

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
MAY 15, 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 Jim Landriault, Scott Reed, Adam Arendell, Brad Richards, Terry Droege, Greg Bullard and Roger Stuksa. Also present were Terry Lucas, City Manager and Bobbi Kacz, City Attorney.

II. INVOCATION

Reverend Jay William from Church of the Nazarene gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Appelt led the Pledge of Allegiance.

IV. SPECIAL PRESENTATIONS

V. APPROVAL OF MINUTES

A. Approve minutes of the May 1, 2014 regular Council meeting.

Councilmember Droege moved to approve the minutes of May 1, 2014. Seconded by Councilmember Richards. The motion to approve carried on a vote of 7 Ayes.

Mayor Pro-Tem Reed explained the cancellation of the May 6 special Council meeting.

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. Paul Horn, 3233 Sky Ranch Dr., thanked the citizens for voting in the May 10th general election. He commended the outgoing Councilmembers for serving as Councilmembers. He announced the dates of the state and local runoff elections.

Mr. Karlis Ercums, 4010 Country Trails, spoke in support of the proposed Alvin Municipal Shooting Sports Park and Youth Education Center.

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-Q, 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 XI" to the original 2013-14 budget; for the purpose of reclassifying the Deputy City Clerk position to pay-grade 14 and providing for supplemental appropriation and/or transfer of certain funds as set forth in the attached Exhibit A; providing for severability; and providing for other matters related thereto **on second and final reading.**
- B. Consider out-of-state travel for Alvin PD Officers James Muhl and Manny Cruz to travel to Tucson, Arizona for training and retrieval of the two Victory Motorcycles purchased by the Police Department.
- C. **Reconsider Ordinance 14-G**, an ordinance 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**.

Item C was removed from the Consent Agenda for separate discussion.

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

X. MATTERS REMOVED FROM CONSENT AGENDA

- D. Reconsider Ordinance 14-G, an ordinance 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.

Following discussion, Councilmember Landriault moved to reconsider Ordinance 14-G, an ordinance 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 Arendell. The motion to approve carried on a vote of 7 Ayes.

XI. OTHER BUSINESS:

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

- A. Presentation by Mr. Sean Wilder and his daughter, Miranda, regarding the proposed Alvin Municipal Shooting Sports Park and Youth Education Center.

Mr. Sean Wilder gave a presentation on the Olympic competition for target shooting. He explained the national and international organizations for target shooting together hold 80 events a year which brings in revenue locally. He spoke in support of the proposed Sports Complex due to the potential of it becoming a world class facility. Mr. Wilder introduced his daughter Miranda. She spoke on her experience as an Olympic medalist in target shooting.

- B. Consider Resolution 14-R-15, a resolution by the City Council of Alvin, Texas accepting the donation of an armored BAE Caiman Multi-Terrain Vehicle (C-MTV) at a value in excess of \$733,000 from the Department of Defense to the Alvin Police Department.

Lt. Ken Darnell, Alvin Police Department, gave a power point presentation on the BAE Caiman Multi-Terrain Vehicle (C-MTV).

Councilmember Stuksa moved to approve resolution 14-R-15, a resolution by the City Council of Alvin, Texas accepting the donation of an armored BAE Caiman Multi-Terrain Vehicle (C-MTV) at a value in excess of \$733,000 from the Department of Defense to the Alvin Police Department. Seconded by Councilmember Arendell. The motion to approve carried on a vote of 6 Ayes.

Councilmember Landriault was out of the room at the time of the vote.

- C. Consider approval of an agreement between Brazoria County and the City of Alvin for the City to receive a grant of \$24,700.00 from the 2014 CDBG program for improvements to sidewalks in the City of Alvin.

Michelle Segovia, City Engineer, addressed the Council to explain this agreement and addressed the Council's questions.

Councilmember Reed moved to approve an agreement between Brazoria County and the City of Alvin for the City to receive a grant of \$24,700.00 from the 2014 CDBG program for improvements to sidewalks in the City of Alvin. Seconded by Councilmember Droege. The motion to approve carried on a vote of 7 Ayes.

- D. Consider approval of the purchase of a 2014 Rhino FX 21 Flex Flail Mower from Angleton Tractor Company in the amount of \$21,750 for the Public Services Department.

Councilmember Droege moved to approve the purchase of a 2014 Rhino FX 21 Flex Flail Mower from Angleton Tractor Company in the amount of \$21,750 for the Public Services Department. Seconded by Councilmember Stuksa. The motion to approve carried on a vote of 7 Ayes.

- E. Consider approval of the purchase of a John Deere 5100E Utility Tractor from Brookside Equipment through HGAC in the amount of \$41,294.50 for the Public Services Department.

Following discussion, Councilmember Stuksa moved to approve the purchase of a John Deere 5100E Utility Tractor from Brookside Equipment through HGAC in the amount of \$41,294.50 for the Public Services Department. Seconded by Councilmember Richards. The motion to approve carried on a vote of 7 Ayes.

- F. Consider approval of the purchase of a 2014 John Deere Backhoe Loader from Doggett Heavy Machinery through HGAC in the amount of \$56,108.38 for the Public Services Department.

Councilmember Landriault's absence was noted at this time during the meeting and returned after the vote of item F.

Councilmember Arendell moved to approve the purchase of a 2014 John Deere Backhoe Loader from Doggett Heavy Machinery through HGAC in the amount of \$56,108.38 for the Public Services Department. Seconded by Councilmember Bullard. The motion to approve carried on a vote of 6 Ayes.

- G. Reconsider a variance request from Mr. Chris Zieber to waive the screening requirements of outdoor storage of Section 35-34(4) of the Corridor Land Use Ordinance. The proposed monument business location is along SH 6 at County Road 149.

Mayor Appelt explained the purpose of reconsidering this variance request. Mr. Zieber addressed the Council to explain the purpose of his request with the use of a power point presentation.

Following discussion Councilmember Richards moved to approve a variance request from Mr. Chris Zieber to waive the screening requirements of outdoor storage of Section 35-34(4) of the Corridor Land Use Ordinance. The proposed monument business location is along SH 6 at County Road 149 and this variance will not negatively impact the public and it meets the standards of the Corridor Land Use Ordinance. Seconded by Councilmember Reed. The motion to approve carried on a vote of 5 Ayes and 2 Noes by Councilmembers Landriault and Bullard.

- H. Consider a variance request from William Briggs of Vanguard Truck Centers to waive the screening requirements of 'outdoor storage' of Section 35-34(4) of the Corridor Land Use Ordinance for the business located at 2220 N. Gordon, Alvin. (Postponed from May 1, 2014 meeting.)

Mr. William Briggs with the use of a power point presentation gave an explanation to the Council. Councilmember Landriault moved to approve the variance request from William Briggs of Vanguard Truck Centers to waive the screening requirements of 'outdoor storage' of Section 35-34(4) of the Corridor Land Use Ordinance for the business located at 2220 N. Gordon, Alvin and this variance will not negatively impact the public and it meets the standards of the Corridor Land Use Ordinance. Seconded by Councilmember Bullard. The motion to approve carried on a vote of 7 Ayes.

XII. REPORTS FROM CITY MANAGER

- A. Review preliminary list of items for the Council meeting of June 6, 2014.

The preliminary list of items for the Council meeting of May 1, 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 Reed explained the reason the May 6 Council meeting was cancelled and the steps he used to individually speak to the Councilmembers to cancel the meeting.

Councilmember Landriault thanked those who voted on May 10. He announced the date of the runoff election.

Councilmember Reed thanked Councilmember Bullard and Landriault for serving on the Council.

Councilmember Droege commended the Parks Department for receiving the Playful City award.

Councilmember Bullard inquired on which business plan Mr. Karlis Ercums had during the Petitions and Request from the public. His inquiry was addressed by Councilmember Reed.

Mayor Appelt called for an Executive Session at 8:46 P.M. in accordance with the following:

XIV. CLOSED EXECUTIVE SESSION: THE CITY COUNCIL WILL CONVENE INTO A CLOSED EXECUTIVE MEETING IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, PURSUANT TO THE AUTHORITY CONTAINED IN:

- A. **Section 551.071(2) – Attorney consultation to receive attorney advice and counsel on 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 this chapter.**
- B. **Section 551.074 - 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.**

- A. Discuss the City Manager’s conduct and employment with the City of Alvin.

The meeting reconvened at P.M. 10:17 p.m.

XV. ACTION ITEMS FROM EXECUTIVE SESSION

- A. Consider taking disciplinary action including possible termination of the City Manager.

Councilmember Arendell moved to find the City Manager, Terry Lucas, was acting as City Manager when he wrote the letter to the editor that was in the Alvin Sun. Seconded by councilmember Stuksa.

A roll call vote was taken:

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

The motion carried on a vote of 4 Ayes and 3 Noes.

Councilmember Richards moved to put a letter of reprimand in the file of the City Manager Terry Lucas. Seconded by Councilmember Reed.

A roll call vote was taken:

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

The motion carried on a vote of 4 Ayes and 3 Noes.

XVI. OPEN MEETINGS ACT RESOLUTION

- A. Consider Resolution OMA-R-14-05-15, A RESOLUTION CONFIRMING COMPLIANCE WITH THE PROVISIONS OF THE OPEN MEETINGS ACT.

Councilmember Landriault moved to approve Resolution OMA-R-14-05-15, A RESOLUTION CONFIRMING COMPLIANCE WITH THE PROVISIONS OF THE

OPEN MEETINGS ACT. Seconded by Councilmember Droege. The motion to approve carried on a vote of 7 Ayes.

XVII. ADJOURNMENT

Councilmember Arendell moved to adjourn the meeting. Seconded by Councilmember Stuksa. The motion to adjourn carried on a vote of 7 Ayes. The meeting adjourned at 10:21 p.m.