MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL
REGULAR MEETING
THURSDAY, MAY 4, 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 7:00 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, Brad Richards, Chris Sanger, Glenn Starkey, and Keith Thompson.

Staff members present: Sereniah Breland, City Manager; Junru Roland, Assistant City Manager/CFO; Dixie Roberts, City Clerk; Robert E. Lee, Police Chief, Larry Buehler, Director of Economic Development, Dan Kelinske, Parks & Recreation Director; Michelle Segovia, City Engineer, and Julie Siggers, Director of the Convention and Visitor's Bureau.

INVOCATION AND PLEDGE OF ALLEGIANCE

Judy Zavala gave the invocation.

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

Council member Thompson led the Pledge to the Texas Flag.

PUBLIC COMMENT

There were no public comments.

PRESENTATIONS

Proclamation – Senior Citizen Volunteer of the Year.
Mayor Horn presented a proclamation to Kathy Brady, recipient of the Senior Citizen Volunteer of the Year award.

Departmental Update – Police Department.
Chief Lee gave an update on the Police Department's activities.

Presentation of Parks Master Plan.
Mr. Aaron Tulley with Kendig Keast Collaborative gave a presentation on the Parks Master Plan.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

A. Approve minutes of the April 20, 2017, City Council workshop meeting.

B. Approve minutes of the April 20, 2017, City Council regular meeting.

C. Consider bid award to Tex-Con Construction Services, LLC. for the 2017 Concrete Repair Program, and approve a one (1) year contract with an option to renew for one (1) year with the same terms and conditions, and authorize the City Manager to sign the contract subject to legal review.
On April 11, 2017, bids were opened for the 2017 Concrete Repair Program and Tex-Con Construction Services, LLC. was the qualified low bidder. This Contractor has never worked on a City of Alvin project. Engineering Staff has verified references for this Contractor, and all references were highly satisfied with the work performed.

Project Budget: $150,000. Total Contract Amount Including Alternate Bid Items: $104,980.

The 2017 Concrete Repair Program utilizes the Contractor to perform point repairs on concrete streets, sidewalks, curbs, storm inlets, and ADA ramps at locations throughout the City as directed by the City's Public Services Department. The City has bid Concrete Repair Program projects similar to this one for the last seven years. Staff recommends approval.

D. Consider Addendum No. 1 for a one (1) year renewal to the Janitorial Services Contract with Oriental Building Services, Inc. for janitorial services for City owned buildings and park restrooms, and authorize the City Manager to sign the contract subject to legal review.

The original agreement was approved by City Council on August 4, 2016, in the amount $80,780.52, with options of additional services per request beginning September 1, 2016 thru September 30, 2017. During this time, staff requested additional weekly janitorial service for the permanent restroom at National Oak Park. The original bid price was $360 per week for 7-day service.

Routine cleaning site locations include City Hall, Public Services Facility, Alvin Library, Senior Citizen's Center, Museum, Train Depot, Police Department, Alvin Animal Adoption Center. The additional site includes Portable Restroom Trailer, Bob Briscoe Park Restrooms, Lions Park Restrooms, Pearson Park Restrooms, Morgan Park Restrooms, Bob S. Owen Pool Restrooms, National Oak Park Restrooms, and Alvin Girl Scout House. These additional sites are scheduled and billed separately as requested by the City of Alvin.

The National Oak Park restrooms were added as routine service during the FY17 upon the completion of construction and the annual price for 7 day per week service was reduced from $360 per week to $833.33 monthly, and included 6 days per week service rather than 7, to remain within the budgeted limits of $10,000.

This is the first of three (3) one (1) year renewal options with Oriental Building Services Inc. in the amount $90,780.48 with options of additional services per request.

E. Consider awarding LTS Lawncare as the City's manicured mowing services provider in the amount of $41,224.17 for the remaining FY17; with the option of three annual renewals starting FY18, in the amount of $72,723.33, and authorize the City Manager to sign the contract subject to legal review.

On August 4, 2016, city council approved a manicured mowing services contract with De Leon & Son, which commenced on October 1, 2016 and would terminate on September 30, 2017. As a result of reasons beyond De Leon & Son's control, De Leon & Son requested that their contract with the City be terminated, effective February 28, 2017.

To maintain manicured mowing services in the city, staff rebid manicured mowing services. The Manicured Mowing Contract Bid # B-17-05 -- advertised on March 27, 2017, and April 3, 2017 -- was opened on April 19, 2017. The City of Alvin received bids from six (6) manicured mowing companies. LTS Lawncare submitted the lowest bid. Staff contracted three (3) references concerning LTS Lawncare and received positive recommendations from all three references.

This Agreement shall commence on May 8, 2017, and terminate on September 30, 2017. Thereafter, the terms of this agreement shall commence on October 1, 2017, and shall end on September 30, 2018. Upon mutual consent of the city council and LTS Lawncare, this agreement may be extended for three (3) one-year extensions, for a maximum of four (4) consecutive years.

Mowing services will be provided in the following locations: Lift Stations 23B, 14, 29, 30, 31 and 33; Water Well 3, 4, 6, 7, 8, as well as 3 water towers; City Hall; Lot at W. Willis Street @ Hardie Street, Library, Senior Citizen Center, Museum, Public Services Facility, Animal Adoption Center, Police Department, Bob Owen Pool, Girl Scout House Lot, American Legion Lot, Fire Station #1 with overflow parking lot, Fire Station #2 and #3, EMS, Fire Training Field, PSF #2 on Dyche Lane, Lot at N. Gordon Street and W. Willis Street, Train Depot, North 35 Bypass and South 35 Bypass entrance areas, Welcome to Alvin sign area on Highway 6 and Highway 6 @ N. Gordon Street, Ruben Adame Park, Newman Park, Citizens Park, Sealy Park, Prairie Dog Park and Oak Park Cemetery.

The manicured mowing services contract with De Leon & Son for the same scope of services, less one additional property currently added (bid price $1,200 annually), totaled $101,085.00 annually.

F. Consider Addendum No. 4 for a one (1) year renewal to the Agreement for Lawn Maintenance Services with LTS Lawn Care for mowing services of select city parkland in an amount not to exceed $32,227.87, and authorize the City Manager to sign the contract subject to legal review.

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.

The third renewal with LTS Lawn Care was approved August 4, 2016, by City Council in an amount not to exceed $32,227.87 ending September 30, 2017.

Staff is pleased with the services of LTS Lawn Care and is requesting that Council renew the fourth of four (4) one-year renewals with LTS Lawn Care in an amount not to exceed $32,227.87.

G. Consider Addendum No. 2 for a one (1) year renewal agreement with Comfort Systems USA (South Central) for Heating, Ventilation, and Air Conditioning (HVAC) preventative maintenance and repair services of various city buildings, in the amount of $37,310.94, and authorize the City Manager to sign the contract subject to legal review.

On September 17, 2015, the initial HVAC preventative maintenance agreement was awarded to Comfort Systems USA (South Central). The term of the of the original agreement commenced on October 10, 2015, and terminated on September 30, 2016; with an option to renew for a maximum of 3 additional one-year renewal terms. In August 2016, Council approved Addendum 1, the 1st of 3 one-year renewal terms allowed in the HVAC agreement.

Comfort Systems USA (South Central) is requesting that the City Council approve the 2nd one-year renewal term, which would allow Comfort Systems USA (South Central) to provide HVAC preventative maintenance and repair services for City facilities for through September 30, 2018 (FY18).

Staff is satisfied with the services of Comfort Systems USA (South Central) and recommends that City Council approve the 2nd of 3 one-year renewal options allowed in the HVAC preventative maintenance agreement. The following are the annual proposals submitted to the City by Comfort Systems USA (South Central).

Service Year	*Proposal*
FY16 (Initial Award)	*$32,440*
*FY17 (1st one-year renewal option – Addendum 1)**	*$36,440*
FY18 (2nd one-year renewal option – Addendum 2)	*$37,310*

The City facilities included in the HVAC agreement are: City Hall, Animal Adoption Center, 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 Station.

** The Animal Adoption Center HVAC equipment was added into the agreement as an addendum in February, 2016, for an additional annual amount of $3,960.*

H. Consider Resolution 17-R-11, finding that CenterPoint Energy Houston Electric, LLC's Application for approval to amend its distribution cost recovery factor pursuant to 16 Tex. Admin. Code §25.243 to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

The City, along with approximately 35 other cities served by CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company"), is a member of the Gulf Coast Coalition of Cities ("GCCC"). The coalition has been in existence since the early 1990's. GCCC has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for over 20 years.

On April 6, 2017, CenterPoint filed an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF"), pursuant to Title 16 of the Texas Administrative Code §25.243, to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues *of $89,560,854 for the period of September 1, 2017, to August 31, 2018, compared to the revenues approved in its most recent base rate case, Docket No. 38339.*

GCCC has engaged the services of a consultant, Mr. Karl Nalepa, to review the Company's filing. GCCC's attorney recommends that all GCCC members adopt the Resolution denying the rate change. Once the Resolution is adopted, CenterPoint will have 30 days to appeal the decision to the Public Utility Commission where the appeal will be consolidated with CenterPoint's filing for the environs and those cities that have relinquished their original jurisdiction currently pending at the Commission.

Council member Sanger moved to approve the consent agenda excluding items D, E, F and H as presented. Seconded by Council member Thompson; motion carried with a vote of 7 Ayes.

OTHER BUSINESS

Consider Addendum No. 1 for a one (1) year renewal to the Janitorial Services Contract with Oriental Building Services, Inc. for janitorial services for City owned buildings and park restrooms, and authorize the City Manager to sign the contract subject to legal review.
This item was removed from the consent agenda by Council member Sanger.

Council member Sanger inquired if the renewal to the Janitorial Services Contract was a standard renewal or a price increase. Ms. Breland informed Council member Sanger that the contract was a standard renewal.

Following discussion, Council member Adame moved to approve Addendum No. 1 for a one (1) year renewal to the Janitorial Services Contract with Oriental Building Services, Inc. for janitorial services for City owned buildings and park restrooms, and authorize the City Manager to sign the contract subject to legal review. Seconded by Council member Richards; motion carried with a vote of 7 Ayes.

Consider awarding LTS Lawncare as the City's manicured mowing services provider in the amount of $41,224.17 for the remaining FY17; with the option of three annual renewals starting FY18, in the amount of $72,723.33, and authorize the City Manager to sign the contract subject to legal review.
This item was removed from the consent agenda by Council member Sanger.

Council member Sanger inquired about the price difference between the prior contract and LTS Lawn Care. Ms. Breland explained that the difference is a $38,000 savings.

Council member Thompson moved to award LTS Lawncare as the City's manicured mowing services provider in the amount of $41,224.17 for the remaining FY17; with the option of three annual renewals starting FY18, in the amount of $72,723.33, and authorize the City Manager to sign the contract subject to legal review. Seconded by Council member Richards; motion carried with a vote of 7 Ayes.

Consider Addendum No. 4 for a one (1) year renewal to the Agreement for Lawn Maintenance Services with LTS Lawn Care for mowing services of select city parkland in an amount not to exceed $32,227.87, and authorize the City Manager to sign the contract subject to legal review.
This item was removed from the Consent agenda by Council member Sanger.

Council member Sanger inquired if the amount of $32,227.87 was a price increase. Mr. Kelinske explained that initial contract started at mid-year and the renewal amount has not changed.
Council member Sanger moved to approve addendum No. 4 for a one (1) year renewal to the Agreement for Lawn Maintenance Services with LTS Lawn Care for mowing services of select city

parkland in an amount not to exceed $32,227.87, and authorize the City Manager to sign the contract subject to legal review. Seconded by Council member Thompson; motion carried with a vote of 7 Ayes.

<u>Consider Resolution 17-R-11, finding that CenterPoint Energy Houston Electric, LLC's Application for approval to amend its distribution cost recovery factor pursuant to 16 Tex. Admin. Code §25.243 to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.</u>
This item was removed from the consent agenda by Council member Sanger.

Council member Sanger asked for an explanation of Resolution 17-R-11. Ms. Suzanne Hannerman, Deputy City Attorney explained that this Resolution is necessary so that the City's representative, Gulf Coast Coalition of Cities, can negotiate electrical rates.

