

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY FEBRUARY 6, 2020
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; Dan Kelinske, Parks and Recreation; Larry Buehler, Economic Development Director; Robert E. Lee, Police Chief and Brandon Moody, Interim Public Services Director.

INVOCATION AND PLEDGE OF ALLEGIANCE

Steve Vaughn, Chocolate Bayou Baptist Church, gave the invocation.

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

PRESENTATIONS

Check Presentation for the Alvin Disc Golf Course.

Chris Vandagriff presented a check to Dan Kelinske, Parks & Recreation Director, to assist with the cost of lighting used by the Alvin youth organizations at Briscoe Park.

PUBLIC COMMENT

Carol Beniot addressed the Council to express his frustration regarding an EMS transfer by the Alvin EMS department and the general healthcare system. Mayor Horn directed the City Manager to schedule a meeting with Mr. Benoit.

CONSENT AGENDA

Consider approval of the January 9, 2020 City Council Special meeting minutes.

Consider approval of the January 16, 2020 City Council meeting minutes.

Consider replat #2 of Savannah Plantation, Section Four, a replat of the Reserve, Block One of Savannah Plantation, Section Four, being a subdivision of 1.941 acres located in the Francis Moore League, Abstract No. 100 in the City of Alvin ETJ, Brazoria County, Texas.

On December 31, 2019, the Engineering Department received replat #2 of Savannah Plantation Section 4 for review. The property is located at 7702 Stratford Hall Drive, in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and is being replatted from an unrestricted reserve into a lot so that a single-family home can be constructed on it. This plat complies with all requirements of the City's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting on January 21, 2020. Staff recommended approval.

Consider a contract for Election Services with Joyce Hudman, County Clerk, Brazoria County, Texas, for the May 2, 2020 General and Special Election; and authorize the Mayor to sign subject to legal review.

This is a contract for election services with Brazoria County to conduct the May 2, 2020 General Election for the Mayor and City Council District E. This contract is similar to the contract authorized by City Council every year to conduct the City's election. The cost for this General Election could range anywhere from \$5,000 to \$10,000. The cost depends on the number of registered voters and how many other jurisdictions will be holding a May election. Brazoria County now has a pricing sheet (attached) for each item needed for the election. The City Secretary's Office will handle all the required notices, filings, and general paperwork as required by state election law.

Historical Election Cost (General May Election):

May 2016: \$6,150

May 2017: \$9,200

May 2018: \$4,660

May 2019: \$7,200

Early voting and Election Day voting will be held at the Alvin Library. Registered voters may vote at any Early Voting location within Brazoria County during Early Voting and may vote at any Brazoria County Voting Center on Election Day. Staff recommended approval of said contract.

Consider Resolution 20-R-03, calling and establishing the procedures for the May 2, 2020 General Election in Alvin, Texas, and providing for other related matters thereto.

This Resolution calls for a General Election for Saturday, May 2, 2020, to elect a Mayor and a member to City Council District E. The City of Alvin will contract with the Brazoria County Elections Office to conduct this election. Brazoria County has the voting equipment required to conduct elections. The City Secretary's Office will handle the filings and all required paperwork and postings as required by state election law.

The first day to file for a place on the May 2020 ballot was Wednesday, January 15, 2020, and will continue through Friday, February 14, 2020. Early Voting will begin on Monday, April 20, 2020, and will go through Tuesday, April 28, 2020, and will be held at the Alvin Library. Voters can cast their ballot at any Early Voting location throughout Brazoria County.

Early Voting Locations:

Angleton: East Annex, 1524 E. Mulberry

Alvin: Alvin Library, 105 S. Gordon

Brazoria: Brazoria Library, 620 S. Brooks

Freeport: Freeport Library, 410 Brazosport Blvd.

Lake Jackson: Lake Jackson Library, 250 Circle Way

Manvel: North Annex, 7313 Corporate Dr.

Pearland East: Tom Reid Library, 3522 Liberty Dr.

Pearland West: Westside Event Center, 2150 Country Place Pkwy.

Shadow Creek: Pearland Westside Library, 2803 Business Center Dr. #101

Sweeny: Sweeny Community Center, 205 W. Ashley Wilson Rd.

West Columbia: New Precinct 4 Building, 121 N. 10th Street

Early voting dates and hours:

April 20-24; 8am-5pm

April 25; 7am-7pm

April 27-28; 7am-7pm

Election Day voting will be held at the Alvin Library. Voters may also cast their ballot at any Voting Center in Brazoria County. Staff recommended approval of Resolution 20-R-03.

Acknowledge receipt of the quarterly Capital Improvement Projects and Comprehensive Plan Implementation Reports.

Council member Adame moved to approve the consent agenda as presented. Seconded by Council member Castro; motion carried on a vote of 7 Ayes.

OTHER BUSINESS

Presentation and acknowledgement of receipt of the Quarterly Financial Report ending December 31, 2019.

The City Charter requires the Chief Financial Officer to report on the financial condition of the City each quarter. The City's investment report has previously been submitted to the City Manager, the Mayor, and City Council.

Council member Arendell moved to acknowledge receipt of the Quarterly Financial Report ending December 31, 2019. Seconded by Council member Starkey; motion carried on a vote of 7 Ayes.

Consider a Report by the City Secretary regarding a Petition filed on January 21, 2020, on behalf of the Alvin Police Officers Association, requesting a proposition be placed on the May 2020 ballot to be voted for or against to read: "The adoption of the police officers' civil service law." The City Secretary shall certify the petition as either sufficient or insufficient in accordance with Article IV of the City of Alvin Charter, for City Council's submittal to the electorate for the election scheduled for May 2, 2020.

On January 22, 2020, the City Secretary received a petition from Matthew Jrab (a qualified voter of the City of Alvin, and an Alvin police officer) on behalf of the Alvin Police Officer's Association to include on the ballot of the next uniform election date (May 2, 2020) a proposition to vote for or against the "Adoption of the police officers' civil service law." The City's Charter requires that the petition submitted have at least 200 signatures from qualified voters of the City of Alvin.

Mr. Jrab submitted one completed petition packet that included 15 petitions that were circulated by registered voters of the City of Alvin, with a total of 252 signatures. On January 23, 2020, the City Secretary reviewed and has certified the petition as sufficient with 202 signatures verified as registered voters, meeting the requirement of the 200 required signatures.

The City Secretary certifies that the petition submitted by Matthew Jrab is sufficient and recommends that a Special Election be called for May 2, 2020, as required by Chapter 143 of the Local Government Code – Municipal Civil Service for Firefighters and Police Officers.

Council member Castro moved to accept the Report submitted by the City Secretary regarding a Petition filed on January 21, 2020, on behalf of the Alvin Police Officers Association, requesting that a proposition be placed on the May 2020 ballot to be voted for or against to read: "The adoption of the police officers' civil service law," which the City Secretary has certified this petition as sufficient in accordance with Article IV of the City of Alvin Charter for submittal to the electorate for the election scheduled for May 2, 2020. Seconded by Council member Thompson; motion carried on a vote of Ayes.

Consider Resolution 20-R-04, calling and establishing the procedures for a Special Election to be held on May 2, 2020 for the purpose of submitting to the qualified voters of the City of Alvin, Texas a proposition to vote "for" or "against" the "Adoption of the police officer's civil service law"; and providing for other related matters thereto.

The City Secretary received a petition from Matthew Jrab on behalf of the Alvin Police Officer's Association to include on the ballot of the next uniform election date (May 2, 2020) a proposition to vote for or against the "Adoption of the police officers' civil service law." The City's Charter requires that the petition submitted have at least 200 signatures from qualified voters of the City of Alvin. On January 22, 2020, Mr. Jrab (a qualified voter of the City of Alvin, and an Alvin police officer) submitted one initiative packet that included 15 circulated petitions, with a total of 252 signatures. The City Secretary reviewed and certified the petition as sufficient on January 23, 2020, with 202 signatures having been verified as valid registered voters.

Chapter 143 of the Texas Local Government Code states that a governing body who receives a petition requesting such election that is signed by the required number of qualified voters, shall order an election submitting to the voters the question of whether this chapter should be adopted. This Resolution calls for such Special Election on Saturday, May 2, 2020.

The City of Alvin will contract with the Brazoria County Elections Office to conduct this election. Brazoria County has the voting equipment required to conduct elections. The City Secretary's Office will handle the filings and all required paperwork and postings as required by state election law.

Early Voting will begin on Monday, April 20, 2020, and will go through Tuesday, April 28, 2020, and will be held at the Alvin Library. Voters can cast their ballot at any Early Voting location throughout Brazoria County.

Election Day voting will be held at the Alvin Library. Voters may also cast their ballot at any Voting Center in Brazoria County. Staff recommended approval of Resolution 20-R-04.

Council member Castro moved to approve Resolution 20-R-04, calling and establishing the procedures for a Special Election to be held on May 2, 2020, for the purpose of submitting to the qualified voters of the City of Alvin, Texas, a proposition to vote “for” or “against” the “Adoption of the police officer’s civil service law;” and providing for other related matters thereto. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Consider Ordinance 20-C, amending Ordinance 19-W, passed and approved on September 19, 2019, same being an ordinance approving and adopting the City of Alvin’s budget for Fiscal Year 2019-2020 by approving a budget amendment to the original 2019-20 budget; providing for supplemental appropriation and/or transfer of funds for the purpose of amending the budget of the Police Department by \$11,500 to fund cell phones and activation plans for officers under the Alvin Police Officers Association for departmental operational purposes related to the public safety of the City; providing for severability; and providing for other matters related thereto set forth in the attached “Exhibit A.”

In the current Collective Bargaining Agreement (CBA), there is not a reference to cell phone allowance. As a result, officers have been using their personal cell phones for city operations such as: texting confidential information, taking pictures at crime scenes, etc. The recent amendments to the law as a result of Senate Bill 944 places a liability or duty on the owner of the personal device regarding the retention of public information, and would necessitate the transfer of all city related communications from their personal mobile device to the city server on a continual basis.

The Alvin Police Officer’s Association is requesting that the city provide cell phone devices to officers, which would be owned by the City and linked to the City’s server for public safety operational purposes and would alleviate the officers from having to transfer information from their person cell phone devices to the City’s server.

	FY 2020 (Feb-Sept.)	FY 2021
Data Plan for 51 APOA officers	\$21,415	\$32,123
Promotional Activation Credit	(\$10,200)	
Total	\$11,215	\$31,123

Council member Vela moved to approve Ordinance 20-C, amending Ordinance 19-W, passed and approved on September 19, 2019, same being an ordinance approving and adopting the City of Alvin’s budget for Fiscal Year 2019-2020 by approving a budget amendment to the original 2019-20 budget; providing for supplemental appropriation and/or transfer of funds for the purpose of amending the budget of the Police Department by \$11,500 to fund cell phones for officers under the Alvin Police Officers Association for departmental operational purposes related to the public safety of the City; providing for severability; and providing for other matters related thereto. Seconded by Council member Arendell; motion carried on a vote of 7 Ayes.

Consider Resolution 20-R-05, readopting 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.

The Texas Tax Code, Chapter 312.002(c) recommends the City renew its Economic Development Policy every two years as it relates to tax abatement guidelines. This policy is used by staff as a guideline to work with development projects. The only change to the policy is the capability of the City of Alvin to establish a business incentives program by separate policy approved by City Council. Staff recommended approval of Resolution 20-R-05.

Council member Thompson moved to approve Resolution 20-R-05, readopting 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 Starkey; 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 Benjamin Clemmons residing at 1120 Robinson Street, Alvin, Texas. On November 14, 2019, the City received a written request for a variance from Benjamin Clemmons, who resides at 1120 Robinson Street, Alvin, Texas. Mr. Clemmons' 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. Clemmons' residence is within 1,000 feet of Sealy Park. Mr. Clemmons is required to register for ten (10) years as a Sex Offender, based upon the following:

In August 2008, Mr. Clemmons was charged with two (2) counts of Aggravated Sexual Assault of a Child, one (1) count of Indecency with a Child by Contact, and one (1) count of Indecency with a Child by Exposure.

In April 2009, he was convicted of Indecency with a Child by Exposure and sentenced to 10 years confinement in the Texas Department of Criminal Justice – Institutional Division. He served 9 years and 2 months and was released in approximately June 2018. He will be required to register until approximately 2028.

Mr. Clemmons' fiancée and future in-laws have provided letters in support of Mr. Clemmons and this variance request.

Council member Castro moved to deny the variance request submitted by Benjamin Clemmons, for the residence located at 1120 Robinson Street. Seconded by Council member Richards; 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 Eugenio Rodriguez for the residence at 704 W. Willis, Alvin, Texas. At the regular City Council meeting held on December 6, 2018, City Council denied a written request for a variance from Eugenio Rodriguez based upon the Sex Offender Residency Requirements, or prohibitions, in Chapter 30 ½ of the City's Code of Ordinances.

On January 5, 2020, the City received another variance request to the Sex Offender Residency Requirements of Chapter 30 ½ from Mr. Rodriguez.

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

Offense	Victim	Sentence and Date of Sentence
Aggravated Sex Assault – Child	10-year-old male friend	10 years TDCJ on 1/22/1981
Aggravated Sex Assault	17-year-old male friend	10 years TDCJ on 1/22/1981
Aggravated Kidnapping w/Intent to Commit Sex Assault	11-year-old female friend	45 years TDCJ on 11/30/1981
Aggravated Sex Assault – Child	10-year-old male stranger	10 years TDCJ on 1/22/1982
Sexual Assault – Child	9-year-old female stranger	10 years TDCJ on 3/19/1982

Mr. Rodriguez is now approximately 69 years old, and was approximately 30 years old at the time of the offenses. As a result of the 11/30/1981 conviction, Mr. Rodriguez is on parole until 2035. Mr. Rodriguez was released on parole in approximately September 2018.

Mr. Rodriguez's variance request lists his residence at 704 West Willis. This residence is approximately 919 feet from Sealy Park. Mr. Rodriguez also verbally inquired about residing at 215 North Jackson Street, which is next to and adjacent to 704 West Willis. Although the property line for this location itself is greater than 1,000 feet (approximately 1,024 feet), part of the residential structure is in the lot on 704 West Willis, and therefore falls within the exclusion zone.

Although not specifically covered by our Ordinance, in addition to the exclusion zone created by Sealy Park, both residences are within 1,000 feet of a juvenile group home, which is licensed and regulated by the Texas Health and Human Services Commission. This is a home with developmentally or intellectually disabled juveniles who have been forensically placed in the home.

Council member Castro moved to deny the variance request submitted by Eugenio Rodriguez for the residence at 704 W. Willis. Seconded by Council member Richards; motion carried on a vote of 7 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 next 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.

Glenn Starkey encouraged families to talk about safe driving.

ADJOURNMENT

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

PASSED and APPROVED the 20th day of February 2020.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary