

**MINUTES  
CITY OF ALVIN, TEXAS  
216 W. SEALY STREET  
CITY COUNCIL  
REGULAR MEETING  
THURSDAY, JUNE 1, 2017  
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 Session at 7:00 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn, Mayor Pro-Tem Brad Richards; Council members: Gabe Adame, Adam Arendell, Chris Sanger, Glenn Starkey, and Keith Thompson.

Staff members present: Sereniah Breland, City Manager; Suzanne Hanneman, Interim City Attorney; Junru Roland, Assistant City Manager/CFO; Grace Cruzen, Deputy City Secretary; Michelle Segovia, City Engineer; Larry Buehler, Economic Development Director; Robert E. Lee, Police Chief.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Darren Shelton, gave the invocation.

Council member Sanger led the Pledge of Allegiance to the American Flag.

Council member Thompson led the Pledge to the Texas Flag.

**PUBLIC COMMENT**

Ms. Madonna Ballard, commended the Street Department employees who did repair work in front of her shop on Sealy Street.

Mr. Bunky Jordan, spoke in opposition to the proposed water and wastewater fees.

**CONSENT AGENDA**

- A. Approve minutes of the May 8, 2017 City Council workshop meeting.
- B. Approve minutes of the May 8, 2017 City Council regular meeting.
- C. Consider a master preliminary plat of Huntington Place, (located in the City of Alvin's ETJ at the northeast corner of the FM 521 and Juliff-Manvel Road intersection) being a subdivision of 231.520 acres of land situated in the William Pettus League Survey, Abstract 68, Fort Bend County, Texas, being out of and part of lots 1-9, 39, 40 and 41, Emigration Land Company, a subdivision recorded in volume 618, page 725, deed records of Fort Bend County, Texas.

*On May 1, 2017, the Engineering Department received the Master Preliminary Plat of Huntington Place for review. This subdivision is in the City of Alvin's Extraterritorial Jurisdiction (ETJ) located at the northeast corner of FM 521 and Juliff-Manvel Road intersection. This Preliminary Plat consists of 878 lots, 30 reserves and 18 blocks. This plat complies with all requirements of the City's Subdivision Ordinance.*

*Master Preliminary Plats of Huntington Place were originally approved by the City in 2007 and 2010, but have since expired since they are only valid for a period of five years.*

*The City Planning Commission unanimously approved the plat at their meeting on May 16, 2017. Staff recommends approval.*

D. Consider a master preliminary plat of Martha's Vineyard, (located northwest of the Highway 6 and CR 146 intersection), being a planned unit development of 103.0684 acres of land in the City of Alvin Extra Territorial Jurisdiction (ETJ).

*On May 1, 2017, the Engineering Department received the master preliminary plat of Martha's Vineyard for review. The property is located northwest of the Highway 6 and CR 146 intersection in the City of Alvin Extraterritorial Jurisdiction (ETJ) and is being subdivided for a new single family residential planned unit development subdivision containing 315 lots and 19 reserves. The Developer plans to construct the subdivision in three sections. The subdivision 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. This plat complies with all requirements of the City's Subdivision Ordinance.*

*The Planning Commission unanimously approved the plat at their meeting on May 16, 2017. Staff recommends approval.*

E. Consider a final plat of Martha's Vineyard Section 1, being a planned unit development of 50.5998 acres (located northwest of the Highway 6 and CR 146 intersection), a partial replat of lots 1, 2 and 8, 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 no. 230, City of Alvin, Brazoria County, Texas.

*On May 1, 2017, the Engineering Department received the final plat of Martha's Vineyard Section 1 for review. This section consists of one hundred forty-three (143) single-family residential lots, eight (8) blocks and eight (8) reserves, 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 May 16, 2017. Staff recommends approval.*

F. Consider the appointment of James Muhl as a reserve officer for the Alvin Police Department.

*In April 2017, James Muhl, a 12-year veteran officer, left the Alvin Police Department to pursue a non-law enforcement career. During his tenure Officer Muhl proved himself a capable and hardworking individual who amassed a significant number of in-service training hours during his tenure. Upon his resignation, he expressed his desire to continue to serve the City of Alvin and Alvin Police Department as a reserve officer. Prior to his being appointed to serve in a reserve capacity City Ordinance Sec. 15-53. - Appointment, approval and removal of members, states that "no person appointed to the police reserve force may carry a weapon or otherwise act as a peace officer until he/she has been approved by city council."*

*As a reserve officer for Alvin Police Department Muhl would be subject to the same training standards and regulations as a full-time officer. In addition, he would be required to complete a minimum number of hours yearly in order to remain a reserve officer. Staff recommends the appointment of former Alvin Police Department Officer James Muhl as a reserve Alvin Police Department Officer.*

Council member Arendell requested to remove items A, B, from the consent agenda. Council Member Sanger requested to remove items D, and E from the consent agenda. Council member Starkey requested to remove item F from the consent agenda.

Council member Arendell moved to approve the consent agenda excluding items A, B, D, E and F. Seconded by Council member Adame; motion to approve carried on a vote of 6 Ayes.

**OTHER BUSINESS**

Approve minutes of the May 8, 2017 City Council Workshop Meeting.

Council member Adame moved to correct the date posted on the agenda and approve the minutes of the May 18, 2017 City Council Workshop. Seconded by Council member Sanger; motion carried on a vote of 6 Ayes.

Approve minutes of the May 8, 2017 City Council Regular Meeting.

Council member Arendell pointed out that the vote on item 11 of the May 8<sup>th</sup> minutes should be 5 Ayes and 1 No by Council member Sanger. He was not present when the voting occurred.

Council member Arendell moved to approve the minutes of the May 18, 2017 regular meeting as amended and correcting the date that was stated on the agenda. Seconded by Council member Thompson; motion carried on a vote of 6 Ayes.

Consider a master preliminary plat of Martha's Vineyard, (located northwest of the Highway 6 and CR 146 intersection), being a planned unit development of 103.0684 acres of land in the City of Alvin Extra Territorial Jurisdiction (ETJ).

*This item was removed from the consent agenda by Council member Sanger.*

Council member Adame moved to approve a master preliminary plat of Martha's Vineyard, (located northwest of the Highway 6 and CR 146 intersection), being a planned unit development of 103.0684 acres of land in the City of Alvin Extra Territorial Jurisdiction (ETJ). Seconded by Council member Arendell; motion carried on a vote of 6 Ayes.

Consider a final plat of Martha's Vineyard Section 1, being a planned unit development of 50.5998 acres (located northwest of the Highway 6 and CR 146 intersection), a partial replat of lots 1, 2 and 8, 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 no. 230, City of Alvin, Brazoria County, Texas.

*This item was removed from the consent agenda by Council member Sanger.*

Council member Starkey moved to approve a final plat of Martha's Vineyard Section 1, being a planned unit development of 50.5998 acres (located northwest of the Highway 6 and CR 146 intersection), a partial replat of lots 1, 2 and 8, 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 no. 230, City of Alvin, Brazoria County, Texas. Seconded by Council member Sanger; motion carried on a vote of 6 Ayes.

Consider the appointment of James Muhl as a reserve officer for the Alvin Police Department.

*This item was removed from the consent agenda by Council member Starkey.*

Council member Starkey asked for the reasoning Council must approve the appointments of reserve officers. Chief Lee explained that it was a requirement of a state statute and city ordinance.

Following discussion, Council member Adame moved to approve the appointment of James Muhl as a reserve officer for the Alvin Police Department. Seconded by Council member Starkey; motion carried on a vote of 6 Ayes.

Consider Resolution 17-R-16, authorizing a developer agreement with Don Barras Development, LLC toward the construction of the St. James Senior Residential Development.

*Don Barras Development, LLC (the "Company"), 1300 Plantation, Alvin, Texas 77511, intends to construct a senior residential development and a commercial development (the "Improvements"), in the extra territorial jurisdiction (ETJ) of the City of Alvin and be annexed into the City of Alvin, located along the proposed FM 528 Extension between Business 35 and State Highway 6. The Company expects the senior residential development will provide twelve (12) buildings, housing 120 single-story units with parking, and will be age-restricted for one resident to be at least 55 years of age, and no residents shall be under 50 years of age. The Company agrees that it will submit a letter requesting annexation contemporaneously with the execution of this Agreement, and such annexation will be acted upon by the City upon completion of the senior residential development. Additional elements of the agreement are:*

- There will be 12 buildings with 10 units per building.
- The buildings will be single story with 2 parking spots per unit.
- The Company will construct all infrastructure to connect to City utilities (water and sewer).
- The Company will construct the portion of the FM 528 extension from Heights Road to the driveway for the apartments.
- The Company will present a marketing plan for the commercial tract, as described in Exhibit "B" to this agreement, within 6 months of the completion of the 120 senior residential apartments, and the site will be developed as the market warrants.
- The Company will submit a letter requesting voluntary annexation.
- All construction will be permitted through the City of Alvin.
- All other portions of the ordinance will be followed by the Company /owner.
- The agreement will be active until the senior residential apartments the commercial development and all construction associated with it is complete.
- The City will annex the property upon completion of the senior residential apartments and all associated construction.
- The City will allow the senior residential apartments to be constructed on the 12.25-acre site in the City of Alvin extra territorial jurisdiction (ETJ).
- The City will allow for the secondary roadway to be limestone and only used for emergency services, until the commercial development triggers street construction per the city ordinances and building codes.
- All other portions of the city ordinances will be followed by the developer.

Council member Adame moved to approve Resolution 17-R-16, authorizing a developer agreement with Don Barras Development, LLC toward the construction of the St. James Senior Residential Development. Seconded by Council member Sanger; motion carried on a vote of 6 Ayes.

Consider Ordinance 17-J, of the City of Alvin amending Chapter 28, Comprehensive Fee Ordinance of the Code of Ordinances, for the purpose of revising certain water and wastewater fees for residential and commercial customers; and adopting a five-year schedule of water and wastewater rates, providing for a ten percent (10%) penalty for late payment; providing for an effective date of October billing cycles for the following years: 2017, 2018, 2019, 2020, and 2021; and setting forth other provisions related thereto.

*The City's Comprehensive Master Plan encourages the City to evaluate its Capital Improvement Program to ensure that utility extensions and capacity improvement projects are consistent with the defined growth area. In doing so, in February 2014, the City engaged the services of Freese and Nichols to draft a Utility Master Plan (UMP). The Utility Master Plan was completed in April 2016, and identified approximately \$92M in utility projects to be completed over the next 20 years. These improvements are necessary to provide for future growth, replace aging infrastructure, improve efficiency, and keep the City in compliance with TCEQ regulations.*

*In May 2016, the City engaged Freese & Nichols to perform a water & wastewater (w/water) rate study to develop a multi-year plan of rate increases that would provide sufficient revenue to implement the first five years of capital improvements identified in the Utility Master Plan. The total projected cost of projects for the first 5 years is approximately \$42M. The projects identified for the first 5 years are needed to address the existing water/wastewater system problems and needed to serve anticipated growth within the next 5 years that the existing system does not have the capacity to currently serve.*

*In February 2017, the City held a city council workshop in which Freese and Nichols presented the results of the water & wastewater rate study. The study identified the need to increase water & wastewater rates to implement the projects identified in the UMP.*

*The city ordinance requires that water and wastewater rates be increased, at minimum based on the annual consumer price index for all urban consumers (CPI-U) for the Houston-Galveston-Brazoria area; and allows the consideration of other factors to determine if additional increase in water and wastewater rates is warranted. The CPI-U has increased by 2%; however, additional revenue is warranted to implement the projects identified in the first five-year of the UMP. The City is proposing the following percentage increases in water and wastewater rates for fiscal years 2018 through 2022:*

Fiscal Year	Proposed % Increase	Potential Increase to the Average Monthly Water & Wastewater Residential Rates
FY18 (Effective October 2017)	13%	\$6.08

FY19 (Effective October 2018)	17%	\$8.99
FY20 (Effective October 2019)	20%	\$12.38
FY21 (Effective October 2020)	6%	\$4.46
FY22 (Effective October 2021)	6%	\$4.72

The proposed water and wastewater rate proposals for the next five years are as follows:

WATER RATES	Current	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
Base up to 2,000 Gallons						
Residential	\$11.46	\$12.95	\$15.15	\$18.18	\$19.27	\$20.43
Commercial	\$12.03	\$13.59	\$15.90	\$19.09	\$20.23	\$21.44
Per 1000 (2001 – 7000)	\$2.93	\$3.31	\$3.87	\$4.65	\$4.93	\$5.22
Per 1,000 (7,001- above)	\$4.47	\$5.05	\$5.91	\$7.09	\$7.52	\$7.97

WASTEWATER RATES	Current	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
Base up to 2,000 Gallons						
Residential	\$17.77	\$20.08	\$23.49	\$28.19	\$29.88	\$31.68
Commercial	\$18.28	\$20.66	\$24.17	\$29.00	\$30.74	\$32.59
Per 1,000 (2,001-above)	\$2.93	\$3.31	\$3.87	\$4.65	\$4.93	\$5.22

The revenue generated from these rate increases will be used to fund the UMP capital improvement program, the water & wastewater operations & maintenance, and the annual P&I on present and future bond issues. Future bond issues will be amortized over a 20-year period, which is the approximate useful life of the capital improvements.

Should council not elect to increase water and wastewater rates, the City will not be able to implement the projects identified in the first five years of the UMP.

Following discussion, Council member Richards moved to table Ordinance 17-J, of the City of Alvin amending Chapter 28, Comprehensive Fee Ordinance of the Code of Ordinances, for the purpose of revising certain water and wastewater fees for residential and commercial customers; and adopting a five-year schedule of water and wastewater rates, providing for a ten percent (10%) penalty for late payment; providing for an effective date of October billing cycles for the following years: 2017, 2018, 2019, 2020, and 2021; and setting forth other provisions related thereto to the next meeting. Seconded by Council member Adame; motion carried on a vote of 5 Ayes and 1 No by Council member Sanger.

Council referred this item to a workshop on June 8 at 6:00 p.m. and for action on June 15, 2017, regular Council meeting.

Consider Resolution 17-R-17, creating the Hotel Occupancy Tax (HOT) Fund Committee; establishing the membership, terms of office and qualifications of the committee; defining the purpose of the committee; and setting forth other provisions related thereto.

The City of Alvin collects Hotel Occupancy Tax (HOT) from hotels, and other lodging facilities. Under state law, revenue from municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry.

On May 18, 2017, staff and council held a special workshop in which council expressed the following guidelines concerning the CVB program:

- 1) The City would maintain direct oversight over the CVB program
- 2) The implementation of an application and post event report

3) *Creation of an "independent" HOT Fund Committee*

*The HOT Fund Committee would include:*

- *A minimum of 3 members representing the interest of the hotel and/or convention industry*
- *Owners/Managers of tourist attractions*
- *Representatives of organizations involved in allowable use categories of the HOT tax code*

*The functions of the HOT Fund committee would be to:*

- 1) *review applications from groups or organizations applying for HOT funds*
- 2) *evaluate whether the event/project fits within the laws of the use for HOT funds as directed by the Texas Tax Code*
- 3) *make initial funding recommendation to the City Council*

*Should City Council not elect to adopt Resolution 17-R-17, establishing an independent HOT Fund Committee, staff will assume the role and responsibilities proposed for the HOT Fund Committee.*

Council member Starkey moved to approve Resolution 17-R-17, creating the Hotel Occupancy Tax (HOT) Fund Committee; establishing the membership maximum of 7 and a minimum of 3 Hotel/Motel personnel, terms of office and qualifications of the committee, Convention Visitor Bureau being present at the meeting and the meetings to be held minimum of once quarterly; defining the purpose of the committee; and setting forth other provisions related thereto. Seconded by Council member Sanger; motion carried on a vote of 6 Ayes.

### **REPORTS FROM CITY MANAGER**

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the June 15, 2017 City Council meeting.

Ms. Cruzen, Deputy City Secretary, reviewed items of community interest.

### **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 congratulated Roger and Jeannette Stuksa on their 55<sup>th</sup> wedding anniversary. He wished Sereniah Breland a happy birthday.

Council member Arendell congratulated Roger and Jeannette Stuksa on their 55<sup>th</sup> wedding anniversary. He requested an itemized bill for outside counsel since January 1, 2017.

Council member Richards congratulated Roger and Jeannette Stuksa on their 55<sup>th</sup> wedding anniversary.

Council member Sanger congratulated Roger and Jeannette Stuksa on their 55<sup>th</sup> wedding anniversary.

Council member Adame congratulated Roger and Jeannette Stuksa on their 55<sup>th</sup> wedding anniversary and recognized Albert Villegas of the Alvin Sun for receiving awards.

Council member Starkey congratulated Roger and Jeannette Stuksa on their 55<sup>th</sup> wedding anniversary and recognized Albert Villegas, of the Alvin Sun for receiving awards.

### **EXECUTIVE SESSION**

Mayor Horn called for an executive session at 8:03 p.m. in accordance to the following:

SECTION 551.071 of the Government Code: Consultation between governmental body and its attorney to seek advice of attorney about pending or contemplated litigation or a settlement offer or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.

SECTION 551.072 of the Government Code: Deliberation regarding the purchase, exchange, lease or value of real property.

**RECONVENE TO OPEN SESSION**

Mayor Horn reconvened the meeting into open session at 9:03 p.m.

Consider authorization of severance payment and/or settlement offer regarding the City Attorney’s employment agreement.

No action was taken.

Consider the potential sale of the Alvin Municipal Shooting Range property.

Council Member moved to approve and authorize the sale of the city owned property commonly described as the proposed site for the Alvin Municipal Shooting Range to authorize the Mayor to execute the documents necessary to effectuate the sale and transfer subject to the appropriate legal description conforming to the plats and subject to legal review. Seconded by Council member Thompson; motion carried on a vote of 4 Ayes and 2 No’s by Council member Adame and Arendell.

**ADJOURNMENT**

Mayor Horn adjourned the meeting at 9:03 p.m.

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

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