

**MINUTES**  
**CITY OF ALVIN, TEXAS**  
**216 W. SEALY STREET**  
**REGULAR CITY COUNCIL MEETING**  
***THURSDAY SEPTEMBER 4, 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, Scott Reed, Brad Richards, Roger Stuksa, and Keith Thompson. Also present: Junru Roland, Interim City Manager, Bobbi Kacz, City Attorney and Dixie Roberts, City Clerk.

**INVOCATION**

Mr. Charles Smith gave the invocation.

**PLEDGE OF ALLEGIANCE**

Councilmember Richards led the Pledge of Allegiance.

**SPECIAL PRESENTATIONS**

Chief Robert Lee recognized Lt. Tim Hubbard and Lt. Shawn Gilcrease of the Alvin Police Department for their work done on the 2014 International Association of Chiefs of Police (IACP) Motorola/Webber Seavey Award for Excellence in Law Enforcement Application, in which Alvin Texas was recognized as a semi-finalist and one of the top 25 candidates for this international award.

**APPROVAL OF MINUTES**

Approve minutes of August 14, 2014 Special City Council meeting

Councilmember Stuksa moved to approve the minutes of August 14, 2014. Seconded by Councilmember Reed motion to approve carried on a vote of 6 Ayes.

Approve minutes of August 19, 2014 Special City Council meeting

Councilmember Reed moved to approve the minutes of August 19, 2014. Seconded by Councilmember Droege; motion to approve carried on a vote of 6 Ayes.

Approve minutes of the August 21, 2014 Regular City Council meeting.

Councilmember Reed moved to approve the minutes of August 21, 2014. Seconded by Councilmember Richards; motion to approve carried on a vote of 6 Ayes.

**PETITIONS OR REQUESTS FROM THE PUBLIC**

Jerrod Butcher, 1521 West Blum, stated that there is a tree on his neighbor's property that has fallen; it is being held up by the power lines and about to fall onto his house. He has contacted the electric company and many other departments within the city; all of which have not been able to help with the removal of the tree. He is requesting assistance from the city to help with the removal of the tree. The tree is located at 1520 West Blum St.

**REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES**

No reports were given.

**CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION**

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. - 2<sup>nd</sup> reading.

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 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 - 2<sup>nd</sup> Reading.

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 – 2<sup>nd</sup> reading.

Councilmember Droege moved to approve the items on the consent agenda Seconded by Councilmember Stuksa; motion to approve carried on a vote of 6 Ayes.

**MATTERS REMOVED FROM CONSENT AGENDA**

There were no items removed from the consent agenda.

**OTHER BUSINESS**

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 – 2<sup>nd</sup> reading

Councilmember Adame moved to 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 on 2<sup>nd</sup> reading. Seconded by Councilmember Reed; motion to approve carried on a vote of 6 Ayes.

Consider Ordinance 14-AA adopting the budget for the City of Alvin, Texas for Fiscal Year 2014-15 as presented and amended; directing the City Clerk to post a copy of the budget on the City of Alvin website; and setting forth other provisions related thereto – 1<sup>st</sup> reading.

City Council reviewed the amended items within the proposed budget presented and voted on each item:

**General Fund****#1 City Clerk Department**

111-1002-00-1001	Salaries	\$9,648
111-1002-00-1006	Longevity	\$1,402
111-1002-00-1009	TMRS	\$1,893
111-1002-00-1011	FICA	846

\$13,789 Salary savings from recent hiring of Admin. Asst.

Councilmember Stuksa moved to approve the changes to the City Clerks Department in the Proposed FY 14-15 Budget as listed in item #1 above. Seconded by Councilmember Droege; motion to approve carried on a vote of 6 Ayes.

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**#2 Economic Development Department**

111-1005-00-1001	Salaries	\$1,491
111-1005-00-1009	TMRS	\$255
111-1005-00-1011	FICA	\$114

\$1,860 Elimination of Dept. Head PG & relocation of current Admin. Asst.

Councilmember Reed moved to approve the changes to the Economic Development Department in the Proposed FY 14-15 Budget as listed in item #2 above. Seconded by Councilmember Richards; motion to approve carried on a vote of 6 Ayes.

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**#3 Economic Development Department**

111-1005-00-3180	Dues & Memberships	<b>(\$10,500)</b>	Alliance Board Membership
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Councilmember Adame moved to approve the changes to the Economic Development Department in the Proposed FY 14-15 Budget as listed in item #3 above. Seconded by Councilmember Reed; motion to approve carried on a vote of 6 Ayes.

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**#4 Municipal Court Program**

111-2502-00-1001	Salaries	\$9,181
111-2502-00-1009	TMRS	\$1,544
111-2502-00-1011	FICA	\$690

\$11,415 Salary savings from recent hiring of Court Administrator

Councilmember Reed moved to approve the changes to the Municipal Court Program in the Proposed FY 14-15 Budget as listed in item #4 above. Seconded by Councilmember Richards; motion to approve carried on a vote of 6 Ayes.

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**#5 Human Resources Department**

111-2503-00-1001	Salaries	(\$20,942)
111-2503-00-1006	Longevity	(\$64)
111-2503-00-1009	TMRS	(\$3,896)
111-2503-00-1011	FICA	(\$1,745)
111-2503-00-1018	Auto Allowance	(\$1,800)

(\$28,447) ½ year funding of HR Director and elimination of proposed Admin Asst.

Councilmember Reed moved to approve the changes to the Human Resources Department in the Proposed FY 14-15 Budget as listed in item #5 above. Seconded by Councilmember Thompson; motion to approve carried on a vote of 6 Ayes.

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**#6 Police Department**

111-3501-00-7510	Vehicle Maintenance Fees	<b>(\$49,792)</b>	Radio Migration
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Councilmember Reed moved to approve the changes to the Police Department in the Proposed FY 14-15 Budget as listed in item #6 above. Seconded by Councilmember Richards; motion to approve carried on a vote of 6 Ayes.

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**#7 Fire Department**

111-3502-00-1001	Salaries	\$7,750
111-3502-00-1009	TMRS	\$1,148

111-3502-00-1011	FICA	\$592	
		<u>\$9,490</u>	Elimination of Dept. Head PG reclassification

Councilmember Reed moved to approve the changes to the Fire Department in the Proposed FY 14-15 Budget as listed in item #7 above. Seconded by Councilmember Droege; motion to approve carried on a vote of 6 Ayes.

#### #8 Fire Department - Vehicle Maintenance Fees

111-3502-00-7510	Vehicle Maintenance Fees	(\$27,520)	Radio Migration
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Councilmember Adame moved to approve the changes to the Fire Department Vehicle Maintenance Fees in the Proposed FY 14-15 Budget as listed in item #8 above. Seconded by Councilmember Reed; motion to approve carried on a vote of 6 Ayes.

#### #9 Parks Department

111-7001-00-1001	Salaries	\$18,817	
111-7001-00-1009	TMRS	\$2,825	
111-7001-00-1001	FICA	\$1,478	
		<u>\$23,120</u>	Elimination of Dept. Head PG reclassification

Councilmember Richards moved to approve the changes to the Parks Department in the Proposed FY 14-15 Budget as listed in item #9 above. Seconded by Councilmember Droege; motion to approve carried on a vote of 6 Ayes.

#### #10 GF – Other Requirements

111-9001-00-7110	Transfer to (311)	\$56,584	Reduction of Contingency Fund start-up
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Councilmember Adame moved to approve the changes to the Contingency Fund in the Proposed FY 14-15 Budget as listed in item #10 above. Seconded by Councilmember Droege; motion to approve carried on a vote of 6 Ayes.

### Utility Fund

#### #11 Water Program

211-6001-00-7510	Vehicle Maintenance Fees	(\$6,536)	Radio Migration
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Councilmember Thompson moved to approve the changes to the Water Program in the Proposed FY 14-15 Budget as listed in item #11 above. Seconded by Councilmember Reed; motion to approve carried on a vote of 6 Ayes.

#### #12 Sewer Program

211-6002-00-7510	Vehicle Maintenance Fees	(\$6,536)	Radio Migration
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Councilmember Adame moved to approve the changes to the Sewer Program in the Proposed FY 14-15 Budget as listed in item #12 above. Seconded by Councilmember Thompson; motion to approve carried on a vote of 6 Ayes.

#### #13 Sanitation Fund – **NOT APPROVED**

212-6501-00-3380	Beautification	(\$15,000)	Increase in City's contribution to KAB
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Councilmember Stuksa moved to approve the changes to the Sanitation Fund in the Proposed FY 14-15 Budget as listed in item #13 above. **Motion Failed** for a lack of a second.

\*KAB will receive \$15,000 in FY 14-15 from the City of Alvin. Council asked that KAB present City Council with a budget before the new contract is signed.

#### #14 EMS Fund

213-3503-00-1001	Salaries	\$9,632	
213-3503-00-1009	TMRS	\$1,610	
213-3503-00-1011	FICA	\$718	
		<u>\$11,960</u>	Elimination of Dept. Head PG reclassification

Councilmember Thompson moved to approve the changes to the EMS Fund in the Proposed FY 14-15 Budget as listed in item #14 above. Seconded by Councilmember Reed; motion to approve carried on a vote of 6 Ayes.

#### #15 EMS Fund

213-3503-00-7510	Vehicle Maintenance Fees	(\$17,312)	Radio Migration
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Councilmember Richards moved to approve the changes to the EMS Fund in the Proposed FY 14-15 Budget as listed in item #15 above. Seconded by Councilmember Thompson; motion to approve carried on a vote of 6 Ayes.

**#16 General Fund Contingency**

311-406111                      Transfer from General Fund                      **(\$56,584)**                      Reduction in Contingency Fund start-up

Councilmember Reed moved to approve the changes to the General Fund Contingency in the Proposed FY 14-15 Budget as listed in item #16 above. Seconded by Councilmember Thompson; motion to approve carried on a vote of 6 Ayes.

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**#17 Sales Tax Fund**

312-5501-00-7510                      Vehicle Maintenance Fees                      **(\$10,271)**                      Radio Migration

Councilmember Droege moved to approve the changes to the Sales Tax Fund in the Proposed FY 14-15 Budget as listed in item #17 above. Seconded by Councilmember Thompson; motion to approve carried on a vote of 6 Ayes.

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**#18 Sales Tax Fund**

312-5501-00-9018                      Quiet Zone                      **(\$60,000)**                      Quadrant gates at Gordon, Median barriers @ 2 other crossings

Councilmember Droege moved to approve the changes to the Sales Tax Fund in the Proposed FY 14-15 Budget as listed in item #18 above. Seconded by Councilmember Reed; motion to approve carried on a vote of 6 Ayes.

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**#19 Sales Tax Fund**

312-5501-00-9025                      Detention Improvements                      **(\$100,000)**                      Preliminary cost to start Detention Project

Councilmember Adame moved to approve the changes to the Sales Tax Fund in the Proposed FY 14-15 Budget as listed in item #19 above. Seconded by Councilmember Richards; motion to approve carried on a vote of 6 Ayes.

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**#20 Sales Tax Fund**

312-5501-00-9024                      Asphalt Pavement                      **(\$500,000)**                      Original 5-year CIP was allocated; \$1M in FY 2015 and \$1M in FY 2016 to complete project. This amendment will reallocate the funding as follows: \$1.5M in FY 2015 and \$500K in FY 2016

Councilmember Thompson moved to approve the changes to the Sales Tax Fund in the Proposed FY 14-15 Budget as listed in item #20 above. Seconded by Councilmember Droege; motion to approve carried on a vote of 6 Ayes.

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**#21 Central Shop Program**

611-404000	Transfer from General Fund	\$77,311	Radio Migration
611-406111	Transfer from Utility Fund	\$13,073	Radio Migration
611-406211	Transfer from EMS Fund	\$17,312	Radio Migration
611-406213	Transfer from Sales Tax Fund	\$10,271	Radio Migration
611-8001-00-3511	Radio Repairs/Maintenance	<u>(\$117,967)</u>	Radio Migration
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Councilmember Droege moved to approve the changes to the Central Shop Program in the Proposed FY 14-15 Budget as listed in item #21 above. Seconded by Councilmember Reed; motion to approve carried on a vote of 6 Ayes.

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Councilmember Adame moved to approve Ordinance 14-AA adopting the budget with the aforementioned amendments for the City of Alvin, Texas for Fiscal Year 2014-15; directing the City Clerk to post a copy of the budget on the City of Alvin website; and setting forth other provisions related thereto on first reading. Seconded by Councilmember Reed; motion to approve carried on a vote of 6 Ayes.

Consider Ordinance 14-BB levying a property tax rate for the year 2014 and to direct the Tax Assessor-Collector to assess, account for, and distribute the property taxes as herein levied; – 1<sup>st</sup> reading.

Councilmember Adame moved to approve Ordinance 14-BB levying a property tax rate for the year 2014 and to direct the Tax Assessor-Collector to assess, account for, and distribute the property taxes as herein levied; on first reading. Seconded by Councilmember Reed; motion to approve carried on a vote of 6 Ayes.

Consider a request from the Alvin Fire Department for the closure of House Street between Hood and Taylor Street on Saturday, September 27, 2014 from 8:00 a.m. to 2:00 p.m. for the annual Fire Department Fire Prevention Open House.

The Alvin Fire Department would like to request the closure of House Street between Hood and Taylor Street for the Annual Fire Department Fire Prevention Open House from 8 AM to 2 PM. The reason for the street closure is to display equipment and pedestrian safety in crossing the street.

Councilmember Droege moved to approve the request from the Alvin Fire Department for the closure of House Street between Hood and Taylor Street on Saturday, September 27, 2014 from 8:00 a.m. to 2:00 p.m. for the annual Fire Department Fire Prevention Open House. Seconded by Councilmember Adame; motion to approve carried on a vote of 6 Ayes.

Consider termination of the Memorandum of Understanding with Texas A & M University for the development of a stormwater wetlands component of the detention basin located at Kost Road and South Street and consider authorizing staff to prepare an alternate landscaping plan.

*This MOU between the City and Texas A & M University was approved by Council on April 24, 2014. After much consideration, it is staff's recommendation not to include a wetlands component for the proposed detention pond. The primary factors leading to this decision include increased maintenance costs and negative public perception.*

Ms. Mary Carol Edwards was present before Council to discuss the stormwater treatment wetlands for the proposed detention basin at Kost and South Street. She stated that the wetlands are completely designed and is a great opportunity to naturally remove contaminants from the stormwater before it continues downstream, and provides natural habitat. Texas A&M Agrilife Extension/Texas Sea Grant would like to continue to work with the City to develop a maintenance protocol, and help identify funding for grading.

Discussion continued amongst City Council regarding feedback from citizens within the area, aesthetics, cost to the city if the city took over the project, whether or not to make this a wet or dry pond, and the liability had during construction.

Councilmember Thompson moved to authorize staff to prepare an alternate cost for landscaping of this area and asked that this information be brought back at a later meeting for council consideration. Seconded by Councilmember Droege; motion to approve carried on a vote of 6 Ayes.

Consider a plat requested under the Final Plat Procedure for Heritage South, 23.5136 acres consisting of Pecan Ridge Subdivision, which are Lots 1 and 2, of a 4.1319 acre tract of a 4.9996 acre tract, and of a 10.9800 acre tract City of Alvin, Brazoria County, Texas.

*On August 1, 2014, staff received the final plat for Heritage South, this plat consists of 1 Block and 4 Reserves. The City Planning Commission approved the plat at their meeting on August 19, 2014*

Councilmember Droege moved to approve a plat requested under the Final Plat Procedure for Heritage South, 23.5136 acres consisting of Pecan Ridge Subdivision, which are Lots 1 and 2, of a 4.1319 acre tract of a 4.9996 acre tract, and of a 10.9800 acre tract City of Alvin, Brazoria County, Texas. Seconded by Councilmember Stuksa; motion to approve carried on a vote of 6 Ayes.

Consider the Windstorm Renewal Proposal from Victor O. Schinnerer & Company, Inc. in an amount not to exceed \$139,206 for the City's windstorm coverage for FY 2014-15 and authorize the Interim City Manager to sign the Proposal Acceptance Form.

*The City of Alvin is designated a first-tier coastal city with structural wind speed specifications and codes defined by the Texas Windstorm Insurance Association (TWIA). The Texas Municipal League-Intergovernmental Risk Pool (TMLIRP) policy excludes windstorm, hurricane and hail coverage due to this (first-tier) designation. However, TMLIRP has an arrangement with Victor O. Schinnerer & Company Inc., to serve as the City's insurance agent in placing windstorm coverage. The proposed renewal premium is within the FY 2014-15 proposed budget. The current windstorm policy with Victor O. Schinnerer & Company, Inc. expires on October 1, 2014. In 2012, Council authorized the City Manager to sign the proposal for subsequent years until directed otherwise by Council.*

Councilmember Thompson moved to approve the Windstorm Renewal Proposal from Victor O. Schinnerer & Company, Inc. in an amount not to exceed \$139,206 for the City's windstorm coverage for FY 2014-15 and authorize the Interim City Manager to sign the Proposal Acceptance Form. Seconded by Councilmember Reed; motion to approve carried on a vote of 6 Ayes.

Consider awarding a bid to De Leon & Son, Inc. for the Manicured Mowing Services through September 30, 2015, in an amount not to exceed \$101,085.00, with an option to renew upon mutual consent for a maximum of three (3) years, and authorize the Mayor to sign the agreement.

*This contract provides manicured mowing services at City locations including: Parks, City Entrances, City Facility Grounds, Lift Stations, Water Wells and Water Towers. Two (2) bids were received with De Leon & Son providing the lowest priced acceptable bid. This contract shall end on 09-30-2015 with an option to renew upon mutual consent for a maximum of three (3) yearly renewals.*

Councilmember Reed moved to award bid to De Leon & Son, Inc. for the Manicured Mowing Services through September 30, 2015, in an amount not to exceed \$101,085.00, with an option to renew upon mutual consent for a maximum of three (3) years, and authorize the Mayor to sign the agreement. Seconded by Councilmember Droege; motion to approve carried on a vote of 6 Ayes.

Consider Resolution R-14-31 authorizing designated signators for the CDBG Disaster Recovery Program Fund Contract 12 174 000 4969 Round 2.1

*This resolution designates Paul Horn, Mayor; and Dixie Roberts, City Clerk, as authorized City Officials to sign on all City checks, drafts, and contractual documents related to the Texas General Land Office - Disaster Recovery Grant Contract 12-174-000-4969 Round 2.1.*

Councilmember Thompson moved to approve Resolution R-14-31 authorizing designated signators for the CDBG Disaster Recovery Program Fund Contract 12 174 000 4969 Round 2.1. Seconded by Councilmember Droege; motion to approve carried on a vote of 6 Ayes.

Consider moving the regular City Council meeting scheduled for Thursday, October 16, 2014 to Thursday, October 23, 2014.

*Mayor Horn asked that this item be placed on the agenda for consideration. Several members of the City Council will be involved with the Brazoria County Fair the week of October 11th-18th. Councilmember Droege moved to approve moving the regular City Council meeting scheduled for Thursday, October 16, 2014 to Thursday, October 23, 2014. Seconded by Councilmember Reed; motion to approve carried on a vote of 5Ayes; Councilmember Stuksa voting No.*

## **REPORTS FROM CITY MANAGER**

Review preliminary list of items for the Council meeting of September 18, 2014.

Interim City Manager Junru Roland reviewed the list of preliminary items for the City Council Meeting scheduled for September 18, 2014.

**REPORTS FROM COUNCILMEMBERS**

Councilmember Thompson thanked Mr. Smith and his staff for their help with a water leak in his District.

Councilmember Stuksa asked staff to follow-up with Mr. Butcher regarding a tree issue on Blum Street.

Councilmember Adame stated that there seems to be an abundance of tobacco shops opening up around town. He asked the City Attorney to look into the possible implementation of a moratorium to keep additional shops from opening up within the city. Councilmember Stuksa concurred.

Councilmember Adame asked that during health inspections, restaurants are informed of the no smoking of e-cigarettes ordinance in place.

Mayor Horn and Councilmember Richards thanked everyone for the work done in association with the Depot Days held this past weekend.

Councilmember Stuksa reminded everyone of Neighborhood Night Out on October 7<sup>th</sup>.

**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 551.071(2) - Attorney consultation to receive attorney advice and counsel in connection with the City's legal rights, duties, privileges, and obligations related to the ongoing negotiations of a Collective Bargaining Agreement.

Mayor Horn closed to Executive Session at 8:15 p.m.

**RECONVENE TO OPEN SESSION**

Mayor Horn reconvened the meeting to Open Session at 8:59 p.m.

**OPEN MEETINGS ACT RESOLUTION**

Councilmember Reed moved to approve Resolution No. OMA-R-14-09-04, a resolution confirming compliance with the provisions of the Open Meetings Act. Seconded by Councilmember Droege; motion to approve carried on a vote of 6 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 6 Ayes.

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Paul A. Horn, Mayor

ATTEST: \_\_\_\_\_  
Dixie Roberts, City Clerk