

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
APRIL 24, 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, Adam Arendell, Brad Richards, Terry Droege and Roger Stuksa. Also present were Terry Lucas, City Manager and Bobbi Kacz, City Attorney. Absent were Mayor Gary Appelt and Councilmember Greg Bullard.

II. INVOCATION

Chaplain Judy Zavalla gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mr. Chuck Powers led the Pledge of Allegiance.

IV. SPECIAL PRESENTATIONS

- A. Mayor to present a proclamation for Motorcycle Safety and Awareness Month.

Mayor Pro-Tem Reed presented a proclamation to Joan Wynn and numerous other riders. Ms. Wynn expressed her appreciation and support from the city officials and encouraged those in attendance to be cautious of people on motorcycles.

V. APPROVAL OF MINUTES

- A. Approval of the minutes of the regular Council meeting of April 3, 2014.

Councilmember Landriault moved to approve the minutes of April 3, 2014. Seconded by Councilmember Richards. The motion to approve carried on a vote of 6 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. Dick Tyson, 3075 Mustang Road, addressed the Council and requested to enter in the records an obituary of Elmer Dezso, a letter to Texas Commission of Environmental Quality opposing the proposed permit amendment requested Ascend Performance Materials Texas Inc. and an invitation to the 1955 Class reunion. He opposed Council District C voting location being in Hillcrest Village and the Bypass 35 road construction.

Mr. Cary Fullen, President of the Alvin Police Officer Association, requested a response to the letter of intent to bargain and provide the Association a response on May 1, 2014.

Ms. Estella Dorsett, 110 Ave. H, provided the Council with a letter requesting their help in stopping a neighbor from harassing her.

Mr. Ricky Forrest, 1718 W. Dumble #4, addressed the Council to oppose the reappointments of the Municipal Court Judge and Alternate Judge.

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-I amending Chapter 17 ½ , Signs, of the Code of Ordinances, City of Alvin, Texas by amending the definition of flagpole

and establishing requirements for placement and structural integrity of flagpoles; modifying the definition of sign official; establishing an exception regarding commercial signs; establishing an exception addressing commercial establishments whose primary business is the retail sale of newly manufactured motorized vehicles and/or equipment; amending the section on abandoned signs to reduce the amount of time a sign may be abandoned or unkempt before being in violation; providing for a penalty, for severability, for a savings clause; and setting forth other provisions related thereto **on second and final reading.**

- B. Consider Ordinance 14-L, amending City of Alvin, Ordinance 13-SS, passed and approved September 12, 2013, same being an ordinance approving and adopting the City of Alvin's budget for fiscal year 2013-14 by approving "Budget Amendment VIII" to the original 2013-14 FY budget; for the purpose of amending the organizational chart of the Legal Department by re-titling one paralegal position to Paralegal I and re-classifying one paralegal position to Paralegal II in pay grade 16 as set forth in the attached Exhibit "A"; providing for severability; and providing for other matters related thereto **on second and final reading.**
- C. Consider Ordinance 14-M, amending City of Alvin, Ordinance 13-SS, passed and approved September 12, 2013, same being an ordinance approving and adopting the City of Alvin's budget for fiscal year 2013-14 by approving "Budget Amendment IX" 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 amending the organizational chart of the Engineering Department by creating a new position titled "Plans Examiner" and re-classifying the pay grade of the Building Official position to pay grade 17 as set forth in the attached Exhibit "B"; providing for severability; and providing other matters related thereto **on second and final reading.**
- D. Consider authorizing Municipal Judge Starkey and Associate Judge Pannell to attend the Texas Municipal Courts Associations' (TMCA) Meeting and Educational training to be held in Kerrville, Texas July 17-19, 2014.
- E. Consider authorizing Alternate Judge Mike Merkel to attend the Texas Municipal Courts Educational Judicial Training to be held in Austin, Texas on July 14-18, 2014.

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

Councilmember Droege moved to approve the items of the Consent Agenda. Seconded by Councilmember Arendell. The motion to approve carried on a vote of 6 Ayes.

X. MATTERS REMOVED FROM CONSENT AGENDA

There were none.

XI. OTHER BUSINESS:

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

Items O and P were considered at this time but are recorded in its place on the agenda in order to maintain the integrity of the outline.

- A. Presentation and discussion on the Heritage South master planned development on East State Highway 6.

Mr. Larry Buehler, Economic Development Director introduced Mr. Selwin Thint, Engineer of the Heritage South master planned development. He provided a status report on the project in which currently they are in the design stages of the boulevard roadway and are preparing a TxDot package for approval along with obtaining permits for the utilities, drainage and building construction.

- B. Presentation by Parks Director on the roof replacement project at Public Service Building and City Shop.

Mr. Dan Kelinske, Parks Director, provided an update on the roof replacement at the Public Service Building and City shop with the use of a power point presentation. He explained that the conditions of the roofs were out of compliance for windstorm certification but have now been repaired.

- C. Receive and acknowledge the monthly financial report for March 2014.

Mr. Junru Roland, Chief Financial Officer, presented the March 2014 financial report.

Following discussion, Councilmember Droege moved to acknowledge receipt of the monthly financial report for March 2014. Seconded by Councilmember Landriault. The motion to acknowledge receipt carried on a vote of 6 Ayes.

- D. Receive and acknowledge receipt of the quarterly investment report for the quarter ending March 31, 2104.

Mr. Junru Roland, Chief Financial Officer, presented the quarterly investment report for the quarter ending March 31, 2014.

Councilmember Arendell moved to acknowledge receipt of the quarterly investment report for the quarter ending March 31, 2014. Seconded by Council member Droege. The motion to acknowledge receipt carried on a vote of 6 Ayes.

- E. Consider Resolution 14-R-10, re-appointing Donna Starkey as the Presiding Judge for the Alvin Municipal Court for a two (2) year term beginning September 11, 2014.

Councilmember Stuksa moved to approve Resolution 14-R-10, re-appointing Donna Starkey as the Presiding Judge for the Alvin Municipal Court for a two (2) year term beginning September 11, 2014. Seconded by Councilmember Droege. The motion to approve carried on a vote of 6 Ayes.

- F. Consider Resolution 14-R-11, re-appointing Bill Pannell as an Alternate Judge for the Alvin Municipal Court for a two (2) year term beginning October 21, 2014.

Councilmember Droege moved to approve Resolution 14-R-11, re-appointing Bill Pannell as an Alternate Judge for the Alvin Municipal Court for a two (2) year term beginning October 21, 2014. Seconded by Councilmember Arendell. The motion to reappoint carried on a vote of 6 Ayes.

- G. Consider Resolution 14-R-12 finding that the Frontier Day event serves a public purpose for the City of Alvin, Texas and approving a multi-year agreement with the Texas Department of Transportation for the temporary closure of a portion of Business 35 (Gordon Street) for the parade; authorizing the Mayor to sign the agreement; and setting forth other provisions related thereto.

Mr. Terry Lucas, City Manager, explained that the multi-year agreement would allow to speed up the process of requesting annual closures of a portion of Gordon Street for the Frontier Day, Depot Days and Home for the Holiday parades.

Councilmember Droege moved to approve Resolution 14-R-12 finding that the Frontier Day event serves a public purpose for the City of Alvin, Texas and approving a multi-year agreement with the Texas Department of Transportation for the temporary closure of a portion of Business 35 (Gordon Street) for the parade; authorizing the Mayor to sign the agreement; and setting forth other provisions related thereto. Seconded by Councilmember Landriault. The motion to approve carried on a vote of 6 Ayes.

- H. Consider Resolution 14-R-13 finding that the Depot Days event serves a public purpose for the City of Alvin, Texas and approving a multi-year agreement with the Texas Department of Transportation for the temporary closure of a portion of Business 35 (Gordon Street) for the parade; authorizing the Mayor to sign the agreement; and setting forth other provisions related thereto.

Councilmember Droege moved to approve Resolution 14-R-13 finding that the Depot Days event serves a public purpose for the City of Alvin, Texas and approving a multi-year agreement with the Texas Department of Transportation

for the temporary closure of a portion of Business 35 (Gordon Street) for the parade; authorizing the Mayor to sign the agreement; and setting forth other provisions related thereto. Seconded by Councilmember Arendell. The motion to approve carried on a vote of 6 Ayes.

- I. Consider Resolution 14-R-14 finding that the Home for the Holidays event serves a public purpose for the City of Alvin, Texas and approving a multi-year agreement with the Texas Department of Transportation for the temporary closure of a portion of Business 35 (Gordon Street) for the parade; authorizing the Mayor to sign the agreement; and setting forth other provisions related thereto.

Councilmember Droege moved to approve Resolution 14-R-14, finding that the Home for the Holidays event serves a public purpose for the City of Alvin, Texas and approving a multi-year agreement with the Texas Department of Transportation for the temporary closure of a portion of Business 35 (Gordon Street) for the parade; authorizing the Mayor to sign the agreement; and setting forth other provisions related thereto. Seconded by Councilmember Arendell. The motion to approve carried on a vote of 6 Ayes.

- J. Mr. J.R. 'Dick' Tyson requests "equal time taken Feb 20 by the City Manager" to address Council regarding the proposed CenterPoint Franchise Agreement - Ordinance 14-G. (This request is pursuant to Code of Ordinances, City of Alvin, Chapter 2, Section 2-13(a)).

Mr. Tyson addressed the Council. He explained the purpose of being allowed to participate in the discussion of the Center Point Franchise agreement. He questioned whether a public hearing is required in order to adopt a franchise agreement and if the language of "remove and relocate was taken out of the agreement. Both the City Manager and City Attorney addressed his concerns.

- K. 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**.

Councilmember Droege moved to approve Ordinance No. 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.

Seconded by Councilmember Richards. The motion to approve carried on a vote of 6 Ayes.

- L. Consider Ordinance 14-N, amending City of Alvin, Ordinance 13-SS, passed and approved September 12, 2013, same being an ordinance approving and adopting the City of Alvin's budget for fiscal year 2013-14 by approving "Budget Amendment X" to the original 2013-14 budget; for the purpose of amending the City of Alvin organizational chart of the City Manager by creating a new position titled "Director of Human Resource" and re-titling the current Human Resource Manager to Human Resource Generalist as set forth in the proposed organizational chart attached as Exhibit "A" on first reading.

Councilmember Landriault moved to approve Ordinance 14-N, amending City of Alvin, Ordinance 13-SS, passed and approved September 12, 2013, same being an ordinance approving and adopting the City of Alvin's budget for fiscal year 2013-14 by approving "Budget Amendment X" to the original 2013-14 budget; for the purpose of amending the City of Alvin organizational chart of the City Manager by creating a new position titled "Director of Human Resource" and re-titling the current Human Resource Manager to Human Resource Generalist as set forth in the proposed organizational chart attached as Exhibit "A" on first reading. Seconded by Councilmember Arendell. The motion to approve carried on a vote of 6 Ayes.

- M. Consider a Memorandum of Understanding with Texas A & M University to develop the stormwater wetlands component of the detention basin located at Kost Road and South Street and authorize the Mayor to sign.

Councilmember Landriault moved to approve the Memorandum of Understanding with Texas A & M University to develop the stormwater wetlands component of the detention basin located at Kost Road and South Street and authorize the Mayor to sign. Seconded by Councilmember Richards. The motion to approve carried on a vote of 6 Ayes.

- N. Consider award of bid to Friendswood Excavating in the amount of \$37,180.00 for the purpose of building a 115 ft. x 225 ft. parking lot addition for off street parking to be located at Pearson Park and authorize the City Manager to sign all relevant documents.

Councilmember Arendell moved to award bid to Friendswood Excavating in the amount of \$37,180.00 for the purpose of building a 115 ft. x 225 ft. parking lot addition for off street parking to be located at Pearson Park and authorize the City Manager to sign all relevant documents. Seconded by Councilmember Droege. The motion to award bid carried on a vote of 6 Ayes.

- O. Consider excusing minor delays by Team Industrial Services, Inc. in meeting their Chapter 380 Agreement benchmarks that were due December 31, 2013 due to Team's correction and abatement delays.

Mr. Larry Buehler, Economic Development Director, explained to the Council the delays by Team Industrial Services, Inc. in meeting their Chapter 380 Agreement benchmarks. He showed that all benchmarks have been as of March 31, 2014.

Councilmember Arendell moved to excuse minor delays by Team Industrial Services, Inc. in meeting their Chapter 380 Agreement benchmarks that were due December 31, 2013 due to Team's correction and abatement delays. Seconded by Councilmember Landriault. The motion to excuse delays carried on a vote 6 Ayes.

- P. Consider closure of City street(s) from Alvin Rotary Club for Frontier Day festivities scheduled from Thursday, April 24, 2014 at 10:00 P.M. through Sunday, April 27, 2014 ending at 11:00 P.M. The requested street closures are W. Sealy St. at N. Taylor St. and N. Taylor St. at Willis St.

Councilmember Droege moved to approve closure of City street(s) from Alvin Rotary Club for Frontier Day festivities scheduled from Thursday, April 24, 2014 at 10:00 P.M. through Sunday, April 27, 2014 ending at 11:00 P.M. The requested street closures are W. Sealy St. at N. Taylor St. and N. Taylor St. at Willis St. Seconded by Councilmember Landriault. The motion to approve carried on a vote of 6 Ayes.

XII. REPORTS FROM CITY MANAGER

- A. Review preliminary list of items for the Council meeting of May 1, 2014.

The preliminary list of items for the Council meeting of May 1, 2014 was presented and review.

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 Stuksa inquired if a facility was going to be put on the wet land site. The City Manager addressed his concern.

Mayor Pro-Tem Reed thanked Mr. Junru Roland, Chief Financial Officer, for clarifying questions that were brought up at the candidate's forum regarding the city's financial state.

Mayor Pro-Tem Reed called for an Executive Session in accordance to the following at 8:11 P.M.:

- 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 551.071(2) - Attorney consultation to receive attorney advice and counsel in connection with the City's legal rights, duties, privileges, and obligations related to the notice of intent to bargain received by the Alvin Police Officers Association.**
 - B. Section 551.074(a)(1) - Deliberation regarding the employment-hiring of a City Clerk unless the officer or employee who is the subject of the deliberation requests a public hearing.**

The Council reconvened from Executive Session at 8:54 P.M.

XV. ACTION ITEMS FROM CLOSED EXECUTIVE SESSION

- A. Consider approval of the City Manager's selection for City Clerk.

Councilmember Landriault moved to approve the City Manager's selection Dixie Roberts for City Clerk. Seconded by Councilmember Richards. The motion to approved carried on a vote of 6 Ayes.

XVI. OPEN MEETINGS ACT RESOLUTION

- A. Consider Resolution No. OMA-R-14-04-24, A RESOLUTION CONFIRMING COMPLIANCE WITH THE PROVISIONS OF THE OPEN MEETINGS ACT.

Councilmember Droege moved to approve Resolution No. OMA-R-14-04-24, A RESOLUTION CONFIRMING COMPLIANCE WITH THE PROVISIONS OF THE OPEN MEETINGS ACT. Seconded by Councilmember Richards. The motion to approve carried on a vote of 6 Ayes.

XVII. ADJOURNMENT

Councilmember Droege moved to adjourn the meeting. Seconded by Councilmember Arendell. The motion to adjourn carried on a vote of 6 ayes. The meeting adjourned at 8:55 p.m.