

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY NOVEMBER 20, 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, Roger Stuksa and Keith Thompson. Also present: Junru Roland, Interim City Manager; Bobbi Kacz, City Attorney; and Dixie Roberts, City Clerk.

INVOCATION

Charles Smith, First Christian Church gave the invocation.

PLEDGE OF ALLEGIANCE

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

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

SPECIAL PRESENTATIONS

There were no special presentations.

APPROVAL OF MINUTES

Approve minutes of the November 6, 2014 Regular City Council meeting
Council member Droege moved to approve the minutes of November 6, 2014. Seconded by Council member Arendell motion to approve carried on a vote of 7Ayes.

PETITIONS OR REQUESTS FROM THE PUBLIC

David Deaton 1105 W. Sidnor Street addressed City Council regarding a citation he received from Code Enforcement in relation to the alleyway behind his home.

REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES

No reports were given.

PUBLIC HEARINGS

There were no public hearings.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Consider Ordinance 14-HH, an ordinance granting a permit to Genesis Pipeline Texas, L.P. 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; 2nd reading.

Consider Ordinance 14-II amending Chapter 28, Comprehensive Fee Ordinance, increasing fees charged for animal relinquishments at the Alvin Animal Adoption Center; 2nd reading.

Consider approval of Associate Judge Bill Pannell to attend state required educational training in San Antonio from January 5 - 7, 2015.

Consider approval of Presiding Judge Donna Starkey to attend state required educational training in Galveston, Texas from February 16 - 18, 2015.

Council member Stuksa moved to approve the items on the consent agenda. Seconded by Council member Arendell; motion to approve carried on a vote of 7 Ayes.

MATTERS REMOVED FROM CONSENT AGENDA

No items were removed from the consent agenda.

OTHER BUSINESS

Consider approval of the "write-off" of certain utility billing accounts receivables

City staff is preparing to write-off balances dormant for at least 4 months. These are final bills through 6/30/2014, with a total balance of \$23,144.79 on 146 accounts. The City does not have current customer information and this will prevent additional costs of mailing uncollected statements to be charges against the Utility Billing budget. We will place these accounts in write-off status. If any of these customers re-apply for service we will reinstate the bad debt and collect the outstanding balance before new service is established. All account information is retained in the billing software for that procedure.

Joyce Kubezcka and Amy Mallett, Utility Supervisors were present before City Council to answer any questions.

Council member Reed moved to approve the "write-off" of certain utility billing accounts receivables. Seconded by Council member Arendell; motion to approve carried on a vote of 7 Ayes.

Consider approval of a Unified Lease Agreement and Addendum for two Canon copiers for the Alvin Police Department for a sixty (60) month term in the total amount of \$27,000; and authorize the Mayor to sign.

Two additional copiers are needed at the Police Department to replace older end-of-life copiers and to increase overall efficiency. These copiers will be placed in the patrol wing and in the jail/dispatch wing. This lease includes 5,000 copies per month, per machine, and includes routine replacement of toner and routine maintenance in an amount not to exceed \$450 per month for the sixty (60) month term of the lease. Funding for this was budgeted in account 111-3501-00-3100.

Council member Arendell moved to approve a Unified Lease Agreement and Addendum for two Canon copiers for the Alvin Police Department for a sixty (60) month term in the total amount of \$27,000; and authorize the Mayor to sign. Seconded by Council member Droege; motion to approve carried on a vote of 7 Ayes.

Consider approval of an Engineering Services Agreement with Dannenbaum Engineering Corporation in an amount not to exceed \$34,446.00 for the engineering services to update the 2011 M-1 Ditch Watershed Study and drainage analysis; also including the redesign of the proposed detention pond at the northwest corner of Kost Road and South Street from a wetlands pond to a dry bottom pond; and authorize the Mayor to sign.

