

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING AND
EXECUTIVE SESSION
THURSDAY DECEMBER 5, 2019
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 Glenn Starkey; Councilmembers: Gabe Adame, Adam Arendell, Joel Castro, Brad Richards, Keith Thompson and Martin Vela.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, City Secretary; Michelle Segovia, City Engineer; Brandon Moody, Interim Public Works Director and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Castro gave the invocation.

Council member Castro led the Pledge of Allegiance to the American Flag, and Council member Thompson led the Pledge to the Texas Flag.

PUBLIC HEARING

First of two required public hearings to receive comment on the proposed voluntary annexation of a piece of land described as a tract containing 5.058 acres out of lot number twenty-nine (29) of the Willdford and Arnim Subdivision of Section 10 H.T.& B.R.R. Survey, Abstract 478, Brazoria County, Texas. Along with that certain portion of County Road 161 (right-of-way 60 feet in width) recorded in volume 1069 page 371 of the Brazoria County Deed Records adjoining said 4.678-acre tract.

Mayor Horn opened the public hearing at 7:02 p.m. There were no comments made. Mayor Horn closed the public hearing at 7:02 p.m.

PUBLIC COMMENT

There were no comments from the public.

CONSENT AGENDA

Consider approval of the November 21, 2019 City Council meeting minutes.

Consider award of bid to Sprint Waste Services, Inc. for Biosolids Disposal in an amount not to exceed \$674.89 per haul at an estimated annual cost of \$85,000 for two (2) years, with an option to extend for two (2) years with the same terms and conditions; and authorize the City Manager to sign the contract upon legal review.

Biosolids Disposal is the final process of the wastewater treatment. Biosolids are a byproduct of the wastewater treatment process. Raw wastewater enters the treatment process in three mixed components and then are separated for treatment. Biosolids are one component of the process and contain all settleable product in wastewater treatment that is removed and dewatered during the process. The byproduct is referred to as Biosolids, which by state and federal regulations is required to be hauled to an approved landfill. Sprint Waste Services has been used by the City in the past for additional services other than Biosolids and has always provided quality service. References have been checked and meet all requirements.

Bid advertisements ran as required in the Alvin Sun and on the City's website. On October 22, 2019, bids were opened, and Sprint Waste Services was the only bidder. Upon Council approval, an award letter will be sent to the vendor and city departments.

Consider award of bid to Petroleum Traders, for the purchase of fuel for City vehicles and equipment for FY20, with the option to extend for one (1) year with the same terms and conditions; and authorize the City Manager to sign the contract upon legal review.

Motor Vehicle & Equipment Fuel bid is used to supply the City of Alvin personnel fuel for City vehicles and equipment. Petroleum Traders in the past has been awarded the City's fuel bid and provided excellent service. Petroleum Traders during the last bid award fulfilled all requirements set forth in the contract and all references have been checked and meet industry standards.

Pricing will be based on daily rack pricing of when the fuel is ordered and will be supplied to the City for plus or minus rack pricing for that day. How rack pricing works:

Oil Price Information Service (OPIS) "freezes" supplier prices and averages by rack at key time intervals throughout the day so buyers and sellers of fuel can index their purchases to an unbiased, third-party price frozen at a fixed point in time. The averages are stored in OPIS's TimeSeries database so customers can easily settle disputes any time by retroactively looking up the frozen averages. These averages are in gross and net formats and appear daily in the various OPIS email, FTP, and WebRack reports. The benchmarks include lows, highs and averages for all suppliers as well as branded and unbranded lows, highs and averages

On October 22, 2019, bids were opened, and Petroleum Traders was the lowest bidder. Upon Council approval, an award letter will be sent to the vendor and city departments.

Consider a final plat of Alvin Express RV Park, LLC (located at 546 County Road 281), being a subdivision of 23.6261 acres of land situated in the H.T. & B. R. R. Co. Survey, Abstract 295, Brazoria County, Texas.

On October 31, 2019, the Engineering Department received the final plat of Alvin Express RV Park, LLC for review. The property is located at 546 County Road 281 (off of SH35 across from Resoft Park) in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and is being platted for the future development of an RV Park. This plat complies with all requirements of the City's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting on November 19, 2019. Staff recommended approval.

Consider a final plat of Mustang Crossing Landscape/Recreation Reserve A, being a subdivision containing 2.2031 acres of land located in the Hooper and Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

On October 31, 2019, the Engineering Department received the final plat of Alvin Express RV Park, LLC for review. The property is located at 546 County Road 281 (off of SH35 across from Resoft Park) in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and is being platted for the future development of an RV Park. This plat complies with all requirements of the City's Subdivision Ordinance. The City Planning Commission unanimously approved the plat at their meeting on November 19, 2019. Staff recommended approval.

Consider a final plat of Mustang Crossing Section 6 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a PUD subdivision containing 15.68 acres of land, being a partial replat of lots 25, 26, 27, and 28 of section 18, Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

On October 31, 2019, the Engineering Department received the final plat of Mustang Crossing Section 6 for review. The property is located at the northwest corner of the intersection of FM 1462 and Mustang Crossing Boulevard. This section consists of sixty-five (65) single-family lots, six (6) reserves, and three (3) blocks. The Mustang Crossing Subdivision currently consists of four previously platted sections containing 280 single-family residential lots of which approximately 218 have homes on them. This plat complies with all requirements of the City's Subdivision Ordinance.

The Planning Commission unanimously approved the plat at their meeting on November 19, 2019. Staff recommended approval.

Consider a final plat of Mustang Ridge Section 1 (located along the east side of Mustang Road and south of the Nelson Road intersection), being a PUD subdivision containing 19.437 acres of land

located in the H.T. & B.R.R. Company Survey, Abstract 225, in the City of Alvin, Brazoria County, Texas.

On October 31, 2019, the Engineering Department received the final plat of Mustang Ridge Section 1 for review. The property is located along the east side of Mustang Road and south of the Nelson Road intersection. This section consists of ninety-six (96) single-family lots, twelve (12) reserves, and four (4) blocks. This plat complies with all requirements of the City's Subdivision Ordinance.

The Planning Commission unanimously approved the plat at their meeting on November 19, 2019. Staff recommended approval.

Consider a final plat of Southern Colony Plaza (located in the City of Alvin's ETJ along the east side of FM 521 and north of Juliff-Manvel Road), being a subdivision of a 4.9950 acre tract of land in the William Hall League, Abstract 31, Fort Bend County, Texas.

On October 31, 2019, the Engineering Department received the Final Plat of Southern Colony Plaza for review. This subdivision is in the City of Alvin's Extraterritorial Jurisdiction (ETJ) located along the east side of FM 521 and north of Juliff-Manvel Road. This Final Plat consists of 4 reserves, and 1 block and is being platted for future commercial development. This plat complies with all requirements of the City's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting on November 19, 2019. Staff recommended approval.

Item B of the Consent Agenda - *Consider award of bid to Sprint Waste Services, Inc. for Biosolids Disposal in an amount not to exceed \$674.89 per haul at an estimated annual cost of \$85,000 for two (2) years, with an option to extend for two (2) years with the same terms and conditions; and authorize the City Manager to sign the contract upon legal review,* was removed for discussion by Council member Thompson.

Council member Adame moved to approve the remaining items of the consent agenda. Seconded by Council member Arendell; motion carried on a vote of 7 Ayes.

OTHER BUSINESS

Item B removed from the Consent Agenda- Consider award of bid to Sprint Waste Services, Inc. for Biosolids Disposal in an amount not to exceed \$674.89 per haul at an estimated annual cost of \$85,000 for two (2) years, with an option to extend for two (2) years with the same terms and conditions; and authorize the City Manager to sign the contract upon legal review.

Council member Thompson moved to award a bid to Sprint Waste Services, Inc. for Biosolids Disposal in an amount not to exceed \$674.89 per haul at an estimated annual cost of \$85,000 for two (2) years, with an option to extend for two (2) years with the same terms and conditions; and authorize the City Manager to sign the contract upon legal review. Seconded by Council member Castro; motion carried on a vote of 7 Ayes.

Consider a variance request to Chapter 30 ½ - Regulation of Sex Offender Residency, of the City of Alvin Code of Ordinances, from Joshua Andrews residing at 117 South Johnson Street, Alvin, Texas.

On November 14, 2019, the City received a written request for a variance from Joshua Andrews, who resides at 117 South Johnson Street. Mr. Andrews' request is based upon the Sex Offender Residency Requirements, or prohibitions, in Chapter 30 ½ of the City's Code of Ordinances.

The Code of Ordinances, Chapter 30 ½ -3 provides if a person is required to register on the Department of Public Safety's Sex Offender Database because of a violation involving a victim who was less than seventeen (17) years of age, it is unlawful for that person to establish a permanent residence or temporary residence within one thousand (1,000) feet of any premise where children commonly gather. Premise where children commonly gather includes parks and playgrounds. For purposes of determining distance, the requirement is measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather.

Mr. Andrews' residence is within 1,000 feet of Sealy Park.

Mr. Andrews is required to register for life as a Sex Offender, based upon his following convictions:

<u>Offense</u>	<u>Victim</u>	<u>Sentence and Date of Sentence</u>
<i>Sexual Assault of a Child</i>	<i>16-yo female</i>	<i>3 years Texas Department of Criminal Justice-Institutional Division 8-14-2017</i>

Mr. Andrews' mother purchased the home located at 117 South Johnson Street while Mr. Andrews was incarcerated. Mr. Andrews now resides in the home with his mother, step-father, his common law wife and their 3-year-old Autistic daughter. The family has been able to set up in-home physical, speech and occupational therapy, and this continued therapy and stable home is imperative to her continued improvement. Mr. Andrews' family, common law wife, and friends have provided letters in support of Mr. Andrews and this variance request.

Mr. Andrews was released from incarceration in October 2019. Staff does not recommend approval of the variance.

Janet Andrews addressed the Council to explain that Joshua Andrews has a 3 year child with a handicap, and he resides with his mother to take care of her due to medical conditions. She requested that Council consider the extenuating circumstances and grant a variance.

Council member Castro moved to deny the variance request submitted by Joshua Andrews, for the residence located at 117 South Johnson Street, Alvin, Texas. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Consider Ordinance 19-CC, an ordinance amending Appendix A, Flood Damage Prevention, of the Code of Ordinances, City of Alvin, Texas; updating a section title and updating the Coordinating Agency; and setting forth other provisions related thereto.

On October 15 and 16, 2019, representatives from the Texas Water Development Board (TWDB) conducted the City's Community Assistance Visit (CAV), which is an audit of the City's Floodplain Development Program that occurs every five (5) years. The CAV is required by FEMA since the City participates in the National Flood Insurance Program (NFIP). During the CAV, it was recommended that the City make two minor revisions to Appendix A Flood Damage Prevention which is the ordinance that governs development within the floodplain. The revisions are as follows:

- 1. Article 3, Section G: Update the section title to "Warning and Disclaimer of Liability"*
- 2. Article 4, Section B (6): Update the Coordinating agency to the Texas Water Development Board*

Approval of Ordinance 19-CC will amend Appendix A Flood Damage Prevention by making both changes as requested. Staff recommended approval of Ordinance 19-CC.

Council member Vela moved to approve Ordinance 19-CC, amending Appendix A, Flood Damage Prevention, of the Code of Ordinances, City of Alvin, Texas, updating a section title and updating the Coordinating Agency; and setting forth other provisions related thereto. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

Consider various appointments to Boards and Commissions.

Current terms will expire for various citizen boards committees and commissions on December 31, 2019.

All board or commission members with expiring terms were mailed notification letters along with a Consent and Willingness to Serve form. Volunteer recruitment ads were published in the Alvin Sun beginning in October, and notifications were also pushed out via the City's social media networks. Members appointed during this process will begin service in January 2020. All residency requirements have been verified.

Staff suggests that City Council have a time of discussion to decipher which appointments should be made to specific boards/commissions. Once a consensus is agreed upon motions can be made for appointments for each board/commission.

Council member Castro moved to appoint/reappoint members to various boards and commission as presented below. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes:

Planning Commission, 3-year term

Santos Garza, Randy Reed, Jake Starkey, Abrin Brooks and Keko Moore

Parks and Recreation Board, 2-year term

Milton Morgan, Carrie Parker, Dwight Rhodes, Jamie Vaughn and Janice Burnett

Senior Citizen's Board, 2-year term

Darrell Brady, Roger Stuksa and Jancy Altus

Alvin Public Library Board, 3-year term

Megan Hairston Janice and Angela Poole

Building Board of Adjustments and Appeals, 2-year term

James Thompson and Betsy Grubbs

Animal Shelter Advisory Committee, 3-year term

Kimberly Vera

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 December 19th 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 the citizens who applied for city boards.

Council member Richards thanked the citizens who applied for boards and looked forward to working with the new members.

Council member Castro thanked the citizens who applied for city boards and looked forward to working with the newly appointed members.

Council member Adame announced a toy drive by Junior Gordon on Friday December 20th. He also thanked the citizens who applied for city boards.

Council member Starkey cautioned to drive safely during the holiday season.

EXECUTIVE SESSION

Mayor Horn called for an executive session at 7:44 p.m. in accordance to the following:

Section 551.072 of the Local Government Code: Deliberation regarding the purchase, exchange, lease or value of real property described as a 3.55 acre tract of land adjacent to the disc golf course south of Briscoe Park.

Section 551.074 of the Local Government Code: Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Alvin Municipal Court Judge Employment Contract.
Director of Public Services.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting into open session at 9:10 p.m.

Take action on Executive Session item(s) if necessary.

Council member Arendell moved to approve the Memorandum of Understanding with Mohamad Ghuneim as interim Municipal Court Judge. Seconded by Council member Castro; motion carried on a vote of 7 Ayes.

ADJOURNMENT

Mayor Horn adjourned the meeting at 9:11 p.m.

PASSED and APPROVED the 19th day of December 2019.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary