

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY MARCH 18, 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 Joel Castro; Councilmembers: Gabe Adame, Adam Arendell, Glenn Starkey, Keith Thompson and Martin Vela.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, City Secretary; Michael Higgins, Chief Financial Officer; Larry Buehler, Director of Economic Development; Dan Kelinske, Parks and Recreation Director; Michelle Segovia, City Engineer; and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Castro gave the invocation. Council member Arendell led the Pledge of Allegiance to the American Flag. Council member Thompson led the Pledge to the Texas Flag.

PRESENTATIONS

Proclamation – Public Safety Telecommunications Week.

Chief Robert Lee and telecommunication officers were present to receive said proclamation.

Alvin Sunrise Rotary presentation of annual donation check

Members of the Alvin Sunrise Rotary presented the City with a check for \$5,000 as part of their annual donation to the City used for Parks and Recreation projects.

Departmental Presentation -Administrative Services

Mr. Higgins, Director of Administrative Services gave a brief presentation on the Administrative Services Department.

PUBLIC COMMENT

Michael Curdling addressed City Council asking that lights be installed at the skate park at National Oak Park.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Consider approval of the February 11, 2021 Special City Council meeting minutes.

Consider approval of the February 25, 2021 Special City Council meeting minutes.

Consider approval of the March 4, 2021 City Council workshop meeting minutes.

Consider approval of the March 4, 2021 City Council Regular meeting minutes.

Proclaim the month of April 2021 as Fair Housing month in the City of Alvin.

This proclamation is listed under the Consent Agenda as it will not be formally presented at the City Council meeting. This is required by Brazoria County for Community Development Block Grants and is also required as part of the General Land Office Community Development Block Grants. Staff recommends proclaiming the Month of April 2021 as Fair Housing month in the City of Alvin as requested.

Acknowledge receipt of the Parks and Recreation Department's five-year list of recommended park improvement projects.

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

OTHER BUSINESS

Presentation by Belt Harris Pechacek, LLLP, of the City's Comprehensive Annual Financial Report (CAFR) as of September 30, 2020; and acknowledge receipt of the 2020 CAFR.

As required by state statute, an independent audit has been completed by the CPA firm of Belt Harris Pechacek, LLLP, for the fiscal year ending September 30, 2020. At the end of an audit, Generally Accepted Auditing Standards mandate that auditors must express an opinion on the financial records. For FY20, the City received an unmodified opinion from the auditors – which is the highest form of assurance that our financial statements “give a true and fair view” of the City's financial position.

Pursuant to Section 103.003 of the Texas Local Government Code, the annual financial statements, including the auditor's opinion must be filed with the City Secretary within 180 days after the last day of the fiscal year (September 30, 2020). The CAFR, which includes the auditor's opinion, will be presented to the Mayor and City Council, and to the City Secretary for filing.

Stephanie Harris, from Belt Harris Pechacek, LLLP, presented the 202 CAFR report before City Council. Hard copies of the CAFR document were distributed.

Council member Castro moved to acknowledge receipt of the 2020 CAFR. Seconded by Council member Arendell; motion carried on a vote of 6 Ayes.

Consider the appointment of Belt Harris Pechacek, LLP as the City's auditors for the Fiscal Year ending September 30, 2021; and authorize the City Manager to sign the Auditor's Engagement Letter.

Chapter 103 of the Texas Local Government Code requires cities to have its records and accounts audited, and an annual financial statement prepared based on the audit. Belt Harris Pechacek, LLP (BHP) has served as the City's independent auditors since FY09. BHP is proposing a base estimated fee of \$44,850 for the City's FY21 financial statement audit; with an additional single audit one program base fee (if required) of \$8,725.*

Staff is requesting that City Council approve the engagement of BHP to provide auditing services for FY21. By engaging BHP for FY20, the City retains an audit firm that is extremely knowledgeable of the City's accounting and internal controls.

BHP's Prior Fiscal Year Engagement Fees

Base audit fee: \$44,850 + \$8,725 for single audit one program.

FY20 Audit Budgets for Comparative Cities

Lake Jackson: \$56,000 (FY20-21)

Webster: \$46,300

Friendswood: \$34,380

La Porte: \$67,300

Deer Park: \$40,000

** A “single audit” is additional auditing procedures that are required if the City expends over \$750,000 of federal (grantfunds in a fiscal year.*

Council member Starkey moved to approve the appointment of Belt Harris Pechacek, LLP as the City's auditors for the Fiscal Year ending September 30, 2021; and authorize the City Manager to sign the Auditor's Engagement Letter. Seconded by Council member Arendell; motion carried on a vote of 6 Ayes.

Consider an agreement with Edminster, Hinshaw, Russ & Associates, Inc. (EHRA) for professional planning services for the West Alvin: Thoroughfare Plan Formulation, Stormwater Drainage Review, and Water and Wastewater Systems Review, in an amount not to exceed \$50,000; and authorize the City Manager to sign upon legal review.

There are several development projects in various stages of planning and implementation in the general area of SH288, FM1462, and the proposed Grand Parkway (the Study Area). Eventually these developments are planned to become part of the City of Alvin. As such, staff is moving forward with regional planning to include Thoroughfares, Stormwater Drainage, and Water and Wastewater Services. EHRA Engineering has submitted a proposal for these professional services and will give Council a brief presentation and entertain discussion and questions. The proposal does include engagement with landowners and developers with regular reporting to City staff. It is expected to be complete within 180 calendar days.

Chris Brown with EHRA discussed the scope of services for this proposal and how beneficial this will be for future developments in the area. Lengthy discussed was had addressing questions as to the specifics of this project.

Council member Castro moved to approve an agreement with Edminster, Hinshaw, Russ & Associates, Inc. (EHRA) for professional planning services for the West Alvin: Thoroughfare Plan Formulation, Stormwater Drainage Review, and Water and Wastewater Systems Review, in an amount not to exceed \$50,000; and authorize the City Manager to sign upon legal review. Seconded by Council member Arendell motion carried on a vote of 6 Ayes.

Consider the termination of the 380 Agreement made pursuant to Texas Local Government Code Chapter 380 with Grand Products Company, Inc. regarding the grant of certain tax rebates relating to the development of an approximate 23-acre tract of real property, located along State Highway 6; and authorize the City Manager to notify Grand Products Company, Inc.

On December 5, 2013, City Council approved a Chapter 380 Agreement with Grand Products Company, Inc. This agreement was for the development and construction of several commercial and retail developments on the site to be built in several phases. Elements were to include a convention center, family entertainment center, a hotel, and office/retail space. Financing became an issue for the developer, and the agreement was kept in place with the plan of new financing that could become available. Due to unforeseen circumstances relating to financing, the developer was unable to move forward with the project.

The developer has a new plan for development on a portion of the site and does have the required financing secured. The new development will be a Class "A" townhome development, which are defined as upscale, luxury townhomes, which will appreciate in value. There will be 89 townhomes at the site. The 7.7-acre site is located on the 23.5136 acres inside the Heritage South site and behind the AMOCO Federal Credit Union on State Highway 6. These improvements will have an estimated value of \$13,500,000. The development will also include extra greenspace, park space, and a walking trail inside the gated community that will be maintained by the developer. Staff recommended approval.

Larry Buehler presented this item with explanation before City Council.

Council member Castro moved to approve the termination of the 380 Agreement made pursuant to Texas Local Government Code Chapter 380 with Grand Products Company, Inc. regarding the grant of certain tax rebates relating to the development of an approximate 23-acre tract of real property, located along State Highway 6; and authorize the City Manager to notify Grand Products Company, Inc. Seconded by Council member Arendell motion carried on a vote of 6 Ayes.

Consider a Chapter 380 Agreement with Grand Products Company, Inc. to permit the construction of certain improvements necessary for the proposed of a Class "A" townhome development (inside the Heritage South site on SH6), which are defined as upscale, luxury townhomes; and authorize the Mayor to sign said Agreement upon legal review.

Chapter 380 of the Texas Local Government Code authorizes municipalities to offer incentives designed to promote local economic development and stimulate business and commercial activity. On October 17, 2019, Grand Products

Company, Inc. submitted a proposal to the City requesting certain administrative actions to permit the construction of certain improvements necessary for the operation of a Class "A" townhome development, which are defined as upscale, luxury townhomes, which will appreciate in value. There will be 89 townhomes at the site. The 7.7-acre site is located on the 23.5136 acres inside the Heritage South site and behind the AMOCO Federal Credit Union on State Highway 6. These improvements will have an estimated value of \$13,500,000. The development will also include extra greenspace, park space, and a walking trail inside the gated community that will be maintained by the developer. In return for these amenities, Grand Products Company, Inc. is requesting a variance from Article I, Section 23 ½ -4 Lots, which states that "a lot twenty feet or more in width shall contain not less than 2,000 square feet. Grand Products Company is requesting to build 65 interior townhouse lots (22 feet in width) at a minimum 1,452 sq ft, and 24 corner townhouse lots (24.5 feet in width) at minimum 1,617 sq ft. All other portions of the City of Alvin Code of Ordinances will be followed by the developer/owner. The agreement will be for three (3) years to ensure the improvements are completed and the new value is created. Staff recommended approval.*

Larry Buehler presented this information before City Council with explanation.

This development will include a park, walking trail and additional greenspace that will be maintained by the Home Owners Association. The development will be a gated community with three exit/entrance gates and will also include a pedestrian gate. Council member Arendell stated that further discussion may need to be had in the future about on street parking; the developer stated that each townhome will have a two car garage and there should be no parking on street.

Council member Thompson moved to approve a Chapter 380 Agreement with Grand Products Company, Inc. to permit the construction of certain improvements necessary for the proposed of a Class "A" townhome development (inside the Heritage South site on SH6), which are defined as upscale, luxury townhomes; and authorize the Mayor to sign said Agreement upon legal review. Seconded by Council member Castro motion carried on a vote of 6 Ayes.

Consider Ordinance 21-G, amending Chapter 34, Public Storage Facilities/Mini-Warehouses, of the Code of Ordinances, City of Alvin, Texas for the purpose of providing definitions, including provisions for sprinkler systems, and amending fencing and location restrictions for fully enclosed storage facilities; providing for a penalty; and setting forth other provisions related thereto (tabled from 3/4/21 meeting).

Towards the end of 2020, Staff was contacted by a developer who was interested in building a RV & Boat Storage facility on a piece of commercial property in Alvin. The desired location of the requested site of the RV & Boat Storage facility is within 500 feet of a single-family dwelling (a house or any other site built building used for single-family residential purposes). This location does not comply with Section 34-3 Public Storage Facilities/Mini-Warehouses which states that, "A public storage facility shall not be located within 500 feet of a single-family dwelling. The measurement of the distance between the public storage facility and the single-family dwelling shall be in direct line from the nearest property line of the public storage facility to the nearest property line of the single-family dwelling."

On November 2, 2020, during a regular Council meeting, Council discussed and considered amendments to Chapter 34 Public Storage Facilities/Mini Warehouses and provided direction to staff.

Staff has amended Chapter 34 in accordance with those discussions. The main modifications to the Ordinance include the following:

- *Providing definitions for Existing Storage Facility, Fully Enclosed Storage Facility, and Open Storage Facility;*
- *Including provisions for installation of sprinkler systems per the National Fire Protection Association (NFPA);*
- *Amending fencing requirements for fully enclosed storage facilities to include wrought iron or black-clad cyclone*
- *Amending the location restrictions from 500 to 300 feet from a single-family dwelling on a major arterial roadway*

Staff recommended approval of Ordinance 21-G.

City Attorney, Suzanne Hanneman along with Matt Cornell, Fire Marshal, and Michelle Segovia, City Engineer presented this item before City Council with much explanation and detail.

Extensive conversation was had regarding the change in the ordinance on the minimum square footage of a storage facility now requiring the installation of a sprinkler system. Staff explained that the interpretation of the 2018 International Building Code adopted by City Council in 2019 was incorrect. This section of the Code had been misinterpreted by many entities, thus the reasoning for the recent clarification in the Code Commentary. The discussion was had by City Council as to the fairness to the developer because of this change/interpretation of the Code.

The clarified language states that storage buildings 2,500 sq. ft. or more used for the storage of household goods such as furniture and mattresses shall have a fire sprinkler system installed. The developer will be allowed to build at this location, but will have to have a building sprinkler system installed. City Council was apologetic to the builder for the misinterpretation, and felt they had no alternative other than to pass this ordinance, as it is the correct interpretation of the 2018 IBC per recent Commentary.

Council member Starkey moved to approve Ordinance 21-G, amending Chapter 34, Public Storage Facilities/Mini-Warehouses, of the Code of Ordinances, City of Alvin, Texas for the purpose of providing definitions, including provisions for sprinkler systems, and amending fencing and location restrictions for fully enclosed storage facilities; providing for a penalty; and setting forth other provisions related thereto. Seconded by Council member Vela motion carried on a vote of 6 Ayes.

Consider an Engineering Services Agreement with LJA Engineering in an amount not to exceed \$378,500 for engineering design services for the Water Plant 4 Ground Storage Tank Replacement Project; and authorize the City Manager to sign the agreement upon legal review.

This project was identified in the 2015 Utility Master Plan that was approved by City Council on March 3, 2016, and consists of the demolition of the existing 0.21 million-gallon and the 0.43 million-gallon steel ground storage tanks at Water Plant #4 and the construction of a new 1.0 million-gallon pre-stressed concrete ground storage tank.

The Engineering Services Agreement being considered will provide surveying and geotechnical data, preliminary and final engineering design, complete plan set with bid package, and construction phase services for this important water system CIP project. It is proposed that design services culminating in a final bid package will be complete in a period of 8 months. Approval of this Agreement will ensure that construction plans are available and ready for bid in November 2021. More information on this project can be found in the Capital Improvements Program (CIP) Quarterly Report that was distributed to City Council on January 21, 2021, found on the City's website. Funding for the design services will come from Impact Fees. Staff recommended approval of this Agreement.

Michelle Segovia presented this item before City Council with explanation.

Council member Arendell moved to approve an Engineering Services Agreement with LJA Engineering in an amount not to exceed \$378,500 for engineering design services for the Water Plant 4 Ground Storage Tank Replacement Project; and authorize the City Manager to sign the agreement upon legal review. Seconded by Council member Adame; motion carried on a vote of 6 Ayes.

Consider an agreement with Progressive Commercial Aquatics, Inc. through the BuyBoard Cooperative Purchasing Network, for work on the Bob S. Owen Pool, including replastering, removing and re-coating approximately 12,650 square feet of pool deck texture and expansion joints, removing and replacing approximately 400 square feet of concrete around the splash pad, and removing and resurfacing the splash pad deck, in an amount not to exceed \$162,630.00; and authorize the City Manager to sign the agreement upon legal review.

Consider an agreement with Progressive Commercial Aquatics, Inc., through the BuyBoard Cooperative Purchasing Network, for work on the Bob S. Owen Pool, including replastering, removing and re-coating approximately 12,650 square feet of pool deck texture and expansion joints, removing and replacing approximately 400 square feet of concrete

around the splash pad, and removing and resurfacing the splash pad deck, in an amount not to exceed \$162,630.00; and authorize the City Manager to sign the agreement upon legal review.

Dan Kelinske presented this item before City Council with explanation.

Council member Castro moved to approve an agreement with Progressive Commercial Aquatics, Inc. through the BuyBoard Cooperative Purchasing Network, for work on the Bob S. Owen Pool, including replastering, removing and re-coating approximately 12,650 square feet of pool deck texture and expansion joints, removing and replacing approximately 400 square feet of concrete around the splash pad, and removing and resurfacing the splash pad deck, in an amount not to exceed \$162,630.00; and authorize the City Manager to sign the agreement upon legal review. Seconded by Council member Starkey; motion carried on a vote of 6 Ayes.

Consider the cancellation of the April 1, 2021 City Council meeting.

There are no tentative items for consideration for the regular City Council meeting scheduled for April 1, 2021. The cancellation of said meeting will also give members of council and staff extra time to spend with family and friends during the Good Friday Holiday. Thursday April 1st is a City Holiday for non-emergency services personnel.

Council member Arendell moved to approve the cancellation of the April 1, 2021 City Council meeting. Seconded by Council member Thompson; motion carried on a vote of 5 Ayes, with City Council member Adame voting No.

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 April 15th 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 Thompson thanked Larry Buehler for his years of service and dedication to the City. He also stated that he is not upset with staff from the conversations had this evening regarding the sprinkler requirements in Ordinance 21-G. He stated that he does support staff 100%.

Council member Vela thanked staff for the job they do. He also stated that Mr. Buehler will be greatly missed and expressed his love for the recently installed “way finding signs”.

Council member Arendell congratulated Larry Buehler on his retirement and thanked him for his years of service.

Council member Castro congratulated Larry Buehler on his retirement and stated that he will be truly missed.

Council member Adame congratulated Larry Buehler on his retirement and thanked him for his tremendous service to our community.

Council member Starkey congratulated Larry Buehler on his retirement and stated that Larry is a great and honorable man and thanked him for his service.

Mayor Horn congratulated Larry Buehler on his retirement and thanked him for his service to our City and for all that he has done throughout the years. Also stated that he is starting a Blue-Ribbon Committee in an effort to encourage essential businesses to install back-up generators. The committee will consist of former City Council members: Scott Reed, Terry Droege, Roger Stuksa and Gary Appelt. This committee will report their findings to City Council.

ADJOURNMENT

Mayor Horn adjourned the meeting at 9:10 p.m.

PASSED and APPROVED the 15th day of April 2021.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary