

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY MAY 20, 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, Brad Richards, Keith Thompson, Martin Vela, and newly elected City Council member's Keko Moore, Richard Garivey, and Chris Vaughn.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, City Secretary; Michael Higgins, Chief Financial Officer; Dan Kelinske, Parks and Recreation Director; Brandon Moody, Public Services Director; and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Darren Shelton 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.

PUBLIC COMMENT

Darren Shelton addressed City Council to praise public Works and Brandon Moody for assistance with address 1035 Stevenwood Dr.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:

Consider approval of the May 6, 2021 City Council Regular meeting minutes.

Consider Resolution 21-R-11, declaring the results of the General Election held on May 1, 2021, for the purpose of electing a member to City Council At Large Position 1, District B, and District C; and providing for other related matters.

The official canvassing for this special election was held on Tuesday, May 11, 2021, at 5:31 p.m., attended by Mayor Horn, and Council members Starkey and Vela. A meeting notice was required and was posted for said canvassing. May 12, 2021 was the statutory last day to canvass this election. State Election Code, Chapter 67, states that a full quorum of the governing body is not required for the canvassing of an election and can be completed with only two (2) members of the governing body in attendance. At the canvassing, the election returns were read aloud by the City Secretary and an affidavit was signed by those in attendance declaring the official results.

Resolution 21-R-11 formally declares the results of the May 1, 2021 General Election in resolution and minute format, where it will be maintained as an official record of the City. The election returns for each item on the ballot do not have to be read orally at the May 20, 2021 City Council meeting, as this was done at the official canvassing on Tuesday, May 11, 2021, electing Keko Moore to City Council At Large Position, Chris Vaughn, City Council District B, and Richard Garivey to City Council District C. Staff recommended the approval of Resolution 21-R-11.

Consider Ordinance 21-K, canvassing the returns and declaring the results of the special election held on May 1, 2021, regarding thirty-nine (39) propositions relating to the amendments of the Home Rule Charter of the City of Alvin.

The official canvassing for this special election was held on Tuesday, May 11, 2021, at 5:31 p.m., and attended by Mayor Horn, and Council member's Starkey and Vela. A meeting notice was required and was posted for said canvassing. May 12, 2021 was the statutory last day to canvass this election. State Election Code, Chapter 67, states that a full quorum of the governing body is not required for the canvassing of an election and can be completed with only two (2)

members of the governing body in attendance. At the canvassing, the election returns were read aloud by the City Secretary and an affidavit was signed by those in attendance declaring the official results. All thirty nine (39) propositions on the ballot were approved by the voters.

Ordinance 21-K formally declares the results of the May 1, 2021 Special Election in ordinance and minute format where it will be maintained as an official record of the City. The election returns for each item on the ballot do not have to be read orally at this meeting since this was performed at the official canvassing on Tuesday, May 11, 2021.

Accept resignations from Richard Garivey and Keko Moore from the City of Alvin Planning Commission.

Current members of the Planning Commission Richard Garivey, City Council member elect District C, and Keko Moore, City Council member elect At Large Position 1, have submitted letters of resignation from the Planning Commission effective May 19, 2021. A member of City Council may not also serve as a member of the Planning Commission. This agenda item is the formal acceptance of his resignation.

With the resignation of Mr. Garivey and Mr. Moore, there will be five (5) members on the Commission. The Charter states that the Commission shall consist of not less than five (5) nor more than eleven (11) members.

Current members on the Commission are Ashely Davis, Abrin Brooks, Santos Garza, Chris Hartman, and Randall Reed.

City Council may appoint additional members to the Commission under a separate agenda item scheduled for this meeting.

Council member Arendell moved to approve the consent agenda as presented. Seconded by Council member Thompson; motion to approve carried on a vote of 7 Ayes.

OATH OF OFFICE

Administer Oath of Office to Keko Moore, City Council At Large Position 1, by Alvin Municipal Court Judge Mo Ghuneim.

Judge Mo Ghuneim administered the official Oath of Office to City Council At Large Position 1 member, Keko Moore. Council member Moore was accompanied by members of his family.

Administer Oath of Office to Chris Vaughn, City Council District B, by Alvin Municipal Court Judge Mo Ghuneim.

Judge Mo Ghuneim administered the official Oath of Office to City Council District B member, Chris Vaughn. Council member Vaughn was accompanied by members of his family.

Administer Oath of Office to Richard Garivey, City Council District C, by Roy Castillo, Brazoria County Judge, Precinct 3, Place 2.

Judge Roy Castillo administered the official Oath of Office to City Council District C member, Richard Garivey. Council member Garivey was accompanied by members of his family.

OTHER BUSINESS

Consider Resolution 21-R-12, honoring Brad Richards for his service as City Council member At Large Position 1, City of Alvin, Texas.

This Resolution is in recognition of City Council member Richards who has served in the At Large Position 1 from May 2012 to May 2021. This framed Resolution along with a "special" award will be presented to Council member Richards during the meeting.

Mayor Horn presented Council member Richards with an honorary Resolution along with a special engraving plaque as a token of appreciation for his many years of service.

Council member Castro moved to approve the Resolution 21-R-12, honoring Brad Richards for his service as City Council member At Large Position 1, City of Alvin, Texas. Seconded by Council member Adame; motion carried on a vote of 7 Ayes.

Consider Resolution 21-R-13, honoring Adam Arendell for his service as City Council member District B, City of Alvin, Texas.

This Resolution is in recognition of City Council member Arendell who has served in District B from May 2012 to May 2021. This framed Resolution along with a "special" award will be presented to Council member Arendell during the meeting.

Mayor Horn presented Council member Arendell with an honorary Resolution along with a special engravement plaque as a token of appreciation for his many years of service.

Council member Castro moved to approve the Resolution 21-R-13, honoring Adam Arendell for his service as City Council member District B, City of Alvin, Texas. Seconded by Council member Starkey; motion carried on a vote of 7 Ayes.

Consider Resolution 21-R-14, honoring Keith Thompson for his service as City Council member District C, City of Alvin, Texas.

This Resolution is in recognition of City Council member Thompson who has served in District C from May 2014 to May 2021. This framed Resolution along with a "special" award will be presented to Council member Thompson during the meeting.

Mayor Horn presented Council member Thompson with an honorary Resolution along with a special engravement plaque as a token of appreciation for his many years of service.

Council member Castro moved to approve the Resolution 21-R-14, honoring Keith Thompson for his service as City Council member District C, City of Alvin, Texas. Seconded by Council member Starkey; motion carried on a vote of 7 Ayes.

Consider approval of the Mayor's appointment of Mayor Pro-tem.

The Mayor typically appoints the longest serving City Council member who hasn't served as Mayor Pro-tem.

Council member Starkey moved to approve Mayor's appointment of Mayor Pro-tem. Seconded by Council member Vela; motion carried on a vote of 7 Ayes.

Police/Humane Departmental Update.

Chief Lee gave a brief Police Departmental Update, and Autumn Miller, Animal Shelter Manager gave an update on the Humane Department.

Consider the purchase and installation of security fencing and gates for the Police Department from Nexlar Security in an amount not to exceed \$76,763.00; and authorize the City Manager to sign upon legal review.

In the past few months, we have had several security issues in and around the non-public areas of the police department. We have discovered individuals walking among and looking into squad cars and personal vehicles. We have had persons released from jail wondering around the building, known gang members have been found sitting in the exercise/training area watching employees, we recently found someone sitting at a break table near the patrol wing staring at employees. We do have exterior cameras around the building, and we have electronic gates which has prevented vehicles from cutting across the property from Gordon to Hood to avoid traffic, but these do not prevent foot traffic from accessing what should be a secure area. Our solution is to place a 6' wrought iron fence around the unsecured perimeter of the Police Department and install gates which do not allow for pedestrian access. Nexlar Security will be installing the fence and gates. Nexlar was not the lowest priced option, however it is interoperable with our current electronic access system (doors, existing sally port gate) and is expandable so that future upgrades can be done. Also, Nexlar allows for the gates to be equipped with a remote-control operation option that allows officers leaving the Police Department on priority calls to activate the exit gates remotely before they reached the in-ground sensors. This will allow the slower

speed (standard operation) gates to be utilized instead of having faster opening (specialized) gates installed (a difference of approx. \$28,000). Installation should take 4-5 weeks from date of authorization. Funding for this project was included as part of the budget amendment approved at the April 15, 2021, City Council meeting. Staff recommends approval.

Council member Starkey moved to approve the purchase and installation of security fencing and gates for the Police Department from Nexlar Security in an amount not to exceed \$76,763.00; and authorize the City Manager to sign upon legal review. Seconded by Council member Vela; motion carried on a vote of 7 Ayes.

Consider the Second Amended Agreement with Cline Crossing Partners, LTD. for the construction of a Class “A” apartment development to be located in Cline Crossing at State Highway 6 and Bypass 35; and authorize the Mayor to sign said Agreement upon legal review.

On October 17, 2019, the Developer initially presented this project to Council, indicating the need for variances for this project. On November 7, 2019, Council approved a Chapter 380 Agreement with Cline Crossing Partners, Ltd., to permit the construction of certain improvements necessary for the operation of a Class “A” apartment development, with a variance allowing 24 units in the main building, instead of 10 as allowed by ordinance,

In August 2020, the parties entered into the First Amended Agreement, to allow the developer new commitment dates due to the extended schedule of closing their financing through the U.S. Department of Housing and Urban Development (HUD).

This Second Amended Agreement provides for the following:

- *a new deadline of July 15, 2021 to deliver a certified copy of the recorded deed to the City.*
- *allowing for a variance to the City ordinances to allow for 32 units in the clubhouse building portion of the project instead of the initial 24 requested, thereby increasing the total number of units from 122 to 132); and*
- *allowing for at least 50% of the exterior walls to be brick, stone or masonry (City ordinance requires at least 80%)*

All development requirements of the original 380 Agreement will be met. Staff recommended approval of the Second Amended Agreement.

Suzanne Hanneman, City Attorney presented this information before City Council with explanation. The developer for this property was also in attendance.

City Council member Vela stated that he would like to see this item tabled until the next meeting so that more drawings of this development could be provided to Council.

Council member Vela moved to table this item until the next meeting scheduled for June 3, 2021. Seconded by Council member Garivey; motion carried on a vote of 7 Ayes.

Consider a fifteen (15) year Lease Agreement with BRP Tortolas BESS LLC (“BRP”), with two additional ten (10) year terms, to allow BRP access to their property, and the right of ingress and egress in, upon, on, over, above and under city-owned property, for the initial sum of \$1,500; and authorize the Mayor to sign said Agreement upon legal review.

When the City constructed the sidewalk along 760 Heights Road in 1989, the City purchased the 8-foot wide strip of property, instead of platting it as a right-of-way or easement. BRP Tortolas BESS LLC, (“BRP”) a utility-scale independent power producer based in Houston, owns a five-gigawatt portfolio of utility scale solar and energy storage power projects in Montana, California, Wyoming, Utah and Texas.

This Lease Agreement will allow BRP to cross the City-owned property to access their site, and the right of ingress and egress in, upon, on, over, above and under the property. The Lease Agreement has an initial term of fifteen (15) years, with two (2) optional additional extended ten (10) year terms. BRP has agreed to pay the City a flat fee of \$1,500 for the initial term of the Lease Agreement, and an additional \$1,000 for each extended term, if applicable. Staff recommended approval of the Lease Agreement.

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

Council member Castro moved to approve a fifteen (15) year Lease Agreement with BRP Tortolas BESS LLC, with two additional ten (10) year terms, to allow BRP access to their property, and the right of ingress and egress in, upon, on, over, above and under the City-owned property, for the initial sum of \$1,500, and authorize the Mayor to sign upon legal review. Seconded by Council member Vela; motion carried on a vote of 7 Ayes.

Consider Ordinance 21-L, amending Chapter 15, Offenses and Miscellaneous Provisions of the Code of Ordinances, City of Alvin, Texas for the purpose of adding a new Article X, entitled *Camping and Storage of Personal Items on Public Property*, to the City of Alvin Code of Ordinances; regulating camping or storage of personal items on public property; providing for a penalty and publication; and setting forth other provisions related thereto.

The City of Alvin manages public land and facilities to ensure all residents and visitors have the opportunity to use public land and facilities for their intended purposes. Camping and the storage of personal items on public property quite often interferes with public access to public land and facilities; interferes with the ability of the public to use the public land and facilities for their intended purposes; interferes with pedestrian and vehicle traffic, and/or may lead to public disturbances and litter. Ordinance 21-L would regulate the camping and storage of personal items on public property, with the exception of city permitted activities, city sponsored events, or city officials, employees, or agents acting in their official capacities.

Mayor Horn asked for those who filed with the City Secretary to speak on this item before City Council to come forward. Kathleen Sommers, Sierra Brown, and John Gray (Extra Good Citizen), all made public comments in opposition to Ordinance 21-L.

Intense discussion was had between members of City Council and Mr. Gray as to the need and reasoning for this ordinance. Discussion continued along with Mr. Gray's continued banter and distracting videoing of the meeting.

Council member Castro moved to approve Ordinance 21-L, amending Chapter 15, Offenses and Miscellaneous Provisions" of the Code of Ordinances, City of Alvin, Texas for the purpose of adding a new Article X, entitled *Camping and Storage of Personal Items on Public Property*, to the City of Alvin Code of Ordinances; regulating camping or storage of personal items on public items; providing for a penalty and publication; and setting forth other provisions related thereto. Seconded by Council member Starkey; motion carried on a vote of 7 Ayes.

Consider an addendum to the existing bond counsel engagement letter with Bracewell LLP for the purpose of expanding the scope of service to include advising and counseling regarding development matters; and authorize the Mayor to sign the agreement.

Bracewell LLP has served as the city's bond counsel since 2012. The proposed addendum to the existing bond counsel engagement letter will broaden the scope of services Bracewell LLP provides to the City to include advising and counseling regarding development matters as it relates to special districts. As the City is embarking upon growth and development, it is recommended that we engage professionals who specialize in development matters.

Bracewell's proposed additional scope of service encompasses:

- *Assisting the City in evaluation of development tools*
- *Drafting and reviewing development agreements with developers of land within the city limits and the extraterritorial jurisdiction ("ETJ")*
- *Creation and negotiation of Public Improvement Districts and the associated development agreements.*

Council member Vela moved to approve an addendum to the existing bond counsel engagement letter with Bracewell LLP for the purpose of expanding the scope of service to include advising and counseling regarding development matters; and authorize the Mayor to sign the agreement. Seconded by Council member Starkey; motion carried on a vote of 7 Ayes.

Consider possible appointments to the Planning Commission.

With the resignation of Mr. Garivey and Mr. Moore, there will be five (5) members on the Planning Commission. The Charter states that the Commission shall consist of not less than five (5) nor more than eleven (11) members. Current members on the Commission are Ashely Davis, Abrin Brooks, Santos Garza, Chris Hartman, and Randall Reed. Per the City Charter, the Planning Commission shall have at least five (5) members, with no more than eleven (11) members. City Council may appoint additional members to the Commission or may leave the Commission with the current five (5) members. Ms. Segovia has stated that the Commission works at its best with seven (7) members. With a seven (7) member board, a quorum must consist of four (4) members. Seven (7) members plus staff fit comfortably in the conference room at the Public Services Facility (PSF), where meetings are held.

Applications from Board and Commission Applicants are kept on file for one (1) year. I have included a spreadsheet of information from applicants who were not appointed to a board or commission during the December 2020 appointments. All those included in this spreadsheet have been contacted and have indicated that they would like to have their name submitted to City Council for consideration for an appointment to this Commission. Also, Mr. Roger Stuksa, and Mr. John Burkey (both members on the Senior Citizens Board) submitted a separate application for possible consideration of appointment to the Commission.

Council member Vela moved to appoint Scott Loy and John Burkey to the Planning Commission. Seconded by Council member Garivey; motion carried on a vote of 7 Ayes.

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 May 20, 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.

Council member Vela expressed sincere appreciation to outgoing Council members Thompson, Richards and Arendell, and welcomed newly elected Council members Moore, Garivey and Vaughn.

Council member Arendell thanked everyone who attended the recent Coffee with cops at the Alvin Senior Center.

Council member Castro congratulated the newly elected Council members and thanked the outgoing members for their many years of dedicated service.

Council member Adame also congratulated the newly elected Council members and thanked all the outgoing members for their years of service.

Council member Starkey welcomed all of the newly elected Council members and thanked all the outgoing members for their years of service.

Mayor Horn also welcomed all of the newly elected Council members and thanked all the outgoing members for their years of service.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:31 p.m.

PASSED and APPROVED the 3rd day of June 2021.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary