

**MINUTES  
CITY OF ALVIN, TEXAS  
216 W. SEALY STREET  
REGULAR CITY COUNCIL MEETING  
THURSDAY AUGUST 4, 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, Scott Reed, Chris Sanger, Glenn Starkey, Keith Thompson, and Brad Richards.

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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Judy Zavala, Police Department Chaplain gave the invocation.

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

Council member Reed led the Pledge to the Texas Flag.

**PUBLIC COMMENT**

Barbara Biggers, Senior Citizen Commission Chairwoman; Yvette Deaton, Alvin Garden Club; Calista Stewart, Daylily Society; John Usrey, Monsanto/Solutia Retirees Club; and Pat Shaw all spoke before City Council against the proposed rate increase for Senior Citizen Organizations at the Alvin Senior Citizen Center.

Ms. Pat Drachenberg addressed City Council asking them to reconsider the installation of the sidewalk along the Mustang Road because of safety concerns.

Mr. Antel Clark, CEO of Iron Flex Sculptured Muscles and Inner-Strength Building Center addressed City Council regarding a program which would help combat childhood obesity and also provide a youth mentorship program.

**PRESENTATIONS**

Recognition of first responders by the parents of Josh Palin who was injured in a motor vehicle accident.

Mr. and Mrs. Palin thanked Alvin first responders who aided in the motor vehicle accident involving their son.

Nelva Urick Recognition; recipient of the the Keep Texas Beautiful O.P. Schnabel Senior Citizen Award.

Mayor Horn recognized Nelva Urick for receiving the Keep Texas Beautiful O.P. Schnabel Senior Citizen Award.

Keep Alvin Beautiful Recognition; recipient of the Keep Texas Beautiful Gold Star Award.

Mayor Horn recognized members of the Keep Alvin Beautiful for receiving the Keep Texas Beautiful Gold Star Award.

**CONSENT AGENDA**

Approve minutes of the July 21, 2016 City Council workshop.

Approve minutes of the July 21, 2016 City Council meeting.

Consider Addendum No. 2 for a one (1) year renewal to the Agreement for Manicured Mowing Services with DeLeon & Son Lawn Services, Company for mowing services of various city properties, in an amount not to exceed \$101,085; and authorize the City Manager to sign.

*The original agreement was approved by City Council on September 4, 2014 in the amount of \$101,085.00 utilizing the public bid process. The first of three annual renewals was approved September 3, 2015. This renewal request is the second of three annual renewals allowed under the terms of the agreement.*

Consider Addendum No. 3 for a one (1) year agreement renewal with LTS Lawn Care for Lawn Maintenance Services of selected city parkland, in an amount not to exceed \$32,227.87; and authorize the City Manager to sign.

*The original agreement was approved by City Council on February 20, 2014, in an amount not to exceed \$22,776.46 for lawn maintenance services for the following locations: Talmadge Park, Hike and Bike Trail, Morgan Park, Pearson Park and Marina Park, beginning March 1, 2014 thru September 30, 2014.*

*The first renewal with LTS Lawn Care was approved August 7, 2014 by City Council in an amount not to exceed \$32,227.87 ending September 30, 2015. The second renewal with LTS Lawn Care was approved September 3, 2015 by City Council in an amount not to exceed \$32,227.87 ending September 30, 2016. This will be the third of four (4) annual renewals with LTS Lawn Care in an amount not to exceed \$32,227.87.*

Consider Addendum No. 1 for a one (1) year agreement renewal with Comfort Systems USA South Central for HVAC preventative maintenance and repair services of various city buildings, in an amount not to exceed \$36,400.90; and authorize the City Manager to sign.

*Consider a one (1) year renewal of the current HVAC agreement. The original agreement was approved September 17, 2015 in the amount of \$32,440.90 utilizing the public bid process. The following City facilities would continue under this agreement; City Hall, Public Services Facility, Public Services Facility #2 at Dyche Lane, Library, Senior Citizens Center, Museum, Alvin Convention and Visitor's Bureau/Train Depot, Waste Water Treatment Plant, Fire Stations 1, 2 and 3, EMS Station and Police Department.*

*The Animal Adoption Center HVAC equipment was added into the agreement as an addendum in February, 2016 for an annual amount \$3,960, bringing the total to \$36,400.90. Animal Adoption Center was added per the request of Chief Lee based on the warranty expiring.*

*The initial term of the agreement is through September 30, 2016 and provides the option of three (3) additional one (1) year renewable terms, subject to the sole option of the City, and upon agreement by the Contractor. Comfort Systems USA submitted a renewal request letter for their first renewal term of October 1, 2016 through September 30, 2017.*

Consider awarding bid for the City's Janitorial Services Contract to Oriental Building Services, Inc. in the amount of \$80,780.52 for FY 2016-2017; and authorize the City Manager to sign.

*Janitorial Contract bid # B-16-13 opened on July 12, 2016 and advertised on June 27, 2016 and July 4, 2016. The City of Alvin received bids from 5 janitorial companies. OBS submitted the lowest bid. The overall bid amount of OBS's proposed contract exceeds the City's current contract cost due to the City's request to service two additional facilities: the police department facility and the animal adoption center. Excluding the police department facility and the animal adoption center, OBS is proposing a lower cost than the current janitorial company. Staff contacted three (3) references concerning OBS and received positive recommendations from all three references.*

*The contract's effective date is September 1, 2016, with a one-year term and has the option of one (1) year renewals for a maximum of three (3) renewal terms. Renewal of the contract is at the sole discretion of the City upon City Council approval.*

Consider an Interlocal Agreement with the City of Hillcrest Village for use of the Alvin Animal Adoption Center with automatic one (1) year renewal; and authorize the City Manager to sign.

*The City of Hillcrest Village wishes to enter into an interlocal agreement for their use of the Alvin Animal Adoption Center. The terms of the agreement are similar to those entered into with the Tri-City agreement which recently went into effect.*

*Hillcrest Village will be responsible for catching and delivering animals and will be limited to no more than two (2) intakes per day with a maximum monthly intake of twenty (20) dogs and fifteen (15) cats. It is anticipated that actual usage will fall significantly below the maximum allowed monthly intake.*

*The intake fee will be billed monthly at \$100 per animal accepted at the shelter with any and all associated fees for adoption or animal redemption etc. being retained by the City of Alvin and not deducted or put toward the intake fee. Just as in the current two (2) shelter use agreements, the shelter staff have the right to refuse intakes if there is not sufficient space at the shelter.*

*The agreement is for one (1) year and includes automatic one (1) year renewal terms.*

**Consider an Interlocal Agreement with the City of Manvel for use of the Alvin Animal Adoption Center with an automatic one (1) year renewal; and authorize the City Manager to sign.**

*In 2014 the City of Manvel entered into an interlocal agreement for the 2014-2015 budget year with the City of Alvin for Manvel to use the Alvin Animal Adoption Center. This agreement allowed Manvel to bring up to 250 animals per year to the center for a set fee of \$25,000 which was paid at the beginning of the agreement. Any animals over and above 250 would be billed to Manvel on a monthly basis at a rate of \$100 per animal. Manvel renewed this agreement for the 2015-2016 budget year with the same set fee. Manvel would like to renew this agreement for the 2016-2017 budget year with an automatic renewal for the 2017-2018 budget year. This agreement maintains the same fee and terms as the current agreement in effect.*

*In 2014-2015 Manvel brought a total of 149 animals to the center and in 2015/2016 to date they have brought in 136 animals. Any associated fees for reclamation of lost animals or adoption fees are kept by the City of Alvin and do not affect the fee paid by Manvel. The current agreement as well as the requested renewal does allow for the center to deny animals for cause, such as no space, but the center has been able to take all animals brought in thus far without issue.*

**Consider a final plat of Freedom Subdivision (1401 S. Gordon Street), being a 4.42-acre tract of land out of Lot 7, Block D, of the subdivision of the H.T. & B.R.R. Company Survey, Section 14, Abstract 449, Brazoria County, Texas.**

*On June 30, 2016 the Engineering Department received the final plat of Freedom Subdivision for review. The property is located at 1401 S. Gordon Street in the City of Alvin and is being platted for future development. The City Planning Commission unanimously approved the plat at their meeting on July 19, 2016.*

**Consider a final plat of Roy Estates (2570 County Road 357), being a 2.75-acre tract of land located in the I. & G.N.R.R. Company Survey, Section 25, Abstract 620 in Brazoria County, Texas.**

*On June 22, 2016 the Engineering Department received the final plat of Roy Estates for review. The property is located at 2570 County Road 357 in the City of Alvin Extraterritorial Jurisdiction (ETJ) and is being platted in order for the owner of the property to sell Lot 2. The City Planning Commission unanimously approved the plat at their meeting on July 19, 2016.*

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

**OTHER BUSINESS**

**Discuss and take a record vote to propose a tax rate of \$0.7980 per \$100 of assessed valuation, which is a tax increase of 3.42% above the effective tax rate, to be adopted at a future meeting.**

*The tax rate adoption process consists of the comparison of three (3) rates: the effective tax rate, the rollback rate and the city's proposed tax rate.*

*The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue from the same properties on the tax roll in both the 2015 tax year (FY16) and the 2016 tax year (FY17). The rollback tax rate is the highest tax rate that the City may adopt before voters are entitled to petition for an election to limit (or rollback) the proposed rate to the rollback rate.*

*The proposed tax rate is the rate proposed by staff to generate property tax revenues to be used for the general maintenance and operational costs of providing city services; as well as to cover the principal and interest on bonds and other debt secured by property tax revenues.*

*According to the Local Government Code, when a city proposes a tax rate that exceeds the lower of the rollback rate or the effective tax rate, the city council must vote to place a proposal to adopt the proposed rate on the agenda of a future meeting as an action item. If the motion passes, the governing body must schedule two public hearings on the city's proposed tax rate.*

*For FY17, staff is proposing to lower the city's current tax rate from \$0.8386 to \$0.7980 per \$100 of assessed valuation. Because the city's proposed tax rate exceeds the lower of the effective tax rate or the rollback tax rate, two public hearings are required to be held before adopting the proposed tax rate.*

*The city council will consider adopting the city's proposed tax rate at the regular meeting of the city council on September 15, 2016, at 7:00 pm. Should city council adopt the proposed tax rate of \$0.7980 per \$100 of assessed valuation, this will be the third time the city has lowered its property tax rate in the last 4 years.*

Mr. Roland presented information relating to the proposed tax rate of \$0.7980 and explained the meaning of the effective and roll back rates. He informed Council and the public that a tax decrease is being proposed for FY 16-17. The rate proposed is a decrease rate adopted in FY 15-16.

Council member Reed moved to propose a tax rate of \$0.7980 per \$100 of assessed valuation which is a 3.42% tax increase above the effective tax rate. Seconded by Council member Arendell; motion carried on a vote of 6 Ayes; with Council member Sanger voting No.

Consider setting two (2) public hearings concerning the proposed tax rate to be held Thursday, August 18, 2016 at 7:00 P.M. and Thursday, September 1, 2016 at 7:00 P.M. in the City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 216 West Sealy, Alvin, Texas.

*The City's proposed tax rate exceeds the effective tax rate. As a result, the Local Government Code requires the city council to set two public hearings on the proposed tax rate, prior to adoption. The second public hearing may not be held earlier than the third day after the date of the first public hearing.*

*The city council will consider adopting the proposed tax rate at the regular meeting of the City Council on September 15, 2016 at 7:00 pm.*

Council member Arendell moved setting two (2) public hearings concerning the proposed tax rate to be held Thursday, August 18, 2016 at 7:00 P.M. and Thursday, September 1, 2016 at 7:00 P.M. in the City Council Chambers, 2nd Floor, City Hall, 216 West Sealy, Alvin, Texas. Seconded by Council member Richards; motion carried on a vote of 7Ayes.

Consider Ordinance 16-P; amending Chapter 24, Traffic, of the Code of Ordinances, City of Alvin, Texas, for the purpose of amending and altering the prima facie speed limits established for vehicles under the provisions of §545.356, Texas Transportation Code, upon the basis of an engineering and traffic investigation, upon certain streets and highways, or parts thereof, within the corporate city limits of the City of Alvin, as set out in this ordinance; providing for a penalty, providing for a repealer clause and severability clause, providing for publication, and effective date; and setting forth other provisions related thereto.

*On June 9, 2016 the City received a letter from the Director of Transportation Operations for the Texas Department of Transportation (TXDOT) notifying the City of changes to the posted speed limits along Bypass 35 from Highway 6 to south of the FM 1462 intersection. TXDOT revised these speed limits based on a Speed Zone Study that they conducted. In order for these changes to be enforceable the City must approve an ordinance to amend Chapter 24 Traffic to incorporate these revised speed limits. The Legal Department has created Ord. 16-P that amends Chapter 24 therefore accomplishing this goal. The speed limit changes are as follows:*

- 1. Along SH 35, east and west frontage roads, from the intersection of SH 6 to 660 feet south of SH 6, a distance of approximately 0.125 mile, the speed limit shall be 40 MPH (currently posted at 40 MPH on the west frontage road, the east frontage road there is no sign).*
- 2. Along SH 35, two-way east and west frontage roads, from 390 feet north of House Street to 565 feet south of House Street, a distance of approximately 0.181 mile, the speed limit shall be 30 MPH (currently there are no signs posted).*

3. *Along SH 35, main lane, from the intersection of SH 6 to 1314 feet north of South Street, a distance of approximately 0.772 mile, the speed limit shall be 55 MPH (Currently posted at 55 MPH).*
4. *Along SH 35, main lane, from 1314 feet north of South Street to the 1980 feet south of the intersection of FM 1462, a distance of approximately 1.591 miles, the speed limit shall be 45 MPH (Currently posted 55 MPH).*

Council member Starkey moved approve Ordinance 16-P; amending Chapter 24, Traffic, of the Code of Ordinances, City of Alvin, Texas, for the purpose of amending and altering the prima facie speed limits established for vehicles under the provisions of §545.356, Texas Transportation Code, upon the basis of an engineering and traffic investigation, upon certain streets and highways, or parts thereof, within the corporate city limits of the City of Alvin, as set out in this ordinance; providing for a penalty, providing for a repealer clause and severability clause, providing for publication, and effective date; and setting forth other provisions related thereto. Seconded by Council member Adame; motion carried on a vote of 7 Ayes.

Discuss proposed amendments to the Alvin Code of Ordinances; Chapter 28 Comprehensive Fees; including Alvin Convention and Visitors Bureau Alvin Depot, Emergency Medical Services, Parks and Recreation Senior Center Rentals, Water & Sewer Fees, Driveway and Culvert Permit Fees.

*The main purpose of the proposed fee changes is to recover cost of providing services as well as to put the City in line with industry standards.*

Council asked that the ordinance not include the proposed rate increase for senior citizen organizations at the Alvin Senior Citizen's Center.

Consider Ordinance 16-Q; amending Chapter 35, Corridor Land Use Regulations, of the Code of Ordinances, City of Alvin, Texas, by amending certain sections pertaining to the facades within view of the corridor and the screening of certain vehicles displayed for sale or lease adjacent to the corridor; providing for a penalty, providing for a repealer clause and severability clause, providing for publication and effective date; and setting forth other provisions related thereto.

*The Ordinance 16-Q would amend Chapter 35 Corridor Land Use Regulations in the following ways:*

1. *It would require that 80% of the exterior facade of all building elevations visible from the corridor be constructed of brick, stone, stucco, concrete tilt wall, concrete block, glass curtain walls, or exterior insulation and finish systems (EFIS), therefore allowing 20% of the visible elevations to be constructed out of other material suitable for use as an exterior building covering as defined in the building code. Currently the ordinance requires that 100% of all building elevations visible from the corridor be constructed with facades of the materials listed above. Approval of this amendment would eliminate the need for variance requests like the one that was requested and approved for King's Bierhaus.*
2. *The amendment to Section 35-34 (4) would remove the screening requirement for motorized vehicles and recreational vehicles that are being displayed for sale or lease. Under the current ordinance these vehicles would be required to be completely screened from view of the corridor. Approval of this amendment would eliminate variances similar to those that were previously approved for UV Country, the Used Car Dealership on Highway 6, Mack Trucks, and Nissan.*

*The City Planning Commission unanimously approved Ordinance 16-Q at their meeting on July 19, 2016.*

Council member Reed moved approve Ordinance 16-Q; amending Chapter 35, Corridor Land Use Regulations, of the Code of Ordinances, City of Alvin, Texas, by amending certain sections pertaining to the facades within view of the corridor and the screening of certain vehicles displayed for sale or lease adjacent to the corridor; providing for a penalty, providing for a repealer clause and severability clause, providing for publication and effective date; and setting forth other provisions related thereto. Seconded by Council member Arendell; motion carried on a vote of 7 Ayes.

Consider Ordinance 16-S; amending Chapter 21, Subdivisions and Property Development, of the Code of Ordinances, City of Alvin, Texas, by adding a new section 21-42.1; allowing for a fee in lieu of sidewalk installation and setting forth other provisions related thereto.

*Ordinance 16-S (formally Ord. 15-BB) amends Chapter 21 Subdivisions and Property Development of the City Code by adding Section 21-42.1; allowing for a fee in lieu of sidewalk installation for new infill development with unique construction or site constraints. The addition of this section would give the City Engineer the operational decision making to allow a property owner to pay a fee equivalent to the cost of building the required sidewalk for developments where construction of a sidewalk is not feasible or practical due to site constraints such as open ditch drainage systems, and large mature trees in the right-of-way in the locations where the sidewalk would be the most beneficial (the absence of sidewalks in the area alone would have no bearing on the decision). The fee would be based on the City's most recent annual concrete maintenance contract bid pricing. The fees collected would be deposited in the Sidewalk Fund, as established by this ordinance, and could only be used to build, maintain, or replace sidewalks within the City. In instances where the City Engineer determines that a sidewalk must be constructed versus paying the fee and a Developer disagrees with the decision then the Developer still has the ability to request a variance in accordance with the variance process as outlined in Section 21-4.*

Council member Arendell moved to approve Ordinance 16-S; amending Chapter 21, Subdivisions and Property Development, of the Code of Ordinances, City of Alvin, Texas, by adding a new section 21-42.1; allowing for a fee in lieu of sidewalk installation and setting forth other provisions related thereto. Seconded by Council member Sanger; motion carried on a vote of 7 Ayes.

Consider the cancellation of the October 6, 2016 City Council meeting for members of staff and City Council to attend the Texas Municipal League Conference in Austin, Texas.

*The Texas Municipal League Conference will be held October 4-7, 2016 in Austin. Members of staff and City Council may be attending the conference; therefore, a quorum of the Council may not be present at the October 6<sup>th</sup> meeting.*

Council member Thompson moved to cancel the October 6, 2016 City Council meeting for members of staff and City Council to attend the Texas Municipal League Conference in Austin, Texas. Seconded by Council Member Arendell; motion carried on a vote of 7 Ayes.

## **REPORTS FROM CITY MANAGER**

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the August 18, 2016 City Council meeting.

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 all of the city's first responders.

Council member Reed thanked all of the local first responders. He also thanked citizens for the thoughtful comments regarding the project that was voted on during the last meeting,

Council member Arendell thanked all of the first responders. He also encouraged city leaders to take the compensation of the city's first responders into consideration during this budget process. He also asked members of staff to look at the high grass at the Heritage South project.

Council member Richards thanked all of the first responders for the job that they do. He also thanked the citizens for coming out to give their input regarding the proposed rate increase for senior citizen organizations at the Alvin Senior Citizen Center.

Council member Sanger thanked the first responders. He also thanked the citizens for making their voice heard regarding the proposed rate increase for use of the Alvin Senior Citizen Center.

Council member Adame thanked everyone for the prayers for his family during the recent birth of his daughter Avery Jewel. He also thanked Mr. Kelinske for the work done on the proposed facility rate increases. He also thanked the senior citizen community for coming out and making their voice heard.

Council member Starkey thanked staff for answering his questions had on the proposed FY17 budget. He also thanked all of the first responders.

Mayor Horn thanked Keep Alvin Beautiful for their donations toward the TxDOT Hwy 6 median road work project.

**EXECUTIVE SESSION**

Mayor Horn called for an executive session at 8:19 p.m. in accordance to the following:

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.

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 Horn reconvened the meeting into open session at 9:03 p.m.

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

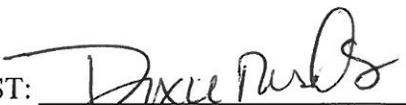
No action taken.

**ADJOURNMENT**

Council member Adame moved to adjourn the meeting at 9:03 p.m. Seconded by Council member Starkey; motion to adjourn carried on a vote of 7 Ayes.

PASSED and APPROVED this 18 day of August, 2016.

  
\_\_\_\_\_  
Paul A. Horn, Mayor

ATTEST:   
\_\_\_\_\_  
Dixie Roberts, City Clerk