

**MINUTES  
CITY OF ALVIN, TEXAS  
216 W. SEALY STREET  
REGULAR CITY COUNCIL MEETING AND  
EXECUTIVE SESSION  
THURSDAY AUGUST 16, 2018  
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 a Regular Session at 7:00 p.m. in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn and Mayor Pro-Tem Keith Thompson; Council members: Gabe Adame, Adam Arendell, Joel Castro, Scott Reed, Brad Richards and Glenn Starkey.

**Staff members present:** Junru Roland, City Manager/CFO; Suzanne Hanneman, City Attorney; Dixie Roberts, City Secretary; Larry Buehler, Economic Development Director; Michelle Segovia, City Engineer and Robert E. Lee, Police Chief.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Council member Castro gave the invocation.

Council member Thompson led the Pledge of Allegiance to the American Flag. Council member Reed led the Pledge to the Texas Flag.

**PUBLIC COMMENT**

There were no public comments.

**PUBLIC HEARING**

Public hearing to receive comment on the proposed Fiscal Year 18-19 Annual Budget. This proposed budget is estimated to raise more total property taxes than last year's budget by \$222,139 which is a 2.14% increase from last year's budget. The estimated property tax revenue to be raised from new property added to the tax roll this year is \$180,776.

Mayor Horn opened the public hearing at 7:02 p.m. There were no comments received on this public hearing. Mayor Horn closed the public hearing at 7:03 p.m.

Public hearing to receive comment on the proposed tax rate of \$0.7880 per \$100 of valuation for the Fiscal Year 2018-2019 (2018 tax year).

Mayor Horn opened the public hearing at 7:04 p.m. There were no comments received on this public hearing. Mayor Horn closed the public hearing at 7:04 p.m.

**CONSENT AGENDA**

Approve minutes of the August 2, 2018 City Council workshop.

Approve minutes of the August 2, 2018 City Council meeting.

Consider Resolution 18-R-25, updating the designation of persons authorized to act on behalf of the City of Alvin in connection with TexPool.

*This resolution removes Sereniah Breland, City Manager, as an authorized representative on all current TexPool accounts, effective 8/5/2018. In addition, the resolution adds Dixie T. Roberts, City Secretary, as an authorized representative on all current TexPool accounts.*

*TexPool is the largest and oldest local government investment pool in the state of Texas. TexPool currently provides investment services to over 2,000 communities throughout Texas. Staff recommends approval of Resolution 18-R-25.*

Consider Resolution 18-R-26, updating the designation of persons authorized to act on behalf of the City of Alvin in connection with TexSTAR.

*This resolution removes Sereniah Breland, City Manager, as an authorized representative on all current TexSTAR accounts, effective 8/5/2018. TexSTAR is an investment service for Local Governments. Staff recommends approval of Resolution 18-R-26.*

Resolution 18-R-27, authorizing certain officers of the City of Alvin to sign and endorse checks and drafts on the City of Alvin bank accounts.

*This resolution removes Sereniah Breland, City Manager, as an authorized City Official on the City of Alvin bank accounts, effective August 5, 2018. Staff recommends approval of Resolution 18-R-27.*

Consider the extension of a Memorandum of Understanding between the City of Alvin and the Presiding Municipal Court Judge of the Alvin Municipal Court, Donna Starkey, and authorize the Mayor to sign.

*Donna Starkey was appointed the Presiding Judge on September 1, 2016 for a two (2) year term, commencing September 1, 2016, and concluding on August 21, 2018.*

*On June 6, 2018, Judge Starkey submitted her notice of retirement, effective upon the completion of her two (2) year term.*

*The City, acting through the City Council, exercising its discretion pursuant to the City Charter, Code of Ordinances, and the laws of the State of Texas, are extending the appointment of Donna Starkey as the Presiding Municipal Judge of Alvin Municipal Court. They are extending the term until September 30, 2018, or until such time as the Presiding Judge Position is filled, but in no event, shall the term extend beyond October 31, 2018. Staff recommends approval of the MOU extension with Judge Starkey.*

Council member Starkey announced that he filed a conflict of interest form regarding the MOU with the Municipal Court Judge and would recuse himself from the consent agenda.

Council member Adame moved to approve the consent agenda as presented. Seconded by Council member Arendell; motion to approve carried on a vote of 6 Ayes, with Council member Starkey abstaining.

**OTHER BUSINESS**

Acknowledge resignation of Alternate Municipal Court Judge Greg Hill, effective September 5, 2018.

*Acknowledge resignation of Alternate Municipal Court Judge Greg Hill, effective September 5, 2018.*

Mayor Horn and members of City Council thanked Mr. Hill for his service.

Council member Arendell moved to acknowledge resignation of Alternate Municipal Court Judge Greg Hill, effective September 5, 2018. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

Consider a variance request for the property owner at 3610 Sky Ranch Drive to reduce the building setback from a pipeline requirement of Chapter 16, Section 77 (a)(1) of the Code of Ordinances, from 50 feet to 30 feet, for the construction of a barndominium.

*On July 31, 2018, the Engineering Department received a variance request from the property owner of 3610 Sky Ranch Drive to reduce the building setback from an existing pipeline from 50 feet to 30 feet for the construction of a barndominium (also could be classified as a garage apartment). As explained in the attached request letter, the Owner is wanting to construct a barndominium in the same location where a barn structure was located (since 1974) prior to being torn down due to damages sustained during Hurricane Harvey. The Owner's plan is to construct the barndominium and to live in it while the main home on the property is being repaired / renovated from flooding damage due to Hurricane Harvey. Chapter 16 Section 77(a)(1) requires that new structures maintain a building setback of fifty (50) feet from any pipeline. The Owner is proposing to maintain a building setback of thirty (30) feet from the pipeline easement which is approximately forty-five (45) feet from the actual pipeline that occupies the easement, as shown on the attached site plan. This is the first variance request that has been received since Chapter 16 was revised in 2013 to include Article IV that is specific to pipelines.*

Council member Thompson announced that he filed a conflict of interest form with the City Secretary for this item and would recuse himself from discussion and voting on this item.

Ms. Segovia gave a brief explanation of this variance request and stated that it was supported by staff. The property owners were in attendance.

Council member Arendell moved to grant a variance request for the property owner at 3610 Sky Ranch Drive to reduce the building setback from a pipeline requirement of Chapter 16, Section 77 (a)(1) of the Code of Ordinances, from 50 feet to 30 feet, for the construction of a barndominium. Seconded by Council member Reed; motion carried on a vote of 6 Ayes, with Council member Thompson abstaining.

Consider an Engineering Services Agreement with GC Engineering, Inc., in an amount not to exceed \$156,408, for engineering design services for the Mustang Bayou Bank Repair Project; and authorize the Interim City Manager to sign the agreement upon legal review.

*A Request for Qualifications (RFQ) for engineering design services was advertised on April 22nd and April 29, 2018. Statements of Qualifications (SOQs) were received from four (4) engineering firms on May 8, 2018. Qualifications of all firms were reviewed/ranked by a Staff Review Committee, consisting of Engineering, Parks, and Finance Department Staff, in May/June 2018. The top firm was then interviewed on June 7, 2018. Following the interview, the Staff Review Committee selected GC Engineering, Inc. to submit a proposal for the design of the Mustang Bayou Bank Repair Project. City Staff has not worked with GC Engineering in the past, however references were contacted, and they were highly satisfied with the level of service provided by GC Engineering.*

*The Mustang Bayou Bank Repair Project will repair two (2) areas of damage along the bank of Mustang Bayou that were caused by the flood waters from Hurricane Harvey. The first area of damage is located near National Oak Park, where approximately 112 feet of the right bank is eroded and has failed. The second area is located near the intersection of House Street and Bayou Drive. There is approximately 130 feet of eroded and failed bank within and adjacent to the existing sheetpile wall. This site also contains approximately 50 feet of damage to the Hike and Bike Trail.*

*The Engineering Services Agreement being considered will provide surveying, geotechnical, and environmental data, preliminary and final engineering design, a complete plan set, bid phase services, and construction phase services for this important recovery project. Due to the location of this project along the bank of the bayou it is assumed that a Hydraulic Impact Analysis (HIA) and United States Army Corps. of Engineers nationwide permitting will not be required. These items have been included as additional services in this agreement, if it is determined that they are required during the preliminary design phase.*

*Staff plans to seek FEMA reimbursement for the costs associated with this project. Staff recommends approval of this Agreement.*

Ms. Segovia gave a brief explanation of this project to City Council. Members of the Brazoria County C&R District 3 were also in attendance for the support of this project.

Council member Thompson moved to approve an Engineering Services Agreement with GC Engineering, Inc. in an amount not to exceed \$156,408 for engineering design services for the Mustang Bayou Bank Repair Project; and authorize the Interim City Manager to sign the Agreement, upon legal review. Seconded by Council member Reed; motion carried on a vote of 7 Ayes.

Consider Addendum No.15 to the Contract for Refuse Collection and Disposal Services between the City of Alvin and Waste Connections of Texas (formerly Progressive Waste Solutions) to adjust rates paid to Waste Connections of Texas 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.

*The City's contract with IESI (signed August 18, 2005), with a subsequent name change to Progressive Waste Solutions (August 12, 2012), 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).*

Waste Connections of Texas (formerly Progressive Waste Solutions) submitted their annual renewal letter evaluating the CPI-U and operational costs (including fuel adjustments) per their contract with the City. The adjustments used to calculate the percentage increase for FY18 are as follows:

CPI-U	+2.400%
Fuel adj.	-3.853%
Operating adj.	+4.500%
Net adjustment for FY19:	3.047%

Based on estimated FY19 end of year projections, the 3.047% contractual increase to the City is approximately \$37,000 for FY19.

<i>History of Rate Contractual Rate Adjustments from Waste Connections of Texas</i>	
<i>Fiscal Year</i>	<i>Increase (decrease)</i>
<i>FY15</i>	<i>3.514%</i>
<i>FY16</i>	<i>(0.43%)</i>
<i>FY17</i>	<i>(0.807%)</i>
<i>FY18</i>	<i>1.61%</i>
<i>FY19 (proposed)</i>	<i>3.047%</i>

Should council approve the contractual rate increase of 3.047%, the effective date would be October 1, 2018. The current contract with Waste Connections ends September 30, 2020.

Mr. Roland reviewed this item before City Council and stated that staff recommended approval of said Addendum No 15. Council member Starkey asked for information regarding Waste Connections safety records.

Council member Reed moved to approve Addendum No.15 to the Contract for Refuse Collection and Disposal Services between the City of Alvin and Waste Connections of Texas (formerly Progressive Waste Solutions) to adjust rates paid to Waste Connections of Texas 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. Seconded by Council member Castro; motion carried on a vote of 7Ayes.

Consider Ordinance 18-M, amending Chapter 28, Comprehensive Fee Ordinance for the purpose of setting certain solid waste collection and disposal fees for residential, commercial, and roll-off containers; providing for a ten percent (10%) penalty for late payment; providing for an effective date of October 2018 billing cycles; and setting forth other provisions related thereto.

*The City’s ordinance requires that solid waste rates be increased, at minimum, based on the annual CPI-U index rate for the Houston-Galveston-Brazoria, Texas area. The ordinance also allows the consideration of other factors to determine if an additional increase in solid waste rates is warranted.*

*The City accounts for solid waste revenues and expenses in the Sanitation Fund. Over the past few years, the City has been able to sustain a “healthy” fund balance in the Sanitation fund as a result of the CPI-U provision in the City’s ordinance. For FY19, the CPI-U has increased by 2.4%. However, instead of increasing the residential and commercial solid waste rates by 2.4% in accordance with the CPI-U provision in the City’s ordinance, staff is recommending that council approve and maintain the current solid waste rates for both residential and commercial businesses.*

*Should council elect to apply the CPI-U adjustment per ordinance, then both residential and commercial rates will reflect a 2.4% increase, effective October 2018 billing cycles.*

Mr. Roland reviewed this item before City Council.

Council member Castro moved to approve Ordinance 18-M, amending Chapter 28, Comprehensive Fee Ordinance for the purpose of setting certain solid waste collection and disposal fees for residential, commercial, and roll-off containers; providing for a ten percent (10%) penalty for late payment; providing for an effective date of October 2018 billing cycles; and setting forth other

provisions related thereto. Seconded by Council member Arendell; motion carried on a vote of 7 Ayes.

### **REPORTS FROM CITY MANAGER**

Review preliminary list of items for next Council meeting.

Mr. Junru Roland, Interim City Manager, reviewed the preliminary list for the September 6, 2018 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.

Mrs. Roberts reviewed items of community interest.

Council member Thompson reminded everyone that school is back in session and urged motorists to drive cautiously.

Council member Reed also encouraged motorists to drive safely as school is back in session.

### **EXECUTIVE SESSION**

Mayor Horn called for an executive session at 7:24 p.m. in accordance to the following:

Texas Government Code Section 551.072 – deliberation regarding the purchase, exchange, lease or value of real property, commonly called the former landfill.

Texas Government Code Section 551.074 – personnel matters regarding the appointment, employment of a City Manager.

### **RECONVENE TO OPEN SESSION**

Take action on Executive Session item if necessary.

Mayor Horn reconvened into open session at 8:34 p.m.

Council member Reed moved to appoint Mr. Junru Roland as City Manager, with contract negotiations and finalization to follow. Second my Council member Thompson; motion carried with a vote of 7 ayes.

### **ADJOURNMENT**

Mayor Horn adjourned the meeting at 8:35p.m.

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

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