

**MINUTES  
CITY OF ALVIN, TEXAS  
216 W. SEALY STREET  
REGULAR CITY COUNCIL MEETING  
THURSDAY MAY 5, 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, Keko Moore, Joel Castro, Glenn Starkey, Richard Garivey, and Chris Vaughn.

**Staff members present:** Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, Assistant City Manager/City Secretary; Michael Higgins, Chief Financial Officer; Dan Kelinske, Parks and Recreation Director; Karen Edwards, Director of Human Resources; Brandon Moody, Director of Public Services and Robert E. Lee, Police Chief.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Wesley Duncan with First Methodist gave the invocation. Council member Moore led the Pledge of Allegiance to the American Flag. Council member Garivey led the Pledge to the Texas Flag.

**PRESENTATIONS**

Mayor Horn presented the following proclamations:

- Police Week Proclamation – May 15-21, 2022
- EMS Week Proclamation – May 15-21, 2022
- Public Works Week Proclamation – May 16-21, 2022
- Stanton’s 100-year Celebration Day – May 14<sup>th</sup>, 2022

**PUBLIC COMMENT**

There were no comments from the public.

**CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION**

Consider approval of the April 21, 2022, City Council meeting minutes.

Acknowledge receipt of the Financial and Investment Reports ending March 31, 2022.

*The City Charter requires the Chief Financial Officer to report on the financial condition of the City.*

*Attached is the quarterly financial report for the period ending March 31, 2022.*

Call a public hearing to receive comment regarding an ordinance establishing Standards of Care for youth recreation programs conducted by the City of Alvin Parks and Recreation Department for elementary age children ages five (5) through – thirteen (13) for Thursday, May 19, 2022, at 7:00 p.m. in the City Council Chambers of Alvin City Hall, 216 West Sealy.

*In response to community demand for after school and summer day camp programs, the Parks and Recreation Department plans to offer these style camps. A day camp is considered extending 11.5 hours per day for approximately*

*five (5) days per week. A participant (ages 5 to 13) can expect daily engagement from instructor lead learning, crafts, physical activity, as well as the inclusion of lunch and snacks.*

*Chapter 42 of the Texas Human Resources Code exempts certain after-school and summer recreation programs from state licensing requirements as identified in Subsection 42.041 (14), provided that the governing body of the municipality annually adopts standards of care by ordinance after a public hearing, and that such standards are provided to the parents of each program participant. The ordinance shall include minimum staffing ratios, qualifications, facility, health and safety standards and mechanisms for monitoring and enforcing the adopted local standards as well as notify parents that the program is not licensed by the state and cannot be advertised as a child-care facility.*

*Before the adoption of this ordinance, a public hearing must be held before the governing body. The notice of said public hearing will be published in the Alvin Sun on May 8, 2022 and posted on the City's website. At the next meeting, City Council will conduct the public hearing and consider the annual adoption of said ordinance.*

Call two (2) public hearings to receive comments on the review of Chapter 15 of the Alvin Code of Ordinances, Offenses and Miscellaneous Provisions, Article IV, Curfew Hours for Juveniles for Thursday May 19, 2022, and Thursday, June 2, 2022, at 7:00 p.m. in the City Council Chambers of Alvin City Hall, 216 W. Sealy.

*Texas Local Government Code (TLGC) Section 370.002 requires the governing body to review a juvenile curfew ordinance every three (3) years and to review the ordinance's effect on a community. Before City Council can consider the adoption of said ordinance TLGC 370.002 requires that the governing body hold two (2) public hearings. In the last three (3) years, the existence of the curfew ordinance allowed officers the ability to stop and identify unaccompanied juveniles and notify parents or legal guardians to ensure that these minors were picked up/delivered into the hands of a responsible adult. In some cases, the parent/guardian had no idea that the juvenile was absent from adult oversight. The overarching intent of the ordinance is to provide for the safety of juveniles, to curb the commission of juvenile crime, and to maintain the general peace of the City during curfew hours.*

*The curfew hours are Sunday to Thursday 11:00 p.m. to 6:00 a.m. the following day, and 12:01 a.m. to 6:00 a.m. on any Saturday and Sunday. These hours apply to juveniles ten (10) years of age or older and under seventeen (17) at the time of the violation. The juvenile and/or the parent may be charged with a violation, as well as any owner, operator or employee of any establishment that knowingly violates this ordinance.*

*Some of the exceptions (defenses) to the ordinance include being accompanied by parent or guardian, traveling to/from place of employment (direct route), emergency, school/religious/government activity, and on an errand for a parent/guardian with written permission. The cities of Manvel, Angleton, League City, Webster, Pearland, and Friendswood, all have juvenile ordinances in place currently.*

*This item on the agenda is to simply schedule and call for the two (2) required public hearings. Notifications will be advertised in the Alvin Sun and placed on the City's website. After the public hearings are conducted, City Council will consider the formal adoption of this ordinance at the June 2nd meeting.*

Consider Resolution 22-R-08, 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 forty (40) 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 twenty (20) years.*

*On or about April 5, 2022, CenterPoint filed an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF") Pursuant to 16 Texas Administrative Code § 25.243 to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company is proposing an adjustment to include additional distribution*

*invested capital placed in service from January 1, 2019 to December 31, 2021. As a result of that adjustment, the Company is proposing a Total DCRF Revenue Requirement of \$198,422,017 to be effective on September 1, 2022. The resulting Total DCRF Revenue Requirement sought by the Company constitutes a \$145,680,810 increase to the currently approved total distribution revenue requirement that is scheduled to go into effect on September 1, 2022. 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 thirty (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.*

Consider Resolution 22-R-09, finding that Texas-New Mexico Power Company's application for approval to amend its distribution cost recovery factor to increase distribution rates within the city should be denied; authorizing participation with TNMP cities; authorizing the hiring of legal counsel and consulting services; 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 is an electric utility customer and local regulator of Texas-New Mexico Power Company ("TNMP" or "Company"). The Cities served by TNMP ("TNMP Cities") is a coalition of similarly situated cities served by TNMP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in TNMP's service area in matters before the Public Utility Commission ("PUC" or "Commission") and the courts.*

*On April 5, 2022, TNMP filed an application for approval to amend its Distribution Cost Recovery Factor ("DCRF") with the Commission in Docket No. 53436. In the filing, the Company sought to increase distribution revenues by \$9,706,846.*

*This resolution authorizes the City to join with the other TNMP Cities to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.*

*Cities Served by TNMP (TNMP Cities) have engaged the services of a consultant, Mr. Karl Nalepa, to review the Company's filing. Mr. Nalepa will review the filing and identify adjustments that should be made to the Company's request. The coalition is recommending that cities retaining original jurisdiction deny the requested relief.*

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

## **OTHER BUSINESS**

Consider Ordinance 22-GG, amending City of Alvin Ordinance 21-N, passed and approved September 2, 2021, same being an ordinance approving and adopting the City of Alvin's budget for Fiscal Year 2021-22 for the purpose of amending the mid-year budget and providing for supplemental appropriation and/or transfer of certain funds as set forth; providing for severability; and providing for other matters related thereto. *On or about June At the end of fiscal year 2021 (FY21), the City exceeded fund balance expectations in the General Operating Fund. These savings resulted from personnel vacancies, group insurance savings, utility savings, and revenues exceeding budget expectations. Historically, when prior fiscal year-end budget savings occur in the General Operating Fund, the excess fund balance is transferred to the General Capital Projects Fund to provide funding for future capital expenditures. The General Operating Fund budget savings for FY21 was approximately \$700,000. Staff requests that City Council amend the FY22 budget, authorizing the transfer of the FY21 budget savings from the General Operating Fund to the General Capital Projects Fund. Staff recommends approval of Ordinance 22-G.*

Michael Higgins, Chief Financial Officer presented this item before Council with explanation.

Council member Starkey moved to approve Ordinance 22-GG, amending City of Alvin Ordinance 21-N, passed and approved September 2, 2021, same being an ordinance approving and adopting the City of Alvin's budget for Fiscal Year 2021-22 for the purpose of amending the mid-year

budget and providing for supplemental appropriation and/or transfer of certain funds as set forth; providing for severability; and providing for other matters related thereto. Seconded by Council member Moore; motion carried with all members present voting Aye.

