

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY DECEMBER 19, 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; Michael Higgins, Chief Financial Officer; Michelle Segovia, City Engineer; Brandon Moody, Interim Public Services Director and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ari' Anna Cole, Alvin High School Choir, gave the invocation in song to "Oh Holy Night."

Council member Starkey led the Pledge of Allegiance to the American Flag; and Council member Thompson led the Pledge to the Texas Flag.

PUBLIC HEARING

Second 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.

Blake and Kelley Lacy are petitioning the City to annex approximately 5.058 acres of land, located at 3513 County Road 161, for the purpose of developing the tract by constructing a multi-phase business park.

Resolution 19-R-40 adopted by City Council on November 7th set two public hearings for December 5, 2019, and December 19, 2019. The first public hearing was held on December 5th, there were no public comments made. This is second of the two required public hearings.

A special meeting will be held on January 9, 2020 for the final approval of this voluntary annexation.

Mayor Horn opened the public hearing at 7:07 p.m. There were no comments made. Mayor Horn closed the public hearing at 7:08 p.m.

PRESENTATIONS

City Council Chambers Seat Dedication in memory of Jeannette Stuksa.

Mayor Horn and the members of Council dedicated a seat in memory of Jeanette Stuksa; members of the Stuksa family were in attendance for the dedication.

Alvin Police Department Annual Update.

Robert Lee, Police Chief, gave an update on the Police Department.

PUBLIC COMMENT

There were no comments from the public.

CONSENT AGENDA

Consider approval of the December 5, 2019 City Council meeting minutes.

Acknowledge receipt of the Quarterly Financial Report ending September 30, 2019.

Consider the resale of trust property located on Wolford Lane, A0420 Hooper & Wade, Tract 11A-11A2, .0136 Acres, for the sum of \$2,700 – Account #0420-0103-130.

Section 34.05 of the Texas property Tax Code states that the taxing entity that is holding the property in trust for itself and the other taxing entities, may sell the property at a private sale. If the property is sold for less than the amount due in the judgment of the market value specified in the judgment, consent is required from each taxing entity that is entitled to receive proceeds from the sale under the judgment.

In this case, a tract of land located within the Alvin City limits is being held in trust by Brazoria County for all taxing entities that are owed back taxes on the site. The offer on the property is less than the judgment due, therefore the Property Tax Resale Committee of Brazoria County is requesting approval by all governing bodies. The resale committee, comprised of five members and listed on the property information sheet attached, have already considered the amount due, the bid amount, value, and the duration the property has been held in trust.

The property is located on Wolford Lane (A0420 Hooper & Wade, Tract 11A-11A2), as shown in the supporting documents. Wolford Lane is a private road and no address has been assigned to this property. The property is located along West Highway 6 behind what used to be the Santa Barbara Restaurant.

There is a private street/gravel driveway (Wolford Lane) within this property, that appears to have always been owned by an individual, probably the same individual that divided the property into lots originally. From a land division standpoint, the tract that this road is in does not go anywhere. The property owners that have access from this road most likely have an access agreement. If the buyer were to block their access, they would have a legitimate claim since the road has been used by all surrounding property owners for numerous years to access their properties. Staff feels that this isn't a situation where the City needs to step in, especially since it would be difficult and costly to make it comply with our subdivision ordinance, and we would be accepting maintenance of the roadway, which is currently a narrow dirt driveway.

The tax judgment of \$4,450.45 represents the taxes, penalty and interest due from 2008–2012 for all taxing entities. There is also a post judgment tax amount of \$1,548.95 from 2013 – 2015, for a combined total tax due to all entities of \$5,999.40, in which \$1,699.10 is due to the City of Alvin.

Brazoria County is seeking City Council's approval on a property tax resale as follows:

The amount of the offer to Brazoria County is \$2,700.00. However, the amount available for distribution to the taxing entities is \$1,593.98 after deducting \$1,106.02 in court costs; and covers all pre and post judgment taxes due to all entities. As a result, the pro rata amount the City of Alvin will receive is \$454.30.

The redemption time period expired July 21, 2015, in which the current property owners had an opportunity to reclaim the property. This did not occur.

City staff have reviewed and there are no impending public projects or obvious public needs for the property to try pursuing City ownership. Staff recommends approval of this tax resale.

Land Value: \$ 5,830

Total Taxes due (from all entities): \$5,999.58

City of Alvin Taxes due: \$1,699.28

Offer: \$2,700 (to be distributed)

Net to Distribute to Taxing Entities		
Brazoria	15.50%	\$247.06
Alvin ISD	44.11%	\$703.05
ACC	6.67%	\$106.27
BC C&R#3	5.23%	\$83.30
City of Alvin	28.50%	\$454.30
Total	100%	\$1,593.98

Council member Castro moved to approve the consent agenda as presented. Seconded by Council member Thompson; motion to approve carried on a vote of 6 Ayes.

OTHER BUSINESS

Consider Resolution 19-R-43, for the re-appointment of directors on the Kendall Lakes TIRZ Board and Authority Board for odd numbered positions #1, #3, #7, and #9 from December 31, 2019 to December 31, 2021; and the appointment of Ricky Kubeczka as chairman.

The Kendall Lakes Tax Increment Reinvestment Zone (TIRZ) was created in 2005 to assist in the development of Kendall Lakes, a residential, commercial, and industrial area on the north side of the City of Alvin. There is a tax increment that is used for providing the needed infrastructure for the site through the ability of using bond proceeds. The TIRZ Authority and Board have the responsibility to develop policies that ensure good quality development for this site. TIRZ board members serve staggered even and odd year terms. Those positions up for re-appointment are Position #1 held by Lindsey Vaughn, Position #3 held by Alfred Froberg, Position # 7 held by Ron Mercer and Position #9 held by Ricky Kubeczka. The Chair of both the Board and Authority is Ricky Kubeczka and this position is reappointed each year. Staff recommends the current directors be reappointed in their respective terms that would expire December 31, 2021, and to reappoint Ricky Kubeczka as the Chair of both the TIRZ and Authority Boards.

Council member Castro moved to approve Resolution 19-R-43, re-appointing Position #1 held by Lindsey Vaughn, Position #3 held by Alfred Froberg, Position #7 held by Ron Mercer and Position #9 held by Ricky Kubeczka to the Kendall Lake TIRZ Board and Authority who's terms will expire December 31, 2021, and to reappoint Ricky Kubeczka as Chair of both the TIRZ and the Authority Board. Seconded by Council member Starkey; motion carried on a vote of 6 Ayes.

Consider the approval of the final payment of \$207,462.62 to the Texas Department of Transportation for the City of Alvin's 2005 Bridge Replacement Project, CCSJ 0912-31-203.

In 2005, the City entered into an Advanced Funding Agreement with TxDot for the following Bridge Replacements in the City:

*CR 149
Old Galveston Road
o South Street
o Adoue Street*

The following is the chronology of events for the Bridge Project:

- May 2011 – first substantive meeting discussing the bridge projects after initial project was suspended in 2009/2010 – City to obtain ROW for all 4 bridges*
- July 2012 – TxDot let the project and opened the bidding. At this point, the City had only obtained ROW for Adoue and South Streets.*
- May 2013 – Adoue Street Bridge completed*
- November 2013 – South Street Bridge completed*
- November 2013 – “time suspended” due to lack of ROW obtained on CR 149 and Old Galveston Road (condemnation proceedings and other issues with property owners occurring during this time)*
- October/November 2014 – Council approves Old Galveston Road and CR 149 easements*
- February/March 2015 – construction begins on Old Galveston Road and CR 149 Bridges*
- October 2015 – Old Galveston Road Bridge completed*
- February 2016 – CR 149 Bridge completed*
- January 2017 – Contractor submits a Change Order to TxDot for costs incurred and associated with the delay as a result of the Right of Way being obtained for CR 149 and Old Galveston Road (as provided for in the 2005 Advanced Funding Agreement).*
- August 2017 – the City received and signed the Change Order from TxDot in the amount of \$221,922.77, owed by the City for the delay costs incurred by not having the ROWs on CR 149 and Old Galveston Road. TxDot was then to close the project and obtain a final request from the City for the payment.*

On or about October 30, 2019, the City received the Final Invoice from TxDot, in the amount of \$207,462.62. The sales tax street fund will be used for the payment of this invoice. Staff recommended approval of the payment to the Texas Department of Transportation.

Council member Thompson moved to approve the final payment of \$207,462.62 to the Texas Department of Transportation for the City of Alvin's 2005 Bridge Replacement Project, CCSJ 0912-31-203. Seconded by Council member Starkey; motion carried on a vote of 6 Ayes.

Authorize disbursement to Magna Flow Environmental, Inc. for digester basin cleaning services at the Wastewater Treatment Plant in the amount of \$161,830.20 for the Wastewater Treatment Plant Optimization Phase II Project.

Magna Flow Environmental, Inc. invoice 58158 includes services that were rendered to clean out digester basins three, four, and five at the Wastewater Treatment Plant (WWTP). These cleaning services were required to allow the contractor working on the Wastewater Treatment Plant Optimization Phase II Project to complete the scope of work that was required within each of the three basins. This work allowed the WWTP Project to move forward without the need for the contractor to demobilize, only to remobilize a few weeks later to complete the work. Three (3) quotes were received, with Magna Flow having the lowest price.

SET Environmental: \$379,800.00
Hydrokinetics: \$256,573.80
Magna Flow: \$161,830.20

The three basins have been in service continually for the last 20 years and therefore have not had the opportunity to be completely cleaned out, resulting in a large amount of sludge/grit build up in each basin. Staff recommended approval of the payment Magna Flow Environmental, Inc.

Council member Starkey moved to authorize the disbursement to Magna Flow Environmental, Inc. for digester basin cleaning services at the Wastewater Treatment Plant in the amount of \$161,830.20 for the Wastewater Treatment Plant Optimization Phase II Project. Seconded by Council member Richards; motion carried on a vote of 4 Ayes and 2 Nos by Council member Adame and Castro.

Consider Resolution 19-R-44, accepting the donation of \$10,000 in gift cards from CTSLW LTD, LP to the Alvin Police Department to be used to assist needy families.

CTSLW LTD, LP contacted the Police Department wanting to make a donation for a program whereby officers could assist those in need. He was advised that gift cards would be the best vehicle for giving out assistance, as gift cards can be used for food, gas, etc.

The donor far surpassed our expectations when they provided \$10,000 worth of gift cards to the Police Department for this purpose. The Police Department will keep these gift cards and they will be made available to supervisors to be dispensed as intended, when needy individuals/families are identified through our day-to-day operations. A policy determining who qualifies and for how much will be put in place, along with tracking of the gift cards, once Council has passed this Resolution accepting the donation for such a program. Staff recommended approval of Resolution 19-R-44.

Council member Castro moved to approve Resolution 19-R-44, accepting \$8,800 in Gift Cards from CTSLW LTD, LP for the Alvin Police Department to use to assist needy families. Seconded by Council member Richards; motion carried on a vote of 6 Ayes.

Consider Ordinance 19-DD, amending the City of Alvin Fiscal Year-End budget (FY19) by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to the budget accounts in all funds set forth in the attached Exhibit "A."

Each fiscal year, the City amends the budget twice. In the Spring (mid-fiscal year), the City amends the budget to appropriate any prior year budget surplus to fund new capital items. In the Fall (fiscal year-end), the City amends the budget to appropriate or adjust (authorized/approved) revenues and/or expenditures which occurred during the year that were not originally budgeted. Reason being, under certain circumstances, staff has more definite revenue and cost information at year end.

FY19 has ended and staff needs to make budget adjustments as a way to put the final FY19 budget in line with actual (approved and/or authorized) revenues and expenditures for financial reporting purposes. Per the City's auditor's recommendation, the City should do a batch budget amendment at the end of the fiscal year to capture expenditures and/or revenues from the year that require a budget amendment. Staff recommended approval of Ordinance 19-DD.

Council member Thompson moved to approve Ordinance 19-DD, amending the City of Alvin FY19 Fiscal Year End budget by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to the individual budget accounts in all funds set forth in the attached Exhibit "A."

Seconded by Council member Richards; motion carried on a vote of 5 Ayes and 1 No by Council member Castro.

Consider Ordinance 19-EE, amending the City of Alvin FY19 budget for the purpose of appropriating \$2,353,177.95 of prior fiscal year outstanding encumbrances into the current fiscal year as set forth for each individual account in the attached Exhibit "A."

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Council member Starkey moved to approve Ordinance 19-EE, amending the City of Alvin FY19 budget for the purpose of appropriating \$2,353,177.95 of prior fiscal year outstanding encumbrances into the current fiscal year as set forth for each individual account in the attached Exhibit "A."

Seconded by Richards; motion carried on a vote of 5 Ayes and 1 No by Council member Vela.

Consider the cancellation of the January 2, 2020 regularly scheduled City Council meeting.

Thursday, January 2, 2020 all non-emergency city offices will be closed in observance of the New Year's holiday. As a result, staff proposes to cancel the January 2, 2020 regular city council meeting.

Council member Vela moved to approve the cancellation of the January 2, 2020 regular city council meeting. Seconded by Council member Thompson; motion carried on a vote of 6 Ayes.

REPORTS FROM CITY MANAGER

Items of Community Interest and review preliminary list of items for next Council meeting.

Mr. Junru Roland announced items of community interest; and he reviewed the preliminary list for the January 16, 2020 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, City Secretary, reviewed items of community interest.

Council member Thompson wished everyone a Merry Christmas and a Happy New and to stay safe when traveling.

Council member Vela commended the city employees for their services to the city; he wished everyone a Merry Christmas and a Happy New Year. He reminded citizens that fireworks are illegal in the city limits

Council member Richards wished everyone a Merry Christmas and a Happy New. He expressed his gratitude for representing the citizens of Alvin.

Council member Castro wished everyone a Merry Christmas and a blessed New Year. He also spoke of optimism for the new year.

Council member Adame reminded those in attendance of the Jr. Gordon Concert and Toy Drive on December 20th at Scopel Square.

Council member Starkey expressed words of caution and reminders for a safe holiday season.

Mayor Horn thanked Ari'Anna Cole for singing earlier in the meeting. He expressed pride in showcasing the youth in our community.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:19 p.m.

PASSED and APPROVED the 16th day of _____ 2020.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary