

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL
REGULAR MEETING
THURSDAY, SEPTEMBER 21, 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 7:01 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn and Council members: Gabe Adame, Adam Arendell, Scott Reed, Glenn Starkey, and Keith Thompson.

Staff members present: Sereniah Breland, City Manager; Suzanne Hanneman, City Attorney; Junru Roland, Assistant City Manager/CFO; Dixie Roberts, City Secretary; Michelle Segovia, City Engineer; Todd Arendell, Police Captain, and Ron Schmitz, EMS Director/Emergency Management Coordinator.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mary Sanders gave the invocation.

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

Council member Reed led the Pledge to the Texas Flag.

PRESENTATIONS

Hurricane Harvey After Action Review Summary.

Ron Schmitz, Emergency Management Coordinator, provided an update on the after-action review from Hurricane Harvey. He touched on areas that need improvement and announced that a workshop will be held on November 2nd to go in to more details of the identified need improvement areas.

PUBLIC COMMENT

Tom Stansel, thanked Council and staff for responding very well to Hurricane Harvey. He also expressed his appreciation to Council for having a contingency fund in place for emergencies.

Jordan Garcia, city employee, addressed the Council to expressed his concern about the compensation the Public Service employees received for working the Harvey storm.

PUBLIC HEARING

Public hearing for the disannexation of approximately 76.519 acres of land, more or less, requested by Kevin C. Ford, Sheri P. Ford, Steve Hawkes, Janice Hawkes, Donald E. Ware, Shirley M. Ware, David D. Sanders, and Maxine D. Sanders, located in Brazoria County, Texas, being that part of the city limits abutting County Road 133 a/k/a Moore Road.

Mayor Horn opened the public hearing at 7:18 p.m.

There were no comments from the public.

Mayor Horn closed the public hearing at 7:18 p.m.

CONSENT AGENDA

- A. Approve minutes of the September 7, 2017 City Council regular meeting.
- B. Consider Resolution 17-R-21, adopting the Fiscal Year 2017-2018 City of Alvin Investment Policy; providing for an effective date, and setting forth other related matters.

Pursuant to 2256.005 of the Texas Public Funds Investment Act (PFIA), the governing body of an investing entity shall review its investment policy and strategies not less than annually. The City's current Investment Policy has been certified by the Government Treasurers' Organization of Texas (GTOT) as meeting the requirements of the Public Funds Investment Act. As a result, for fiscal year 2017-18 staff is not recommending any revisions to the City's current investment policy.

- C. Consider annual windstorm renewal from Victor O. Schinnerer & Company, Inc., in an amount not to exceed \$162,713.25 for the City of Alvin windstorm and hail coverage for FY18, and authorize the City Manager to sign the Proposal Acceptance Form.

Windstorm insurance is property and casualty insurance that specifically covers loss due to damage by high winds: i.e.: hurricane and hail damage. The City's general property and liability insurance provider (Texas Municipal League – Intergovernmental Risk Pool [TMLIRP]) does not provide full windstorm and hail coverage for all city facilities. Currently, TMLIRP only provides windstorm coverage through their Coastal Storm Fund for wind resistive facilities; which include City Hall, the Alvin Museum, and the Wastewater Treatment Building. However, TMLIRP has an arrangement with Victor O. Schinnerer & Company, Inc. (VOSCO), an underwriting manager of professional liability and specialty insurance, to serve as the City's insurance agent in placing windstorm coverage. VOSCO has written the City's windstorm coverage through various companies since 10/01/2000. The current (annual) windstorm policy with VOSCO expires Oct 1, 2017.

VOSCO canvassed the open marketplace and approached 25 different carriers on behalf of the City of Alvin. The City received three quotes, including a quote from Texas Windstorm Insurance Association (TWIA). Each carrier modeled and reviewed multiple layers (i.e.: primary, buffers, and excess) as well as various terms (eg: deductibles, extensions of coverage, etc.) in an attempt to yield the most competitive placement available. The options are as follows:

1. *Option 1 – TWIA*

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|----|-----------------------------|--|
| a. | Total Insurable Value Limit | \$16 million |
| b. | Deductible | \$1% per item or \$1,000 whichever is greater for deductible |
| c. | Premium | \$150,055 |

2. *Option 2 – AmRisc Carriers*

- | | | |
|----|-----------------------------|-------------------------|
| a. | Total Insurable Value Limit | \$21.5 million |
| b. | Deductible | \$10,000 per occurrence |
| c. | Premium | \$123,354 |

3. *Option 3 – AmRisc Carriers*

- | | | |
|----|-----------------------------|-------------------------|
| a. | Total Insurable Value Limit | \$32.9 million |
| b. | Deductible | \$10,000 per occurrence |
| c. | Premium | \$162,713.25 |

Staff and VOSCO recommend Option #3 for the following reasons:

- 1.) *Option 3 provides the lowest property insurance rate per \$100 of total insurable value.*

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|----|------------------|
| 1. | Option 1: \$0.94 |
| 2. | Option 2: \$0.57 |
| 3. | Option 3: \$0.49 |

- 2.) *Options 1 & 2 do not provide coverage for the following City facilities and equipment:*

- | | |
|----|--|
| 1. | Elevated Water Tank – Dyche Lane (insured value \$1.4 million) |
| 2. | Elevated Water Tank – Mustang Rd. (insured value \$1.4 million) |
| 3. | Elevated Water Tank – N. Bypass (insured value \$1.8 million) |
| 4. | WWTP Office/Shelter/Equipment (insured value \$2.7 million) |
| 5. | Various Park Facilities & Playground Equipment (insured value \$1.5 million) |

- 3.) *Competitive Pricing. Of the available markets, neither of the 25 carriers were able to compete with AmRisc's terms and pricing; and offered no formal proposal.*

AmRisc currently writes coverage for several entities in Texas, including but not limited to: Pearland, Manvel, Bay City, Dickinson, Friendswood, Kemah, Lake Jackson, Oyster Creek, Sweeny, Santa Fe, Richwood, and Brazoria.

D. Consider Amendment No. 2 to the Debris Removal Services contract with CrowderGulf, LLC, and authorize the Mayor to sign.

Based upon further review by FEMA representatives of our Debris Removal Services contract with CrowderGulf, LLC, it was determined that additional modifications needed to be made to the existing contract. The Debris Removal Services Contract, along with both the first Amendment and this Amendment #2, should meet the requirements for FEMA reimbursement for debris removal from Hurricane/Tropical Storm Harvey in the City.

This Amendment merely adds additional federal contractual language, and does not impact the existing contractual relationship with CrowderGulf, LLC for debris removal, and has no impact on the current pickup scheduling.

E. Consider a final plat of Lions Park (940 College Drive), being part of tracts 9 and 10, Block J of the H.T. & B.R.R. Company Survey, Section 14, Abstract 449, Brazoria County, Texas, located in the City of Alvin.

On August 1, 2017, the Engineering Department received the final plat of Lions Park for review. The property is located at 940 College Drive and is being platted to consolidate parcels and to define the park boundary. Consolidating the park parcels into one lot with a defined boundary will aid in the design process when there is a need to add structures/amenities to the park. Having a defined boundary will also make describing the park property simpler from a legal perspective. The plat complies with all requirements of the City's Subdivision Ordinance.

The City of Alvin Planning Commission unanimously approved the plat at their meeting on August 15, 2017. Staff recommends approval.

F. Consider a final plat of Morgan Park (1600 W. South Street), being lots 1 and 2 of the Thomas Uzzell Subdivision of the 100-acre tract out of the south portion of Section 14, H.T. & B.R.R. Company Survey, Abstract 449, Brazoria County, Texas, located in the City of Alvin.

On August 1, 2017, the Engineering Department received the final plat of Morgan Park for review. The property is located at 1600 W. South Street and is being platted to consolidate parcels and to define the park boundary. Consolidating the park parcels into one lot with a defined boundary will aid in the design process when there is a need to add structures/amenities to the park. Having a defined boundary will also make describing the park property simpler from a legal perspective. The plat complies with all requirements of the City's Subdivision Ordinance.

The City of Alvin Planning Commission unanimously approved the plat at their meeting on August 15, 2017. Staff recommends approval.

G. Consider a final plat of Pearson Park (2400 Westpark Drive), being a plat of 24.264 acres, being all of lots 7 and 10 of the subdivision of Section 18, Hooper and Wade Survey, Abstract 488, Brazoria County, Texas, located in the City of Alvin.

On August 1, 2017, the Engineering Department received the final plat of Pearson Park for review. The property is located at 2400 Westpark Drive and is being platted to consolidate parcels and to define the park boundary. Consolidating the park parcels into one lot with a defined boundary will aid in the design process when there is a need to add structures/amenities to the park. Having a defined boundary will also make describing the park property simpler from a legal perspective. The plat complies with all requirements of the City's Subdivision Ordinance.

The City of Alvin Planning Commission unanimously approved the plat at their meeting on August 15, 2017.

H. Consider a final plat of Sealy Park (900 W. Sealy Street), being a replat of part of Block H of Easton's Addition to the City of Alvin, according to the plat as recorded in Volume 32, Page 26, Deed Records, Brazoria County, Texas, located in the City of Alvin.

On August 1, 2017, the Engineering Department received the final plat of Sealy Park for review. The property is located at 900 W. Sealy Street and is being platted to consolidate parcels and to define the park boundary. Consolidating the park parcels into one lot with a defined boundary will aid in the design process when there is a need

to add structures/amenities to the park. Having a defined boundary will also make describing the park property simpler from a legal perspective. The plat complies with all requirements of the City’s Subdivision Ordinance.

The City of Alvin Planning Commission unanimously approved the plat at their meeting on August 15, 2017.

Council member Adame moved to approve the consent agenda as presented. Seconded by Council member Arendell; motion carried on a vote of 5 Ayes.

OTHER BUSINESS:

Consider Ordinance 17-R, adopting the budget for the City of Alvin, Texas, for Fiscal Year 2017-2018; 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 20, 2017, the City Manager presented the FY 2017-2018 proposed budget to City Council. Subsequently, a budget workshop was held on August 8, 2017, 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.

Council member Thompson moved to approve Ordinance 17-R, adopting the budget for the City of Alvin, Texas, for Fiscal Year 2017-2018; 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 Starkey; motion carried on a vote of 5 Ayes.

Consider Ordinance 17-S, levying a property tax rate for the year 2017 and to direct the Tax Assessor-Collector to access, account for, and distribute the property taxes as herein levied.

A taxing unit may not impose property taxes an any year until the governing body as 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 effective 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 2017, staff is proposing that city council adopt a tax rate of \$0.7880 per \$100 of taxable assessed value, which is 4.54% above the 2017 effective tax rate of \$0.753783.

Tax Year	2012	2013	2014	2015	2016	2017
Tax Rate	\$0.8438	\$0.8436	\$0.8386	\$0.8386	\$0.7980	\$0.7880

Council member Thompson moved to approve Ordinance 17-S, levying a property tax rate for the year 2017 and to direct the Tax Assessor-Collector to access, account for, and distribute the property taxes as herein levied. Seconded by Council member Arendell; motion carried on a vote of 5 Ayes.

Consider Resolution 17-R-22, enacting additional compensation for employees who worked during Hurricane/Tropical Storm Harvey and authorizing special paid time off for employees who need to service their primary residence damaged as a result of Hurricane/Tropical Storm Harvey.

Section 18 (J-3) of the City’s current policy does not allow additional compensation provisions to employees who worked their regular scheduled hours during a declared emergency period (Hurricane/Tropical Storm Harvey). This

creates inequity between employees who worked during their regular scheduled hours during Hurricane/Tropical Storm Harvey and employees who were either unable to return to work or not required to work during Hurricane/Tropical Storm Harvey. As a result, staff is asking city council to adopt Resolution 17-R-22, which would allow employees who worked during Hurricane/Tropical Storm Harvey to be compensated time and one-half (1.5x) for all hours worked during the declared disaster period for Hurricane/Tropical Storm Harvey starting 6:00 a.m. Friday, August 25, 2017 through 11:59 p.m. Monday, September 4, 2017 (the day before City Offices opened to the public). A portion of the overtime pay-out is reimbursable from FEMA.

In addition, staff desires to assist employees whose primary residence was flooded or damaged due to Hurricane/Tropical Storm Harvey. We are asking council to authorize up to 40 hours of special paid time off to staff who must be absent from work to care for the employee's primary residence. Staff would need to coordinate the time off with their supervisor and provide proof of damage to primary residence (i.e. insurance claim, pictures, etc.); and this provision would expire on November 1, 2017.

Should council elect not to approve Resolution 17-R-22, employees who worked their regular scheduled hours during Hurricane/Tropical Harvey will be paid at their base rate (which is the same provision for employees who were unable or not required to work during Hurricane/Tropical Storm Harvey). Also, should council elect not to approve Resolution 17-R-22, staff will be required to use their regular vacation time to care for their primary residence damaged by Hurricane/Tropical Storm Harvey.

Should council elect to adopt Resolution 17-R-22, staff will incorporate the provisions of Resolution 17-R-22, along with other personnel-related proposals into the Personnel Manual and have city council consider approving the Personnel Manual at the regular scheduled council meeting on October 19, 2017.

Council member Reed moved to approve Resolution 17-R-22 enacting additional compensation for employees who worked during Hurricane/Tropical Storm Harvey and authorizing special paid time off for employees who need to service their primary residence damaged as a result of Hurricane/Tropical Storm Harvey. Seconded by Council member Thompson; motion carried on a vote of 5 Ayes.

Consider Ordinance 17-Q, temporarily suspending regulations relating to the placement of recreational vehicles and adopting temporary regulations including but not limited to conditional permits, placement, maintenance, utilities, removal, sanitation, and other related health and safety matters for recreational vehicles located on residential properties in response to widespread damage caused by Hurricane/Tropical Storm Harvey; making various findings and provisions related thereto.

Ordinance 17-Q would temporarily suspend regulations relating to the placement of recreational vehicles (RVs) within the City. Currently Chapter 24 1/2 Section 92 prohibits a person from residing in a recreational vehicle unless it is located in a licensed Recreational Vehicle Park. Ordinance 17-Q would allow for residents to reside in their Recreational Vehicles on their property while the damages to their homes, due to Hurricane Harvey, are repaired. Residents would be required to obtain a placement permit and would be allowed to reside in their RVs until a Certificate of Occupancy is issued for their home or February 1, 2018, whichever comes first.

Ordinance 17-Q does not apply to commercial properties. Staff recommends approval.

Council member Starkey moved to approve Ordinance 17-Q, temporarily suspending regulations relating to the placement of recreational vehicles and adopting temporary regulations including but not limited to conditional permits, placement, maintenance, utilities, removal, sanitation, and other related health and safety matters for recreational vehicles located on residential properties in response to widespread damage caused by Hurricane/Tropical Storm Harvey; making various findings and provisions related thereto. Seconded by Council member Thompson; motion carried on a vote of 5 Ayes.

Consider Resolution 17-R-27, temporarily waiving the building permit fees associated with the repair of homes and businesses damaged as a result of Hurricane Harvey.

Resolution 17-R-27 would temporarily waive the building permit fees associated with the repair of homes and businesses damaged by Hurricane Harvey, for a period of ninety (90) days (September 21, 2017-December 19, 2017).

Residents and business owners would still be required to follow the required permit process, but would not be charged a permit fee. Staff recommends approval.

Council member Arendell moved to approve Resolution 7-R-27, temporarily waiving the building permit fees associated with the repair of homes and businesses damaged as a result of Hurricane Harvey. Seconded by Council member Thompson; motion carried on a vote of 5 Ayes.

Consider Resolution 17-R-25, accepting the petition for annexation of 10.00 acres, more or less, parcel of land for Sunset Ranch located along Heights Road a/k/a County Road 145, in Brazoria County, Texas; setting an annexation schedule that includes public hearings on November 2, 2017, and November 16, 2017; providing for open meetings and other related matters.

Will Benson of Alvin Sunset Ranch, LLC is petitioning the City to annex +/- 10 acres, out of a 20 acre parcel for the purpose of the construction of the Sunset Ranch subdivision, owned by Alvin Sunset Ranch, LLC.

Council member Reed moved to approve Resolution 17-R-25, accepting the petition for annexation of 10.00 acres, more or less, parcel of land for Sunset Ranch located along Heights Road a/k/a County Road 145, in Brazoria County, Texas; setting an annexation schedule that includes public hearings on November 2, 2017, and November 16, 2017; providing for open meetings and other related matters. Seconded by Council member Arendell; motion carried on a vote of 5 Ayes.

Consider Resolution 17-R-26, accepting the petition for annexation of 19.134 acres, more or less, for Forest Heights, Section 6, located along the proposed FM 528 extension between Business 35 and State Highway 6, from Don Barras Development, LLC.; setting an annexation schedule that includes public hearings on November 2, 2017, and November 16, 2017; providing for open meetings and other related matters.

Don Barras of Don Barras Development LLC is petitioning the City to annex 19.173 acres of his property in Forest Heights for the development of Section 6 located along the proposed FM 528 extension between Business 35 and Highway 6.

Council member Thompson moved to approve Resolution 17-R-26, accepting the petition for annexation of 19.134 acres, more or less, for Forest Heights, Section 6, located along the proposed FM 528 extension between Business 35 and state Highway 6, from Don Barras development, LLC.; setting an annexation schedule that includes public hearings on November 2, 2017, and November 16, 2017; providing for open meetings and other related matters. Seconded by Council member Arendell; motion carried on a vote of 5 Ayes.

Consider Resolution 17-R-23, approving a Utility Services Contract with Rooted Development Group, LLC., for the development of the remaining property in Mustang Crossing; and authorize the Mayor to sign.

Rooted Development Group, LLC. is requesting a Utility Services Contract that will allow the City of Alvin to provide water and wastewater services to the Mustang Crossing Development. The proposed planned unit development consists of 234 single-family residential homes, detention, and green space, and is located on the 69.728 acres of land originally proposed as future sections of the Mustang Crossing Subdivision. Rooted Development Group, LLC. is proposing a new In-City Municipal Utility District #73 (MUD) to assist with the costs of necessary infrastructure for the project. This proposed MUD will be the second In-City MUD in Alvin, the first being MUD #36 that serves Kendall Lakes. Resolution 17-R-23 will approve the Utility Services Contract with Rooted Development Group, LLC. for the completion of the Mustang Crossing Development on FM 1462. Staff recommends approval.

Council member Starkey moved to approve Resolution 17-R-23, approving a Utility Services Contract with Rooted Development Group, LLC., for the development of the remaining property in Mustang Crossing; and authorize the Mayor to sign. Seconded by Council member Thompson; motion carried on a vote of 5 Ayes.

Consider Resolution 17-R-24, approving the Utility Conveyance and Security Agreement accepting the water distribution, wastewater collection and storm water facilities to serve Kendall Lakes, Section Four; and authorize the Mayor to sign.

This conveyance of utility facilities conforms with the initial Utility Services Contract dated Aug. 5, 2004, with the developer, Skymark Land Development, Inc. Skymark contracted with the City to obtain water supply and wastewater treatment services for Municipal Utility District (MUD) #36 serving Kendall Lakes. Developer provided for the construction and financing of the water and wastewater facilities to serve the MUD district. These services (water supply and wastewater treatment services) are to be transferred to the City for ownership, operation, and maintenance after completion.

Council member Arendell moved to approve Resolution 17-R-24, approving the Utility Conveyance and Security Agreement accepting the water distribution, wastewater collection and storm water facilities to serve Kendall Lakes, Section Four; and authorize the Mayor to sign. Seconded by Council member Reed; motion carried on a vote of 5 Ayes.

REPORTS FROM CITY MANAGER

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the October 19, 2017 City Council meeting.

ITEMS OF COMMUNITY INTEREST

Hear announcements concerning items of community interest from the Mayor, Council members, and City staff, for which no action will be discussed or taken.

Mrs. Roberts reviewed items of community interest.

Council member Thompson thanked all city employees for their efforts through the storm. He requested prayers for Council member Richards.

Council member Reed commended the EOC for a fantastic job during Hurricane Harvey.

Council member Arendell requested that major items that are on the October 19th council's agenda be moved to the following meeting.

Council member Starkey commended Troop 400 for hosting a flag retirement ceremony held on September 11th and for recognizing the first responders at the ceremony. He asked that citizens be patient with the debris clean-up.

Mayor Horn explained the debris removal process.

EXECUTIVE SESSION

Mayor Horn called for an executive session at 7:47 p.m. in accordance to the following:

Section 551.074 of the Government Code: Deliberation on the appointment of a public officer or employee or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

1. City Attorney

RECONVENE TO OPEN SESSION

Mayor Horn reconvened into open session at 8:10 p.m.

Consider the employment contract with the City Attorney.

Council member Arendell moved to accept the employment contract between the City Attorney and the City of Alvin and authorize the Mayor to sign. Seconded by Council member Thompson; motion carried on a vote of 5 Ayes.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:11 p.m.

PASSED and APPROVED this _____ day of _____, 2017.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary