

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL REGULAR MEETING
THURSDAY, JANUARY 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 at 7:00 PM in the Council Chambers at City Hall, with the following members present: Mayor Gabe Adame; Mayor Pro-Tem Chris Vaughn; Councilmembers: Martin Vela, Keko Moore, 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 Administrative Services; Dan Kelinske, Parks and Recreation Director; Michelle Segovia, City Engineer; Michael Medwedeff, Assistant City Engineer, and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Darren Shelton with Hope Tabernacle 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.

PRESENTATION

Recognition of Alvin Police Department Promotees and 2023 Award Recipients.

Recognition, and pinning, of Manny Cruz and Buddy Wilson for their successful promotion to the Civil Service Rank of Corporal/Specialist. Award Recipients: 2023 Civilian of the year, Leoni Alegria; 2023 Rookie of the year, Nolan Ramsey; 2023 Officer of the year, Buddy Wilson; Life Saving Award Recipients: Lt. S. Gilcrease, Cpl S.Foley, Ofc A. Winebrenner, Ofc M. Fuller, Ofc N. Ramsey, Ofc J. Morrison; Medal of Valor Recipients: Lt. Gilcrease, Ofc J. Morrison.

Chief Lee presented promotions and awards to each officer and staff member in attendance. Those being honored were accompanied by family members and friends.

PUBLIC COMMENT

Dick Tyson presented comments regarding recognizing local hispanic leaders and taxes in Alvin and Brazoria County.

John Burkey presented comments regarding upcoming Museum and Senior Center events.

CONSENT AGENDA

Consider approval of the November 30, 2023, City Council Workshop minutes.

Consider approval of the December 7, 2023, City Council Workshop minutes.

Consider approval of the December 7, 2023, City Council meeting minutes.

Consider an agreement with Wells Fargo Bank to renew bank depository services for the City of Alvin effective January 1, 2024, and authorize the City Manager to sign the agreement upon legal review.

Cities are required to issue an RFP for bank depository services every five (5) years. The City of Alvin did so in 2020 and signed a three (3)-year contract with Wells Fargo beginning January 1, 2021. This contract comes with two one (1)-year extensions. Should the Council approve and authorize, Wells Fargo will provide an extension for the first year and provide the City with a copy to be reviewed by the legal team and signed by the City Manager. Staff recommends approval.

Consider Ordinance 24-A, amending the Fiscal Year 2024 budget for the purpose of appropriating eleven million, five hundred eighty-six thousand, five hundred ninety dollars, and fifteen cents (\$11,586,590.15) of prior Fiscal Year 2023 encumbrances into the current fiscal year as set forth for each individual account in the attached Exhibit A; and providing for other related matters.

An encumbrance refers to funds that have been reserved when a purchase order has been approved. Governmental accounting practice allows these funds to be reserved (encumbered) until paid. When closing FY23, there were outstanding purchase orders that had not been fully liquidated. As the encumbered items are processed and liquidated in FY24, negative budget variances may be reflected in various departmental accounts until the outstanding budget appropriations for the previous year's encumbrances are carried forward from FY23 into FY24. The total amount of outstanding encumbrances to be carried over from FY23 is \$11,586,590.15.

Fund	Prior Fiscal Year Outstanding Encumbrance Amounts
American Rescue Act Fund	\$965,670.66
Impact Fee Fund	\$201,477.57
Utility Operating Fund	\$41,268.45
EMS Fund	\$7,012.15
Utility Projects Fund	\$225,079.31
Water Line Improvement Fund	\$8,468,454.32
General Capital Projects Fund	\$119,433.00
Sales Tax (Street / Drainage) Fund	\$1,149,216.61
Moller Road Storm Improvements	\$181,260.43
Fleet Maintenance Fund	\$550.00
Vehicle Replacement Fund	\$204,300.00
Computer Replacement Fund	\$5,024.70
Facility Maintenance Fund	\$17,842.95
TOTAL	\$11,586,590.15

Staff recommends approval of Ordinance 24-A

Consider Resolution 24-R-01, authorizing the City Manager to enter into a Multiple-Use Agreement with the Texas Department of Transportation allowing the installation and operation of Automated License Plate Recognition Cameras in the Texas Department of Transportation Right-of-Way; and providing an effective date.

The Texas Department of Public Safety notified Alvin Police Department on Friday, December 15, 2023, that Resolution 22-R-33 required for the installation of FLOCK ALPR cameras was deficient. The previously passed resolution indicated that the agreement to install the ALPR cameras was between the City of Alvin and FLOCK LCC. The Department of Public Safety is in need of a resolution that authorizes an agreement between the City of Alvin and the Texas Department of Public Safety. The prescribed language has been incorporated in Resolution 24-R-01, and its approval is recommended by staff.

Consider the purchase of eighty (80) Unication G4 Single Band P25 Voice Pagers along with associated accessories for the Alvin Volunteer Fire Department through Mobile Communications America, utilizing American Rescue Plan Act (ARPA) Funds, for an amount not to exceed \$65,064; and authorize the City Manager to sign related documents.

The Fire Department would like to purchase eighty (80) Unication G4 Single Band P25 Voice Pagers and accessories using American Rescue Plan Act (ARPA) funds and procure the equipment and services from the provider through the sole-source method. The fire department currently utilizes an analog paging system to notify department personnel of an emergency. The police department has upgraded the emergency services dispatch center to a digital format and has experienced some operational issues with the current paging system that the fire department uses. The new pagers would be a 700-800MH digital platform with enhanced voice clarity and simplified updating capabilities. Additional updates to the existing analog system would become difficult and eventually not supported by the digital system. Staff recommends approval.

Item E, Ordinance 24-A amending the Fiscal Year 2024 budget, was removed from the Consent agenda by Council member DeKeyzer for explanation.

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

OTHER BUSINESS

Item removed from Consent agenda by Council member DeKeyzer: Consider Ordinance 24-A, amending the Fiscal Year 2024 budget for the purpose of appropriating eleven million, five hundred eighty-six thousand, five hundred ninety dollars, and fifteen cents (\$11,586,590.15) of prior Fiscal Year 2023 encumbrances into the current fiscal year as set forth for each individual account in the attached Exhibit A; and providing for other related matters.

Item E removed from Consent Agenda by Council member DeKeyzer. Council member DeKeyzer wanted an explanation of why this ordinance is necessary. City Manager Junru Roland explained how these disbursements were ordered in fiscal year 2023 but were not completed and now must be rolled over to fiscal year 2024 to be fulfilled.

Council member DeKeyzer moved to approve Ordinance 24-A, amending the Fiscal Year 2024 budget for the purpose of appropriating eleven million, five hundred eighty-six thousand, five hundred ninety dollars, and fifteen cents (\$11,586,590.15) of prior Fiscal Year 2023 encumbrances into the current fiscal year as set forth for each individual account in the attached Exhibit A; and providing for other related matters. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Consider Ordinance 24-B, granting consent to the creation of the Preservation Creek Municipal Utility District No. 1; containing various provisions related to the foregoing subject; and making certain findings related thereto.

On December 6, 2023, the City received a Petition for the Consent to the Creation of the Preservation Creek Municipal Utility District (MUD) #1 from WB West Alvin Land LLC. This MUD will serve approximately 2,692.37 acres of land that resides within the corporate limits and extraterritorial jurisdiction of the City of Alvin, Texas. The Developer proposes to develop this land as a Master Planned Community to include single family and multi family residential properties and claims that there is not now available within the area an adequate waterworks system, sanitary sewer system, or drainage and storm sewer system. Petitioner states that a public necessity exists for the creation of the District to provide for such systems to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community. The landowner has consented to conditions, which are attached to the Ordinance as Exhibit B. These conditions will ensure the approval by the City of all plans and specifications for the construction of certain water, sewer and drainage infrastructure facilities, the sale of bonds, and the coordination and allocation of projects. Staff recommends approval of Ordinance 24-B.

Suzanne Hanneman, City Attorney, presented this item before City Council with explanation. Lisa Clark, representative from Preservation Creek Development, gave a brief update on their current progress.

Council member Garivey moved to approve Ordinance 24-B, granting consent to the creation of the Preservation Creek Municipal Utility District No. 1; containing various provisions related to the foregoing subject; and making certain findings related thereto. Seconded by Council member Vela; motion carried with all members present voting Aye.

Consider a variance request for the property owner at 702 S. Gordon Street to deviate from two building setback requirements set forth in Chapter 35 Corridor Land Use Regulations, Section 35-12(c)(2) Interior Side Yard and Section 35-12(c)(4) Rear Yard, for the construction of a medical complex.

On November 16, 2023, the Engineering Department received a variance request for 702 S. Gordon Street to encroach 15 feet into the 20-foot rear building setback requirement and 1 foot 9 inches into the 10-foot side building setback requirement for the construction of a medical complex. Variance request letter and site plan attached. The City Planning Commission considered this variance request at their meeting on December 19, 2023, and a tie vote occurred, with three commission members (Brooks, Burkey, and Davis) voting for approval of the variance request and three commission members (Garza, Jones, and Jordan) voting against the variance request. The members that voted against the variance request stated that they did so because they felt that the property owner was wanting the variance for financial gain. Staff recommends approval of the variance.

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

Council member Starkey moved to approve a variance request for the property owner at 702 S. Gordon Street to deviate from two building setback requirements set forth in Chapter 35, Corridor Land Use Regulations, Section 35-12(c)(2), Interior Side Yard and Section 35-12(c)(4) Rear Yard, for the construction of a medical complex. Seconded by Council member Garivey; motion carried with all members present voting Aye.

Consider Resolution 24-R-02, approving the Purchase and Sale Agreement between the City of Alvin, Texas, and the Young Men's Christian Association of the Greater Houston Area, a Texas Nonprofit Corporation also known as YMCA of the Greater Houston Area Doing Business As the Thelma Ley Anderson Family YMCA.

In October 1989, the property known as Briscoe Park was donated to the City of Alvin by the Briscoe Family, conditioned upon the property being used for park and recreation purposes. In November 2005, the City and the YMCA entered into a Ground Lease agreement, in which the YMCA agreed to finance, design, construct, maintain, and operate the Thelma Ley Anderson YMCA facility for the Alvin community. YMCA officials expressed a desire to sell the Thelma Ley Anderson YMCA facility. On June 1, 2023, the City Council authorized the City Manager to negotiate and execute a non-binding Letter of Intent dated June 6, 2023. Through negotiations, the City and the YMCA agreed upon a purchase price of \$5,600,000 for the YMCA facility. The enclosed Agreement has undergone thorough review by the legal representatives from both parties and received official approval from the Board of the YMCA of the Greater Houston Area during their meeting on December 12, 2023, and has been subsequently signed by President and CEO, Stephen Ives. Upon City Council's approval of this Agreement, the closing process will commence. Certificate of Obligation bonds in the amount of \$6,150,000 were issued through Ordinance 23-R adopted by City Council on August 17, 2023, for the acquisition and subsequent renovations as have been identified but not limited to:

- *Building rebranding*
- *Sign Re-branding*
- *Replace basketball court*
- *Replace Fire Alarm System per FCA recommendation*
- *Replace perimeter fence per FCA recommendation*
- *Boiler safety relief valve*
- *Information Technology needs*

Staff recommends approval of the Purchase and Sales Agreement.

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

Council member Garivey moved to approve Resolution 24-R-02, approving the Purchase and Sale Agreement between the City of Alvin, Texas, and the Young Men's Christian Association of the Greater Houston Area, a Texas Nonprofit Corporation also known as YMCA of the Greater Houston Area doing business as the Thelma Ley Anderson Family YMCA; and authorize the Mayor to sign all related documents. Seconded by Council member Vela; motion carried with all members present voting Aye.

Consider Ordinance 24-C, amending Chapter 21, Subdivisions and Property Development, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 21-42 Sidewalks, ADA ramps, driveways and driveway approaches; providing for penalties; providing for severability; and setting forth other provisions related thereto.

This Ordinance is amending Chapter 21, Subdivision and Property Development, of the City of Alvin Code of Ordinances. The requirement for sidewalks was discussed by City Council at the workshop on December 7, 2023. At the workshop Council directed Staff to amend section 21-42 by adding exceptions to the sidewalk requirement in existing areas of the City where there is an open ditch drainage system and limited space in the existing right-of-way to construct the sidewalk. Ordinance 24-C amends section 21-42 by adding the following exceptions to the sidewalk requirement:

- *Sidewalks shall not be required in existing subdivisions with open ditch drainage systems and limited available space in the right-of-way, as determined by the City Engineer.*

- Sidewalks may not be required when, in the judgment of the planning commission, the safety of the pedestrians does not require such sidewalks.

Staff recommends approval of Ordinance 24-C.

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

Council member DeKeyzer moved to approve Ordinance 24-C, amending Chapter 21, Subdivisions and Property Development, of the Code of Ordinances of the City of Alvin, Texas, for the purpose of amending Section 21-42 Sidewalks, ADA ramps, driveways and driveway approaches; providing for penalties; providing for severability; and setting forth other provisions related thereto. Seconded by Council member Starkey; motion carried with all members present voting Aye.

Consider the purchase of Lexipol policy management software for use by the Police Department for an initial amount not to exceed \$18,339.75 and authorize the City Manager to sign the Master Service Agreement upon legal review.

In 2013, as the Police Department began to transition to best practice policies on the road to accreditation, we purchased a policy management software called PolicyTech. Originally, PolicyTech was chosen due to the ease of use and the functionality in being able to create, modify, track, test, and promulgate policies to all employees, even remotely. Unfortunately, as often occurs with decent software, the company was bought out by a larger company called Navex. The PolicyTech suite, which was originally geared toward public safety, fell by the wayside as development, modifications, and basic support were delayed, or altogether halted, as the new company focused development in other areas. PolicyTech, since the buyout, can no longer be accessed from anywhere other than on police department desktop computers, which means that officers can no longer access policies or procedures from the field. When we reported the issue to the new company, the response was that it was our problem, and they would not help. The software is no longer user-friendly nor is it easy to create or modify policies as practices, legislation, or case law requires. In fact, the PolicyTech sub-site from the Navex web-page no longer addresses or mentions law enforcement or any of the product features or uses for which we originally chose the product. There are various other reasons to transition from this software, but the basic is that it no longer meets the needs of our organization. Nor will it meet our needs in the future as we are progressing, they remain stagnated.

After careful comparison of available options, we have chosen Lexipol software for policy and accreditation management as the best replacement. Lexipol is entirely online (cloud) based and accessible from anywhere there is internet. It has all the original functions that we had and the added benefit that it specifically is public safety and government focused with a dedicated legal staff to review our policies and to suggest changes based upon legislative changes and case law as it occurs. Lexipol is used by 150+ agencies in Texas, the majority of which are also accredited, as it works hand in hand with accreditation. A better understanding of why Lexipol is preferred over PolicyTech is attached. The initial cost of implementation is \$18,339.75 and as it was unbudgeted, State Equitable Sharing (seized) funds will be used initially. The subsequent yearly renewals will be budgeted starting the following budget year and will be \$14,890.50 for FY25. This is an annual increase of approximately \$8,000 over what we are currently paying for the PolicyTech software. The purchase, if approved, will be through Sourcewell, a cooperative purchasing board.

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

Council member Garivey moved to approve the purchase of Lexipol policy management software for police department use in an initial amount not to exceed \$18,339.75 and approve the City Manager to sign the Master Service Agreement upon legal review. Seconded by Council member Moore; motion carried with all members present voting Aye.

Consider, if any, requests from individual council members for an item or items to be placed on the upcoming agenda for the next regularly scheduled meeting.

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

REPORTS FROM THE CITY MANAGER

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

Mr. Junru Roland announced items of community interest; and he reviewed the preliminary list for the January 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 Starkey reminded there will be Caroling at the Cottage scheduled this Saturday, January 6, from 5:00 to 8:00 p.m. at the Slover-Rodgers Cottage, where Junior Gordon will be performing. He also announced on January 23-25 he will be presenting a free writing seminar at the Senior Center from 12:00 to 2:30 p.m.

ADJOURNMENT

Mayor Adame adjourned the meeting at 7:53 p.m.

PASSED and APPROVED the 18th of January 2024.

ATTEST:

Gabe Adame, Mayor

Dixie Roberts, City Secretary