In October 2014 when the decision was made to remove the wetlands feature from the detention pond design and to proceed forward with a dry bottom pond design Dannenbaum had already updated the 2011 Study/drainage analysis and presented the City with 90% complete construction plans. The proposed cost to redesign the pond which includes updating the study, performing the drainage analysis, and presenting complete construction plans by December 1, 2014 based on a dry pond design is \$34,446 which will be funded from account 312-5501-00-9025.

Council member Reed moved to approve the Engineering Services Agreement with Dannenbaum Engineering Corporation in an amount not to exceed \$34,446.00 for the engineering services to update the 2011 M-1 Ditch Watershed Study and drainage analysis; also including the redesign of the proposed detention pond at the northwest corner of Kost Road and South Street from a wetlands pond to a dry bottom pond; and authorize the Mayor to sign. Seconded by Council member Richards; motion to approve carried on a vote of 7Ayes.

Discuss and consider available options for construction of the dry detention pond at Kost Road and South Street; including an agreement with C&R #3 or solicitation of sealed bids for the project.

City staff to update Council on the development of an agreement with C & R #3 for the construction of the detention pond at Kost and South as well as alternative construction options of obtaining sealed bids for the project.

Council member Thompson moved to authorize staff to enter into an agreement with the C&R #3 for the construction of the dry detention pond at Kost Road and South Street. Seconded by Council member Stuksa; motion to approve carried on a vote of 7Ayes.

Consider Resolution 14-R-38 supporting TXDOT's proposed dedicated bike lane route in which a portion of this bike lane will enter Alvin city limits on FM 2403, cross State Highway 35 onto County Road 171 (S. Johnson Street) and continue on FM 1462; and agreeing to install appropriate "Share the Road" signage along County Road 171; and setting forth other provisions related thereto.

TXDOT has applied for a grant to install a dedicated bike lane which a portion will enter Alvin City Limits on 2403, cross S Highway 35 onto 171 (S. Johnson St) and turn left onto FM1462. TXDOT has requested the City of Alvin provide and install (at the City's expense) "Share the Road signage" along FM 171 (S. Johnson St) from Hwy 35 to FM 1462 as well as a letter of Council support in favor of the bike lane project.

Council member Thompson moved to approve Resolution 14-R-38 supporting TXDOT's proposed dedicated bike lane route in which a portion of this bike lane will enter Alvin city limits on FM 2403, cross State Highway 35 onto County Road 171 (S. Johnson Street) and continue on FM 1462; and agreeing to install appropriate "Share the Road" signage along County Road 171; and setting forth other provisions related thereto. Seconded by Council member Richards; motion to approve carried on a vote of 6 Ayes, with Council member Stuksa voting No.

Ordinance 14-FF, amending the City of Alvin 2014-15 fiscal year budget for the purpose of appropriating \$198,493.83 of prior fiscal year (FY 2013-14) encumbrances into the current fiscal year as set forth for each individual account in the attached Exhibit "A"; 1st reading.

An encumbrance is basically the reserving of funds when a purchase order is approved. Accounting practices require that these funds be reserved or encumbered until they are paid. When the books were closed on September 30, 2014, there were open (outstanding) purchase orders. As the encumbered items are delivered and paid during the 2014-15 fiscal year, negative budget variances will be reflected in departmental accounts unless budget appropriations for the prior year encumbrances are moved from the prior fiscal year (2013-14) into the current fiscal year (2014-15). The total amount of outstanding encumbrances to be carried over from fiscal year 2013-14 is \$198,493.83.

Council member Adame moved to approve Ordinance 14-FF, amending the City of Alvin 2014-15 fiscal year budget for the purpose of appropriating \$198,493.83 of prior fiscal year (FY 2013-14) encumbrances into the current fiscal year as set forth for each individual account in the attached

Exhibit "A" on first reading. Seconded by Council member Droege; motion to approve carried on a vote of 7 Ayes.

Consider Ordinance 14-JJ amending Chapter 5½, Cemeteries, Section 3, Requirements regarding columbaria niches and lots/spaces, of the Code of Ordinances; for the purpose of allowing the placement of upright grave markers within Tract 5 of the Oak Park Cemetery; providing an effective date; and setting forth other provisions related thereto; 1st reading.

This change in policy will solve many issues had within tract 5 of the Oak Park Cemetery. There are currently 2 upright markers that were approved and installed in years prior. This has caused contention amongst other families who also have loved ones buried within this section because they have not been allowed to also install the upright markers. In the pictures presented you will see that tract 5 appears to be turning into a sea of benches, which in my mind doesn't fit within the scope of the desired appearance for the cemetery. I propose that the installation of benches from this point forward not be allowed. Most of the benches currently in place are made of concrete and are in disrepair and need to be removed. Once they become dilapidated, we simply will not allow for their replacement. The prohibition of upright markers within this section was put into place for maintenance reasons. They wanted the mowers to simply be able to come in and mow over the grave markers. This hasn't been the case. The flat markers that have been installed are not flush with the ground. The same type of maintenance is done because of the benches in place as what would have to be done with upright markers.

Leslie Bryson with Bryson Memorials stated that the cemetery rules and regulations need to be amended to allow for the placement of upright memorials and granite benches. The placement of such gives comfort to grieving families by being able to honor their loved ones.

Ms. Robin Ramirez, 3885 Westglen Drive stated that she would like to see the rules of the Oak Park Cemetery amended so that the placement of upright memorials will be allowed within Tract 5. She stated that she would like to have the opportunity to place an upright memorial at her husband's gravesite within this tract. She also stated that she would like to see the temporary cross and flowers remain in place at her husband's gravesite until a permanent marker is installed.

The ordinance was discussed. Mr. Bryson and Ms. Ramirez asked that the placement of benches within the cemetery remain in effect. Mr. Bryson suggested that only the installation of marble benches with permanent foundation be allowed. Discussion continued.

Council asked to table this item for a subsequent meeting.

Consider Ordinance 14-KK amending Chapter 2, Administration, Article VI, Records Management, of the Code of Ordinances; for the purpose of revising the Records Management Program; providing an effective date; and setting forth other provisions related thereto; 1st reading.

This is a revision to the ordinance bringing the City of Alvin up to date with current records management practices.

Council member Arendell moved to approve Ordinance 14-KK amending Chapter 2, Administration, Article VI, Records Management, of the Code of Ordinances; for the purpose of revising the Records Management Program; providing an effective date; and setting forth other provisions related thereto on first reading. Seconded by Council member Richards; motion to approve carried on a vote of 7Ayes.

Consider Resolution 14-R-43; approving and adopting the City of Alvin Records Management Plan; and setting forth other provisions related thereto.

This plan will be used by every department to carry out the Records Management Program within the city. This document is required to be in place by City Ordinance and by the State of Texas Local Government Code Chapter 203.

Council member Arendell moved to approve Resolution 14-R-43; approving and adopting the City of Alvin Records Management Plan; and setting forth other provisions related thereto. Seconded by Council member Droege; motion to approve carried on a vote of 7Ayes.

REPORTS FROM CITY MANAGER

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

Mr. Roland reviewed the preliminary list for the December 4, 2014 City Council meeting.

Announcements/Items of Community Interest

Mr. Roland reported that a Thanksgiving meal will be provided at the Alvin Seniors Center on Thursday, November 27, 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.

Council member Reed thanked the citizens for commenting this evening regarding the cemetery ordinance.

Council member Adame thanked the C&R District 3 for their willingness to help the City in the construction of the detention pond.

Council member Stuksa wished everyone a Happy Thanksgiving.

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 to executive session at 7:38 p.m.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting to open session at 8:23 p.m.

ADJOURNMENT

Council member Thompson moved to adjourn the meeting at 8:23 p.m. Seconded by Council member Stuksa; motion to adjourn carried on a vote of 7 Ayes.

PASSED and APPROVED this _____ day of _____, 2014.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Clerk