30 a.m., Monday, March 31, 2014 in Briscoe Park as follows: The only street closure requested is Briscoe Drive after the YMCA entrance/exit during these dates.

No items were removed from the Consent Agenda for separate discussion:

Councilmember Stuksa moved to approve the remaining items on the Consent Agenda. Seconded by Councilmember Arendell. The motion to approve carried on a vote of 7 Ayes.

X. MATTERS REMOVED FROM CONSENT AGENDA

There were none.

Item XIV-A was considered at this time. It is recorded in its place on the agenda to maintain the integrity of the outline.

XI. OTHER BUSINESS:

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

Councilmember Richards' absence noted at 7:30 P.M.

A. Consider Resolution 14-R-07, a resolution by the City Council of the City of Alvin Texas, honoring retiring City Clerk, Thomas W. Peebles, for forty years of distinguished service to the City of Alvin.

Following discussion Councilmember Bullard moved to approve Resolution 14-R-07, a resolution by the City Council of the City of Alvin Texas, honoring retiring City Clerk, Thomas W. Peebles, for forty years of distinguished service to the City of Alvin. Seconded by Councilmember Reed.

The Mayor called for a roll call vote:

Councilmember Landriault	No	Councilmember Reed	No
Councilmember Arendell	No	Councilmember Droege	Aye
Councilmember Bullard	Aye	Councilmember Stuksa	Aye

The Mayor refused to vote to break the tie.

Councilmember Richards' presence noted at 7:35 P.M.

Another roll call vote was taken.

Councilmember Landriault	Aye	Councilmember Reed	Aye
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Councilmember Arendell	Aye	Councilmember Richards	Aye
Councilmember Droege	Aye	Councilmember Bullard	Aye
Councilmember Stuksa	Aye		

Therefore, the motion to approve carried on a vote of 7 Ayes.

The Mayor presented Peebles with a framed copy of the resolution, a plaque for his years of service, and a certificate showing the he had become a Life member of the Ex Students Association of the University of Texas as his retirement gift.

B. Consider approval of the appointment of Ms. Grace Cruzen as the Interim City Clerk for the City of Alvin, effective March 17, 2014.

Councilmember Droege moved to approve of the appointment of Ms. Grace Cruzen as the Interim City Clerk for the City of Alvin, effective March 17, 2014. Seconded by Councilmember Arendell. The motion to approve carried on a vote of 7 Ayes.

C. Draw for position on the ballot for candidates for Mayor and Councilmember for District E.

The City Clerk conducted the drawing for positions on the ballot for candidates for Mayor and Councilmember for District E. The results are as follows:

Mayor:

Position 1	Paul A. Horn
Position 2	Ricky D, Forrest
Position 3	Jim Landriault
Position 4	J. R. Dick Tyson

Councilmember District E

Position 1	Gabe Adame
Position 2	Santos Garza
Position 3	Mark "Bubba" Blevins

D. Receive and acknowledge the Alvin Police Department's 2013 Racial Profiling Report as required by Texas Code of Criminal Procedure, Articles 2.131 - 2.138.

Captain Chad Fontenot addressed the Council to present the Alvin Police Department's 2013 Racial Profiling Report as required by Texas Code of Criminal Procedure, Articles 2.131 - 2.138 with the use of slides.

Councilmember Stuksa moved to acknowledge the Alvin Police Department's 2013 Racial Profiling Report as required by Texas Code of Criminal Procedure, Articles 2.131 - 2.138. Seconded by Councilmember Droege. The motion to acknowledge receipt carried on a vote of 7 Ayes.

- E. Consider rescheduling the regular City Council meeting of April 17, 2014 to April 24, 2014.

Councilmember Reed moved to reschedule the regular City Council meeting of April 17, 2014 to April 24, 2014. Seconded by Councilmember Arendell. The motion to reschedule carried on a vote of 7 Ayes.

- F. Presentation and discussion with Kendig Keast, the consultant for the Alvin Comprehensive Plan update.

Aaron Tuley of Kendig Keast addressed the Council to outline the plans for the update.

- G. Consider a variance request submitted by Humberto Zuniga requesting Council temporarily allow 2 residences on a single lot and waive the prohibition of two (2) single family dwellings on a single lot, parcel or tract of land pursuant to Sec. 21-8 Offenses (a).

Councilmember Droege moved to approve a variance request submitted by Humberto Zuniga requesting Council temporarily allow 2 residences on a single lot and waive the prohibition of two (2) single family dwellings on a single lot, parcel or tract of land pursuant to Sec. 21-8 Offenses (a). Seconded by Councilmember Arendell.

Discussion followed.

The Mayor read the following stipulation to the agreement: upon completion of the new home that a demo permit shall be obtained prior to a temporary occupancy permit being issued by the City and that demo be completed prior to issuance of the final Certificate of Occupancy.

The presenter of the motion and the seconder agreed to the stipulation.

Michelle Segovia, City Engineer, addressed the Council for explanations and to answer questions.

The motion to approve with the stipulations carried on a vote of 7 Ayes.

- H. Consider a variance request submitted by Mr. Reginald Tolbert of Real Designs for Taco City requesting Council waive the sidewalk requirement pursuant to Sec. 21-24, Sidewalks, ADA Ramps, Driveways, and Driveway Approaches.

Councilmember Arendell moved to approve a variance request submitted by Mr. Reginald Tolbert of Real Designs for Taco City requesting Council waive the sidewalk requirement pursuant to Sec. 21-24, Sidewalks, ADA Ramps, Driveways, and Driveway Approaches. Seconded by Councilmember Reed.

Discussion followed.

The Mayor read the following findings: This variance will not negatively impact the public and the probable effect of such variance upon public health, safety, convenience, and welfare in the vicinity.

The presenter of the motion and the seconder agreed to the findings.

A roll call vote followed:

Councilmember Landriault	No	Councilmember Reed	Aye
Councilmember Arendell	Aye	Councilmember Richards	Aye
Councilmember Droege	Aye	Councilmember Bullard	No
Councilmember Stuksa	Aye		

Therefore, the motion to approve carried on a vote of 5 Ayes and 2 Noes.

- I. Consider recommendation to City Council concerning an Abbreviated Replat requested under the Final Plat procedure for Anna Ashton Place, being a Replat of Anna Ashton Place, a subdivision of 4.69 acres of land, according to the Plat recorded on Volume 20, Pages 201-202, Plat Records of Brazoria County, Texas and further being a division of Lot 4, Block 2, Taylor’s Addition, in the Myles O’Donnell Survey, Section 20, Abstract 487, Brazoria County, Texas, according to the Plat recorded in Volume 1, Page 91, Plat Records of Brazoria County, Texas.

Councilmember Reed moved to approve an Abbreviated Re-plat requested under the Final Plat procedure for Anna Ashton Place, being a Replat of Anna Ashton Place, a subdivision of 4.69 acres of land, according to the Plat recorded on Volume 20, Pages 201-202, Plat Records of Brazoria County, Texas and further being a division of Lot 4, Block 2, Taylor’s Addition, in the Myles O’Donnell Survey, Section 20, Abstract 487, Brazoria County, Texas, according to the Plat recorded in Volume 1, Page 91, Plat Records of Brazoria County, Texas. Seconded by Councilmember Richards. The motion to approve carried on a vote of 7 Ayes.

- J. Consider approval of Resolution 14-R-05, revising the City’s Athletic Facilities Policy for use of the City’s parks and recreational facilities; establishing an effective date; and setting forth other matters related thereto.

Councilmember Droege moved to approve Resolution 14-R-05, revising the City's Athletic Facilities Policy for use of the City's parks and recreational facilities; establishing an effective date; and setting forth other matters related thereto. Seconded by Councilmember Stuksa. The motion to approve carried on a vote of 7 Ayes.

- K.** Consider approval of Resolution 14-R-06 authorizing the Mayor to execute an Agreement made pursuant to Texas Local Government Code Chapter 380 with University General Health System, Inc. ("UGHS"), regarding the grant of certain tax rebates relating to the development of two tracts of real property, a tract of approximately 20 acres and a reserve tract of approximately 3 acres, located along State Highway 35 North, within the municipality's corporate limits to be developed as a hospital and a skilled nursing facility with the associated infrastructure; providing an effective date and providing a termination date.

Councilmember Arendell moved to postpone this item until the meeting of March 20, 2014. Seconded by Councilmember Landriault. The motion to postpone carried on a vote of 7 Ayes.

- L.** Consider approval of Ordinance 14-D amending Chapter 4, Animals and Fowl, of the Code of Ordinances, City of Alvin, Texas, for the purpose of providing requirements concerning microchip placement in certain animals and authorizing treatment for impounded animals; providing for a penalty clause; providing for publication; providing a severability clause; providing a savings clause; providing an effective date, and setting forth other provisions related thereto **on first reading.**

Councilmember Landriault moved to approve Ordinance 14-D amending Chapter 4, Animals and Fowl, of the Code of Ordinances, City of Alvin, Texas, for the purpose of providing requirements concerning microchip placement in certain animals and authorizing treatment for impounded animals; providing for a penalty clause; providing for publication; providing a severability clause; providing a savings clause; providing an effective date, and setting forth other provisions related thereto on first reading. Seconded by Councilmember Reed. The motion to approve carried on a vote of 7 Ayes.

- M.** Consider approval of Ordinance 14-E amending Chapter 28, Comprehensive Fee Ordinance, of the Code of Ordinances, City of Alvin, Texas for the purpose of establishing microchip fees and fees for owner-surrendered animals; providing for an effective date; and setting forth other provisions related thereto **on first reading.**

Councilmember Droege moved to approve Ordinance 14-E amending Chapter 28, Comprehensive Fee Ordinance, of the Code of Ordinances, City of Alvin, Texas for the purpose of establishing microchip fees and fees for owner-surrendered animals; providing for an effective date; and setting forth other provisions related thereto on first reading. Seconded by Councilmember Reed. The motion to approve carried on a vote of 7 Ayes.

Item N was considered at this time. It is recorded in its place on the agenda to maintain the integrity of the outline.

- N.** Consider approval of Ordinance 14-H, an ordinance amending Chapter 28, Comprehensive Fee Ordinance, of the Code of Ordinances, City of Alvin, Texas for the purpose of amending fees for providing copies of public information; providing for an effective date; and setting forth other provisions related thereto **on first reading**.

Councilmember Stuksa moved to approve Ordinance 14-H, an ordinance amending Chapter 28, Comprehensive Fee Ordinance, of the Code of Ordinances, City of Alvin, Texas for the purpose of amending fees for providing copies of public information; providing for an effective date; and setting forth other provisions related thereto on first reading. Seconded by Councilmember Richards. The motion to approve carried on a vote of 7 Ayes.

- O.** Consider approval of Ordinance 14-J amending City of Alvin, Ordinance No. 13-SS, passed and approved September 12, 2013, same being an ordinance approving and adopting the City of Alvin's budget for fiscal year 2013-2014 by approving "Budget Amendment VII" to the original 2013-14 FY budget; providing for supplemental appropriation and/or transfer of certain funds as set forth in the attached Exhibit "A"; for the purpose of updating and expanding the City's current Laserfiche System in the amount of Fifty Thousand Dollars and 00/100 (\$50,000.00); providing for severability; and providing other matters related to the subject **on first reading**.

Councilmember Reed moved to approve Ordinance 14-J amending City of Alvin, Ordinance No. 13-SS, passed and approved September 12, 2013, same being an ordinance approving and adopting the City of Alvin's budget for fiscal year 2013-2014 by approving "Budget Amendment VII" to the original 2013-14 FY budget; providing for supplemental appropriation and/or transfer of certain funds as set forth in the attached Exhibit "A"; for the purpose of updating and expanding the City's current Laserfiche System in the amount of Fifty Thousand Dollars and 00/100 (\$50,000.00); providing for severability; and providing other matters related to the subject on first reading. Seconded by Councilmember Landriault.

Discussion followed.

The City Manager addressed the Council to answer questions.

The motion to approve carried on a vote of 7 Ayes.

- P. Consider approval of the purchase of 42 computers totaling \$49,689.78 using funds budgeted in the Computer Replacement Fund and authorize the City Manager to approve the purchase order(s) for this expenditure.

Councilmember Droege moved to approve the purchase of 42 computers totaling \$49,689.78 using funds budgeted in the Computer Replacement Fund and authorize the City Manager to approve the purchase order(s) for this expenditure. Seconded by Councilmember Arendell. The motion to approve carried on a vote of 7 Ayes.

- Q. Consider appointing Karl Stager, Shelby Padgett, and Johnny Wenistrom as members to the Citizens' Advisory Committee to participate with the City's consulting firm to update the City of Alvin Comprehensive Plan.

Councilmember Landriault moved to appoint Karl Stager, Shelby Padgett, and Johnny Wenistrom as members to the Citizens' Advisory Committee to participate with the City's consulting firm to update the City of Alvin Comprehensive Plan. Seconded by Councilmember Richards. The motion to appoint carried on a vote of 7 Ayes.

XII. REPORTS FROM CITY MANAGER

- A. Review preliminary list of items for the Council meeting of March 20, 2014.

The preliminary list of items for the Council meeting of March 20, 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 thanked the City Clerk for all of his years of service.

Councilmember Reed thanked the City Clerk and wished him luck.

Councilmember Arendell wished the City Clerk well and thanked him for his service.

Councilmember Richards commented that it had been a pleasure to work with the City Clerk.

Councilmember Droege wished the City Clerk luck.

Councilmember Bullard wished the City Clerk good luck.

Councilmember Stuksa commented that if the City Clerk runs out of honey does, he should contact Councilmembers who would gladly give him more projects.

The Mayor wished the City Clerk good luck.

XIV. EXECUTIVE SESSION

The Mayor called an executive session at 7:15 P.M. for the following:

- A. Section 551.071 of the Government Code: Consultation between governmental body and its attorney to seek advice of attorney about pending or contemplated litigation or a settlement offer or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.**

1. Consultation with attorney regarding election matters.

The meeting reconvened at 7:30 P.M.

XV. ACTION ITEMS FROM EXECUTIVE SESSION

XVI. OPEN MEETINGS ACT RESOLUTION

- A. Consider Resolution No. OMA-R-14-03-06, A RESOLUTION CONFIRMING COMPLIANCE WITH THE PROVISIONS OF THE OPEN MEETINGS ACT.**

Councilmember Droege moved to approve Resolution No. OMA-R-14-03-06, a resolution confirming compliance with the provisions of the Open Meetings Act. Seconded by Councilmember Reed. The motion to approve carried on a vote of 7 Ayes.

XVII. ADJOURNMENT

Councilmember Reed moved to adjourn. Seconded by Councilmember Richards. The motion to adjourn carried on a vote of 7 Ayes. The meeting adjourned at 8:13 P.M.