

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL
REGULAR MEETING
THURSDAY, MARCH 2, 2017
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, Brad Richards, Chris Sanger, Glenn Starkey, and Keith Thompson.

Staff members present: Sereniah Breland, City Manager; Bobbi Kacz, City Attorney; Junru Roland, Assistant City Manager/CFO; Dixie Roberts, City Clerk; Michelle Segovia, City Engineer; Robert Lee, Police Chief; Dan Kelinske, Parks Director.

INVOCATION AND PLEDGE OF ALLEGIANCE

Judy Zavala gave the invocation.

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

Council member Thompson led the Pledge to the Texas Flag.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Approve minutes of the February 9, 2017 City Council workshop meeting.

Approve minutes of the February 16, 2017 City Council workshop meeting.

Approve minutes of the February 16, 2017 City Council regular meeting.

Consider awarding a bid to Napco Chemical Company to purchase Sodium Bisulfite for one (1) year with the option to extend for one year at the same terms and conditions for an estimated total of \$30,000.

Sodium Bisulfite is used at the Waste Water Treatment Plant after chlorine disinfection prior to discharging the effluent to receiving water in an effort to process and treat the wastewater.

On February 7, 2017, bids were opened and Napco Chemical Company was the lowest qualified bidder for Sodium Bisulfite at \$1.60 per gallon, which is a decrease in their price from the previous year at \$1.65 per gallon.

The amount of wastewater being treated is contingent upon the amount of wastewater sent to the wastewater treatment plant for treatment from the community. The projected annual cost for Sodium Bisulfite in FY17 at \$1.60 per gallon is \$20,848. However, \$30,000 was budgeted for in FY17 in the event of an increase in wastewater treatment were to occur. Last year \$21,500 was spent on Sodium Bisulfite at \$1.65 per gallon.

Upon Council approval an award letter will be sent to the vendor and city departments.

Consider a Master Preliminary Plat of Sunset Ranch, (1185 Heights Rd.) being 20 acres of land out of the Hooper & Wade Survey, A-420, Brazoria County, Texas.

On February 1, 2017 the Engineering Department received the master preliminary plat of Sunset Ranch for review. The property is located at 1185 Heights Road and is being subdivided for a new single family residential planned unit development subdivision containing 82 lots and 4 reserves. The Developer plans to construct the subdivision in two sections. Currently the 10 acres that fronts Heights Road is in the City's Extraterritorial Jurisdiction (ETJ) and the

remaining 10 acres is in the City. The Developer has submitted a written request for annexation of the portion of the property that is currently outside the City in exchange for being allowed to connect to City utilities. This plat complies with all requirements of the City's Subdivision Ordinance.

The Planning Commission unanimously approved the plat at their meeting on February 21, 2017. Staff recommends approval.

Consider a Final Plat of Gordon Plaza, (1800 N. Gordon) being a subdivision of 3.33 acres out of the Hooper & Wade Survey, abstract 421 as recorded in volume 522, page 337 of the Deed Records of Brazoria County, Texas.

On February 1, 2017 the Engineering Department received the final plat of Gordon Plaza for review. The property is located at 1800 N. Gordon and is being subdivided for future commercial development on Reserve B. This plat complies with all requirements of the City's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting February 21, 2017. Staff recommends approval.

Consider a Final Plat of Morton and Morton, (2465 W. Highway 6) being a subdivision of 5.820 acres in the H.T. & B.R.R. Co. Section 17, A-228, and being a partial replat of lot 4 of Morton Place Subdivision recorded in file number 2008020950 of the Plat Records of Brazoria County, City of Alvin, Brazoria County, Texas.

On February 1, 2017 the Engineering Department received the final plat of Morton and Morton for review. The property is located at 2465 W. Highway 6 and is being platted for future commercial development on Lot 2. This plat complies with all requirements of the City's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting February 21, 2017. Staff recommends approval.

Consider appointment of Belt Harris Pechacke, LLP as the City's auditors for the fiscal year ending September 30, 2017; and authorize the City Manager to sign the Auditor's Engagement Letter.

Chapter 103 of the Local Government Code requires cities to have its records and accounts audited; and a financial statement prepared based on the audit, annually. Belt Harris Pechacek, LLP (BHP) has served as the City's independent auditors since FY 2009. BHP is proposing a base estimated fee of \$38,240 for the City's FY17 financial statement audit; with an additional estimated fee of \$7,000, if the City requires a single audit*.

Staff is requesting that City Council approve the engagement of BHP to provide auditing services for FY17. By engaging BHP for FY17, the City retains an audit firm that is extremely knowledgeable of the City's accounting and internal controls.

BHP's Prior Fiscal Year Engagement Fees
Base audit fee: \$36,416 + \$7,000 for single audit.

FY17 Audit Budgets for Comparative Cities:

Lake Jackson: \$42,000

Webster: \$43,200

Friendswood: \$45,000

La Porte: \$62,950

Deer Park: \$65,400

* A "single audit" is additional auditing procedures that are required if the City expends over \$750,000 of federal (grant) funds in a fiscal year.

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

OTHER BUSINESS:

Presentation by Belt Harris Pechacek, LLP of the City's Comprehensive Annual Financial Report (CAFR) as of September 30, 2016; and Council's acknowledgement of receipt of the CAFR.

As required by state statute, an independent audit has been completed by the CPA firm of Belt Harris Pechacek, LLP, for the fiscal year ended September 30, 2016. At the end of an audit, Generally Accepted Auditing Standards mandate that auditors must express an opinion on the financial records. For FY16, the City received an unmodified opinion from the auditors – which is the highest form of assurance that our financial statements “give a true and fair view” of the City’s financial position.

Pursuant to Section 103.003 of the Texas Local Government Code, the annual financial statements, including the auditor’s opinion must be filed with the City Secretary within 180 days after the last day of the fiscal year (September 30, 2016). The CAFR, which includes the auditor’s opinion, will be presented to the Mayor and City Council; and to the City Clerk for filing.

Stephanie Harris, from Belt Harris Pechacek, LLP was present the CAFR information to City Council.

Mr. Roland introduced and thanked members of his staff.

Council member Adame moved to acknowledge of receipt of the City of Alvin Comprehensive Finance Report prepared by Belt Harris Pechacek, LLP. Seconded by Council Member Richards; motion carried on a vote of 6 Ayes.

Consider a License Agreement for Exclusive Use of City Property between the City of Alvin and the Alvin Sunrise Rotary Foundation for the Music Fest and Bar-B-Q Cook-off to be held at Briscoe Park on Friday, April 7 to Sunday, April 9, 2017; and authorize the City Manager to sign.

Summary: The Alvin Sunrise Rotary Foundation has requested the City issue a license agreement for the purpose of holding a fundraising event, Music Fest and Bar-B-Q Cook-off (April 7-8, 2017) in Briscoe Park to include food and alcoholic beverages and providing music and other entertainment. The exclusive use agreement outlines operational responsibilities of the City and the Alvin Sunrise Rotary Foundation. The City’s Event application, adopted by council (Resolution 14-R-37), states that the Recognized Group [hosting entity] shall provide security at the sole expense of the recognized group [hosting entity] ...with City of Alvin police personnel given first consideration for paid positions.

Alvin Sunrise Rotary Foundation shall:

- Adhere to governmental regulations concerning the sale of food and alcohol & obtain appropriate permits
- Fence the park area to be used exclusively for the event
- Maintain the property in clean condition
- Adhere to City’s noise ordinance and obtain appropriate sound/noise permit
- Abide by all terms of Community Wide Event Application including insurance requirements

The City shall:

- Provide barricades and cones for street closure
- Waive park user fees
- Provide portable restroom
- Authorize Alvin Sunrise Foundation to sell alcoholic beverages on city property
- Provide onsite EMS personnel and ambulance
- Provide up to 20 picnic tables and 30 trash barrels
- Provide electricity, where already furnished
- Contribute up to 30 hours of the ACVB Director’s time
- Contribute up to \$15,000 of ACVB budgeted funds for reimbursement of entertainment
- Contribute up to \$7,000 of ACVB budgeted funds for advertising
- Provide up to 15 hours of the Alvin Fire Marshall or Assistant Fire Marshall’s time for inspection of cookers and other Fire Safety and prevention services required by the City.

The City has executed exclusive use agreements with the Alvin Restaurant Group (cooler build out sits on city property) and Noon Rotary (Steak of the Arts). February 21, 2017, staff emailed the initial draft of the Exclusive Use Agreement to the chairman of the Alvin Sunrise Rotary for the 2017 Music Fest and Bar-B-Q Cook-Off.

In 2016, the city spent approximately \$67,000 (labor, equipment, and other costs) for the Music Fest and Bar B-Q Cook-off event. For 2017, the City anticipates spending approximately \$50,000 (labor, equipment and other costs).

Any reimbursements to the Alvin Sunrise Rotary Foundation for security expenses will only be for security services provided by the Alvin Police Department. The City will provide police department equipment.

The City's current event application was adopted by city council in March, 2013. During that time, three (3) of the current councilmembers were serving as city council. In 2009, the city council adopted an ordinance authorizing the city to assess park user fees (equal to 10% of gross revenue derived from an event's admission fees). Staff is planning to propose a revision to that ordinance which would remove the 10% park user fee.

Discussion was had. Mike Hoover with the Rotary Foundation was present and stated that the terms of the contract were agreeable.

Council member Adame moved to approve a License Agreement for Exclusive Use of City Property between the City of Alvin and the Alvin Sunrise Rotary Foundation for the Music Fest and Bar-B-Q Cook-off to be held at Briscoe Park on Friday, April 7 to Sunday, April 9, 2017; and authorize the City Manager to sign. Seconded by Council member Thompson; motion carried on a vote of 5 Ayes, with Council member Sanger voting No.

Consider a Preliminary Plat of Stonewall Subdivision, (southeast of the intersection of County Road 143 and County Road 128), being a subdivision of 42.84 acres of land out of and a part of section thirty-four (34) of the H.T.&B.R.R. Company Survey, Abstract No. 526, City of Alvin E.T.J., Brazoria County, Texas and with consideration of variances to the City's Code of Ordinances Section 21-57 (b)(1) regarding lot size and Section 21-57 (c) regarding right-of-way.

On February 1, 2017, the Engineering Department received the preliminary plat of Stonewall Subdivision for review. This subdivision is located southeast of the intersection of County Road 143 and County Road 128 in the City of Alvin's Extraterritorial Jurisdiction (ETJ). This preliminary plat consists of 38 lots, 7 reserves, and 2 blocks. The Developer is proposing a residential development consisting of 38 half acre lots for modular homes.

LJA Engineering, Inc., on behalf of the Developer Clayton Homes, has requested two variances to the City Code of Ordinances. The variances being requested are as follows:

- 1. A variance to Section 21-57(b)(1) which states that new subdivisions with roadside ditch drainage systems are required to have minimum one acre lots. Clayton Homes has requested to be permitted to construct half acre lots for reasons outlined in the attached letter.*
- 2. A variance to Section 21-57(c) which states that new subdivisions with roadside ditch drainage systems are required to have road rights-of-ways with minimum widths of seventy feet. Clayton Homes has requested to be allowed to utilize a sixty feet wide right-of-way for the portion of Stonewall Road that crosses the neighboring property from County Road 143 to the west boundary line of the property being platted, for reasons outlined in the attached letter.*

The City Planning Commission voted 7 to 2 to approve the plat and the two variance requests at their meeting on February 21, 2017. The Commissioners voting against the request did not give reasons for their no votes. Staff recommends approval.

Council member Starkey moved to approve a Preliminary Plat of Stonewall Subdivision, (southeast of the intersection of County Road 143 and County Road 128), being a subdivision of 42.84 acres of land out of and a part of section thirty-four (34) of the H.T.&B.R.R. Company Survey, Abstract No. 526, City of Alvin E.T.J., Brazoria County, Texas and with consideration of variances to the City's Code of Ordinances Section 21-57 (b)(1) regarding lot size and Section 21-57 (c) regarding right-of-way. Seconded by Council member Sanger, motion carried on a vote of 4 Ayes with Council member's Arendell, Thompson and Richards voting, No and Mayor Horn breaking the tie with an Aye vote.

Acknowledge receipt of the Parks and Recreation five-year Capital Improvement Recommendations.

The City charter states the Parks and Recreation Board "shall make recommendations to the city council for the improvement and betterment of public parks and recreational facilities by March first of each year." The Parks and Recreation Board held a special meeting on January 14, 2017, to tour all of the parks within the City in order to gain first-hand insight as to the condition of the parks and amenities as well as the uniqueness of the surrounding area to which these parks serve. Bringing back with them their first-hand experience, the Park and Recreation Board discussed and unanimously approved the five-year Capital Improvement Recommendations (CIR) at their meeting on February 7, 2017. The five-year CIR is a planning document. The CIR is revised at least annually, and many times throughout the year as per need; at which time new recommendations may be added to the CIR. City staff recognizes that funding may not be available to fund all the projects listed.

Council member Arendell moved to acknowledge of receipt of the Parks and Recreation five-year Capital Improvement Recommendations. Seconded by Council member Thompson; motion carried on a vote of 6 Ayes.

Consider Ordinance 17-D; adding a new article, styled Article IX, "Tree Preservation" to Chapter 15 Offenses and Miscellaneous Provisions of the City of Alvin Code of Ordinances, relating to the preservation of trees within the territorial limits of the City; providing for a penalty; providing for severability; providing for repeal; providing for an effective date; and related matters.

The 2035 Comprehensive Plan outlined recommendations on numerous projects and programs for implementation. From this list, tree preservation was one of the many strategic projects selected for implementation. The 2035 Comprehensive Plan stated, "require tree preservation for residential development and especially for infill development and redevelopment in neighborhoods with mature tree canopies." A five-member team consisting of City staff as well as Mr. Adam Burkey, a citizen volunteer and also member of Keep Alvin Beautiful, worked together to create a final draft of Ordinance 17-D. This draft was presented to the City Planning Commission (CPC) on 11/16/2016. The CPC recommended to exclude development by individual lot/homeowners and only include new subdivision development (3 or more houses) and all commercial property development. Upon making that correction, the ordinance returned to the CPC on January 17, 2017 where it was unanimously approved.

Council member Adame moved approve Ordinance 17-D; adding a new article, styled Article IX, "Tree Preservation" to Chapter 15 Offenses and Miscellaneous Provisions of the City of Alvin Code of Ordinances, relating to the preservation of trees within the territorial limits of the City; providing for a penalty; providing for severability; providing for repeal; providing for an effective date; and related matters. Seconded by Council member Arendell; motion carried on a vote of 5 Ayes, with Council member Sanger voting No.

Consider Ordinance 17-E; amending Chapter 2, Administration of the Code of Ordinances, City of Alvin, Texas, by amending Article I – In General, and Article II – City Council, for the purpose of amending various council meeting provisions and Article IV – Board of Trustees Public Library Board, for the purpose of amending terms and officers; providing an effective date; and related matters.

This ordinance revision is an effort to clean up Chapter 2, Administration, and also to provide a clear process for the placement and removal of items on the agenda by members of City Council. Summary of Changes presented in this ordinance:

- *Removing Section 2-18 Alternates for boards and commissions. Removing of this section will reflect current practice.*
- *Section 2-20.3 – Senior citizens board – removing the use of the word president and vice president to describe the chair and vice chair of the commission. This will allow for consistency providing for a chairperson and vice chairperson for all boards and commissions.*
 - *Inserting language that requires amendments made to the rules and regulations governing the Senior Center shall be adopted by Resolution.*
- *Adding Section 2-21.1 – Preparation of agenda - Mayor, city manager or any two (2) members of city council may submit items for consideration on an agenda. 2 members must submit written request to the city clerk containing brief summary statement of the proposed agenda item (can be in electronic form).*
- *Adding Section 2-21.2 - Reconsideration of items - past agenda items that were subject to a final vote may be placed on a future agenda for reconsideration by a city council member who voted on the prevailing side, or by a member of council absent at the time of original action. If a non-prevailing city council member desires an item to be reconsidered, the city council member must wait ninety (90) days from the date of the final vote and then submit*

notice to the City Clerk to request that city council consider the reconsideration of such item. A majority vote is required to place request on future agenda for consideration.

- *Section 2-23 – inserting a provision for the roll call to be noted by the city clerk and the determination of a quorum by the presiding officer.*
- *Section 2-24 – removing the requirement that persons speaking before city council at a public meeting state their address for the record, only their residing city.*
 - o *Inserting language that gives procedure to the voting process by city council and removing the use of Robert's Rules of Order as a procedural guide for all motions.*
 - o *Amending the deadline to submit consent and willingness forms (volunteer form to serve on a board or commission) to the city clerk's office from five (5) working days before the scheduled city council meeting to make board appointments to three (3) working days. This gives more time for the submission of forms.*
- *Section 2-48 Terms of members of the Board of Trustees of the Alvin Public Library – removing language that limits members serving on this board to two (2) terms; term limits are not imposed on any other board or commission.*
 - o *Removing the use of the word president and vice president to describe the chair and vice chair of the Alvin Library Board. This will allow for consistency providing for a chairperson and vice chairperson for all boards and commissions.*
 - o *Removing the treasurer position on the Alvin Library board. There is no need for a treasurer on this board.*

Ms. Roberts reviewed the suggested changes within the ordinance.

Council member Arendell moved approve Ordinance 17-E; amending Chapter 2, Administration of the Code of Ordinances, City of Alvin, Texas, by amending Article I – In General, and Article II – City Council, for the purpose of amending various council meeting provisions and Article IV – Board of Trustees Public Library Board, for the purpose of amending terms and officers; providing an effective date; and related matters. Seconded by Council member Richards; motion carried on a vote of 6 Ayes.

Consider appointment to fill an unexpired term on the Senior Citizens Board.

The board currently has 6 members: Judy Zavala (Chair), Betty Hodges, Marie Hodges (Vice Chair), Beverly Kimbrough, Nell Shimek (Secretary), and Darrell Brady. Section 2-20.3 of the Alvin Code of Ordinances states that the Senior's Board shall consist of seven (7) members. Members of the board shall be appointed by the mayor subject to the approval of the council by a majority vote. Vacancies on the board shall be filled according to the same procedure. In January, 2017 City Council accepted the resignation from Senior Citizen Board member Brenda Maust. Her term went through December, 2017. The appointed person to this term will serve out the remainder of this term, and may apply for reappointment in December 2017, if they so choose.

Loretta Smith has submitted a Consent and Willingness to Serve Form to specifically serve on the Senior Citizen Board. Information obtained from Ms. Smith's Consent Form:

Council Member moved to nominate Loretta Smith to fill an unexpired term on the Senior Citizens Board through December, 2017. Seconded by Council member Thompson; motion carried on a vote of 6 Ayes.

REPORTS FROM CITY MANAGER

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the March 16, 2017 City Council meeting. She also thanked Mr. Roland for the outstanding job he does for the City of Alvin.

Items of Community Interest.

Mrs. Roberts reviewed items of community interest.

REPORTS FROM COUNCIL MEMBERS

Announcements and requests from Council members.

Council member Thompson thanked Mr. Roland and the Finance team for their outstanding job. He also asked staff to look at repairing the pothole(s) in the left turn lane at the Bypass 35 and FM 528.

Council member Arendell thanked Mr. Roland and the Finance team a job well done. He also asked for more information on the Quiet Zone and commented on the monthly reports provided by the city manager.

Council member Richards thanked all of the department heads for the job they do for the City.

Council member Adame thanked Mr. Roland and the Finance team for a job well done. He invited everyone to attend the upcoming Soroptimist fundraiser.

Council member Starkey asked staff to look at the sinkhole near the intersection of Salisbury and Ryan Street next to Pearson Park.

Mayor Horn thanked Mr. Roland and the Finance team. He also spoke about future development and the use of Special Districts and the workshop scheduled for March 9th.

EXECUTIVE SESSION

Mayor Horn called for an Executive Session at 8:04 p.m. in accordance to the following:

SECTION 551.071 - of the Government Code: Consultation between governmental body and its attorney to seek advice of attorney about pending or contemplated litigation or a settlement offer or 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 the Open Meetings Act.

RECONVENE TO OPEN SESSION

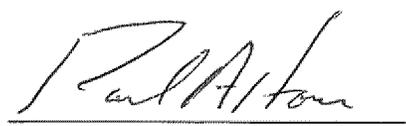
Mayor Pro-tem Adame reconvened the meeting into open session at 9:26 p.m.

ADJOURNMENT

Mayor Pro-Tem, Adame adjourned the meeting at 9:26 p.m.

PASSED and APPROVED this 16 day of MARCH, 2017.

ATTEST: 
Dixie Roberts, City Clerk


Paul A. Horn, Mayor