

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL REGULAR MEETING
AND EXECUTIVE SESSION
THURSDAY, APRIL 4, 2024
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 and Executive Session at 7:00 PM in the Council Chambers at City Hall, with the following members present: Mayor Pro-Tem Chris Vaughn; Council members: Martin Vela, Keko Moore, Joel Castro, Glenn Starkey, Richard Garivey and Meagan DeKeyzer.

Staff members present: Suzanne Hanneman, City Attorney; Dixie Roberts, Assistant City Manager/City Secretary; Chris Thomas, Director of Administrative Services; Dan Kelinske, Parks and Recreation Director; Michael Medwedeff, Asst. City Engineer; and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Alvin Police Department Chaplain Lazarus Gonzales gave the invocation. Council member Starkey led the Pledge of Allegiance to the American Flag. Council member Garivey led the Pledge to the Texas Flag.

PRESENTATIONS

Child Abuse Awareness Month Proclamation.

Mayor Pro-Tem Vaughn proclaimed the Month of April as Child Abuse Awareness Month and formally issued the proclamation to the members of BACA in attendance.

Public Safety Telecommunicators Week Proclamation - April 14-20, 2024.

Mayor Pro-Tem Vaughn proclaimed the week of April 14-20, 2024, as Public Safety Telecommunicators Week and formally issued the proclamation to the Alvin Police Department Dispatch staff members in attendance.

PUBLIC COMMENT

There were no comments from the public.

CONSENT AGENDA

Consider approval of the March 21, 2024, City Council meeting minutes.

Consider an agreement with McKinstry through The Interlocal Purchasing System (TIPS) cooperative purchasing network for the replacement of the Building Automation System for the Recreation Center in an amount not to exceed \$103,636; and authorize the City Manager to sign related documents upon legal review.

The current building automated controls within the Recreation Center (formerly YMCA) are outdated and no longer supported by the current provider, DAC, Inc. Rather than utilize an upgraded version of the existing system at a cost of \$96,600 and \$315 monthly fee for a three (3) year commitment of service, staff recommended expanding the current building automation system (BAS) used in many other facilities. Johnson Controls "Facility Explorer" is currently used to provide building automation at City Hall, APD, Public Services and Senior Center. This system would seamlessly expand to the Recreation Center for uniformity and functionality. The cost of this system was anticipated during the process of purchasing the YMCA building.

BAS Professional Services Fee Proposal -	\$97,636
6% Contingency (if needed):	<u>\$6,000</u>
Total:	\$ 103,636

Advantages of using The Interlocal Purchasing System Cooperative Purchasing Network:

- Fast track procurement process
- Lower procurement and administrative costs
- Fewer change orders and claims
- Competitively bid local pricing in lump sum proposal
- Ability to accomplish a substantial number of individual projects with a competitively bid contract

Staff recommends approval.

Consider a master preliminary plat of Preservation Creek Phase 3 (located along the south side of Farm to Market 1462 1.0 mile east of the SH-288 intersection), being a Planned Unit Development of 114.61 acres out of the W.D.C Hall Survey, Abstract No. 69 and portions of the Kanawha Texas Company's Subdivision, Vol. 2, Pg. 53, B.C.D.R. City of Alvin, Brazoria County, Texas.

On March 13, 2024, the Engineering Department received the master preliminary plat of Preservation Creek Phase 3 for review. The property is located along the south side of Farm to Market 1462 1.0 mile east of the SH-288 intersection, being a Planned Unit Development of 114.61 acres containing 317 lots and 17 reserves in 7 sections and 17 blocks and complies with the Preservation Creek Development Agreement (Ordinance 23-O) approved June 15, 2023, and the General Plan previously approved by Council on December 7, 2023. The City Planning Commission approved the plat unanimously at their meeting on March 19, 2024. Staff recommends approval of the plat.

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

OTHER BUSINESS

Consider an Interlocal Agreement between the City of Alvin and the Rosharon Volunteer Fire Department for fire protection services for the Preservation Creek Subdivision Development Area from April 15, 2024 through December 31, 2024, for an amount not to exceed \$12,000; and authorize the Mayor to sign the Agreement upon legal review.

The Rosharon Volunteer Fire Department has agreed to assist the City in providing fire protection to the Preservation Creek Development Area. The Preservation Creek Subdivision Development Area consists of approximately 2,962 acres in the city limits, east of State Highway 288, between FM 1462 on the north and County Road 51 on the south. The initial term of the agreement is for 8.5 months (from 04/15/2024 through 12/31/2024) and may be renewed annually. The Rosharon VFD has approved the agreement. Staff recommends approval.

Kendall Hunting, Fire Chief, presented this item before City Council with explanation.

Council member Castro moved to approve an Interlocal Agreement between the City of Alvin and the Rosharon Volunteer Fire Department for fire protection services for the Preservation Creek Subdivision Development Area from April 15, 2024, through December 31, 2024, for an amount not to exceed \$12,000; and authorize the Mayor to sign the Agreement upon legal review. Seconded by Council member Vela; motion carried with all members present voting Aye.

Consider a License Agreement for Exclusive Use of City Property between the City of Alvin and the Veterans of Foreign War Post 5237 for Bar-B-Q Cook-Off, car show and live music at Briscoe Park from Thursday, May 2, 2024, to Sunday, May 5, 2024, with the actual event scheduled for Friday, May 3 through Saturday, May 4, 2024; 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 Briscoe Park and capture other City-owned resources such as equipment and personnel requested by the Veterans of Foreign War Post 5237 for the purpose of holding a fundraising event. This year, exclusive park use is requested by Veterans of Foreign War Post 5237 from May 2, 2024, to May 5, 2024, with the actual event scheduled for Friday, May 3, 2024, through Saturday, May 4, 2024, in Briscoe Park to include food, alcoholic beverages, music, car show and other entertainment.

Pursuant to the Licensing Agreement, Veterans of Foreign War Post 5237 agrees to:

- Adhere to governmental regulations concerning the sale of food and alcohol and obtain appropriate permits

- Adhere to the City's Noise ordinance and obtain an appropriate sound/noise permit
- Fence the park area to be used exclusively for the sale and consumption of alcohol
- Ensure the deployment of police for security and pay the cost of City of Alvin police officers to perform security and/or traffic control
- Maintain the property in clean condition
- Abide by all terms of the 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 War Post 5237 to sell alcoholic beverages on City property
- Waive tent fees for individual participating cooks/cook teams (when needed)
- Waive Park user fees as outlined in the Event Application
- Provide up to 4 hours of the Alvin Fire Marshal or Assistant Fire Marshal's time for inspection of cooks and other Fire Safety Prevention services required by the City
- Provide barricades and cones for street closure
- Reimburse up to \$1,500 for portable restroom
- Provide up to 20 picnic tables and 30 trash barrels with liners
- Provide electricity and water, where not already furnished

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

Council member Moore moved to approve a License Agreement for the Exclusive Use of City Property, between the City of Alvin and the Veterans of Foreign War Post 5237 for a fundraising event including Bar-B-Q Cookoff, Car Show and other entertainment at Briscoe Park from May 2, 2024, to May 5, 2024, with the actual event scheduled for Friday, May 3, 2024, through Saturday, May 4, 2024; and authorize the City Manager to sign the agreement upon legal review. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Consider Ordinance 24-K of the City Council of the City of Alvin, Texas, amending Ordinance 23-V, passed and approved September 7, 2023, same being an ordinance approving and adopting the City of Alvin's Budget for Fiscal Year 2023-24, by approving a budget amendment to the original 2023-24 budget; providing for supplemental appropriation and/or transfer of funds for the purpose of amending the budget of the General Capital Projects Fund by \$70,629 to fund the construction and installation of a porte cochère to the east side entrance of the Alvin Senior Center (309 West Sealy); providing for severability; and providing for other matters related thereto.

City Council previously approved funding in the amount of \$61,500 upon passing Ordinance 23-N amending the budget at the June 15, 2023, meeting. The original budget was based upon a desire to install an awning along the sidewalk leading to the entrance of the east side assembly room of the Senior Center, located at 309 W. Sealy Street. Over the next several months the design changed, with final design being approved by the Senior Citizen board on November 13, 2024. The cost to construct the final design is \$132,129 (\$124,650 + \$7,479 contingency).

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

Council member Starkey moved to approve Ordinance 24-K of the City Council of the City of Alvin, Texas, amending Ordinance 23-V, passed and approved September 7, 2023, same being an ordinance approving and adopting the City of Alvin's Budget for Fiscal Year 2023-24, by approving a budget amendment to the original 2023-24 budget; providing for supplemental appropriation and/or transfer of funds for the purpose of amending the budget of the General Capital Projects Fund by \$70,629 to fund the construction and installation of a porte cochère to the east side entrance of the Alvin Senior Center (309 West Sealy); providing for severability; and providing for other matters related thereto. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Consider a variance request from the City of Alvin Parks & Recreation Department to encroach 18 feet into the 25-foot building setback along the east side of the City of Alvin Senior Center, located at 309 W. Sealy Street, for the construction of a porte cochere.

On March 6, 2024, the Engineering Department received a variance request from the City of Alvin Parks & Recreation Department to be permitted to encroach 18 feet into the 25-foot building setback for the construction of a porte cochere along the east side of the City of Alvin Senior Center located at 309 W. Sealy Street. The City Planning Commission approved the variance unanimously at their meeting on March 19, 2024. Staff recommends approval of the variance.

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

Council member Castro moved to approve a variance request from the City of Alvin Parks & Recreation Department to encroach 18 feet into the 25-foot building setback along the east side of the City of Alvin Senior Center, located at 309 W. Sealy Street, for the construction of a porte cochere. Seconded by Council member Moore; motion carried with all members present voting Aye.

Consider an agreement with Horizon International Group through the Choice Partners Job Order Contract (JOC) Cooperative Purchasing Network to construct a Porta Cochere extending from the East End Assembly room entrance of the Senior Center in an amount not to exceed \$132,130; and authorize the City Manager to sign related documents upon legal review.

City Council previously approved funding in the amount of \$61,500 upon passing Ordinance 23-N amending the budget at the June 15, 2023, meeting. The original budget was based upon a desire to install an awning along the sidewalk leading to the entrance of the east side assembly room of the Senior Center, located at 309 W. Sealy Street. Over the next several months the design changed, with final design being approved by the Senior Citizen board on November 13, 2023.

Cost Proposal to construct the design of the Senior Center Portico -	\$124,650
6% Contingency (if needed)	\$7,480
Total:	\$132,130

Advantages of using Choice Partners Cooperative Purchasing Network:

- Fast track procurement process
- Lower procurement and administrative costs
- Fewer change orders and claims
- Competitively bid local pricing in lump sum proposal
- Ability to accomplish a substantial number of individual projects with a competitively bid contract
- Oversight through Choice Partners with audits the accuracy of all job order contract proposals

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

Council member DeKeyzer moved to approve the agreement with Horizon International Group through the Choice Partners Job Order Contract (JOC) Cooperative Purchasing Network to construct a Porta Cochere extending from the East End Assembly room entrance of the Senior Center in an amount not to exceed \$132,130; and authorize the City Manager to sign related documents upon legal review. Seconded by Council member Starkey; motion carried with all members present voting Aye.

Consider an agreement with Horizon International Group through the Choice Partners JOC Cooperative Purchasing Network to remove existing lights, provide and install nine (9) new lights per plans in and around the downtown parking lot in an amount not to exceed \$139,700; and authorize the City Manager to sign related documents upon legal review.

During a City Council workshop in preparation for the fiscal year 2024 budget, staff was directed to plan for the replacement of the lighting in and around the downtown parking lot, located at E. Sealy & S. Gordon Street. Currently, the lighting is mis-matched, having two different types of fixtures as well as a non-working section of lights due to the power being turned off at said location due to a car accident.

Replacement of the lights will provide improved lighting utilizing LED fixtures as well as consistency in style and design. Funding for this project was approved by City Council for Fiscal Year 2024, \$131,790 bid price + \$7,910 contingency.

Advantages of using Choice Partners Cooperative Purchasing Network:

- * Fast track procurement process
- * Lower procurement and administrative costs
- * Fewer change orders and claims
- * Competitively bid local pricing in lump sum proposal

** Ability to accomplish a substantial number of individual projects with a competitively bid contract
* Oversight through Choice Partners which audits the accuracy of all job order contract proposals
Staff recommends approval.*

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

Council member Moore moved to approve the agreement with Horizon International Group through the eChoice Partners Cooperative Purchasing Network in the total not to exceed amount of \$139,700 for the replacement of downtown parking lot lighting, and authorize the City Manager to sign related documents upon legal review. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Discuss DRAFT ordinance amending Chapter 15 - "Offenses and Miscellaneous Provisions" of the City of Alvin Code of Ordinances, by adding Article XI "Electioneering at Polling Locations," Section 15-123 "Purpose," Section 15-124 "Definitions,"" Section 15-125 "Electioneering on City Owned Facilities/Grounds;" providing for regulations of electioneering conducted on city property used as election polling locations; amending Chapter 17 1/2 "Signs" of the City of Alvin Code of Ordinances, Article IV "Construction, Placement and Maintenance," Section 17½-41 "Temporary Political Signs on Private Property," Providing for severability' providing a penalty of fine not to exceed the sum of \$500.00 for each offense; providing for an effective date; and providing for publication.

At the March 7, 2024, City Council meeting, two public comments were made by election workers regarding electioneering activities observed at the Alvin Library during the recent March primary election. This proposed ordinance, currently in draft form, will be revisited during the April 18th City Council meeting for consideration, with any amendments discussed during this meeting. Staff compiled recommended changes to Chapter 15 - "Offenses and Misc Provisions" and Chapter 17 1/2 - "Signs." These proposed modifications are aimed at addressing the concerns raised and improving the process.

Proposed amendments:

- Adds an Article XI "Electioneering at Polling Locations to Chapter 15 "Offenses and Misc Provisions" to the Code
- Adds Section 15-123 Purpose
- Adds Section 15-124 Definitions
- Adds Section 15-125 Electioneering on City Owned Facilities/Grounds
- Amends Chapter 17 ½ Signs – Article IV Construction, Placement, and Maintenance, Section 17 ½-41 Temporary political signs" adding "...on City owned public property".
- Adds Section 17½ -42 – Temporary Political Signs on Private Property

Additional language incorporated into the ordinance:

- Designates an area for candidates to place their canopy in the library parking lot outside the 100 ft distance marker. State law states that no electioneering can be done within 100 feet of the entrance used by voters to enter the building.
- The parking lot is scheduled to be re-stripped, the area marked in yellow (see Exhibit A) will be designated for the placement of canopies; all other parking places will be left open for voter and patron parking.
- Canopies will be limited to 10x10, and must be removed daily; can be placed one (1) hour prior to polls opening and one (1) hour after polls close; spaces available on a first come first serve basis, no use of tables, etc.
- The areas blocked in white (see Exhibit A) shall be left open for voters onsite casting their ballot, patrons of the library, and library employees.
- Vehicles/trailers etc. may not be parked onsite and left throughout the day/voting period for use as an "electioneering" sign because of limited parking.
- Reduce the number of candidate/committee signs placed onsite from 10 to 4 per person/committee etc.
- Reducing the size of electioneering signs placed onsite from 36 sq ft / 8 ft height to 16 area sq ft /4 ft height.

Dixie Roberts, Assistant City Manager/City Secretary, presented this item before City Council with explanation. Discussion was had on the proposed amendments. Direction was given to staff on suggested changes. This Ordinance will be presented at the next City Council meeting for consideration.

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.

Ms. Roberts announced items of community interest; and she reviewed the preliminary list for the April 18, 2024, 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 Castro suggested that the City post notices on social media when a park will be closed for events, such as the upcoming VFW fundraising event at Briscoe Park.

EXECUTIVE SESSION

Mayor Pro-Tem Vaughn called for executive session at 7:55 p.m. in accordance with the following:

Section 551.072 of the Local Government Code provides as follows: Deliberation regarding the purchase, exchange, lease, or value of real properties.

RECONVENE TO OPEN SESSION

Mayor Pro-Tem Vaughn reconvened the meeting to open session at 8:25 p.m.

Consider and take action on item presented in Executive Session.

No action was taken by City Council on this item.

ADJOURNMENT

Mayor Pro-Tem Vaughn adjourned the meeting at 8:25 p.m.

PASSED and APPROVED the 18th of April 2024.

ATTEST:

Gabe Adame, Mayor

Dixie Roberts, City Secretary