

**MINUTES  
CITY OF ALVIN, TEXAS  
216 W. SEALY STREET  
REGULAR CITY COUNCIL MEETING  
& EXECUTIVE SESSION  
THURSDAY JUNE 16, 2016  
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 Gabe Adame; Council members: Adam Arendell, Chris Sanger, Glenn Starkey, Keith Thompson, Scott Reed and Brad Richards.

Staff members present: Sereniah Breland, City Manager; Grace Cruzen, Deputy City Clerk; Robert Lee, Police Chief; and Dan Kelinske, Parks Director and Michelle Segovia, City Engineer.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Council member Gabe Adame gave the invocation.

Eagle Scout Galen Mikel led the Pledge of Allegiance to the American Flag.

Eagle Scout Galen Mikel led the pledge to the Texas Flag.

**PUBLIC COMMENT**

Mr. Clint Wilson, 5 Kenny Ct., expressed concerns of too much fluoride in the water system. He pointed out the effects of excess fluoride has on children and adults. Mr. Wilson asked the Council what could be done to reduce the amount of fluoride in the water system.

Ms. Pat Drachenberg, 2012 Mustang Road, requested that the side walk on the west side of Mustang Road be removed from the Mustang Road Improvement project.

**PRESENTATIONS**

Presentation of Eagle Scout Awards to Galen Mikel and Andrew Schumann.

Mayor Horn presented a certificate of recognition to Eagle Scout Galen Mikel.

Proclamation: Brazoria County Library Systems 75<sup>th</sup> Diamond Jubilee Anniversary Celebration; June 18, 2016.

Mayor Horn presented a proclamation to Dana Kay Wilson, Librarian and David Thrash, Brazoria County Library Director in celebration of the 75<sup>th</sup> anniversary of the Brazoria County Library System.

Parks & Recreation Departmental Update.

Dan Kelinske, Parks and Recreation Director, gave an update on his department. He highlighted projects that were accomplished by the Parks Department.

Presentation regarding National Oak Park (requested by City Council member Richards). This item was discussed under Other Business but is being recorded here to maintain the integrity of the outline.

Council Member Richards and Sanger expressed concerns on the vandalism and inappropriate behavior at National Oak Park.

Dan Kelinske, Parks and Recreation Director, gave a presentation on the remediation that the Parks Department has done in National Oak Park. Council Member Starkey requested information on how much money has been spent in labor on maintaining the structures at National Oak Park.

### **PUBLIC HEARING**

Conduct a public hearing and review of the City of Alvin, Texas, juvenile curfew ordinance, Article IV, curfew hours for juveniles; to determine the need to re-adopt, abolish, continue or modify the ordinance.

Police Chief Lee gave a presentation on the curfew ordinance.

Mayor Horn opened the public hearing at 7:29 p.m.

No one spoke for or against the ordinance.

Mayor Horn closed the public hearing at 7:29 p.m.

### **CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION**

Approve minutes of the June 2, 2016 City Council workshop.

Approve minutes of the June 2, 2016 City Council meeting.

Consider Ordinance 16-I; an ordinance of the City of Alvin, Texas continuing the regulations in Article IV; Curfew Hours for Minors a part of Chapter 15 Offenses and Miscellaneous Provisions; concerning offenses for minors, parents of minors, and business establishments that violate curfew regulations; providing for two (2) public hearings; providing for a penalty; and setting forth other provisions related thereto.

*State law requires the City Council to review a juvenile curfew ordinance every three years and to review the ordinances effect on a community. In the last three years we have issued eleven (11) warnings to juveniles, six (6) warnings to parents of juveniles and two (2) citations. In each of these cases the existence of the curfew ordinance allowed officers the ability to identify juveniles and notify parents or legal guardians in order to insure that these unaccompanied minors were picked up/delivered into the hands of a responsible adult. In some cases, the parent/guardian had no idea that the juvenile was absent from adult oversight. The overarching intent of the ordinance is to provide for the safety of juveniles, to curb the commission of juvenile crime and to maintain the general peace of the City during curfew hours.*

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

### **OTHER BUSINESS:**

Consider Amendment No. 3 to the Development and License Agreement with the Alvin Restaurant Group, Inc., dba the Barbed Rose Steakhouse and Seafood Company; and authorize the City Manager to sign.

