

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY OCTOBER 2, 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 Council members: Gabe Adame, Adam Arendell, Scott Reed, Brad Richards, and Keith Thompson. Also present: Junru Roland, Interim City Manager, Bobbi Kacz, City Attorney and Dixie Roberts, City Clerk.

INVOCATION

Mary Sanders, Chaplain Alvin Police Department gave the invocation.

PLEDGE OF ALLEGIANCE

Council member Droege led the Pledge of Allegiance to the American Flag.

Council member Arendell led the Pledge of Allegiance to the Texas Flag.

SPECIAL PRESENTATIONS

There were no special presentations.

APPROVAL OF MINUTES

Approve minutes of the September 11, 2014 Special City Council meeting

Council member Droege moved to approve the minutes of September 11, 2014. Seconded by Council member Thompson; motion to approve carried on a vote of 6 Ayes.

Approve minutes of the September 18, 2014 Regular City Council meeting

Council member Adame moved to approve the minutes of September 18, 2014. Seconded by Council member Droege; motion to approve carried on a vote of 6 Ayes.

PETITIONS OR REQUESTS FROM THE PUBLIC

Ms. Cindy Price, League City, Texas, an author and nature scientist spoke before City Council regarding Article 1, Chapter 4 Animals, the keeping of pet reptiles. Ms. Price read a 3 minute statement and offered her services to Council as a subject matter expert.

Police Chief Robert Lee announced that National Night Out will be held on Tuesday October 7, 2014. He encouraged citizens to get out and engage with their neighbors and community.

REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES

No reports were given.

PUBLIC HEARINGS

There were no public hearings.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

- A. Consider Ordinance 14-CC, adopting the City of Alvin 2035 Comprehensive Plan Update and setting forth other provisions related thereto - on second and final reading.
- B. Consider Ordinance 14-DD, amending 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 2013-2014 by approving "Budget Amendment XII" to the original 2013-14 FY budget; providing for supplemental appropriation and/or transfer of certain funds as set forth in the attached Exhibit "A" for the purpose of adjusting the current fiscal year-end budget - on second and final reading.
- C. Consider a request for street closures for safety of the public and patrons of the Alvin Blue Santa Motorcycle Fund raiser being held Sunday, October 19, 2014 from 8:00 a.m. to 5:00 p.m. Street closures being requested are E. Sidnor St. at Depot Centre Blvd, E. Sidnor St. at S. Magnolia St., E. Sealy St. at Depot Centre Blvd, Depot Centre parking lot east side exit, Depot Centre at North exit of Parking Lot.
- D. Consider out-of-state travel for Jose Ibarra, Garage Department, to Phoenix Arizona to attend Victory Motorcycle Warranty Certification class from November 2, 2014 to November 7, 2014 to for the purpose of performing warranty work on two motorcycle units recently purchased by Alvin Police Department.
- E. Consider out-of-state travel for Lieutenant Tim Hubbard to participate in the visit of 2014 Delegates for the Annual Professional Police Exchange to China from October 11, 2014 to October 18, 2014. The trip is sponsored by Sam Houston State University and their Chinese partners and is offered at no cost to the City.

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

MATTERS REMOVED FROM CONSENT AGENDA

No items were removed from the consent agenda.

OTHER BUSINESS

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

Council member Droege moved to acknowledge the monthly financial report for August, 2014. Seconded by Council member Reed; motion to approve carried on a vote of 6 Ayes.

Consider a variance request from William Pye of CDI, a consultant for the proposed Nissan of Alvin, to waive the sidewalk requirement of Section 21-42 and the screening requirement of Section 35-34 of the Code of Ordinances, for the new Nissan dealership that will be located along FM 528 and Victory Lane.

Alvin Nissan has purchased Reserve G of the Ron Carter at Victory Lane Subdivision which is near the northwest corner of the FM 528 at Victory Lane intersection and plan to construct their new facility at this location. They are requesting a variance to the sidewalk requirement to not be required to build a sidewalk along FM 528 or Victory Lane due to "insufficient space and no other existing sidewalks for new sidewalks to tie onto." They are also requesting a variance to not screen the view of the new vehicles from the FM 528 corridor as obstruction of the new vehicles would cause adverse selling conditions that would place the

dealership at a competitive disadvantage. The Planning Commission approved this variance request September 16, 2014.

Discussion was had on whether or not these variances should be allowed or not. Some members of Council felt that variances waiving the sidewalk requirement shouldn't be given. The ordinance needs to be reviewed and amended if council is going to continue to give variances. Council asked that the City Attorney review the sidewalk ordinance.

Council member Richards moved to deny the request to waive the sidewalk requirements of Section 21-42. Seconded by Council member Thompson; motion to **deny** the request to waive sidewalk requirements failed with Council members Reed, Arendell, Droege and Adame voting No; Council members Thompson and Richards voting Yes.

Council member Adame moved to approve a variance request from William Pye of CDI, a consultant for the proposed Nissan of Alvin, to waive the sidewalk requirement of Section 21-42 and the screening requirement of Section 35-34 of the Code of Ordinances, for the new Nissan dealership that will be located along FM 528 and Victory Lane. Seconded by Council member Arendell; motion to approve carried on a vote of 4Ayes; Council members Richards and Thompson voting No.

Consider Resolution 14-R-30, a resolution supporting a traffic study by the Texas Department of Transportation and authorizing the State of Texas to install and maintain a median to be placed on FM 517 approaching the North Bypass 35 intersection as depicted in Exhibit "A"; and setting forth other provisions related thereto.

In August, representatives from the TXDOT Area Engineer's Office met with City Staff to discuss their findings and proposed resolutions regarding a study of the FM 517 and the North Bypass 35 intersection. This study was conducted due to the unusually high number of accidents that have occurred in recent years at this intersection, as reported by APD and TXDOT. A total of 51 reportable accidents have occurred between February 2011 and July 2014, with 18 of these accidents reporting injuries. Additionally, the TXDOT report indicated 37 of the accidents could have been prevented by the proposed changes to the intersection. In order to decrease the number of accidents at this location TXDOT is proposing to construct a center median along FM 517 beginning at North Bypass 35 and extending 280 feet to the east past the intersection with Clifford Street.

TxDot representatives were in attendance to answer questions. Discussion was had regarding the installation of the median at this location.

Council member Reed moved to approve Resolution 14-R-30, a resolution supporting a traffic study by the Texas Department of Transportation and authorizing the State of Texas to install and maintain a median to be placed on FM 517 approaching the North Bypass 35 intersection as depicted in Exhibit "A"; and setting forth other provisions related thereto. Seconded by Council member Thompson; motion to approve carried on a vote of 6 Ayes.

Consider Resolution 14-R-34 adopting the Fiscal Year (FY) 2014-15 City of Alvin Investment Policy for the investment of municipal funds; and setting forth other related matters.

Pursuant to 2256.005 of the Texas Public Funds Investment Act, the governing body of an investing entity shall review its investment policy and strategies not less than annually. For FY 2014-15 there are no recommended revisions to the current policy

Council member Reed moved to approve Resolution 14-R-34 adopting the Fiscal Year (FY) 2014-15 City of Alvin Investment Policy for the investment of municipal funds; and setting forth other related matters. Seconded by Council member Droege; motion to approve carried on a vote of 6 Ayes.

Consider Resolution 14-R-35 designating one representative and one alternate representative to the Houston-Galveston Area Council (HGAC) General Assembly for 2015.

HGAC's bylaws provide that each member Home Rule city with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one representative and one alternate to serve on the H-GAC General Assembly.

Council member Reed moved to approve Resolution 14-R-35 designating Council member Gabe Adame to serve as representative and Council member Thompson to serve as the alternate representative to the Houston-Galveston Area Council (HGAC) General Assembly for 2015. Seconded by Council member Arendell; motion to approve carried on a vote of 4Ayes; C

REPORTS FROM CITY MANAGER

Review preliminary list of items for the Council meeting of October 23, 2014.

Mr. Roland reviewed the preliminary list for the October 23, 2014 City Council meeting.

Announcements:

- a. Oct. 7, 2014 State of the City
- b. Oct. 9, 2014 City Council Workshop
- c. Oct 18, 2014 – City Wide Clean-up
- d. October 23, 2014 - City Manager Search update will be given to City Council.

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.

Council member Thompson stated that he and Council member Arendell and other members of staff met with Progressive representatives regarding heavy trash pickup. Another meeting is scheduled for next month. He stated that he would like to receive feedback from citizens regarding Progressive services before their next meeting.

Councilmember Reed stated that staff is looking into various funding mechanisms regarding the municipal shooting range. Once a financial mechanism is solidified, the project can move forward. He asked that Mr. Roland keep the Mayor and Council up to date with this project.

Council member Arendell stated that everyone seems to be receptive to the Quiet Zone installation as long as the unattractive reflective bollards are not installed down the middle of Gordon Street. HGR is going back to the drawing board; staff is waiting to hear back from them.

Councilmember Adame reminded citizens of the workshop being held on October 9, 2014 at 6:00 p.m. regarding the detention area located at Kost St. and South St. located within District E.

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.

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 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.

Mayor Horn convened the meeting to closed session at 7:55 p.m.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting to open session at 8:57p.m.

ADJOURNMENT

Council member Droege moved to adjourn the meeting at 8:57 p.m. Seconded by Council member Adame; 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