MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY DECEMBER 15, 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, Brad Richards, Chris Sanger, Glenn Starkey, and Keith Thompson.

Staff members present: Sereniah Breland, City Manager; Bobbi Kacz, City Attorney; Dixie Roberts, City Clerk; Larry Buehler, Director of Economic Development; Dan Kelinske, Parks and Recreation Director; Brian Smith, Public Services Director; and Robert Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Adame gave the invocation.

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

Council member Sanger led the Pledge to the Texas Flag.

PUBLIC COMMENT

Mr. Hartman spoke before City Council regarding the junkyard and parking of 18 wheeler trucks in the 1900 block of Rosharon Road.

Eugene Bauer spoke before City Council regarding his analysis of the recent Police Department body camera system purchase.

PRESENTATIONS

Water, Waste Water, Sewer Departmental Update.

Brandon Moody, Director of Public Services, gave a presentation on the water, waste water, sewer departmental update.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Approve minutes of the December 1, 2016 City Council regular meeting.

Consider a final plat of Enochs Place (1671 Callaway Drive), being a subdivision of 2 acres out of Lot 8 of the G.W. Gisley Subdivision recorded in volume 18, page 92 of the Deed Records of Brazoria County, also being out of the Hooper & Wade Survey, A-422, City of Alvin, Brazoria County, Texas.

On November 1, 2016 the Engineering Department received the final plat of Enochs Place for review. The property is located at 1671 Callaway Drive in the City of Alvin and is being platted in order for the owner of the property to sell Lots 2 and 3. This plat complies with all requirements of the City's Subdivision Ordinance. The City Planning Commission unanimously approved the plat at their meeting on November 15, 2016. Staff recommends approval.

Consider the Verizon Wireless Customer Agreement with Cellco Partnership d/b/a Verizon Wireless and its related entities for the purchase of wireless services and products under the State of

Texas Department of Information Resources (DIR) Contract Number: DIR-TSO-3415, and authorizing the City Manager to execute all necessary documents.

The City's annual contractual agreement with Verizon Wireless has expired. Currently, the City of Alvin purchases services and products from Verizon Wireless in the amount of approximately $55,930 per year. Verizon Wireless has revised their contract with the State's DIR cooperative purchasing program; resulting in improved services and features at a lower rate to the City. Upon approval of the customer agreement, the City can expect to see a yearly savings of approximately $6,610 per year.

The Texas Department of Information Resources (DIR) Cooperative purchasing program was created with the passage of House Bill 1516 (79R). Purchasing through DIR contracts may be used by state and local governments, public education and other public entities in Texas. The advantages of purchasing through DIR contracts are as follows:

1.) *Saves time – DIR has done all of the procurement work. All contracts have been competitively bid. The Texas Government Code 2054.0565 states that DIR contracts meet the competitive requirements for all governmental entities.*

2.) *Saves money – DIR leverages the volume buying power of the State of Texas to negotiate competitive pricing for services and products; which means the City can purchase products and services at aggressive discounts.*

3.) *Results in Efficiency – the new DIR website makes it easy to search for products and services.*

Staff recommends that council approve the agreement with Cellco Partnership d/b/a Verizon Wireless, under the State's DIR contract number DIR-TSO-3415.

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:

Receive and acknowledge the 2016 Charter Review Commission Report.

The Alvin City Charter is the governing document of the City of Alvin. It is the City's constitution. It is adopted by popular vote and it effectively creates the municipality and defines its functions. The City's charter was initially adopted February 23, 1963. The Charter requires a review of the charter to occur at least every 4 years but no more often than every 2 years. The required review is to ensure the residents and the governing body of the City that the Charter is adequately consistent with state and federal law, promotes good government practice by the City, creates better efficiency and effectiveness of City governance is at its best, and ensures clarification of charter terms to present day practice. The Charter Commission is tasked with reviewing the Charter and making recommendations to the City Council about the Commission's conclusions about these issues. The prior Commission served in 2012.

The 2016 Charter Review Commission was appointed by City Council June 16, 2016. The 7 Commission members are: Chad Gormly, Chair, Jimmy Kitchens, Vice-Chair, Martin Vela, Secretary, and members Roger Stuksa, Marisol Jimenez, Kerry Ulm, Santos Garza. As staff support, the City Attorney attended and assisted at all 7 meetings held by the Commission and throughout the entire process. While the Commission appreciates the department directors input for suggested changes to the respective sections of the Charter pertinent to their duties, the Commission appreciates the extra efforts of Junru Roland and Michelle Segovia's attendance and lengthy discussions at a meeting.

The Commission reviewed the Charter multiple times, received input from the public, city staff, the City Attorney and David Olson. The Commission prepared a report identifying its concerns and recommendations of changes to the Charter. Once the Commission submits its Report to Council, its duties are concluded although it may convene for the sole purpose of meeting with Council to discuss its report. Such a joint meeting(s) is tentatively scheduled for January 9, 2017 with a January 23 additional tentative date if needed for the purpose of discussing the Commission's recommendations with the Council. At that time, Council will vote to include, decline, or propose other changes to the Charter. Those proposed changes, if any, will be drafted by the City Attorney as an ordinance of the proposed amendments to the Charter for public vote at the May election. Council is required to call for a special election for any propositions of charter amendments, which must be done by February 17, 2017, pursuant to state election law. It is anticipated that Council would formally call for a special election, if needed, at the February 16, 2017 regular council meeting.

Mr. Chad Gormly, Chair of the Charter Review Commission, presented to Council the 2016 Charter Review Commission Report.

Members of the commission thanked City Council for affording them the opportunity to serve on the Charter Review Board.

Council member Arendell moved to acknowledge receipt of the report and to schedule a joint meeting between the City Council and the Charter Review Commission for Monday, January 9th and possibly Monday, January 23, 2017. Seconded by Council Member Thompson; motion carried on a vote of 6 Ayes.

Consider Resolution No. 16-R-29; reappointing the directors of the Kendall Lakes TIRZ Board and Authority Board even numbered positions from December 31, 2016 to December 31, 2018; and consider appointment of board chair.

The Kendall Lakes Tax Increment Reinvestment Zone (TIRZ) was created in 2005 to assist in the development of Kendall Lakes, a residential, commercial, and industrial area on the north side of the City of Alvin. There is a tax increment that is used for providing the needed infrastructure for the site through the ability of using bond proceeds. The TIRZ Authority and Board have the responsibility to develop policies that ensure good quality development for this site. Board members are closer to project managers, as they have a very defined scope of administering the TIRZ. Education and continuity is very important in keeping stability on the board. Positions #2 (Armando Cespedes), #4 (Vicki Ennis), #6 (Marjorie Planka), and #8 (Tom Stansel) terms expire December 31, 2016. The current Chair of both the Board and Authority is Ricky Kubeczka. Staff recommends the current directors be reappointed in their respective terms that would expire December 31, 2018, and to reappoint Ricky Kubeczka as the Chair of both the TIRZ and Authority Boards.

Council member Starkey moved to reappoint Positions #2 (Armando Cespedes), #4 (Vicki Ennis), #6 (Marjorie Planka), and #8 (Tom Stansel) whose terms will expire December 31, 2018 and reappoint Ricky Kubeczka as the Chair of both the TIRZ and Authority Boards. Seconded by Council member Arendell; motion carried on a vote of 6 Ayes.

Discuss and consider Ordinance 16-CC; amending Chapter 17 ½ Signs; for the purpose of amending exceptions and exemptions section and adding a temporary campaign sign section 41, providing for a penalty; providing for severability; providing for a savings clause; and setting forth other provisions related thereto.

This ordinance revision proposal would amend Chapter 17 ½ Signs by adding Section 41 relating to the placement of temporary political signs on public property that serves as a polling location during an election. Currently, our Code does not address the placement of such signs on public property. The posting of political signs on public property falls under the jurisdiction of municipalities, counties and other local governments. Having the rules spelled out within an ordinance will give clear guidelines to the candidates of when and where such signs may be placed at the polling location. Current practice can lead candidates or parties to place signs 90 days in advance of an election, as is allowed on private property. Without a policy in place, staff does not have the ability to enforce the early placement of signs.

A brief summary of the changes to Chapter 17 ½ Signs as depicted in this ordinance revision:

- *Allows for the placement of political signs on public property serving as a polling location during voting periods.*
- *Sign must refer only to a candidate or issue on the ballot at a that particular voting location.*
- *A maximum of ten signs per candidate or issue may be placed at each polling location and must be self-supporting and stand alone in nature. (During the November presidential election staff took note of the signs placed at the Library. There were no more than 6 signs for each candidate on location.*
- *Sign may not:*
  - *be placed on the premises earlier than 24 hours before the commencement of early voting if being placed at an early voting location or the commencement of election day voting if being placed for an election day voting location.*
  - *Remain on the premises more than 24 hours after early voting has ended if placed at an early voting location or after election day voting has ended if being placed at an election day voting location.*

• *Adds in language mirroring state law that political signs may be placed on private property with the owner's permission 90 days before an election and shall be removed within 10 days after the election (as is current practice).*

Most of the surrounding cities allow for the placement of political signs during early voting and on election day, but do not have an ordinance/policy in place regulating how soon before and after these signs may be erected before the voting period.

However, there are cities in Texas (some local) that have such an ordinance/policy in place. The chart below lists a few cities along with the time frame allotted for the placement and removal of such signs.

However, there are cities in Texas (some local) that have such an ordinance/policy in place. The chart below lists a few cities along with the time frame allotted for the placement and removal of such signs.

City	Placement of	Removal of
Friendswood	N/A	24 hours following the election date.
Lake Jackson	12 hours prior to 1st day polls open for voting period.	24 hours after the conclusion of the voting period.
Houston	24 hours prior to 1st day polls open for voting period.	N/A
Grapevine	First day of the voting period.	72 hours after the conclusion of the voting period.
Weslaco	5:30 p.m. day prior to the 1st day polls open for voting period.	72 hours after the conclusion of the voting period.
Frisco	6:00 p.m. day prior to the 1st day polls open for voting period.	72 hours after the conclusion of the voting period.

Currently, the Alvin Library (public property) serves as a polling location during elections. In the past City Hall and the Senior Center have been used as polling locations.

Upon adoption of this ordinance, staff will notify local, county and state candidates of the regulations outlined within the ordinance.

Council can adopt this ordinance as written, or, discuss, propose changes, and bring the ordinance back at a future meeting for consideration.

Discussion was had on the proposed ordinance.

Council member Starkey moved to approve Ordinance 16-CC; amending Chapter 17 ½ Signs; for the purpose of amending exceptions and exemptions section and adding a temporary political sign section 41, providing for a penalty; providing for severability; providing for a savings clause; and setting forth other provisions related thereto. Seconded by Council member Arendell; motion carried on a vote of 5 Ayes, with Council member Richards voting No.

Consider a Site Access Agreement with TRC Solutions and BNSF and authorize the City Manager to sign.

BNSF is requesting access to a site adjacent to the Depot and the railroad for purposes of conducting soil boring work to be performed by their contractor, TRC Solutions. BNSF wants to investigate the possibility of any subsurface material on the site from historic BNSF operations in the 1980's. A geophysical subsurface investigation using a Geonics EM-61 electromagnetic tool has already been performed and the data identified six subsurface anomalies as indicated on the Site Map - Exhibit B to this agreement. Based on the existence of the anomalies, BNSF is proposing to do additional limited investigation at the six locations pursuant to the Description of Work - Exhibit A. This investigation will determine the nature of the anomalies, which are currently thought to possibly be historical concrete pads. As provided in Exhibit A, BNSF will restore the property to its original condition of any disturbed areas from the soil boring activity. This agreement requires that the boring work be completed within 60 days of the effective date of the agreement.

Council member Arendell moved to approve a Site Access Agreement with TRC Solutions and BNSF and authorize the City Manager to sign. Seconded by Council member Adame; motion carried on a vote of 6 Ayes.

Discuss and consider the cancellation or rescheduling of the January 5, 2017 City Council meeting. Currently, there are no agenda items for consideration at the January 5, 2017 City Council meeting. City Council can authorize the cancellation of this meeting, or propose another date to hold said meeting if agenda items should arise.

Council member Thompson moved to cancel the January 5, 2017 City Council meeting. Seconded by Council member Richards; motion carried on a vote of 5 with Council member Adame voting No.

REPORTS FROM CITY MANAGER

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the January 19, 2017 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 members of the Charter Review Commission for their service. He also wished everyone a safe and Merry Christmas.

Council member Arendell thanked the members who served on the Charter Review Commission. He also asked staff to look into the Rosharon Road property as requested by Mr. Hartman. Council member Arendell congratulated Council member Reed on his daughter's recent college graduation and wished everyone a Merry Christmas.

Council member Richards thanked all those who served on the Charter Review Commission and wished everyone a Merry Christmas.

Council member Sanger thanked all those who served on the Charter Review Commission and also wished everyone a Merry Christmas and a Happy New Year. He reminded everyone to not drink and drive during the holiday season.

Council member Adame thanked members of the Charter Review Commission for their service and wished everyone a Merry Christmas.

Council member Starkey thanked those who served on the Charter Review Commission. He congratulated Jerry Collins (Legal Department) on his retirement from the City of Alvin. Council member Starkey wished everyone a Merry Christmas.

Mayor Horn thanked all those who served on the Charter Review Commission. He also thanked Jerry Collins for his many years of service to the City of Alvin.

ADJOURNMENT

Council member Adame moved to adjourn the meeting at 7:55 p.m. Seconded by Council member Richards; motion to adjourn carried on a vote of 6 Ayes.

PASSED and APPROVED this 19 day of January, 2016.

Paul A. Horn, Mayor

ATTEST:

Dixie Roberts, City Clerk