

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY JUNE 2, 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 Gabe Adame; Councilmembers: 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; Michelle Segovia, City Engineer; Brandon Moody, Director of Public Services and Tim Hubbard, Police Captain.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Glenn Starkey gave the invocation. Council member Castro led the Pledge of Allegiance to the American Flag. Council member Garivey led the Pledge to the Texas Flag.

PUBLIC HEARING

Second of 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.

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.

The juvenile curfew ordinance was last adopted on or about June 6, 2019, and staff recommends no changes to the ordinance.

This is the second of two (2) required public hearings the first of which was held on May 19, 2022, with no comments made from the public. Notification was advertised in the Alvin Sun and on the City's website. After the

conclusion of the second public hearing, City Council will consider the adoption of this ordinance under the Consent portion of this agenda.

Mayor Horn opened the public hearing at 7:01 p.m. There were no comments made. Mayor Horn closed the public hearing at 7:02 p.m.

PUBLIC COMMENT

Eugene Bauer presented comments regarding the sound not operating properly on the recent City Council meeting broadcast. He also presented comments regarding city oversight of contractors.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Consider approval of the May 10, 2022, City Council Workshop meeting minutes.

Consider approval of the May 19, 2022, City Council meeting minutes.

Consider Ordinance 22-KK, re-enacting and continuing Ordinance 19-N, Chapter 15, Offenses and Miscellaneous provisions, Article IV, Curfew Hours for Juveniles, enacted on or about June 6, 2019; and setting forth other provisions related thereto.

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The cities of Manvel, Angleton, League City, Webster, Pearland, and Friendswood, all have juvenile ordinances in place currently. Two public hearings were held recently as required by law. Staff recommends approval of Ordinance 22-KK. No changes are recommended to the ordinance.

Consider Ordinance 22-II, amending Chapter 28, Comprehensive Fees, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending certain rates and fees for City services; providing for severability; and setting forth other provisions related thereto.

On January 15, 2022, Mr. Ron Cox facilitated a workshop with City Council, wherein staff recommended various ordinances that needed to be amended. The months to follow, City Council adopted the amendments to the ordinances, which subsequently necessitates amending the fees related to the amended ordinances. Staff requests council to adopt Ordinance 22-II, which amends Chapter 28, Comprehensive fees. The proposed changes to Chapter 28, Code of Ordinance include:

Animals and Fowl Code of Ordinance (amended by Council 04/07/22)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Increasing the impound fee from \$10 to \$15 each day to offset the cost of vaccinating, deworming, and providing flea prevention to animals at in-take (or as close to in-take as possible).*

- Increasing the quarantine fee from \$100 to \$150 for each 10th day of impoundment.
 - o The \$5/day increase is to subsidize costs associated with quarantining (food/supplies/staff etc.)
- Adding 30-day Permit fee to sell animals.
 - o This fee is proposed to discourage the “wrong” kind of breeding. Unsterilized animals who are allowed to roam free are contributing to the overpopulation of unwanted pets and there is currently no recourse for those continuing to allow their pets to breed. In addition, to the overpopulation, these practices (or lack of practices) also lead to sick pets being rehomed to unsuspecting people. People who tend to allow their pets to roam and reproduce do not typically vaccinate, deworm, or provide any medical care prior to abandoning, selling, or giving away the litters. Staff isn’t necessarily against breeding but do believe there should be some regulations to protect our community from purchasing or being given a diseased animal. Overbreeding is also extremely detrimental to a female’s health and can cause a host of medical issues. Requiring a permit to sell animals in our city would be a way for us to help ensure the animals are being provided proper care and not being used as “puppy mills”. The permit applicant would be required to provide proof of rabies inoculation for each animal to be sold.
- Removing the \$45 fee for both mother and litter being relinquished to the shelter and charge on a per animal basis. The current \$45 fee does not begin to cover costs associated with caring for a litter. Each animal is dewormed, vaccinated, and provided with flea medication. Litters cannot be adopted out until they are at least eight weeks old, so staff often cares for them for several weeks. The mothers sometimes need specialty food so she can produce appropriate amounts of milk to feed her young litter. Once the litters are weaned, they require kitten/puppy food and milk supplements to ensure they are receiving proper nutrition. Our current relinquishment fee is \$30 for resident or \$45 for non-resident per animal and to subsidize costs, the fee should apply to litters individually rather than one fee for the entire litter.

Alcohol Code of Ordinance (amended by City Council 03/17/2022)

Proposed Changes to Comprehensive Fee Ordinance include:

- Amending Alcohol License fees to match fees as prescribed by Texas Alcohol and Beverage Commission.
 - o The beer license fees as currently listed in Chapter 28 Comprehensive Fee Ordinance were adopted many years ago when there were only a handful of TABC licenses. To date, there are several different types of licenses offered as prescribed by State law and as approved by a Local Option Election.

Building Code of Ordinance (amended by City Council on 03/17/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Separating commercial and residential permit and inspection fees.
 - o The State Law changed where we can no longer base permit fees on the cost of the work for any residential construction. Our existing fee structure for Residential and Commercial Projects is based on the cost of the construction being done and therefore the need to separate out residential. We researched other cities for the items like re-roofs, siding, window replacement, etc. and we determined a price per square foot that was approximately equal to what our current fee structure would yield for new residential structures and additions/remodels.

Municipal Court Code of Ordinance (amended by City Council on 02/03/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Removing the Municipal Court Security Fee. Court fees are now authorized through the codification of Texas state law.

Private Watchman Code of Ordinance (amended by City Council on 04/07/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Removing the Private Watchman application fee. Chapter 18 Private Watchman was removed from the Code of Ordinances

Signs Code of Ordinance (amended by City Council on 03/03/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Adding a \$10 permit fee for feather flags.

Taxi Code of Ordinance (amended by City Council on 04/07/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Removing the permit fee for Call Stands, call stands are antiquated and were removed from Chapter 23 Code of Ordinance.

Water and Sewer Code of Ordinance (amended by City Council on 03/03/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- The fees are being removed in association with the “former” front foot charge program.
 - o The extension of water and sewer lines under front foot charge program was deleted from the City’s Water & Sewer Code of Ordinance as utility extensions are completed by the developers or property owners at their expense for their commercial, multi family, and residential developments.

Wrecker Code of Ordinance (amended by City Council on 04/07/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Amending wording to clarify annual permit fee for 1st emergency auto wrecker (\$100.00) and fee for each additional emergency auto wrecker (\$100.00).

Consider Resolution 22-R-12, authorizing the payment of the five (\$0.05) cents per capita to the Gulf Coast of Coalition of Cities to fund regulatory and related activities related to electric and gas utility service; and other matters related thereto.

The City of Alvin has been a member of the Gulf Coast Coalition of Cities (GCCC) since 2012. GCCC has been the primary public interest advocate before the Public Utility Commission, ERCOT, the Courts, and the Legislature on electric utility regulation matters for nearly two decades. There are non-reimbursable proceedings, rulemakings, and legislative efforts impacting the rates charged within the City. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that GCCC be able to fund its participation on behalf of its member cities.

When needed, a per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership. GCCC uses the population information on the TML website in order to determine assessments. In 2021, the assessment was seven cents (\$0.07) per capita, and the population was 26,827, for a total of \$1,877.89. With the current population of 27,140, the City of Alvin’s shared cost will be \$1,357.00. Staff recommends approval of Resolution 22-R-12.

Consider a final plat of Watermark Section 2A (located along the east side of Bypass 35 between House Street and South Street), a subdivision of 12.468 acres of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract 159, City of Alvin, Brazoria County, Texas.

On April 25, 2022, the Engineering Department received the final plat of Watermark Section 2A for review. The property is located along the east side of Bypass 35 between House Street and South Street. This final plat consists of 41 single-family residential lots, 2 reserves, and 1 block, and complies with the City of Alvin’s Subdivision Ordinance. The City Planning Commission unanimously approved the plat at their meeting on May 17, 2022.

The master preliminary plat of Watermark was approved by City Council on October 21, 2021. Staff recommends approval of the plat.

Consider resignation from Planning Commission member, Dale Jones.

The City Secretary’s office received email confirmation from Mr. Jones to resign from the Planning Commission for his term ending on December 31, 2024. This agenda item is the formal acceptance of his resignation. Mr. Jones stated his work obligations have changed and his time will spent traveling more for work. City Council made two appointments to the Commission at the May 19, 2022, which will fill this vacancy. No further action is needed.

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

OTHER BUSINESS**Discuss the Alvin Code of Ordinances Appendix A, Article 5 (Provisions for Flood Hazard Reduction) and Appendix A, Article 4 Section D (Variance and Appeal Procedures). (Adame/Moore)**

At the May 19, 2022, City Council meeting, Mr. David Abbey, addressed City Council and asked that they consider adding a variance process to Ordinance 20-BB, Flood Damage Prevention (Appendix A to the Alvin Code of Ordinances). A variance provision is currently listed within the City's ordinance, and states that such requests are to be considered by the Building Board of Adjustments and Appeals. Appeals to the BBOAA's decision are directed to a court of competent jurisdiction. Council member Adame and Council member Moore asked that this item be brought before City Council for discussion. Attached you will find the Appendix A Flood Damage Prevention / Article 4 / Section B. Specific Standards, and Section D. Variance and appeal procedures. Michelle Segovia, City Engineer will give a brief presentation on Appendix A.

Michelle Segovia, City Engineer, presented information on this item. Ms. Segovia explained the ordinance and the variance process currently in place. She further explained how a variance request is heard before the Building Board of Adjustments and Appeals and how a decision from that board can be appealed. FEMA will issue Flood insurance policies as long as the city is a part of the National Flood Program and adheres to the guidelines stipulated by the Federal Government. The revision of this ordinance, which was adopted in 2005, goes above and beyond the FEMA requirements. She explained how critical it is that the City of Alvin follows the ordinance in place in order to remain in the National Flood Program. This allows residents to purchase federally backed National Flood Insurance policies rather than private flood insurance, which can be more expensive. Periodically, FEMA conducts audits of all the permitted structures in the city. These audits also review any variances that have been approved and frequently require explanation of how those variances were justified. Ms. Segovia explained how Mr. Abbey's request was different from his neighbor's request in 2014 and how it was not justifiable to approve this variance according to the standards currently in place.

Members of City Council thanked Ms. Segovia for the explanation.

Discuss construction waste on residential property developments, collection services contract, inspections, and enforcement. (Vela/Starkey)

This is a discussion item placed on the agenda at the request of City Council member Vela, seconded by City Council member Starkey at the May 19, 2022, meeting.

In Council member Vela's absence, this item will be postponed and moved to the next meeting for discussion.

Discuss the cost associated with increasing the residential solid waste collection from one (1) time per week to two (2) times per week.

Council member Adame asked that staff review the cost associated with increasing residential garbage collection to two (2) times per week. Information will be presented and discussed during the meeting. Texas Pride will be at the meeting to discuss available options.

Kevin Atkinson, with Texas Pride Disposal, presented information on this item before Council. Council member Adame commented that he understands one of the factors considered in making the decision for only one time per week was the wear and tear on city streets. Mr. Atkinson explained how the Gulf Coast as compared to other regions tends to prefer the twice a week schedule rather than only once a week due mostly to the heat and humidity. He explained that in order to accommodate an additional pick up per week, the 4-day schedule would have to be

extended to a 6-day schedule. With that schedule, half the recycling would be picked up on Wednesday's and the other half on Saturday's. The rate increase could be anywhere from \$2.50 to \$5.00 per home per month depending on the option City Council authorizes. Council member Adame stated that he wants the most economical option for the citizens in providing this twice a week pickup. Mr. Atkinson gave examples from other cities Texas Pride services and how those options could be implemented in Alvin. Discussion was had on how the opinions of the residents and possible survey options. Mayor Horn and members of City Council thanked Mr. Atkinson for all that Texas Pride does.

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.

There were no items requested.

REPORTS FROM CITY MANAGER

Items of Community Interest and review preliminary list of items for next Council meeting. Mr. Junru Roland announced items of community interest; and reviewed the preliminary list for the June 16, 2022, City Council Meeting

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 and Castro extended kudos and thanks to the Police Department in handling the incident on Coombs St today (6/2/22).

Council member Starkey mentioned comments being disabled on social media in reference to the survey about the city logo.

Mayor Horn mentioned the Grand Parkway that is progressing and how important he feels it is to have a resolution that says the City of Alvin supports the building of the Grand Parkway through Alvin.

ADJOURNMENT

Mayor Horn adjourned the meeting at 7:39 p.m.

PASSED and APPROVED the 16th day of June 2022.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary