

City of Alvin, Texas

Paul Horn, Mayor

Gabe Adame, Mayor Pro-tem, District E
Keko Moore, At Large Pos. 1
Joel Castro, At Large Pos. 2
Martin Vela, District A



Chris Vaughn, District B
Richard Garivey, District C
Glenn Starkey, District D
Gabe Adame, District E

ALVIN CITY COUNCIL AGENDA

JUNE 2, 2022

7:00 P.M.

(Council Chambers)

Alvin City Hall, 216 West Sealy, Alvin, Texas 77511

Persons with disabilities who plan to attend this meeting that will require special services please contact the City Secretary's Office at 281-388-4255 or droberts@cityofalvin.com 48 hours prior to the meeting time. City Hall is wheelchair accessible, and a sloped curb entry is available at the south entrance to City Hall.

NOTICE is hereby given of a Regular Meeting of the City Council of the City of Alvin, Texas, to be held on **THURSDAY, JUNE 2, 2022**, at 7:00 p.m. in the Council Chambers at: City Hall, 216 W. Sealy, Alvin, Texas.

REGULAR MEETING AGENDA

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. PUBLIC HEARING

- A. Second of two (2) public hearings to receive comments on the review of Chapter 15 of the Alvin Code of Ordinances, Offenses and Miscellaneous Provisions, Article IV, Curfew Hours for Juveniles.

4. PUBLIC COMMENT

5. CONSENT AGENDA

- A. Consider approval of the May 10, 2022, City Council Workshop meeting minutes.
- B. Consider approval of the May 19, 2022, City Council meeting minutes.
- C. Consider Ordinance 22-KK, re-enacting and continuing Ordinance 19-N, Chapter 15, Offenses and Miscellaneous provisions, Article IV, Curfew Hours for Juveniles, enacted on or about June 6, 2019; and setting forth other provisions related thereto.
- D. Consider Ordinance 22-II, amending Chapter 28, Comprehensive Fees, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending certain rates and fees for City services; providing for severability; and setting forth other provisions related thereto.
- E. Consider Resolution 22-R-12, authorizing the payment of the five (\$0.05) cents per capita to the Gulf Coast of Coalition of Cities to fund regulatory and related activities related to electric and gas utility service; and other matters related thereto.

- F. Consider a final plat of Watermark Section 2A (located along the east side of Bypass 35 between House Street and South Street), a subdivision of 12.468 acres of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract 159, City of Alvin, Brazoria County, Texas.
- G. Consider resignation from Planning Commission member, Dale Jones.

6. OTHER BUSINESS

- A. Discuss the Alvin Code of Ordinances Appendix A, Article 5 (Provisions for Flood Hazard Reduction) and Appendix A, Article 4 Section D (Variance and Appeal Procedures). *(Adame/Moore)*
- B. Discuss construction waste on residential property developments, collection services contract, inspections, and enforcement. *(Vela/Starkey)*
- C. Discuss the cost associated with increasing the residential solid waste collection from one (1) time per week to two (2) times per week.
- D. Consider, if any, requests from individual council members for an item or items to be placed on the upcoming agenda for the next regularly scheduled meeting.

7. REPORTS FROM CITY MANAGER

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

8. ITEMS OF COMMUNITY INTEREST

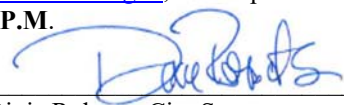
Pursuant to 551.0415 of the Texas Government Code reports or an announcement about items of community interest during a meeting of the governing body. No action will be taken or discussed.

- A. Hear announcements concerning items of community interest from the Mayor, Council members, and City staff, for which no action will be discussed or taken.

9. ADJOURNMENT

I hereby certify that a copy of this notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website: www.alvin-tx.gov, in compliance with Chapter 551, Texas Government Code, on THURSDAY MAY 26, 2022, at 4:00 P.M.




Dixie Roberts, City Secretary

Removal Date: _____

**** All meetings of the City Council are open to the public, except when there is a necessity to meet in Executive Session (closed to the public) under the provisions of Chapter 551, Texas Government Code. The Council reserves the right to convene into executive session on any of the above posted agenda items that qualify for an executive session by publicly announcing the applicable section of the Open Meetings Act, including but not limited to sections 551.071 (litigation and certain consultation with the attorney), 551.072 (acquisition of interest in real property), 551.073 (contract for gift to city), 551.074 (certain personnel deliberations), or 551.087 (qualifying economic development negotiations).**

**MINUTES
CITY OF ALVIN, TEXAS
CITY PLANNING COMMISSION
April 19, 2022**

BE IT REMEMBERED, that on the above date, the Planning Commission met in the First Floor Conference Room, at the Public Services Facility, 1100 West Highway 6, Alvin, Texas, at 6:00 P.M with the following members present, Abrin Brooks, John Burkey, Santos Garza, and Scott Loy. Also present were staff members Michael Medwedeff, Assistant City Engineer; Shana Church, Executive Secretary. Ashley Davis, Dale Jones and Randy Reed were absent.

1. Call To Order.

Call to order at 6:00 p.m.

2. Petition and Requests from the Public.

There were no petitions or requests from the public.

3. Approve the minutes of the City Planning Commission meeting of March 15, 2022.

Commission Member Scott Loy motioned to approve the minutes of the regular Planning Commission meeting of March 15, 2022. Seconded by John Burkey, the motion carried on a vote of 4 ayes and 0 nays.

4. Consider a final plat of Knights Estates, being 2.487 acres (108,336 sq. ft) out of a called 4.25-acre tract, as described in Volume 149, Page 315, O.R.R.B.C.TX. and being a portion of a called Nancy Cross 41-acre partition tract situated in the Andrew Robinson League Grant, A-125, Brazoria County, Texas. Assistant City Engineer recommends final plat for discussion and approval. Commission Member Garza motioned to recommend for approval. Seconded by Member Loy, the motion carried on a vote of 4 ayes, 0 nays.

5. Consider a final plat of Pelton Corner, a subdivision of 2.1000 acres (91,462 sq ft) in the HT&B RR Company Survey, A-472, Brazoria County, Texas, and being out of Lot 26, of Tolar Subdivision as recorded in Volume 2, Page 72 of the plat records of Brazoria County, Texas. Assistant City Engineer recommends final plat for discussion and approval. Commission Member Loy motioned to recommend for approval. Seconded by Member Burkey, the motion carried on a vote of 4 ayes, 0 nays.

6. Consider a final plat of Simpson Villas, a subdivision of 9.670 acres (421,225 SF) located in the H.T. & B.R.R. Co Survey Section 8, A-496 as recorded in C.F. No. 2018052175 of official records of Brazoria County. Assistant City Engineer recommends final plat for discussion and approval. Commission Member Loy motioned to recommend for approval. Seconded by Member Garza, the motion carried on a vote of 4 ayes, 0 nays.

7. Items of Community Interest – Commission Members.

John Burkey mentioned “Coffee with Cops” will be at Juanita’s Taqueria on April 20th from 8:00-9:00 a.m.

9. Staff report and update.

____ Motioned to Approve / Deny / Table. Seconded by ____
The motion carried on a vote of ____ Ayes and ____ Nays cast by ____

Michael Medwedeff mentioned Heritage South Townhomes is intending on submitting next month. He also mentioned the City Secretary's office spoke to Randy Reed and his Planning Commission resignation acceptance will be on April 21st.

10. Adjournment.

Commission Member Loy motioned to adjourn the meeting, seconded by Member Garza. The motion carried on a vote of 4 ayes. The meeting ended at 6:17 p.m.

____ Motioned to Approve / Deny / Table. Seconded by ____
The motion carried on a vote of ____ Ayes and ____ Nays cast by ____



AGENDA COMMENTARY

Meeting Date: 6/2/2022

Department: Police

Contact: Chief Robert E. Lee

Agenda Item: Second of two (2) public hearings to receive comments on the review of Chapter 15 of the Alvin Code of Ordinances, Offenses and Miscellaneous Provisions, Article IV, Curfew Hours for Juveniles.

Type of Item: ☐ Ordinance ☐ Resolution ☐ Contract/Agreement ☒ Public Hearing ☐ Plat ☐ Discussion & Direction ☐ Other

Summary: Texas Local Government Code (TLGC) Section 370.002 requires the governing body to review a juvenile curfew ordinance every three (3) years and to review the ordinance's effect on a community. Before City Council can consider the adoption of said ordinance TLGC 370.002 requires that the governing body hold two (2) public hearings. In the last three (3) years, the existence of the curfew ordinance allowed officers the ability to stop and identify unaccompanied juveniles and notify parents or legal guardians to ensure that these minors were picked up/delivered into the hands of a responsible adult. In some cases, the parent/guardian had no idea that the juvenile was absent from adult oversight. The overarching intent of the ordinance is to provide for the safety of juveniles, to curb the commission of juvenile crime, and to maintain the general peace of the City during curfew hours.

The curfew hours are Sunday to Thursday 11:00 p.m. to 6:00 a.m. the following day, and 12:01 a.m. to 6:00 a.m. on any Saturday and Sunday. These hours apply to juveniles ten (10) years of age or older and under seventeen (17) at the time of the violation. The juvenile and/or the parent may be charged with a violation, as well as any owner, operator or employee of any establishment that knowingly violates this ordinance.

Some of the exceptions (defenses) to the ordinance include being accompanied by parent or guardian, traveling to/from place of employment (direct route), emergency, school/religious/government activity, and on an errand for a parent/guardian with written permission.

The cities of Manvel, Angleton, League City, Webster, Pearland, and Friendswood, all have juvenile ordinances in place currently.

The juvenile curfew ordinance was last adopted on or about June 6, 2019, and staff recommends no changes to the ordinance.

This is the second of two (2) required public hearings the first of which was held on May 19, 2022, with no comments made from the public. Notification was advertised in the Alvin Sun and on the City's website. After the conclusion of the second public hearing, City Council will consider the adoption of this ordinance under the Consent portion of this agenda.

Funding Expected: Revenue ☐ Expenditure ☐ N/A ☒ **Budgeted Item:** Yes ☐ No ☐ N/A ☒

Funding Account: _____ **Amount:** _____ **1295 Form Required?** Yes ☐ No ☒

Legal Review Required: N/A ☐ Required ☒ **Date Completed:** 5/25/2022 SLH

Supporting documents attached: Alvin code of Ord - Chapter 15, Article IV Curfew Hours for Juveniles

Recommendation: N/A

Reviewed by Department Head, if applicable ☐

Reviewed by City Attorney, if applicable ☒

Reviewed by Chief Financial Officer, if applicable ☐

Reviewed by City Manager ☒

ARTICLE IV. CURFEW HOURS FOR JUVENILES¹

Sec. 15-61. Definitions.

In this article the following definitions shall apply:

Chief of police means the chief of police of the city, or a designated representative.

Curfew hours means 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

Direct route means the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

Emergency means, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate medical care to prevent serious bodily injury or loss of life.

Establishment means any privately-owned place of business operating for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

Holding location means a place designated by the chief of police, to which a juvenile taken into custody for a violation of this section will be delivered to await pick up by a parent or juvenile authorities.

Juvenile means any person ten (10) years of age or older and under seventeen (17) years of age at the time of the act or offense.

Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent means a person who is:

- (1) A natural or adoptive parent of another person;
- (2) A court-appointed guardian of another person; or
- (3) At least eighteen (18) years of age and authorized by a parent, court order, or court-appointed guardian to have the care and custody of another person.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain means to linger or stay unnecessarily; or fail to leave any premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

¹Editor's note(s)—Ord. No. 07-P, § 2, adopted April 19, 2007, amended article IV in its entirety to read as herein set out. Formerly, article IV pertained to similar subject matter, and derived from Ord. No. 94-BBB, § 2, adopted October 20, 1994, and Ord. No. 98-XX, § 2, adopted October 1, 1998.

Sec. 2 of Ord. No. 19-N, adopted June 6, 2019, declared Ord. No. 16-I is continued in effect in accordance with state law.

(Ord. No. 07-P, § 2, 4-19-07; Ord. No. 10-C, § 2, 4-20-10; Ord. No. 16-I, § 2, 6-16-16)

Sec. 15-62. Offenses.

- (a) It shall be unlawful for any juvenile to purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the city during curfew hours.
- (b) It shall be unlawful for the parent of a juvenile to knowingly permit or allow the juvenile to remain, walk, run, stand, drive or ride about in or upon any public place in the city during curfew hours.
- (c) The owner, operator, or any employee of an establishment commits an offense if such person knowingly allows a juvenile to remain upon the premises of an establishment during curfew hours.

(Ord. No. 07-P, § 2, 4-19-07; Ord. No. 10-C, § 2, 4-20-10; Ord. No. 16-I, § 2, 6-16-16)

Sec. 15-63. Defenses.

- (a) It is a defense to prosecution under section 15-62 that the juvenile was:
 - (1) Accompanied by the juvenile's parent or guardian, or an adult authorized by the parent or guardian;
 - (2) On an errand at the direction of the juvenile's parent and was using a direct route, and the juvenile has in their possession a written permission paper, which contains contact information;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in a lawful employment activity, including, but not limited to, newspaper delivery, and was using a direct route;
 - (5) Engaged in volunteer work at a recognized charitable or civic institution or going to or from such activity by direct route;
 - (6) Involved in an emergency;
 - (7) On the sidewalk abutting the juvenile's residence or abutting the residence of the next-door neighbor if the juvenile has permission from the parent to be on the sidewalk of the next-door neighbor and the neighbor did not complain to the police officer about the juvenile's presence;
 - (8) Attending a school, government-sponsored or religious activity or going to or returning home by a direct route from an official school, government-sponsored or religious activity;
 - (9) Exercising first amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right to assembly; or
 - (10) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.
- (b) It is a defense to prosecution under section 15-62(c) that the owner, operator, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

(Ord. No. 07-P, § 2, 4-19-07; Ord. No. 10-C, § 2, 4-20-10; Ord. No. 16-I, § 2, 6-16-16)

Sec. 15-64. Enforcement procedure.

- (a) Any police officer, upon finding a juvenile in violation of section 15-62(a) of this chapter, shall determine the name and address of the juvenile, and the name and address of his or her parent(s). A warning notice shall be issued to the juvenile, who shall contact the parent or guardian, and obtain transportation home. A copy of the notice shall be forwarded to the juvenile case manager of the city police department who shall send a letter to the parent(s) of the juvenile advising the parent(s) that the juvenile was found in violation of this chapter and soliciting parental cooperation in the future.
- (b) Any police officer, upon finding a juvenile in violation of section 15-62(a) who has previously been found in violation and issued a warning as provided for in subsection (a) above, shall transfer the case to proper authorities for handling under the provisions of V.T.C.A., Family Code Title 3, Juvenile Justice Code. In addition, a complaint may be filed against the parents in municipal court for violation of section 15-62(b) hereof.

(Ord. No. 07-P, § 2, 4-19-07; Ord. No. 10-C, § 2, 4-20-10; Ord. No. 16-I, § 2, 6-16-16)

Sec. 15-65. Penalties.

- (a) Any juvenile violating the provisions of this chapter shall be guilty of a Class "C" misdemeanor as defined in the Texas Penal Code and shall be dealt with in accordance with the provisions of the Texas Family Code, Title 3, Juvenile Justice Code.
- (b) A parent of a juvenile violating this chapter shall be guilty of a misdemeanor which shall be punishable by a fine prescribed by section 1-5 of this Code.
- (c) The owner, operator or employee of an establishment who violates section 15-62(c) of this chapter shall be guilty of a misdemeanor which shall be punishable by a fine prescribed by section 1-5 of this Code.

(Ord. No. 07-P, § 2, 4-19-07; Ord. No. 07-E, § 11, 8-2-07; Ord. No. 10-C, § 2, 4-20-10; Ord. No. 16-I, § 2, 6-16-16)

Secs. 15-66—15-69. Reserved.

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL WORKSHOP
TUESDAY MAY 10, 2022
6:30 P.M.**

CALL TO ORDER

BE IT REMEMBERED that, on the above date, the City Council of the City of Alvin, Texas, met in a Workshop Session at 6:30 p.m. in the first floor Conference Room at City Hall, with the following members present: Mayor Paul A. Horn; Mayor Pro-Tem Martin Vela; Councilmembers: Gabe Adame, Keko Moore, Glenn Starkey, Richard Garivey, and Chris Vaughn.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Sara Cruz Deputy City Secretary; Brandon Moody, Director of Public Services; Michelle Segovia, City Engineer; and Robert E. Lee, Police Chief.

WORKSHOP BUSINESS

Discuss the West Alvin Thoroughfare Plan formulation, Stormwater Drainage Review, and Water and Wastewater Systems Study conducted by Edminster, Hinshaw, Russ & Associates, Inc. (EHRA).

Mr. Roland stated that at the April 7, 2022, meeting, the preliminary draft of this study was presented to City Council. This workshop is intended to allow any questions from the preliminary presentation to be addressed. The West Alvin Thoroughfare Plan will be brought back to City Council for final adoption at the May 19, 2022, meeting.

Representatives from EHRA were present to discuss the Plan presented and to help answer any questions had by City Council. Trey Hoskins Assistant County Engineer for Brazoria County also present.

Discussion was had on the idea within the plan to capitalize on the natural bayous flowing through the area, and the planning for regional detention. Discussion continued on the timing and installation of the Grand Parkway through the area and the need to purchase right of ways and obtain environmental clearances. Discussion continued. Michelle Segovia recommended changes to page five (5) of the document. EHRA will clarify the intent of the text in the document before the final adoption.

ADJOURNMENT

Mayor Horn adjourned the meeting at 7:39 p.m.

PASSED and APPROVED the 2nd day of June 2022.

Paul A. Horn, Mayor

ATTEST:

Dixie Roberts, City Secretary

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY MAY 19, 2022
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; Mayor Pro-Tem Martin Vela; Councilmembers: Gabe Adame, Keko Moore, Joel Castro, Glenn Starkey, Richard Garivey, and Chris Vaughn.

Staff members present: Junru Roland, City Manager; Dixie Roberts, Assistant City Manager/City Secretary; Michael Higgins, Chief Financial Officer; Dan Kelinske, Parks and Recreation Director; Michelle Segovia, City Engineer; Brandon Moody, Director of Public Services; Karen Edwards, Director of Human Resources and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Kurt Wise with Alvin Bible Church gave the invocation. Council member Vaughn led the Pledge of Allegiance to the American Flag. Council member Garivey led the Pledge to the Texas Flag.

RESOLUTION CERTIFYING ELECTION RESULTS

Consider Resolution 22-R-10, declaring the results of the General Election held on May 7, 2022, for the purpose of electing a member to City Council At Large Position 2, District A, and District D; and providing for other related matters.

The official canvassing for this election is scheduled for Wednesday May 18, 2022, at 5:31 p.m., which is the statutory last day to canvass the election. A meeting notice was posted for said canvassing. State Election Code, Chapter 67, states that a full quorum of the governing body is not required for the canvassing of an election and can be completed with only two (2) members of the governing body in attendance. At the canvassing, the election returns will be read aloud by the City Secretary and an affidavit signed by those in attendance declaring the official results.

Resolution 22-R-10 formally declares the results of the May 7, 2022, General Election in resolution and minute format, where it will be maintained as an official record of the City. The election returns for each item on the ballot do not have to be read orally at the May 19, 2022, City Council meeting, as this will be done at the official canvassing on Wednesday, electing Joel Castro to City Council At Large Position 2, Martin Vela, City Council District A, and Glenn Starkey to City Council District D. Staff recommends the approval of Resolution 22-R-10.

Council member Adame moved to approve Resolution 22-R-10, declaring the results of the General Election held on May 7, 2022, for the purpose of electing a member to City Council At Large Position 2, District A, and District D; and providing for other related matters. Seconded by Council member Vaughn; motion to approve carried with all members present voting Aye.

OATH OF OFFICE

Administer Oath of Office to Joel Castro, City Council At Large Position 2, by Alvin Municipal Court Judge Mo Ghuneim.

Judge Mo Ghuneim administered the official Oath of Office to City Council At Large Position 2 member, Joel Castro. Council member Castro was accompanied by members of his family.

Administer Oath of Office to Martin Vela, City Council District A, by Alvin Municipal Court Judge Mo Ghuneim.

Judge Mo Ghuneim administered the official Oath of Office to City Council District A member, Martin Vela. Council member Vela was accompanied by members of his family.

Administer Oath of Office to Glenn Starkey, City Council District D, by Alvin Municipal Court Judge Mo Ghuneim.

Judge Mo Ghuneim administered the official Oath of Office to City Council District D member, Glenn Starkey. Council member Starkey was accompanied by members of his family.

PUBLIC HEARINGS

Public hearing to receive public comment regarding an ordinance establishing Standards of Care for youth recreation programs conducted by the City of Alvin Parks and Recreation Department for elementary age children ages five (5) through – thirteen (13).

In response to community demand for after school and summer day camp programs, the Parks and Recreation Department plans to offer these style camps. A day camp is considered extending 11.5 hours per day for approximately 5 days per week. A participant (ages 5 to 13) can expect daily engagement from instructor lead learning, crafts and physical activity, as well as lunch and snacks provided. Location will vary based on availability of space, until a more permanent location is available.

Chapter 42 of the Texas Human Resources Code exempts certain after-school and summer recreation programs from state licensing requirements as identified in Subsection 42.041 (14), provided that the governing body of the municipality annually adopts standards of care by ordinance after a public hearing, and that such standards are provided to the parents of each program participant. The ordinance shall include minimum staffing ratios, qualifications, facility, health and safety standards and mechanisms for monitoring and enforcing the adopted local standards as well as notify parents that the program is not licensed by the state and cannot be advertised as a child-care facility.

Before an Ordinance is adopted, a public hearing is required. Notice of said public hearing was published in the Alvin Sun on May 8th, 2022, and has been posted on the City's website. City Council will consider the adoption of Ordinance 22-HH under Other Business during this meeting.

Mayor Horn opened the public hearing at 7:06 p.m. There were no comments made. Mayor Horn closed the public hearing at 7:07 p.m.

Public hearing to receive public comment regarding First of two (2) public hearings to receive comments on the review of Chapter 15 of the Alvin Code of Ordinances, Offenses and Miscellaneous Provisions, Article IV, Curfew Hours for Juveniles.

Texas Local Government Code (TLGC) Section 370.002 requires the governing body to review a juvenile curfew ordinance every three (3) years and to review the ordinances effect on a community. Before City Council can consider the adoption of said ordinance TLGC 370.002 requires that the governing body hold two (2) public hearings. In the last three (3) years, the existence of the curfew ordinance allowed officers the ability to stop and identify unaccompanied juveniles and notify parents or legal guardians to ensure that these minors were picked up/delivered into the hands of a responsible adult. In some cases, the parent/guardian had no idea that the juvenile was absent from adult oversight. The overarching intent of the ordinance is to provide for the safety of juveniles, to curb the commission of juvenile crime, and to maintain the general peace of the City during curfew hours.

The curfew hours are Sunday to Thursday 11:00 p.m. to 6:00 a.m. the following day, and 12:01 a.m. to 6:00 a.m. on any Saturday and Sunday. These hours apply to juveniles ten (10) years of age or older and under seventeen

(17) at the time of the violation. The juvenile and/or the parent may be charged with a violation, as well as any owner, operator or employee of any establishment that knowingly violates this ordinance.

Some of the exceptions (defenses) to the ordinance include being accompanied by parent or guardian, traveling to/from place of employment (direct route), emergency, school/religious/government activity, and on an errand for a parent/guardian with written permission.

The cities of Manvel, Angleton, League City, Webster, Pearland, and Friendswood, all have juvenile ordinances in place currently.

The juvenile curfew ordinance was last adopted on or about June 6, 2019, and staff recommends no changes to the ordinance.

This is the first of two (2) required public hearings. Notifications will be advertised in the Alvin Sun and placed on the City's website. After the public hearings are conducted, City Council will consider the formal adoption of this ordinance at the June 2nd meeting.

Mayor Horn opened the public hearing at 7:07 p.m.

Robert Lee, Police Chief, presented information on this proposed ordinance. Chief Lee stated Alvin has had this ordinance for quite a while, and state law requires that every three (3) years its renewal. Before each renewal, two (2) public hearings must be held to receive any comments from the public. He stated there are no recommended changes to the ordinance. In the last three years there have been seventeen (17) instances where Alvin Police Officers have encountered juveniles aged 8-17 years of age that were out after curfew. Chief Lee further explained that surrounding cities have similar ordinances in place, and he requests that it be renewed again.

Mayor Horn closed the public hearing at 7:08 P.M.

PUBLIC COMMENT

David Abbey presented comments requesting a variance to the flood elevation requirement for a building he wants to build in his backyard.

John Burkey presented comments regarding upcoming events at the Alvin Senior Center.

CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION

Consider approval of the May 5, 2022, City Council meeting minutes.

Consider Ordinance 22-HH, establishing Standards of Care for Youth Recreation Programs conducted by the City of Alvin Parks and Recreation Department for elementary age children ages five (5) through thirteen (13); providing for compliance with state law; providing a savings clause; providing a severability clause; and providing an effective date.

This is an annual review and adoption of an ordinance for Standards of Care for Youth Recreation Programs conducted by the City of Alvin Parks and Recreation Department. Ordinance 20-K was the original ordinance adopted by City Council on April 16, 2020, and then superseded by Ordinance 21-I adopted by City Council in 2021 on April 15th.

In response to community demand for after school and summer day camp programs, the Parks and Recreation Department plans to offer these style camps. A day camp is considered extending 11.5 hours per day for approximately five (5) days per week. A participant (ages 5 to 13) can expect daily engagement from instructor lead learning, crafts and physical activity, as well as lunch and snacks provided. Primary location is the Recreation Station, located at 302 W. House Street.

Chapter 42 of the Texas Human Resources Code exempts certain after-school and summer recreation programs from state licensing requirements as identified in Subsection 42.041 (14), provided that the governing body of the municipality annually adopts standards of care by ordinance after a public hearing, and that such standards are provided to the parents of each program participant. The ordinance shall include minimum staffing ratios, qualifications, facility, health and safety standards and mechanisms for monitoring and enforcing the adopted local standards as well as notify parents that the program is not licensed by the state and cannot be advertised as a child-care facility. Ordinance 22-HH will formally replace Ordinance 21-I, meeting the state requirements.

City Council called the public hearing at their last regular meeting held on May 5, 2022, for May 19, 2022, at 7:00 p.m. The public hearing notice for this Ordinance was published in the Alvin Sun on May 8, 2022 and has been posted on the City's website. Staff recommends adoption of Ordinance 22-HH with no changes from previous Ordinance 21-I.

Consider Resolution 22-R-11 of the City Council of the City of Alvin, Texas, approving the West Alvin Thoroughfare, Stormwater Drainage, and Water and Wastewater Planning Area Study conducted by Edminister, Hinshaw, Russ, & Associates Inc. (EHRA).

On March 18, 2021, City Council engaged the services of EHRA to conduct a Thoroughfare, Stormwater Drainage, Water & Wastewater study of 65,500 acres located in West Alvin. EHRA presented the results of the study to City Council at the April 7, 2022, regular scheduled City Council meeting, with a City Council workshop on Tuesday, May 10, 2022, for further review of the study. Staff recommends approval of Resolution 22-R-11.

Consider awarding a bid (B-22-06) to Stronghold Vegetation Management for the Bypass 35 Mowing Services for a period of one (1) year, with an option to extend for two (2) successive one-year terms; and authorize the City Manager to sign the Agreement upon legal review.

Bypass 35 is a main thoroughfare traveled by many of Alvin's residents and visitors. Currently, TXDOT mows the median four times a year. In 2011, City Council requested city staff to assist TXDOT with mowing the Bypass to improve aesthetics and vision for drivers traveling the roadway. As a result, when time would allow, staff began mowing Bypass 35 approximately up to 5 times a year; taking 6 employees, 4 days to complete the mowing and weeding. Since our staff has been assisting TXDOT with mowing Bypass 35, there have been two major accidents with personnel and equipment. Based on Council's request, as well as the Strategic Planning Initiative to establish a comprehensive program to beautify the City, staff included in the FY23 budget, funds to contract out mowing services to improve beautification along Bypass 35 and remove our staff from any danger or possible dangers.

The bid to mow the Bypass includes 139.5 acres of the median, eastside right-of-way, and westside right-of-way from the YMCA/Kroger on the south end of town, to Fox Meadows on the north end. This includes mowing to a uniform height of 4-6 inches, weed eating, or trimming around objects that cannot be mowed around, such as signs, utility poles, guidewires, drainage structures, ditches, etc., on a monthly basis or a 30-day cycle. The contractor shall be responsible for obtaining any permits necessary and provide traffic control when necessary, such as posting the appropriate caution signs.

On April 19, 2022, bids were opened for the Bypass 35 Mowing Services. Staff received a total of five (5) bids from Weldon Booker Mowing, Morton Brother's Inc., Stronghold Vegetation Management, Yellowstone Landscape, and Reliant Sand and Construction, Inc. Weldon Booker Mowing's bid was the lowest, but their bid was excluded because they turned in an incomplete bid form. The other four bids were all complete and considered as valid bids. The second lowest bidder is Stronghold Vegetation Management. They have had or currently hold mowing contracts with the City of Pearland, TXDOT Brazoria County Office, and TXDOT Fort Bend County Office. Staff recommends awarding the bid to Stronghold Vegetation Management. *this is separate and unrelated to the Manicured Mowing contract services.

Consider an Interlocal Agreement with the City of League City for use of the Alvin Police Department Gun Range; and authorize the City Manager to sign the Agreement upon legal review.

In March 2019, the Alvin Police Department and the League City Police Department entered into a Interlocal Agreement to allow the League City Police Department to use the City of Alvin's gun range for law enforcement

training purposes, and to adhere to the City of Alvin's rules and guidelines for use of the gun range, providing its own certified instructors for its law enforcement training purposes. The Texas Commission on Law Enforcement (TCOLE) and the Texas Police Chief's Accreditation Program both require that agencies have an interlocal agreement or other agreement in place for use of a firing range for training.

The first Agreement had a term ending on June 30, 2020, with a one (1) year automatic renewal. This new Agreement will commence on July 1, 2022 and will end on June 30, 2024. Staff recommends approval of the Interlocal Agreement.

Council member Adame moved to approve the consent agenda as presented. Seconded by Council member Garivey; motion to approve carried with all members present voting Aye.

OTHER BUSINESS

Consider approval of the Mayor's appointment of Mayor Pro-tem.

Per Article II, Section 8 of the City's Code of Ordinances, the first regular meeting following the election of members of Council, the Mayor shall appoint one of its members as Mayor Pro Tem, subject to approval by the Council. The Mayor Pro Tem shall serve for one year and shall act as Mayor during the absence or disability of the Mayor and shall have power to perform every act the Mayor could perform if present.

Mayor Horn stated that he would like to appoint Gabe Adame as the Mayor Pro-Tem.

Council member Starkey moved to approve the Mayor's appointment of City Council member Gabe Adame to serve as Mayor pro-tem. Seconded by Council member Vela; motion to approve carried with all members present voting Aye.

Consider a License Agreement for the Exclusive Use of City Property between the City of Alvin and Veterans of Foreign Wars of the United States Department of Texas (VFW Post 5237) for use of National Oak Park from 10:00 a.m. on Friday, May 27, 2022, through 7:00 p.m. on Sunday, May 29, 2022, for a crawfish boil, live music, and a car show; and authorize the City Manager to sign the Agreement upon legal review.

The License Agreement for Exclusive Use of City Property is used as an instrument to acknowledge dates of exclusive use of National Oak Park and capture other City owned resources such as equipment and personnel requested by the Veterans of Foreign Wars Post 5237 (VFW) for the purpose of holding this fundraising event with proceeds benefiting the VFW building repairs/updates and other worthwhile endeavors. Exclusive Park use is requested by the VFW beginning 10:00 a.m. Friday, May 27, 2022 through 7:00 p.m. Sunday, May 29, 2022, with the actual event scheduled for Saturday, May 28, 2022 in National Oak Park to include food, alcoholic beverages, music, car show, and other entertainment.

Pursuant to the Licensing Agreement, Veterans of Foreign Wars (VFW) Post 5237 agrees to:

- Adhere to governmental regulations concerning the sale of food and alcohol and obtain appropriate permits*
- Adhere to City's noise ordinance and obtain appropriate sound/noise permit*
- Provide and install a solid barrier encompassing the alcohol consumption area*
- Ensure the deployment of police for security and pay the cost of City of Alvin police officers to perform security*
- Maintain the property in clean condition*
- Abide by all the terms of the Community Wide Event Application, including insurance requirements*
- Maintain Comprehensive General Liability insurance naming the City of Alvin as an additional insured*

Pursuant to the Licensing Agreement, the City agrees to:

- Authorize Veterans of Foreign Wars (VFW) Post 5237 to sell alcoholic beverages on City property*
- Waive Park user fees as outlined in the Community Wide Event Application*
- Provide barricades and cones for street closure*
- Provide up to 20 picnic tables and 30 trash barrels*
- Provide electricity and water, where already furnished*

Staff recommends approval of the agreement.

Dan Kelinske, Director of Parks and Recreation presented this item before City Council with explanation.

Council member Castro moved to approve a License Agreement for the Exclusive Use of City Property between the City of Alvin and Veterans of Foreign Wars of the United States Department of Texas (VFW Post 5237) for use of National Oak Park from 10:00 a.m. on Friday, May 27, 2022, through 7:00 p.m. on Sunday, May 29, 2022, for a crawfish boil, live music, and a car show; and authorize the City Manager to sign the Agreement upon legal review. Seconded by Council member Adame; motion carried with all members present voting Aye.

Consider purchase of Motorola PremierOne CAD/RMS system as part of the Gulf Coast Regional Information and Dispatch (GRID) Consortium in an amount not to exceed \$503,334.00; and authorize the Mayor to sign the Shared Agency Agreement upon legal review.

The City of Alvin is a member of the Gulf Coast Regional Information and Dispatch (GRID) Consortium of Cities that currently includes more than 20 Cities in our area. The GRID members share a CAD/RMS system that is hosted by the City of League City. By sharing this system, the overall cost per city is reduced and information sharing is increased among the member cities.

In 2018, our CAD/RMS software company, Superion, along with three others were purchased/merged and became known as Central Square. Central Square advised that they would continue to service and upgrade our product as they merged all the acquired products into their primary CAD/RMS suite; and that eventually, even if we did not upgrade to their "new" version, they would maintain basic operating services. Within months of the merger, previously requested/scheduled upgrades and updates virtually stopped. As our current CAD/RMS system is itself a product of several company acquisitions and mergers over the years, it is vital that upgrades, updates, and routine maintenance be conducted.

In 2019/2020, the Consortium began researching and demoing various alternative CAD/RMS systems. Alvin Police Department staff was fully involved in all product demo's and recommended the Motorola PremierOne Suite as the best product. In early 2021, the Consortium, as a whole, chose the Motorola PremierOne CAD/RMS suite to replace the outdated system currently in use. The cost for each Consortium member will differ as pricing is based on usage, size, and agency specific options. Agency specific options are, as the term implies, options that are specific to each individual agency. For example, not all agencies use the same platform for issuing citations. Some agencies use a CAD/RMS platform, other use an external system that requires a CAD/RMS interface or they use a stand-alone system. Alvin uses the CAD/RMS platform and will include that option, other agencies that do not use it will not. For this reason, the base Motorola PremierOne system was quoted, and each agency can include any available options to meet their needs, rather than agencies paying for system programs they would not use. The total price of the system, including all our agency specific options, is \$503,334.00. This cost reflects the Consortium pricing and includes a \$203,979.00 group pricing discount.

Maintenance fees starting year 2 will be \$116,835.00 with an approximate 4% increase each year thru year 10.

League City as the host agency for the GRID Consortium signed the Master Customer Agreement (MCA) with Motorola for the purchase of the PremierOne CAD/RMS suite. The City of Alvin participation in this purchase will be contingent on signing the Shared Agency Agreement (SAA) which will formally recognize the City of Alvin as a shared purchaser/user of the system and will affirm that the City will abide by the conditions of the MCA.

League City, as the host city, conducted the procurement process which was done through a Request for Proposal (RFP) for the purchase on behalf of the consortium. Funding for this project will come from the City of Alvin's American Rescue Plan Act of 2021 (ARPA) funds. Staff recommends approval.

Robert Lee, Chief of Police presented this item before City Council with explanation.

Council member Starkey moved to approve the purchase of Motorola PremierOne CAD/RMS system as part of the Gulf Coast Regional Information and Dispatch (GRID) Consortium in an amount not to exceed \$503,334.00; and authorize the Mayor to sign the Shared Agency Agreement upon legal review. Seconded by Council member Vaughn; motion carried with all members present voting Aye.

Consider Ordinance 22-JJ, amending Chapter 15, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of adding Section 15-12, Sale and Possession of Catalytic Converters; providing for penalties; providing for severability; providing for publication; and setting forth other provisions related thereto.

According to the National Insurance Crime Bureau (NICB) between 2018 and 2020 there was over a 950% increase in catalytic converter thefts. Currently, Texas ranks #2 in catalytic converter thefts in the United States. The reason for the rise in catalytic converter thefts lies with the increase in the cost of the three rare elements contained in a catalytic converter. They are Rhodium, Palladium, and Platinum. On January 1, 2018, Rhodium was selling for \$1,730 per ounce, on May 9, 2022, that price was \$16,450 per ounce. On January 1, 2018, Palladium was selling for \$1,064.45 per ounce on May 9, 2022, that price was \$2,156 per ounce. Platinum, the lowest valued of the three, on January 1, 2018, was \$932.60 per ounce and on May 9, 2022, was \$957.20 per ounce.

Although State law was amended in 2021 to make it more difficult to sell used catalytic converters, thefts have not declined. In an effort reduce catalytic converter thefts within the City of Alvin, staff is proposing the attached ordinance to require proof that any catalytic converter that has been cut from a vehicle is lawfully in the possession of an entity or individual. Failure to provide, or maintain, the required proof will be punishable as a class "C" misdemeanor, with each catalytic converter possessed constituting a separate violation. Staff recommends approval of Ordinance 22-JJ.

Robert Lee, Police Chief presented this item before City Council with explanation.

Council member Castro moved to approve ordinance 22-JJ, amending Chapter 15, Offenses and Miscellaneous Provisions, of the code of ordinances of the City of Alvin, Texas, for the purpose of adding section 15-12, sale and possession of catalytic converters; providing for penalties; providing for severability; providing for publication; and setting forth other provisions related thereto. Seconded by Council member Garivey; motion carried with all members present voting aye.

Consider a contract with Governmentjobs.com, Inc. (dba: NEOGOV) for support and maintenance of the City of Alvin's Human Resource applicant tracking system in an amount not to exceed \$50,000 for a term of two (2) years; and authorize the City Manager to sign upon legal review

NeoGov is a cloud-based integrated HR software for the public sector. The Office of Human Resources will use the software to automate the acquisition, engagement, development, and management of the City's talent. With the implementation of NeoGov, we gain access to four products, Insight (Recruitment), Onboard (Onboard/Offboard), Perform (Talent Management), and Learn (Development). The software moves us into a paperless environment to build efficiencies in HR processes.

The contractual price varies between the 1st and 2nd year. The price variation is due to the number of software licenses being used at the start of the contract. In Year one (1), the software usage is between 50%-75%, because the implementation schedule is staggered for each product throughout the year. By Year two (2), all four (4) products are completely implemented and utilized by 100% of our employees.

Prior to selecting NeoGov, three (3) other vendors, ApplicantPro, CivicHR, ApplicantStack provided pricing and demonstrations of their product offerings. None of those three vendors provided a complete employee engagement solution like NeoGov. Staff recommends approval.

Karen Edwards, Director of Human Resources presented this item before City Council with explanation.

Council member Starkey moved to approve a contract with Governmentjobs.com Inc. (dba: NEOGOV) for support and maintenance of the City of Alvin's Human Resource applicant tracking system in an amount not to exceed \$50,000 for a term of two (2) years; and authorize the City Manager to sign upon legal review. Seconded by Council member Adame; motion carried with all members present voting Aye.

Consider an appointment to the Planning Commission.

Randall Reed submitted his resignation from the Planning Commission for his term ending December 31, 2022, and was accepted by Council at the April 21, 2022, meeting. With Mr. Reed's resignation, there are six (6) members on this board.

The Charter states that the Council shall appoint a city Planning Commission, consisting of not less than five (5) nor more than eleven (11) members who shall be residents of the city. The current Planning Commission has asked to keep their membership at seven (7) to aid in case of a tie vote.

Current members on the Commission are Ashley Davis, Abrin Brooks, Santos Garza, Scott Loy, Dale Jones, and John Burkey. The following have applied to serve on this commission: Clenon Mitchell, Randall Race, Samuel Washington, Missy Jordan and Roger Stuksa.

Notice of a vacancy on the Planning Commission was posted to the City's social media sites several times over the course of the last month.

In full disclosure, there were two (2) applicants (Ernest Guerrero and Jason Jones) who unfortunately live outside of the City limits and were not included in the list of applicants.

Dixie Roberts, Assistant City Manager/City Secretary, presented this item before City Council with explanation. She also mentioned that another resignation from the Planning Commission would be coming before City Council for acceptance at the next meeting. City Council discussed moving forward with appointing two members in anticipation of said resignation.

Council member Adame moved to appoint Samuel Washington and Roger Stuksa to the Planning Commission. Seconded by Council member Vela; motion carried with all members present voting Aye.

Consider, if any, requests from individual council members for an item or items to be placed on the upcoming agenda for the next regularly scheduled meeting.

Council member Vela requested to place an item on the upcoming agenda to address trash collection in relation to construction waste and debris. The item was seconded by Council member Starkey to place said item on the next agenda.

Council member Adame requested to place an item on the upcoming agenda to address the variance Mr. Abbey requested in Public Comment. The item was seconded by Council member Moore to place said item on the next agenda.

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 reviewed the preliminary list for the June 2, 2022, 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 Garivey extended kudos to the Alvin High School BBQ Stingers Team for finishing in the top five in a recent competition in Waco, qualifying them for the Finals.

Council member Adame stated he wants to explore options for modifying trash collection schedules for residents and businesses.

Council member Starkey cautioned that school is about to be out for the summer and for everyone to be mindful of students being on the roadways. He also extended thanks to John Burkey for all his dedication and ongoing involvement in City of Alvin activities.

ADJOURNMENT

Mayor Horn adjourned the meeting at 7:55 p.m.

PASSED and APPROVED the 2nd day of June 2022.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 6/2/2022

Department: Police

Contact: Chief Robert E. Lee

Agenda Item: Consider Ordinance 22-KK, re-enacting and continuing Ordinance 19-N, Chapter 15, Offenses and Miscellaneous provisions, Article IV, Curfew Hours for Juveniles, enacted on or about June 6, 2019; and setting forth other provisions related thereto.

Type of Item: ☒ Ordinance ☐ Resolution ☐ Contract/Agreement ☐ Public Hearing ☐ Plat ☐ Discussion & Direction ☐ Other

Summary: Texas Local Government Code Section 370.002 requires the City Council to review a juvenile curfew ordinance every three (3) years and to review the ordinances effect on a community. In the last three (3) years, the existence of the curfew ordinance allowed officers the ability to stop and identify unaccompanied juveniles and notify parents or legal guardians to ensure that these minors were picked up/delivered into the hands of a responsible adult. In some cases, the parent/guardian had no idea that the juvenile was absent from adult oversight. The overarching intent of the ordinance is to provide for the safety of juveniles, to curb the commission of juvenile crime, and to maintain the general peace of the City during curfew hours.

The curfew hours are Sunday to Thursday 11:00 p.m. to 6:00 a.m. the following day, and 12:01 a.m. to 6:00 a.m. on any Saturday and Sunday. These hours apply to juveniles ten (10) years of age or older and under seventeen (17) at the time of the violation. The juvenile and/or the parent may be charged with a violation, as well as any owner, operator or employee of any establishment that knowingly violates this ordinance.

Some of the exceptions (defenses) to the ordinance include being accompanied by parent or guardian, traveling to/from place of employment (direct route), emergency, school/religious/government activity, and on an errand for a parent/guardian with written permission.

The cities of Manvel, Angleton, League City, Webster, Pearland, and Friendswood, all have juvenile ordinances in place currently.

Two public hearings were held recently as required by law. Staff recommends approval of Ordinance 22-KK.

No changes are recommended to the ordinance.

Funding Expected: Revenue ☐ Expenditure ☐ N/A ☒ **Budgeted Item:** Yes ☐ No ☐ N/A ☒

Funding Account: _____ **Amount:** _____ **1295 Form Required?** Yes ☐ No ☒

Legal Review Required: N/A ☐ Required ☒ **Date Completed:** 5/25/2022 SLH

Supporting documents attached:

- Ordinance 22-KK Juvenile Curfew

Recommendation: Move to approve Ordinance 22-KK, re-enacting and continuing Ordinance 19-N, Chapter 15, Offenses and Miscellaneous provisions, Article IV, Curfew Hours for Juveniles, enacted on or about June 6, 2019; and setting forth other provisions related thereto.

Reviewed by Department Head, if applicable ☐
Reviewed by City Attorney, if applicable ☒

Reviewed by Chief Financial Officer, if applicable ☐
Reviewed by City Manager ☒

ORDINANCE NO. 22-KK

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, RE-ENACTING AND CONTINUING ORDINANCE 19-N, CHAPTER 15, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE IV, CURFEW HOURS FOR JUVENILES, ENACTED ON OR ABOUT JUNE 6, 2019; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City of Alvin, Texas, has had a juvenile curfew ordinance since 1994, which was established by Ordinance 94-BBB; and

WHEREAS, the established juvenile curfew ordinance was last reviewed and renewed in Ordinance No. 19-N, enacted on or about June 6, 2019; and

WHEREAS, Section 370.002 of the Texas Local Government Code provides that before the third anniversary of the date of adoption of the juvenile curfew ordinance, the City must (i) review the effects of the ordinance on the community and on problems the ordinance was intended to remedy; (ii) conduct public hearings on the need to continue the ordinance; and (iii) abolish, continue or modify the ordinance; and

WHEREAS, on May 19, 2022, the Police Chief presented information to the City Council affirming the positive effects of the curfew ordinance on the community, including decreases in juvenile crime; and

WHEREAS, public hearings were held on May 19, 2022, and June 2, 2022, to receive comments and the need to continue the juvenile curfew ordinance; and

WHEREAS, the City Council has determined that Ordinance 19-N should be continued in effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN:

Section 1. That the City Council hereby adopts the recitals and findings set forth in the preamble above.

Section 2. That Ordinance 19-N is hereby continued in effect.

Section 3. Open Meetings Act. It is hereby officially found and determined that the meetings at which this ordinance were passed were open to the public as required and that public notice of the time, place and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this 2nd day of June 2022.

CITY OF ALVIN, TEXAS

ATTEST:

By: _____

Paul A. Horn
Mayor

By: _____

Dixie Roberts
City Secretary



AGENDA COMMENTARY

Meeting Date: 6/2/2022

Department: Administration

Contact: Dixie Roberts, Asst. City Manager

Agenda Item: Consider Ordinance 22-II, amending Chapter 28, Comprehensive Fees, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending certain rates and fees for City services; providing for severability; and setting forth other provisions related thereto.

Type of Item: ☒Ordinance ☐Resolution ☐Contract/Agreement ☐Public Hearing ☐Plat ☐Discussion & Direction ☒Other

Summary: On January 15, 2022, Mr. Ron Cox facilitated a workshop with City Council, wherein staff recommended various ordinances that needed to be amended. The months to follow, City Council adopted the amendments to the ordinances; which subsequently necessitates amending the fees related to the amended ordinances. Staff requests council to adopt Ordinance 22-II, which amends Chapter 28, Comprehensive fees. The proposed changes to Chapter 28, Code of Ordinance include:

Animals and Fowl Code of Ordinance (amended by Council 04/07/22)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Increasing the impound fee from \$10 to \$15 each day to offset the cost of vaccinating, deworming, and providing flea prevention to animals at in-take (or as close to in-take as possible).
- Increasing the quarantine fee from \$100 to \$150 for each 10th day of impoundment.
 - The \$5/day increase is to subsidize costs associated with quarantining (food/supplies/staff etc.)
- Adding 30-day Permit fee to sell animals.
 - This fee is proposed to discourage the “wrong” kind of breeding. Unsterilized animals who are allowed to roam free are contributing to the overpopulation of unwanted pets and there is currently no recourse for those continuing to allow their pets to breed. In addition, to the overpopulation, these practices (or lack of practices) also lead to sick pets being rehomed to unsuspecting people. People who tend to allow their pets to roam and reproduce do not typically vaccinate, deworm, or provide any medical care prior to abandoning, selling, or giving away the litters. Staff isn’t necessarily against breeding but do believe there should be some regulations to protect our community from purchasing or being given a diseased animal. Overbreeding is also extremely detrimental to a female’s health and can cause a host of medical issues. Requiring a permit to sell animals in our city would be a way for us to help ensure the animals are being provided proper care and not being used as “puppy mills”. *The permit applicant would be required to provide proof of rabies inoculation for each animal to be sold.*
- Removing the \$45 fee for *both* mother and litter being relinquished to the shelter and charge on a per animal basis. The current \$45 fee does not begin to cover costs associated with caring for a litter. Each animal is

dewormed, vaccinated, and provided with flea medication. Litters cannot be adopted out until they are at least eight weeks old, so staff often cares for them for several weeks. The mothers sometimes need specialty food so she can produce appropriate amounts of milk to feed her young litter. Once the litters are weaned, they require kitten/puppy food and milk supplements to ensure they are receiving proper nutrition. Our current relinquishment fee is \$30 for resident or \$45 for non-resident *per* animal and to subsidize costs, the fee should apply to litters individually rather than one fee for the entire litter.

Alcohol Code of Ordinance (amended by City Council 03/17/2022)

Proposed Changes to Comprehensive Fee Ordinance include:

- Amending Alcohol License fees to match fees as prescribed by Texas Alcohol and Beverage Commission.
 - The beer license fees as currently listed in Chapter 28 Comprehensive Fee Ordinance were adopted many years ago when there were only a handful of TABC licenses. To date, there are several different types of licenses offered as prescribed by State law and as approved by a Local Option Election.

Building Code of Ordinance (amended by City Council on 03/17/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Separating commercial and residential permit and inspection fees.
 - The State Law changed where we can no longer base permit fees on the cost of the work for any residential construction. Our existing fee structure for Residential and Commercial Projects is based on the cost of the construction being done and therefore the need to separate out residential. We researched other cities for the items like re-roofs, siding, window replacement, etc. and we determined a price per square foot that was approximately equal to what our current fee structure would yield for new residential structures and additions/remodels.

Municipal Court Code of Ordinance (amended by City Council on 02/03/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Removing the Municipal Court Security Fee. Court fees are now authorized through the codification of Texas state law.

Private Watchman Code of Ordinance (amended by City Council on 04/07/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Removing the Private Watchman application fee. Chapter 18 Private Watchman was removed from the Code of Ordinances

Signs Code of Ordinance (amended by City Council on 03/03/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Adding a \$10 permit fee for feather flags.

Taxi Code of Ordinance (amended by City Council on 04/07/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Removing the permit fee for Call Stands, call stands are antiquated and were removed from Chapter 23 Code of Ordinance.

Water and Sewer Code of Ordinance (amended by City Council on 03/03/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- The fees are being removed in association with the “former” front foot charge program.
 - o The extension of water and sewer lines under front foot charge program was deleted from the City’s Water & Sewer Code of Ordinance as utility extensions are completed by the developers or property owners at their expense for their commercial, multi family, and residential developments.

Wrecker Code of Ordinance (amended by City Council on 04/07/2022)

Proposed Change(s) to Comprehensive Fee Ordinance include:

- Amending wording to clarify annual permit fee for 1st emergency auto wrecker (\$100.00) and fee for each additional emergency auto wrecker (\$100.00).

Funding Expected: Revenue ☐ Expenditure ☐ N/A ☒ **Budgeted Item:** Yes ☐ No ☐ N/A ☒
Funding Account: _____ **Amount:** _____ **1295 Form Required?** Yes ☐ No ☒
Legal Review Required: N/A ☐ Required ☒ **Date Completed:** 5/26/2022 SLH

Supporting documents attached:

- Ordinance 22-II; redlined

Recommendation: Move to approve Ordinance 21-II, amending Chapter 28, Comprehensive Fees, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending certain rates and fees for City services; and providing for severability; and setting forth other provisions related thereto.

Reviewed by Department Head, if applicable ☒
Reviewed by City Attorney, if applicable ☒

Reviewed by Chief Financial Officer, if applicable ☐
Reviewed by City Manager ☒

ORDINANCE NO. 22-II

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 28, COMPREHENSIVE FEE ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING CERTAIN RATES AND FEES FOR CITY SERVICES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. That Chapter 28, Comprehensive Fee Ordinance, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 28, COMPREHENSIVE FEE ORDINANCE

“Sec. 28-2. In general.

The following schedule of fees shall apply to the permits, licenses, services and programs of the city:

...

ANIMALS AND FOWL

(1)	Identification tag and m Microchip for each animal, except those canines exempt by law	\$25.00
	Identification tag renewal and microchip registration update	\$10.00
(2)	Impound fee	\$40.00 \$15.00 for each animal or fowl, excluding livestock or exotic, for each day or part of a day after the first day of impoundment;
		\$20.00 for two (2) to three (3) animals and fowl, excluding livestock or exotic, for each day or part of a day after the first day of impoundment;
		\$40.00 for four (4) or more animals and fowl, excluding livestock or exotic, for each day or part of a day after the first day of impoundment;

		\$25.00 for each livestock and exotic for each day or part of a day after the first day of impoundment.
(3)	Quarantine fee	\$100.00 — <u>150.00</u> for each ten (10) day quarantine as required by state statute.
		After the mandatory quarantine above, the same fees for each quarantine shall apply as those for impound fee.
(4)	Adoption	An adoption fee of \$20.00 will be charged upon successful completion of all necessary provisions.

(5) Kennel license:

Class I (5—8 dogs):

Two-year license, unaltered* \$30.00

Two-year license, altered* \$15.00

* One-half (.5) acre minimum

Comments:

(1) *Altered:* All dogs are spayed and/or neutered

(2) *Unaltered:* One or more dogs are not spayed and/or neutered.

Late fee: If application for a license is made more than ten (10) days after such license is required, a \$15.00 fee will be charged.

Class II (9+ dogs):

Two-year license, unaltered* \$60.00

Two-year license, altered* \$30.00

* One acre minimum

Comments:

(1) *Altered:* All dogs are spayed and/or neutered

(2) *Unaltered:* One or more dogs are not spayed and/or neutered.

Late fee: If application for a license is made more than ten (10) days after such license is required, a \$15.00 fee will be charged.

(6) Cattery license:

Cattery license (5+ cats):

Two-year license, unaltered* \$30.00

Two-year license, altered* \$15.00

* One acre minimum

Comments:

- (1) *Altered:* All felines are spayed and/or neutered
- (2) *Unaltered:* One or more felines are not spayed and/or neutered.

Late fee: If application for a license is made more than ten (10) days after such license is required, a \$15.00 fee will be charged.

(7) Animal seller permit

Permit fee, per thirty-day permit \ \$15.00

To obtain permit applicant must provide proof of rabies inoculation for each animal to be sold, as required in Section 4-5(b)

(8) Animal rescuer permit:

Animal rescuer:

For five (5) to eight (8) dogs or cats on a parcel one-half (.5) acre to one acre \$15.00

For nine (9) or more dogs or cats, on a parcel one acre or larger \$30.00

Late fee: If application for a license is made more than ten (10) days after such license is required, a \$15.00 fee will be charged.

Petting zoo permit:

Required permit fee \$100.00

(89) Owner-surrendered animals:

City resident - for each animal or fowl, excluding livestock or exotics \$30.00

Nonresident - for each animal or fowl, excluding livestock and exotics \$45.00

~~Felines and canines: for mother and litter (resident or nonresident) \$45.00~~

Waiver of fees: Animal control personnel are authorized to waive all, or a portion of fees in hardship instances, such as citizens with special needs.

...

BEER

License fee(s) for persons who own or maintain a place of business located within the city and who hold a license from the Texas Alcoholic Beverage Commission for the manufacture, distribution or sale of beer:

~~(a) For person(s) holding a manufacturer's license \$250.00~~

~~(b) For person(s) holding a general distributor's license \$100.00~~

(a) For person(s) holding a mixed beverage permit and mixed beverage with food and beverage certificate (FB) and (MB) \$750.00 every two years.

(b) For person(s) holding a wine and malt beverage retailer's permit (BG) on-premise permit \$175.00 every two years.

(c) For person(s) holding a wine and malt beverage retailer's permit (BQ) off-premise permit \$60.00 every two years.

(d) For person(s) holding a malt beverage retail dealer's off-premise (BF) off-premise permit \$60.00 every two years.

...

COMMERCIAL ~~AND RESIDENTIAL~~ PERMIT AND INSPECTIONS

(1) Minimum permit fee \$50.00

~~(2) Application fee (if valuation is over \$10,000.00) \$50.00~~

~~(32)~~ Plan review fee: One-half of permit fee

~~(4) Permit fee valuation - Residential construction \$63.04~~

~~(5) Permit fee valuation - Residential detached garages \$33.04~~

~~(63)~~ Permit fee valuation - Swimming pool: Construction value.

~~(74)~~ Permit fee valuation - Commercial: Construction value.

~~(85)~~ ~~Residential and e~~Commercial fee table:

Total Valuation	Fee
First \$1,000.00 of construction value plus - up to and including \$50,000.00	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, up to and including \$50,000.00
\$50,000.00 to \$100,000.00	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof to and including \$100,000.00
\$100,000.00 to \$500,000.00	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00
\$500,000.00 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof

~~(9) - Residential renewal building permit fee (if job not complete in six (6) months) \$150.00~~

~~(106)~~ Commercial renewal building permit fee (if job not complete in six (6) months)
\$300.00

~~(11) Residential reinspection fee (payable in advance) \$100.00~~

~~(127)~~ Commercial reinspection fee (payable in advance) \$100.00

~~(138)~~ Moving fee for moving of any building or structure \$100.00

~~(149)~~ Demolition fee for demolition of any building or structure: \$100

~~0 up to 100,000 cu. ft. \$50.00~~

~~100,000 cu. ft. and over, per 1,000 cu. ft. \$0.50~~

~~(15) Plan checking fee when proposed construction exceeds \$1,000.00; one-half the building permit fee in item (1) above.~~

RESIDENTIAL PERMITS AND INSPECTIONS

(1) Minimum permit fee \$50.00

(2) Plan review fee: One-half of permit fee

(3) Residential fee table:

<u>Foundation Repair</u>	<u>First 50 piers \$80.00 base fee and each additional pier \$3.50 each</u>
<u>New residential</u>	<u>\$0.40 per sq. ft.</u>
<u>Re-roof</u>	<u>First 2,000 sq. ft. (20 squares) base fee \$75.00 and each additional 1,000 sq. ft. \$20.00 each</u>
<u>Siding Replacement</u>	<u>\$70.00 flat fee</u>
<u>Solar Panel Install</u>	<u>Panels first 2,000 sq. ft. base fee \$75.00 and each additional 1,000 sq. ft. \$20.00 each. Plan review half of the permit fee</u>
<u>Swimming Pool</u>	<u>\$0.70 per sq. ft. of pool area</u>
<u>Window Replacement</u>	<u>First five (5) windows \$70.00 base fee and each additional window \$7.00 each. Plan review half of the permit fee</u>

(4) Residential renewal building permit fee (if job not complete in six (6) months) \$150.00

(5) Residential reinspection fee (payable in advance) \$100.00

(6) Moving fee for moving of any building or structure \$100.00

(7) Demolition fee for demolition of any building or structure \$100.00

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MUNICIPAL COURT

~~Municipal court security fee, per conviction \$3.00~~

...

PRIVATE WATCHMEN/SECURITY GUARDS

~~License fee \$25.00~~

...

RECREATIONAL VEHICLE PARKS

License fees (in addition to the other applicable fees):

(1) Annual recreational vehicle park/~~resort~~ license fee (section 24½-~~94~~107) \$150.00

Plus a fee per each recreational vehicle lot (fifty dollar (\$50.00) minimum requirement) \$5.00

(2) Transfer of license for recreational vehicle park/~~resort~~ (section 24½-~~95~~108) \$50.00

(3) Inspection of recreational vehicle park (section 24½-~~98~~112 (2)) \$150.00

(4) Reinspection of recreational vehicle park (section 24½-~~100~~112(4)) \$50.00

(5) Inspection fee for reconnection of utility service \$35.00

(6) Replacement of lost/destroyed license \$25.00

...

SIGNS

- (1) Ground, freestanding and all other signs:

Total Valuation	Fee
\$1,000.00 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged
\$1,000.00 to \$50,000.00	\$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00
\$50,000.00 to \$100,000.00	\$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof to and including \$100,000.00
\$100,000.00 to \$500,000.00	\$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00
\$500,000.00 and up	\$1,660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof

- (2) Banners / Feather Flags

Grand opening banners \$15.00

Across public right-of-way \$100.00

Temporary on-premises banners /feather flags permit, each \$10.00

- (3) Reinspection fee(s):

Newly constructed or reconstructed sign, per inspection \$25.00

- (4) Impound fee \$50.00

- (5) Storage fee, per day \$5.00

- (6) Special use permit. An applicant requesting a special use permit shall pay a nonrefundable fee in the amount of \$250.00

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TAXICABS

- ~~(1) Permit for call box stand:~~

~~Application fee \$60.00~~

~~Annual fee \$60.00~~

- ~~(2)~~ Annual license fee(s):

One to 5 taxicabs \$300.00

Six to 10 taxicabs \$600.00

Eleven to 15 taxicabs \$800.00

Sixteen to 20 taxicabs \$1,000.00

Twenty-one or more taxicabs \$1,500.00

(3) Driver's permit, annual fee \$15.00

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WATER AND SEWER

The water and sewer inspection fees and deposits as required under chapter 28-2, water and sewer, section 2(1)—(4) shall be waived for the subject properties for the property owners as of May 6, 2004. The subject properties are those with existing structures that have road frontage served by utilities from the East Highway 6 Water and Sewer Improvements Project Phase I and Phase II and the West Highway 6 Water and Sewer Improvements Project Phase I and Phase II. This waiver also applies to the properties that were disannexed and agree to voluntary annexation on or before December 31, 2004.

(1) Water meter(s) Actual cost plus 15%

...

~~(24) Extension of water/sewer lines pursuant to extension policy (front foot charge):~~

~~Inside city limits:~~

~~Water, per front foot \$9.00~~

~~Sewer, per front foot for sewer \$7.50~~

~~Outside city limits:~~

~~Water, per front foot \$10.50~~

~~Sewer, per front foot \$9.00~~

~~(25) Front foot charge for singly platted tract capable of later division:~~

~~Inside city limits: Minimal front foot basis paid on larger of sixty (60) feet or width of land occupied by main structure plus ten (10) feet plus any additional side yard frontage not divisible into additional lots.~~

~~Outside city limits: Front foot charge without reduction.~~

~~(26) Water extension to person with existing well system (inside city limits): Sixty (60) percent of front foot charge.~~

~~(27) Sewer extension to person with existing septic system (inside city limits): Sixty (60) percent of front foot charge.~~

~~(28) Water extension to person with existing well system (outside city limits): Front foot charge without reduction.~~

~~(29) Sewer extension to person with existing septic system (outside city limits): Front foot charge without reduction.~~

(3024) Indirect dischargers of hauled waste.

Waste disposal fees:

- (a) For loads having a ph of not less than 7 or greater than 8.5 standard units and ammonia levels not greater than 9.9 mg/l, per gallon \$0.03
- (b) For loads having a ph of 6 to 6.9 or 8.6 to 8.9 standard units and ammonia levels of 10 to 14.9 mg/l, per gallon \$0.05

(3125) Storm water permit fees:

On-time application for storm water permit:

Minimum amount \$45.00

Incremental amount for each full or partial acre site, in excess of one acre \$45.00

Penalty for late filing of application for storm water permit:

Minimum amount \$90.00

Incremental amount for each full or partial acre site, in excess of one acre \$90.00

On-time amendment of storm water permit, (with no net increase in site acreage):

Minimum amount \$45.00

Late amendment of storm water permit, (with no net increase in site acreage):

Minimum amount \$90.00

On-time amendment of stormwater permit, (with net increase in site acreage):

Unit rate applies only to the increase in acreage:

Minimum amount \$45.00

Incremental amount for each full or partial acre site, in excess of one acre \$45.00

Late amendment of storm water permit, (with net increase in site acreage):

Unit rate applies only to the increase in acreage:

Minimum amount \$90.00

Incremental amount for each full or partial acre site, in excess of one acre \$90.00

Lifting of stop work order:

Minimum amount \$25.00

Incremental amount for each full or partial acre site, in excess of one acre \$25.00

Other fees:

City response to spill: Direct cost plus ten (10) percent of direct cost

WRECKERS

- (1) Annual auto wrecker permit fee for 1st emergency auto wrecker \$100.00
- (2) ~~Renewable fee for auto wrecker permit~~ Annual auto wrecker permit fee for each additional emergency auto wrecker \$100.00

Section 2. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 3. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 4. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 2nd day of June 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 6/2/2022

Department: City Attorney

Contact: Suzanne L. Hanneman, City Attorney

Agenda Item: Consider Resolution 22-R-12, authorizing the payment of the five (\$0.05) cents per capita to the Gulf Coast of Coalition of Cities to fund regulatory and related activities related to electric and gas utility service; and other matters related thereto.

Type of Item: ☐Ordinance ☒Resolution ☐Contract/Agreement ☐Public Hearing ☐Plat ☐Discussion & Direction ☒Other

Summary: The City of Alvin has been a member of the Gulf Coast Coalition of Cities (GCCC) since 2012. GCCC has been the primary public interest advocate before the Public Utility Commission, ERCOT, the Courts, and the Legislature on electric utility regulation matters for nearly two decades. There are non-reimbursable proceedings, rulemakings, and legislative efforts impacting the rates charged within the City. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that GCCC be able to fund its participation on behalf of its member cities.

When needed, a per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership. GCCC uses the population information on the TML website in order to determine assessments. In 2021, the assessment was seven cents (\$0.07) per capita, and the population was 26,827, for a total of \$1,877.89. With the current population of 27,140, the City of Alvin's shared cost will be \$1,357.00.

Staff recommends approval or Resolution 22-R-12

Funding Expected: Revenue ☐ Expenditure ☒ N/A ☐ **Budgeted Item:** Yes ☒ No ☐ N/A ☐

Funding Account: _____ **Amount:** _____ **1295 Form Required?** Yes ☐ No ☒

Legal Review Required: N/A ☐ Required ☒ **Date Completed:** 5/25/2022 SLH

Supporting documents attached:

- Res. 22-R-12

Recommendation: Move to approve Resolution 22-R-12, authorizing the payment of the five (\$0.05) cents per capita to the Gulf Coast of Coalition of Cities to fund regulatory and related activities related to electric and gas utility service; and other matters related thereto.

Reviewed by Department Head, if applicable ☐
Reviewed by City Attorney, if applicable ☒

Reviewed by Chief Financial Officer, if applicable ☐
Reviewed by City Manager ☒

RESOLUTION NO. 22-R-12

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE GULF COAST COALITION OF CITIES; AND AUTHORIZING THE PAYMENT OF FIVE (\$0.05) CENTS PER CAPITA TO THE COALITION TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ELECTRIC AND GAS UTILITY SERVICE AND OTHER MATTERS THERETO.

WHEREAS, the City of Alvin is a regulatory authority under the Public Utility Regulatory Act (“PURA”) and has exclusive original jurisdiction over the rates and services of electric and natural gas utility service within the municipal boundaries of the City; and

WHEREAS, the Gulf Coast Coalition of Cities (“GCCC”) has historically intervened in electric and gas utility rate proceedings and related rulemakings to protect the interests of municipalities and customers residing within municipal boundaries; and

WHEREAS, GCCC is participating in Public Utility Commission and Railroad Commission dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates; and

WHEREAS, the City is a member of GCCC; and

WHEREAS, in order for GCCC to continue its participation in these activities that affect the provision of electric and gas utility service and the rates to be charged, it must assess its members for such costs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. That the City is authorized to continue its membership with GCCC to protect the interests of the City of Alvin and protect the interests of utility customers residing and conducting business within the City limits.

Section 2. The City is further authorized to pay its assessment to GCCC of five cents (\$0.05) per capita that being \$1,357.00, based on the population figures for the City shown in the latest TML Directory of City Officials, currently 27,140.

Section 3. A copy of this Resolution shall be sent to Thomas Brocato, General Counsel for the Gulf Coast Coalition of Cities, at Lloyd Gosselink Rochelle and Townsend, 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

Section 4. The assessment payment check made payable to “Gulf Coast Coalition of Cities” shall be sent to the treasurer for the coalition, Sherri Russell, City Attorney, 5B Oak Drive, Lake Jackson, Texas 77566.

Section 5. Open Meeting Act. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this 2nd day of June 2022.

CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

APPROVED AS TO FORM:

Suzanne L. Hanneman
City Attorney



AGENDA COMMENTARY

Meeting Date: 6/2/2022

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider a final plat of Watermark Section 2A (located along the east side of Bypass 35 between House Street and South Street), a subdivision of 12.468 acres of land situated in the B.B.B.&C.R.R. Co. Survey, A-159, City of Alvin, Brazoria County, Texas.

Type of Item: ☐Ordinance ☐Resolution ☐Contract/Agreement ☐Public Hearing ☒Plat ☐Discussion & Direction ☐Other

Summary: On April 25, 2022, the Engineering Department received the final plat of Watermark Section 2A for review. The property is located along the east side of Bypass 35 between House Street and South Street. This final plat consists of 41 single-family residential lots, 2 reserves, and 1 block, and complies with the City of Alvin's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting on May 17, 2022.

The master preliminary plat of Watermark was approved by City Council on October 21, 2021.

Staff recommends approval of the plat.

Funding Expected: Revenue ☐ Expenditure ☐ N/A ☒ **Budgeted Item:** Yes ☐ No ☐ N/A ☒

Funding Account: _____ **Amount:** _____ **1295 Form Required?** Yes ☐ No ☒

Legal Review Required: N/A ☐ Required ☐ **Date Completed:** 5/25/2022 SLH

Supporting documents attached:

- Final Plat of Watermark Section 2A

Recommendation: Move to approve a final plat of Watermark Section 2A (located along the east side of Bypass 35 between House Street and South Street), a subdivision of 12.468 acres of land situated in the B.B.B.&C.R.R. Co. Survey, A-159, City of Alvin, Brazoria County, Texas.

Reviewed by Department Head, if applicable ☒

Reviewed by City Attorney, if applicable ☒

Reviewed by Chief Financial Officer, if applicable ☐

Reviewed by City Manager ☒

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, D.R. HORTON-TEXAS, LTD., A TEXAS LIMITED PARTNERSHIP, ACTING BY AND THROUGH JONATHAN WOODRUFF, ASSISTANT VICE PRESIDENT, BEING AN OFFICER OF D.R. HORTON-TEXAS, LTD., A TEXAS LIMITED PARTNERSHIP, OWNERS HEREINAFTER REFERRED TO AS OWNERS OF THE 12.468 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF WATERMARK SEC 2A, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION PLAT OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14' 0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED, HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10' 0") FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8' 0") FOR FOURTEEN FEET (14' 0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7' 0") FOR SIXTEEN FEET (16' 0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

FURTHER, OWNERS DO HEREBY DECLARE THAT ALL PARCELS OF LAND DESIGNATED AS LOTS ON THIS PLAT ARE INTENDED FOR THE CONSTRUCTION OF SINGLE FAMILY RESIDENTIAL DWELLING UNITS THEREON AND SHALL BE RESTRICTED FOR SAME UNDER THE TERMS AND CONDITIONS OF SUCH RESTRICTIONS FILED SEPARATELY.

IN TESTIMONY WHEREOF, D.R. HORTON-TEXAS, LTD., A TEXAS LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY JONATHAN WOODRUFF, ITS ASSISTANT VICE PRESIDENT, THEREUNTO AUTHORIZED,

THIS _____ DAY OF _____, 2022.

D.R. HORTON-TEXAS, LTD.,
A TEXAS LIMITED PARTNERSHIP

BY: _____
JONATHAN WOODRUFF, ASSISTANT VICE PRESIDENT

STATE OF TEXAS
COUNTY OF FORT BEND

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JONATHAN WOODRUFF, ASSISTANT VICE PRESIDENT OF D.R. HORTON-TEXAS, LTD., A TEXAS LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

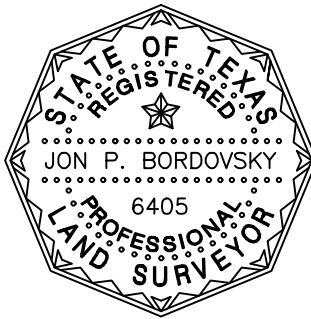
GIVEN UNDER MY HAND AND SEAL OF OFFICE,

THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, JON P. BORDOVSKY, A REGISTERED PROFESSIONAL LAND SURVEYOR, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THE ABOVE SUBDIVISION WAS PREPARED FROM AN ACTUAL SURVEY OF THE PARENT TRACT PROPERTY, MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE OF THE PERIMETER BOUNDARY ONLY WILL BE MARKED WITH IRON (OR OTHER SUITABLE PERMANENT METAL) PIPES OR RODS HAVE AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET WITH PLASTIC CAP MARKED "GBI PARTNERS" UNLESS OTHERWISE NOTED AT THE TIME OF RECORDATION AND THE PLAT CORNERS HAVE BEEN TIED TO THE TEXAS COORDINATE SYSTEM OF NAD 1983, SOUTH CENTRAL ZONE. (SEE NOTE 9)

JON P. BORDOVSKY, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6405



I, KATHLEEN KINCHEN, A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF TEXAS DO HEREBY CERTIFY THAT THIS PLAT MEETS ALL REQUIREMENTS OF FORT BEND COUNTY TO THE BEST OF MY KNOWLEDGE.

KATHLEEN KINCHEN, P.E.
LICENSED PROFESSIONAL ENGINEER
TEXAS LICENSE NO. 136244



CITY OF ALVIN APPROVAL

PAUL HORN, MAYOR

DIXIE ROBERTS, CITY SECRETARY

MICHELLE SEGOWA, CITY ENGINEER

BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 NOTES:

1. DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR THE PURPOSES OF DRAINAGE WORK, PROVIDED BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 (B.C.C.R.D. #3) IS PROPERLY NOTIFIED.
2. ALL DRAINAGE EASEMENTS SHOWN HEREON SHALL BE KEPT CLEAR OF FENCES, BUILDING, FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF DRAINAGE FACILITIES. LANDSCAPING SHALL BE PERMITTED WITHIN THE DETENTION PONDS LOCATED WITHIN THIS SUBDIVISION.
3. MAINTENANCE OF DETENTION FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. B.C.C.R.D. #3 SHALL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY B.C.C.R.D. #3 SHALL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY B.C.C.R.D. #3 OR SUB-REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO B.C.C.R.D. #3 WITH THEIR APPROVAL. B.C.C.R.D. #3 SHALL BE RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THEM, UNLESS B.C.C.R.D. #3 SPECIFICALLY CONTACTS OR AGREES TO MAINTAIN OTHER FACILITIES.
4. THE SIDES OF DRAINAGE CHANNELS AND DETENTION FACILITIES SHALL BE HYDROMULCH SEEDED.
5. OUTFALL STRUCTURES AND CULVERTS SHALL COMPLY WITH SECTION LLL S, 2 OF THE BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 REGULATIONS. BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 HAS ADOPTED THE BRAZORIA COUNTY DRAINAGE DISTRICT CRITERIA MANUAL AS ITS GUIDE. EROSION PROTECTION FOR OUTFALL STRUCTURES MUST BE REINFORCED CONCRETE. CONCRETE RUBBLE IS NOT ALLOWED.
6. B.C.C.R.D. #3 APPROVAL OF THE FINAL DRAINAGE PLANS AND FINAL PLAT (IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ANY AND ALL EASEMENTS, FEE STRIPS AND/OR ANY OTHER RIGHT-OF-WAY ACROSS THIRD PARTY DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLANS AND THE FINAL PLAT.
7. B.C.C.R.D. #3 PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANY TIME DURING CONSTRUCTION OR AS MAY BE WARRANTED TO ENSURE THE DETENTION FACILITIES ARE OPERATING PROPERLY.
8. DETENTION IS REQUIRED BY B.C.C.R.D. #3 IN ORDER TO OFFSET ADDITIONAL STORM RUNOFF DUE TO THE INCREASED IMPERVIOUS COVER FROM THE DEVELOPMENT.

THIS IS TO CERTIFY THAT BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3

HAS APPROVED THE PLAT OF WATERMARK SEC 2A AS SHOWN HERON ON THE _____ DAY

OF _____, 20____.

RICKY KUBECZKA
COMMISSIONER

JODY SCHIBI
COMMISSIONER

ALFRED FROBERG, JR.
COMMISSIONER

DONG NGUYEN, P.E., C.F.M.
DISTRICT ENGINEER

NOTES:

1. THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS FOR THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF ALVIN.
2. ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
3. THE COORDINATES SHOWN HEREON ARE TEXAS SOUTH CENTRAL ZONE NO. 4204 STATE PLANE GRID COORDINATES (NAD83) AND MAY BE BROUGHT TO SURFACE BY DIVIDING BY THE FOLLOWING COMBINED SCALE FACTOR OF 0.99986663422.
4. THIS TRACT LIES IN ZONES "X" OF THE F.I.R.M. FLOOD INSURANCE RATE MAP FOR BRAZORIA COUNTY, TEXAS, DATED DECEMBER 30, 2020, MAP NO. 48039C 0165K. CONTACT THE CITY OF ALVIN FLOODPLAIN ADMINISTRATOR FOR THE FLOOD INFORMATION.
5. SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR THE TRACT.
6. NO BUILDING PERMITS WILL BE ISSUED UNTIL ALL THE STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE DETENTION, HAVE BEEN CONSTRUCTED.
7. BENCHMARK: CITY OF ALVIN GPS CONTROL MONUMENT NO. 0206, 3- 1/4 BRASS DISK SET ON 5/8 " IRON ROD BELOW GRADE.
ELEVATION = 39.23; NAVD 88
8. T.B.M. INDICATES TEMPORARY BENCHMARK: PK NAIL
ELEVATION = 37.58', NAVD 88.
9. ALL BUILDING LINE TRANSITIONS ARE AT 45° ANGLES TO THE STRAIGHT SIDE LOT LINE WHERE THE TRANSITION OCCURS.
10. ALL LOT LINES SHALL HAVE A MINIMUM 5' SIDE YARD SETBACK LINE.
11. A MINIMUM DISTANCE OF 10' SHALL BE MAINTAINED BETWEEN RESIDENTIAL DWELLINGS.

Being a tract containing 12.468 acres of land, located in the B.B.B. & C.R.R. Co. Survey, Abstract Number 159, in Brazoria County, Texas; said 12.468 acre tract being a portion of a call 103.502 acre tract recorded in the name of D.R. Horton-Texas, LTD, in File Number 2021029407 of the Official Public Records of Brazoria County (O.P.R.B.C.); said 12.468 acre tract being more particularly described by metes and bounds as follows (bearings being based on the Texas Coordinate System, South Central Zone, NAD 83, as derived from GPS observations);

Beginning at the northerly corner of a call 0.212 acre tract recorded in the name of City of Alvin in File Number 2021017870 of the O.P.R.B.C. and being on the easterly Right-of-Way (R.O.W.) line of State Highway 35 (300-feet wide);

Thence, with said R.O.W. line, North 21 degrees 26 minutes 53 seconds East, a distance of 861.52 feet;

Thence, leaving said line, through and across aforesaid 103.502 acre tract, the following ten (10) courses:

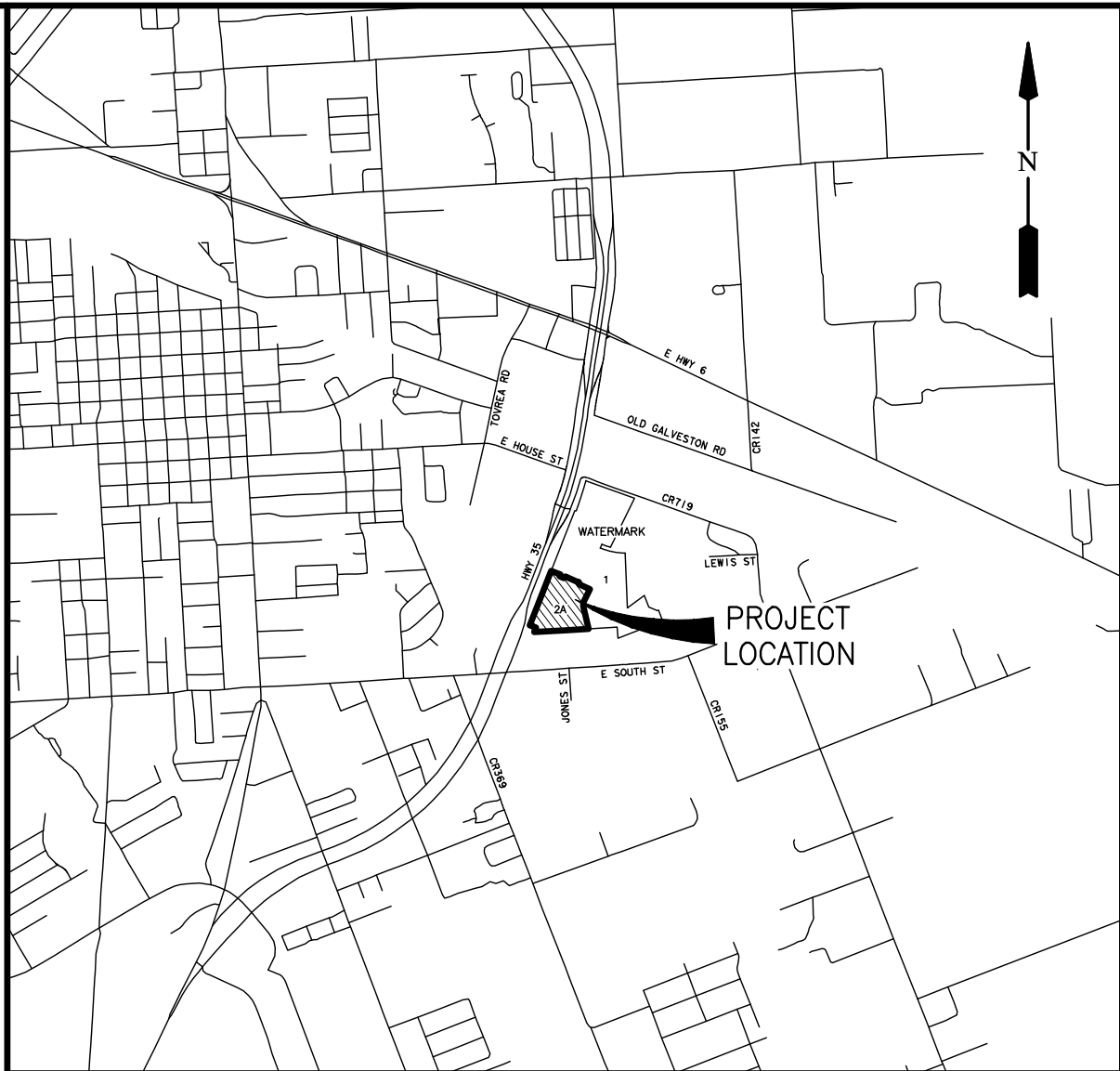
- 1)South 68 degrees 19 minutes 05 seconds East, a distance of 147.02 feet;
- 2)South 21 degrees 40 minutes 55 seconds West, a distance of 28.47 feet;
- 3)South 68 degrees 19 minutes 05 seconds East, a distance of 60.00 feet;
- 4)39.27 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet, a central angle of 90 degrees 00 minutes 00 seconds and a chord that bears North 66 degrees 40 minutes 55 seconds East, a distance of 35.36 feet;
- 5)South 68 degrees 19 minutes 05 seconds East, a distance of 198.62 feet;
- 6)40.25 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet, a central angle of 92 degrees 15 minutes 14 seconds and a chord that bears South 22 degrees 11 minutes 28 seconds East, a distance of 36.04 feet;
- 7)South 66 degrees 03 minutes 51 seconds East, a distance of 177.85 feet;
- 8)South 26 degrees 09 minutes 06 second West, a distance of 224.28 feet;
- 9)South 05 degrees 15 minutes 06 seconds West, a distance of 49.30 feet;
- 10)South 13 degrees 42 minutes 54 seconds East, a distance of 348.80 feet to the northerly line of a call 8.443 acre tract recorded in the name of William Durward Flora and Peggy Ann Flora in File Number 1985030715 of the O.P.R.B.C.;

Thence, with said northerly line and the northerly line of Lot 1, Webb Park, a subdivision recorded in Volume 20, Pages 365 and 366 of the Brazoria County Map Records (B.C.M.R.), the following two (2) courses:

- 1)South 86 degrees 21 minutes 06 seconds West, a distance of 319.25 feet;
- 2)South 86 degrees 34 minutes 49 seconds West, a distance of 490.68 feet to the southeasterly corner of aforesaid 0.212 acre tract;

Thence, with the easterly line of said 0.212 acre tract, North 21 degrees 36 minutes 59 seconds East, a distance of 75.00 feet to the northeasterly corner of said 0.212 acre tract;

Thence, with the northerly line of said 0.212 acre tract, North 68 degrees 23 minutes 04 seconds West, a distance of 95.35 feet to the Point of Beginning and containing 12.468 acres of land.



VICINITY MAP
SCALE: 1" = 1/2 MILE

KEY MAP NO. 696T

FINAL PLAT OF WATERMARK SECTION 2A

A SUBDIVISION OF 12.468 ACRES OF LAND SITUATED IN THE
B.B.B. & C.R.R. CO. SURVEY, ABSTRACT 159,
CITY OF ALVIN, BRAZORIA COUNTY, TEXAS.

41 LOTS 2 RESERVES (2.541 ACRES) 1 BLOCK
APRIL 25, 2022 JOB NO. 1931-7912C

OWNERS:

D.R. HORTON-TEXAS, LTD.
A TEXAS LIMITED PARTNERSHIP

JONATHAN WOODRUFF, ASSISTANT VICE PRESIDENT

6744 HORTON VISTA DRIVE, SUITE 100, RICHMOND, TEXAS 77407

PH: 281-566-2100

SURVEYOR:

ENGINEER:



GBI PARTNERS
LAND SURVEYING CONSULTANTS
4784 VISTA ROAD - PASADENA, TX 77505
PHONE: 281-498-4338 • GBIsurvey@GBIsurvey.com
TXREGS FIRM #101300600 • www.GBIsurvey.com

JON P. BORDOVSKY, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6405

LJA Engineering, Inc.

1904 W. Grand Parkway North
Suite 100
Katy, Texas 77449

KATHLEEN KINCHEN, P.E.
LICENSED PROFESSIONAL ENGINEER
TEXAS LICENSE NO. 136244



Phone 713.953.5200
Fax 713.953.5026
FRN-F-1386



AGENDA COMMENTARY

Meeting Date: 6/2/2022

Department: City Secretary

Contact: Dixie Roberts, ACM/City Secretary

Agenda Item: Consider resignation from Planning Commission Board member, Dale Jones.

Type of Item: ☐Ordinance ☐Resolution ☐Contract/Agreement ☐Public Hearing ☐Plat ☐Discussion & Direction ☒Other

Summary: The City Secretary's office received email confirmation from Mr. Jones to resign from the Planning Commission for his term ending on December 31, 2024. This agenda item is the formal acceptance of his resignation.

Mr. Jones stated his work obligations have changed and his time will spent traveling more for work.

City Council made two appointments to the Commission at the May 19, 2022, which will fill this vacancy. No further action is needed.

Funding Expected: Revenue ☐ Expenditure ☐ N/A ☒ **Budgeted Item:** Yes ☐ No ☐ N/A ☒

Funding Account: _____ **Amount:** _____ **1295 Form Required?** Yes ☐ No ☒

Legal Review Required: N/A ☒ Required ☐ **Date Completed:** 5/25/2022 SLH _____

Supporting documents attached:

- Resignation letter from Mr. Jones
-

Recommendation: Move to accept the resignation from Planning Commission Board member, Dale Jones.

Reviewed by Department Head, if applicable ☐
Reviewed by City Attorney, if applicable ☒

Reviewed by Chief Financial Officer, if applicable ☐
Reviewed by City Manager ☒

From: Dale Jones
Sent: Thursday, May 19, 2022 6:52 AM
To: Shana Church <schurch@psf.cityofalvin.com>
Subject: RE: Planning Commission 05-17-2022

Shana

I need to resign my position from the board. My work obligations have change and my time will be spent on the road traveling more!

Regards, Dale

Dale Jones



AGENDA COMMENTARY

Meeting Date: 6/2/2022

Department: Administration

Contact: Junru Roland, City Manager

Agenda Item: Discuss the Alvin Code of Ordinances Appendix A, Article 5 (Provisions for Flood Hazard Reduction) and Appendix A, Article 4 Section D (Variance and Appeal Procedures).

Type of Item: ☐Ordinance ☐Resolution ☐Contract/Agreement ☐Public Hearing ☐Plat ☐Discussion & Direction ☒Other

Summary: At the May 19, 2022, City Council meeting, Mr. David Abbey, addressed City Council and asked that they consider adding a variance process to Ordinance 20-BB, Flood Damage Prevention (Appendix A to the Alvin Code of Ordinances).

A variance provision is currently listed within the City's ordinance, and states that such requests are to be considered by the Building Board of Adjustments and Appeals. Appeals to the BBOAA's decision are directed to a court of competent jurisdiction. Council member Adame and Council member Moore asked that this item be brought before City Council for discussion.

Attached you will find the Appendix A Flood Damage Prevention / Article 4 / Section B. Specific Standards, and Section D. Variance and appeal procedures. Michelle Segovia, City Engineer will give a brief presentation on Appendix A.

Funding Expected: Revenue ☐ Expenditure ☐ N/A ☐ **Budgeted Item:** Yes ☐ No ☐ N/A ☐

Funding Account: _____ **Amount:** _____ **1295 Form Required?** Yes ☐ No ☐

Legal Review Required: N/A ☐ Required ☐ **Date Completed:** _____

Supporting documents attached:

- Appendix A Flood Damage Prevention Article 4 Section B. Specific Standards and Section D. Variance and appeal procedures

Recommendation:

Reviewed by Department Head, if applicable ☐
Reviewed by City Attorney, if applicable ☐

Reviewed by Chief Financial Officer, if applicable ☐
Reviewed by City Manager ☒

Appendix A Flood Damage Prevention / Article 4 / Section B. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) article 3, section B, (ii) article 4, section B(8), or (iii) article 5, section C(3), the following provisions are required:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to one foot above the base flood elevation or one foot above adjacent existing natural grade, whichever is higher. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in article 4, section C(1)a, is satisfied. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment elevated to a level at least one foot above the base flood elevation.
- (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above base flood elevation or one foot above adjacent existing natural grade, whichever is higher, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment elevated to a level at least one foot above the base flood elevation.
- (3) Enclosures. Building enclosures, including breakaway walls, are prohibited below the base flood elevation.

Section D. Variance and appeal procedures.

- (1) The appeal board, as established by the city, shall hear and render judgment on requests for variances from the requirements of this Ordinance. An applicant for a variance shall pay a nonrefundable fee, in an amount provided for in the fee schedule in Chapter 28.
- (2) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this Ordinance. An appeal must be filed with the city clerk by the applicant within ten (10) days of the date the floodplain administrator issues the decision or determination about which applicant is complaining.
- (3) Any person or persons aggrieved by the decision of the board may appeal such decision in the courts of competent jurisdiction.
- (4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

- (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Ordinance.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section C(2) of this article have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of this Ordinance, the board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Ordinance (article 1, section C).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (10) Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (11) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in article 4, section D are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

FEMA's freeboard definition: <https://www.fema.gov/glossary/freeboard>



AGENDA COMMENTARY

Meeting Date: 6/2/2022

Department: Administration

Contact: Junru Roland, City Manager

Agenda Item: Discuss construction waste on residential property developments, collection services contract, inspections, and enforcement. (Vela/Starkey)

Type of Item: ☐Ordinance ☐Resolution ☐Contract/Agreement ☐Public Hearing ☐Plat ☐Discussion & Direction ☒Other

Summary: This is a discussion item placed on the agenda at the request of City Council member Vela, seconded by City Council member Starkey at the May 19, 2022, meeting.

Funding Expected: Revenue ☐ Expenditure ☐ N/A ☒ **Budgeted Item:** Yes ☐ No ☐ N/A ☒

Funding Account: _____ **Amount:** _____ **1295 Form Required?** Yes ☐ No ☒

Legal Review Required: N/A ☒ Required ☐ **Date Completed:** _____

Supporting documents attached:

•

Recommendation: N/A

Reviewed by Department Head, if applicable ☐

Reviewed by City Attorney, if applicable ☐

Reviewed by Chief Financial Officer, if applicable ☐

Reviewed by City Manager ☒



AGENDA COMMENTARY

Meeting Date: 6/2/2022

Department: Administration

Contact: Junru Roland, City Manager

Agenda Item: Discuss the cost associated with increasing the residential solid waste collection from one (1) time per week to two (2) times per week.

Type of Item: ☐ Ordinance ☐ Resolution ☐ Contract/Agreement ☐ Public Hearing ☐ Plat ☐ Discussion & Direction ☒ Other

Summary: Council member Adame asked that staff review the cost associated with increasing residential garbage collection to two (2) times per week. Information will be presented and discussed during the meeting.

Texas Pride will be at the meeting to discuss available options.

Funding Expected: Revenue ☐ Expenditure ☐ N/A ☒ **Budgeted Item:** Yes ☐ No ☐ N/A ☒

Funding Account: _____ **Amount:** _____ **1295 Form Required?** Yes ☐ No ☒

Legal Review Required: N/A ☒ Required ☐ **Date Completed:** _____

Supporting documents attached:

- N/A
-

Recommendation: N/A

Reviewed by Department Head, if applicable ☐
Reviewed by City Attorney, if applicable ☐

Reviewed by Chief Financial Officer, if applicable ☐
Reviewed by City Manager ☒