

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY, JUNE 19, 2014
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 Pro-Tem Scott Reed and Councilmembers Keith Thompson, Adam Arendell, Brad Richards, Terry Droege, Gabe Adame and Roger Stuksa. Also present was Junru Roland, Interim City Manager. Absent were Mayor Gary Appelt and Bobbi Kacz, City Attorney.

INVOCATION

Jeanette Stuksa gave the Invocation.

PLEDGE OF ALLEGIANCE

Councilmember Stuksa led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

None

APPROVAL OF MINUTES

Councilmember Stuksa moved to approve the minutes of June 5, 2014. Seconded by Councilmember Arendell; motion to approve carried on a vote of 7 Ayes.

Councilmember Droege moved to approve the minutes of June 12, 2014. Seconded by Councilmember Richards; motion to approve carried on a vote of 7 Ayes.

PETITIONS OR REQUESTS FROM THE PUBLIC

Daniel Richey, 513 Debbie Lane, stated that Council should not ban e-cigarettes in public places. He felt that businesses should be allowed to make their own decision as to whether or not e-cigarettes should be allowed at their establishment. He gave a testimony on his improved health since converting to the use of electronic cigarettes.

Charles LeBoyd, 409 Debbie Lane stated that the banning of e-cigarettes in public places should be left up to the discretion of the business owner and not the Council. He discredited the claim that vaping would lead a minor child to smoking. He does however support the ban of selling e-cigarettes to minors. He stated that the chemicals from second hand smoke are much higher than the chemicals in the vapor from e-cigarettes. The vaping chemicals are similar to the chemicals found in breathing treatments of an asthmatic patient and the everyday food we eat. He gave an explanation as to his health improvements

since he quit smoking a year ago. He provided Council with a study and various reports regarding electronic cigarettes.

Kelly Ryman, 775 Steele Rd. #10, gave a testimony on how his health has improved by converting to the use of e-cigarettes. He agrees that minors should not be allowed to purchase electronic cigarettes. Mr. Ryman stated that the use of e-cigarettes in business establishments should be left up to the discretion of the businesses owners.

REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES

None

PUBLIC HEARING-NONE

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:

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 second and final reading.

This item was removed from the consent agenda by Councilmember Droege.

MATTERS REMOVED FROM CONSENT AGENDA

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 second and final reading.

Councilmember Droege called Police Chief Lee to the podium to explain the purpose of Ordinance 14-P. Chief Lee explained that e-cigarettes are an unregulated nicotine delivery system that come in many different flavors; unlike cigarettes which either come in menthol or regular tobacco. He reported that last year there were 1,400 poisonings caused from the skin contact by chemicals from e-cigarettes; over half were sustained from children under the age of six. Several states have enacted legislation and several cities in the state of Texas have enacted rules and regulations for the use of e-cigarettes for public safety and health reasons. The Chief explained that his concern is with the concentration of nicotine found in the electronic cigarettes. If skin contact is made it is absorbed into the skin. Chief Lee stated that studies have shown that 2nd hand smoke from e-cigarettes still contain nicotine. He is proposing that the use and sale of such device is banned from children under the age of 18 and that the use of e-cigarettes in public places is prohibited due to the nicotine being exhaled in the vapors.

Mayor Pro-Tem Reed asked if there were any exemptions. Chief Lee explained that e-cigarettes have the same exemptions as cigarettes.

Councilmember Stuksa moved to approve 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 second and final reading. The motion was seconded by Councilmember Droege; motion carried on a vote of 7 Ayes.

OTHER BUSINESS:

Consider awarding a bid to CPR Services & Supplies with an estimated annual cost of \$25,000 to purchase high density corrugated polyethylene pipe for (1) year with an option to an additional year with the same price and conditions.

Councilmember Arendell moved to approve awarding a bid to CPR Services & Supplies to purchase high density corrugated polyethylene pipe for (1) year with an option to an additional year with the same price and conditions. Seconded by Councilmember Richards; the motion to award bid carried on a vote of 7 Ayes.

Consider awarding a bid to T Construction, LLC in the amount of \$1,135,165.00 for the purpose of rehabilitating and replacing 18,250 linear feet of sanitary sewer line under Round 2.2 of the Texas General Land Office - Hurricane Dolly and Hurricane Ike Recovery Grant.

Mayor Pro-Tem Reed inquired about the construction date of this project. Brian Smith, Public Service Director introduced Mr. Turner, construction engineer for said project. Mr. Turner stated that if the bid is awarded tonight the preconstruction conference will be held in July and a notice to proceed will be issued at the end of July. The project will take approximately 10 months; with an expected completion date of February 2015. The contractors will submit a schedule on the sequence of the project. Mayor Pro-Tem Reed asked if a notice would be published in the newspaper notifying citizens of the areas affected by this project.

Both Mr. Turner and the Public Works Director agreed that a notice would be published.

Councilmember Stuksa moved to approve awarding a bid to T Construction, LLC for the purpose of rehabilitating and replacing 18,250 linear feet of sanitary sewer line under Round 2.2 of the Texas General Land Office - Hurricane Dolly and Hurricane Ike Recovery Grant Seconded by Councilmember Arendell; motion to award carried on a vote of 7 Ayes.

REPORTS FROM CITY MANAGER

Junru Roland, Interim City Manager, reviewed the preliminary list of items for the Council meeting of July 10, 2014.

REPORTS FROM COUNCILMEMBERS

There were no announcements or requests from Councilmembers.

OPEN MEETINGS ACT RESOLUTION

Councilmember Arendell moved to approve Resolution No. OMA-R-14-06-19, a resolution confirming compliance with the provisions of the Open Meetings Act. Seconded by Councilmember Droege; motion to approve carried on a vote of 7 Ayes.

ADJOURNMENT

Councilmember Adame moved to adjourn the meeting at 7:17 p.m. Seconded by Councilmember Arendell; motion to adjourn carried on a vote of 7 Ayes.

PASSED and APPROVED this 10th day of July, 2014.

Gary Appelt, Mayor

ATTEST: _____
Dixie Roberts, City Clerk