

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL REGULAR MEETING
AND EXECUTIVE SESSION
THURSDAY, NOVEMBER 2, 2023
7:00 PM**

CALL TO ORDER

BE IT REMEMBERED that, on the above date, the City Council of the City of Alvin, Texas, met in Regular Session at 7:00 PM in the Council Chambers at City Hall, with the following members present: Mayor Gabe Adame; Mayor Pro-Tem Chris Vaughn; Councilmembers: Joel Castro, Meagan DeKeyser, Richard Garivey, Keko Moore, Glenn Starkey, and Martin Vela.

Staff members present: Suzanne Hanneman, City Attorney; Dixie Roberts, Assistant City Manager/City Secretary; Michelle Segovia, City Engineer; Michael Medwedeff, Assistant City Engineer, and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Castro gave the invocation. Council member Moore led the Pledge of Allegiance to the American Flag. Council member Garivey led the Pledge to the Texas Flag.

PRESENTATIONS

Municipal Court Week Proclamation - November 5-11, 2023.

Mayor Adame proclaimed the week of November 5-11, 2023, as Municipal Court Week and formally issued the proclamation to members of the Alvin Municipal Court staff in attendance.

Presentation of the Fall 2023 Alvin Upfront Citizens Academy Course Completion Certificates.

Mayor Adame formally recognized participants of the 2023 Alvin Upfront Citizens Academy by presenting each graduate with a Certificate of Completion.

Alvin upfront is a 7-week course on City government, operations and activities. Citizens Academy provides residents with an up-close and in-depth look at the operation of their municipal government. It is designed to educate and encourage citizens to become more engaged and assume a leadership role within the community. This year there were twelve registrants, including our first ever Alvin High School student participants. 2023 Graduates: Caiden Anderson, Daneli Estrada, Ashley Davis, Randi Miller, Kristina Bailey, Jo Ann Bailey, Kimberly Moody, Noah Mubiru and Ian McKee.

PUBLIC COMMENT

Rhonda Ruelas presented comments regarding the properties located at 505 Sunset Lane and 209 Jephson.

John Burkey presented comments regarding Senior Center upcoming activities for November and December.

CONSENT AGENDA

Acknowledge receipt of the September 30, 2023 Investment Report.

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

The City's investment policy states that the investment officer shall generate quarterly (investment) reports to the City Manager, Mayor, and City Council. Attached is the quarterly report for the period ending September 30, 2023.

In summary, the City of Alvin has an investment portfolio at September 30, 2023, which was \$115,865,709 consisting of \$85,136,459 invested in the Investment Pools, \$5,907,439 in Fixed Income Securities and CD's, and \$24,821,811 in the City's bank depository accounts. Interest earned during the quarter was \$1,218,485. The City's yield for the quarter was 4.51% while the City's benchmark rate (i.e. the 90-day T-Bill) was 5.31%. Please see the attached report for further details.

Acknowledge the resignation of Associate Municipal Court Judge, Benjamin Martin.

Due to professional commitments, Associate Municipal Court Judge Benjamin Martin tendered his resignation letter on October 17, 2023, with immediate effect. City Council is asked to formally recognize said resignation through this item on the agenda.

Consider the 2024 Interlocal Agreement for Emergency Services with Brazoria County Emergency Services District #3 (ESD); and authorize the Mayor to sign upon legal review.

The Brazoria County Emergency Services District #3 was first formed in 2004. Brazoria County Commissioners appoint five (5) ESD #3 Board of Directors to authorize and appropriate funding for Fire and Emergency Medical Services (EMS) to the approximately 120 square miles surrounding the city limits of Alvin. Each entity/provider is allowed to submit a budget to the five (5) member ESD #3 Board of Directors each year. The ESD #3 Board of Directors then reviews the budget requests and allows each entity/provider the opportunity to give a short presentation on their budget requests. Upon approval, the Board of Directors allocates the funds to each entity/provider accordingly.

