

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY MARCH 17, 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 Adam Arendell, Councilmembers: Gabe Adame, Terry Droege, Roger Stuksa and Keith Thompson.

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend David Price, Grace Episcopal Church, gave the Invocation.

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

Council member Arendell led the Pledge to the Texas Flag.

PUBLIC COMMENT

Gordon Minyard addressed Council regarding a Police Department matter. He submitted a letter to the Mayor.

PRESENTATIONS

Economic Development/Strategic Project Update.

Larry Buehler, Economic Development Director gave an economic development/strategic project update.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION: An item(s) may be removed from the Consent Agenda for full discussion by the request of a member of Council. Item(s) removed will automatically become the first item up for discussion under Other Business.

Approve minutes of the March 3, 2016 City Council workshop meeting.

Approve minutes of the March 3, 2016 City Council regular meeting.

Proclamation designating April 2016 as Fair Housing Month.

Council member Droege moved to approve the consent agenda as presented. Seconded by Council member Thompson; motion carried on a vote of 5 Ayes.

OTHER BUSINESS:

Consider request from Gordon Street Tavern to use the adjoining city-owned parking lot located at Gordon Street and Depot Drive to serve Beer and Food during an event to be held on April 29,

2016; and approve the License Agreement for Use of City Property; and authorize the City Manager to sign.

Henry Dillman is requesting permission to serve beer and food on Friday, April 29, 2016 in the parking lot adjoining the Gordon Street Tavern that is owned by the City. On the same day, the 42nd Annual Frontier Days Celebration, hosted by the Alvin Rotary Club will be taking place in downtown Alvin. Gordon Street Tavern is required to gain permission from the City of Alvin before a temporary liquor license can be obtained from the Texas Alcoholic Beverage Commission (TABC).

The parking lot will be secured by fencing and four off-duty police officers will be hired for security during the event. Gordon Street Tavern will be open for regular business during this time. A live band will be playing. Food and beer is planned to be served in the parking lot from 8pm to midnight on same date.

The License Agreement for Use of City Property will authorize such activities to be held on city property for the 4 hours specified in the agreement on April 29, 2016.

Mr. Dillman was present for this request.

Council member Stuksa moved to approve a request from Gordon Street Tavern to use the adjoining city-owned parking lot located at Gordon Street and Depot Drive to serve Beer and Food during an event to be held on April 29, 2016; and approve the License Agreement for Use of City Property; and authorize the City Manager to sign. Seconded by Council Member Adame; motion carried on a vote of 5 Ayes.

Consider Resolution 16-R-04; appointing Mike Merkel to serve as an Alternate Judge for the Alvin Municipal Court for a two-year term; and approving the Agreement between the City of Alvin and Mike Merkel; and authorize the Mayor to sign.

Judge Mike Merkel is currently the Justice of the Peace for Precinct 3-1, and would like to continue serving the City of Alvin as the Alternate Municipal Court Judge on a volunteer basis; without compensation or health insurance benefits. As an alternate judge, Judge Merkel will take direction from the Presiding Judge, Donna Starkey for his duties which include, but are not limited to, arraigning prisoners in the City jail. Judge Merkel's current two-year term expires March 20, 2016. Judge Starkey recommends Mike Merkel's appointment.

Article VI Section 2 of the City's charter states that City Council shall have authority to elect an alternate judge of the municipal court.

Council member Droege moved to approve Resolution 16-R-04; appointing Mike Merkel to serve as an Alternate Judge for the Alvin Municipal Court for a two-year term; and approving the Agreement between the City of Alvin and Mike Merkel; and authorize the Mayor to sign. Seconded by Council Member Arendell; motion carried on a vote of 5 Ayes.

Consider authorizing the Engineering Department to solicit bids for the Venia Property Rentals Development Drainage Project along W. Willis, W. Phillips, Hill, and Lee Streets.

Mayor Horn has requested that the roadside ditches be closed to allow for drainage. This project will include the piping in of the roadside ditch and providing inlets/junction boxes, at appropriate locations, along W. Willis, W. Phillips, and Lee Streets adjacent to the location where Venia Property Rentals is currently constructing 14 homes. The project has an estimated cost of \$203,455 and is currently unfunded. The project is required to be bid since the cost exceeds \$50,000. The City of Alvin does not currently require the closing of ditches, and the developer will be installing sidewalks.

Discussion was had.

Council member Adame moved to deny this request. Seconded by Council Member Stuksa; motion carried on a vote of 5 Ayes.

Consider Ordinance 16-C; amending Chapter 13, Itinerant Merchants and Vendors, providing for the regulation of solicitations in the City by amending Article I, In General, for the purpose of adding definitions, revising regulations for the application and identification cards; deleting Article III, Mobile Vendor, in its entirety; establishing a penalty for violations; providing a savings and severability clause; and setting forth other provisions related thereto.

Chapter 13 as revised will regulate "non-food" itinerant merchants and vendors. Staff previously identified conflicts in the language and application of Articles I and III of this ordinance. Food sales are now regulated solely in Chapter 10 Food Establishments regardless of their mobility status. After several workshops on this matter and hearing council discussion of such, staff proposes the existing hours of operation remain the same; b) revising the duration of permits to be 90 days, c) maintaining the restriction for vendors operating from a fixed location to be 25 feet from the roadway, and (d) keeping the prohibition of conducting business along the identified roadways.

Council member Arendell moved to approve Ordinance 16-C; amending Chapter 13, Itinerant Merchants and Vendors, providing for the regulation of solicitations in the City by amending Article I, In General, for the purpose of adding definitions, revising regulations for the application and identification cards; deleting Article III, Mobile Vendor, in its entirety; establishing a penalty for violations; providing a savings and severability clause; and setting forth other provisions related thereto. Seconded by Council Member Droege; motion carried on a vote of 5 Ayes.

Consider Ordinance 16-D; amending Chapter 10, Food And Food Establishments, adopting the state's recently adopted Texas Food Establishment rules and adding new regulations for mobile food units; providing a severability clause; providing for a penalty clause; providing a savings clause; providing for publication; and setting forth other provisions related thereto.

The State of Texas formally adopted the new Texas Food Establishment Rules (TFER) on October 11, 2015. These are the minimum standards that the State Health Inspectors are tasked with enforcing, and are based on the 2013 U. S. Food and Drug Administration (FDA) Model Food Code. These rules are located in Chapter 228 of the Texas Administrative Code. Changes to the existing ordinance include:

- *Definitions – have been changed to reflect the new TFER language.*
- *Appeal Process of Inspections – allows for appeals of the Health Inspections*
- *Mobile Food Units –*
 - *Removed location/major roadway restrictions, and allows licensed mobile food units to park on private property with owner's permission, or public property with written permission from the City Manager.*
 - *Cannot set up within 25 feet of the roadway or public easement.*
 - *If located within 200 feet of a residence, the hours of operation are restricted from 7:00 am until 9:00 pm.*

Council member Droege moved to approve Ordinance 16-D; amending Chapter 10, Food And Food Establishments, adopting the state's recently adopted Texas Food Establishment rules and adding new regulations for mobile food units; providing a severability clause; providing for a penalty clause; providing a savings clause; providing for publication; and setting forth other provisions related thereto. Seconded by Council Member Adame; motion carried on a vote of 5 Ayes.

Consider Ordinance 16-E; amending Chapter 28, Comprehensive Fees, amending Food and Food Establishments permit fees; providing for an effective date; and setting forth other provisions related thereto.

The changes to this ordinance are for the purpose of amending food and food establishments' permit fees in an effort to remain competitive with comparison cities and to provide cost coverage for the additional work required by revised state statute. Staff proposes adopting the following amounts:

<i>Food establishments:</i>	
<i>Less than 1,000 sq. ft.</i>	<i>\$175.00</i>
<i>1,000 to 10,000 sq. ft.</i>	<i>\$275.00</i>
<i>10,001 sq. ft. and more</i>	<i>\$375.00</i>
<i>Temporary food establishments</i>	<i>\$50.00</i>
<i>Mobile food unit</i>	<i>300.00</i>
<i>Mobile food unit – additional permit.....</i>	<i>\$50.00</i>

<i>Child care center</i>	<i>\$150.00</i>
<i>Group residence</i>	<i>\$150.00</i>
<i>Reinspection</i>	<i>\$50.00</i>

Council member Adame stated that he would like to see the Food establishment fees and the mobile food unit fee lower than what staff proposed. Discussion was had.

Council member Adame moved to approve Ordinance 16-E; amending Chapter 28, Comprehensive Fees, amending Food and Food Establishments permit fees; increasing the food establishment fees by 25% and establishing the mobile food unit base fee of \$200, providing for an effective date; and setting forth other provisions related thereto. Seconded by Council Member Droege; motion carried on a vote of 5 Ayes.

REPORTS FROM CITY MANAGER

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the April 7, 2016 City Council meeting.

Items of Community Interest.

Ms. Roberts reviewed the items of community interest.

REPORTS FROM COUNCIL MEMBERS

Pursuant to S.B. No. 1182, City Council Members 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 Council members.

Council member Thompson encouraged everyone to drive safely.

Council member Arendell stated that he might not make it to the Thoroughfare Plan meeting on Tuesday.

Council member Droege reminded everyone of the Alvin Music Festival April 1-2 at Briscoe Park.

Council member Adame wished everyone a Happy St. Patrick’s Day.

Council member Stuksa thanked Hartz Chicken for their customer service.

EXECUTIVE SESSION

City Council will meet in Executive Session pursuant to Texas Government Code Section 551.071 consultation between governmental body and its attorney to seek advice of attorney 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.

Mayor Horn adjourned the meeting to Executive Session at 7:57.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened to Open Session at 8:27 p.m.

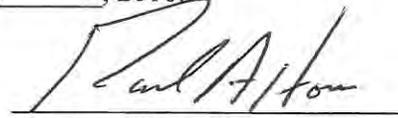
Consider action, if any, on item discussed in Executive Session.

Council member Adame moved to direct staff to update the nepotism laws within the Personnel Policy and to bring this item back to Council for consideration. Seconded by Council member Thompson; motion carried on a vote of 5 Ayes.

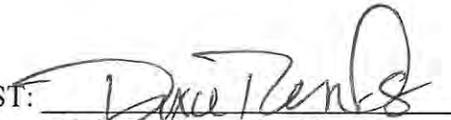
ADJOURNMENT

Council member Thompson moved to adjourn the meeting at 8:28 p.m. Seconded by Council member Droege; motion carried on a vote of 5 Ayes.

PASSED and APPROVED this 7 day of April, 2016.



Paul A. Horn, Mayor

ATTEST: 

Dixie Roberts, City Clerk