

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY SEPTEMBER 1, 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; Councilmembers: Martin Vela, 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, Director of Administrative Services; Dan Kelinske, Parks and Recreation Director; Michelle Segovia, City Engineer; Brandon Moody, Director of Public Services, Karen Edwards, Director of Human Resources; Ron Schmitz, Emergency Management Coordinator and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Noel with Love Fellowship gave the invocation. Council member Garivey led the Pledge of Allegiance to the American Flag. Council member Vaughn led the Pledge to the Texas Flag.

PUBLIC HEARING

Public hearing to receive comment on the proposed tax rate of \$0.71000 per \$100 of valuation for the Fiscal Year 2022-2023 (2022 tax year), which is a tax increase of 7.95% above the No New Revenue Rate for the City of Alvin Fiscal Year 2022-2023.

The City's proposed tax rate (\$0.71000) per \$100 of assessed value 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 hold one (1) public hearing on the proposed tax rate. City Council will consider adopting the final tax rate under a separate agenda item scheduled for September 1, 2022.

Mayor Horn opened the public hearing at 7:03 p.m. There were no comments made. Mayor Horn closed the public hearing at 7:03 p.m.

Public hearing to receive comment on the readoption of the Economic Development Policy for the City of Alvin, including criteria and guidelines governing tax abatements, tax increment reinvestment zones and additional economic incentives within the City.

The Texas Tax Code, Chapter 312.002(c), states that a policy establishing tax abatement guidelines and criteria must be adopted by the governing body at least every two (2) years. Said policy must be in effect before the governing body may enter into tax abatement agreements. A public hearing is required before the readoption or amendments can be considered. This policy is used by staff as a guideline to work with development projects.

The recommended changes to the current policy adopted in 2020 are to remove the downtown area from the policy, therefore creating a less restrictive policy, promoting developments in ALL areas of the City including the downtown area. The Alvin Downtown Business Incentive Program speaks directly to the revitalization of the downtown area. Abatements will be considered on a case-by-case basis.

The public hearing notice was published in the Alvin Sun and notice was placed on the City's website as required by law. The proposed policy was also published on the city website for public review. The adoption of this policy in the form of a resolution is a separate agenda item and will be considered at a later point during this meeting.

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

PRESENTATION

Mayor Horn proclaimed Thursday, September 1, 2022, as INEOS Appreciation Day and presented the proclamation to the representatives of INEOS for their contributions to the Alvin Senior Center Landscaping Project.

PUBLIC COMMENT

Chief Lee presented comments recognizing Officer Joshua Locke for his efforts going above and beyond the call of duty. Officer Locke delivered a resident's food order to their home because their Door Dash driver had been arrested.

Pastor's Darrell Bailey and Chad Bertrand presented comments regarding Worship in the Park event scheduled for September 2nd, 2022 at Briscoe Park starting at 6:00 p.m. This event is a product of the group Together for Alvin. The pastors stated that the City Manager, Junru Roland, and his wife will be performing at the event.

John Burkey presented comments on Senior Center upcoming activities.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Consider approval of the August 4, 2022, City Council workshop meeting minutes.

Consider approval of the August 9, 2022, City Council workshop meeting minutes

Consider approval of the August 18, 2022, City Council meeting minutes.

Acknowledge receipt of the Quarterly Financial Report ending June 30, 2022.

The City Charter requires the Director of Administrative Services to report on the financial condition of the City. Included in the June 30, 2022, report is the following:

- *General Fund Summaries*
- *Sales Tax Revenues*
- *Utility Fund Revenue & Expense Comparison*
- *Sanitation Fund Revenue & Expense Comparison*
- *EMS Fund Revenue & Expense Comparison*
- *Operating Revenues & Expenditures – Budget vs. Actual (General, Utility, Sanitation, EMS)*
- *Cash & Investment Summary*
- *Major Funds Recap – General, Hotel, Utility, Sanitation, EMS, Sales Tax, Fleet)*

Consider an Interlocal Agreement with Brazoria County for the Fiscal Year 2022-2023 Asphalt Improvement Project; and authorize the Mayor to sign upon legal review.

The proposed Interlocal Agreement between the City and the County provides the mechanisms for the County to provide the City of Alvin with equipment and personnel to assist in the construction, improvement, maintenance, and/or repair of up to two (2) miles of asphalt streets in various locations within the city limits of Alvin. The City of Alvin entered this partnership with Brazoria County in 1991 and has continued to use the program since that time.

This program provides for low-cost paving and rehabilitation of asphalt streets and has improved over 34 miles of asphalt streets since the start in 1991.

City Engineering staff and Public Services staff have identified the City of Alvin Wastewater Treatment Plant (WWTP) road as an asphalt project to be completed with this interlocal, as the County only performs driving surface asphalt overlays. This roadway isn't considered a residential roadway, but is city property, as it provides ingress and egress into the WWTP.

An overlay is generally referred to as the act of laying a new driving surface atop the existing driving surface. However, overtime this process in effect can add as much as two or three inches to the driving surface, which in cases can have an impact or perceived impact on drainage system performance. As a result, staff feels that it is not best to overlay residential city streets until the drainage impacts can be reviewed and drainage impact completed. However, staff has talked with Brazoria County personnel and all parties involved feel that the WWTP roadway identified for overlay is a feasible project under said interlocal agreement.

This agreement has already been approved and signed by the Brazoria County Judge, L.M. "Matt" Sebesta.

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

OTHER BUSINESS

Consider Ordinance 22-UU, granting consent to the addition of approximately 25.679 acres of land to Brazoria County Municipal Utility District No. 73; making findings of fact; providing a severability clause; and providing an effective date.

On January 18, 2018, the City consented to the creation of Brazoria County Municipal Utility District No. 73 (the "District") by Ordinance No. 18-E. The District was created by an order of the Texas Commission on Environmental Quality on August 6, 2018 and operates pursuant to Chapters 49 and 54 of the Texas Water Code.

On August 10, 2022, the City of Alvin, Texas received a Petition for Consent to Include Additional Land from the District and Alvin Fairway Lakes, LLC, to include approximately 25.679 acres into the District. Section 54.016 of the Texas Water Code provides that no land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included within a municipal utility district unless such city grants its written consent to the inclusion of the land within the district. Staff recommends approval of Ordinance 22-UU.

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

Council member Castro moved to approve Ordinance 22-UU, granting consent to the addition of approximately 25.679 acres of land to the Brazoria County Municipal Utility District No. 73; making findings of fact; providing a severability clause; and providing an effective date. Seconded by Council member Starkey; motion carried with all members present voting Aye.

Consider Resolution 22-R-23, confirming and ratifying the Fourth Amendment to the Utility Services Contract between the City of Alvin, Texas, and Brazoria County Municipal Utility District No. 73 (the "District"); and authorize the Mayor to sign the amended Contract upon legal review.

The City and Rooted Development Group, LLC ("RDG"), on behalf of itself and the Brazoria County Municipal District No. 73 (the "District"), entered into a Utility Services Contract dated September 21, 2017 (the "Original Agreement"), providing for water and sanitary sewer service for approximately 69.728 acres of land situated within the boundaries of the City and the District (the "Original Tract").

On August 16, 2018, RDG assigned all of its rights, benefits and obligations in and to the Original Agreement to the District, all as contemplated by and in accordance with Section 5.8 of the Original Agreement.

On June 6, 2019, in Ordinance 19-O, the City approved the addition of approximately 18.65 acres of land into the District (the "MC Detention Pond No. 1"), thereby conferring ownership and maintenance of the detention pond currently located thereon.

On June 6, 2019, in Ordinance 19-P, the City approved the addition of approximately 55.90 acres of land into the District (the "Stanton Tract").

On February 20, 2020, in Ordinance 20-F, the City approved the addition of approximately 9.99 acres of land into the District (the "Planka Tract").

On May 7, 2020, in Ordinance 20-O, the City approved the addition of approximately 35.354 acres of land into the District.

On September 1, 2022, in Ordinance 22-UU the City approved the addition of approximately 25.679 acres of land into the District (Alvin Fairway Lakes).

The District is requesting a Fourth Amendment to the Utility Services Contract to amend certain provisions of the Original Agreement in connection with the proposed addition of the 25.679 acres to the District.

Staff recommends approval of Resolution 22-R-23.

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

Council member Garivey moved to approve Resolution 22-R-23, confirming and ratifying the Fourth Amendment to the Utility Services Contract between the City of Alvin, Texas, and Brazoria County Municipal Utility District No. 73 (the "District"), and authorize the Mayor to sign the amended Contract upon legal review. Seconded by Council member Vaughn; motion carried with all members present voting Aye.

Consider Ordinance 22-VV, amending Chapter 24, Traffic, of the Code of Ordinances, City of Alvin, Texas, for the purpose of designating the prima facie speed limit of 20 miles per hour within the Fairway Lake Subdivision; authorizing and directing the placement and installation of speed control signage; providing for a penalty and publication; and setting forth other provisions related thereto.

In August 2022, a request was received by the Engineering Department and the City Council to consider lowering the speed limit in the 50 lot Fairway Lake Subdivision that is located along Nelson Road. The current posted speed limit within the subdivision, which consists of one "horseshoe" shaped street, is 30 miles per hour (MPH). Ordinance 22-VV will establish a posted speed limit of 20 MPH within the entire Fairway Lake Subdivision; authorize Staff to install the appropriate signage and provide for the enforcement of the designated speed limit. Lowering the speed limit from 30 MPH to 20 MPH will make Fairway Lake Subdivision consistent with other subdivisions within the city that are of similar size and configuration.

Staff recommends approval of Ordinance 22-VV.

Michelle Segovia, City Engineer, presented this item before Council with explanation. Chief Lee commented that "Slow Children at Play" signs will be installed along with the speed limit sign.

Council member Starkey moved to approve Ordinance 22-VV, amending Chapter 24, Traffic, of the Code of Ordinances, City of Alvin, Texas, for the purpose of designating the prima facie speed limit of 20 miles per hour within the Fairway Lake Subdivision; authorizing and directing the placement and installation of speed control signage; providing for a penalty and publication;

and setting forth other provisions related thereto. Seconded by Council member Vaughn; motion carried with all members present voting Aye, and Council member Garivey voting No.

Consider Resolution 22-R-21, appointing the City Planning Commission to serve as the City’s Impact Fee Advisory Committee for the 2022 Impact Fee Update.

In accordance with Chapter 395 of the Texas Local Government Code, the City is required to update its impact fee study and associated Impact Fee Capital Improvement Plan every five years. The City’s most recent update was completed in 2018, and the Planning Commission was appointed as the Impact Fee Advisory Committee. In order to perform the update, an Impact Fee Advisory Committee must be formed and ultimately make recommendations to City Council with regard to the update. Section 395.058 (b) of the Texas Local Government Code gives the governing body of a municipality (City Council) the authority to appoint the City’s Planning Commission to serve as the Impact Fee Advisory Committee. The only stipulation is that there is required to be at least one person on the Committee that is a representative of the real estate, development, or building industry and who is not an employee of a political subdivision or government entity.

The current City Planning Commission has a member that is a realtor, making the Commission eligible, under the Code, to serve as the Impact Fee Advisory Committee. The current schedule has the Impact Fee Advisory Committee bringing a recommendation to City Council regarding impact fees in December 2022.

Current Planning Commission members are: Abrin Brooks, John Burkey, Ashley Davis, Santos Garza, Scott Loy, Roger Stuksa, and Samuel Washington.

Staff recommends approval of Resolution 22-R-21

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

Council member Castro moved to approve Resolution 22-R-21, appointing the City of Alvin Planning Commission to serve as the City’s Impact Fee Advisory Committee for the 2022 Impact Fee Update. Seconded by Council member Vela; motion carried with all members present voting Aye.

Consider Ordinance 22-RR, amending Chapter 28, Comprehensive Fee Ordinance of the Code of Ordinances, of the City of Alvin, Texas 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 2022 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. For FY23, the CPI-U percentage has increased by 8.5% over the previous year, which would require the city to increase solid waste rates for commercial and residential customers at minimum of 8.5%.

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 FY23, the CPI-U has increased by 8.5%. Due to the contractual CPI-U increase in costs from our Sanitation Waste provider, staff is recommending that City Council approve and consider the following solid waste rates for both residential and commercial businesses.

Type	FY21	FY22	FY23	Inc(Dec)	Inc%
Residential					
(garbage monthly charge)	\$10.20	\$10.20	\$11.07	+\$0.87	
Residential (bulky trash)	\$ 1.30	\$1.30	\$1.41	+\$0.11	
Residential Total	\$11.50	\$11.50	\$12.48	+\$0.99	8.5%

Commercial +8.5%

Should City Council elect to apply the CPI-U adjustment of 8.5%, then both residential and commercial rates will reflect an increase effective October 2022 billing cycles. Staff recommends approval of Ordinance 22-RR using the proposed rates.

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

Council member Vela moved to approve Ordinance 22-RR, 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 2022 billing cycles; and setting forth other provisions related thereto. Seconded by Council member Starkey; motion carried with all members present voting Aye.

Consider authorizing the expenditure of funds received from Brazoria County’s American Rescue Plan Act (ARPA) for the purchase of various emergency medical equipment and supplies from Stryker Medical through the sole-source purchasing method in an amount not to exceed \$94,376.13.

The ARPA is a \$1.9 trillion economic stimulus bill passed by the 117th United States Congress and signed into law on March 11, 2021. Brazoria County, along with most other cities and counties, received funding from ARPA. In January 2022, Brazoria County offered all Emergency Medical Services (EMS) within the county to apply for funding for medical equipment and/or supplies that would be funded by the County’s ARPA funds. Alvin EMS applied for and received \$94,376.13 for the purchase of the items listed below.

Item Description	Quantity	Price
Powerload and Stretcher Upgrade	1	24,807.97
LUCAS Mechanical CPR Device	1	22,429.57
EKG Monitor/Defibrillator	1	32,344.48
Stair Chair	1	3,641.87
Mcgrath Video Laryngoscope	4	11,152.24
Total		\$94,376.13

The governing body is asked to acknowledge and authorize the expenditure of the use of ARPA funds received from Brazoria County.

Ron Schmitz, Emergency Management Coordinator, presented this item before City Council with explanation.

Council member Vela moved to authorize the expenditure of funds received from Brazoria County’s American Rescue Plan Act (ARPA) for the purchase of various emergency medical equipment and supplies from Stryker Medical through the sole-source purchasing method in an amount not to exceed \$94,376.13. Seconded by Council member Starkey; motion carried with all members present voting Aye.

Consider Ordinance 22-SS, adopting the annual budget for the City of Alvin, Texas, for Fiscal Year 2022-2023; directing the City Secretary to post a copy of the budget on the City of Alvin website; and setting forth other provisions related thereto.

On July 7, 2022, the City Manager presented the FY2023 proposed budget to City Council. Subsequently, two (2) budget workshops were held on August 4, 2022, and August 9, 2022, whereby City Council and staff reviewed the proposed budget.

State law and the City’s Charter require that the City enact an annual budget. The City Charter requires that an ordinance to establish appropriation must be approved by a favorable vote of a majority of the members of the City Council.

Junru Roland, City Manager, presented this item before City Council with explanation.

Council member Starkey moved to approve Ordinance 22-SS, adopting the budget for the City of Alvin, Texas, for Fiscal Year 2022-2023; directing the City Secretary to post a copy of the budget on the City of Alvin website; and setting forth other provisions related thereto. Seconded by Council member Garivey; motion carried with all members present voting Aye and Council member Castro voting No.

Consider Ordinance 22-TT, adopting the proposed tax rate of \$0.7100 (per \$100 of taxable assessed value), which is 7.28 percent greater than the No New Revenue tax rate for the City of Alvin Fiscal Year 2022-2023.

A taxing unit may not impose property taxes an any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget.

For a taxing unit, other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order.

According to the Texas Tax Code 26.05(b), a motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no new revenue tax rate must be made in the following form: “I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent increase in the tax rate.”

For Tax Year 2022, staff is proposing that City Council adopt a tax rate of \$0.710000 per \$100 of taxable assessed value, which is 7.28% above the 2022 No New Revenue tax rate of \$0.661812.

Tax Year	2014	2015	2016	2017	2018	2019	2020	2021	2022
Tax Rate	\$0.8386	\$0.8386	\$0.7980	\$0.7880	\$0.7880	\$0.7780	\$0.7680	\$0.7680	\$0.7100

Junru Roland, City Manager, presented this item before Council with explanation. Lengthy discussion was had on how not adopting this proposed tax rate will affect various factors within the FY23 budget as approved this evening.

Council member Garivey moved that the property tax rate be increased by the adoption of a tax rate of \$0.7100 per \$100 of taxable assessed value, which is 7.28 percent greater than the No New Revenue tax rate, as described in Ordinance 22-TT. Seconded by Council member Vela; motion carried with all members present voting Aye.

Consider Resolution 22-R-22, adopting the Economic Development Policy for the City of Alvin; including criteria and guidelines governing tax abatements, tax increment reinvestment zones and additional economic incentives within the City of Alvin; and setting forth related matters thereto.

During the meeting Mayor Horn moved this item before the Adoption of Annual Budget but it is recorded in its original order on the agenda to maintain the integrity of the outline.

The Texas Tax Code, Chapter 312.002(c), states that a policy establishing tax abatement guidelines and criteria must be adopted by the governing body at least every two (2) years. Said policy must be in effect before the governing body may enter into tax abatement agreements. This policy is used by staff as a guideline to work with development projects. A City Council workshop was held on June 22, 2022, to review current economic development practices. At said meeting this policy was briefly reviewed and staff stated that the policy would be brought forth at a future meeting for consideration. A public hearing is required before the re adoption or amendments can be considered. On August 18, 2022, City Council called a public hearing for September 1, 2022, at 7:00 p.m. All notices were published as required by law, and a copy of the proposed changes were posted to the city's website.

The recommended changes to the current policy adopted in 2020 are to remove the downtown area from the policy, therefore creating a less restrictive policy, promoting developments in all areas of the City including the downtown area. The Alvin Downtown Business Incentive Program speaks directly to the revitalization of the downtown area. These proposed changes give more flexibility to the policy as abatements will be considered on a case-by-case basis. Staff recommends approval of Resolution 22-R-22.

Josh Dearing, Economic Development Coordinator, presented this item before Council with explanation.

Council member Vela moved to approve Resolution 22-R-22, adopting the Economic Development Policy for the City of Alvin; including criteria and guidelines governing tax abatement, tax increment reinvestment zones and additional economic incentives within the City; and setting forth related matters thereto. Seconded by Council member Castro; motion carried with all members present 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.

No items were requested.

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 September 15, 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.

No items were presented.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:06 p.m.

PASSED and APPROVED the 15th day of September 2022.

ATTEST:

Paul A. Horn, Mayor

Dixie Roberts, City Secretary