

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY AUGUST 21, 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 Paul A. Horn, Mayor Pro-Tem Terry Droege and Councilmembers: Gabe Adame, Adam Arendell, Scott Reed, Brad Richards, Roger Stuksa, and Keith Thompson. Also present: Junru Roland, Interim City Manager, Bobbi Kacz and Dixie Roberts, City Clerk.

INVOCATION

Mary Sanders, Alvin Police Department, Chaplain gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Thompson led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Special Presentation by Keep Alvin Beautiful regarding the 2014 Depot Days

KAB members addressed the Community, Council and Mayor extending an invitation to attend the 2014 Depot Days Event and Parade. The event will be held at National Oak Park beginning Friday, August 29th with live music, the parade will be on Saturday, August 30th at 9:00 a.m. with events to follow until 4:00 p.m.

APPROVAL OF MINUTES

Approve minutes of the August 7, 2014 City Council meeting

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

PETITIONS OR REQUESTS FROM THE PUBLIC

Police Chief Robert Lee stated that a Parent Awareness night will be held on Wednesday September 3, 2014 at the Nolan Ryan Center from 7:00 p.m. - 8:30 p.m.

REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES

No reports were given.

PUBLIC HEARINGS

Public hearing to receive comment on the Proposed FY14-15 Annual Budget THIS PROPOSED BUDGET IS ESTIMATED TO RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$343,489 OR 4.24%, AND OF THAT AMOUNT, \$180,370 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR

Mayor Horn opened the public hearing at 7:08 p.m.

Dick Tyson thanked Mr. Roland for the budget presentation and summary given to City Council and the citizens. He addressed council with some concerns and questions regarding the proposed budget.

Ms. Nan Self of Alvin asked if delinquent property taxes were factored into the budget and who was responsible for the collection of such. Mr. Roland stated that delinquent property taxes had been factored into the proposed budget and that the Brazoria County Tax Office oversees the delinquent tax collection.

Mayor Horn closed the public hearing at 7:31 p.m.

Public hearing to receive comment on the proposed tax rate of \$.838600 per \$100 of valuation, a rate that will increase the total tax revenues from properties on the tax roll in the preceding year by 2.58%.

Mayor Horn opened the public hearing at 7:31 p.m.

Mr. Adam Burken, 2333 Fairway Drive asked if the tax rate being proposed was a tax increase or decrease. Mayor Horn stated that the proposed rate is ½ cent lower than last years adopted rate. However, property evaluations have gone up. This means that more tax revenues will be received than last year.

Mr. Roland stated that the property evaluations are done by the Brazoria County Appraisal District. He explained how the proposed rate was a decrease in the tax percentage rate compared to last year.

Mr. Dick Tyson stated that this proposed rate is probably the lowest tax rate Alvin has had in the past 15 years. He spoke of his belief that the city's tax rate is higher than other surrounding cities and that residents and developers are building elsewhere.

Mayor Horn closed the public hearing at 7:38 p.m.

Announce that the 2nd public hearing on the tax rate will be held on Thursday August 28, 2014 at 7:00 p.m. in the Council Chamber of Alvin City Hall and that City Council is scheduled to vote on the proposed tax rate at its regular meeting on Thursday, September 4, 2014 at 7:00 p.m.

Mayor Horn reported that the 2nd public hearing on the tax rate will be held on Thursday, August 28, 2014 at 7:00 p.m. in the Council Chamber of Alvin City Hall and that City Council is scheduled to vote on the proposed tax rate at its regular meeting on Thursday, September 4, 2014 at 7:00 p.m.

OTHER BUSINESS

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

Councilmember Droege moved to receive and acknowledge the monthly financial report for July, 2014. Seconded by Councilmember Reed; motion to approve carried on a vote of 7 Ayes.

Consider a variance request from Kari Walker, owner of Kari's Hair Unlimited, to waive the front setback requirement of the Subdivision and Property Development Section 21-37, of the Code of Ordinances, for her business located at 2408 S. Gordon, Alvin.

On July 21, 2014, staff received a variance request letter from Ms. Kari Walker requesting a variance to the building setback line requirements. The applicable provision of Section 21-37 regarding commercial setback lines requires a minimum front setback of at least twenty-five (25) feet, unless otherwise approved. Ms. Walker would like to construct a 5' porch addition to the front of her building in an effort to renovate the structure to make it safer for the public and more aesthetically pleasing. The porch would encroach into the 25' setback line from Business 35/S. Gordon Street. The Planning Commission considered this variance request on July 29, 2014 and recommends approval.

Michelle Segovia, City Engineer reviewed the information listed above.

Councilmember Arendell moved to approve a variance request from Kari Walker, owner of Kari's Hair Unlimited, to waive the front setback requirement of the Subdivision and Property Development Section 21-37, of the Code of Ordinances, for her business located at 2408 S. Gordon. This variance will not negatively impact traffic conditions or public health, safety, convenience, or welfare in the vicinity. Seconded by Councilmember Stuksa; motion to approve carried on a vote of 7 Ayes.

Consider a master preliminary plat of Kendall Lakes, a Planned Unit Development being of 274.23 acres located in the City of Alvin, Brazoria County, Texas.

On July 1, 2014, staff received the Master Preliminary Plat for Kendall Lakes, a Master Planned Unit Development. This property is located along north Highway 35. Currently sections 1, 2, and 5 of Kendall Lakes have been platted and constructed. This Master Preliminary Plat outlines the remainder of the planned lots, green space, and detention areas for the area of Skymark Development Company's property that is north of the 200' wide power line easement. On July 29, 2014 the Planning Commission reviewed the plat and recommends approval.

Michelle Segovia, City Engineer reviewed the information listed above.

Councilmember Stuksa asked if this would encroach the commercial reserve. Ms. Segovia stated that it would not.

Councilmember Reed moved to approve a master preliminary plat of Kendall Lakes, a Planned Unit Development being of 274.23 acres located in the City of Alvin, Brazoria County, Texas. Seconded by Councilmember Droege; motion to approve carried on a vote of 7 Ayes.

Consider a plat requested under the final plat procedure for Kendall Lakes Section 3, a Planned Unit Development being a subdivision of 5.077 acres of land located in H.T. & B.R.R. Company Survey, Section 40, A-482 Brazoria County, Texas.

On July 1, 2014, staff received the final plat for Kendall Lakes Section 3, a Master Planned Unit Development. This section will consist of 29 lots, 2 blocks and zero reserves. This property is located on north Business 35. On July 29, 2014 the Planning Commission considered and approved the final plat for Kendall Lakes Section 3 and recommends approval.

Councilmember Stuksa moved to approve a plat requested under the final plat procedure for Kendall Lakes Section 3, a Planned Unit Development being a subdivision of 5.077 acres of land located in H.T. & B.R.R. Company Survey, Section 40, A-482 Brazoria County, Texas. Seconded by Councilmember Reed; motion to approve carried on a vote of 7Ayes.

Consider a plat requested under the final plat procedure for Kendall Lakes Section 6, a Planned Unit Development being a subdivision of 12.856 acres of land located in H.T. & B.R.R. Company Survey, Section 40, A-482 Brazoria County, Texas.

On July 1, 2014, staff received the final plat for Kendall Lakes Section 6, A Planned Unit Development. This section Planning Commission reviewed the plat and recommends approval will consist of 58 lots, 4 Blocks and 1 reserve. This property is located on North Business 35. On July 29, 2014, the Planning Commission considered and approved the final plat for Kendall Lakes Section 6 and recommends approval.

Councilmember Arendell moved to approve a plat requested under the final plat procedure for Kendall Lakes Section 6, a Planned Unit Development being a subdivision of 12.856 acres of land located in H.T. & B.R.R. Company Survey, Section 40, A-482 Brazoria County, Texas. Seconded by Councilmember Richards; motion to approve carried on a vote of 7 Ayes.

Consider Addendum No. 10 to the Contract for Refuse Collection and Disposal Services between the City of Alvin and Progressive Waste Solutions to adjust rates paid to Progressive Waste Solutions due to increases in the CPI-U ("revised consumer price index rate for all urban consumers for the Houston-Galveston-Brazoria, Texas area") and fuel cost adjustments pursuant to the agreement and authorize the Mayor to sign.

The City's contract (signed August 18, 2005) with Progressive Waste Solutions (formerly IESI) for refuse collection and disposal service contains a provision for an annual adjustment of compensation paid to the contractor based on a 2.8% CPI-U, plus a .714% fuel cost increase. This allows for a total percentage increase of 3.514%. This translates to a residential increase from \$12.10 to \$12.44 per month. In addition, the 3.514% increase applies to commercial & roll off customers. The fuel increase and CPI-U increase would be effective starting October 1, 2014 for payment to Progressive Waste Solutions.

Mayor Horn stated that council had a workshop meeting on Tuesday with Progressive Waste to discuss the services provided. A subcommittee of Councilmember Thompson and Arendell, representatives from Progressive Waste Solutions and key members of staff was formed to discuss the issues and concerns had. The subcommittee will meet to discuss possible solutions to the issues at hand.

Councilmember Stuksa moved to approve Addendum No. 10 to the Contract for Refuse Collection and Disposal Services between the City of Alvin and Progressive Waste Solutions to adjust rates paid to Progressive Waste Solutions due to increases in the CPI-U ("revised consumer price index rate for all urban consumers for the Houston-Galveston-Brazoria, Texas area") and fuel cost adjustments pursuant to the agreement and authorize the Mayor to sign. Seconded by Councilmember Arendell; motion to approve carried on a vote of 7 Ayes.

Consider Ordinance 14-U; amending Chapter 28 Comprehensive Fee Ordinance for the purpose of revising certain solid waste collection and disposal fees for residential, commercial and roll-off containers due to an annual CPI-U increase ("revised consumer price index rate for all urban consumers for the Houston-Galveston-Brazoria, Texas area"), resulting in a monthly increase of approximately \$0.40 to the residential customer; providing for a ten percent (10%) penalty for late payment; providing for the effective date of the October 2014 billing cycles; and setting forth other provisions related thereto. - 1st Reading.

November 2005, council approved an annual CPI-U adjustment (revised consumer price index rate for all urban consumers for the Houston-Galveston-Brazoria, Texas area) to solid waste rates based on the annual CPI-U increases. Each year, the adjusted rate becomes effective beginning with the October billing cycles. This year's proposed CPI-U adjustment is 2.8%. This calculates to a \$0.40 monthly increase to the residential customer. The increases also apply to commercial customers and roll-off containers.

Councilmember Thompson moved to approve Ordinance 14-U; amending Chapter 28 Comprehensive Fee Ordinance for the purpose of revising certain solid waste collection and disposal fees for residential, commercial and roll-off containers due to an annual CPI-U increase

("revised consumer price index rate for all urban consumers for the Houston-Galveston-Brazoria, Texas area"), resulting in a monthly increase of approximately \$0.40 to the residential customer; providing for a ten percent (10%) penalty for late payment; providing for the effective date of the October 2014 billing cycles; and setting forth other provisions related thereto on 1st Reading. Seconded by Councilmember Reed; motion to approve carried on a vote of 7 Ayes.

Consider Ordinance 14-V; amending Chapter 28 Comprehensive Fee Ordinance for the purpose of revising certain water and sewer fees for residential and commercial customers due to an annual CPI-U increase ("revised consumer price index rate for all urban consumers for the Houston-Galveston-Brazoria, Texas area"), resulting in a monthly increase of approximately \$1.35 to the average residential customer; providing for a ten percent (10%) penalty for late payment; providing for an effective date of the October 2014 billing cycles; and setting forth other provisions related thereto – 1st reading.

In November 2005, Council approved an annual CPI-U adjustment (revised consumer price index rate for all urban consumers for the Houston-Galveston-Brazoria, Texas area) to water and sewer rates based on CPI-U increases. Each year, the increased rate becomes effective beginning with the October billing cycles. This year's proposed CPI-U adjustment is 2.8%, which calculates to a \$1.35 monthly increase to the average 5,600 gallon residential customer. Projected increase to water and sewer revenue is \$179,600.

Councilmember Droege moved to approve Ordinance 14-V; amending Chapter 28 Comprehensive Fee Ordinance for the purpose of revising certain water and sewer fees for residential and commercial customers due to an annual CPI-U increase ("revised consumer price index rate for all urban consumers for the Houston-Galveston-Brazoria, Texas area"), resulting in a monthly increase of approximately \$1.35 to the average residential customer; providing for a ten percent (10%) penalty for late payment; providing for an effective date of the October 2014 billing cycles; and setting forth other provisions related thereto on 1st reading. Seconded by Councilmember Arendell; motion to approve carried on a vote of 7 Ayes.

Consider Ordinance 14-X; establishing a "No Parking During Official School Hours" zone along the north side of Cleveland Street from the intersection of Cleveland Street and South Second Street to the intersection of Cleveland Street and South Durant Street as depicted in Exhibit "A" attached hereto; authorizing installation of appropriate signage; providing for a penalty and publication of this ordinance; and setting forth other provisions related thereto – 1st reading.

Ordinance 14-X establishes a "no parking during official school hours" zone along the north side of Cleveland Street from S. Second Street to S. Durant and authorizes the posting of appropriate signage. This ordinance is being proposed due to complaints from residents that live along the north side of Cleveland in this area.

Councilmember Adame moved to approve Ordinance 14-X; establishing a "No Parking During Official School Hours" zone along the north side of Cleveland Street from the intersection of Cleveland Street and South Second Street to the intersection of Cleveland Street and South Durant Street as depicted in Exhibit "A" attached hereto; authorizing installation of appropriate signage; providing for a penalty and publication of this ordinance; and setting forth other provisions related thereto on 1st reading. Seconded by Councilmember Droege; motion to approve carried on a vote of 7 Ayes.

Consider Ordinance 14-Y; amending Chapter 2, Administration, Article II, City Council, for the purpose of removing the Open Meetings Act Resolution ("OMAR") requirement from the Order of Business at Council meetings; and setting forth other provisions related thereto – 1st reading.

The requirement for an Open Meetings Act Resolution is obsolete. Staff would like to amend Chapter 2 Administration, City Council, to remove this requirement within the Code of Ordinances.

Councilmember Droege moved to approve Ordinance 14-Y; amending Chapter 2, Administration, Article II, City Council, for the purpose of removing the Open Meetings Act Resolution ("OMAR") requirement from the Order of Business at Council meetings; and setting forth other provisions related thereto on 1st reading. Seconded by Councilmember Stuksa; with all members present voting Aye and Councilmember Reed voting No; motion to approve carried on a vote of 6 Ayes.

Consider an Interlocal Agreement with Brazoria County for the 2014-2015 fiscal year asphalt overlay project and authorize the Mayor to sign.

The annual Interlocal Agreement provides the mechanism for the County to provide the City of Alvin with equipment and manpower to overlay various streets within the city limits of Alvin. Staff will monitor the expenditures to ensure sufficient funds are in the budget throughout the course of the project. This has already been approved and signed by the Brazoria County Judge, Joe King.

Councilmember Thompson moved to approve an Interlocal Agreement with Brazoria County for the 2014-2015 fiscal year asphalt overlay project and authorize the Mayor to sign. Seconded by Councilmember Reed; motion to approve carried on a vote of 7 Ayes.

Consider an Interlocal Agreement with the City of Manvel for use of the City of Alvin's Animal Adoption Center for impoundments of up to 200 animals for an initial fee of \$25,000 and authorize the Interim City Manager to sign.

The new Alvin Animal Adoption Center, since it has been open, has averaged a daily animal population of 115 animals. Projecting this daily average for a 12 month period gives the equivalent of almost 42,000 animals which will be cared for and housed. With a covered space of 8,411 sq. ft. the operating cost of the Alvin Animal Adoption Center has increased exponentially, when compared to the previous shelter's 1,750 sq. ft. While the addition of 200 animals from Manvel for the year will make only a slight impact, the \$25,000 fee can be utilized to offset operating and personnel cost which will increase efficiency, help in maintaining animal care, and help maintain the facility. All fees collected from adoptions, impoundments, etc., will belong to the City of Alvin and will not count toward the \$25,000 fee nor reduce the amount billed for any animals impounded over 200. Additional animals will be billed at a cost of \$100 per animal. This interlocal agreement along with the fees presented will be for a term of 1 year.

Chief Lee reviewed the information listed above.

Councilmember Adame moved to approve an Interlocal Agreement with the City of Manvel for use of the City of Alvin's Animal Adoption Center for impoundments of up to 200 animals for an initial fee of \$25,000 and authorize the Interim City Manager to sign. Seconded by Councilmember Droege; motion to approve carried on a vote of 7 Ayes.

Consider award of a contract to CAG Construction, an approved Buy Board Company, for the purpose of demolishing and rebuilding water well #3 pump house in an amount not to exceed \$66,842.39; and authorize the Mayor to sign.

This item was removed from the agenda.

REPORTS FROM CITY MANAGER

Review preliminary list of items for the Council meeting of September 4, 2014.

Mr. Roland reviewed the preliminary list for the September 4, 2014 City Council meeting. He stated that the budget and tax rate ordinance will be presented for 2nd reading at a special City Council meeting scheduled for September 11, 2014.

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.

Announcements and requests from Councilmembers.

Councilmember Reed reminded everyone that school will begin on Monday and asked that motorists close attention to their surroundings.

Councilmember Droege thanked Mr. Roland and his staff for the work done on the proposed budget.

Councilmember Adame welcomed Chief Lee's wife Twayna to the community.

Mayor Horn displayed a proposed sketch of what the finished sign being installed on the bridge across Highway 6 will look like. The work being done is being funded by award monies won by Keep Alvin Beautiful.

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:

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 Horn convened the meeting to closed session at 8:15 p.m.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting to open session at 9:00 p.m.

OPEN MEETINGS ACT RESOLUTION

Councilmember Reed moved to approve Resolution No. OMA-R-14-08-21, a resolution confirming compliance with the provisions of the Open Meetings Act. Seconded by Councilmember Richards; motion to approve carried on a vote of 7 Ayes.

ADJOURNMENT

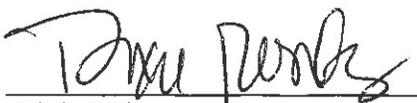
Councilmember Adame moved to adjourn the meeting at 9:00 p.m. Seconded by Councilmember Droege; motion to adjourn carried on a vote of 7Ayes.

PASSED and APPROVED this 4 day of September, 2014.



Paul A. Horn, Mayor

ATTEST:



Dixie Roberts, City Clerk