

**MINUTES
CHARTER REVIEW COMMISSION
DECEMBER 5, 2016
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
6:00 P.M.**

Call to order.

BE IT REMEMBERED that, on the above date, the Charter Review Commission of the City of Alvin, Texas, met in regular session at 6:25 P.M. in the Downstairs Conference Room at City Hall, with the following members present: Chad Gormly, Chairman; Jimmy Kitchens, Vice Chair; Martin Vela, Secretary, Santos Garza, Marisol Jimenez-Rios, Kerry Ulm and Roger Stuksa.

Staff member present: Bobbi Kacz, City Attorney

Petitions and requests from the public.

There were no petitions or request from the public.

Approval of November 14, 2016 Minutes.

Commission member Kitchens moved to approve the November 14, 2016 minutes. Seconded by Commission member Stuksa; motion carried on a vote of 7 Ayes.

City Attorney update.

The City Attorney did not have any updates.

Review and discuss proposed amendments to the Charter by legal counsel and staff.

The Commission went through the Charter and voted on the recommended changes they are as follows:

PREAMBLE

Commission Member Kitchens moved to accept the recommended on page one under **Preamble**. Seconded by Commission member Vela; motion carried on a vote of 7 A yes.

ARTICLE I, - INCORPORATION, FORM OF GOVERNMENT, AND GENERAL POWERS

Commission member Vela moved to accept the recommended changes to **Section 5. - Annexation and disannexation**. Seconded by Commission Member Kitchens; motion carried on a vote of 7 Ayes.

ARTICLE II. -THE COUNCIL

Commission member Garza moved to accept the recommended changes to **Sec. 1 (a) - Governing Body**. Seconded by Commission member Jimenez; motion carried on a vote of 7 Ayes.

Commission member Stuksa moved to accept the recommended changes to **Sec. 2. - Qualification**. Seconded by Commission member Garza; motion carried on a vote of 7 Ayes.

Commission member Stuksa moved to accept the recommended changes of deleting **Sec. 3-Transition** in its entirety from the Charter. Seconded by Commission member Vela; motion carried on a vote of 7 Ayes.

Commission member Vela moved to accept the recommended changes to **Sec. 4. - Vacancies in office**. Seconded by Commission member Stuksa; motion carried on vote of 7 Ayes.

Commission member Vela moved to accept recommended changes to **Sec. 6. - Investigative powers of the council**. Seconded by Commission member Jimenez; motion carried on a vote of 7 Ayes.

Commission member Kitchens moved to accept recommended change to **Sec. 8. - Mayor and mayor pro tem** change clerk to secretary (updating to modern terminology to be done throughout the document). Seconded by Commission member Stuksa; motion carried on a vote of 7 Ayes.

Commission member Garza moved to accept recommended change to **Sec. 8. - Mayor and mayor pro tem**. deleting “second regular meeting each May” and changing verbiage to “first regular meeting following the election of members of council”. Seconded by Commission member Ulm; motion carried on a vote of 7 Ayes.

Commission member Stuksa moved to accept the recommended change to **Sec. 9. - Meetings of Council**. Seconded by Commission member Jimenez; motion carried on a vote of 7 Ayes.

Commission member Jimenez moved to leave “shall” and not include “may” in **Sec. 10. -Rules of procedure**. Seconded by Commission member Kitchens; motion carried on a vote of 7 Ayes.

Commission member Vela moved to accept the recommended changes to **Sec. 11. - Publication of ordinances**. Seconded by Commission member Garza; motion carried on a vote of 6 Ayes 1 No by Commission member Gormly.

ARTICLE III.-ELECTIONS

Commission member Ulm moved to accept the recommended changes to **Sec. 3. - The official ballot**. Seconded by Commission member Kitchens; motion carried on a vote of 7 Ayes.

ARTICLE IV. -INITIATIVE, REFERNDUM AND RECALL

The Commission to no action to the recommended changes adding “**of the city**” to **Sec. 1. - General**.

Commission member Garza moved to accept the recommended changes to **Sec. 2. – Initiative**. Seconded by Commission member Ulm; motion carried on a vote of 7 Ayes.

Commission member Ulm moved to accept the recommended changes to **Sec. 9. -Action on petition**. Seconded by Commission member Stuksa; motion carried on a vote of 7 Ayes.

The Commission took no action **Sec. 10. -Procedure and results of election**.

ARTICLE V. -ADMINISTRATIVE SERVICES

Commission member Stuksa moved to remove the proposed changes Sec. 3 (a) through (g) and replace with the recommended new changes to **Sec. 3. - Powers and duties of the city manager.** Seconded by Commission member Garza; motion carried on a vote of 7 Ayes.

Commission member Stuksa moved accept the recommended changes to **Sec. 5. - Chief of Police.** Seconded by Commission member Jimenez; motion carried on a vote of 7 Ayes. Discussion followed. Commission member Stuksa moved to amend the original motion and take out **Sec. 5. -Chief of police** in its entirety. Seconded by Commission member Vela; motion as amended carried on a vote of 7 Ayes.

Commission member Garza moved to accept the recommended changes to **Sec. 6. -Limitation on departmental head authority.** Seconded by Commission member Stuksa; motion carried on a vote of 7 Ayes.

Commission member Garza moved to accept the recommended change to **Sec. 8. -Health officer,** renaming Health officer to Health authority. Seconded by Commission member Jimenez; motion carried on a vote of 7 Ayes.

Commission member Kitchens moved to accept the recommended changes to **Sec. 10. -Employee pay plans, personnel policies, etc.** Seconded by Commission member Ulm; motion carried on a vote of 7 Ayes.

Commission member Vela moved to accept the recommended change deleting **Sec. 11. - Classified service** in its entirety. Seconded by Commission member Kitchens; motion carried on a vote of 7 Ayes.

Commission Member Vela moved to delete **Sec. 12. - City clerk** in its entirety. Seconded by Commission member Stuksa; motion carried on a vote of 7 Ayes.

ARTICLE VI. -MUNICIPAL COURT

The Commission discussed the wording on **Sec. 2. -Judge of the municipal court.** Following discussion Commission member Stuksa moved to amend section 2 to read:

“The judge of the municipal court shall be appointed by council to serve a term of two (2) years. The judge shall have been a resident of Brazoria County for at least one year immediately prior to his/her appointment. The council shall have authority to appoint an alternate judge of the municipal court in the same manner and with the same qualifications set forth for the presiding judge. The judge or alternate judge shall receive such compensation as may be set by the council. The council shall have the power to create and establish additional municipal courts, with the same or separate jurisdictions, and to appoint an additional magistrate for each court so established.”

Seconded by Commission member Martin; motion carried on a vote of 5 Ayes and 2 Noes.

ARTICLE VII.- MUNICIPAL FINANCE

Commission member Vela moved to accept the recommended changes to **Sec. 3. -Budget a public record.** Seconded by Commission member Kitchens; motion carried on a vote of 7 Ayes.

Commission member Stuksa moved to accept the recommended changes to **Sec. 4. -Notice of public hearing on budget.** Seconded by Commission member Ulm; motion carried on a vote of 7 Ayes.

(Note: **Sec. 8. -Date of final adoption** was unanimously voted to keep the original wording of the Charter on November 14, 2016)

Commission member Kitchens moved to accept the recommended changes of adding in additional language to **Sec. 10. -Budget establishes appropriations.** Seconded by Commission member Ulm; motion carried on a vote of 7 Ayes.

Commission member Stuksa moved to accept the recommended changes to **Sec. 11. - Purchase procedure.** Seconded by Commission member Jimenez; motion carried on a vote of 7 Ayes.

Commission member Garza moved to accept the recommended changes to **Sec. 15. - Annual audited financial report.** Seconded by Commission member Kitchens motion carried on a vote of 7 Ayes.

Commission member Stuksa moved to accept the recommended changes to **Sec. 18. -Depository and withdrawals.** Seconded by Commission member Vela; motion carried on a vote of 7 Ayes.

Commission member Jimenez moved to accept the suggested changes from the Brazoria County Tax Assessor-Collector to **Sec. 23. -Taxes when due and payable.** Seconded by Commission member Stuksa; motion carried on a vote of 7 Ayes.

A discussion was held on the language to **Sec. 29. -Use of sales and use tax.** The City Attorney suggested working on the language and bring back to the Commission at its next meeting.

Commission member Vela moved to accept the changes to **Sec. 30. -Joint tax administration agreements; tax department; assessment, collection procedures.** Seconded by Commission member Jimenez; motion carried on a vote of 7 Ayes.

Commission member Kitchens moved to accept the changes to **Sec. 31. -Department of Finance.** Seconded by Commission member Ulm; motion carried on a vote of 7 Ayes.

ARTICLE VIII-MUNICIPAL PLANNING

(Note: The Commission voted unanimously to the recommended changes on **Sec.1. -Planning commission. and Sec. 3. -Vacancies.** at its on November 14, 2016 meeting.)

A discussion was held on giving the Planning Commission the authority to approve abbreviated plats and certain types of variances under **Sec. 5. -Powers and duties Sec. 5(c)** Commission member Stuksa suggested that the planning commission have authority over variances. He gave an example if a homeowner disagreed with the planning commission's decision then the homeowner could appeal to the Council. He also suggested that consideration would be given on

whether to charge a fee should a requestor appeal to the Council. Bobbi Kacz, City Attorney said she would research on whether the planning commission can approve minor variances and abbreviated plats.

Commission member Gormly proposed questions to the City Attorney: Can the planning commission even grant approval? If they can, how do they give the planning commission the right to do that? What can the planning commission be allowed to approve on not approve?

Commission member Gormly asked why zoning is written in the Charter (referencing **Sect. 6. - Zoning and land use agency.** and **Sec. 7. –Adoption of zoning ordinances.** He asked was it necessary to have zoning in the Charter in order to have zoning? The City Attorney addressed his questions.

ARTICLE IX. -PARKS AND RECREATION

Commission member Stuksa moved to accept the changes to **Sec. 1. -Parks and recreation board created; composition; qualification.** Seconded by Commission member Vela; motion carried on a vote of 7 Ayes.

Commission member Garza moved to accept the changes to **Sec. 2. - Appointment, term of members.** Seconded by Commission member Jimenez; motion carried on a vote of 7 Ayes.

A discussion was held on **Sec. 4. - Duties of board generally.** City Attorney was to work on language.

Commission member Stuksa moved to accept the recommended changes to **Sec. 5. -Filling of board vacancies.** Seconded by Commission member Martin; motion carried on a vote of 7 Ayes.

ARTICLE X. -FRANCHISE AND PUBLIC UTILITIES.

Commission member Jimenez moved to accept the recommended changes to **ARTICLE X. - FRANCHISE AND PUBLIC UTILITIES.** Seconded by Commission member Garza; motion carried on a vote of 7 Ayes.

ARTICLE XI. -GENERAL PROVISIONS

Commission member Garza moved to accept the recommended changes to **Sec.2. -Public records.** Seconded by Commission member Jimenez; motion carried on a vote of 7 Ayes.

(Note: The Commission voted on November 14, 2016 to accept the recommended changes to Sec. 8. -Nepotism.)

Commission member Kitchens moved to accept the recommended changes of striking **Sec. 10- Board of ethics and compliance** in its entirety from the Charter. Seconded by Commission member Stuksa; motion carried on a vote of 7 Ayes.

Sec. 15.-Separability clause. City Attorney stated that there was no need for a vote. This was to show a grammar correction.

Commission member Martin moved to accept the changes to **Sec. 16. -Charter review commission.** Seconded by Commission member Ulm; motion carried on a vote of 7 Ayes.

Commission member Stuksa moved to accept the recommended change of removing from its entirety **Sec. 17. -Submission of Charter to electors** from the Charter. Seconded by Commission member Ulm; motion carried on a vote of 7 Ayes.

Discuss and consider approval of the Charter Commission Report.

The report to be discussed and approved was deferred to the December 12, 2016 meeting.

Set next meeting date to approve the Charter Commission Report or any other meeting dates, if needed.

Next meeting was set for December 12, 2016 at 6:00 p.m.

Adjournment - Commission member Kitchens moved to adjourn the meeting at 8:35 p.m. Seconded by Commission member Ulm; motion on a vote of 7 Ayes.