

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY JULY 18, 2019
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 Session at 7:00 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn; Mayor Pro-Tem Glenn Starkey; Councilmembers: Gabe Adame, Adam Arendell, Joel Castro, Brad Richards, Keith Thompson and Martin Vela.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, City Secretary; Michael Higgins, Chief Financial Officer; Priya Bhakta, Convention and Visitor's Bureau; Michelle Segovia, City Engineer; Ron Schmitz, EMS Director/Emergency Management Coordinator and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Al Perry with South Park Baptist Church gave the invocation.

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

PRESENTATIONS

Associated Credit Union of Texas Presentation of Tour de Braz 2019 Title Sponsorship.

Cathy Woitena, of Associated Credit Union of Texas presented Mayor Horn a sponsor check from the Tour de Braz Bike Ride. Priya Bhakta, Director of Convention and Visitor's Bureau gave a report on the 2019 Tour de Braz bike ride. There were 320 registered riders. \$13,000 was received in sponsorship of which \$10,000 was received in monetary and in-kind donations from Associated Credit Union. The platinum sponsor was Del Papa Distribution. The gold sponsorships were: Ron Carter, Webster Bicycle, Freberg's Farm and Ascend Performance Materials. Sun and Ski were the silver sponsors. The Alvin Volunteer Fire Department received \$6,000 from the Tour de Braz Bike Ride.

Presentation of the City of Alvin Municipal Court Fines and Delinquent Tax Collections Report by Mike Darlow of Perdue Brandon Fielder Collins & Mott, LLP.

A presentation was given on the municipal court fines and delinquent tax collections by Mike Darlow of Purdue Brandon Fielder Collins and Moffit, LLP.

Engineering Departmental Update.

Michelle Segovia, City Engineer gave a departmental update.

PUBLIC COMMENT

John Burkey, expressed concerns to the Council on the proposed Ordinance 19-S, temporary outdoor encampment regarding the impact of encampments being too close to businesses and residents; site screening not able to contain odors from portable restrooms; residences refusing to leave when the encampments are shut down; the increase in calls to the Police Department and/or the EMS for assistance and how are the management of encampments will be able to verify the background of residents.

Judy Scott expressed concerns on the proposed Ordinance 19-S, temporary outdoor encampments that included the ordinance doesn't merit for what it is intended and needs to be thoroughly studied; inquiring on how neighboring cities are addressing the homeless issue; addressing e safety and hygiene concerns. She recommended a committee be formed to study the homeless issue.

CONSENT AGENDA

Consider approval of the June 20, 2019 City Council meeting minutes.

Acknowledge receipt of the quarterly Fiscal Year 2019 Capital Improvement Projects Report and the Comprehensive Plan Implementation Report.

Staff continues to carry out actions on budgeted projects as defined in the 2019 Capital Improvements Plan (CIP). This report is an update as to the progress of each project year to date. Staff also continues to deliver on implementation and completion of high priority projects defined in the Comprehensive Plan 2035. This report is an update as to work completed year to date.

Acknowledge receipt of the Financial and Quarterly Investment reports ending June 30, 2019.

Acknowledge receipt of the 2018 Delinquent Tax Roll.

Section 30, Article VII of the City's Charter requires that a copy of the delinquent tax roll be provided to each member of the City Council at a meeting in July of each year. The document is a copy of the outstanding taxes for the tax year 2018 as of July 1, 2019.

Consider a final plat of Saldivar Estates (located at 10925 Cory Lane), being a subdivision of 3.999 acres located in the Amos Pollard survey, A-359, Brazoria County, Texas.

On May 30, 2019, the Engineering Department received the final plat of Saldivar Estates for review. The property is located at 10925 Cory Lane in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and is being platted into two lots for conveyance. This plat complies with all requirements of the City's Subdivision Ordinance. The City Planning Commission unanimously approved the plat at their meeting on June 18, 2019. Staff recommends approval.

Council member Adame moved to approve the consent agenda as presented. Seconded by Council member Arendell; motion carried on a vote of 7 Ayes.

OTHER BUSINESS

Consider a variance request to Chapter 30 ½ Regulation of Sex Offender Residency, of the City of Alvin Code of Ordinances, from Ray Lopez, 306 Cambridge Street.

On June 18, 2019, the City received a written request for a variance from Ray Lopez. Mr. Lopez's request is based upon the Sex Offender Residency Requirements, or prohibitions, in Chapter 30 ½ of the City's Code of Ordinances.

The Code of Ordinances, Chapter 30 ½ -3 provides if a person is required to register on the department of public safety's sex offender database because of a violation involving a victim who was less than seventeen (17) years of age, it is unlawful for that person to establish a permanent residence or temporary residence within one thousand (1,000) feet of any premise where children commonly gather. Premise where children commonly gather includes parks and playgrounds. For purposes of determining distance, the requirement is measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather.

In 1997, at the age of 32, Mr. Lopez was convicted of Aggravated Sexual Assault of a Child and was sentenced to five (5) years in the Texas Department of Criminal Justice – Institutional Division. Mr. Lopez is required to register for life as a Sex Offender. Mr. Lopez is now 53 years old and was approximately 32 years old at the time of the offenses.

Mr. Lopez's variance request lists his residence at 306 Cambridge Street. This residence is approximately 800 feet from Hugh Adams Park. Staff does not recommend approval of the variance.

Council member Castro moved to deny a variance request to Chapter 30 ½ Regulation of Sex Offender Residency, of the City of Alvin Code of Ordinances, from Ray Lopez, 306 Cambridge Street. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Consider Ordinance 19-S, adopting a new Chapter 36 to the City of Alvin Code of Ordinances, Temporary Outdoor Encampments, providing for administration and regulation of tent encampments; providing for an effective date; providing penalties; and making other relevant provisions thereto.

In order to promote the safety and welfare of our homeless citizens, while maintaining community and quality of life standards, the City of Alvin has established this Ordinance to facilitate and allow for the creation of temporary outdoor encampments organized and managed by faith-based or nonprofit organizations. The intent of this Ordinance is not to prohibit temporary tent encampments, but to ensure that residents of such a facility have access to quality of life items (potable water, properly prepared food, restrooms, showers, electricity, etc.). This Ordinance also ensures that residents, businesses and economic development will incur minimal impact from a temporary outdoor encampment by mandating sight screening and minimum distances from businesses, multifamily and single-family dwellings, and including minimum distances along the City's highway corridors. Privately owned or for-profit managed/owned facilities are not permitted. Tent encampments permits are valid for 6-months and may be renewed only once. No temporary encampment may exceed twelve (12) months duration at any location. Staff recommends approval of Ordinance 19-S.

Members of Council had some concerns regarding the proximity of the encampments to residential and commercial businesses as stated in the ordinance, and also concern with background verification of those staying in the encampments. City Council suggested holding another workshop to discuss this topic and asked Ms. Hanneman to reach out to an outside attorney to come and give input on the drafting of this ordinance.

Council member Starkey moved to table and send to workshop Ordinance 19-S, adopting a new Chapter 36 to the City of Alvin Code of Ordinances, Temporary Outdoor Encampments, providing for administration and regulation of tent encampments; providing for an effective date; providing penalties; and making other relevant provisions thereto. Seconded by Council member Vela; motion carried on a vote of 7 Ayes.

Consider a five (5) year Lease Agreement with Stephen F. Austin for the Stephen F. Austin Community Health Center, and authorize the Mayor to sign, subject to legal review.

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

Council member Arendell moved to approve a five (5) year Lease Agreement with Stephen F. Austin for the Stephen F. Austin Community Health Center, and authorize the Mayor to sign, subject to legal review. Seconded by Council member Starkey; motion carried on a vote of 7 Ayes.

Consider Resolution 19-R-30, amending the City Personnel Policy Manual, updating Section IV (Pay and Benefits) and Section VII (City Equipment); and providing for other related matters thereto.

It is essential that the City's Personnel Policy Manual be reviewed periodically to ascertain that the City is maintaining a personnel system that will promote a fair and effective means of employee evaluations, as well as provide guidelines and criteria regarding the use of equipment, with the ultimate objective of maintaining an effective and responsible work force.

The City's Personnel Policy Manual requires that policy amendments be adopted by resolution. The major revisions to the current personnel policy are as follows:

- 1.) Section IV, Rule 17-A (Longevity Pay) – This Ordinance No. 12-II was adopted by Council in 2012 adding the Longevity Pay section to the personnel policy. This ordinance is currently being followed by the City. Upon my review of the personnel policy, I noticed that this section had been inadvertently removed from the personnel policy, possibly while amending the personnel policy in previous years. As a result, I am only “re-adding” the policy (as stated in Ordinance No. 12-II) back into the personnel policy.*
- 2.) Section IV, Rule 21-A (Merit Compensation) – Currently employee pay is not tied to the results of performance evaluations. To incentivize and reward “outstanding” employees, this section would allow the City Manager to*

implement performance/merit increase guidelines which are contingent on the current budget, fiscal constraints, other considerations, and the compensation plan approved by City Council.

- 3.) *Section VII, Rule 40 A-H (Cell Phone) – The purpose of this section is to provide guidelines and criteria regarding the approval and use of a monthly cell phone stipend or use of a City issued Cell phone. The major recaps from this section are as follows:*
- a. Stipend for eligible personnel who elect not to use a City issued cell phone.*
 - b. Each Department is responsible for managing cell phone inventory*
 - c. Eligible Employees are classified in 2 tiers:*
 - i. Essential (Mayor, City Manager, Department Heads, Police Captains, I.T. Manager)*
 - ii. Priority Employees (recommended by Department Head and approved by the City Manager)*
 - d. Employees classified as “essential” are required to subscribe to a cell phone provider authorized by the City of Alvin.*
 - e. The employee is responsible for charges resulting from abuse of minutes, texts, etc.*

Council member Thompson moved to approve Resolution 19-R-30, amending the City Personnel Policy Manual, updating Section IV (Pay and Benefits) and Section VII (City Equipment); and providing for other related matters thereto. Seconded by Council member Arendell; motion carried on a vote of 7 Ayes.

Receive and acknowledge receipt of the proposed City of Alvin Annual Budget for the Fiscal Year 2019-2020 (FY20), receive presentation of a summary of the budget, and set a public hearing to receive comments on the proposed FY20 Annual Budget for the regular City Council meeting scheduled for Thursday, August 15, 2019 at 7:00 p.m.

Per the City Charter, the City Manager, between sixty (60) and ninety (90) days prior to the beginning of each fiscal year, shall submit to the City Council a proposed budget, which shall provide a complete financial plan for the fiscal year. The Charter also states that at the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget.

Council member Vela moved to receive and acknowledge receipt of the proposed City of Alvin Annual Budget for the Fiscal Year 2019-2020 (FY20), receive presentation of a summary of the budget, and set a public hearing to receive comments on the proposed FY20 Annual Budget for the regular City Council meeting scheduled for Thursday, August 15, 2019 at 7:00 p.m. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

REPORTS FROM CITY MANAGER

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

Mr. Roland announced that a group of representatives including Mayor Horn, Larry Buehler, Economic Development Director and himself will be going to Austin the following week to advocate for the continuance of the placement of the Grand Parkway in the 2020 TxDOT United Transportation Plan. The public comment period started July 12 and will end on August 12, 2019.

Mr. Junru Roland reviewed the preliminary list for the August 1, 2019 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.

Ms. Roberts stated that the City of Alvin will submit an application for a community development block grant Hurricane Harvey disaster recovery program for improvements to Water Well No 4, Water Plant, Water Well No 8, wastewater treatment plant and the public services facility. A public notice has been posted for a 30-day comment period on this application – it is located on the outside bulletin board where public notices are posted near the west employee entrance on the outside of city hall.

Council member Thompson thanked the Chief Financial Officer and staff for preparation of the proposed FY 20 budget.

Council member Vela thanked the Chief Financial Officer, and staff for preparation of the proposed FY 20 budget, and he also thanked for the City Engineer for the departmental update presentation.

Council member Starkey thanked the city employees who contributed to the preparation of the budget; he warned of the heat wave and reminded city employees to stay hydrated. He wished his wife a happy 44th wedding anniversary.

Mayor Horn commented that the City is working diligently in keeping the Grand Parkway project alive.

ADJOURNMENT

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

PASSED and APPROVED the _____ day of _____ 2019.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary