

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL
REGULAR MEETING
THURSDAY, JULY 20, 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 7:01 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn, Mayor Pro-Tem Brad Richards; Council members: Gabe Adame, Adam Arendell, Chris Sanger, Glenn Starkey, and Keith Thompson.

Staff members present: Sereniah Breland, City Manager; Suzanne Hanneman, Interim City Attorney; Junru Roland, Assistant City Manager/CFO; Dixie Roberts, City Secretary; Dan Kelinske, Parks & Recreation Director, Todd Arendell, Police Captain; and Alexandra Aggor, Interim CVB Director.

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

There were no public comments.

CONSENT AGENDA

- A. Approve minutes of the July 6, 2017 City Council workshop.
- B. Approve minutes of the July 6, 2017 City Council regular meeting.
- C. Consider a two-year Use Agreement with ActionS Inc. to continue to provide programs and activities for Senior citizens in the Alvin area at the Alvin Senior Center, and authorize the Mayor to sign.

ActionS, Inc., is a Community Care Team Agency of the United Way of Brazoria County and service provider for the Houston-Galveston Area Council Area Agency on Aging. For almost twenty years, ActionS INC. has utilized the Alvin Senior Center to provide support services to Alvin area senior citizens ages 60+.

Thru the ActionS program, qualified participants in the Alvin area are offered, at no charge, balanced meals, onsite recreational programming and transportation to and from the Senior Center. The ActionS program currently hosts approximately 80 qualified participants at the Alvin Senior Center Monday – Friday from 8:00 a.m. – 2:00 p.m. and provides a full-time site coordinator with driver.

Staff recommends the approval of this contract renewal.

- D. Receive and acknowledge receipt of the Fiscal Year 2017 Capital Improvement Projects Report and the Comprehensive Plan Implementation Report.

Staff continues to carry out actions on budgeted projects as defined in the 2017 Capital Improvements Plan (CIP). This report is an update as to the progress of each project year to date.

Staff also continues to deliver on implementation and completion of high priority projects defined in the Comprehensive Plan 2035. This report is an update as to work completed year to date.

- E. Consider the 2017-18 Agreement for Beautification Services with Keep Alvin Beautiful in the amount of \$3,000 for the remaining FY17, with a one-year renewal starting FY18 in the amount of \$3,000, and authorize the Mayor to sign.

Keep Alvin Beautiful (“KAB”) is an organization of volunteers that work to improve the appearance of the City. They encourage the placement, planting, and/or preservation of trees, plants, flowers, shrubbery, etc. for the beautification of the City. KAB plans and coordinates the City wide cleanup(s) with Waste Connections and the City. They display over 80 flags on the Depot grounds and across Gordon Street on ten (10) different occasions throughout the year. KAB also educates and encourages the community to reduce, reuse and recycle. In the area of community awareness KAB continues the Yard & Business of the Month awards program. Homes & businesses are recognized for their efforts in beautifying and caring for the properties. This program has helped raise awareness that how it looks really does matter to the quality of life within the community.

This Agreement shall commence on the effective date of the agreement through September 30, 2017. Thereafter, the terms of this agreement shall renew on October 1, 2017 and shall end on September 30, 2018.

- F. Consider Ordinance 17-O, an ordinance granting to Texas New Mexico Power Company, its successors and assigns, the non-exclusive right to use and occupy rights-of-way within the City of Alvin for the construction and operation of an electric transmission and distribution system; prescribing conditions governing the use of the public rights-of-way; providing for compensation therefore; providing for an effective date and a term of said franchise; providing for written acceptance of this franchise; finding that the meeting at which this ordinance is passed is open to the public; and providing for severability.

The City’s franchise agreement with Texas New Mexico Power Company (“TNMP”) expired in April 2014. Although our current franchise agreement ended several years ago, TNMP has continued to pay quarterly based on the terms of the expired agreement.

Since January 1, 2002 (the date deregulation was implemented), a city’s electric franchise fee has been – with some exceptions – based on the number of kilowatt-hours that a utility delivered to customers located within the city’s boundaries in 1998. The total franchise fees for 1998 were divided by the total kilowatt-hours for that year to arrive at a “per kilowatt-hour rate.” TNMP calculates the City’s charge to be \$.0035352 per kilowatt-hour. That rate is multiplied by the current kilowatt hours used by all customers within the city to arrive at the franchise fee amount due to the city each quarter.

The statute does not provide for any escalation or updating (i.e., a resetting of the relationship between fees owed and levels of consumption to a more recent year than 1998) of franchise factors, but does provide that a city and a utility may mutually agree to a different level of compensation or a different methodology for determining franchise fee payments.

The City’s Charter requires two readings of all franchise ordinances. This is the first of the two required readings. The second reading will take place on August 3, 2017. The Charter also requires this ordinance to be published in its entirety in the Alvin Sun at the expense of the franchise holder within 7 days of the first reading of the ordinance. The required ordinance readings and publication was a proposed charter change that did not pass during the May, 2017 election.

- G. Consider Resolution 17-R-18, authorizing the payment of the three (\$0.03) cents per capita to the Gulf Coast of Coalition of Cities to fund regulatory and related activities related to electric and gas utility service; and other matters related thereto.

The City of Alvin has been a member of the Gulf Coast Coalition of Cities since 2012. GCCC has been the primary public interest advocate before the Public Utility Commission, ERCOT, the Courts, and the Legislature on electric utility regulation matters for nearly two decades. There are non-reimbursable proceedings, rulemakings, and legislative efforts impacting the rates charged within the City. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that GCCC be able to fund its participation on behalf of its member cities. When needed, a per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership. With the current population of 25,791, the City of Alvin’s shared cost will be \$773.73. This is the first assessment that GCCC has done since 2013.

Council member Sanger asked to remove Item C - Consider a two-year Use Agreement with ActionS Inc. to continue to provide programs and activities for Senior citizens in the Alvin area at the Alvin Senior Center, and authorize the Mayor to sign.

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

OTHER BUSINESS

Consider a two-year Use Agreement with ActionS Inc. to continue to provide programs and activities for Senior citizens in the Alvin area at the Alvin Senior Center, and authorize the Mayor to sign.

Council member Sanger asked questions relating to the agreement and whether there was a cost associated with such agreement. Mr. Kelinske stated that this agreement was at no cost to the City. ActionS is funded through Brazoria County and United Way.

Council member Sanger moved to approve a two-year Use Agreement with ActionS Inc. to continue to provide programs and activities for Senior citizens in the Alvin area at the Alvin Senior Center, and authorize the Mayor to sign. Seconded by Council member Starkey; motion to approve carried on a vote of 6 Ayes.

Receive and acknowledge receipt of the Financial and Quarterly Investment reports for June, 2017.

The City Charter requires the Chief Financial Officer to report on the financial condition of the City. In addition, the City's investment policy requires the Chief Financial Officer to submit an investment report to the City Manager, the Mayor, and City Council each quarter.

Mr. Roland gave a presentation on the financial and quarterly investment reports.

Council member Starkey moved to acknowledge receipt of the Financial and Quarterly Investment reports for June, 2017. Seconded by Council member Sanger; motion carried on a vote of 6 Ayes.

Consider an application to register the Alvin Depot as a Historical Building with the National Registry.

Authorize the city to submit an application to the National Register of Historic Places to register the Depot as a historical building worthy of preservation. Established by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. The Alvin Depot Centre, if accepted, would be added to the National Register's gallery and database of historic places across the nation, bolstering tourism opportunities.

Mr. Tom Eisenhour, who is a historical architect with 35 years of experience in historic preservation will be working with city staff at no cost to the City to finalize the draft of the application prior to submission.

Alexandra Aggor, Interim Convention and Visitors Bureau Director spoke before City Council about this item. A brief discussion was had.

Council member Arendell moved to approve an application to register the Alvin Depot as a Historical Building with the National Registry. Seconded by Council member Adame; motion carried on a vote of 6 Ayes.

Consider Ordinance 17-N, amending Chapter 21 Subdivisions and Property Development, Section 23, Final Plat Procedures, of the Code of Ordinances, City of Alvin, Texas for the purpose of revising the required signatures for final plats, and setting forth other provisions related thereto.

At the request of the Mayor, this ordinance will amend Chapter 21-23 of the Code of Ordinances, removing the provision that all members of City Council must sign each approved final plat. The City's Code of Ordinances

currently requires more than what state statute does. Chapter 212.009 of the Local Government Code states that the only required signatures for an approved final plat is that of the governing body's presiding officer (Mayor) and the secretary (City Secretary). These signatures will serve as a representation of the final plat approval by the governing body. This amendment will allow for a more efficient process in the handling of final plats, and will help speed up the platting process.

Council member Adame moved to approve Ordinance 17-N, amending Chapter 21 Subdivisions and Property Development, Section 23, Final Plat Procedures, of the Code of Ordinances, City of Alvin, Texas for the purpose of revising the required signatures for final plats, and setting forth other provisions related thereto. Seconded by Council member Starkey; motion carried on a vote of 6 Ayes.

Consider Resolution 17-R-19, amending the maximum number of members allowed on the Hotel Occupancy Tax (HOT) Fund Committee; and setting forth other provisions related thereto.

The City of Alvin collects Hotel Occupancy Tax (HOT) from hotels, and other lodging facilities. Under state law, revenue from municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry.

On May 18, 2017, staff and council held a special workshop in which council expressed the following guidelines concerning the CVB program:

- 1) *The City would maintain direct oversight over the CVB program*
- 2) *The implementation of an application and post event report*
- 3) *Creation of an "independent" HOT Fund Committee*

The functions of the HOT Fund committee are to:

- 1) *review applications from groups or organizations applying for HOT funds*
- 2) *evaluate whether the event/project fits within the laws of the use for HOT funds as directed by the Texas Tax Code*
- 3) *make initial funding recommendation to the City Council*

On June 1, 2017, City Council established a HOT Fund committee through the adoption of Resolution 17-R-17. This resolution states that a minimum of 3 members representing the interest of the hotel industry be appointed with a maximum of seven (7) members total. The other four (4) members on the Committee are to be owners/managers of tourist attractions and/or representatives of organizations involved in allowable use categories of the HOT tax code.

On July 6, 2017, City Council appointed Dhara Bhatt, Kirti Bhakta, Olivia Finney, Joy Kompanathottathili, (hoteliers); along with Nina Froberg and Ron Mercer (tourist attraction representatives) to the HOT Fund Committee. Several representatives from area civic clubs submitted applications to serve on this Committee, but were not appointed at the time because Resolution 17-R-17 provides for a maximum of seven (7) members. Members of Council asked that a separate Resolution be brought back for Council to consider amending the maximum number of members to the Committee.

Brief discussion was had on possible appointments to the committee.

Council member Starkey moved to table this item until the next meeting. Seconded by Council member Adame; motion carried on a vote of 4 Ayes, with Council member's Sanger and Thompson voting No.

Consider the appointment of members to the Hotel Occupancy Tax Committee.

Resolutions 17-R-17 and 17-R-19 establish the creation of a Hotel Occupancy Tax (HOT) Fund Committee, terms of office and qualifications of the committee, and defines the purpose of the committee. Members of the committee will review applications from organizations applying for HOT funds and make initial funding recommendations to the City Council. City Council will make the final decision on the allocation of funds. Resolution 17-R-19 states that this committee shall have at least three (3) hotelier members, with no more than eleven (11) members total, and shall meet at least once quarterly.

HOT Fund Committee members must be a representative of the hotel industry, an owner or manager of a tourist attraction, and/or a representative of an organization involved in the allowable use categories of the tax code governing HOT funds. Hoteliers and key community groups were notified in-person and by phone.

At the July 6, 2017 City Council meeting, Council appointed Dhara Bhatt, Kirti Bhakta, Olivia Finney, Joy Kompanathottahll, Nina Froberg and Ron Mercer. Letters were sent on behalf of the Mayor notifying individuals appointed to the Committee.

Resolution (17-R-17) restricted membership to seven (7) members. Council asked that a revision to the committee be brought back in Resolution form (17-R-19), allowing for a maximum of eleven (11) members to serve on the committee.

The following citizens applied to serve on the Committee as a civic group representative: Sharon Dickerson, Dan Moore, Mark Patterson, Alice Sloan, and Roger Stuksa. Ms. Sloan was not included in the list of applicants you received at the last meeting. Her application was received on Tuesday, July 11, 2017. A detailed spreadsheet of applicant information is included in the packet.

Once the committee is finalized, staff will work with members to find a suitable date and time to hold meetings.

Council member Arendell moved to table this item until the next meeting. Seconded by Council member Richards; motion carried on a vote of 6 Ayes.

Acknowledge receipt of the proposed City of Alvin annual budget for the fiscal year 2017-2018 (FY18), receive presentation by city manager of a summary of the budget, and schedule a public hearing to receive comments from the proposed FY18 annual budget for the regular City Council meeting scheduled for Thursday, August 17, 2017 at 7:00 p.m.

Per the city charter, the City Manager between sixty (60) and ninety (90) days prior to the beginning of each fiscal year, shall submit to the city council a proposed budget, which shall provide a complete financial plan for the fiscal year. The charter also states that at the meeting of the city council at which the budget is submitted, the city council shall fix the time and place of a public hearing on the budget.

Ms. Breland presented the proposed budget and reviewed a brief summary of what is included in the FY18 proposed budget.

Council member Thompson moved to acknowledge receipt of the proposed City of Alvin annual budget for the fiscal year 2017-2018 (FY18), receive presentation by city manager of a summary of the budget, and schedule a public hearing to receive comments from the proposed FY18 annual budget for the regular City Council meeting scheduled for Thursday, August 17, 2017 at 7:00 p.m. Seconded by Council member Richards; 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 next City Council meeting.

ITEMS OF COMMUNITY INTEREST

Hear announcements concerning items of community interest from the Mayor, Council members, and City staff, for which no action will be discussed or taken.

Mrs. Roberts, City Secretary, reviewed items of community interest.

Council member Thompson thanked the staff for the preparation of the proposed budget. He expressed support to the AAAC by sponsoring adoptions and invited those in attendance to the Pittie Party Event on July 21, 2017.

Council member Starkey thanked the staff for responding to the street and drainage issues that was brought to his attention by some citizens and thanked Mr. Junru Roland, CFO/ACM, for the preparation of the proposed budget. He also thanked his bride for 42 years of marriage.

Mayor Horn requested from Council if they would prefer to set a date for a budget workshop meeting or to discuss the budget in a workshop prior to regular council meetings. The Council desired to have a special meeting to discuss the budget in a workshop setting on August 8th at 6:00 p.m.

EXECUTIVE SESSION

Mayor Horn called for an executive session at 8:00 p.m. in accordance to the following:

SECTION 551.072 of the Government Code: Deliberation regarding the purchase, exchange, lease or value of real property.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting into open session at 8:20 p.m.

Consider action, if any, on item regarding the purchase, exchange, lease or value or real property discussed in Executive Session.

No Action taken.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:20 p.m.

PASSED and APPROVED this _____ day of _____, 2017.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary