

**MINUTES**  
**CITY OF ALVIN, TEXAS**  
**216 W. SEALY STREET**  
**REGULAR CITY COUNCIL MEETING**  
**THURSDAY AUGUST 5, 2021**  
**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, City Secretary; Michael Higgins, Director of Administrative Services; Dan Kelinske, Parks and Recreation Director; Ron Schmitz, EMS Director/EM Coordinator; Brandon Moody, Director of Public Services; Michelle Segovia, City Engineer; and Robert E. Lee, Police Chief.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Loretta Smith from First Christian Church gave the invocation. Members from Alvin Boy Scout Troop #400 led the Pledge of Allegiance to the American Flag and led the Pledge to the Texas Flag.

**PUBLIC COMMENT**

John Burkey presented information about The Citizen's Police Academy for Senior Citizens. This program runs from September 13-16<sup>th</sup>, from 1:30-4:30 pm, and is open to any Senior Citizen that is interested.

**CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION**

Consider approval of the July 15, 2021, City Council Regular meeting minutes.

Acknowledge receipt of the Quarterly Financial report ending June 30, 2021.

Consider final plat of Martha's Vineyard Section 2, being a planned unit development of 25.7286 acres (located northwest of the Highway 6 and CR 146 intersection), and a partial replat of lots 2, 6, and 7 of the subdivision of Section 21, as recorded in volume 21, page 186, B.C.D.R. and located in the H.T. and B.R.R. Company Survey, Section 21 Abstract 230, City of Alvin ETJ, Brazoria County, Texas.

*On July 1, 2021, the Engineering Department received the final plat of Martha's Vineyard Section 2 for review. This section consists of one hundred and three (103) single-family residential lots, two (2) blocks and one (1) reserve and is located northwest of the intersection of Highway 6 and County Road 146 in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and will be serviced by City utilities via an ETJ Municipal Utility District (MUD) based on the utility services contract that was approved by Council on February 4, 2016, in Resolution 16-R-02. The property is being subdivided for a new single family residential planned unit development subdivision. This plat complies with all requirements of the City's Subdivision Ordinance.*

*The Planning Commission unanimously approved the plat at their meeting on July 20, 2021. Staff recommended approval.*

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

## **OTHER BUSINESS**

Consider Resolution 21-R-17, accepting the petition for annexation of 59.780 acres, more or less, parcel of land located along East House Street across State Highway 35, in Brazoria County, Texas; setting an annexation schedule; that includes public hearings on September 2, 2021, and September 16, 2021; providing for open meetings and other related matters.

*On or about June 1, 2021, D.R. Horton – Texas, LTD., petitioned the City of Alvin, Texas for voluntary annexation of 59.780 acres. The land being petitioned for annexation is contiguous and adjacent to the corporate limits of the city along the stretch of State Highway 35 between East South Street and East House Street.*

*State annexation law requires that the governing body hold two (2) public hearings allowing for public comment before the annexation ordinance is considered for final adoption. There must be a specified number of days between the public hearings and the final adoption of the annexation ordinance. We will be cancelling the October 7th meeting because most of City Council will be attending the annual TML conference. As a result, a special meeting will be called for Monday, October 11, 2021, to consider the final adoption of this annexation ordinance.*

City Attorney Suzanne Hanneman presented this item before City Council with explanation and made mention that the final reading of the ordinance will require a special called City Council meeting on October 11, 2021.

Council member Castro moved to approve Resolution 21-R-17, accepting the Petition for Annexation of 59.780 acres, more or less, parcel of land located along East House Street across State Highway 35 in Brazoria County, Texas; setting an annexation schedule; that includes public hearings on September 2, 2021, and September 16, 2021; providing for open meetings and other related matters. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Consider Resolution No. 21-R-18, granting consent to the creation of Brazoria County Municipal District Number 81; and providing for other matters related thereto.

*On or about June 1, 2021, the landowners of real property located in Brazoria County petitioned the City for consent to the creation of Brazoria County Municipal Utility District (MUD) No. 81 to serve approximately 103.714 acres of land in Brazoria County, Texas, of which 43.934 acres is located within the corporate limits of the City of Alvin. The remaining 59.780 acres is in the extraterritorial jurisdiction of the City of Alvin, which the Developer has petitioned the City for annexation. This property is located off State Highway 35 between East South Street and East House Street.*

*This property is located within an area which will experience a substantial and sustained residential growth within the foreseeable future, is urban in nature, and is not supplied with adequate water, sanitary sewer, drainage facilities and services, and roads. The health and welfare of the future inhabitants of the proposed MUD require the provision of adequate water, storm and sanitary sewer facilities and services, and roads. The property cannot be developed without the creation of the District to finance the water, sanitary sewer, drainage facilities and services, and roads; therefore, a public necessity for the creation of a municipal utility exists. The proposed improvements are practicable and feasible, and the terrain of the territory to be included in the proposed Districts of such a nature that water, storm and sanitary sewer facilities and services, and roads can be constructed or provided at a reasonable cost; and said District will be rapidly developed primarily for residential purposes. Staff recommended approval of Resolution 21-R-18.*

Suzanne Hanneman, City Attorney presented this item before City Council with explanation.

Council member Moore moved to approve Resolution 21-R-18, granting consent to the creation of Brazoria County Municipal District Number 81; and providing for other matters related thereto. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Consider Resolution 21-R-19, approving a Utility Services Contract with D.R. Horton, Inc., on behalf of themselves and the proposed Brazoria County Municipal Utility District Number 81 for the Watermark Development; and authorize the Mayor to sign the Utility Services

*D.R. Horton, Inc. is requesting a Utility Services Contract that will allow the City of Alvin to provide water and wastewater services to the Watermark Development. The proposed development will consist of 223 single-family residential lots planned, detention, and green space. D.R. Horton, Inc. is proposing Municipal Utility District No. 81 to assist with the costs of necessary infrastructure for the project. Resolution 21-R-19 will approve the Utility Services Contract with D.R. Horton, Inc. for the development. Staff recommended approval.*

Suzanne Hanneman, City Attorney and Michelle Segovia, City Engineer presented this item before City Council with explanation.

Council member Starkey moved to approve Resolution 21-R-19, approving a Utility Services Contract with D.R. Horton, Inc., on behalf of themselves and proposed Brazoria County Municipal Utility District Number 81 for the Watermark Development; and authorize the Mayor to sign the Utility Services Contract. Seconded by Council member Adame; motion carried with all members present voting Aye.

Consider an award of bid to McDonald Municipal & Industrial for the CDBG-DR Generator Installation Project in an amount not to exceed \$1,054,469; and authorize the City Manager to sign the contract upon legal review.

*The City of Alvin was awarded a \$1,012,332 grant from the General Land Office (GLO) pertaining to the Hurricane Harvey – Infrastructure Community Development Block Grant – Disaster Recovery Program (CDBG-DR) in January 2020. Staff planned on allocating the grant funds for the installation of generators to service, Water Well #8, the Wastewater Treatment Plant (WWTP), the Public Services Facility (PSF) and Water Well #4 as an alternate. These generators facilitate the proper functioning of critical wastewater-system, water-system, and public-facility components to reduce the impact of sewage contamination and ensure optimum water service in emergency situations.*

*On May 18, 2021, bids were opened for the Community Development Block Grant for Disaster Recovery (CDBG-DR) Generator Installation Project, and McDonald Municipal & Industrial was the qualified low bidder. The bids received exceed the awarded grant funded amount, so staff is recommending the removal of Water Well #4 generator and the Public Services Facility (PFS) generator from the project. This will allow for the Wastewater Treatment Plant (WWTP) and Water Well #8 to remain in the project and stay within the grant funded amount. Staff chose to fund the replacement of the WWTP generator because the current generator is undersized and has been in service for 28 years. Water Well #8 remained in the project because it is the only water well without a generator and during ice storm Uri staff rented a generator to keep the water production system operational. PSF generator and Water Well #4 currently have backup generators to power the facilities during emergencies so staff recommended removing these two from the project since the bid was over the grant funded amount. LJA Engineering and Staff has verified references for this contractor and all references were highly satisfied with the previous projects and past work experience.*

Project award amount:	\$1,054,469.00
Change order to remove PFS generator:	- \$253,000.00
Project amount after change order:	\$801,469.00

Grant amount available for construction	
Net engineering and administrative fees:	\$849,635.00

<i>Project amount after change order:</i>	<i>-\$801,469.00</i>
<i>Contingency:</i>	<i>\$ 48,166.00</i>
 <i>Total amount of project:</i>	 <i>\$849,635.00</i>

*The bid contract states the contractor’s bid amounts are valid for 90 days. This project was bid on May 18, 2021, with the 90-day ending on August 16, 2021. August 5, 2021, is the last City Council meeting this project can be awarded or the project will need to rebid.*

*The project is scheduled to start in late August and has a construction time of 180 calendar days.*

*This project will be 100% reimbursable from the Community Development Block Grant (CDBG).*

*Staff recommended awarding the project to McDonald Municipal & Industrial contingent upon the GLO approving the request to remove the Public Service Facility and the Well #4 alternate generators from the project.*

Brandon Moody, Director of Public Services presented this item before City council with explanation.

Council member Starkey moved to award bid to McDonald Municipal & Industrial for the CDBG-DR Generator Installation Project in an amount not to exceed \$1,054,469; and authorize the City Manager to sign the contract upon legal review. Seconded by Council member Adame; motion carried with all members present voting Aye.

**Consider an award of bid to WadeCon, LLC., for the Mustang Bayou Bank Repair at National Oak Park Project in an amount not to exceed \$111,881; and authorize the City Manager to sign the contract upon legal review.**

*On June 29, 2021, bids were opened for the Mustang Bayou Bank Repair at National Oak Park Project, and WadeCon, LLC was the qualified low bidder. GC Engineering, Inc., the City’s consultant that designed the project, reviewed all bids that were received and has recommended WadeCon, LLC. for this project.*

<i>Contract Amount:</i>	<i>\$101,710</i>
<i>10% Contingency:</i>	<i>\$ 10,171</i>
<i>Total Amount:</i>	<i>\$111,881</i>

*The Mustang Bayou Bank Repair at National Oak Park Project includes repairs to the bank of Mustang Bayou within National Oak Park, starting at the observation deck and extending 110 feet to the north, that was damaged during Hurricane Harvey in 2017. The work consists of significant brush clearing, regrading of the channel slope, and slope stability repairs utilizing geotextile supported grade 2 riprap.*

*The project has an allotted construction time of 30 calendar days.*

*This project will be funded from the Hurricane Harvey Disaster Funds and the General Capital Projects Fund. It is anticipated that FEMA will reimburse the City for approximately \$90,000 of the project cost. Staff recommended approval.*

Suzanne Hanneman, City Attorney and Michelle Segovia, City Engineer presented this item to City Council with explanation.

Council member Vela moved to award a bid to WadeCon, LLC., for the Mustang Bayou Bank Repair at National Oak Park Project in an amount not to exceed \$111,881; and authorize the City Manager to sign the contract upon legal review. Seconded by Council member Starkey; motion carried by all members present voting Aye.

**Consider an award of bid to WadeCon, LLC., for the Mustang Bayou Bank Repair at Bayou Drive Project in an amount not to exceed \$407,385; and authorize the City Manager to sign the contract upon legal review.**

*On June 29, 2021, bids were opened for the Mustang Bayou Bank Repair at Bayou Drive Project, and WadeCon, LLC was the qualified low bidder. GC Engineering, Inc., the City's consultant that designed the project, reviewed all bids that were received and has recommended WadeCon, LLC. for this project.*

Contract Amount:           \$370,350  
10% Contingency:         \$ 37,035  
Total Amount:             \$407,385

*The Mustang Bayou Bank Repair at Bayou Drive Project includes repairs to the bank of Mustang Bayou parallel to Bayou Drive, approximately 240 feet south of the East House Street intersection, that was damaged during Hurricane Harvey in 2017. The work consists of installation of 30 feet of sheet pile wall with sheet pile tie back, slope stability repairs utilizing geotextile, riprap, hydromulch seeding, and anchored sodding. The project also includes the repair of the Tom Blakeney Hike and Bike Trail and extension of the pedestrian handrail in this area.*

*The project has an allotted construction time of 50 calendar days.*

*This project will be funded from the Hurricane Harvey Disaster Funds and the General Capital Projects Fund. It is anticipated that FEMA will reimburse the City for approximately \$120,000 of the project cost. Staff recommended approval.*

Suzanne Hanneman, City Attorney and Michelle Segovia, City Engineer presented this item before City Council with explanation.

Council member Starkey moved to award a bid to WadeCon, LLC., for the Mustang Bayou Bank Repair at Bayou Drive Project in an amount not to exceed \$407,385; and authorize the City Manager to sign the contract upon legal review. Seconded by Council member Garivey; motion carried with all members present voting Aye.

**Consider Addendum No. 1 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, TX area, fuel cost adjustments, and operational costs pursuant to the agreement; and authorize the Mayor to sign Addendum No. 1 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 FY22 are as follows:*

CPI-U                           +4.5%  
Fuel adj.                       0%  
Operating adj.                 0%  
Net adjustment for FY20:   +4.5%

*Based on estimated FY21 end of year projections, the 4.5% contractual increase is approximately \$106,476 for FY22 as compared to FY21. Should City Council approve the contractual rate increase of 4.5%, the effective date would be October 1, 2021.*

Michael Higgins, Director of Administrative Services presented this item before City Council with explanation.

Council member Starkey moved to approve Addendum No. 1 to the contract between the City of Alvin and Texas Pride Disposal; and authorize the Mayor to sign Addendum No. 1 upon legal review. Seconded by Council member Vaughn; motion carried with all members voting Aye.

Discuss and take a record vote to propose a tax rate of \$0.76800 per \$100 of assessed valuation, which is a tax increase of 1.65% above the No New Revenue Rate, to be adopted at a future meeting.  
*The tax rate adoption process consists of the comparison of four (4) rates: the No New Revenue Rate, the Voter Approval Rate, the De Minimis Rate and the City's Proposed Tax Rate.*

*The No New Revenue Rate (\$0.755504 per \$100 of assessed valuation) is a hypothetical benchmark tax rate. It is used to calculate the total tax rate needed to raise the same amount of property tax revenue from the same properties on the tax roll in both the 2020 tax year (FY21) and the 2021 tax year (FY22).*

*The Voter Approval Rate (\$0.829900 per \$100 of assessed valuation) is the highest tax rate that the City may adopt without voter approval and requires an election (petition or mandatory) to go above the rate.*

*The De Minimis Rate (\$0.790603 per \$100 of assessed valuation) is a hypothetical benchmark tax rate that allows cities (under 30,000 in population) to adopt a tax rate that generates \$500,000 more in property tax revenue than the previous year. The de minimis rate is designed to give cities some relief from the 3.5 percent Voter Approval Tax Rate – allowing a small city to exceed the Voter Approval Rate of 3.5% and not require an election.*

*The Proposed Tax Rate (\$0.768000 per \$100 of assessed valuation) is the rate proposed to generate property tax revenues to be used for the general maintenance and operational costs of providing City services and paying the annual principal and interest on bonds and other debt secured by property tax revenues.*

*According to the Local Government Code, when a city initially proposes a tax rate that exceeds the lower of the Voter Approval Rate or the No New Revenue Rate, the city council must vote to place a proposal to adopt the proposed rate on the agenda of a future meeting as an action item. If the motion passes, the governing body must schedule one public hearing on the City's proposed tax rate.*

*For FY22, staff is proposing to keep the City's current tax rate at \$0.76800 per \$100 of taxable assessed valuation. Because the City's Proposed Tax Rate exceeds the lower of the No New Revenue Rate or the Voter Approval Rate, one (1) public hearing is required to be held before adopting the proposed tax rate. This public hearing is scheduled for August 19, 2021.*

*The City Council will consider adopting the City's "final" tax rate at the regular meeting of the City Council on September 2, 2021, at 7:00 p.m.*

Council member Adame moved to propose a tax rate of \$0.76800 per \$100 of assessed valuation, which is a tax increase of 1.65% above the *No New Revenue tax rate*, to be adopted at a future meeting. Seconded by Council member Starkey; motion carried with all members present voting Aye.

Consider setting one (1) public hearing concerning the proposed tax rate on Thursday, August 19, 2021, at 7:00 p.m., in the City Council Chambers, City Hall, 216 West Sealy, Alvin, Texas.  
*The City's proposed tax rate exceeds the No New Revenue tax rate but is less than the Voter Approval Rate. As a result, the Local Government Code requires City Council to set (1) public hearing on the proposed tax rate. The City Council will consider adopting the final tax rate at the regular meeting of the City Council on September 2, 2021, at 7:00 p.m.*

Council member Adame moved to set one (1) public hearing concerning the proposed tax rate on Thursday, August 19, 2021, at 7:00 p.m., in the City Council Chambers, City Hall, 216 West Sealy, Alvin, Texas. Seconded by Council member Starkey; motion carried with all members 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.

There were no requests made.

**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 he reviewed the preliminary list for the August 19, 2021, 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 551.072 of the Local Government Code: Deliberation regarding the purchase, exchange, lease, or value of real properties near 113 E. Sealy St.

Mayor Horn adjourned to Executive Session at 7:40 p.m.

**RECONVENE TO OPEN SESSION**

Mayor Horn reconvened the meeting to Open Session at 8:09 p.m. There was no action taken from the Executive Session.

**ADJOURNMENT**

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

PASSED and APPROVED the 19th day of August 2021.

\_\_\_\_\_  
Paul A. Horn, Mayor

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