

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY, JUNE 5, 2014
7:00 P.M.

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, Greg Bullard and Roger Stuksa. Also present were Terry Lucas, City Manager and Bobbi Kacz, City Attorney.

INVOCATION

Mr. Charles Smith of First Christian Church in Alvin led the invocation.

PLEDGE OF ALLEGIANCE

Maverick Elkins and Luke Davidson led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

There were no special presentations.

APPROVAL OF MINUTES

On motion by Councilmember Stuksa, second by Councilmember Arendell, with all members present voting "aye" to approve the minutes of the May 15, 2014 regular City Council meeting.

On motion by Councilmember Droege, second by Councilmember Arendell, with all members present voting "aye" to approve the minutes of the May 20, 2014 special City Council meeting.

PETITIONS OR REQUESTS FROM THE PUBLIC

Terry Lucas, City Manager addressed the Council and citizens to inform them of his intent to retire on December 31, 2014. He asked that council stay committed to the completion of the many projects that are on the forefront.

Carry Fuller with the Alvin Police Officer's Association addressed the Council requesting that 2 members from city council are present along with legal representation at the next collective bargaining agreement sessions.

Laura Boyd addressed Council regarding the amendment to Section 4.6 of the Code of Ordinances as it relates to reptiles. She would like Council to amend Section 4.6 of the Code of Ordinances to allow for an annual review by the Chief of Police to approve certain reptiles for sale and ownership within the city limits. She would like to see the ordinance changed so that businesses would be required to obtain a permit to sell the animals or reptiles that are on the approved list reviewed by the Chief of Police. She would also like the code amended so that the citizens of Alvin could purchase and house the animals/reptiles on the approved list.

Eugene Bauer stated that the City of Alvin received an award from Association of Government Accountant's for Citizen-Centric Reporting. He thanked staff for their efforts in obtaining this award and prestigious recognition.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:

- A. Consider rescheduling the regular City Council meetings of July 3, 2014 to July 10, 2014 and July 17, 2014 to July 24, 2014.
- B. Consider 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 second and final reading.

On motion by Councilmember Droege second by Councilmember Arendell with all members present voting "aye" the consent agenda was approved as follows:

- A. Consider rescheduling the regular City Council meetings of July 3, 2014 to July 10, 2014 and July 17, 2014 to July 24, 2014 - *approved*
- B. Consider 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 – *adopted on second and final reading.*

OTHER BUSINESS:

Administer the Statement of Appointed Officer and the Oath of Office to newly elected Councilmember for District C, Keith Thompson, and to newly elected Councilmember for District E, Gabe Adame.

Judge Starkey administered the Statement of Appointed Officer and the Oath of Office to newly elected Councilmember for District C, Keith Thompson, and newly elected Councilmember for District E, Gabe Adame.

Councilmember Keith Thompson entered the meeting at 7:20 p.m.

Councilmember Gabe Adame entered the meeting at 7:22 p.m.

Consider approval of Resolution No. 14-R-19 honoring Jim Landriault for his service to the community as Councilmember District C, City of Alvin, Texas.

On motion by Councilmember Stuksa second by Councilmember Arendell with all members present voting "aye" to approve Resolution 14-R-19 honoring Jim Landriault for his service to the community as Councilmember District C, City of Alvin, Texas.

Mayor Pro-tem Reed presented former Councilmember Landriault with a plaque of appreciation.

Consider approval of Resolution No. 14-R-20 honoring Greg Bullard for his service to the community as Councilmember District E, City of Alvin, Texas.

On motion by Councilmember Droege second by Councilmember Arendell with all members present voting “aye” to approve Resolution 14-R-20 honoring Greg Bullard for his service to the community as Councilmember District E, City of Alvin, Texas.

Mayor Pro-tem Reed presented former Councilmember Greg Bullard with a plaque of appreciation.

Receive and acknowledge the monthly financial report for April, 2014.

Mr. Roland presented the monthly financial report for April, 2014. He stated that the City of Alvin recently received the AA credit rating from Standard’s and Poor. The city previously held the A+ rating.

Mr. Lucas thanked Mr. Roland and his department for their hard work and dedication in obtaining this outstanding credit rating.

On motion by Councilmember Droege second by Councilmember Arendell to acknowledge the receipt of the monthly financial report for April 2014.

Consider Ordinance 14-P, an ordinance amending Chapter 12, Health and Sanitation, of the Code of Ordinances, City of Alvin, Texas, regulating the use of e-cigarettes in city facilities and restaurants, and adding a new Article IV, Regulation of Sale and Use of E-Cigarettes by Minors; providing for severability; providing for a savings clause; providing for a penalty; providing for publication; providing an effective date; and setting forth other provisions related thereto on first reading.

Agenda commentary information provided from Chief Robert Lee: *New, unregulated smoking devices, commonly called e-cigarettes, or electronic cigarettes have become more available and popular among consumers and although originally touted as a "stop smoking aid" studies have not definitively proven that they actually help individuals to stop smoking. These smoking devices usually contain nicotine which is highly toxic and, according to the American Heart Association, highly addictive and one of the hardest addictions to quit. As an unregulated product any person, regardless of age, can currently legally purchase the device and in fact manufacturers of the device currently offer such flavors as strawberry, peach, watermelon, grape, and coffee which would appeal to younger consumers. As the health of our citizens is of paramount concern, regulation which restricts possession, purchase, and sale of this device is needed.*

On motion by Councilmember Droege second by Councilmember Stuksa with all members present voting “aye” to approve Ordinance 14-P amending Chapter 12, Health and Sanitation, of the Code of Ordinances, City of Alvin, Texas, regulating the use of e-cigarettes in city facilities and restaurants, and adding a new Article IV, Regulation of Sale and use of E-Cigarettes by minors; providing for publication; providing an effective date; and setting forth other provisions related thereto on first reading.

Consider a Memorandum of Understanding (“MOU”) between the Texas A&M Forest Service, a member of the Texas A&M University System, an agency of the State of Texas (TFS) and Regional Incident Management Team (RIMT) Member Ron Schmitz and the Participating

Agency/Employer City of Alvin to delineate responsibilities and procedures for RIMT activities under the authority of the State of Texas Emergency Management Plan and authorize the City Manager to sign.

Agenda commentary information provided from Ron Schmitz: *This MOU provides a process for deployment of team members during a disaster at the request of the State of Texas and the reimbursement for such a deployment.*

On motion by Councilmember Arendell second by Councilmember Droege with all members present voting “aye” to approve a Memorandum of Understanding (“MOU”) between the Texas A&M Forest Service, a member of the Texas A&M University System, an agency of the State of Texas (TFS) and Regional Incident Management Team (RIMT) Member Ron Schmitz and the Participating Agency/Employer City of Alvin to delineate responsibilities and procedures for RIMT activities under the authority of the State of Texas Emergency Management Plan and authorize the City Manager to sign.

Consider a variance request from Ivan Langford, General Manager for Gulf Coast Water Authority to waive the 'rear setback' requirements of Section 35-12 Lots (C)(4) Rear Yard of the Corridor Land Use Ordinance for their offices located at 1500 W. Highway 6.

Agenda commentary information provided by Sussie Sutton: *On May 1, 2014, the pre development team met with representatives of the Gulf Coast Water Authority concerning a new carport building to be constructed at the 1500 West Highway 6 location. At that meeting they were informed of the Corridor Land Use Ordinance concerning set back lines for new buildings. On May 14, 2014, city staff received a variance request to waive the rear setback requirements under Section 35-12 Lots (C)(4) Rear Yard, of the Corridor Land Use Ordinance. A copy of the correspondence and site plan are attached for your perusal. On May 20, 2014 the Planning Commission recommended approval of the variance.*

Michelle Segovia, City Engineer presented council with information relating to this item.

On motion by Councilmember Droege second by Mayo Pro-tem Reed with all members present voting “aye” to approve a variance request from Ivan Langford, General Manager for Gulf Coast Water Authority to waive the ‘rear setback’ requirements of Section 35-12 Lots (C)(4) rear yard of the Corridor Land Use Ordinance for their offices located at 1500 W. Highway 6 with the caveat that slat fencing is placed along the HWY 6 portion of the property and along the west-side of McCormick street to help with the aesthetics of the property.

REPORTS FROM CITY MANAGER

Mr. Lucas reviewed the preliminary list of items for the Council meeting of June 19, 2014.

REPORTS FROM COUNCILMEMBERS

Councilmember Arendell thanked previous Councilmembers Jim Landriault and Greg Bullard for their service to this City and welcomed newly elected Councilmember’s Keith Thompson and Gabe Adame.

Councilmember Richards Councilmember Arendell thanked previous Councilmembers Jim Landriault and Greg Bullard for their service to this City and welcomed newly elected Councilmember’s Keith Thompson and Gabe Adame.

Councilmember Droege thanked previous Councilmembers Jim Landriault and Greg Bullard for their service to this City and wished good luck to the two newly elected Councilmember's Keith Thompson and Gabe Adame.

Councilmember Adame thanked Greg Bullard and Jim Landriault for their service to this City. He also thanked the voters of District E for electing him as a member of the City Council, and also thanked his family and especially his wife for their help during his bid for a position on City Council. Councilmember Adame also congratulated members of staff for their hard work in the recent rating upgrade through Standard and Poor's.

Councilmember Stuksa thanked Greg Bullard and Jim Landriault for a job well done. He also welcomed Councilmember Adame and Thompson.

On behalf of Mayor Appelt Mayor Pro-tem Reed thanked Greg Bullard and Jim Landriault for their service to the City of Alvin and welcomed Councilmember Adame and Thompson.

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

Section 551.087 of the Government Code: (1) Deliberations regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations or (2) deliberations regarding the offer of a financial or other incentive to a business prospect described by Subdivision (1).

Mayor Pro-tem Reed adjourned the meeting to executive session at 7:47 p.m.

ACTION ITEMS FROM EXECUTIVE SESSION

Mayor Pro-tem Reed re-convened the meeting to regular session at 8:22 p.m.

There was no action taken.

OPEN MEETINGS ACT RESOLUTION

On motion by Councilmember Arendell second by Councilmember Droege with all members present voting "aye" Resolution No. OMA-R-14-06-05 confirming compliance with the provisions of the Open Meetings Act was approved.

ADJOURNMENT

On motion by Councilmember Adame second by Councilmember Droege with all members present voting "aye" the meeting adjourned at 8:22 p.m.

These minutes read and approved this _____ day of _____, 2014.

Gary Appelt, Mayor

Dixie Roberts, City Clerk