

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY MAY 7, 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, Mayor Pro-tem Terry Droege; Council members: Gabe Adame, Adam Arendell, Scott Reed, Brad Richards, Roger Stuksa and Keith Thompson.

Staff members present: Junru Roland, Interim City Manager; Bobbi Kacz, City Attorney; Dixie Roberts, City Clerk; Robert Lee, Police Chief; Brian Smith, Public Services Director; Dan Kelinske, Parks & Recreation Director, Michelle Segovia, City Engineer; Larry Buehler, Economic Development Director.

INVOCATION

Reverend David Price, Grace Episcopal Church gave the invocation.

PLEDGE OF ALLEGIANCE

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

Council member Reed led the Pledge to the Texas Flag.

SPECIAL PRESENTATION

Mayor Horn proclaimed May 10-16, 2015 as Police Week.

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 HEARINGS

There were no public hearings.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Consider of out of state travel to Socorro, New Mexico for Officer Cary Fullen of the Alvin Police Department to attend an all-expense paid Incident Response class June 22-25, 2015 through Department of Homeland Security and the Federal Emergency Management Agency.

Consider Ordinance 15-M; an ordinance amending Appendix A, Flood Damage Prevention, of the code of ordinances, City of Alvin, Texas, adding a new definition of "base flood elevation"; establishing an effective date; and providing for other related matters; second reading.

Council member Adame moved to approve the consent agenda as presented. Seconded by Council member Droege; motion to approve carried on a vote of 7 Ayes.

OTHER BUSINESS

Consider Ordinance 15-H; amending Chapter 10; Food and Food Establishments; Article V Mobile Food Establishments, of the Code of Ordinances, City of Alvin, Texas, by adding a new section of definitions and amending regulations for mobile food establishments, for the purpose of regulating the location and health requirements for mobile food establishments; establishing a penalty for violations; providing a savings and severability clause; and setting forth other provisions related thereto; first reading.

This item was removed from the agenda.

Consider Ordinance 15-B; amending Chapter 13; Itinerant Merchants and Vendors; of the Code of Ordinances, City of Alvin, Texas, providing for the regulation of solicitations in the City by amending Article I, In General, for the purpose of adding definitions, revising regulations for the application and identification cards; deleting Article III, Mobile Vendor, in its entirety; establishing a penalty for violations; providing a savings and severability clause; and setting forth other provisions related thereto; first reading.

This item was removed from the agenda.

Consider a variance request from Joseph Kessel to waive the side building setback requirement of Section 21-37 (a) of the Code of Ordinances, for his business located at 208 E. Dumble.

On April 6, 2015, staff received a variance request letter from Mr. Joseph Kessel for a variance to the City of Alvin's side building setback line requirement. Mr. Kessel's property is located at 208 E. Dumble. Mr. Kessel wishes to construct a building on an existing and previously permitted concrete slab. The existing slab is approximately 28'10" W x 92' 6" L and it extends past the 5' side building setback line 15 inches. The Planning Commission approved this variance request April 21, 2015.

Council member Droege filed an affidavit of recusal with the City Clerk because of a possible conflict of interest and will not participate in the consideration of this item.

Michelle Segovia, City Engineer presented this item before Council.

Council member Arendell moved to approve a variance request from Joseph Kessel to waive the side building setback requirement of Section 21-37 (a) of the Code of Ordinances, for his business located at 208 E. Dumble. Seconded by Council member Richards; motion to approve carried on a vote of 6 Ayes, and Council member Droege recusing.

Consider agreement for Professional Services with HDR Engineering, Inc. in an amount not to exceed \$70,285.00 for engineering services for the design of the Alvin Railroad Quiet Zone; and authorize the Mayor to sign.

In order to establish the Alvin Quiet Zone at the intersections of Tovrea Road, Gordon Street, Second Street, and CR 149 certain railroad criteria will have to be met to ensure approval of the quiet zone. In the contract submitted by HDR Engineering, Inc., engineering services will be provided, and plans will be drafted that will meet all TxDOT and railroad criteria for permitting of the quiet zone. The contract cost for these services shall not exceed \$70,285.00 and will be paid out of account 312-5501-00-9018. Along with the modifications to the four crossings mentioned above closure of the Avenue E ½ crossing will also be proposed.

Michelle Segovia, City Engineer presented this item for Council consideration.

John Peterson, HDR presented information before Council. He reported that they are proposing alterations to the previously presented plan. They are recommending making the crossing at Gordon Street a wayside horn, installing a crossing at CR149 and closing down the E ½ crossing.

He explained the use of the wayside horn as an alternative safety measure; the other crossing locations will have channelization in order to maximize safety efforts.

Council member Reed moved to approve an agreement for professional services with HDR Engineering, Inc. in an amount not to exceed \$70,285.00 for engineering services for the design of the Alvin Railroad Quiet Zone; and authorize the Mayor to sign. Seconded by Council member Arendell; motion to approve carried on a vote of 7 Ayes.

Consider a Master Preliminary Plat for Southern Colony Sections 2A, 2B, and 3, a subdivision of 67.691 acres of land (located along the east side of FM521 in the portion of the Alvin ETJ that is within Fort Bend County) situated in the William Hall League, Abstract 31, Fort Bend County, Texas; being a partial replat of The T. W. & J. H. B. House Subdivision, a subdivision recorded in volume 7, page 301, deed records of Fort Bend County, Texas; and a partial replat of Reserve J, Southern Colony Section 1, a subdivision recorded in plat number 20050137, plat records of Fort Bend County, Texas and with consideration of a variance to the City's Code of Ordinances Section 21-110 (b)(4 and 5) regarding lot size.

This subdivision is located along the east side of FM 521 in the portion of the Alvin ETJ that is within Fort Bend County. This Master Preliminary Plat proposes the next three sections of the Southern Colony Subdivision. The plat consists of 10 blocks, 348 lots and 13 reserves. In order to revive development within this community the developer is requesting to be allowed to build 45' wide and 5,000 square foot lots identical to the lots previously platted in Southern Colony Section 1 that was constructed in 2005 prior to the Planned Unit Development Section of the Subdivision Ordinance being changed. The plat meets all other conditions of the PUD Ordinance outside of lot width/size. The Planning Commission reviewed the plat as presented with a variance to lot width/size and made a recommendation of approval at their meeting on April 21, 2015.

Michelle Segovia, City Engineer presented this item for Council consideration.

Council member Arendell moved to approve a Master Preliminary Plat for Southern Colony Sections 2A, 2B, and 3, a subdivision of 67.691 acres of land (located along the east side of FM521 in the portion of the Alvin ETJ that is within Fort Bend County) situated in the William Hall League, Abstract 31, Fort Bend County, Texas; being a partial replat of The T. W. & J. H. B. House Subdivision, a subdivision recorded in volume 7, page 301, deed records of Fort Bend County, Texas; and a partial replat of Reserve J, Southern Colony Section 1, a subdivision recorded in plat number 20050137, plat records of Fort Bend County, Texas and with consideration of a variance to the City's Code of Ordinances Section 21-110 (b)(4 and 5) regarding lot size. Seconded by Council member Richards motion to approve carried on a vote of 5 Ayes; with Council member Droege and Stuksa voting No.

Consider a Final Plat for Guice Subdivision, 9.984 acres (4833 Wickwillow Lane), being all of a called 10 acre tract of land as recorded in file number 93-038874, official records of real property, Brazoria County, Texas, being a part of and out of lots 35 and 36 of The Norman Chatfield Subdivision, as recorded in volume 2, page 38, plat records, Brazoria County, Texas, situated in the Francis Moore League, Abstract 100, Brazoria County, Texas.

This property is located along Wickwillow Lane in the Alvin ETJ and is being platted in order to reconfigure the existing two lots for conveyance. The Planning Commission recommended approval of this plat at their meeting on April 21, 2015.

Michelle Segovia, City Engineer presented this item for Council consideration.

Council member Adame moved to approve a Final Plat for Guice Subdivision, 9.984 acres (4833 Wickwillow Lane), being all of a called 10 acre tract of land as recorded in file number 93-038874, official records of real property, Brazoria County, Texas, being a part of and out of lots 35 and 36 of

The Norman Chatfield Subdivision, as recorded in volume 2, page 38, plat records, Brazoria County, Texas, situated in the Francis Moore League, Abstract 100, Brazoria County, Texas. Seconded by Council member Stuksa; motion to approve carried on a vote of 7 Ayes.

Consider a Final Plat for Estate of Alvin, 1.90 acres (390 CR 281), being all of a 1.86 acre tract being described as Tract 1, document number 2006057683, official records of Real Property, Brazoria County, Texas and 0.03 acres out of a 3.25 acre tract as recorded in document number 2006061712, official records of Real Property, Brazoria County, Texas being out of H. T. & B. R. R. Company Survey number 37, Abstract 295, Brazoria County, Texas.

This property is located north of County Road 281 in Alvin's ETJ and is being platted in order to move a lot line to prevent encroachment of a driveway onto the neighboring property. The Planning Commission recommended approval of this plat at their meeting on April 21, 2015.

Michelle Segovia, City Engineer presented this item for Council consideration.

Council member Adame moved to approve a final plat for Estate of Alvin, 1.90 acres (390 CR 281), being all of a 1.86 acre tract being described as Tract 1, document number 2006057683, official records of Real Property, Brazoria County, Texas and 0.03 acres out of a 3.25 acre tract as recorded in document number 2006061712, official records of Real Property, Brazoria County, Texas being out of H. T. & B. R. R. Company Survey number 37, Abstract 295, Brazoria County, Texas. Seconded by Council member Droege; motion to approve carried on a vote of 7Ayes.

Consider a Final Plat for Bullard Estate, 1.34 acres (1308 S. Booth Lane); being all of a called 0.60 acre tract of land as recorded in file number 96-009753, official Records of Real Property, Brazoria County, Texas, and all of two tracts of land, called Tract 1 and Tract 2, as recorded in document number 2015011527, official Records of Real Property, Brazoria County, Texas, situated in Section 14 of the H. T. & B. R. R. Company Survey, Abstract 449, Brazoria County, Texas.

The final plat of Bullard Estate has been drafted in order to covert three existing lots into two lots for conveyance. The property is located within the City limits on South Booth Lane. The Planning Commission recommended approval of this plat at their meeting on April 21, 2015.

Michelle Segovia, City Engineer presented this item for Council consideration.

Council member Droege moved to approve a **Final Plat for Bullard Estate, 1.34 acres (1308 S. Booth Lane)**; being all of a called 0.60 acre tract of land as recorded in file number 96-009753, official Records of Real Property, Brazoria County, Texas, and all of two tracts of land, called Tract 1 and Tract 2, as recorded in document number 2015011527, official Records of Real Property, Brazoria County, Texas, situated in Section 14 of the H. T. & B. R. R. Company Survey, Abstract 449, Brazoria County, Texas. Seconded by Council member Stuksa; motion to approve carried on a vote of 7Ayes.

Acknowledge receipt of the Planning Commission's recommendation to City Council for the Public Services 5-year Capital Improvements Plan.

Council member Arendell moved to approve Acknowledge receipt of the Planning Commission's recommendation to City Council for the Public Services 5-year Capital Improvements Plan. Seconded by Council member Richards; motion to approve carried on a vote of 7Ayes.

Acknowledge receipt of the Planning Commission's recommendation to City Council for the Parks 3-year Capital Improvements Plan.

Council member Reed moved to acknowledge receipt of the Planning Commission's recommendation to City Council for the Parks 3-year Capital Improvements Plan. Seconded by Council member Arendell; motion to approve carried on a vote of 7 Ayes.

Consider awarding a bid to Dataprose for utility billing services for an estimated annual amount of \$55,500.00 for Utility Billing and Printing for one (1) year, effective September 8, 2015; with the option to renew for three (3) additional one (1) year terms.

Dataprose provides direct mail and billing statement services to municipalities, private utility companies, financial services, retailers, telecommunications, healthcare providers, and higher education industries. On April 21, 2015 bids were opened and Dataprose offered the second lowest bid. Dataprose does not charge for additional impressions (back page) on invoices as the lowest bidder does, so the cost would fluctuate less. Dataprose also does not charge for set up of the additional inserts we do 2-3 times a year. We have used Dataprose since May of 2003 and they provide outstanding customer and professional services. Dataprose is also compatible with our current Incode software.

Council member Reed moved to award a bid to Dataprose for utility billing services for an estimated annual amount of \$55,500.00 for Utility Billing and Printing for one (1) year, effective September 8, 2015; with the option to renew for three (3) additional one (1) year terms. Seconded by Council member Thompson; motion to approve carried on a vote of 7Ayes.

REPORTS FROM CITY MANAGER

Review preliminary list of items for the Council meeting of May 21, 2015.

Mr. Roland reviewed the preliminary list for the May 21, 2015 City Council meeting.

Announcements/Items of Community Interest

Mr. Roland reviewed the voting locations for the general election to be held on Saturday May 9, 2015 and also reviewed information for the upcoming spring cleanup on Saturday May 9th. Mr. Roland stated that the Starbucks on Bypass 35 next to Verizon Wireless opened for business this week.

REPORTS FROM COUNCILMEMBERS

Pursuant to S.B. No. 1182, City Councilmembers 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.

Council member Thompson thanked the Police Department for their professionalism in which they handled a dangerous situation this past week. He also thanked Alvin Community College for their work in setting up the livestreaming of city council meetings on the city's website.

Council member Reed asked that staff look into the lowering of the speed limit from 30 to 20 mph in Kendall Lakes.

Council member Arendell congratulated the Alvin High School boy's baseball team in making it to the 1st round of playoffs. He also thanked the Police Department for a job well done. He asked everyone to pray for all those involved in the police incident; including their family members.

Council member Richards thanked the Police Department for the job that they do.

Council member Droege stated that a ceremony will be held at Alvin Community College on Monday May 11th to commemorate Police Week. He also wished the mother's a Happy Mother's Day.

Council member Adame thanked the Police Department. He also asked that staff look into enforcing the no parking on West Dumble and College Drive around the Little League fields. Council member Adame extended an invitation to the Alvin Noon's Day Lion Club Vegas night being held on Friday May 15th.

Council member Stuksa encouraged everyone to get involved in the spring clean-up on Saturday May 9th.

Mayor Horn reported that work is progressing at the detention project at Kost and South Street. He thanked Brazoria County, C&R District #3 and the city for their collaborative efforts.

EXECUTIVE SESSION

Mayor Horn convened to executive session at 7:46 p.m.

- 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.
1. City Manager Search.
 2. Fire Chief and Economic Development Director Compensation

RECONVENE TO OPEN SESSION

Mayor Horn reconvened to executive session at 8:56 p.m.

ACTION ITEM

Consider selection of City Manager and approval of employment agreement; and authorize Mayor to execute same.

Council member Adame moved to approve Sereniah Breland as the City Manager. Seconded by Council member Arendell; motion to approve carried on a vote of 7Ayes.

Council member Adame moved to approve the employment agreement with Ms. Breland and authorize the Mayor to sign. Seconded by Council member Droege; motion to approve carried on a vote of 7Ayes.

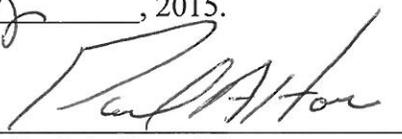
Council member Adame moved to approve in addition to the contract, the moving and temporary housing expenses discussed in executive session; that being the City paying up to \$10,000.00 of actual moving expenses and 6 months of \$1,500.00 a month for temporary housing with the repayment provision for less than 2 years of service. Seconded by Council member Arendell; motion to approve carried on a vote of 7Ayes.

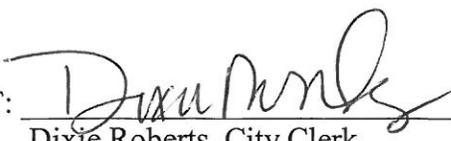
Consider amending compensation for Fire Chief and Economic Development Director.
No action taken.

ADJOURNMENT

Council member Arendell moved to adjourn the meeting at 8:56 p.m. Seconded by Council member Thompson; motion to adjourn carried on a vote of 7 Ayes.

PASSED and APPROVED this 21 day of May, 2015.


Paul A. Horn, Mayor

ATTEST: 
Dixie Roberts, City Clerk