

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY, OCTOBER 23, 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 were Junru Roland, Interim City Manager, Bobbi Kacz, City Attorney, Grace Cruzen, Deputy City Clerk.

INVOCATION

Reverend Charles Smith of the First Christian Church gave the invocation.

PLEDGE OF ALLEGIANCE

Council member Terry Droege led the Pledge of Allegiance to the American Flag. Council member Scott Reed led the Pledge of Allegiance to the Texas Flag.

SPECIAL PRESENTATIONS

Proclamation declaring October, 2014 as National Colonial Heritage Month.

Mayor Horn read the proclamation. There was no one present to accept the proclamation.

Proclamation declaring November, 2014 as Alzheimer's Disease Awareness Month.

Mayor Horn presented a proclamation to Ms. Laura Hatley declaring the month of November, 2014 as Alzheimer's Disease Awareness Month. Ms. Hatley spoke on the Alzheimer program in Alvin hosted by the First Presbyterian Church.

Presentation by Chief of Police Robert Lee regarding the Texas Law Enforcement Recognition Program.

The Texas Police Chief's Association developed a voluntary program which requires agencies to prove their compliance with 166 best business practices for Texas law enforcement to independent assessors. This program helps reduce risk in 12 critical areas of agency operations, and more importantly, assists the agency in remaining progressive and professional.

Police Chief Robert Lee gave an informative presentation on the Texas Law Enforcement Recognition Program that the Alvin Police Department will be participating in.

APPROVAL OF MINUTES

Approve minutes of the October 2, 2014 Regular City Council meeting.

Council member Arendell moved to approve the minutes of October 2, 2014. Seconded by Council member Droege. Motion to approve carried on a vote of 7 Ayes.

Approve minutes of the October 9, 2014 Workshop/Special City Council meeting.

Council member Droege moved to approve the minutes of October 9, 2014. Seconded by Council member Richards. The motion to approve carried on a vote of 7 Ayes.

PETITIONS OR REQUESTS FROM THE PUBLIC

Johanna McWilliams, President of the Alvin-Manvel Chamber of Commerce, addressed the Council to introduce the participants of the Leadership Institute. She explained the program and thanked council for their participation. Kathy Mutina explained their class project.

Dan Kelinske, Director of Parks and Recreation, addressed the Council to announce the fall community events: 3rd Annual Barktoberfest October 25th, Alvin Community College; 39th annual Fall Festival and Zombie Blood Run; and the 10th Annual Trick or Treat Trail at National Oak Park on October 31, 2014. Mr. Kelinske also provided an update on the construction project on the Hike and Bike Trail.

Mr. Mark Woolridge, Texas Department of Transportation area engineer, addressed the Council to provide information on the Bypass 35 projects between FM 517 and FM 528.

REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES

No reports were given.

PUBLIC HEARING

There were no public hearings.

OTHER BUSINESS

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

Mr. Junru Roland, Interim City Manager, presented the financial report for September 2014. He explained that the City is in its audit season and the numbers provided are pre-audited numbers which may slightly change after the year end.

Council member Arendell moved to acknowledge receipt of the monthly financial report of September, 2014. Seconded by Council member Richards; motion carried on a vote 7 Ayes.

Receive and acknowledge the quarterly investment report for the quarter ending September 30, 2014.

Mr. Junru Roland, Interim City Manager, presented the quarterly investment report for the quarter ending September 2014.

Council member Reed moved to acknowledge receipt of the quarterly investment report for the quarter ending September 201. Seconded by Council member Droege; motion carried on a vote of 7 Ayes.

Consider request from Carrie Holder to close a portion of Kendall Crest Drive on October 31, 2014 from 8:00 p.m. to 11:00 p.m. for the purpose of a Halloween Block Party.

Ms. Holder contacted the City Clerk first of October with this request. She was informed that her request would need City Council authorization. Ms. Holder also requested the use of city barricades. She has obtained signatures from her neighbors in support of this request. The City Clerk further informed Ms. Holder that the residents would have to have someone man the barricades to allow residents ingress/egress from the area during the time the street is closed. She concurred with this request.

Council member Arendell moved to approve request from Carrie Holder to close a portion of Kendall Crest Drive on October 31, 2014 from 8:00 p.m. to 11:00 p.m. Seconded by Council member Reed; motion carried on a vote of 7 Ayes.

Consider approval of out of State travel for shooting range advisory group members: Council member Scott Reed, CVB Director Julie Siggers and Mike Bryan to attend the 2015 shooting, hunting, outdoor trade show January 20-23, 2015 in Las Vegas, Nevada.

The City's Travel Policy requires that all requests for out-of-state travel be approved in advance by the Council for employees, committee members and councilmembers. The SHOT Show is the largest and most comprehensive trade show for all professionals involved with the shooting sports, hunting and law enforcement industries.

Council member Droege made a motion to postpone consideration of this item until after the executive session to hear finance information on the shooting range. Seconded by Council member Richards; a roll call vote was taken:

Councilmember Thompson	No	Councilmember Reed	Yes
Councilmember Arendell	Yes	Councilmember Richards	Yes
Councilmember Droege	Yes	Councilmember Adame	Yes
Councilmember Stuksa	Yes		

The motion to postpone carried on a vote of 6 Ayes and 1 No.

Following the executive session, Council member Droege moved to approve out-of-state travel for shooting range advisory group members: Council member Scott Reed, CVB Director Julie Siggers and Mike Bryan to attend the 2015 SHOT Show January 20-23, 2015 in Las Vegas, Nevada to be paid through Hotel Occupancy Tax revenues. Seconded by Council member Stuksa; motion to approve carried on a vote of 5 Ayes, with Council member's Richards and Thompson voting No.

Consider authorizing staff to develop an agreement with Conservation and Reclamation District #3 for the construction of a dry detention pond at Kost Road and South Street.

This item was placed on the agenda at the request of the Mayor in order to help alleviate some confusion from the workshop held on October 9, 2014.

Mayor explained that he added this item to the agenda to provide an update to the public. On October 9, 2014 Council approved not to proceed with a wetlands feature but to put in a dry detention area with landscaping similar to what is in place at Fairview Junior High School. Also for clarification, the Mayor explained the he placed this item on the agenda to request authorizing staff to develop an agreement with Conservation and Reclamation District #3 for the construction of a dry detention pond at Kost Road and South Street.

Council member Reed inquired about clarifying the process that will occur to develop the detention pond. Michelle Segovia explained that she has the engineers estimated cost for the total project and is aware that certain aspects of the project will go out for bids. She further explained that she will have a meeting next week with the general manager of the C & R District 3 to go over the plans of the project to see what parts of the project C&R will do and what parts of the project will be contracted out and what parts of the project will be done in house by the City. She addressed the 3rd party bids and explained that after the plans are completed the estimated timeframe is the end of November or the beginning of December. Once a better understanding is gathered as to what the C & R District 3 is able to do on this project; an agreement will be prepared and brought to Council for consideration.

Following discussion, Council member Reed moved to authorize staff to develop an agreement with Conservation and Reclamation District #3 for the construction of a dry detention pond at

Kost Road and South Street. Seconded by Council member Stuksa; motion carried on a vote of 7 Ayes.

Presentation and discussion on the 2035 Comprehensive Plan to outline next steps using Chapter 6, Implementation.

The 2035 Comprehensive plan has been adopted by City Council. Chapter 6, Implementation, covers several elements, methods, and administration to move this living document forward. These will be presented which will lead to the Implementation Action Plan. Top key recommendations will be highlighted for Council discussion.

Mayor Horn announced that this item will be postponed to November 6th City Council meeting.

Consider Ordinance 14-EE, an ordinance granting a permit to Phillips 66 Pipeline, LLC to construct certain pipeline facilities in certain property or rights-of- way of the city; regulating such construction, the date of completion, and the locations of street crossings; providing for a notice to proceed, fees, deposits, insurance, and a guaranty of performance; providing for non-waiver by the city; regulating conflicting terms of laws; providing a penalty in an amount not to exceed \$1,000.00 per day for each day of violation of any provision hereof; providing for severability; and other matters related thereto – first reading.

Phillips 66 Pipeline, LLC is proposing the construction of an 18" Natural Gas Liquids Pipeline in an existing pipeline right-of-way, this line will extend from Sweeny to Mont Belvieu. Construction began in September 2014 on portions of the line outside of the Alvin area and is expected to last until September 2015. The line is proposed to cross the City's 100' strip at four separate locations as shown on attached Exhibit A of ordinance 14-EE. Phillips 66 Pipeline, LLC, through its right-of-way agent G & P Land, has submitted all required information as required by Chapter 16 Article IV Pipelines of the City's Code of Ordinances. All components of the project have been designed and will be operated in full compliance with the Texas Railroad Commission.

Council member Arendell moved to approve Ordinance 14-EE, an ordinance granting a permit to Phillips 66 Pipeline, LLC to construct certain pipeline facilities in certain property or rights-of-way of the city; regulating such construction, the date of completion, and the locations of street crossings; providing for a notice to proceed, fees, deposits, insurance, and a guaranty of performance; providing for non-waiver by the city; regulating conflicting terms of laws; providing a penalty in an amount not to exceed \$1,000.00 per day for each day of violation of any provision hereof; providing for severability; and other matters related thereto on first reading. Seconded by Council member Reed; motion carried on a vote of 7 Ayes.

Consider Ordinance 14-GG amending the City of Alvin, Ordinance 14-AA passed and approved September 11, 2014, same being an ordinance approving and adopting the City of Alvin's budget for fiscal year 2014-15 by approving "Budget Amendment I" to the original 2014-15 budget; providing supplemental appropriation and/or transfer of funds for the purpose of funding the Court Collections Analyst position in the Finance Department and amending the organization chart of the Finance Department; providing for severability; and providing for other matters related thereto– first reading.

As part of Chief Lee's initiative to reduce traffic violations and accidents, the police department has increased their presence on the streets. Motorcycle patrol officers began patrolling the streets of Alvin in September, 2014. As a result of the traffic enforcement program, the number of citations has significantly increased; resulting in an increased workload on our Municipal Court. Over the past years the City averaged approximately 350 citations per month (\$105 of court revenue per citation). For September, there were 525 citations issued. The municipal court staff has had to work several weekends in order to process the influx of citations. Thus, I am requesting that council authorize the funding of the Court Collections Analyst -- \$28,271. Funding for this position would come from the General Fund (the same fund that the court fine revenue is credited to).

Junru Roland, Interim City Manager, addressed the Council to request funding the Court Collections Analyst position due to the increase in the number of citations as a result of reducing traffic violations and accidents in Alvin.

Council member Arendell moved to approve Ordinance 14-GG amending the City of Alvin, Ordinance 14-AA passed and approved September 11, 2014, same being an ordinance approving and adopting the City of Alvin's budget for fiscal year 2014-15 by approving "Budget Amendment I" to the original 2014-15 budget; providing supplemental appropriation and/or transfer of funds for the purpose of funding the Court Collections Analyst position in the Finance Department and amending the organization chart of the Finance Department; providing for severability; and providing for other matters related thereto on first reading. Seconded by Council member Reed; motion carried on a vote of 7 Ayes.

Consider an Intergovernmental Agreement with the Houston-Galveston Area Council (H-GAC) to receive grant funds funded by TXDOT designed to increase DWI directed enforcement during certain holiday periods in order to help remove drunk drivers from our roadways and reduce traffic accidents and injuries/fatalities and authorize the Mayor to execute the agreement.

The Alvin Police Department applied and was accepted to participate in the 2015 Regional DWI Task Force. Alvin PD was approved for up to \$7,000.00 salary reimbursement for officers' total overtime wages and related costs, including mileage, for the period 11/01/2014 through 09/30/2015, covering six specified holiday periods. The agreement provides that H-GAC will reimburse within 45 days of submission of the requests for reimbursement. The goal of the grant is to reduce intoxicated drivers on the road in an effort to reduce alcohol related crashes and injuries/fatalities.

Council member Reed moved to approve an Intergovernmental Agreement with the Houston-Galveston Area Council (H-GAC) to receive grant funds funded by TXDOT designed to increase DWI directed enforcement during certain holiday periods in order to help remove drunk drivers from our roadways and reduce traffic accidents and injuries/fatalities and authorize the Mayor to execute the agreement. Seconded by Council member Richards; motion to approve carried on a vote of 7 Ayes.

Consider Resolution 14-R-41, authorizing the Mayor to execute an Agreement made pursuant to Texas Local Government Code Chapter 380 with Highland Square Ltd., regarding the City's incentive for improvements made by Highland Square Ltd. to close and remove an existing entrance to the development from FM 1462 and relocate the entrance to FM 1462 at Pearson Road to improve the safety of commercial activity within the Highland Square development by providing a safer access.

This resolution authorizes a 380 Agreement with Highland Square LTD. The Agreement requires Highland Square LTD to be solely responsible for the development and construction of the closure and removal of one of the existing entrances from FM 1462 and the relocation of a new entrance on FM 1462 that will line up with Pearson Road. Highland Square is also solely responsible for TxDOT signals and signage requirements for this roadway change. As an incentive, the City will contribute \$50,000 for project costs that are expected to exceed \$165,000 for this project. The City will pay the contribution amount to Highland Square only upon TxDOT's acceptance of the work performed. This project is intended to promote continued local economic development and improve safety of commercial activity by providing a safer access to the Highland Square center.

Council member Stuksa moved to approve Resolution 14-R-41, authorizing the Mayor to execute an Agreement made pursuant to Texas Local Government Code Chapter 380 with Highland Square Ltd., regarding the City's incentive for improvements made by Highland Square Ltd. to close and remove an existing entrance to the development from FM 1462 and relocate the entrance to FM 1462 at Pearson Road to improve the safety of commercial activity

within the Highland Square development by providing a safer access. Seconded by Council member Arendell; motion to approve carried on a vote of 7 Ayes.

Consider approval of Resolution 14-R-42, adopting the Anti-NIMBYism (Not In My Backyard) Action Plan for the City of Alvin as required by the Fair Housing Activity Statement – Texas (FHAAT) through the General Land Office of Texas.

General Land Office (GLO) requires the City of Alvin to meet certain requirements for grants funds received from the Hurricane Dolly & Ike grant that includes Round 2.1 & 2.2. Staff has put an Anti-NIMBYism Action Plan together as requested by GLO for adoption by Council.

Brian Smith, Public Services Director, addressed the Council to explain the meaning of anti-NIMBYism.

Following discussion, Council member Thompson moved to approve Resolution 14-R-42. Seconded by Council member Stuksa; motion to approve carried on a vote of 7 Ayes.

Consider a contract with the Texas Water Development Board for a 100% FEMA funded Flood Mitigation Assistance Grant; and authorize the Mayor to execute the contract.

In September 2013 Jeff Ward and Associates, on the City's behalf and at Council's direction, applied for a Flood Mitigation Assistance Grant to acquire and demolish two homes that FEMA had classified as Severe Repetitive Loss (SRL) properties due to the number of flood losses that had occurred in the previous ten years. Based on the application that was submitted, FEMA has awarded the grant and authorized the Texas Water Development Board, the grant administrator, to contract with the City to distribute the grant funds for the purchase and demolition of the homes located at 3404 Hummingbird and 1409 Talmadge. The total amount of the grant is \$226,671 and is paid 100% by FEMA with no City required match.

Council member Reed moved to approve a contract with the Texas Water Development Board for a 100% FEMA funded Flood Mitigation Assistance Grant; and authorize the Mayor to execute the contract. Seconded by Council member Droege; motion to approve carried on a vote of 7 Ayes.

Consider a contract with Jeff S. Ward & Associates for consulting services related to the implementation of the Flood Mitigation Assistance Grant for the acquisition and demolition of two flood prone homes located on Talmadge St. and Hummingbird Ln.; and authorize the Mayor execute the contract.

The contract submitted by Jeff S. Ward & Associates, consultant services will be provided to implement the Flood Mitigation Assistance Grant that was awarded by FEMA and administered by the Texas Water Development Board via its contract with the City to buyout the homes located at 1409 Talmadge and 3404 Hummingbird. The Consultant will implement the grant and file all the necessary paperwork as required by FEMA. All services performed by Jeff S. Ward & Associates are covered by the grant.

Council member Reed moved to approve a contract with Jeff S. Ward & Associates, consultant services will be provided to implement the Flood Mitigation Assistance Grant that was awarded by FEMA and administered by the Texas Water Development Board via its contract with the City to buyout the homes located at 1409 Talmadge and 3404 Hummingbird. The Consultant will implement the grant and file all the necessary paperwork as required by FEMA. All services performed by Jeff S. Ward & Associates are covered by the grant. Seconded by Council member Droege; motion to approve carried on a vote of 7 Ayes.

Consider a one year contract extension through December 31, 2015 with Wells Fargo Bank for depository and banking services to the City of Alvin.

On December 2, 2010, council approved a depository agreement with Wells Fargo to be the City's depository and provide banking services. The current contract began on January 1, 2011, and extends through December 31, 2013; with the option of 2 one-year extensions per council approval. October 3, 2013, council approved the first one-year contract extension through December 31, 2014. Staff requests that council approve the second one-year extension through December 31, 2015 to Wells Fargo Bank.

Council member Droege moved to approve a one year contract extension through December 31, 2015 with Wells Fargo Bank for depository and banking services to the City of Alvin. Seconded by Council member Arendell; motion to approve extension carried on a vote of 7 Ayes.

Consider Resolution 14-R-39 acknowledging and accepting easements granted to the City of Alvin for the TxDOT Bridge Replacement project on Old Galveston Road.

TxDOT required the City to obtain easements from the property owners in order to accomplish the bridge replacement project on Old Galveston Road. This resolution formally acknowledges the City's acceptance of these easements being granted to the City.

Council member Droege moved to approve Resolution 14-R-39 acknowledging and accepting easements granted to the City of Alvin for the TxDOT Bridge Replacement project on Old Galveston Road. Seconded by Council member Adame; motion to approve carried on a vote of 7 Ayes.

Council member Arendell inquired as to when this project will begin. Michelle Segovia, City Engineer, will check into the start date and notify Council.

Consider Resolution 14-R-40 acknowledging and accepting easements granted to the City of Alvin for the TxDOT Bridge Replacement project on County Road 149.

TxDOT required the City to obtain easements from the property owners in order to accomplish the bridge replacement project on County Road 149. This resolution formally acknowledges the City's acceptance of these easements being granted to the City.

Mayor Horn announced that Resolution 14-R-40 will be postponed to the November 6, 2014 City Council meeting.

REPORTS FROM CITY MANAGER

Review preliminary list of items for the Council meeting of November 6, 2014.

Junru Roland, Interim City Manager, reviewed the list of items for the November 6, 2014 Council meeting.

Announcements:

Mr. Roland reported that the TxDOT Public Hearing regarding FM528 from SH35B to SH6 will be held on Nov. 13, 2014.

REPORTS FROM COUNCIL MEMBERS

Announcements and requests from Council members.

Councilmember Thompson thanked, the C & R District 3 and Brian Smith, Public Works Director, and his crew for repairing a major sewer line behind the Somerset Subdivision. He invited everyone in attendance out to his neighborhood on Halloween.

Councilmember Richards announced that the Novemberfest will be held on November 8, 2014.

Councilmember Adame announced that he toured the Alvin Animal Shelter recently. He stressed that the shelter is in need of volunteers.

Councilmember Stuksa expressed a word of caution to those trick-o-treating this Halloween. He requested that the grass be cut at the proposed site of the detention pond on Kost and South Street.

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. SGR ITEM

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 into executive session at 7:59 p.m.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting into open session at 10:09 p.m.

ACTION ITEM FROM EXECUTIVE SESSION; Consideration and action, if any, to approve a newly negotiated Collective Bargaining Labor Agreement between the City of Alvin, Texas and the Alvin Police Officer's Association; and authorize the Mayor to sign the agreement.

Council member Reed moved to approve the Collective Bargaining Labor Agreement with addition to exhibit "A" to include the entrance level staff pay of \$42,099.20 and eliminate the 6 month pay. Seconded by Council member Arendell; motion to approve carried on a vote of 7 ayes.

ADJOURNMENT

Council member Arendell moved to adjourn the meeting at 10:10 p.m. Seconded by Council member Droege; motion to adjourn carried on a vote of 7 Ayes.

PASSED and Approved this _____ day of _____, 2014.

Paul Horn, Mayor

ATTEST: _____
Dixie Roberts, City Clerk