*The Owner of the two parcels of real estate that enjoy the benefits of the License Agreement, now intends to sell one of the parcels. The current License Agreement needs to be amended in order for the Buyer to have use of the Facility. This Amendment No. 3 provides a process that allows the License Agreement to transfer to the Buyer of the real estate, and includes the following contributions by the Buyer: 1. Provide portable restrooms for up to 5 City events each year in National Oak Park at Buyer's cost; 2. Provide 100 hours of volunteer community service per year in favor of the City park; 3. Provide live music and entertainment for an annual concert at the City Park at Buyer's cost; 4. Buyer will donate a caboose on loan to the City Park to enhance the Depot district. This Amendment also includes a provision for "sub-licensing" to tenants with Council approval under the same terms and conditions of the License Agreement.*

*Although I prefer an entirely new License Agreement due to the change in ownership of one of the properties, this Amendment will allow the parties to sell/buy within their desired closing date. A new License Agreement will be submitted to Council in the near future clarifying all the terms in a single document.*

Council member Reed moved to approve amendment No. 3 to the Development and License Agreement with the Alvin Restaurant Group, Inc., dba the Barbed Rose Steakhouse and Seafood Company; and authorize the City Manager to sign. Seconded by Council Member Richards; motion carried on a vote of 7Ayes.

Consider bid award to Mar-Con Services, LLC for the construction of the Mustang Road Improvement Project in an amount not to exceed \$1,102,780.46, which includes the alternate bid item; and authorize City Manager to sign contract upon legal review.

*On May 31, 2016 bids were opened for the Mustang Road Improvement Project and Mar-Con Services LLC. was the qualified low bidder. The Engineering Department has worked with this contractor before and was highly satisfied with the work performed.*

*Project Budget: \$1,500,000.00 Contract Amount: \$1,011,872.50 Alternate Bid Item: \$38,394.60 (Construction of a new sidewalk along the west side of the road) 5% Contingency: \$52,513.36 Total Amount: \$1,102,780.46 (Project is \$397,219.54 below budget) The project consists of the removal and replacement of concrete pavement, curb, driveways, sidewalk, storm sewer pipe, inlets, and manholes along the existing alignment of Mustang Road from S. Gordon Street to Bypass 35. The existing Mustang Road intersection with S. Gordon Street will be permanently closed and relocated 650 feet south on currently vacant property that was acquired by the City of Alvin in 1999. This project has been in design for the past three years and has been in the planning stage since 2003. On January 7, 2016 a City Council workshop was held to discuss the project, as well as, to hear concerns from a resident that lives along Mustang Road regarding the plan to construct a new sidewalk along the west side of the roadway as a part of this project. The Council discussed the proposed sidewalk and the intersection realignment at length and direction was given to staff to bid the sidewalk along the west side of the road as an alternate item that could be included or removed at Council's discretion at the time of bid award.*

*The Mustang Road and S. Gordon intersection is being relocated in an effort to ease traffic congestion at the S. Gordon and South Street signal controlled intersection. This relocation has been approved/permitted by the Texas Department of Transportation (TXDOT). The project is scheduled to start in early July and has a construction time of 180 days. The \$397,219.54 in excess funds will remain in the Sales Tax Fund, to be used for future street improvements.*

Michelle Segovia, City Engineer, explained the need for this project.

Following discussion, Council Member Arendell moved to award bid to Mar-Con Services, LLC for the construction of the Mustang Road Improvement Project in an amount not to exceed \$1,102,780.46 and to remove the alternate bid. Seconded by Council Member Adame.

Mayor Horn called for a roll call vote:

Council member Thompson	No	Council member Sanger	No
Council member Reed	Aye	Council member Adame	Aye
Council member Arendell	Aye	Council member Starkey	Aye
Council member Richards	No		

Motion carried.

Consider appointments to the 2016 Charter Review Commission.

*Advertisements seeking members to serve on this commission were published in The Alvin Sun and posted to the city's various social media sites. The following individuals submitted an application to serve: Terry Droege, Missy Jordan, Jimmy Kitchens, Debra McDonald, Tommy Peebles, Brenda Smith, Roger Stuksa and Kerry Ulm (a nonresident applied but lacks the residency requirement). Please note that City Council has the authority to appoint willing citizens to the commission who haven't yet filled out an application to serve. A spreadsheet of applicant information has been created and is included in your packet. The only requirement to serve on the commission is to be a citizen of the City of Alvin. All applicants submitted before council meet the requirement.*

Council Member Thompson nominated Martin Vela, Marisol Jimenez, Santos Garza, Armando Cespedes, Chad Gormly, Brenda Smith and Kerry Ulm.

Council Member Reed nominated Terry Droege, Missy Jordan, Chad Gormly, Jimmy Kitchens, Tommy Peebles and Brenda Smith.

Council Member Arendell nominated Debra McDonald

Council Member Sanger nominated Martin Vela, Marisol Jimenez, Santos Garza, Chad Gormly, Brenda Smith and Kerry Ulm.

Council Member Reed moved to nominate Terry Droege to the Charter Review Commission. Seconded by Council Member Adame; Mayor Horn called for a roll call vote:

Council member Thompson	No	Council member Sanger	No
Council member Reed	Aye	Council member Adame	Aye
Council member Arendell	Aye	Council member Starkey	No
Council member Richards	No		

Motion failed.

Council Member Reed moved to nominate Missy Jordan to the Charter Review Commission; Seconded by Council Member Adame; Mayor Horn called for a roll call vote:

Council member Thompson	No	Council member Sanger	No
Council member Reed	Aye	Council member Adame	Aye
Council member Arendell	Aye	Council member Starkey	No
Council member Richards	No		

Motion failed.

Council Member Reed moved to nominate Jimmy Kitchens to the Charter Review Commission; Seconded by Council Member Arendell; Mayor Horn called for a roll call vote:

Council member Thompson	No	Council member Sanger	No
Council member Reed	Aye	Council member Adame	Aye
Council member Arendell	Aye	Council member Starkey	Aye
Council member Richards	No		

Motion carried.

Council Member Reed moved to nominate Debra McDonald to the Charter Review Commission; Seconded by Council Member Adame; Mayor Horn called for a roll call vote:

Council member Thompson	No	Council member Sanger	No
Council member Reed	Aye	Council member Adame	Aye
Council member Arendell	Aye	Council member Starkey	No
Council member Richards	No		

Motion failed.

Council Member Reed moved to nominate Tommy Peebles to the Charter Review Commission; Seconded by Council Member Adame; Mayor Horn called for a roll call vote:

Council member Thompson	No	Council member Sanger	No
Council member Reed	Aye	Council member Adame	Aye
Council member Arendell	Aye	Council member Starkey	No
Council member Richards	No		

Motion failed.

Council Member Reed moved to nominate Brenda Smith to the Charter Review Commission. Seconded by Council Member Thompson; motion carried on a vote of 7 Ayes.

Council Member Reed moved to nominate Chad Gormly to the Charter Review Commission. Seconded by Council Member Thompson; motion carried on a vote of 7 Ayes.

Council Member Thompson moved to nominate Kerry Ulm to the Charter Review Commission. Seconded by Council Member Starkey; motion carried on a vote of 7 Ayes.

Council Member Sanger moved to nominate Martin Vela. Seconded by Council Member Thompson; motion carried on a vote of 7 Ayes.

Council Member Sanger moved to nominate Marisol Jimenez. Seconded by Council Member Thompson; motion carried on a vote of 7 Ayes.

Council Member Sanger moved to nominate Santos Garza. Seconded by Council Member Thompson; motion carried on a vote of 7 Ayes.

**REPORTS FROM CITY MANAGER**

Review preliminary list of items for the Council meeting of July 7, 2016.  
Ms. Breland reviewed the preliminary list for the July 7th City Council Meeting.

Announcements/Items of Community Interest.  
Ms. Cruzen reviewed items of community interest.

**REPORTS FROM COUNCIL MEMBERS**

Announcements and requests from Council members.  
Council member Thompson announced that city staff is sending out letters regarding high grass to areas within in district C.

Council member Reed announced the funeral service of Dominic Vargas. Mr. Vargas was a close friend of the Reed family.

Council member Arendell invited those in attendance to the youth baseball All Star games on June 17-21 at Lions Park.

Council member Sanger announced that the tall grass on Bypass 35 has been cut. He commended Dan Kelinske and the Parks Department for their diligence in maintaining the parks and commended Mr. Kelinske on his strong work ethics. Council Member Sanger requested everyone to keep the flood victims in their prayers as they go through the recovery phase.

Council member Adame thanked Dan Kelinske for his departmental presentation. He wished everyone in attendance a Happy Father's Day.

Council member Starkey expressed condolences to the Pearland Police officer and the Alvin citizen. He announced the Alvin Animal Adoption Center Freedom Celebration on July 2, 2016; 10-2 p.m. He also announced that on the 2<sup>nd</sup> Friday of the month Faith Family Fellowship holds a family oriented wrestling event. Council member Starkey commented on the recent attack in Orlando, Florida and urge everyone to remain united.

### EXECUTIVE SESSION

Mayor Horn called for an Executive Session at 8:38 p.m. in accordance to the following:

Section 551.074 of the Government Code: Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

1. Discuss the evaluation of city manager.

### RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting into open session at 10:06 p.m.

Consider action, if any, on item(s) discussed in Executive Session.

No action was taken.

### ADJOURNMENT

Council member Starkey moved to adjourn the meeting at 10:07p.m. Seconded by Council Member Reed; the motion carried on a vote 7 Ayes.

PASSED and APPROVED this 7 day of July 2016.

  
Paul A. Horn, Mayor

ATTEST:   
Dixie Roberts, City Clerk