

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
MARCH 20, 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 7:03 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Gary Appelt, and Councilmembers Jim Landriault, Adam Arendell, Scott Reed, Brad Richards, Greg Bullard, Terry Droege and Roger Stuksa. Also present were Terry Lucas, City Manager and Bobbi Kacz, City Attorney.

II. INVOCATION

Chaplain Mary Sanders gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Ms. Julia Wuenschel, Harby Junior High Student, led the pledge of allegiance.

IV. SPECIAL PRESENTATIONS

A. The Mayor to present a proclamation declaring April 2014 as Fair Housing Month.

Mayor Appelt read a proclamation into the minutes declaring April 2014 as Fair Housing Month.

V. APPROVAL OF MINUTES

A. Approval of the minutes of the regular Council meeting of March 6, 2014.

Councilmember Droege moved to approve the minutes of the regular Council meeting of March 6, 2014. Seconded by Councilmember Bullard.

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.

Mr. J. R. Tyson, addressed the Council to request equal time to speak on the Center Point Franchise agreement, item XI. D of this agenda by open debate; he requested that the city audit its records under the Records Management Act and requested assistance for the Interim City Clerk. Mr. Tyson mentioned that the meeting regarding the road work on ByPass 35 with TxDot and members of the community was a good meeting. He expressed concern on closing a portion of Jephson Ln. that crosses the Bypass.

Mr. Eugene Bauer addressed the Council to request an operational/ performance audit on the city departments.

Ms. Julie Siggers, Director of the Alvin Convention Visitor's Bureau, and Mr. Robert Vasquez, President of the Alvin Sun Rise Rotary Club, invited the Council and those in attendance to the Alvin Music Festival and Cook Off on March 28 and 29, 2014.

VII. REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES

NONE

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 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 **second and final reading**.

- B. Consider 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 **second and final reading**.
- C. Consider Ordinance 14-H, 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 **second and final reading**.
- D. Consider 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 **second and final reading**.

There were no items removed from the consent agenda.

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

X. MATTERS REMOVED FROM CONSENT AGENDA

XI. OTHER BUSINESS:

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

- A. Consider a Professional Services Proposal with MCCi, a subsidiary of Municipal Code Corporation, in the amount of \$44,564.14 for updating and expanding the City's current Laserfiche system and authorize the City Manager to approve the purchase orders for this expenditure.

Councilmember Landriault moved to approve the Professional Services Proposal with MCCi, a subsidiary of Municipal Code Corporation, in the amount of \$44,564.14 for updating and expanding the City's current Laserfiche system and authorize the City Manager to approve the purchase orders for this expenditure. Seconded by Councilmember Droege.

Mr. Lucas, City Manager, provided an explanation of the city's Laserfiche system.

Following discussion, the motion to approve the proposal carried on a vote of 7 Ayes.

B. Receive and acknowledge the monthly financial report for February 2014.

Mr. Junru Roland, Chief Financial Officer, gave a presentation of the February 2014 monthly financial report.

Following discussion, Councilmember Droege moved to acknowledge receipt of the February 2014 monthly financial report. Seconded by Councilmember Stuksa. The motion to acknowledge receipt carried on a vote of 7 Ayes.

C. Mr. J.R. Dick Tyson requests to address Council regarding the proposed CenterPoint Franchise Agreement.

Mr. Tyson requested that he be given equal time to debate the Center Point Franchise agreement.

D. Consider Ordinance 14-G, granting to CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Alvin, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing an effective date on **first reading**.

Mayor Appelt announced that the CenterPoint franchise agreement was not ready for consideration and requested that it be placed on the April 3, 2014 Council agenda.

Councilmember Droege moved to move item D, consider Ordinance 14-G, granting to CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Alvin, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing an effective date on first reading, to the April 3, 2014 Council agenda. Seconded by Councilmember Arrendel. The motion to defer carried on a vote of 7 Ayes.

- E. Consider Resolution 14-R-08, appointing Mike Merkel as an Alternate Judge for the Alvin Municipal Court for a two year term.

Councilmember Droege moved to approve Resolution 14-R-08, appointing Mike Merkel as an Alternate Judge for the Alvin Municipal Court for a two year term. Seconded by Councilmember Arendell. The motion to appoint carried on a vote of 7 Ayes.

- F. Consider Resolution 14-R-09, accepting the donation of a 2014 livestock trailer from the Alvin Kiwanis Club to the City of Alvin Police Department's Humane Division.

Representatives of the Kiwanis Club presented the Council a check for their donation of the livestock trailer to the Alvin Police Department's Humane Division.

Councilmember Droege moved to approve Resolution 14-R-09, accepting the donation of a 2014 livestock trailer from the Alvin Kiwanis Club to the City of Alvin Police Department's Humane Division. Seconded by Councilmember Stuksa. The motion to approve carried on a vote of 7 Ayes.

- G. Consider the request of the Brazoria County Library System to close the Alvin Library branch on Saturday, April 26, 2014, from 10:00AM to 5:00PM for the purpose of the Alvin Noon Rotary Frontier Day parade and event.

Councilmember Landriault moved to accept the request to close the Alvin Library branch on Saturday, April 26, 2014, from 10:00AM to 5:00PM for the purpose of the Alvin Noon Rotary Frontier Day parade and event. Seconded by Councilmember Stuksa.

Councilmember Richards questioned if the library staff would lose pay if the library was closed. Councilmember Droege addressed his concerns.

Following discussion, the motion to approve the closure carried on a vote of 7 Ayes.

- H. Discuss the re-organization of the Engineering Department by adding a new position titled Plans Examiner and re-classifying the pay grade of the Building Official position. Discuss adding a new position titled Human Resources Director and re-classify the current Human Resources Manager to Human Resources Generalist. Discuss the pay re-classification of four Department Directors.

The City Manager addressed the Council to explain the proposed reorganization of the Engineering Department by adding a new position title Plans Examiner and re-classifying the pay grade of the Building Official. He requested to fund and hire a building official this fiscal year. The next position he discussed was adding a Human Resources Director to the organizational structure which would be a

newly funded position. He further discussed retitling the Human Resources Manager to Human Resources Generalist to eliminate the confusion of Director/ Manager title. He explained that to retitle the Human Resource Manager would not have a cost impact. The City Manager explained that a pay grade 18 was added last year to give a spread of junior and senior employees currently four directors need to be moved to pay grade 18. He further requested to reclassify the Deputy City Clerk position one pay grade to keep it current with the market .

- I. Discuss the re-organization of the Legal Department by changing one paralegal position to legal assistant and re-classifying that pay grade.

Bobbi Kacz, City Attorney, requested to re-organize the Legal Department by changing one paralegal position to legal assistant and to re-classify the pay grade. She explained that one paralegal’s job is more diverse and the other paralegal performs research and manages claims. She further requested to increase compensation at this fiscal year.

- J. Reconsider a variance request submitted by Mr. Reginald Tolbert of Real Designs for Taco City requesting Council waive the sidewalk requirement pursuant to Sec. 21-42, Sidewalks, ADA Ramps, Driveways, and Driveway Approaches.

Councilmember Bullard explained to the Council that an item should not have to be considered three times. He requested that the City Attorney research and provide to the Council options to not allow the re-occurrence of items on future Council agenda. He expressed his concerns about granting variances. He urged Council to set a process to limit variances to extraordinary situations.

Following discussion, Councilmember Bullard moved to deny the variance request submitted by Mr. Reginald Tolbert of Real Designs for Taco City requesting Council waive the sidewalk requirement pursuant to Sec. 21-42, Sidewalks, ADA Ramps, Driveways, and Driveway Approaches and will require to build the sidewalk. Seconded by Councilmember Landriault.

The Mayor call vote followed:

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

Therefore, the motion to deny the variance request failed on a vote of 5 Ayes and 2 Noes.

XII. REPORTS FROM CITY MANAGER

- A. Review preliminary list of items for the Council meeting of April 3, 2014.

The preliminary list of items for the Council meeting of April 3, 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 invited everyone to the Alvin Music Festival on March 28 & 29, 2014.

Councilmember Reed commended Junru Roland, Chief Financial Officer for keeping the City fiscal sound.

Councilmember Richards thanked Councilmember Bullard for his statements regarding variances.

Councilmember Bullard requested to go back to item XI. J to consider action.

Councilmember Droege also invited the community to the Music Festival. He mentioned that parking for the event will be at Alvin Community College.

(Council considered action on Item XI.J. It is recorded in its place on the agenda in order to maintain the integrity of the agenda outline.)

The Mayor called an executive session at 8:25 P.M. for the following:

XIV. 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 – Deliberation regarding Economic Development Negotiations; to deliberate the offer of a financial or other incentive to a business prospect.

The meeting reconvened at 8:57 P.M.

XV. ACTION ITEM FROM CLOSED EXECUTIVE SESSION

None

XVI. OPEN MEETINGS ACT RESOLUTION

- A. Consider Resolution No. OMA-R-14-03-20, A RESOLUTION CONFIRMING COMPLIANCE WITH THE PROVISIONS OF THE OPEN MEETINGS ACT.

Councilmember Arendell moved to approve Resolution No. OMA-R-14-03-20, a resolution confirming compliance with the provisions of the Open Meetings Act. Seconded by Councilmember Landriault. The motion to approve carried on a vote of 7 Ayes.

XVII. ADJOURNMENT

Councilmember Bullard moved to adjourn. Seconded by Councilmember Droege the motion to adjourn carried on a vote of 7 Ayes. The meeting adjourned at 8:59 P.M.