Council member Sanger moved to approve Resolution 17-R-11, finding that CenterPoint Energy Houston Electric, LLC's Application for approval to amend its distribution cost recovery factor pursuant to 16 Tex. Admin. Code §25.243 to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. Seconded by Council member Thompson; motion carried with a vote of 7 Ayes.

<u>Consider an amended plat of Forest Heights Section Six, being a planned unit development of a 19.173 acre tract of land (located northwest of the Heights Road and Brazos Street intersection) out of lots 51, 52, 63, and 64 of the Hooper and Wade Survey, Section 23, A-420 and tract 3, Lepper Family Partnership, LTD. CF 97-024069 Deed Records of Brazoria County, Texas.</u>
On April 1, 2017, the Engineering Department received the amended plat of Forest Heights Section Six for review. This section consists of sixty-three (63) single-family residential lots, three (3) blocks, and three (3) reserves and is located northwest of the intersection of Heights Road and Brazos Street. This plat was originally recorded in December, 2016, and is being amended to remove unnecessary side lot aerial easements. In the Owner's Dedication Statement (shown in the top-left corner of the plat) of the original plat the last sentence stated "There is also dedicated for utilities an unobstructed aerial easement three (3) feet wide from a plane twenty (20) feet above ground upward located adjacent to all easements and alleys shown hereon." The aerial easements that would be dedicated adjacent to side lot ground easements would create the potential for an encroachment into the aerial easement if a two-story home were to be constructed on these lots. To avoid any future encroachments, the Developer at the home builder's request, has requested that the dedication statement on the plat be amended to include aerial easements adjacent to back lot easements only, leaving all side lot ground easements free of aerial easements.

This amended plat complies with all requirements of the City's Subdivision Ordinance. The Subdivision Ordinance does not require or discourage the dedication of aerial easements on plats.

The Planning Commission unanimously approved the plat at their meeting on April 18, 2017. Staff recommends approval.

Ms. Michelle Segovia, City Engineer, explained to the Council the purpose of the amendment to Forest Heights Section Six.

Council member Adame moved to approve an amended plat of Forest Heights Section Six, being a planned unit development of a 19.173 acre tract of land (located northwest of the Heights Road and Brazos Street intersection) out of lots 51, 52, 63, and 64 of the Hooper and Wade Survey, Section 23, A-420 and tract 3, Lepper Family Partnership, LTD. CF 97-024069 Deed Records of Brazoria

County, Texas. Seconded by Council member Arendell; motion to approve carried with a vote of 7 Ayes.

<u>Consider Resolution 17-R-12, creating the Hotel Occupancy Tax Fund Committee; establishing the membership, terms of office and qualifications of the committee; defining the purpose of the committee; and setting forth other provisions related thereto.</u>

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.

During a City Council workshop on August 9, 2016, Councilman Adame expressed his concern of the community's misconception that the City is using [property/sales] tax dollars, instead of HOT funds, to operate the City's Convention and Visitors Bureau (CVB) program. In an effort to clear-up the misconception, staff was asked to explore the possibility of moving the CVB program from under the City's governance, and to evaluate other alternative CVB program organizational models. On April 20, 2017, staff and council held a special workshop in which staff presented four CVB organizational models for Council's consideration. Those organizational models included:

- *CVB as a Government Agency (the City's current model)*
  - *CVB is a department within the City*
  - *CVB program and staff are governed by City policies*
  - *CVB staff receive City benefits*

- *CVB as an Independent Agency*
  - *CVB program and staff are governed by an independent Board of Directors*
  - *City provides HOT funds to the Independent CVB in accordance to the Texas Tax Code*

- *CVB as a division of the Chamber of Commerce*
  - *CVB program and staff are governed by the Chamber of Commerce*
  - *City provides HOT funds to the Chamber of Commerce in accordance to the Texas Tax Code*

- *CVB as a hybrid of the Government Agency Model and the Independent Agency Model*
  - *CVB program remains a department of the City*
  - *CVB program and staff are governed by City polices; and CVB staff receive City benefits*
  - *An "independent" HOT fund Committee is created*

At the April 20, 2017 workshop, staff proposed the hybrid model, which would necessitate the creation of an "independent" HOT Fund Committee, consisting of direct stakeholders of HOT funds. The HOT Fund Committee would include:

- *A minimum of 3 members representing the interest of the hotel and/or convention industry;*
- *Owners/Managers of tourist attractions;*
- *Representatives of organizations involved in allowable use categories of the HOT tax code*

The functions of the HOT Fund committee would be 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; and*
3) *make initial funding recommendation to the City Council.*

Staff realizes that there are pros and cons to each CVB organizational model. However, the hybrid model – with the establishment of an "independent" HOT Fund Committee – endeavors to address the council's concern disclosed at the August 9, 2016 workshop, increase stakeholder involvement in the City's CVB program, while allowing the City to maintain oversight of the CVB program.

Council member Sanger moved to approve Resolution 17-R-12, creating the Hotel Occupancy Tax Fund Committee; establishing the membership, terms of office and qualifications of the committee; defining the purpose of the committee; and setting forth other provisions related thereto. Seconded by Council member Thompson.

Council member Adame recommended tabling Resolution 17-R-12 and referring it to a workshop meeting.

The motion failed with a vote of 3 Ayes and 4 No's with Council member's Reed, Arendell, Starkey and Adame voting No. Resolution 17-R-12 was referred to the next workshop.

Consider the appointment of an interim City Attorney.
This item was placed on the agenda at the request of the Mayor.

This item was considered after the Executive Session but is recorded here to maintain the integrity of the agenda outline.

Council member Adame moved to appoint Suzanne Levinson Hanneman as interim City Attorney. Seconded by Council member Reed; motion carried on a vote of 7 Ayes.

REPORTS FROM CITY MANAGER
Review preliminary list of items for next Council meeting.
Ms. Breland announced the Town Hall meeting on May 9th; canvassing of the May 6th election results on May 16th at 6:00 p.m. and reviewed the preliminary list for May 18, 2017, regular and workshop meetings.

Items of Community Interest.
Ms. Roberts reviewed items of community interest.

REPORTS FROM COUNCIL MEMBERS
Announcements and Items of Community Interest.

Council member Reed thanked Police Chief Lee for the presentation; congratulated Ms. Kathy Brady for receiving the Senior Citizens volunteer award and gave kudos to his daughter that will be graduating from Alvin Community College and Alvin High School simultaneously.

Council member Arendell recognized Police Chief Lee and Dan Kelinske, Parks Director for their presentations.

Council member Sanger apologized for being a little late to the meeting; he explained that he is working on his MBA and this week is finals. He announced that he currently has a 4.0.

Council member Adame thanked Chief Lee for all that the Police Department does and for addressing fraud awareness in his presentation. He also thanked Dan Kelinske, Parks Director, for his presentation. Mr. Adame announced that today is National Fire Fighter's Day. He invited those in attendance to the Noon Lions Club Casino night.

EXECUTIVE SESSION
Mayor Horn called for an executive session at 7:55 p.m. in accordance to the following:

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.

SECTION 551.072 - of the Government Code: Deliberation regarding the purchase, exchange, lease or value or real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting into open session at 9:40 p.m.

Approve termination of City Attorney's employment agreement and/or authorize settlement offer pertaining to the City Attorney's employment agreement.

Council member Starkey moved to terminate City Attorney's employment agreement. Seconded by Council member Sanger; motion carried with a vote of 4 Ayes and 3 No's by Council member's Reed, Arendell and Adame.

Council member Starkey moved to authorize the settlement offer to Bobbi Kacz to include one year of pay and benefits minus any amounts refundable to TMLIEB and the city in return for a waiver of all claims against the City. Seconded by Council member Thompson.

Council member Sanger stated that in good conscious he could not agree to any settlement in this matter.

With a vote of 3 Ayes and 4 No's by Council member's Arendell, Thompson, Adame and Sanger, the motion failed.

ADJOURNMENT

Mayor Horn adjourned the meeting at 9:43 p.m.

PASSED and APPROVED this ______ day of ________________, 2017.

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Paul A. Horn, Mayor

ATTEST: ____________________________
Dixie Roberts, City Clerk