

**MNUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING AND
EXECUTIVE SESSION
THURSDAY JULY 16, 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 Joel Castro; Councilmembers: Gabe Adame, Adam Arendell, Brad Richards, Glenn Starkey and Martin Vela.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, City Secretary; Michael Higgins, Chief Financial Officer; Dan Kelinske, Director of Parks and Recreation; and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Adame gave the invocation.

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

PRESENTATIONS

Presentation of the City of Alvin Municipal Court Fines and Delinquent Tax Collections Report by Mike Darlow of Perdue Brandon Fielder Collins & Mott, LLP.

Mike Darlow of Perdue Brandon Fielder Collins & Mott, LLP, presented a report on the City of Alvin Municipal Court Fines and Delinquent Tax Collections.

Hazard Mitigation Plan Update – City Engineer.

Michelle Segovia, City Engineer, provided an update on the City's Hazard Mitigation plan.

PUBLIC COMMENT

There were no comments from the public.

CONSENT AGENDA

Consider approval of the June 18, 2020 City Council Workshop meeting minutes.

Consider approval of the June 18, 2020 City Council Regular meeting minutes.

Consider approval of the June 29, 2020 City Council Special meeting minutes.

Consider a final plat of Caldwell Ranch Section 1 (located along the east side of FM 521 and north of Juliff-Manvel Road), being a subdivision of 20.573 acres of land situated in the William Hall League, abstract 31, Fort Bend County, Texas, also being a partial replat of lot 5 of the T.W. & J. W. B. House Subdivision, as recorded in volume 7, page 301 of the Fort Bend County deed records.

On June 1, 2020, the Engineering Department received the Final Plat of Caldwell Ranch Section 1 for review. This subdivision is in the City of Alvin's Extraterritorial Jurisdiction (ETJ) within Fort Bend County, located along the east side of FM 521 and north of Juliff-Manvel Road. This final plat consists of 96 lots, 3 reserves, and 2 blocks. This plat complies with all requirements of the City of Alvin's Planned Unit Development section of the Subdivision Ordinance.

This section is contained in the Master Preliminary Plat of Caldwell Ranch, that was approved by Council May 7, 2020. The City Planning Commission unanimously approved the plat at their meeting on June 16, 2020. Staff recommends approval.

Consider a final plat of Georges Corner (located at 215 N. Jackson St.), being a subdivision of 0.1928 acres in the A. Morgan Survey, Section 16, A-452, also being a partial replat of lots 9 and 10, in Block 6, of Alvin No. 1, as recorded in volume 1, page 1 of the deed records of Brazoria County, Texas, and being recorded in volume 32, page 4 of the Brazoria County plat records, City of Alvin, Brazoria County, Texas.

On June 1, 2020, the Engineering Department received the final plat of Georges Corner for review. The property is located at 215 N. Jackson Street and is being platted for conveyance. The plat consists of 1 lot and 1 block and complies with all requirements of the City's Subdivision Ordinance. The City Planning Commission unanimously approved the plat at their meeting on June 16, 2020. Staff recommends approval.

Consider a final plat of Shadow Pond (located on the northwest corner of the intersection of County Road 326 and County Road 160), being 175.48 acres located in the B.B.B. & C.R.R. Company Survey, A-161 R.L. Weir Survey, A-391 H.T. & B.R.R. Company Survey Section 11, A-224 Brazoria County, Texas.

On June 1, 2020, the Engineering Department received the Final Plat of Shadow Pond for review. This subdivision is in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and is located on the northwest corner of the intersection of County Road 326 and County Road 160. This final plat consists of 34 lots, 2 reserves, and 1 block. This plat complies with all requirements of the City's Subdivision Ordinance. The City Planning Commission unanimously approved the plat at their meeting on June 16, 2020. Staff recommends approval.

Acknowledge receipt of the quarterly Fiscal Year 2020 Capital Improvement Projects Report.

Staff continues to carry out actions on budgeted projects as defined in the 2020 Capital Improvements Plan (CIP). This report is an update as to the progress of each project year to date.

Acknowledge receipt of the Quarterly Financial and Investment Reports ending June 30, 2020.

The City Charter requires the Chief Financial Officer to report on the financial condition of the City each quarter.

In 2013, the City of Alvin adopted the Public Funds Investment Act pursuant to Chapter 2256 of the Texas Government Code. The Code contains certain requirements for investing public funds and how those funds are to be administered. These requirements include annual reviews of the policy, training, internal controls, prudence, ethics, and reporting.

The City's investment policy states that the investment officer shall generate quarterly (investment) reports to the City Manager, Mayor, and City Council. Attached is the quarterly report for the period ending June 30, 2020.

*In summary, the City of Alvin has an investment portfolio at June 30, 2020, of **\$81 million**, which consists of \$63.1 million invested in the Local Government Investment Pools, \$749,000 in Certificates of Deposits, and \$17.2 million in the City's bank depository accounts (i.e. checking accounts). Interest earned during the quarter was \$55,896. The City's yield for the quarter was .48% and the 90-day T-Bill was .13%.*

Acknowledge receipt of the 2019 Delinquent Tax Roll.

Section 30, Article VII of the City's Charter requires that a copy of the delinquent tax roll be provided to each member of the City Council at a meeting in July of each year. The document is a copy of the outstanding taxes for the tax year 2019 as of July 1, 2020.

Consider appointment of Belt Harris Pechacek, LLP as the City's auditors for the Fiscal Year ending September 30, 2020; and authorize the City Manager to sign the Auditor's Engagement Letter.

Chapter 103 of the Texas Local Government Code requires cities to have its records and accounts audited, and an annual financial statement prepared based on the audit. Belt Harris Pechacek, LLP (BHP) has served as the City's independent auditors since FY09. BHP is proposing a base estimated fee of \$43,650 for the City's FY20 financial statement audit; with an additional single audit one program base fee (if required) of \$8,725.*

Staff is requesting that City Council approve the engagement of BHP to provide auditing services for FY20. By engaging BHP for FY20, the City retains an audit firm that is extremely knowledgeable of the City's accounting and internal controls.

BHP's Prior Fiscal Year Engagement Fees

Base audit fee: \$42,480 + \$8,725 for single audit one program.

*FY20 Audit Budgets for Comparative Cities**Lake Jackson: \$56,000 (FY20-21)**Webster: \$46,300**Friendswood: \$34,380**La Porte: \$67,300**Deer Park: \$40,000*

** A "single audit" is additional auditing procedures that are required if the City expends over \$750,000 of federal (grant) funds in a fiscal year.*

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

OTHER BUSINESS

Consider an award of bid (B-20-07) to D.L. Elliott Enterprises, Inc. for the Water Line Improvements Phase 2 Project in an amount not to exceed \$1,367,342.50; and authorize the City Manager to sign the contract upon legal review.

On June 30, 2020, bids were opened for the Water Line Improvements Phase 2 Project, and D. L. Elliott Enterprises, Inc. was the qualified bidder. LJA Engineering, the City's consultant that designed the project, and City Staff reviewed all bids that were received and have recommended D. L. Elliott Enterprises, Inc. for this project (recommendation letter attached).

Original Project Estimate: \$2,109,900

Contract Amount: \$1,302,230.95 (Base Bid, Supplemental Items, and Alternates A and C)

5% Contingency: 65,111.55

Total Amount: \$1,367,342.50

This project consists of the installation of 10-inch, 8-inch, and 6-inch water lines to connect and replace existing small diameter water lines in the area generally bounded by State Highway 6, State Highway 35 Bypass, Sealy Street, and Second Street. Once complete these improvements will increase fire flow capacity, improve water quality, and provide better connectivity within the water system.

These improvements were based on recommendations in the 2015 Utility Master Plan by Freese and Nichols, Inc. that was approved by City Council on March 3, 2016. Funding for this project will come from the 2019 Water & Sewer System Revenue Bonds that were issued on May 16, 2019.

The project is scheduled to start in August 2020 and has a construction time of 210 calendar days. Staff recommends bid award and contract to D. L. Elliott Enterprises, Inc.

Council member Arendell moved to award a bid (B-20-07) to D. L. Elliott Enterprises, Inc., for the Water Line Improvements Phase 2 Project in an amount not to exceed \$1,367,342.50; and authorize the City Manager to sign the contract upon legal review. Seconded by Council member Starkey; motion carried on a vote of 6 Ayes.

Consider Resolution 20-R-20, approving the Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for review of the design engineering for the FM 528 Extension project; and authorize the Mayor to sign upon legal review.

The City of Alvin engaged HDR Engineering for the design work of the FM 528 Extension project that will provide a safe and efficient hurricane route through Alvin. The project consists of the City providing the design for the construction of a new road on FM 528 from SH 35 business to SH 6. HDR completed the design work and has submitted it to TxDOT for their review. TxDOT is requiring an Advanced Funding Agreement (AFA) to document the scope that includes the design review. There are no costs to the City per attachment C in the Agreement. Staff recommends approval of Resolution 20-R-20.

Council member Castro moved to approve Resolution 20-R-20, approving the Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for review of the design

engineering for the FM 528 Extension project; and authorize the Mayor to sign upon legal review. Seconded by Council member Arendell; motion carried on a vote of 6 Ayes.

Consider the First Amended Agreement with Cline Crossing Partners, Ltd. for the construction of a Class “A” apartment development to be located in Cline Crossing at State Highway 6 and Bypass 35; and authorize the Mayor to sign said Agreement upon legal review.

On November 7, 2019, Council approved a Chapter 380 Agreement with Cline Crossing Partners, Ltd., to permit the construction of certain improvements necessary for the operation of a Class “A” apartment development. The property is owned by OC Alvin, LTD, which is the same developer that is doing this project. A copy of the recorded deed was due to the City by December 22, 2019, and the construction of the development was to be completed by December 31, 2021. Since that time, the developer has requested new commitment dates due to the extended schedule of closing their financing through the U.S. Department of Housing and Urban Development (HUD). Once closing takes place, a copy of the recorded deed is due to the City within 45 days and the completed construction is due within 24 months of the deed being recorded. All development requirements of the original 380 Agreement will be met. Staff recommends approval of the First Amended Agreement.

Council member Arendell moved to approve the First Amended Agreement with Cline Crossing Partners, Ltd. for the construction of a Class “A” apartment development to be located in Cline Crossing at State Highway 6 and Bypass 35; and authorize the Mayor to sign said Agreement upon legal review. Seconded by Council member Richards; motion carried on a vote of 6 Ayes.

Consider Ordinance 20-R, amending the City of Alvin 2019-20 Fiscal Year (FY20) 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.”

At the end of fiscal year 2019 (FY19), the City exceeded fund balance requirements/expectations in the General Operating Fund. The savings resulted from personnel vacancies, utility savings, and lower than expected costs of materials and supplies. Staff has identified capital items that could be funded in the current fiscal year (FY20) utilizing prior year budget savings.

Staff requests that City Council amend the FY20 budget to transfer (\$252,710) FY19 budget savings from the General Operating Fund to the General Capital Projects Fund to fund an upgrade to security systems.

Also, staff recommends that City Council amend the FY20 budget to transfer use \$348,404 FY19 budget savings from the General Operating Fund to the General Revenue Fund. Staff recommends approval of Ordinance 20-R.

Council member Starkey moved to Move to approve Ordinance 20-R, amending the City of Alvin 2019-20 Fiscal Year (FY20) 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 Arendell; motion carried on a vote of 6 Ayes.

Accept resignation from John Burkey of the Charter Review Commission, and consider the appointment of a replacement member to fill the vacancy on the Commission.

On June 18, 2020, City Council appointed the following members to serve on the 2020 Charter Review Commission: John Burkey, Richard Garivey, Nicole Kelinske, Beth Nelson, Cary Perrin, Donna Starkey, and Lindsey Vaughn.

Mr. Burkey contacted the City Secretary’s Office via email stating that he would like to be removed from the Commission citing health conditions. He asked that a replacement member be selected to serve on the Commission.

All applicants were contacted. Those who were not selected were told that their application would remain on file in case a vacancy should occur.

The following individuals have a current application on file to serve on the Charter Review Commission: Linda Brown, Susan Carlisle, David Hudson, Stacey Hughes, Milton Morgan, Randy Race, JR Dick Tyson, Heather Van Dine, Jamie Vaughn, and Rachel Welty.

Council member Castro moved to accept the resignation from John Burkey of the 2020 Charter Review Commission, and appoint Heather Van Dine to fill the vacant position on the Commission.

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

Discuss, consider, and take any needed action regarding the Karpeles Museum project at the historic Methodist Church building located at 800 West Sidnor.

February 5, 2015, City Council approved the appropriation of \$20,000 to the Karpeles Museum from the Hotel Motel Tax Fund for the purpose of promoting tourism in the City of Alvin according to Chapter 351 of the Texas Tax Code. The motion also stated that the funds would be appropriated and released to Karpeles Museum only after the Karpeles Museum has met the City's code requirements resulting in a certificate of occupancy.

Since 2015, the Karpeles Museum Project has encountered numerous delays. However, per Tom Stansel, some of the major items that are needed to obtain the certificate of occupancy include installing the commercial fire alarm and overlaying the parking lot.

To support the completion of the Karpeles Museum, it has been requested that City Council consider the following:

- 1.) Increasing the appropriation from \$20,000 to \$30,000 to cover unexpected costs.*
- 2.) Authorizing the disbursement of the \$30,000 when the certificate of occupancy has been issued.*

Mr. Tom Stansel, Acting Director of the Karpeles Museum, gave an update on the renovation of the historic Methodist Church building that will house the future Karpeles Museum. Lengthy discussion continued about the museum and the cost associated with the restoration of the building.

Council member Adame moved to table this item until the City Attorney can review the applicable Hotel Occupancy Tax Laws and draft up an agreement for City Council to review before any further action is taken on this item. Seconded by Council member Vela; motion carried on a vote of 6 Ayes.

Receive and acknowledge receipt of the proposed City of Alvin Annual Budget for the Fiscal Year 2020-2021 (FY21), receive presentation of a summary of the budget, and set a public hearing to receive comments on the proposed FY21 Annual Budget for the regular City Council meeting scheduled for Thursday, August 20, 2020 at 7:00 p.m.

Per the City Charter, the City Manager, between sixty (60) and ninety (90) days prior to the beginning of each fiscal year, shall submit to the City Council a proposed budget, which shall provide a complete financial plan for the fiscal year. The Charter also states that at the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget.

All members present were given a FY 20-21 proposed annual budget. Mr. Roland reviewed the proposed budget highlights.

Council member Castro moved to acknowledge receipt of the proposed City of Alvin FY21 Annual Budget, and set a public hearing to receive comments on the proposed FY21 Annual Budget for the regular City Council Meeting scheduled for Thursday, August 20, 2020, at 7:00 p.m. Seconded by Council member Arendell; 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 August 6, 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.

Council member Vela expressed his dissatisfaction with the decision of halting the pickup of recycling. He commended the City Manager, Fire Marshal and the Rail Road Commission for assisting in the removal of the above ground storage tanks on Johnson St. between FM 1462 and

South St. He was appreciative to the Rail Road Commission for taking this task on to clean up the site.

Council member Castro thanked Council member Vela for saving the City money regarding the removal of the above ground tanks and cleaning the property on Johnson Street.

Council member Adame also thanked Council member Vela for saving the City money.

Council member Starkey commented that the citizens are having a general fear of the government shutting businesses due to the COVID-19. He reported that the City Council would not be ordering store closures; however, the Governor has remarked that shutting businesses would be the last resort.

Mayor Horn explained that COVID-19 has adversely affected our trash pick-up. He reiterated that all should be mindful of the CDC guidelines in staying safe.

EXECUTIVE SESSION

Mayor Horn called for an executive session at 10:05 p.m. in accordance to the following:

Section 551.076 of the Local Government Code: Deliberation regarding the use of security devices.

RECONVENE TO OPEN SESSION

Consider an agreement with Lighthouse Security Cameras through the Houston-Galveston Area Council purchasing network, to update and install security cameras in an amount not to exceed \$252,710; and authorize the City Manager to sign the agreement upon legal review.

The proposed system upgrades and centralizes the current security system for city facilities. The details and particulars of the security system will be provided in an executive session (as allowed by Texas Government Code 551.076) prior to City Council approving the Agreement.

Council member Arendell moved to approve an agreement with Lighthouse Security Cameras through the Houston-Galveston Area Council purchasing network, to purchase, update, and install security cameras in an amount not to exceed \$252,710; and authorize the City Manager to sign the agreement upon legal review. Seconded by Council member Richards motion carried on a vote of 6 Ayes.

ADJOURNMENT

Mayor Horn adjourned the meeting at 10:06 p.m.

PASSED and APPROVED the 6th day of August 2020.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary