

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY NOVEMBER 5, 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 at 7:00 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn; Councilmembers: Gabe Adame, Adam Arendell, Brad Richards, Glenn Starkey, and Keith Thompson.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, City Secretary; Michael Higgins, Chief Financial Officer; Michelle Segovia, City Engineer; and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Starkey gave the invocation.

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

PUBLIC COMMENT

Mr. John Burkey, Senior Citizen Board member thanked Council member Thompson for participating in the Alvin Senior Citizens Center Halloween costume parade. He also thanked the City Council for approving the opening of the Senior Center on limited basis during COVID-19. He mentioned that there has been positive feedback from the senior community.

CONSENT AGENDA

Consider approval of the October 15, 2020 City Council Regular meeting minutes.

Consider Resolution 20-R-30, acknowledging and accepting a sidewalk easement located at 101 and 201 Ninth Street, granted to the City of Alvin by Serafin Rodriguez.

Pursuant to Sec. 21-42 - Sidewalks, ADA ramps, driveways and driveway approaches of the City's Code of Ordinances states that sidewalks, Americans with Disabilities Act (ADA) ramps, driveways and driveway approaches shall be required and shall be constructed in accordance with the city's design criteria. This means the builder/owner is required to install a sidewalk as part of the process. Once constructed, the City is responsible for the maintenance and repair of the sidewalk. This property is located at 101 and 201 Ninth Street, Alvin, Texas. This resolution formally acknowledges the City's acceptance of this sidewalk easement being granted to the City by Serafin Rodriguez. Staff recommended approval of Resolution 20-R-30 accepting said sidewalk easement.

Consider a final plat of M.D. Davenport Subdivision (located near the northwest corner of the intersection of County Road 47 and County Road 33), being a subdivision plat of a 148.05 acre tract out of a called 150 acre tract out of the T.H. Lostak 560.776 acre tract out of the Skrabanek 991.07 acre tract in the Day Land and Cattle Company Survey, Abstract 604, Brazoria County, Texas, said 991.07 acre tract being described in a deed recorded in volume 208, page 40 of the deed records of Brazoria County, Texas.

On October 1, 2020, the Engineering Department received the final plat of M.D. Davenport Subdivision for review. The property is located near the northwest corner of the intersection of County Road 47 and County Road 33 and is being platted for conveyance of lot 2. The plat consists of 2 lots and complies with all requirements of the City's Subdivision Ordinance. The City Planning Commission unanimously approved the plat at their meeting on October 20, 2020. Staff recommended approval.

Acknowledge receipt of the Quarterly Financial Report ending September 30, 2020.

The City Charter requires the Chief Financial Officer to report on the financial condition of the City. Included in the September 30, 2020 report are the following:

*General Fund Summaries
Sales Tax Revenues
Utility Fund Revenue & Expense Comparison
Sanitation Fund Revenue & Expense Comparison
EMS Fund Revenue & Expense Comparison
Operating Revenues & Expenditures - Budget vs. Actual (General, Utility, Sanitation, EMS)
Cash & Investment Summary
Major Funds Recap - General, Hotel, Utility, Sanitation, EMS, Sales Tax, Fleet)*

(Please note that these reports are unaudited for the FYE 9/30/20).

Accept resignation from Senior Board member, Nell Shimek.

Nell Shimek submitted her resignation from the Senior Citizens Board for her term ending on December 31, 2020. This agenda item is the formal acceptance of her resignation.

With the resignation of Ms. Shimek, there will be six (6) members on this board. Chapter 2 of the Alvin Code of Ordinances states that the Board shall be comprised of seven (7) members. City Council will consider appointments to all board and commissions on December 3, 2020, at which time this vacant position will be filled.

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 BUSINESSConsider Resolution 20-R-29, approving the Utility Conveyance and Security Agreement accepting the water distribution, wastewater collection and storm water facilities to serve Mustang Crossing, Sections 5 and 5B, and authorize the Mayor to sign.

This conveyance of utility facilities conforms with the initial Utility Services Contract dated September 21, 2007, with the developer, Rooted Development Group, LLC. Rooted Development Group contracted with the City to obtain water supply and wastewater treatment services for MUD #73 serving Mustang Crossing. The 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. Staff recommended approval of the Utility Conveyance and Security Agreement for Mustang Crossing, Sections 5 and 5B.

Michelle Segovia, City Engineer, gave a brief explanation for the need of a utility conveyance and security agreement and the acceptance of the water distribution, wastewater collection and storm water facilities to serve Mustang Crossing, Sections 5 and 5B.

Council member Thompson moved to approve Resolution 20-R-29, approving the Utility Conveyance and Security Agreement accepting the water distribution, wastewater collection and storm water facilities to serve Mustang Crossing, Sections 5 and 5B, and authorize the Mayor to sign. Seconded by Council member Richards; motion carried on a vote of 5 Ayes.

Consider Ordinance 20-BB, amending Appendix A, Flood Damage Prevention, of the Code of Ordinances, City of Alvin, Texas; updating several sections as required by FEMA; and setting forth other provisions related thereto.

On August 13, 2020, a representative from the Federal Emergency Management Agency (FEMA) notified the City that the new Flood Insurance Rate Map (FIRM) and the Flood Insurance Study (FIS) for Brazoria County and Incorporated Areas would become effective December 30, 2020. In order to stay in compliance with the National Flood Insurance Program (NFIP), participating Cities are required to update their Flood Protection Ordinance to include the new flood maps and any associated requirements related to the maps. Approval of Ordinance 20-BB will amend Appendix A Flood Damage Prevention by making the following changes as recommended by FEMA:

1. Article 2, Definitions: Including the new map survey datum in the definitions of Mean Sea Level and Water Surface Elevation and adding definitions for Primary Frontal Dune and Sand Dunes;
2. Article 3, Section B: Updated to reflect the new flood maps and study;
3. Article 4, Section B: Added back in items (7)-(10) that were inadvertently removed during the 2019 amendment;
4. Article 5: Added Section F Coastal High Hazard Areas, to account for areas of the 100' City Limit Strip that lie within V Flood Zones; and
5. Article 5: Added Section G Severability Clause as FEMA required.

Staff recommended approval of Ordinance 20-BB.

Michelle Segovia, City Engineer, explained that Ordinance 20-BB was an update to Appendix A, Flood Protection of the Code of Ordinances as required by FEMA in order for the City to maintain an active status of the National Flood Insurance Program. The updates included minor changes to the map. She explained the process required in order to update Appendix A. The City Engineer also explained that Article 5 addressed Coastal High Hazardous areas that are in the City's Extra Territorial Jurisdiction (ETJ).

Council member Arendell moved to approve Ordinance 20-BB, amending Appendix A, Flood Damage Prevention, of the Code of Ordinances, City of Alvin, Texas; updating several sections as required by FEMA; and setting forth other provisions related thereto. Seconded by Council member Starkey; motion carried on a vote of 5 Ayes.

Consider authorizing the Stephen F. Austin Community Health Center to add additional parking spaces and associated storm water detention improvements at the 1111 West Adoue Street facility, and authorize the Mayor to sign, subject to legal review.

In 2009, the City entered into the first Lease Agreement with Stephen F. Austin, for the Stephen F. Austin Community Health Center, located at 1111 W. Adoue Street. The Stephen F. Austin Community Health Center provides free or reduced priced medical and social services to the residents of Brazoria County, and has been fully operational at this location since the 2009 lease agreement. In July 2019, the lease agreement was extended and contains the same terms and conditions, and will run for five (5) years, with an additional five (5) year renewal.

In August 2020, the Engineering Department received site plans for the proposed addition of 28 parking spaces and associated storm water detention improvements from Ezreal Garcia of Stephen F. Austin Community Health Center. Paragraph 14 of the lease agreement provides that any significant modifications to the property must be approved by the City. Staff recommends approval.

Council member Starkey moved to authorize the Stephen F. Austin Community Health Center to add additional parking spaces and associated storm water detention improvements at the 1111 West Adoue Street facility, and authorize the Mayor to sign, subject to legal review. Seconded by Council member Arendell; motion carried on a vote of 5 Ayes.

Discussion of Chapter 34, Public Storage Facilities/Mini-Warehouses, of the Code of Ordinances, City of Alvin, Texas.

Staff was contacted by a developer who is interested in building a RV & Boat Storage facility on a piece of commercial property in Alvin. The desired location of the requested site of the RV & Boat Storage facility is within 500 feet of a single-family dwelling (a house or any other site built building used for single-family residential purposes). This location does not comply with Section 34-3 Public Storage Facilities/Mini-Warehouses which states that, "A public storage facility shall not be located within 500 feet of a single-family dwelling."

Chapter 34 Public Storage Facilities/Mini Warehouses was adopted by council on May 19, 2005. It is speculated that -- in the absence of zoning -- the intent of the initial adoption of Section 34-3 may have been an effort to "regulate" storage facilities closer to the bypass and state highways, and limit storage facilities from being built in the older residential parts of town. There is not a provision for a variance in the current ordinance. Staff is asking council to provide direction to staff concerning the continuance, discontinuance or amending of Section 34-3 (Location Restrictions).

Michelle Segovia, City Engineer, explained that Chapter 34, Public Storage Facilities/Mini-Warehouses was adopted in 2005. She further explained Section 34-4-Lot requirements, states that

storage facility shall not be located within 500' of a single-family dwelling. Staff is requesting guidance as to either remove that section from Chapter 34; amend Section 34-4 or keep as it currently states.

A discussion was had. Council recommended that staff amend Chapter 34 Section 3 to read that a public storage facility should not be located within 300 feet of a single-family dwelling; and to amend the measurement between the public storage facility and single-family dwelling to be measured from building to building. Council also recommended amending Sec. 34.1 to define "open storage and closed storage" and the type of fencing; and remove Sec. 34.12. Management, the requirement of an on-site manager; and reword Sec. 34.10 "gas". City Council asked that staff review the ordinance as a whole to ensure any needed amendments are brought back for consideration.

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 November 19th and December 3rd 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 Thompson thanked staff for preparing ordinances; he expressed his concern of the traffic direction of the Trick or Treat Trail, Drive-thru edition, if done again in the future.

Council member Adame announced the Meals on Wheels Empty Bowl Buying event will be held on November 7th.

Council member Starkey congratulated Sonya Cates, Courts Administrator, for her recent award.

Mayor Horn mentioned that the Karpeles Museum will have its grand opening on November 17th.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:18 p.m.

PASSED and APPROVED the 19th day of November 2020.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary