

**MINUTES  
CITY OF ALVIN, TEXAS  
216 W. SEALY STREET  
REGULAR CITY COUNCIL MEETING  
AND EXECUTIVE SESSION  
THURSDAY AUGUST 1, 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 and Executive 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; Michelle Segovia, City Engineer; Dan Kelinske, Parks and Recreation Director; and Robert E. Lee, Police Chief.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Karl Kelso with Crossover for Christ Church gave the invocation.

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

**PUBLIC COMMENT**

J.R., Dick Tyson, addressed the Council expressing concerns on the water and sewer rates in the proposed FY20 budget. He commented that Senate Bill 2 did not improve the property tax but impacts the fixed and lower income citizens.

**PUBLIC HEARING**

Public Hearing to receive comment on the final plat of Mustang Crossing Section 5 (being a Planned Unit Development [PUD] subdivision containing 14.79 acres of land, a partial replat of lots 26 and 27), and a final plat of Mustang Crossing Section 5B (being a PUD subdivision containing 2.9314 acres of land, a partial replat of lots 15 and 26) of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas, located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.  
Mayor Horn opened the public hearing at 7:05 p.m.

Attorney A.G. Crouch opposed the final plat of Mustang Crossing Section 5. He explained that there is on going litigation involving the developer and his client who owns 10-acres behind Mustang Crossing. He stated that this development is causing flooding to his client's property, and also leaves him with no access to his property. He asked that the Council table consideration of the final plat so they may familiarize themselves with this litigation.

Frank Plank spoke in opposition of the final plat of Mustang Crossing Section 5. He explained that the development has caused him to not have access to his 10-acre tract.

Mayor Horn closed the public hearing at 7:10 p.m.

**CONSENT AGENDA**

Consider approval of the July 18, 2019 City Council meeting minutes.

Accept resignation from Planning Commission member, Darrell Dailey.

*Darrell Dailey submitted his resignation from the Planning Commission for his term ending on December 31, 2019. This agenda item is the formal acceptance of his resignation.*

*With the resignation of Mr. Dailey, there are now nine (9) members on this Commission. The Charter states that there must be at least five (5) no more than eleven (11) residents serving on this board.*

*City Council will consider board appointments in December 2019. There are no current applicants for service on the Planning Commission. Advertisements for volunteers will begin the end of October.*

Consider a final plat of Octavio Estates (located at 2127 County Road 367), being a total of 4.86 acres of land, out of lot 6, block 10, of Hall's Addition as per the plat recorded in volume 14, page 304, O.R.B.C.T., situated in the I.&G.N.R.R. Co. Survey, A-463, Brazoria County, Texas, City of Alvin E.T.J.

*On July 1, 2019, the Engineering Department received the final plat of Octavio Estates for review. The property is located at 2127 County Road 367, in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and is being platted into three 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 July 16, 2019. Staff recommends approval.*

Consider a final plat of Perry Holdings Group (located across from 21000 E. Highway 6), being a subdivision of 3.407 acres in the I.&G.N.R.R. Survey, A-622, also being a partial replat of lot 7, of section 27 of the I.&G.N.R.R. Survey, A-622 as recorded in volume 116, page 297, Deed Records of Brazoria County, Texas.

*On July 1, 2019, the Engineering Department received the final plat of Perry Holdings Group for review. The property is located on the south side of Highway 6 across the highway from Waste Management (21000 E. Highway 6), in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and is being platted into three 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 July 16, 2019. Staff recommended approval.*

Consider Resolution 19-R-31, finding that CenterPoint Energy Houston Electric, LLC's requested increase to its electric transmission and distribution rates and charges within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

*CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company") filed an application on April 5, 2019 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$161 million per year. The Company asks the City to approve an increase in \$154 million in retail transmission and distribution rates (an increase of about 7.4%) and \$6.8 million in wholesale transmission rates (an increase of about 1.8%). According to CenterPoint, the impact on an average residential customer would be an increase of about \$2.38 per month.*

*The Council passed Resolution 19-R-19 on May 2, 2019, which suspended the May 10, 2019 effective date of the Company's rate increase for the maximum period permitted by law (90-days). This time period has permitted the City, through its participation with the Gulf Coast Coalition of Cities ("GCCC"), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of experts engaged by GCCC, CenterPoint's request for a rate increase should be denied.*

*The City of Alvin is a member of a coalition of political subdivisions in the Greater Houston area known as the Gulf Coast Coalition of Cities ("GCCC"). The Coalition has been in existence since the early 1990s. The GCCC represents the interests of its members on gas and electric utility matters before the Public Utility Commission, the Railroad Commission, the Electric Reliability Council of Texas and the courts. For the past 20 years, GCCC has protected the authority of municipalities over monopoly electric and natural gas providers and has defended the interests of the residential and small commercial customers within the cities. Cities are often the only consumer advocates that work to keep utility rates reasonable. The work undertaken by GCCC has saved ratepayers millions of dollars in unreasonable*

charges. The GCCC has previously approved the hiring of Thomas Brocato and Chris Brewster of the Lloyd Gosselink law firm and consultants to intervene in matters related to the electric utility rate case filings, representing GCCC members' interests.

Current members include the following 39 cities: Alvin, Brazos Country, Brookshire, Bunker Hill Village, Clear Lake Shores, Deer Park, Dickinson, Friendswood, Fulshear, Galveston, Hedwig Village, Hilshire Village, Hunters Creek, Iowa Colony, Jersey Village, Kemah, Lake Jackson, La Marque, Manvel, Missouri City, Mont Belvieu, Morgan's Point, Nassau Bay, Oyster Creek, Piney Point Village, Pleak, Rosenberg, Santa Fe, Seabrook, Sealy, Simonton, South Houston, Spring Valley Village, Sugar Land, Taylor Lake Village, Texas City, Tiki Island, Webster, and Weston Lakes. Staff recommended approval of Resolution 19-R-31.

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

### **OTHER BUSINESS**

**Discuss and take a record vote to propose a tax rate of \$0.7780 per \$100 of assessed valuation, which is a tax increase of 2.79% above the Effective Tax Rate, to be adopted at a future meeting.**

*The tax rate adoption process consists of the comparison of three (3) rates: the effective tax rate, the rollback rate, and the city's proposed tax rate.*

*The effective tax rate (\$0.756909 per \$100 of assessed valuation) is a hypothetical benchmark tax rate. It is used to calculate the total tax rate needed to raise the same amount of property tax revenue from the same properties on the tax roll in both the 2018 tax year (FY19) and the 2019 tax year (FY20).*

*The rollback tax rate (\$0.837548 per \$100 of assessed valuation) is the highest tax rate that the City may adopt before voters are entitled to petition for an election to limit (or rollback) the proposed rate to the rollback rate.*

*The proposed tax rate (\$0.778000 per \$100 of assessed valuation) is the rate proposed to generate property tax revenues to be used for the general maintenance and operational costs of providing city services; and paying the annual principal and interest on bonds and other debt secured by property tax revenues. The additional revenue (above the effective tax rate) that will be generated is proposed to be used for the following projects and operational costs up for your consideration in FY20:*

- *Funding additional public safety personnel (Patrol Officer & Fire Administrator Assistant)*
- *Extending the scope of the Business Incentive Program*
- *Funding the City's portion of the Senior Citizen transportation vehicle*
- *Funding various projects:*
  - *Wayfinding Signage*
  - *Improving various city facilities such as HVAC and roof replacements*
  - *Upgrading information technology equipment along with added network storage*

*According to the Local Government Code, when a city initially proposes a tax rate that exceeds the lower of the rollback rate or the effective tax rate, the city council must vote to place a proposal to adopt the proposed rate on the agenda of a future meeting as an action item. If the motion passes, the governing body must schedule two public hearings on the city's proposed tax rate.*

***For FY20, staff is proposing to lower the City's current tax rate by 1 (one) cent – from \$0.7880 per \$100 of taxable assessed valuation to \$0.7780 per \$100 of taxable assessed valuation. Because the City's proposed tax rate exceeds the lower of the effective tax rate or the rollback tax rate, two (2) public hearings are required to be held before adopting the proposed tax rate.***

*The City Council will consider adopting the city's "final" tax rate at the regular meeting of the City Council on September 19, 2019, at 7:00 p.m.*

Council member Thompson moved to approve the proposed a tax rate of \$0.7780 per \$100 of assessed valuation, which is a tax increase of 2.79% above the Effective Tax Rate, to be adopted at a future meeting. Seconded by Council member Starkey; motion carried on a vote of 7 Ayes.

**Roll Call Vote:**

Council member Thompson	Aye
Council member Vela	Aye
Council member Arendell	Aye
Council member Richards	Aye
Council member Castro	Aye
Council member Adame	Aye
Councilmember Starkey	Aye

Consider setting two (2) public hearings concerning the proposed tax rate on Thursday, August 15, 2019, at 7:00 p.m. and Thursday, September 5, 2019, at 7:00 p.m. in the City Council Chambers, City Hall, 216 West Sealy, Alvin, Texas.

*The City's proposed tax rate exceeds the effective tax rate. As a result, the Local Government Code requires City Council to set two (2) public hearings on the proposed tax rate, prior to adoption. The second public hearing may not be held earlier than the third day after the date of the first public hearing. The City Council will consider adopting the final tax rate at the regular meeting of the City Council on September 19, 2019, at 7:00 p.m.*

Council member Castro moved to approve setting two (2) public hearings concerning the proposed tax rate on Thursday, August 15, 2019, at 7:00 p.m. and Thursday, September 5, 2019, at 7:00 p.m. in the City Council Chambers, City Hall, 216 West Sealy, Alvin, Texas. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Consider the vacation of the final plat of Mustang Crossing Section 5 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 14.79 acres of land located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

*On May 30, 2019, the Engineering Department received a request from M/I Homes of Houston, LLC for the vacation of the final plat of Mustang Crossing Section 5 that was recorded on March 25, 2019. M/I Homes of Houston, LLC still owns all lots that are contained within the Section 5 plat and is requesting that the plat be vacated so that preexisting unimproved road easements through the property can be formally acknowledged and exchanged by ordinance (Ord. 19-Q).*

*The property is located at the northwest corner of the intersection of FM 1462 and Mustang Crossing Boulevard. This section consists of sixty-seven (67) single-family lots, two (2) reserves, and three (3) blocks.*

*This plat vacation complies with all requirements of the City's Subdivision Ordinance. The Planning Commission unanimously approved the plat vacation at their meeting on July 16, 2019. Staff recommended approval.*

Council recessed into Executive Session at 7:15 p.m. in accordance to **Section 551.071(2)** of the Government Code: Attorney consultation to receive attorney advice and counsel in connection with the city's legal rights, duties, privileges, and obligations relating to the vacation of the final plat of Mustang Crossing Section 5 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 14.79 acres of land located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

The Council reconvened into regular session at 7:55 p.m.

Council member Thompson moved to approve the vacation of the final plat of Mustang Crossing Section 5 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 14.79 acres of land located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas. Seconded by Council member Starkey; motion carried on a vote of 7 Ayes.

Consider Ordinance 19-Q, an Ordinance of the City of Alvin, Texas, authorizing and approving the exchanges and conveyances of public rights-of-way within the proposed Mustang Crossing Subdivision; making findings of fact; and providing for related matters.

*Ordinance 19-Q authorizes the exchange/conveyance of 0.6371 acres of unimproved platted roadway (rights-of-way) within the Mustang Crossing Subdivision for 3.34 acres of improved road rights-of-way within Mustang Crossing Sections 5 and 5B to serve the proposed lots. The rights-of-way being abandoned are further described in Exhibits A and B of Ordinance 19-Q.*

*Section 272.001 of the Texas Local Government Code enables the City to exchange public rights-of-way for other land to be used for public rights-of-way without a public sale.*

*The Planning Commission unanimously approved Ordinance 19-Q at their meeting on July 16, 2019. Staff recommended approval of Ordinance 19-Q.*

Council member Starkey moved to approve Ordinance 19-Q, an Ordinance of the City of Alvin, Texas, authorizing and approving the exchanges and conveyances of public rights-of-way within the proposed Mustang Crossing Subdivision; making findings of fact; and providing for related matters. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

Consider a final plat of Mustang Crossing Section 5 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 14.77 acres of land, being a partial replat of lots 26 and 27 of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas. Located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

*On May 30, 2019, the Engineering Department received the revised final plat of Mustang Crossing Section 5 for review. The property is located at the northwest corner of the intersection of FM 1462 and Mustang Crossing Boulevard. This section consists of sixty-seven (67) single-family lots, two (2) reserves, and three (3) blocks. The Mustang Crossing Subdivision currently consists of three previously platted sections containing 204 single-family residential lots of which approximately 196 have homes on them. This plat complies with all requirements of the City's Subdivision Ordinance.*

*The Planning Commission unanimously approved the Final Plat of Mustang Crossing Section 5 at their meeting on July 16, 2019. Staff recommended approval.*

Council member Thompson moved to approve a final plat of Mustang Crossing Section 5 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 14.77 acres of land, being a partial replat of lots 26 and 27 of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas. Located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Consider a final plat of Mustang Crossing Section 5B (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 2.9314 acres of land, being a partial replat of lots 15 and 26 of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas. Located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

*On May 30, 2019, the Engineering Department received the final plat of Mustang Crossing Section 5B for review. The property is located at the northwest corner of the intersection of FM 1462 and Mustang Crossing Boulevard. This section consists of nine (9) single-family lots, three (3) reserves, and one (1) block. The Mustang Crossing Subdivision currently consists of three previously platted sections containing 204 single-family residential lots of which approximately 196 have homes on them. This plat complies with all requirements of the City's Subdivision Ordinance.*

*The Planning Commission unanimously approved the plat at their meeting on July 16, 2019. Staff recommended approval.*

Council member Thompson moved to approve a final plat of Mustang Crossing Section 5B (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 2.9314 acres of land, being a partial replat of lots 15 and 26 of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas. Located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas. Seconded by Council member Adame; motion carried on a vote of 7 Ayes.

Consider a final plat of Rustic Country Acres (located at 2505 County Road 145), being a subdivision of 8.9999 acres in the A.C.H.&B. Railroad Company Survey, A-412, also being a partial replat of lots 18 and 19 out of section 25 of the A.C.H.&B. Railroad Company Survey, Abstract 412 as recorded by volume 8, page 622 of the deed records of Brazoria County, Texas.

*On July 1, 2019, the Engineering Department received the final plat of Rustic Country Acres for review. The property is located at 2505 County Road 145, in the City of Alvin's Extraterritorial Jurisdiction (ETJ). Lot 2 was previously conveyed, in error, by Metes and Bounds Description without platting through the City of Alvin as required. The subdivision of this property without platting was discovered when the new owner of lot 2 applied to have electrical service to the property. Mr. Durr, the original owner of the entire property, is requesting a variance to the 60' lot width requirement and requesting that a lot width of 40' for lot 2 be approved. A lot width of 40' for lot 2 is the maximum width that can be attained and still keep all utilities that service Mr. Durr's home within lot 1 where his home is located.*

*The City Planning Commission unanimously approved the plat with the variance to lot width at their meeting on July 16, 2019. Staff recommended approval.*

Councilmember Starkey moved to approve a final plat of Rustic Country Acres (located at 2505 County Road 145), being a subdivision of 8.9999 acres in the A.C.H.&B. Railroad Company Survey, A-412, also being a partial replat of lots 18 and 19 out of section 25 of the A.C.H.&B. Railroad Company Survey, Abstract 412 as recorded by volume 8, page 622 of the deed records of Brazoria County, Texas. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

Consider Resolution 19-R-32, approving the Utility Conveyance and Security Agreement accepting the water distribution, wastewater collection and storm water facilities to serve Kendall Lakes, Section Seven; and authorize the Mayor to sign the Agreement.

*This conveyance of utility facilities conforms with the initial Utility Services Contract dated August 5, 2004, with the developer, Skymark Land Development, Inc. Skymark contracted with the City to obtain water supply and wastewater treatment services for Municipal Utility District (MUD) No. 36 serving Kendall Lakes. The District contracted with Clearwater Utilities, Inc., in January 2017 for the water distribution, wastewater collection, and storm water facilities to serve Kendall Lakes, Section Seven. These services (water supply and wastewater treatment services) are now to be transferred to the City for ownership, operation, and maintenance. Staff recommended approval of the Resolution and acceptance of the Utility Conveyance.*

Council member Thompson moved to approve Resolution 19-R-32, approving the Utility Conveyance and Security Agreement accepting the water distribution, wastewater collection and storm water facilities to serve Kendall Lakes, Section Seven; and authorize the Mayor to sign the Agreement. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Consider an Engineering Services Agreement with LJA Engineering in an amount not to exceed \$396,250 for engineering design services for the Waterline Improvements Phase 2 Project; and authorize the City Manager to sign the Agreement upon legal review.

*The Waterline Improvements Phase 2 Project was identified in the 2015 Utility Master Plan that was approved by City Council on March 3, 2016 and consists of the replacement/addition of approximately 15,200 linear feet of waterline in the area generally bounded by Highway 6, Bypass 35, Sealy Street, and Second Street.*

*The Engineering Services Agreement being considered will provide surveying and geotechnical data, preliminary and final engineering design, complete plan set with bid package, and construction phase services for this important water system rehabilitation CIP project. It is proposed that design services culminating in a final bid package will be complete*

*in a period of eight months. Approval of this Agreement will ensure that construction plans are available and ready for bid in April 2020.*

*This project is being funded by the 2019 Revenue Bonds that were authorized and approved by City Council on May 16, 2019. Staff recommended approval of this Agreement.*

Council member Castro; moved to approve an Engineering Services Agreement with LJA Engineering in an amount not to exceed \$396,250 for engineering design services for the Waterline Improvements Phase 2 Project; and authorize the City Manager to sign the Agreement upon legal review. 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. Junru Roland announced items of community interest; and he reviewed the preliminary list for the August 15, 2019 City Council meeting. He announced the August 8<sup>th</sup> budget workshop 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.

Mrs. Roberts reviewed items of community interest.

Council member Thompson stressed the importance for the need of the Grand Parkway through Alvin; and he encouraged citizens to voice their opinion.

Council member Vela announced the last pool party of the summer will be on August 11<sup>th</sup>. He challenged Council to a Nerf War on August 23<sup>rd</sup>.

Council member Adame wished his daughter a happy birthday. He commended the staff for their work.

Council member Starkey commended the city staff. He cautioned about the high heat index and to be extra careful driving because school will be in session soon.

### **EXECUTIVE SESSION**

Mayor Horn called for an executive session at 8:16 p.m. in accordance to the following:

Section 551.071(2) of the Government Code: Attorney consultation to receive attorney advice and counsel in connection with the city's legal rights, duties, privileges, and obligations related to the ongoing negotiations of a Collective Bargaining Agreement.

### **RECONVENE TO OPEN SESSION**

Consider and take appropriate action, if any, regarding the proposed Collective Bargaining Labor Agreement between the City of Alvin, Texas and the Alvin Police Officer's Association (APOA).

Mayor Horn reconvened the meeting back into open session at 8:48 p.m.

Council member Starkey moved to place the proposed Collective Bargaining Labor Agreement between the City of Alvin, Texas and the Alvin Police Officer's Association (APOA) on the next agenda (August 15<sup>th</sup> Council meeting). Seconded by Council member Adame; motion carried on a vote of 7 Ayes.

**ADJOURNMENT**

Mayor Horn adjourned the meeting at 8:49 p.m.

PASSED and APPROVED the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Paul A. Horn, Mayor

ATTEST: \_\_\_\_\_  
Dixie Roberts, City Secretary