

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY MARCH 3, 2022
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 at 7:00 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn; Mayor Pro-Tem Martin Vela; Councilmembers: Gabe Adame, Chris Vaughn, Glenn Starkey, Keko Moore, and Richard Garivey.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, City Secretary; Michael Higgins, Chief Financial Officer; Dan Kelinske, Parks and Recreation Director; Ron Schmitz, EMS Director/EM Coordinator; Michelle Segovia, City Engineer; Robert E. Lee, Police Chief; and Brandon Moody, Public Services Director.

INVOCATION AND PLEDGE OF ALLEGIANCE

Junru Roland, City Manager, gave the invocation. Council member Garivey led the Pledge of Allegiance to the American Flag. Council member Vaughn led the Pledge to the Texas Flag.

PUBLIC COMMENT

Karen Temple, instructor from Alvin Community College, made comments regarding her students that she requires to attend City Council meetings as part of their coursework who were also present for the meeting.

John Burkey presented comments regarding upcoming events at the Alvin Senior Center.

CONSENT AGENDA

Consider approval of the February 17, 2022, City Council meeting minutes.

Consider a final plat of Kendall Lakes Section 11, being a planned unit development subdivision of 28.39 acres of land located in the H.T. and B.R.R. Company Survey, Section 40, A-482, City of Alvin, Brazoria County, Texas.

On February 1, 2022, the Engineering Department received the final plat of Kendall Lakes Section 11 for review. This section consists of one hundred and one (101) single-family residential lots, four (4) blocks, and five (5) reserves, and is located north of Kendall Lakes Section 10 in the City of Alvin. The Master Preliminary Plat of Kendall Lakes, which contains this section, was approved by City Council on August 21, 2014. This plat complies with all requirements of the City's Subdivision Ordinance.

The Planning Commission unanimously approved the plat at their meeting on February 15, 2022. Staff recommends approval.

Acknowledge receipt of the Parks and Recreation Department'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 1, 2022, 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.

Consider Ordinance 22-H, amending Chapter 12, Health and Sanitation, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Definitions, Accumulation, Mowing

Requirements, Notice of Violation, and Defense to Prosecution; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 12, Health and Sanitation, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendments as presented. However, City Council did request that a provision be added that requires that exempt agricultural lots or premises are properly identified through the Brazoria County tax rolls.

All changes in summary are listed below:

- Chapter 12 – Sec 1 – Amending definitions
- Chapter 12 – Sec 3 – Expanding the provision of accumulation to include items that may be carried by wind or rainwater from property
- Chapter 12 – Sec 4 – Establishing grass and weeds that exceed 9 inches as a code violation (exempts agricultural lots or premises identified through tax rolls, however a 50-foot perimeter surrounding the premises shall be maintained in compliance with the 9-inch rule)
- Chapter 12 – Sec 4 – Clarifying responsibilities of owners of agriculturally exempt tracts and owners of uncleared vacant lots
- Chapter 12 – Sec 4 – authorizing city personnel or city contractor to mow contiguous ditch in ROW (with findings and exceptions)
- Chapter 12 – Sec 10 – growing/cultivating hay 50 feet from public roadway (amended from 20 ft.)

Consider Ordinance 22-I, amending Chapter 17½, Signs, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending the regulation of signs; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 17½, Sign, of the City of Alvin Code of Ordinances. The amendments include equality for temporary signage for all businesses and provides opportunities for additional signage.

The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During the discussion on the use of temporary signs at new and used car dealerships, members of Council felt there shouldn't be any differentiation between businesses, that all should be treated equally. City Council had no objections to the amendments as presented. The changes in summary are:

- *Sec 17½-1 – Deleting regulating signage in the ETJ.*
- *Sec 17½-2 – Adding /Amending the following definitions: Abandoned sign, Air Dancer, Banner, Code Enforcement Officer, Flag, Feather Flag, Flagpole, Inflatable, Mobile Food Unit (MFU), New business, Non-profit organization, Secure, Sign, and Sign Administrator.*
- *Sec 17½-3 – Adding the following terms to the list of Sign Classifications: Civic Sign, Handheld Sign, Kiosk Sign, Permanent Sign, and Vehicular Sign.*
- *Sec 17½-5 (18)d – Allowing a permit for temporary on-premise banners: increase the maximum display time from 21 days to 28 days not to exceed four times a year.*
- *Sec 17½-5 (21) – removes “individual” sign allowance for new car dealerships*
- *Sec 17½-5 (22) – Inclusion of Sculptures, statues, or works of art.*
- *Sec 17½-5 (24) - Allowing permit for feather flag for a maximum of 28 days not to exceed four times a year.*
- *Sec 17½-5 (25) - Handheld Signs on private property. Sidewalks are excluded as a prohibited area.*
- *Sec 17½- (c) - Adding provision for signage in Public Parks regarding regulations/use of park.*
- *Sec 17½-38 (1)a – Increasing permissible amount of wall signs from one to two.*
- *Sec 17½-57 – Prohibiting off-premises temporary signs (except COA kiosk signs) advertising subdivisions or developments under construction.*
- *Sec 17½ - 58 a(1) – Prohibiting the placement in right-of-way or easement.*
- *Sec 17½ - 58(4) – Prohibiting the placement of banners on benches & shrubs.*

Consider Ordinance 22-J, amending Chapter 25, Water and Sewers, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending the City's business hours, Definitions, and deleting in its entirety Article IV, Extension of water and sewer lines under front foot charge program; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 25, Water and Sewers of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the January 15, 2022, Council/staff workshop facilitated with Ron Cox. During such time City Council had no objections to the amendment as presented. The changes in summary are:

- Amending Sections 25-10 and 25-11 – Updating the ordinance to reflect actual City Offices hours of operation.
- Amending Section 25-25 – Defining “Tie-on range” as 1,000 feet from city’s water and sewer system
- Deleting in its entirety Article IV – “Extension of water and sewer lines under front foot charge program” – This article is being deleted because these utility extensions are completed by developers or property owners at their expense for their commercial, multifamily, and residential developments.

Consider Ordinance 22-K, amending Chapter 16½ Parks and Recreation, of the Code of Ordinances of the City of Alvin, Texas for the purpose of amending Article I. In General, Article II. Public Park Restrictions, and Article III. Use of Parks; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 16½, Parks & Recreation, of the City of Alvin Code of Ordinances. The proposed changes were presented to City Council at the February 17, 2022, City Council meeting for discussion. City Council had no objections or concerns with the amendments as presented.

The summary of changes are as follows:

- Chapter 16 ½ Sec 1 – Increasing the Parks & Recreation Board from not less than seven (7) persons and not more than nine (9) persons (currently reads just seven (7)). Recommended change is consistent with current City Charter
- Chapter 16 ½ Sec 12 – Allowing Park Director the authority to place written park rules within parks
- Chapter 16 ½ Sec 23 – Changing the Section title of “Concessions” to “Concessions, Sales, or other Charging Fees in Parks”
- Chapter 16 ½ Sec 25 – Authorizing Parks Director to deny permits to include non-compliance with any approval conditions
- Chapter 16 ½ Sec 28 – Removing automatic placement of denied permit application on City Council agenda; applicant still retains right to appeal to City Council upon request
- Chapter 16 ½ Sec 29 – Allowing Parks Director to establish rules and regulations regarding transfers and refunds of park permits, subject to approval of the City Manager
- Chapter 16 ½ Sec 31 – adding penalty provision that applies to Article III

Consider Addendum No. 1 for the remaining term of an additional two-year renewal Agreement with Sprint Waste Services, L.P. for the City’s bio-solids disposal services provider, in an amount not to exceed \$85,000; and authorize the City Manager to sign the Agreement upon legal review.

Bio-solids are a product of the wastewater treatment process. During wastewater treatment all the liquids are removed from the solids. The solids are then treated physically and chemically to produce what is called “sludge”. The agreement is for the removal of the sludge biproduct from the wastewater treatment plant.

The agreement was originally approved in the amount of \$674.89 per haul of 20 cubic yard roll off container with Sprint Waster Services, L.P. by City Council on December 5, 2019, utilizing the public bid process, Bid #B-20-02.

Bio-Solids Disposal Bid# B-20-02 was advertised on October 6, 2019, and October 13, 2019. The bids were opened on October 22, 2019. The first term of service under this agreement began on December 5, 2019, through December 5, 2021. This addendum is for the second two (2) year term to run from December 5, 2021, through December 5, 2023.

Staff is recommending this renewal for two (2) additional years of the current bio-solids disposal services agreement in the amount of \$85,000 with Sprint Waste Services, L.P. as their performance continues to provide a good value to the City of Alvin.

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

OTHER BUSINESS

Consider Resolution 22-R-06, adopting the Texas Subdivision and Special District Election and Release Forms for the Claims against Endo Pharmaceuticals, Inc. and Teva Pharmaceutical Industries, Ltd., and authorize the City Manager to sign the Release Forms; and further authorize and direct the City Manager to execute all documents necessary for the City to participate in future settlements concerning the State of Texas’ opioid litigation with any other distributors or manufacturers, or any other entity to enter into agreements with the State of Texas regarding the opioid litigation.

On July 23, 2021, a \$26 billion global settlement was reached with four companies in an attempt to resolve more than 3,000 lawsuits accusing the distributors of ignoring red flags that pain pills were being diverted into communities for illicit uses and that Johnson & Johnson played down the risks of opioid addiction. The agreement provides that Johnson & Johnson (Janssen), will pay up to \$5 billion over nine (9) years. In addition, Johnson & Johnson will be prohibited from selling or promoting opioids. The other agreement provides that three distributors, McKesson, Cardinal Health, and Amerisource Bergen Drug, will collectively pay up to \$21 billion over the next 18 years. City Council adopted the State of Texas and Texas Political Subdivisions' Opioid Abatement Fund Council and Settlement Allocation Term Sheet in Resolution 21-R-20, on September 16, 2021.

On December 22, 2021, the State of Texas entered into a Settlement Agreement with Endo Pharmaceuticals, Inc., and Teva Pharmaceutical Industries, Ltd., and the City of Alvin has the right to participate as a Texas Participating Subdivision in that settlement.

These settlements will be distributed in the same manner as the previous settlement: all Opioid Settlement Funds distributed in Texas will be divided with 15% going to political subdivisions, 70% going to the Texas Opioid Abatement Fund, and 15% to the Office of the Attorney General. Cities are only able to participate in the settlement if their state participates. The City of Alvin's allocation for these settlements will be \$5,407.42 from the Endo settlement and \$12,741.61 from the Teva settlement.

As with the other settlements, the funding received must be used to support any of a wide variety of strategies to fight the opioid crisis, including, but not limited to:

- *Providing FDA-approved drugs to reverse opioid overdoses, and expanded training for first responders, schools, community support groups and families; and increase distribution to those who are uninsured*
- *Increasing distribution of Medication-Assisted Treatment and other opioid-related medical treatments*
- *Provide funding for prevention programs, including medial campaigns to prevent opioid use; funding for evidence-based prevention programs in schools*

This Resolution will officially recognize the City of Alvin as a participating political subdivision in the settlement. Staff recommends approval of Resolution 22-R-06.

Council member Moore moved to approve Resolution 22-R-06, adopting the Texas Subdivision and Special District Election and Release Forms for the Claims against Endo Pharmaceuticals, Inc. and Teva Pharmaceutical Industries, Ltd., and authorize the City Manager to sign the Release Forms; and further authorize and direct the City Manager to execute all documents necessary for the City to participate in future settlements concerning the State of Texas' opioid litigation with any other distributors or manufacturers, or any other entity to enter into agreements with the State of Texas regarding the opioid litigation. Seconded by Council member Adame; motion carried with all members present voting Aye.

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.

REPORTS FROM CITY MANAGER

Mr. Roland announced items of community interest.

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 Garivey expressed thanks to the students from Alvin Community College for their interest in local government. He also thanked the Department Heads for their work at the recent workshop.

Council member Moore also thanked everyone for attending.

Council member Adame thanked all of those that attended the Alvin Lions Club recent event.

ADJOURNMENT

Mayor Horn adjourned the meeting at 7:13 p.m.

PASSED and APPROVED the 17th day of March 2022.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary