

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY JULY 21, 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: Martin Vela, 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; Michelle Segovia, City Engineer; Brandon Moody, Director of Public Services and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Junru Roland the City Manager 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.

PRESENTATION

Mike Darlow of Perdue Brandon Fielder Collins & Mott, LLP. Gave a brief presentation of the City of Alvin Municipal Court Fines and Delinquent Tax Collections Report.

PUBLIC COMMENT

Eugene Bauer presented comments regarding the evaluation of potential bidders and offers for city contractors.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Consider approval of the July 7, 2022, City Council meeting minutes.

Acknowledge receipt of the 2021 Delinquent Tax Roll.

Section 30, Article VII of the City's Charter requires that a copy of the delinquent tax roll be provided to each member of the City Council at a meeting in July of each year. The document is a copy of the outstanding taxes for the tax year 2021 as of July 1, 2022.

Acknowledge receipt of the Investment Report ending June 30, 2022.

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

In 2013, the City of Alvin adopted the Public Funds Investment Act pursuant to Chapter 2256 of the Texas Government Code. The Code contains certain requirements for investing public funds and how those funds are to be administered. These requirements include annual reviews of the policy, training, internal controls, prudence, ethics, and reporting.

The City's investment policy states that the investment officer shall generate quarterly (investment) reports to the City Manager, Mayor, and City Council. Attached is the quarterly report for the period ending December 31, 2020.

In summary, the City of Alvin has an investment portfolio at June 30, 2022, was \$95,760,834, which consists of \$82,705,686 million invested in the Investment Pools, \$1,492,059 million in Fixed Income Securities (i.e. CD's and Municipal Bonds), and \$10,790,709 million in the City's bank depository accounts (i.e. checking accounts). Interest earned during the quarter was \$93,973. The City's yield for the quarter was .54% and the 90-day T-Bill was 1.21%.

Consider authorizing the expenditure of American Rescue Plan Act (ARPA) funds for the purchase of the AVTEC SCOUT EX Dispatch Console System in an amount not to exceed \$241,419.29; and authorize the City Manager to sign related documents.

In mid-2021, Alvin Police Department was notified that our existing Motorola MCC5500 radio consolettes (three in total) would be deemed "end of service support" as of December 31, 2021. Two of the three current consolettes have been in service more than ten (10) years, the third was added in 2014. "End of service support" means that no updates to the operating system or feature functionality will occur and when a console fails, no repairs will be conducted by Motorola. The consolettes are the heart of the dispatch system and are comprised of the computer terminals, radio bases, hardware, and software to operate the radio CAD (Computer Aided Dispatch) system. As a result of the notification, we began researching a replacement system that would be an improvement over the outgoing system while integrating with our current CAD/RMS system and with the upcoming purchase of the Motorola Premier One CAD/RMS suite. Ultimately two systems were chosen based on their functionality to quote, the Motorola MCC 7500 system and the AVTEC SCOUT EX. Both are upgrades to our current system. Ultimately future viability and pricing caused the AVTEC SCOUT EX system to be chosen as the preferred system. This system is 100% compatible with our upcoming upgrade to Motorola PremierOne CAD/RMS and is 100% compatible with our current VOIP phone system. Furthermore, the AVTEC system is a software-based system which is more flexible and reliable than the MCC 7500 system which, although an upgrade from our current system, is still at its base just a newer version of our current non-software-based system. According to AVTEC (which is itself a Motorola company), the SCOUT EX system will become their flagship product and the MCC 7500 series will eventually be phased out in favor of software-based systems. This means that the AVTEC system should be viable for as long, or longer, than our outgoing system has been.

The total installation and purchase price for the AVTEC SCOUT EX Dispatch Console System is \$241,419.29. Maintenance fees beginning year 2 through year 5 will be \$63,870.00. Funding for the purchase and installation of this system will come from the City of Alvin's American Rescue Plan Act of 2021 (ARPA) funds.

Consider an award of bid (B-22-09) to DXI Industries, Inc. as the vendor for Chlorine for one (1) year with an option to continue for an additional one (1) year at the same price and conditions; and authorize the City Manager to sign said Contract upon legal review.

Chlorine gas is used at water wells for the disinfection of drinking water for consumption. The Texas Commission of Environmental Quality (TCEQ) requires public water systems to disinfect drinking water to ensure that the water is free of bacteria and water borne diseases.

On July 5, 2022, bids were opened and DXI Industries, Inc was the only bidder at \$190 per 150lb cylinder and \$2,200 per ton cylinder. In addition to the chemical cost, there will be a monthly rental fee of \$10 per cylinder and \$50 per ton. DXI provided an attached letter stating the company would provide a written 30-day notice for any price increases. Unfortunately, with current market conditions, the company cannot hold a firm price and if increased, the company will provide the most recent manufacturer's adjustment for any increase the following quarter. All references have been checked. This company is our current provider who continues to provide a satisfactory product and customer service to the City of Alvin. Upon Council approval, an award letter and agreement will be sent to the vendor and involved city departments.

Consider an award of bid (B-22-08) to D.L. Elliott Enterprises, Inc. in an amount not to exceed \$3,523,435 for the Waterline Improvements Phase 3 Project; and authorize the City Manager to sign the Contract upon legal review.

On June 14, 2022, bids were opened for the Water Line Improvements Phase 3 Project, and D. L. Elliott Enterprises, Inc. was the qualified bidder. LJA Engineering, the City's consultant that designed the project, and City Staff reviewed all bids that were received and have recommended D. L. Elliott Enterprises, Inc. for this project (recommendation letter attached).

Contract Amount: \$3,355,652 (Base Bid, Supplemental Items, and Alternate A)
5% Contingency: \$167,783
Total Amount: \$3,523,435

This project consists of the installation of 8-inch and 6-inch water lines to connect and replace existing small diameter water lines in the area generally bounded by House Street, Bayou Drive, South Street, and Gordon Street. Once complete these improvements will increase fire flow capacity, improve water quality, and provide better connectivity within the water system.

These improvements were based on recommendations in the 2015 Utility Master Plan by Freese and Nichols, Inc. that was approved by City Council on March 3, 2016. Funding for this project will come from the 2019 and 2020 Water & Sewer System Revenue Bonds that were issued on May 16, 2019, and October 15, 2020. The project is scheduled to start in August 2022 and has a construction time of 210 calendar days. Staff recommends bid award and contract to D. L. Elliott Enterprises, Inc.

Consider and award of bid (B-22-07) to W.W. Payton Corporation in an amount not to exceed \$4,685,100 for the Water Plant #4 Tank Replacement Project; and authorize the City Manager to sign said Contract upon legal review.

On June 14, 2022, bids were opened for the Water Plant No. 4 Ground Storage Tank Replacement Project, and W. W. Payton Corporation was the qualified low bidder. LJA Engineering, the City's consultant that designed the project, reviewed all bids that were received and has recommended W. W. Payton Corporation for this project.

Contract Amount: \$4,462,000 (Base Bid, Supplementary Bid and Alternates 1, 2, and 4)
5% Contingency: \$ 223,100
Total Amount: \$4,685,100

This project consists of the removal of the existing 0.21-million-gallon and the 0.43-million-gallon bolted steel ground water storage tanks at water plant number 4 and the construction of a new 1.0-million-gallon concrete ground water storage tank. These improvements were based on recommendations in the 2015 Utility Master Plan by Freese and Nichols, Inc. that was approved by City Council on March 3, 2016. This project will be paid from the American Rescue Plan Act (ARPA) funds (\$3.8 million) and the Impact Fee Fund (\$885,100). The project is scheduled to start in August 2022 and has a construction time of 545 calendar days.

Consider an Engineering Services Agreement with LJA Engineering in an amount not to exceed \$520,500 for engineering design services for the Waterline Improvements Phase 4 Project; and authorize the City Manager to sign the Agreement upon legal review.

The Water Line Improvements Phase 4 Project was identified in the 2015 Utility Master Plan that was approved by City Council on March 3, 2016, and consists of the replacement/addition of approximately 15,800 linear feet of 6", 8", 10", and 12" waterlines in the area generally bounded by Blum Street, Johnson Street, South Street, and Callaway Drive.

The Engineering Services Agreement being considered will provide surveying and geotechnical data, preliminary and final engineering design, complete plan set with bid package, easement preparation/acquisition services (up to 10 easements), and construction phase services for this important water system rehabilitation CIP project. It is proposed that design services culminating in a final bid package will be complete in a period of nine months. Approval of this Agreement will ensure that construction plans are available and ready for bid in April 2023.

This project is being funded by 2018, 2019, and 2022 Water and Sewer System Revenue Bonds that were authorized and approved by City Council on July 19, 2018, May 16, 2019, and July 7, 2022. Staff recommends approval of this Agreement.

Consider and Engineering Services Agreement with Freese and Nichols in an amount not to exceed \$685,000 for engineering design services for the Preliminary Design of the Wastewater Treatment Plant Expansion Project; and authorize the City Manager to sign the Agreement upon legal review.

On March 1, 2022, during the Visioning and Goal-setting Workshop, Staff presented the City Council draft results of the 2022 Wastewater Master Plan Update. The updated plan proposed the need for a 2.5 MGD expansion to the City's only Wastewater Treatment Plant. The expansion to the plant is necessary due to the increased flows (7% annual average increase in flow since 2016) at the plant and the need to stay in compliance with TCEQ regulations.

The Engineering Services Agreement being considered will provide preliminary engineering design of the 2.5 MGD Wastewater Treatment Plant (WWTP) Expansion and critical plant improvements and assistance to the City to apply for the major amendment to the WWTP's discharge permit through TCEQ that is required for the expansion of the plant. It is proposed that design services will culminate with the submittal of a Preliminary Engineering Report (PER) documenting the calculations, evaluations and alternative analysis for the expansion and critical improvements. For the recommended alternative, the PER will identify selected equipment, process flow and instrumentation diagrams, proposed layouts and detailed sketches, representative cut sheets and equipment operation and maintenance information for the expansion. This will include up to 20% design level drawings, detailed design criteria development and anticipated specifications table of contents for the design phase. The PER will be accompanied by an Engineer's Opinion of Probable Construction Cost for the expansion of the plant.

This Engineering Services Agreement will be funded from the 2022 Water and Sewer System Revenue Bonds that were authorized by City Council on July 7, 2022. Staff recommends approval of this Agreement.

Consider Addendum No. 2 to the Contract for Refuse Collection and Disposal Services between the City of Alvin and Texas Pride Disposal, to adjust rates paid to Texas Pride Disposal due to the net increase in the revised Consumer Price Index Rate for All Urban Consumers (CPI-U) for the Houston-Galveston-Brazoria, Texas area, fuel cost adjustments, and operational costs pursuant to the agreement; and authorize the Mayor to sign Addendum No. 2 upon legal review.

The City's contract with Texas Pride Disposal for refuse collection and disposal service contains a provision for an annual adjustment of compensation paid to the contractor. The contract states that that the contractor shall be compensated in accordance with the CPI-U adjustment and an operating cost adjustment (including a fuel adjustment). Texas Pride Disposal submitted their annual renewal letter evaluating the CPI-U and operational costs per their contract with the City. The adjustments used to calculate the percentage increase for FY23 are as follows:

CPI-U	+8.5%
Fuel adj.	0%
Operating adj.	0%
Net adjustment for FY23:	+8.5%

Based on estimated FY22 end of year projections, the 8.5% contractual increase is approximately \$220,000 for FY23. Should City Council approve the contractual rate increase of 8.5%, the effective date would be October 1, 2022.

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

OTHER BUSINESS

Consider an Engineering Services Agreement with LJA Engineering in an amount not to exceed \$141,900 for additional engineering design services for the Lift Station 23 Expansion Project; and authorize the City Manager to sign the Agreement upon legal review.

The Lift Station 23 Expansion project was identified in the 2015 Utility Master Plan that was approved by City Council on March 3, 2016, and in the February 14, 2019, Utility Capacity Analysis that Freese and Nichols performed for the proposed 900+ lot developments northwest of Forest Heights. As presented at the February 11, 2020, City Council Workshop, preliminary survey data has been reviewed by LJA and by expanding the scope of the Lift Station #23 Expansion Project to include additional deeper gravity mains, lift stations #15 and #16 will be eliminated. Lift Stations #15 and #16 were identified in the 2015 Utility Master Plan to be expanded prior to 2025.

The revised scope of the Lift Station #23 Expansion Project consists of the expansion of lift station #23 from a firm capacity of 2.02 Million Gallons Daily (MGD) to a firm capacity of 9 MGD and elimination of lift stations #15 and #16. The project also includes the replacement of sanitary gravity mains along Steele Road, North Gordon, Rice Street, and Avenue E ½, with approximately 14,720 linear feet of new gravity mains, ranging in size from 15-inch to 30-inch, and replacing approximately 7,000 linear feet of 16-inch and 12-inch sanitary force (pressurized) main along Highway 35 Bypass with 24-inch force main.

During the course of the project design that started in March 2020, Staff requested LJA to investigate the possibility of eliminating Lift Station #1 (Highway 6) and Lift Station #43 (Midtown Parkway/FM 528). In order to eliminate these two lift stations, 5,020 linear feet of additional gravity mainline would have to be added to the project. Additionally, during design, 4,500 feet of proposed 27" sanitary mainline was rerouted through the proposed hospital (Medica) property and the Gear Jammin property along Steele Road. This reroute was considered to avoid utility conflicts along N. Gordon and to preserve the large oak trees along the east side of N. Gordon north of Steele Road.

The Engineering Services Agreement being considered will cover the additional engineering design services, surveying services, and project representation/inspection services for this important wastewater system expansion CIP project.

These additional design services will be funded by savings from the Wastewater Treatment Plant Optimization Project Phase II (2015 Certificates of Obligations). 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 Engineering Services Agreement with LJA Engineering in an amount not to exceed \$141,900 for additional engineering design services for the Lift Station 23 Expansion Project; and authorize the City Manager to sign the Agreement upon legal review. Seconded by Council member Vela; motion carried with all members present voting Aye.

Consider Ordinance 22-OO, amending Chapter 24, Traffic, of the Code of Ordinances, City of Alvin, Texas, for the purpose of amending and altering the prima facie speed limit established for vehicles under the provisions of Section 545.356 of the Texas Transportation Code, upon the basis of a Texas Department of Transportation engineering and traffic investigation, upon certain streets and highways, or parts thereof, within the corporate city limits of the City of Alvin, as set out in this Ordinance; providing for a penalty; providing for a repealer clause and severability clause; providing for publication, and effective date; and setting forth other provisions related thereto; that along Business 35 (N. Gordon) from the centerline of SH 35 (Bypass 35) to Friendswood Drive (FM 528), a distance of approximately 1.013 miles, the speed limit shall be reduced from 55 miles per hour to 45 miles per hour.

On June 29, 2022, the City received a letter from the Director of Transportation Operations for the Texas Department of Transportation (TXDOT), notifying the City of changes to the posted speed limits along Business 35 (N. Gordon). TXDOT revised the speed limits based on a Speed Zone Study that they recently conducted. In order for these changes to be enforceable, the City must approve an ordinance to amend Chapter 24 Traffic to revise the speed limits. Ordinance 22-OO amends Chapter 24 therefore accomplishing this goal. The speed limit change is as follows:

- 1. Along Business 35, from the centerline of SH 35 to Friendswood Drive, a distance of approximately 1.013 miles, the speed limit shall be 45 miles per hour. (previously 55 miles per hour)*

Staff recommends approval of Ordinance 22-OO.

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

Council member Vela moved to approve Ordinance 22-OO, amending Chapter 24, Traffic, of the Code of Ordinances, City of Alvin, Texas, for the purpose of amending and altering the prima facie speed limit established for vehicles under the provisions of §545.356 of the Texas Transportation Code, upon the basis of a Texas Department of Transportation engineering and traffic investigation, upon certain streets and highways, or parts thereof, within the corporate city limits of the City of Alvin, as set out in this Ordinance; providing for a penalty; providing for a repealer clause and severability clause; providing for publication, and effective date; and setting forth other provisions related thereto; that along Business 35 (N. Gordon) from the centerline of SH 35 (Bypass 35) to Friendswood Drive (FM 528), a distance of approximately 1.013 miles, the speed limit shall be reduced from 55 miles per hour to 45 miles per hour. Seconded by Council member Vaughn; motion carried with all members present voting Aye.

Consider Ordinance 22-NN, amending Chapter 33, Amusement Redemption Machine Centers and Places, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of including the term “sweepstakes machines” in the definition of amusement redemption machines; and setting forth other provisions related thereto.

Currently Chapter 33 of the Alvin Code of Ordinances requires permits for the operation of an amusement redemption machine center, which has more than five (5) amusement redemption machines, or an amusement redemption place, which has five (5) or fewer amusement redemption machines. Currently the term “amusement redemption machine” does not include “sweepstakes machines” which could, potentially, allow a “sweepstakes room” to open without first applying for a permit under Chapter 33 and obtaining a permit to operate an amusement redemption center or amusement redemption place.

Sweepstakes machines are similar to amusement redemption machines except that amusement redemption machines typically require the player to insert coins, cash, or debit/credit card into the machine in order to play. Sweepstakes machines do not require the player to insert payment at the machine instead the player purchases something from the business (internet access, prepaid phone cards, etc.) and in return receives “free” entry into a “sweepstakes” with the sweepstakes machine notifying them if they won. The outcome of the game or games being played supposedly having no determination on whether or not someone wins the sweepstakes. The “free” entry may be represented by passcode used to access the sweepstakes machine. This circumvents the state law on gambling, and on the amount and type of payout that winning the “sweepstakes” can result in. Under Penal Code 47.01(4)(B) amusement redemption machines are not gambling devices if the reward is exclusively “non-cash merchandise, toys, or novelties or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5, whichever is less”. Sweepstakes, in Texas are only limited to a payout value of \$50,000 or less. Staff recommends approval of Ordinance 22-NN.

Robert E. Lee, Police Chief, presented this item before City Council with explanation.

Council member Starkey moved to approve Ordinance 22-NN, amending Chapter 33, Amusement Redemption Machine Centers and Places, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of including the term “sweepstakes machines” in the definition of amusement redemption machines; and setting forth other provisions related thereto. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Discuss and consider color palette for the new logo and rebranding design.

At the July 7, 2022, meeting, City Council selected a new logo created and submitted by local graphic artist, Caiden Anderson.

Included in your packet you will find different color palettes to view and select from. In addition to the color choice provided, you will also see how the logo can be pulled apart and used in different ways, such as the inverse logo and logotype.

City Council is tasked with the selection of a color to be used with the logo/rebrand selected.



Dixie Robert, Assistant City Manager/ City Secretary presented this item to Council with explanation. Discussion was had regarding the need for the changes to the logo. Mayor recognized Caiden Anderson for his work and effort in redesigning the new logo. Discussion was had on the presented design colors.

Council member Castro moved to approve Crimson color palette for the new City Logo/Rebrand. Seconded by Council member Moore; motion to approve carried with Council members present voting Aye and Council member's Vela, Starkey, and Adame voting Nay.

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.

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; and he reviewed the preliminary list for the August 4, 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.

EXECUTIVE SESSION

City Council will meet in Executive Session pursuant to:

Section 551.071(2) of the Local Government Code: Attorney consultation to receive attorney advice in connection with the city's legal rights, duties, privileges, and obligations related to the ongoing negotiations of a Collective Bargaining Agreement.

Mayor Horn adjourned to Executive Session at 7:37 p.m.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting to Open Session at 8:12 p.m. There was no action taken.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:12 p.m.

PASSED and APPROVED the 4th day of August 2022.

ATTEST:

Paul A. Horn, Mayor

Dixie Roberts, City Secretary