

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL REGULAR MEETING
THURSDAY, FEBRUARY 16, 2023
7:00 PM**

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 PM in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn; Mayor Pro-Tem Gabe Adame; Councilmembers: Martin Vela, Keko Moore, Joel Castro, Glenn Starkey, Richard Garivey, and Chris Vaughn.

Staff members present: Junru Roland, City Manager; Dixie Roberts, Assistant City Manager/City Secretary; Dan Kelinske, Parks and Recreation Director; Michelle Segovia, City Engineer; Brandon Moody, Director of Public Services; Ron Schmitz, EMS Director of Operations, and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Dixie Roberts, Assistant City Manager/City Secretary, gave the invocation. Council member Adame led the Pledge of Allegiance to the American Flag. Council member Garivey led the Pledge to the Texas Flag.

PRESENTATION

Annual Departmental Presentation - Emergency Medical Services & Emergency Management

Ron Schmitz, EMS Director and Emergency Management Coordinator gave the departmental presentation before City Council.

PUBLIC COMMENT

There were no comments from the public.

CONSENT AGENDA

Consider approval of the February 2, 2023 City Council meeting minutes.

Acknowledge receipt of the 2022 Racial Profiling Report submitted annually to the Texas Commission on Law Enforcement (TCOLE) and the Alvin City Council as required by Article 2.134 of the Texas Code of Criminal Procedure.

Article 2.134 of the Texas Code of Criminal Procedure requires that not later than March 1st of each year, law enforcement agencies submit a report containing the previous year's incident-based data to the Texas Commission on Law Enforcement (TCOLE) and to the governing body of that agency's city or county.

The 2022 report includes data on: gender, race or ethnicity, if race was known prior to the stop, reason for the stop, street address or approximate location of the stop, if a search was conducted, if a search was conducted, the reason for the search, if contraband was discovered, description of contraband, result of the stop (verbal warning, written warning, citation, arrest and if use of force resulting in bodily injury occurred), if an arrest occurred whether it was a penal law, traffic law, city ordinance or warrant. A comparison of demographic data collected with the latest demographic data estimate of the City of Alvin (census.gov), <https://www.census.gov/quickfacts/alvincitytexas>, was completed and submitted to TCOLE as well as the required data on traffic stops for the year. The actual demographic makeup of the city is considered to be outside of this data set as no data set indicates that work, shopping or travel demographics within the city were included. The 2022 racial profiling report is believed to be representative of our population in general and does not indicate racial profiling bias. One complaint involving racial profiling was made to the Alvin Police Department in 2022. The racial profiling portion of that complaint was deemed unfounded.

Consider a five (5) year Lease Agreement with Skybeam, LLC (a Colorado limited liability company dba Rise Broadband) with an option to renew for one (1) additional five (5) year term, to allow Skybeam, LLC a portion of the City-owned property for the purpose of installing, operating, maintaining, and repairing radio communications facilities to provide broadband internet access, for the sum of \$500 per month; and authorize the City Manager to sign upon legal review.

In August 2014, Skybeam started leasing space on the City's Verhalen Water Tower for their antennas that provide internet access to their customers in the area. In the original 2014 agreement, Skybeam provided the City with free internet service within the antenna's range for the cost of the lease space. Unfortunately, the free internet access did not provide any use for the City because there are no facilities within the range provided. In 2017, the agreement was revised to lease the space for \$300 a month.

Skybeam is proposing a new Lease Agreement with a new monthly lease in the amount of \$500 per month. Skybeam is proposing replacing two (2) of their existing antennas with four (4) new antennas to provide better service to their customers. The Lease Agreement will allow Skybeam access to the water tower property for installation, operation, and maintenance of their installed antennas with approval and access provided by City staff. The proposed agreement is for a five (5) year term with an option to renew for one (1) additional five (5) year term.

Consider the expenditure of American Rescue Plan Act (ARPA) funds in an amount not to exceed \$159,250.23 to DataVox for the WebEx by Cisco & Datavox Phone System through the Texas Department of Information Resources (DIR) purchasing platform for the updating of the City of Alvin's (city-wide) phone system; and authorize the City Manager to sign related Contract upon legal review.

At the March 17, 2022 Council workshop, projects for the expenditure of ARPA funds were submitted. One of the projects included the upgrade of the city's phone system (city-wide). These projects were authorized by City Council through the adoption of Ordinance 22-V on March 17, 2022. The original budgeted amount for this project is \$200,000. The city's current phone system in place is antiquated and has reached its end of life. Staff has done research on similar products through other agencies. DataVox/Cisco maintains a strong reputation in the technology community and provides the most secure option in relation to required CJIS (Criminal Justice Information System) compliance. The WebEX platform is a cloud based solution and will enhance city-wide communication capabilities on a daily basis and during emergency operations.

Yearly Fees for WebEx:

\$38,670.00 for licensing of 200 users and 31 phone stations. \$20,948.00 for licensing of call recording of 100 APD users. early Total: \$59,618.00.

One-Time Fees for WebEx:

*\$50,993.29 to purchase 173 phones.
\$20,449.74 to purchase 65 spare devices.
\$2,779.20 to purchase 10 headsets.
\$25,410.00 for DataVox Professional Services to migrate the city.
One-Time Total: \$99,632.23*

Total Cost for WebEx:

*\$159,250.23 for the First Year
\$59,618.00 Yearly (After Year One)
Current annual cost for AT&T Phone System currently in place: \$152,247.*

Upon City Council's authorization of this expenditure, installation will commence within a few weeks, depending on scheduling. The DataVox/Cisco team will work with IT staff to roll the platform installation out building by building. There is no anticipated down time during the transitions of platforms. Staff recommends approval of ARPA project funds in an amount not to exceed 152,247.

Acknowledge receipt of the Parks and Recreation Board's five-year list of recommended park improvement projects.

The City Charter requires the Parks and Recreation Board to make recommendations to the City Council for improvement and betterment of public parks and recreational facilities by March 1st of each year. At the regular park board meeting on February 7, 2023, the board recommended and unanimously approved a five-year forecasted list of park improvements. The park improvement projects will remain part of the City's comprehensive Capital Improvement Project

list, reviewed by the Planning Commission and presented again to City Council. The five-year park improvement projects list is a planning document. City staff recognizes that funding may not be available to fund all projects listed.

Mayor Horn acknowledged students of Alvin Community College for being present at the Council meeting.

Council member Adame moved to approve the consent agenda as presented. Seconded by Council member Vela; motion to approve carried with all members present voting Aye.

OTHER BUSINESS

Consider an Encroachment Agreement with Florida Gas Transmission Company, LLC, for the construction of the 54-inch eastside sanitary sewer interceptor line within Florida Gas Transmission's 30-foot wide pipeline right-of-way as described in the agreement; and authorize the City Manager to sign the Agreement upon legal review.

During the meeting Mayor Horn moved this item to after Item B but it is recorded in its original order on the agenda to maintain the integrity of the outline.

The Agreement being considered will allow the City's contractor to cross the 30-foot wide occupied pipeline right-of-way (east of the Fairway Lake) owned by Florida Gas Transmission Company, LLC. with the new 54-inch eastside sanitary sewer interceptor line. Currently, the City has two existing sanitary lines that cross the pipeline right-of-way, however the new line will be in closer proximity to the existing 22-inch Florida Gas Transmission pipeline, therefore requiring that an encroachment agreement be executed. During the design phase of the Eastside Interceptor Project Florida Gas Transmission approved the new sanitary line to cross under their existing line, as long as, a minimum of 18-inches of clearance was maintained between the City's line and the pipeline. The City's contractor has completed installation of 85% of the new interceptor and due to unavoidable field modifications, the new line will need to be installed with 11-inches of clearance from the pipeline versus the original 18-inches. Florida Gas Transmission requires that an Encroachment Agreement is approved for installation with less than 18-inches of clearance. The City's sanitary line will be installed and covered with a concrete slab the width of the easement for future protection of the line. During construction the pipeline company will have personnel onsite the entire time monitoring the installation of the City's line. Staff recommends approval of this Agreement.

Michelle Segovia, City Engineer, presented this item before City Council with explanation.

Council member Starkey moved to approve an Encroachment Agreement with Florida Gas Transmission Company, LLC, for the construction of the 54-inch eastside sanitary sewer interceptor line within Florida Gas Transmission's 30-foot wide pipeline right-of-way as described in the agreement; and authorize the City Manager to sign the Agreement upon legal review. Seconded by Council member Vaughn; motion carried with all members present voting Aye.

Consider Resolution 23-R-04 of the City Council of the City of Alvin, Texas, approving an amendment to the City of Alvin Major Thoroughfare Plan as described in Exhibit A; and setting forth other provisions related thereto.

During the meeting, Mayor Horn moved this item to be addressed first in Other Business but it is recorded in its original order on the agenda to maintain the integrity of the outline.

On March 3, 2022, a Predevelopment Meeting was held between City Staff and the Magnolia Trails development team to discuss the possibility of rerouting the proposed minor collector roadway that is shown on the City's Major Thoroughfare Plan and runs through the 140 acre Magnolia Trails property that is located within the city limits along FM 2403 approximately 1.20 miles south of Highway 35. The current alignment of the proposed thoroughfare would conflict with the intersection of Highway 35 and Quail West Road and would cut through the Magnolia Trails property at an undesirable angle. The north portion of the proposed thoroughfare would also create a five-leg intersection at FM 1462 and Parker School Road, which is not preferred from an engineering design standpoint. After discussion between Staff and the development team the new alignment, as shown on attached Exhibit A, was agreed upon to move forward to City Council and to Brazoria County for consideration, since the majority of the proposed thoroughfare lies within the County. The development team discussed the alignment change with Brazoria County Engineering and the Brazoria County Commissioners' Court approved an amendment to the County's Thoroughfare Plan on November 22, 2022, to reflect the change. Approval of Resolution 23-R-04 would

amend the City's Major Thoroughfare Plan by moving the proposed Minor Collector roadway through the Magnolia Trails property to the south as shown on Exhibit A. Staff recommends approval of Resolution 23-R-04.

Michelle Segovia, City Engineer, presented this item before City Council with explanation. This item was discussed in the workshop held prior to the regular council meeting.

Council member Castro moved to approve Resolution 23-R-04 of the City Council of the City of Alvin, Texas, approving an amendment to the City of Alvin Major Thoroughfare Plan as described in Exhibit A; and setting forth other provisions related thereto. Seconded by Council member Garivey; motion with all members present voting Aye.

Discuss Chapter 17.5 - Signs, of the Alvin Code of Ordinances relating to the placement of feathered Flags.

At the February 2, 2023 City Council meeting, this item was asked to be placed on this agenda for discussion by members of Council. On January 15, 2022, City Council/staff held a workshop facilitated by Ron Cox to discuss City Ordinance revisions. As a result of the workshop, staff amended Chapter 17½, Signs Ordinance. On March 3, 2022, City Council approved the amendments to Chapter 17½, Signs, of the City of Alvin Code of Ordinances through the adoption of Ordinance 22-1. The amendments to the ordinance specific to feather flags allowed for any business establishment, one (1) temporary on-premises feather flag may be allowed and displayed on private property owned by any individual or group, subject to the following restrictions:

- a. No such feather flag shall be erected unless a permit is first obtained from the Code Enforcement Officer.*
- b. Feather flag shall be constructed of plastic, fabric or film.*
- c. Feather flag shall not exceed thirty-two (32) square feet and only one feather flag may be displayed with each permit.*
- d. The permit for such feather flag shall be issued for a maximum of twenty-eight (28) consecutive days four (4) times a year, with a permit for each occurrence. Each occurrence may be taken as one twenty-eight (28) day permit or divided into two fourteen (14) day permits.*
- e. At no time shall a feather flag project above the roofline or hang from awnings, attached with rope between pillars or poles of any building on the premises or in any right-of-way or easement.*
- f. All feather flags shall be kept in good repair (i.e., not tattered, unanchored, faded, frayed or unsightly). All feather flags shall be installed in a secure manner and not obstructing view of traffic.*
- g. If any violations are found or exist, the Code Enforcement Officer has the authority to issue citations and/or discretion to remove the feather flag without further notice to the property owner. Any feather flags removed by the Code Enforcement Officer will be immediately disposed of.*
- h. Any new business is allowed an additional fourteen (14) consecutive days within ninety (90) days from the date on the Certificate of Occupancy (see Section 17½-58 (c) – Special Event Signs, Grand Opening Signs).*

The fee for a Temporary on-premises feather flag permit is \$10.00 for each permit. Feather flags were not allowed under any circumstances in the previous ordinance. In the ordinance there are prohibited signs listed. Below is the prohibited signs section.

Sec. 17½-35. - Prohibited signs.

Unless specifically authorized in another section of this chapter, signs of the following nature are expressly prohibited from and after the effective date of this chapter:

- 1. Off-premises signs; except that a business shall be allowed one off-premises directional sign. Any such sign must be a freestanding sign not exceeding sixteen (16) square feet and no more than six (6) feet in height. Such signs must be displayed upon private property and shall comply with the other provisions of this chapter.*
- 2. Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character as they will offend public morals or decency as determined by the city council, and in accordance with relevant definitions of the Texas Penal Code.*
- 3. Signs which advertise an activity, business, or service no longer conducted on the premises upon which the sign is located.*
- 4. Signs which move or contain visible moving parts.*

5. Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, balloons, inflatables, feather flags or other similar devices, either individually or attached to a sign or building.
6. Signs attached to or located upon exposed amenities such as benches, trash containers, trees, shrubbery, fences, fence posts or any structure used or intended for any other purpose.
7. Any stereopticon or motion picture machine used in conjunction with or attached to any sign in such manner as to permit the images projected therefrom to be visible from any public street or sidewalk.
8. Snipe or bandit signs.
9. Spectacular signs, iridescent painted signs, signs with fluorescent colors and signs that make or create noise.
10. Temporary signs.
11. Portable signs.
12. Handheld signs are prohibited upon any public rights-of-way, including, but not limited to, any public street, alley, or other public property.

Brandon Moody, Director of Public Services, presented this item before City Council with explanation. He explained the permit process that allows for seasonal, temporary signage. Mr. Moody reviewed the permit process, and each type of temporary sign allowed. Lisa Sullivan, Code Supervisor, explained the online process to obtain a permit for those signs. Both Mr. Moody and Ms. Sullivan stressed the fact that their ultimate goal is compliance, not to write a citation. Discussion was had on extending that temporary permit to A frame signs on an hourly basis with certain stipulations. Council member Adame suggested that the Chamber of Commerce be added to that list of exceptions based on their contribution to economic development that they provide to the City of Alvin. Council asked staff to draft an ordinance with said recommendations and bring back for consideration at a later date.

Discuss panhandling and homeless diversions.

This item was placed on this agenda for discussion as initiated by City Council member Vela with no objection at the February 2, 2023 City Council meeting. On January 15, 2023, City Council hosted a workshop to review the Alvin Code of Ordinances to define and discuss outdated language that did not reflect current practice. One of the amendments discussed in this workshop was the deletion of Section 15-13 entitled "Vagrancy". The wording found in this section was severely outdated and pushed the lines of being unconstitutional and thus was removed from the Code of Ordinance through the adoption of Ordinance 22-Z -- adopted on April 7, 2022. We currently rely on the Texas Transportation Code 552.007 Solicitation by Pedestrians, which prohibits pedestrians from standing in the roadway to solicit.

SOLICITOR (PANDHANDLER) -The Alvin Police Department (APD) will respond to and warn any person soliciting (panhandling) in a roadway. The State law (referenced above) allows solicitors to stand on the median or off to the side as long as they are not entering the roadway to solicit. When APD sees this occurring, the solicitors generally receive a warning the first time, then APD will require the solicitor to leave and/or issue a citation/arrest when/if APD must go back out. Generally, the solicitors leave after the first warning is issued.

HOMELESS - When feasible and upon request, APD provides rides to shelters, bus stations, etc. Generally, this only occurs when APD has available staffing and if APD can arrange with another agency to meet with APD and continue the ride to their destination if it is far outside the city. This is an atypical occurrence as staffing/distance etc. are the determining factors. APD enforces the State Law (and city ordinance) regarding camping on public property. When APD is notified or finds individuals camping under the State bridges, ROWs, city parks, etc. APD advises the homeless to leave the property, and if city property, they receive trespass warnings against it occurring again. APD has a limited list of resources that can be provided to homeless individuals, but most are either outside the city or have restrictions on participation/availability:

- * Bay area Turning Point- 281-286-2525 (domestic violence shelter) out of city
- * Family Promise of Clear Creek- 832-932-3963 (shelter for families) out of city
- * United Way- 211
- * Alvin South Coast Ministries- 281-585-9136 (addiction/recovery for men) limited availability
- * Archangels of Texas- 832-994-5887 archangelsoftexas.com assistance available depending on available funds
- * BACODA- 800-510-3111 (substance abuse)* Suicide and Crisis Line- 988
- * Youth and Family Counseling Services - Crisis Line 877-949-3140; Non-Crisis 979-849-7751
- * Gulf Coast Center- Crisis Line 866-729-3848; Non-Crisis 800-643-0967
- * NAMI Gulf Coast- Helpline 281-585-3100

Several months ago, APD installed a cell phone charging station in the jail lobby that allows the homeless, those in need, and/or those getting out of jail, to charge their mobile devices (free of charge) which also has a poster of county and national resources on it that they can contact. The Mental Health Detective is still in her CID training but has already started making some inroads with connections to the services (list above); and will hopefully be able to begin soon

working with the DA's office on diversion for mental health consumers accused of minor crimes. The goal of this is that they seek/get help in lieu of jail time, with the goal of getting them off of the streets. Currently, there are 3 officers who are certified Mental Health Officers -- with plans in place to require patrol to complete the Mental Health Officer Certification. The Alvin Police Officers Association has an assistance program in place that allows APOA to book those in need into local hotels for a short (day or two) duration if they are in need . This is done through funds donated to the APOA.

UNITED WAY - Staff meets with members of the Brazoria County Homeless Coalition through the United Way of Brazoria County. Meetings are held on a monthly basis in an effort to streamline resources needed by various entities throughout Brazoria County. Many cities within our region, county, state, and nation are all dealing with the impacts of this societal issue at some level. Community partnerships are essential in being able to meet the needs of those affected by homelessness. Resources are available for those who need assistance. A Point in Time (PIT) Homeless Count for Brazoria County and the state of Texas is held bi-annually through the Texas Homeless Network. The most recent count was held in January 2023; the data from this count is not yet available. The 2021 data collected on the day of the PIT Count for Brazoria County indicated the following:

Total Homeless in Brazoria County documented - 82
Adults (age 18 or over) - 79
Young Adults (age 18-24) - 2
Children - 3
Chronically Homeless - 16
Veterans - 36

Brazoria County United Way Homeless Coalition has partnered with Houston Star of Hope and has been assigned a case worker for Brazoria County. This case worker is able to work with individuals and families who are experiencing homelessness and have requested assistance.

Council member Vela presented his research and recent findings before Council. He explained that he and Dixie Roberts, Assistant City Manager/City Secretary, recently toured the Star of Hope shelter in Houston. He suggested developing a strategy for long-term solutions to utilize opportunities to help these individuals. Ms. Roberts further explained that this is not an issue exclusive to the City of Alvin. It will take many agencies collaborating together to better this situation. Mayor Horn mentioned that there are many resources available and that simply compiling a list would go a long way to reaching people. Council member Vela suggested a workshop for further discussion.

Consider, if any, requests from individual council members for an item or items to be placed on the upcoming agenda for the next regularly scheduled meeting.

No items were requested by any Council members to be placed on the upcoming agenda.

REPORTS FROM THE CITY MANAGER

Mr. Roland announced items of community interest; and he reviewed the preliminary list for the March 16, 2023, City Council Meeting. He also recognized Fire Chief Hunting for being appointed to the Board of Directors of the National Volunteer Fire Council.

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.

Council member Vaughn extended thanks to the Alvin Police Department and Alvin Fire Department for assisting his neighbor with a house fire.

Council member Starkey gave kudos to the Alvin Water Department regarding water line repairs on Sealy Street last week. He explained that the 1820 Coffee House staff was complementary of Alvin Staff in making sure the business employees' needs were being met and informational updates were provided.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:10 p.m.

PASSED and APPROVED this 16th day of March, 2023.

ATTEST:

Paul A. Horn, Mayor

Dixie Roberts, City Secretary