

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL REGULAR MEETING
THURSDAY, SEPTEMBER 5, 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 at 7:00 PM in the Council Chambers at City Hall, with the following members present: Mayor Gabe Adame; Mayor Pro-Tem Keko Moore; Council members: Martin Vela, Chris Vaughn, Joel Castro, Glenn Starkey, Richard Garivey and Meagan DeKeyzer.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, Assistant City Manager/City Secretary; Chris Thomas, Director of Finance; Dan Kelinske, Parks and Recreation Director; Michelle Segovia, City Engineer; Brandon Moody, Director of Public Services; Paul Chavez, Economic Development Director and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Kenny Carter of First Methodist Alvin Church 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

Administer the Oath of Office to newly appointed Associate Municipal Court Judge, Samantha Gonzalez (Alvin Municipal Court Judge, Mo Ghuneim).

Municipal Court Judge Mo Ghuneim presented the Oath of Office to newly appointed Associate Municipal Court Judge, Samantha Gonzalez.

Badge Pinning of successful Alvin Police Department promotional candidate, J. P. Flores

Chief Robert Lee presented the promotion of Officer J.P. Flores to the Civil Service rank of Corporal/Specialist.

Hispanic Heritage Month Proclamation.

Mayor Adame proclaimed September 15th through October 15th, 2024, as Hispanic Heritage Month and formally issued the proclamation to recipients in attendance.

PUBLIC COMMENT

There were no comments from the public.

PUBLIC HEARING

Public hearing to receive comment on the proposed tax rate of \$0.6850 per \$100 of valuation for the Fiscal Year 2024-2025 (2024 tax year), which is a tax increase of 6.72% above the No New Revenue Tax Rate for the City of Alvin Fiscal Year 2024-2025.

Mayor Adame opened the public hearing at 7:15 p.m. There were no comments made. Mayor Adame closed the public hearing at 7:16 p.m.

CONSENT AGENDA

Consider approval of the August 15, 2024, City Council meeting minutes.

Consider awarding a bid to Vestis, as the vendor for the uniform services for two (2) years with an option to continue services for an additional two (2) years at the same price and conditions; and authorize the City Manager to sign related documents upon legal review.

Uniforms are issued and worn by City staff in several departments while staff are on duty; Public Works, Parks and Recreation, Inspections, Engineering, and Fleet departments. In addition to providing and laundering staff's uniforms, these uniform services include providing and laundering floor mats for building entrances at Public Services, the Wastewater Plant, the Senior Center, and mechanic shop towels/rags for the Fleet staff. The contract for these services with the current vendor ends on September 30, 2024. On August 6, 2024, bids were opened for these services. Vestis was the only bidder. Vestis' services and pricing are comparable to our current uniform services vendor. Staff recommends awarding the bid for staff's uniform services to Vestis.

Consider approval of Lease Agreements with Enterprise Fleet Management for six (6) Chevy Tahoes for the Alvin Police Department for an amount not to exceed \$130,000.00 from the FY24 budget, and authorize the City Manager to sign the Lease Agreements upon legal review.

In the FY24 budget, City Council approved six (6) new Chevy Tahoes for the Alvin Police Department. Five (5) vehicles are designated as patrol vehicles, and one (1) is for the Mental Health Detective Position. The budget was effective on October 1, 2023. However, the ability to place the order for these vehicles using the required online system closed prior to October 1, 2023. In the intervening months, Enterprise has stayed in contact with staff attempting to locate vehicles to meet our needs. The vehicles have finally been located and are ready to ship directly to our outfitters, Siddon-Martin in Houston, to be outfitted with our standard equipment upon execution of the lease agreement. Staff recommends approval of the expenditure of FY 24 funds not to exceed \$130,000.00 for six (6) Chevy Tahoes for the Police Department.

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

OTHER BUSINESS

Consider Ordinance 24-W, annexing approximately 107.1041 acres of land into the corporate limits of the City of Alvin; approving a Service Plan for the annexed area; making findings of fact; providing a severability clause; providing for an effective date; and providing for other matters related thereto.

On or about April 22, 2024, Beazer Homes Texas, L.P., the owner of real property located in Brazoria County, Texas, petitioned the City of Alvin, Texas, for voluntary annexation of approximately 107.1041 acres. The land being petitioned for annexation is contiguous and adjacent to the corporate limits of the City, located just north of Forest Heights near the intersection of County Road 149 and County Road 529. City Council authorized the commencement of annexation proceedings on July 18, 2024, in Resolution 24-R-21, for voluntary annexation of approximately 107.1041 acres. Public hearings were held on August 1, 2024, and August 15, 2024. There were no comments made at either public hearing. This Ordinance, upon passage, will finalize the annexation. Staff recommends approval of Ordinance 24-W.

Suzanne Hanneman, City Attorney, presented this item before City Council with explanation.

Council member Castro moved to approve Ordinance 24-W, annexing approximately 107.1041 acres of land into the corporate limits of the City of Alvin; approving a Service Plan for the annexed area; making findings of fact; providing a severability clause; providing for an effective date; and providing for other matters related thereto. Seconded by Council member Moore; motion carried with all members present voting Aye.

Consider Ordinance 24-X, granting consent to the annexation of approximately 107.1041 acres of land into Brazoria County Municipal Utility District No. 51; making findings of fact; providing a severability clause; providing for an effective date; and providing for other matters related thereto.

On January 17, 2019, the City consented to the creation of Brazoria County Municipal Utility District No. 51 in Ordinance 19-B. On or about April 22, 2024, the City received a Petition for Consent to Annex Land into MUD 51 from the District and Beazer Homes Texas, L.P., to include approximately 107.1041 acres into the District. Section 54.016 of the Texas Water Code provides that no land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included within a municipal utility district unless such city grants its written consent to the inclusion of the land within the district. The approximately 107.1041 acres of land were annexed into the corporate limits of the City on September 5, 2024, in Ordinance 24-W. Staff recommends approval of Ordinance 24-X.

Suzanne Hanneman, City Attorney, presented this item before City Council with explanation.

Council member Moore moved to approve Ordinance 24-X, granting consent to the annexation of approximately 107.1041 acres of land into Brazoria County Municipal Utility District No. 51; making findings of fact; providing a severability clause; providing for an effective date; and providing for other matters related thereto. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Consider Resolution 24-R-25, accepting the Petition for Annexation of approximately 168.36 acres of land located in Brazoria County, Texas; setting an annexation schedule; providing for public hearings; and providing for other matters related thereto.

On or about August 9, 2024, the City received a Petition for Annexation from WB West Alvin Land, LLC, for the annexation of two (2) tracts of land totaling approximately 168.36 acres of land into the City and into the Preservation Creek development, located east of State Highway 288, and south of FM 1462. The land to be annexed into the City will be contained within Preservation Creek MUD No. 1, and the entire MUD will be within the City's corporate limits. Additionally, TIRZ No. 1 will be expanded to encompass the entire boundaries of the MUD, including the 168.36 acres being annexed into the City's corporate limits. By annexing these acres into the corporate limits, the City will be able to collect tax increments over these parcels, as well. This Resolution formally accepts the Petition, and sets two (2) public hearings: October 3 and October 17, 2024. The final reading of the Ordinance is scheduled for November 7, 2024. Staff recommends approval.

Suzanne Hanneman, City Attorney, presented this item before City Council with explanation.

Council member Garivey moved to approve Resolution 24-R-25, accepting the Petition for Annexation of approximately 168.36 acres of land located in Brazoria County, Texas; setting an annexation schedule; providing for public hearings; and providing for other matters related thereto. Seconded by Council member Vela; motion carried with all members present voting Aye.

Consider a variance request from the homeowners at 1400 Highland Drive, from Chapter 21- Subdivision and Property Development, Section 21-37 (a), to encroach twenty-five feet into the twenty-five-foot front building setback for the construction of a carport.

On July 30, 2024, the Engineering Department received a variance request from the property owners of 1400 Highland Drive, to be permitted to encroach 25 feet into the 25-foot front building setback for the construction of a carport. The homeowners are proposing to construct a carport along the front of their home located at 1400 Highland Drive, for reasons outlined in the attached request letter. The carport, as proposed on the attached property survey, will encroach 25 feet into the 25' front building setback; however, it will still be approximately 21 feet from the nearest edge of the Highland Drive pavement. The City Planning Commission unanimously approved the variance request at their meeting on August 20, 2024. Staff recommends approval.

Michelle Segovia, City Engineer, presented this item before City Council with explanation.

Council member Starkey moved to approve the variance request for the property owners at 1400 Highland Drive, from Chapter 21- Subdivision and Property Development, Section 21-37 (a), to encroach twenty-five feet into the twenty-five-foot front building setback for the construction of a carport. Council member Moore; motion carried with all members present voting Aye.

Consider a variance request for the property owners at 208 N. 6th Street, from Chapter 21- Subdivision and Property Development, Section 21-8 (a), to construct two (2) single-family dwellings on a single lot.

On August 13, 2024, the Engineering Department received a variance request from the property owners at 208 N. 6th Street to Chapter 21- Subdivisions and Property Development, Section 21-8 (a) It shall be unlawful to construct two (2) single-family dwellings on a single lot, parcel, or tract of land. The homeowners, Edwin and Silvia Alfaro, would like to construct a new residential home prior to demolishing their existing home. A demolition permit for the existing home will be required prior to the City issuing the Certificate of Occupancy for the new home. The City Planning Commission unanimously approved the variance request at their meeting on August 20, 2024. Staff recommends approval.

Michelle Segovia, City Engineer, presented this item before City Council with explanation. Council member Moore asked if this could be incorporated into the Ordinance so that residents wouldn't have to file for a variance. Ms. Segovia explained it could possibly be added as a clause or an exception to the ordinance.

Council member Starkey moved to approve a variance request for the property owners at 208 N. 6th Street

to Chapter 21- Subdivision and Property Development, Section 21-8 (a) It shall be unlawful to construct two (2) single-family dwellings on a single lot, parcel, or tract of land. Seconded by Council member Moore; motion carried with all members present voting Aye.

Discuss and consider Ordinance 24-Y, an Ordinance of the City of Alvin, Texas, amending Chapter 21, Subdivisions and Property Development of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article VII. Park Land Dedication and Development Fee; providing for severability; and setting forth other provisions related thereto.

At the June 6, 2024, City Council workshop, City Council directed staff to amend Article VII Park Land Dedication and Development Fee to allow developers -- when it is not feasible to allocate up to two acres for park use -- to have the option to dedicate a proportionate area within the development for parkland, and require that the designated parkland be owned and maintained by the Homeowner Association or related entity in lieu of paying the Parkland Dedication and Development fee in accordance with Sec. 21-130. At the July 2, 2024, regular Park Board meeting, the board unanimously recommended amending the ordinance to remove the minimum two (2) acre parkland requirement from Sec. 21-128(d), and add the following guiding principles for parkland development:

- Park shall be owned and maintained by the Homeowner Association or related entity

- Park shall possess four qualities:

** Accessible*

** Allow people to engage in activities*

** Comfortable spaces having a good image*

** Sociable place where people meet each other and take people to when they come to visit*

Staff recommends these amendments to Article VII. Park Land Dedication and Development Fee.

Dan Kelinske, Director of Parks and Recreation, presented this item before City Council with explanation. Council Member Moore inquired about the definition of a park, to which Mr. Kelinske responded by referencing the parameters outlined in the ordinance that specify the required qualities. Council member DeKeyzer cautioned that the way the required qualities are worded is very subjective and may need more clear definitions. Discussion was had on how to word those requirements, and provide examples without inferring a limited list of acceptable projects. Mr. Kelinske explained the Parks Board wanted the developers to have the creative freedom to define those spaces and not diminish the inspiration of a unique design idea. Council Member Vela raised concerns about the wording in the ordinance regarding park land accessibility, noting that it may unintentionally exclude individuals who do not reside in the subdivision. Ms. Segovia and Mr. Kelinske assured Council they were not aware of that being an issue. Staff will work on suggested modifications to the ordinance.

Council member DeKeyzer moved to the table for the next Council meeting Ordinance 24-Y, an Ordinance of the City of Alvin, Texas, amending Chapter 21, Subdivisions and Property Development of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article VII. Park Land Dedication and Development Fee; providing for severability; and setting forth other provisions related thereto. Seconded by Council member Moore; motion carried with all members present voting Aye.

Consider Ordinance 24-BB, amending Chapter 24 ½, Manufactured Homes and Manufactured Home Parks, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Article III. Manufactured Homes Located Outside of Manufactured Home Parks, and Article IV. Manufactured Home Parks; providing for penalties; providing for publication; providing for severability; and setting forth other provisions related thereto.

Ordinance 24-BB is amending Chapter 24 ½, Manufactured Homes and Manufactured Home Parks, Articles III and IV, of the City of Alvin Code of Ordinances. The proposed changes will allow for the use of metal skirting for manufactured homes within the City. The proposed changes were presented to the City Planning Commission at their meeting on June 18, 2024, and the amended ordinance was unanimously approved by the City Planning Commission at their meeting on August 20, 2024. Staff recommends approval of Ordinance 24-BB.

Michelle Segovia, City Engineer, presented this item before City Council with explanation.

Council member Castro moved to approve Ordinance 24-BB, amending Chapter 24 ½, Manufactured Homes and Manufactured Home Parks, of the Code of Ordinances of the City of Alvin, Texas, for the

purpose of amending Article III. Manufactured Homes Located Outside of Manufactured Home Parks, and Article IV. Manufactured Home Parks; providing for penalties; providing for publication providing for severability; and setting forth other provisions related thereto. Seconded by Council member Moore; motion carried with all members present voting Aye.

Consider Resolution 24-R-26, creating the Economic Development Advisory Committee for the City of Alvin and amending the City of Alvin Board and Commission Handbook; and setting forth other matters related thereto.

Attached are committee guidelines and a resolution in support of the creation of an Economic Development Advisory Committee (EDAC). The EDAC will make recommendations to the Economic Development Director and City Council on matters related to economic development which include but are not limited to economic development incentives, current business climate, business attraction and retention, marketing opportunities, and other issues that promote Alvin's economic development.

Paul Chavez, Economic Development Director, presented this item before City Council with explanation.

Council member Starkey moved to approve Resolution 24-R-26, creating the Economic Development Advisory Committee for the City of Alvin and amending the City of Alvin Board and Commission Handbook; and setting forth other matters related thereto. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Consider Ordinance 24-T, amending Chapter 28, Comprehensive Fee Ordinance, for the purpose of setting certain solid waste collection and disposal fees for residential, commercial, and roll-off containers; providing for a ten percent (10%) penalty for late payment; providing for an effective date of October 2024 billing cycles; providing for publication; and setting forth other provisions related thereto.

The City's ordinance requires that solid waste rates be increased, at minimum, based on the annual CPI-U index rate for the Houston-Galveston-Brazoria, Texas area. The ordinance also allows the consideration of other factors to determine if an additional increase in solid waste rates is warranted. City Council approved a 3.257% contractual increase in costs of our solid waste provider in July 2024. As a result, staff is recommending increasing the solid waste rates by 3.257% for commercial and residential customers for FY 25 – resulting in an approximate \$0.45 monthly increase to residential solid waste bills.

The City accounts for solid waste revenues and expenses in the Sanitation Fund. Over the past few years, the City has been able to sustain a "healthy" fund balance in the Sanitation fund as a result of the CPI-U provision in the City's ordinance and other factors. Due to the contractual CPI-U increase in costs from our Sanitation Waste provider, staff is recommending that City Council consider the following solid waste rates for both residential and commercial businesses. Should the City Council elect to increase the rate by 3.257%, then both residential and commercial rates will reflect an increase that will take effect in the first billing cycles in October 2024. This increase is reflected in the FY25 Proposed Budget and staff recommends approval of Ordinance 24-T using the proposed rates:

<u>Type</u>	<u>FY23</u>	<u>FY24</u>	<u>FY25</u>	<u>Inc</u>	<u>Inc%</u>
Residential (garbage monthly charge)	\$11.07	\$12.40	\$12.80	+\$.40	
Residential (bulky trash)	\$ 1.41	\$1.58	\$1.63	+\$.05	
Residential Total	\$12.48	\$13.98	\$14.43	\$0.45	3.257%

Commercial +3.257%

Chris Thomas, Director of Finance, presented this item before City Council with explanation.

Council member Moore moved to approve Ordinance 24-T, amending Chapter 28, Comprehensive Fee Ordinance, for the purpose of setting certain solid waste collection and disposal fees for residential, commercial, and roll-off containers; providing for ten percent (10%) penalty for late payment; providing for an effective date of October 2024 billing cycles; providing for publication; and setting forth other provisions related thereto. Seconded by Council member Vaughn; motion carried with all members present voting Aye.

Consider Ordinance 24-Z, adopting the annual budget for the City of Alvin, Texas, for Fiscal Year 2024-25; directing the City Secretary to post a copy of the budget on the City of Alvin website; and setting forth other provisions related thereto.

On July 18, 2024, the City Manager presented the FY 2024-25 proposed budget to City Council. Subsequently, (2) budget workshops were held on August 1, 2024, and August 6, 2024, whereby City Council and staff reviewed the proposed budget. A budget hearing

was held by City Council at the regularly scheduled meeting on August 15, 2024, where citizens could voice their opinion for or against the budget. State law and the City's Charter require that the City enact an annual budget. The City Charter requires that an ordinance to establish appropriations must be approved by a favorable vote of a majority of the members of the City Council. [Click here](#) to view the FY25 Final Budget.

Chris Thomas, Director of Finance, presented this item before City Council with explanation.

Council member Garivey moved to approve Ordinance 24-Z, adopting the budget for the City of Alvin, Texas, for Fiscal Year 2024-25; directing the City Secretary to post a copy of the budget on the City of Alvin website; and setting forth other provisions related thereto. Seconded by Council member Moore; motion carried with all members present voting Aye and Council member Castro voting No.

Consider ratifying the property tax revenue reflected in the City of Alvin's Adopted Budget for Fiscal Year 2024-25 in accordance with the Texas Local Government Code.

Pursuant to Section 102-007(c) of the Texas Local Government Code, the City Council must take a separate vote to ratify the increase in revenue generated by the 2024 property tax rate as reflected in the Fiscal Year 2024-25 Adopted Budget. This vote is separate and distinct from the vote adopting the budget and setting the tax rate as required by Chapter 26 of the Texas Tax Code. Even though the property tax rate will remain the same for Tax Year 2024, the adoption of the Fiscal Year 2024-2025 budget will necessitate raising more revenue from property taxes than in the previous year by \$1,387,463 (or 9.07%); of which \$467,146 is from new property added to the tax roll in Tax Year 2024. The increase in property tax revenue is required to fund city programs and services derived from the City Council strategic planning sessions, as well as debt obligations and other operational costs outlined in the Fiscal 2024-2025 adopted budget.

Chris Thomas, Director of Finance, presented this item before City Council with explanation.

Council member Garivey moved to ratify a 9.07% increase in property tax revenue for Tax Year 2024, reflected in the Fiscal Year 2024-2025 adopted budget, as required by the Texas Local Government Code, Section 102.007. Seconded by Council member Starkey; motion carried with all members present voting Aye and Council member Castro voting No.

Consider Ordinance 24-AA, adopting and levying the ad valorem tax rate for Tax Year 2024, commencing October 1, 2024, and ending September 30, 2025.

A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution or order, depending on the method prescribed by law for adoption by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. For a taxing unit, other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. According to the Texas Tax Code 26.05(b), a motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no new revenue tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate." According to Texas Tax Code 26.05(a), each component of the tax rate (M&O and I&S) must be approved separately. The statute does not state that separate motions are needed, so clarifying verbiage is added to the ordinance to separate the two components. For Tax Year 2024, staff is proposing that City Council adopt a tax rate of \$0.6850 per \$100 of taxable assessed value, which is 6.72% above the 2024 No New Revenue tax rate of \$.641839.

Tax Year	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Tax Rate	\$0.8386	\$0.7980	\$0.7880	\$0.7880	\$0.7780	\$0.7680	\$0.7680	\$0.7100	\$0.6850	\$0.6850

Chris Thomas, Director of Finance, presented this item before City Council with explanation.

Council member Starkey made a motion stating: "I move that the property tax rate be increased by the adoption of a tax rate of **\$0.6850** per \$100 of valuation, which is effectively a **6.72%** increase in the tax rate." Seconded by Council member Moore; motion carried with all members present voting Aye and Council member Castro voting No.

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 Moore requested a workshop to discuss allowing the use of ADU's, Accessory Dwelling Units, seconded by Council member Vela.

REPORTS FROM THE CITY MANAGER

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

Mr. Junru Roland announced items of community interest; and he reviewed the preliminary list for the September 19, 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 Starkey complimented the community for their involvement in and support of local events.

Council member DeKeyzer reminded everyone of the upcoming November General Elections. She encouraged everyone to check their voter registration status and get out and vote.

Council member Castro reiterated Council Starkey's comments about local events, and encouraged everyone to attend the upcoming Hispanic Heritage events and football games.

ADJOURNMENT

Mayor Adame adjourned the meeting at 7:56 p.m.

PASSED and APPROVED the 19th of September 2024.

ATTEST:

Gabe Adame, Mayor

Dixie Roberts, City Secretary