In 2022, ESD #3 paid a total of \$807,240.00 to the City of Alvin for the following emergency services:

- \$399,240 for fire and rescue
- \$408,000 for emergency medical services

In 2023, ESD #3 paid a total of \$839,202.00 to the City of Alvin for the following emergency services:

- \$419,202 for fire and rescue
- \$420,000 for emergency medical services

The 2024 proposed ESD #3 agreement with the City of Alvin will increase to a total of \$876,778.00 for the following emergency services:

- \$431,778 (\$12,576.00 increase) for fire and rescue
- \$445,000 (\$25,000.00 increase) for emergency medical services

Consider an Interlocal Agreement for the Regional Stormwater Management Program.

The City of Alvin has participated in the Regional Stormwater Management Program for the last ten (10) years. The Regional Stormwater Management Program consists of the City of Lake Jackson, the City of Clute, the City of Alvin, the City of Angleton, the City of Freeport, the City of Richwood, Brazoria County Drainage District 4, and the Brazoria County Conservation and Reclamation District 3.

The purpose of this agreement is to establish and implement a regional stormwater management program and associated permit application forms for the Texas Pollutant Discharge Elimination System Phase II Stormwater Discharge Permit, which is a requirement of the Texas Commission on Environmental Quality (TCEQ). This interlocal agreement is a five-year agreement which would be effective through September 30, 2028. The City has successfully completed two prior five-year agreements and this will be the third. By continuing to enter into this agreement, the City will continue to satisfy the TCEQ's stormwater discharge requirements, and allow the City to share the cost of the program with other entities. The City of Alvin will be cost sharing with the above entities to pay for the cost of the consulting firm, LJA Engineering, to implement the program.

The City's estimated budget for this program is as follows:

*FY24 - \$14,000
FY25 - \$13,000
FY26 - \$13,000
FY27 - \$13,000
FY28 - \$13,000*

Staff recommends approval.

Consider an Agreement between Brazoria County and the City of Alvin for the City to receive \$237,500 from the Community Development Block Grant for waterline improvements along Bypass 35; and authorize the Mayor to sign the Agreement upon legal review.

Every three years, Brazoria County is awarded Community Development Block Grant Funds from the Federal Government that it passes along to cities within Brazoria County for projects that will benefit low- and moderate-income areas of the City. The City of Alvin has received these funds every three years for the previous nineteen plus years and has historically used them to fund park and utility projects (alternating between the two). In order to receive these funds, the City is required to submit an application in the spring of the award year. The application must include projects that meet the County's criteria and are in low, and/or moderate-income areas of the City as determined by CDBG. This year, staff submitted an application for funds to replace 1,600 feet of 8 inch

waterline along Bypass 35 between Fairway Drive and Jephson Lane. City Staff was notified by the County in early October that the project had been approved to receive CDBG grant funds in the amount of \$237,500 and that the agreement would follow. Staff recommends approval of the Agreement.

Consider authorizing the placement of a 1940s-1950s era oil pump jack at the Alvin Historical Museum, located at 302 West Sealy St. as requested by the Alvin Museum Society.

On June 1, 2023, Tom Stansel, representing the Alvin Museum Society, presented a request to the City, seeking authorization for the installation of an oil pump jack at the Alvin Historical Museum. The City Council advised the museum to coordinate with the engineering department to guarantee that this placement would not cause any disruption to underground utilities or encroach on easements. Following this, the inspections department received an engineered foundation drawing, and all utilities were confirmed to remain unaffected by this installation. If the City Council grants permission of this installation on city property, a permit will be granted.

Council member Castro 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 a master preliminary plat of Georgetown Section 2 (located along the east side of FM 528 between Victory Lane and Mandale Road), being a subdivision of 42.6 acres located in the I&GN RR Co Survey, Block 1, Section 22, Abstract 740, I&GN RR Co Survey, Block 1, Section 22, Abstract 693 and Hooper & Wade Survey, Section 22, Abstract 491, City of Alvin, Brazoria County, Texas.

On September 25, 2023, the Engineering Department received the master preliminary plat of Georgetown Section 2 for review. The property is located along the east side of FM 528 between Victory Drive and Mandale Road. This master preliminary plat consists of 71 single-family residential lots, 9 reserves, and 6 blocks, and complies with the City of Alvin's Subdivision Ordinance.

The City Planning Commission approved the plat with 6 members voting for and 1 member voting against the plat at their meeting on October 17, 2023. The dissent was based on the pending changes made to the subdivision ordinance increasing minimum lot widths and sizes that Council will consider at their meeting on November 2, 2023. Staff recommends approval of the plat.

Michael Medwedeff, Assistant City Engineer, presented this item before City Council with explanation.

Council member Moore moved to approve a master preliminary plat of Georgetown Section 2 (located along the east side of FM 528 between Victory Lane and Mandale Road), being a subdivision of 42.6 acres located in the I&GN RR Co Survey, Block 1, Section 22, Abstract 740, I&GN RR Co Survey, Block 1, Section 22, Abstract 693 and Hooper & Wade Survey, Section 22, Abstract 491, City of Alvin, Brazoria County, Texas. Seconded by Council member Vaughn; motion carried with all members present voting Aye.

Consider a master preliminary plat of Magnolia Trails (located along the east side of FM 2403 1.5 miles south of the Johnson St. and State Highway 35 intersection), being a subdivision of 141.1 acres of land out of the William Harris 2/3 League, Abstract 72, City of Alvin, Brazoria County, Texas.

On September 25, 2023, the Engineering Department received the master preliminary plat of Magnolia Trails for review. The property is located along the east side of FM 2403, 1.5 miles south of the Johnson St. and State Highway 35 intersection. This master preliminary plat consists of 361 single-family residential lots, 15 reserves, 3 sections, and 14 blocks, and complies with the City of Alvin's Subdivision Ordinance.

The City Planning Commission approved the plat with 6 members voting for and 1 member voting against the plat, at their meeting on October 17, 2023. The dissent was based on the pending changes made to the subdivision ordinance increasing minimum lot widths and sizes that Council will consider at their meeting on November 2, 2023. Staff recommends approval of the plat.

Michael Medwedeff, Assistant City Engineer, presented this item before City Council with explanation.

Council member Garivey moved to approve a master preliminary plat of Magnolia Trails (located along the east side of FM 2403 1.5 miles south of the Johnson St. and State Highway 35 intersection), being a subdivision of 141.1 acres of land out of the William Harris 2/3 League, Abstract 72, City of Alvin, Brazoria County, Texas. Seconded by Council member Moore; motion with all members present voting Aye.

Consider Ordinance 23-BB, amending Chapter 21, Subdivisions and Property Development, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article III. Minimum Requirements for Subdivision and/or Resubdivision and Article VI. Planned Unit Developments, providing for penalties; providing for severability; and setting forth other provisions related thereto.

(Michael Medwedeff, Assistant City Engineer, will be presenting this one since these are recommendations from the City Planning Commission)

This Ordinance is amending Chapter 21, Subdivision and Property Development, of the City of Alvin Code of Ordinances. The proposed changes were discussed and recommended by the City Planning Commission at their meetings on August 15, 2023 and September 19, 2023. The changes in summary are:

- *Sec 21-37(a) - Changing the front setback for residential lots from 25 feet to 30 feet, the rear setback from 10 feet to 15 feet, and the side setback from 5 feet to 10 feet.*
- *Sec. 21-37(b) - Changing the lot width from 60 feet to 70 feet, the lot area from 7,000 square feet to 8,000 square feet and adding a provision that impervious cover cannot exceed 50% of the lot area for residential lots.*
- *Sec. 21-110(c)(1) - Adding aesthetic lighting to all of the approved amenities in this section.*
- *Sec. 21-110(c)(2) - Adding a swimming pool with restrooms and clubhouse to the PUD park requirement, adding a splash pad as an optional requirement, and removing basketball/tennis courts as optional amenities.*
- *Sec.21-110(c)(5) – Added Planning Commission approval of the preliminary design of all amenities to meet the 7% common area requirement.*
- *Sec. 21-110(c)(7) – Adding the requirement for fencing/barrier between splash pads and pools.If approved, these amendments will apply to all new subdivision plat submittals where a Master Preliminary Plat or Development Agreement has not been previously approved by City Council.*

Staff recommends approval of Ord. 23-BB.

Michael Medwedeff, Assistant City Engineer, presented this item before City Council with explanation. Discussion was had by City Council on also including the recommended changes within Article IV Planned Unit Developments (PUD), and not mandating a swimming pool as a requirement within a PUD. Instead, it was proposed to include the swimming pool as one of the options from which a developer could choose at least two. Council felt that the end goal in enhancing these development standards was to attract higher quality developments into the city.

No action was taken. City Council would like to hold a workshop with the Planning Commission to discuss these items before the ordinance is considered.

Consider Ordinance 23-CC, amending Chapter 4, Animals and Fowl, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I, In General, and Article II. Kennels/Catteries; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance amends Chapter 4, Animals and Fowl, of the City of Alvin Code of Ordinances, by adding the following provisions:

- *Amending Sec 4-3 – including the definition of Intact / Unsterilized Animals and Shelter Manager to the definitions*
- *Adding Section 4-25 - Restrictions on Unsterilized Dogs and Cats*
- *Adding Section 4-26 - Creation of an Intact Animal Permit*
- *Amending Section 4-45 - changing Animal Seller Permit to Animal Breeder/Seller Permit, and adding requirements for the permit*

Staff recommends approval of Ordinance 23-CC.

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

Council member Vaughn moved to approve Ordinance 23-CC, amending Chapter 4, Animals and Fowl, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article I, In General, and Article II. Kennels/Catteries; providing for penalties; providing for severability; and setting forth other provisions related thereto. Seconded by Council member Moore; motion carried with all other members present voting Aye and Council member Castro voting No.

Consider Ordinance 23-DD, amending Chapter 28, Comprehensive Fee Ordinance, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of revising and adding fees for breeders and sellers of animals; providing for publication; providing for an effective date; and setting forth other provisions related thereto.

This Ordinance adopts the fee change into Chapter 28, Comprehensive Fee Ordinance of the Alvin Code of Ordinances related to animal breeder and seller permits. All fees charged by the City must be included within Chapter 28. Ordinance 23-DD, amending Chapter 4 of the Code of Ordinances was discussed on the previous agenda item. The fee amendment as presented and adopted in said resolution has been included in Ordinance 23-DD as outlined below:

Animal breeder/seller permit

- *Permit fee increased from \$15 for a 30-day permit, to \$100 for an annual permit*

Staff recommends approval of Ordinance 23-DD.

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

Council member Vaughn moved to approve Ordinance 23-DD, amending Chapter 28, Comprehensive Fee Ordinance, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of revising and adding fees for breeders and sellers of animals; providing for publication; providing for an effective date; and setting forth other provisions related thereto. Seconded by Council member Starkey; 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.

No items were requested by any Council members to be placed on the upcoming agenda.

REPORTS FROM THE CITY MANAGER

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

Dixie Roberts announced items of community interest; and he reviewed the preliminary list for the November 16, 2023, 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 announced the Veteran Day Program being hosted by Alvin ISD and JROTC, honoring Veterans on November 10th at the Freedom Field in Iowa Colony. Council member Garivey also mentioned the annual Casino Night hosted by the Go Texan committee, KC Hall, at 6:00 p.m.

Mayor Adame commended the Parks and Recreation Staff for their hard work on the Trick or Treat Trail. The mayor also extended congratulations to Nathan Eovaldi, player for the Texas Rangers and Alvinite, for his success in the World Series.

ADJOURNMENT

Mayor Adame adjourned the meeting at 8:10 p.m.

PASSED and APPROVED the 16th of November 2023.

ATTEST:

Gabe Adame, Mayor

Dixie Roberts, City Secretary