Consider Resolution 22-R-07, authorizing a letter of no opposition by the City of Alvin to the Foreign-Trade Zones Board for the application filed by Port Freeport FTZ (Foreign Trade Zone) No. 149 requesting to create a subzone owned and operated by Maxter Healthcare, Inc. for their site located in Rosharon, Texas, which lies within the City of Alvin Extraterritorial Jurisdiction.

*The Port Freeport, Grantee of Foreign-Trade Zone (FTZ) No. 149, will be filing an application with the Foreign-Trade Zones Board requesting to create a sub-zone owned and operated by Maxter Healthcare Inc. at their site located in Rosharon, Texas.*

*Maxter Healthcare Inc. is making a \$350 million dollar investment in a planned 1.8 million square foot (built-up) facility to produce medical examination disposable gloves in Brazoria County, Texas. This investment will bring vital domestic production of nitrile surgical and medical gloves to the United States. The proposed sub-zone will be used to design, develop, manufacture, package, label, scrap, destroy, warehouse, exhibit, and distribute disposable gloves for healthcare professionals.*

#### *Foreign Trade Zone (FTZ)*

*A Foreign Trade Zone (FTZ) is a special economic zone (area) in the United States where imported goods can be stored, distributed, processed, and used without being subject to customs duty. FTZs provide customs-related advantages. Specifically, foreign trade zones help U.S. companies compete in the global marketplace by eliminating, deferring, or reducing duties and other related costs. In addition, FTZs enhance both the U. S. and local economies by providing job opportunities and job retention.*

#### *Foreign Trade Sub Zone*

*Maxter Healthcare is requesting the use of a Foreign Trade Sub-zone, which is an area approved by the FTZ board for use by a specific company. Foreign Trade Sub-zone companies enjoy all the same benefits as FTZ companies but are located outside the general-purpose sites, but within 60 miles of the port of entry (Port Freeport). Sub-zones allow companies that import and/or re-export products to take advantage of FTZ benefits without having to physically relocate within the FTZ site (Port Freeport).*

*The Port Commission has authorized the submission of this application and has requested that City of Alvin issue a letter of non-opposition addressed to the Foreign-Trade Zones Board regarding said application because this facility is located within the City's ETJ.*

*Mike Wilson (Port Freeport's Director of Economic Development & Mobility) and Sean Lydon (Maxter Healthcare's FTZ consultant) will attend the City Council meeting should there be any questions. Staff recommends approval of Resolution 22-R-07 authorizing the letter of support.*

Junru Roland, City Manager presented this item before Council with explanation.

Mike Wilson from Port of Freeport expressed his gratitude for the City of Alvin's support.

Council member Castro moved to approve Resolution 22-R-07, authorizing a letter of no opposition by the City of Alvin to the Foreign-Trade Zones Board for the application filed by Port Freeport FTZ (Foreign Trade Zone) No. 149 requesting to create a subzone owned and operated by Maxter Healthcare, Inc. for their site located in Rosharon, Texas, which lies within the City of Alvin Extraterritorial Jurisdiction. Seconded by Council member Garivey; 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.

Council member Vela moved to include the following items at a future workshop to discuss Patio Home Ordinances, Storage Containers, and an update on the discussion of the City's ETJ Enforcement. Council member Vaughn was in support of these recommended items for discussion.

Council member Starkey moved to have a workshop covering Ethics and Abuse of Office. Council member Adame was in support of said recommendation.

### **REPORTS FROM CITY MANAGER**

Items of Community Interest and review preliminary list of items for next Council meeting.  
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 Adame wished all mothers a Happy Mother's Day.

### **EXECUTIVE SESSION**

City Council will meet in Executive Session pursuant to: Section 551.074 of the Local Government Code: Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - City Attorney Evaluation.  
Mayor Horn adjourned to Executive Session at 7:30 p.m.

### **RECONVENE TO OPEN SESSION**

Mayor Horn reconvened the meeting to Open Session at 8:37 p.m. There was no action taken.

### **ADJOURNMENT**

Mayor Horn adjourned the meeting at 8:37 p.m.

PASSED and APPROVED the 19<sup>th</sup> day of May 2022.

---

Paul A. Horn, Mayor

ATTEST: \_\_\_\_\_  
Dixie Roberts, City Secretary