

City of Alvin, Texas

Paul Horn, Mayor

Adam Arendell, Mayor Pro-tem, District B
Brad Richards, At Large Position 1
Terry Droege, At Large Position 2
Scott Reed, District A



Keith Thompson, District C
Roger E. Stuksa, District D
Gabe Adame, District E

ALVIN CITY COUNCIL AGENDA

THURSDAY, APRIL 21, 2016

7:00 P.M.

(Council Chambers)

Alvin City Hall, 216 West Sealy, Alvin, Texas 77511

Persons with disabilities who plan to attend this meeting that will require special services please contact the City Clerk's Office at 281-388-4255 or drobot@cityofalvin.com 48 hours prior to the meeting time. City Hall is wheel chair accessible and a sloped curb entry is available at the east and west entrances to City Hall.

NOTICE is hereby given of a Regular Meeting of the City Council of the City of Alvin, Texas, to be held on **Thursday, April 21, 2016** at 7:00 p.m. in the Council Chambers at: City Hall, 216 W. Sealy, Alvin, Texas.

REGULAR MEETING AGENDA

1. **CALL TO ORDER**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENT**
4. **PRESENTATIONS**
 - A. Proclamation – Volunteer Appreciation Month; April 2016.
 - B. Volunteer of the Year Presentation
 - C. Proclamation – Texas Safe Digging Month; April 2016.
 - D. Presentation - Alvin Community College Bond Update
5. **CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:** An item(s) may be removed from the Consent Agenda for full discussion by the request of a member of Council. Item(s) removed will automatically become the first item up for discussion under Other Business.
 - A. Approve minutes of the April 7, 2016 City Council workshop meeting.
 - B. Approve minutes of the April 7, 2016 City Council regular meeting.
 - C. Consider awarding a bid to Brenntag Southwest for the purchase of Chlorine for (1) year with an option to continue for an additional year at the same price and conditions.
 - D. Consider awarding a bid to Commercial Chemical Products, Inc. for the purchase of Polyphosphate for (1) year with the option to continue for an additional year at the same price and conditions.
 - E. Consider awarding a bid to Brenntag Southwest for the purchase of Sodium Hypochlorite for (1) year with an option to continue for an additional year at the same price and conditions.

- F. Consider awarding a bid to JDB Services, Inc., as the primary vendor and Cherry Crush Concrete as a secondary vendor, for the purchase of stabilized sand for (1) year with an option to continue for an additional year at the same price and conditions.
- G. Consider Resolution 16-R-07; supporting an improved statutory procedure that provides for unitization of depleted Texas gulf coast oil fields.

6. OTHER BUSINESS:

Council may approve, discuss, refer, or postpone items under Other Business.

- A. Consider Resolution 16-R-08; finding that CenterPoint Energy Houston Electric, LLC's Application for Approval to amend its Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code § 25.243 and to reconcile Docket No. 44572 revenues to increase distribution rates 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.
- B. Consider Resolution 16-R-05; adopting rules and regulations for the City of Alvin Oak Park Cemetery.

7. REPORTS FROM CITY MANAGER

- A. Review preliminary list of items for next Council meeting.
- B. Items of Community Interest.

8. REPORTS FROM COUNCIL MEMBERS

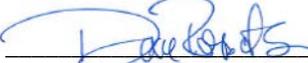
Pursuant to S.B. No. 1182, City Council Members may make a report or an announcement about items of community interest during a meeting of the governing body. No action will be taken or discussed.

- A. Announcements and requests from Council members.

9. ADJOURNMENT

I hereby certify that a copy of this notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website: www.alvin-tx.gov, in compliance with Chapter 551, Texas Government Code on MONDAY, APRIL 18, 2016 at 3:00 P.M.




Dixie Roberts, City Clerk

Removal Date: _____

**** All meetings of the City Council are open to the public, except when there is a necessity to meet in Executive Session (closed to the public) under the provisions of Chapter 551, Texas Government Code. The Council reserves the right to convene into executive session on any of the above posted agenda items that qualify for an executive session by publicly announcing the applicable section of the Open Meetings Act, including but not limited to sections 551.071 (litigation and certain consultation with the attorney), 551.072 (acquisition of interest in real property), 551.073 (contract for gift to city), 551.074 (certain personnel deliberations), or 551.087 (qualifying economic development negotiations).**



Office of the Mayor, City of Alvin, Texas

Proclamation

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- WHEREAS,** our City's volunteers possess many skills and talents which they generously share for a variety of community tasks; and
- WHEREAS,** the willingness of our citizens to give their time and talents in assisting charitable, social services, and religious organizations on behalf of our community is a significant factor in uplifting the quality of life in our community; and
- WHEREAS,** volunteers are motivated by the simple satisfaction of helping their fellow citizens and making their community a better place to live; and
- WHEREAS,** it is important for all of us to recognize our responsibilities and to follow the example of these volunteers by giving of ourselves for the betterment of all.

NOW, THEREFORE, I, Mayor Paul A. Horn, as Mayor of the City of Alvin Texas, and on behalf of the Alvin City Council, do hereby proclaim the month of April, 2016 as:

Volunteer Appreciation Month

in our great city and honor the hard work and selfless dedication of the many volunteers who make Alvin a better place to live, work and play.

WITNESS my hand and seal
this 21st day of April, 2016.

Paul A. Horn, Mayor



Office of the Mayor, City of Alvin, Texas

Proclamation

WHEREAS, each year, the nation's underground utility infrastructure is jeopardized by unintentional damage by those who fail to call 811 to have underground lines located prior to digging causing undesired consequences; and

WHEREAS, through education of safe digging practices, excavators and homeowners can save time and money keeping our nation safe and connected by making a simple call to 811 in advance of any digging project; waiting the required amount of time; respecting the marked lines by maintaining visual definition throughout the course of the excavation; and finally, digging with care around the marks; and

WHEREAS, all parties agree that safe digging is a shared responsibility. To know what's below, call 811 before you dig.

NOW, THEREFORE, I, Mayor Paul A. Horn, as Mayor of the city of Alvin, Texas and on behalf of the Council do hereby proclaim the month of April as

National Safe Digging Month

and encourage excavators and homeowners throughout Alvin to always call 811 before digging. Safe digging is no accident.

WITNESS my hand and seal
this 21st day of April, 2016.

Paul A. Horn, Mayor

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL WORKSHOP MEETING
THURSDAY APRIL 7, 2016
5:30 P.M.**

CALL TO ORDER

BE IT REMEMBERED that, on the above date, the City Council of the City of Alvin, Texas, met in Workshop Session at 5:32 P.M. in the Downstairs Conference Room at City Hall, with the following members present: Mayor Paul A. Horn; Mayor Pro-tem Adam Arendell; Councilmembers: Gabe Adame, Terry Droege, Roger Stuksa, Keith Thompson, Scott Reed and Brad Richards.

Staff members present: Sereniah Breland, City Manager; Junru Roland, Assistant City Manager/CFO; Bobbi Kacz, City Attorney; Dixie Roberts, City Clerk; Robert E. Lee, Chief of Police.

ITEMS OF DISCUSSION:

Discuss Form Based Codes

David Olson, Attorney, Olson and Olson asked Council to clearly define staff expectations as to whether or not Council would be in favor of moving toward the use of zoning. Zoning is used as a long-term tool to protect certain areas of development, not as a way to address code enforcement issues. Does Council want their focus to be on extending the infrastructure in place before going out and land grabbing?

The implementation of zoning will not reduce the amount of variance requests.

Because of the recent Master Plan update, the updating of the subdivision ordinance has been identified as a top priority and will be revised.

Scott Polikov, President of Gateway Planning presented information on various city planning and development tools. Lengthy discussion followed.

The revitalization of downtown was discussed and the work done by the downtown revitalization committee.

Ms. Breland stated that zoning has been brought up on several occasions and she feared not to have clear direction as to whether or not Council wanted staff to focus on just zoning. Her concern was that staff was looking at a tool that Council did not necessarily need or want. Ms. Breland wanted to ensure that Council had all options before pulling the trigger on a public vote for the use of zoning.

ADJOURNMENT

Mayor Horn adjourned the meeting at 6:48 p.m.

PASSED and APPROVED this _____ day of _____, 2016.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Clerk

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY APRIL 7, 2016
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 Adam Arendell; Councilmembers: Gabe Adame, Terry Droege, Roger Stuksa, and Keith Thompson, Scott Reed and Brad Richards.

Staff members present: Sereniah Breland, City Manager; Junru Roland, Assistant City Manager/CFO; Bobbi Kacz, City Attorney; Dixie Roberts, City Clerk; Larry Buehler, Economic Development Director; Michelle Segovia, City Engineer, Robert E. Lee, Chief of Police.

INVOCATION AND PLEDGE OF ALLEGIANCE

Judy Zavala, Police Department Chaplain gave the invocation.

Council member Richards led the Pledge of Allegiance to the American Flag.

Council member Reed led the Pledge to the Texas Flag.

PUBLIC COMMENT

Mr. Fred Gilmer appeared before City Council stating that he would like to see City Council have their own Twitter and Facebook accounts. He also discussed drainage concerns.

Mr. Dick Tyson thanked City Council for the display in City Hall of past Mayors. He also stated concerns relating to the Thoroughfare Plan as presented.

PRESENTATIONS

Proclamation – Crime Victims’ Rights Week; April 10-16, 2016.

Mayor Horn presented a proclamation for Crime Victim’s Rights Week to Maribel Cooper, Crime Victim’s Assistance Liaison, and representatives of the Brazoria County crime victims support group.

Proclamation – National Service Recognition Day; April 7, 2016.

Mayor Horn presented a proclamation for National Service Recognition Day to Jimmy Johnson.

CONSENT AGENDA

Approve minutes of the March 17, 2016 City Council workshop meeting.

Approve minutes of the March 17, 2016 City Council regular meeting.

Consider resale of trust property located on Dilling Street described as; A0227 H. T. & B. R. R., Tract 48, 0.200 Acres, Alvin; Cause Number 36152 to Deandra Abuto, for the sum of \$3,268.

This property was subject to a sheriff’s sale because of the taxes owed against it. The sheriff’s deed was filed on June 26, 2007. Deandra Abuto is now offering to purchase the parcel for \$3,268. If this offer is approved, the amount received will be distributed to all taxing entities on a pro-rated share of what is owed. All affected governing bodies must approve the offer because it is less than the total amount due.

Land Value: \$15,250
 Total Taxes due: \$14,736.13
 City of Alvin Taxes due: \$3,854.33
 Court Costs: \$949.60

| | <i>Net to Distribute</i> | |
|--------------------|--------------------------|------------|
| Braz Co | 12.62% | \$292.58 |
| Alvin ISD | 50.50% | \$1,170.69 |
| Alvin Comm College | 7.36% | \$170.65 |
| Alvin C&R #3 | 3.50% | \$81.25 |
| City of Alvin | 26.02% | \$603.23 |
| | | \$2,318.40 |

Consider authorizing the City Manager to send a letter to the Brazoria County Mosquito Control District for the continuation of aerial spraying services for the 2016 season.

This is an annual request for authorization from the Brazoria County Mosquito Control District for the continuance of aerial spraying over the City of Alvin. The spraying is performed during heavy outbreaks of mosquitoes by the aerial contract sprayer. The County will put out notifications through their respective social media accounts and through notices posted at the Courthouse. The flying schedule depends heavily upon the landing rate counts, weather and wind conditions. As a result of the variables listed, the County is unable to give notice of the specific flying time in advance. Aerial spraying has proven to be an effective measure for mosquito control in Brazoria County.

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

OTHER BUSINESS:

Consider final plat of CMH Land, being a subdivision of 5.09 acres (west of the Highway 6 and CR 146 intersection) being out of Lot 1 of the H.T. & B.R.R. Survey, abstract number 230, volume 21, page 186 Brazoria County Deed Records.

On March 1, 2016 the Engineering Department received the final plat of CMH Land for review. The property is located on the south side of the Highway 6, west of the County Road 146 intersection in the City of Alvin Extraterritorial Jurisdiction (ETJ) and is being platted in order for CMH Homes, Inc. to construct a manufactured home sales lot. The City Planning Commission unanimously approved the plat at their meeting on March 15, 2016.

Council member Reed moved to approve the final plat of CMH Land, being a subdivision of 5.09 acres (west of the Highway 6 and CR 146 intersection) being out of Lot 1 of the H.T. & B.R.R. Survey, abstract number 230, volume 21, page 186 Brazoria County Deed Records. Seconded by Council member Arendell; motion carried on a vote of 7 Ayes.

Consider an award of bid to Landmark Structures I, L.P. for the construction of the 500,000-gallon Dyche Lane Elevated Water Storage Tank; and authorize the City Manager to sign the contract subject to legal review.

On March 8, 2016 bids were opened for the Dyche Lane 0.5 Million Gallon (MG) Elevated Water Storage Tank and Landmark Structures I, L.P. was the qualified low bidder. Freese and Nichols Inc. (FNI), the City's consultant that designed the tank has reviewed all bids received and has recommended Landmark Structures for this project.

Project Budget: \$1,750,000
 Contract Amount: \$1,774,000
 Alternate Bid Item: \$25,000 (Concrete driveway to serve the water tower site)
 5% Contingency: \$89,950
Total Amount: \$1,888,950 (Project exceeded budget by \$138,950)

The project consists of the demolition of the existing water tower on Dyche Lane and the construction of a new 500,000 gallon composite tank similar to the Northside Elevated Tank located along the North Bypass at Highway 35. This project will be 100% funded by impact fees.

Council member Stuksa moved to award bid to Landmark Structures I, L.P. for the construction of the 500,000-gallon Dyche Lane Elevated Water Storage Tank; and authorize the City Manager to sign the contract subject to legal review. Seconded by Council member Droege; motion carried on a vote of 7 Ayes.

Acknowledge receipt of the Major Thoroughfare Plan Update Phase I Summary prepared by RPS Klotz Associates.

In August 2015 the City Council approved an Engineering Services Agreement with RPS Klotz Associates to provide engineering design services relating to the first phase of the update to the City's Major Thoroughfare Plan. Phase I was the first of a two-phase project that consisted of data collection, public involvement, and the creation of a GIS based thoroughfare map. RPS Klotz Associates has completed phase I of the update to the Thoroughfare Plan and has summarized the public involvement process in the attached report. The final Thoroughfare Plan Map is included in the Appendix of the report along with roadway classifications and exhibits. Phase II of this project will include the preparation of an Implementation Plan to include cost estimates, Capital Improvements Program, and the development of funding options.

Council member Arendell moved to acknowledge receipt of the Major Thoroughfare Plan Update Phase I Summary prepared by RPS Klotz Associates. Seconded by Council member Stuksa; motion carried on a vote of 7 Ayes.

Consider bid award to AGR Construction, LLC for the 2016 Concrete Repair Program, and approve a one (1) year contract with an option to renew for one (1) year with the same terms and conditions; and authorize the City Manager to sign the contract subject to legal review.

On February 16, 2016 bids were opened for the 2016 Concrete Repair Program and AGR Construction, LLC was the qualified low bidder. This Contractor has never worked on a City of Alvin project. Engineering Staff has verified references for this Contractor and all references were highly satisfied by the work performed. Project Budget: \$150,000 Total Contract Amount: \$79,350.00

The 2016 Concrete Repair Program utilizes the Contractor to perform point repairs on concrete streets, sidewalks, curbs, and ADA ramps at locations throughout the City as directed by the City's Public Services Department. The City has bid Concrete Repair Program projects similar to this one for last six years.

Council member Reed moved to award bid to AGR Construction, LLC for the 2016 Concrete Repair Program, and approve a one (1) year contract with an option to renew for one (1) year with the same terms and conditions; and authorize the City Manager to sign the contract subject to legal review. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

Consider an award of bid to LG&G Construction, Inc. for the 2016 Downtown Sidewalk Project; and authorize the City Manager to sign the contract subject to legal review.

On March 8, 2016 bids were opened for the 2016 Downtown Sidewalk Project and LG&G Construction, Inc. was the qualified low bidder. The Engineering Department has worked with this contractor before and was highly satisfied with the work performed.

*Contract Amount: \$116,465.50
10% Contingency: \$11,646.55
Total Amount: \$128,112.05*

The 2016 Downtown Sidewalk Project is the continuation of a multiphase project to provide adequate pedestrian access throughout the historic downtown Alvin area. Brick paver sidewalks will be installed in compliance with the Americans with Disabilities Act (ADA) requirements and match the existing decorative sidewalks in the area. Specific project locations are as follows: the west side of Hood Street between Willis and Sealy Streets, the south side of Willis Street between Hood and Hardie Streets and the south side of Sealy Street between Hood and Hardie Streets. The estimated start date for this project is May 2, 2016 and has a construction time of 60 days. Upon completion of this project, there will be one additional phase to complete the two-block area of downtown bordered by Willis, Gordon, Sealy, and Hood Streets with brick paver sidewalks.

Council member Droege moved to award bid to LG&G Construction, Inc. for the 2016 Downtown Sidewalk Project; and authorize the City Manager to sign the contract subject to legal review. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Consider a second variance request from Palm Harbor Villages, Inc. to the outdoor storage requirement of Chapter 35, Section 34(4) of the Code of Ordinances, for a manufactured home sales lot to be located at 1875 N. State Highway 35 Bypass (1.67 acres formerly used as a manufactured home sales lot).

The Engineering Department received a second variance request letter on March 8, 2016 from Nick Taylor with Palm Harbor Villages, Inc. Mr. Taylor is making a second request to waive the outdoor storage screening requirement of Section 35-34 (4) of the Corridor Land Use Ordinance. A request was made by Palm Harbor in October 2015 and was approved by the Planning Commission and denied by the City Council on November 19, 2015. Mr. Taylor is requesting the variance again to present Palm Harbor's security, visibility, and property aesthetics concerns.

The City Planning Commission approved the request at their meeting on March 15, 2016 by a vote of 4 to 1, with the no vote coming from Commissioner Buckalew. Commissioner Buckalew did not give a reason for his no vote. The Commission approved the request contingent upon Palm Harbor constructing a 10-foot tall black vinyl clad cyclone fence around all sides of the property similar to the fence that was constructed by UV Country, based on their similar variance request.

Mayor Horn adjourned the meeting to executive session at 7:30 p.m. to discuss this item with legal counsel.

Mayor Horn reconvened the meeting to open session at 8:00 p.m.

Council member Adame moved to approve a variance request from Palm Harbor Villages, Inc. to the outdoor storage requirement of Chapter 35, Section 34(4) of the Code of Ordinances, for a manufactured home sales lot to be located at 1875 N. State Highway 35 Bypass (1.67 acres formerly used as a manufactured home sales lot) with the caveat that the entire property will be enclosed with rod iron fencing. Seconded by Council member Stuksa; motion carried on a vote of 7 Ayes.

Consider Ordinance 16-F; amending the City of Alvin 2015-16 Fiscal Year (FY16) budget for the purpose of appropriating \$505,830.91 of prior fiscal year encumbrances into the current fiscal year as set forth for each individual account in the attached Exhibit "A".

An encumbrance is basically the reserving of funds when a purchase order is approved. Accounting practices require that these funds be reserved or encumbered until they are paid. When the books were closed September 30, 2015, there were open (outstanding) purchase orders. As the encumbered items are delivered and paid during the FY16, negative budget variances will be reflected in the departmental accounts unless budget appropriations for the prior year encumbrances are moved from the prior fiscal year (FY15) into the current fiscal year (FY16). Total outstanding encumbrances to be carried over from FY15 is \$505,830.91.

Council member Thompson moved to approve Ordinance 16-F; amending the City of Alvin 2015-16 Fiscal Year (FY16) budget for the purpose of appropriating \$505,830.91 of prior fiscal year encumbrances into the current fiscal year as set forth for each individual account in the attached Exhibit "A". Seconded by Council member Droege; motion carried on a vote of 7 Ayes.

Consider Ordinance 16-G; amending the City of Alvin 2015-16 Fiscal Year (FY16) Mid-Year Budget by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to the individual budget accounts in all funds set forth in the attached "Exhibit A".

On March 17, 2016, staff and council met to discuss goals and other financial-related matters of the City. During this meeting, staff informed council that as of the end of fiscal year 2015 (FY15), the City exceeded fund balance requirements/expectations in various funds; and identified certain items/projects that could be funded in the current fiscal year (FY16) utilizing fund balances.

Staff requests that council amend the FY16 budget to fund the following “non-recurring” capital expenditures:

- *City Hall Security Enhancements - \$135,000 [Enhancements include bullet-resistant enclosures and restricted public access.]*
- *Radio Consolettes for Police Department - \$133,000 [The City has 9 Motorola XTL 5000 radio consolettes that need to be replaced. Motorola informed staff that they (Motorola) will no longer manufacture or service the City’s brand of consolettes. Even more, the City’s current consolettes do not have the capacity to download time-division-multiple-access software; which will be required to allow the City’s dispatch center to continue to communicate with our mobile and handheld radios, as well as with other agencies.]*
- *3 Power stretchers and 3 Automated CPR machines for EMS - \$87,000 [A power stretcher is a battery-powered hydraulic system that raises and lowers patients with the touch of the button. The power stretcher will reduce strenuous lifting and the associated risk of back injury. The automated CPR machines will provide standardized chest compressions independent of transport conditions, rescuer fatigue, or variability in the experience level of the caregiver.]*
- *Parks Master Plan - \$50,000 [The Parks Master Plan is recommended to develop a comprehensive vision for specific parkland in context with its location, natural resources, and visions of the community. This will allow the City Parks to qualify for grants, and provide a variety of recreational opportunities in an environmentally sound and sensitive manner.]*
- *Water & Sewer Rate Study - \$40,000 [The water and sewer rate study is recommended to analyze the City’s water and sewer fees in lieu of implementing the Utility Master Plan.]*
- *Disc Golf Park - \$35,000 [Disc golf is a flying disc game, as well as a precision and accuracy sport, in which individual players throw a flying disc at a target. Disc Golf is very unique in that it is played and enjoyed by all ability levels. Many disc golf players are members of the Professional Disc Golf Association (PDGA.com), the governing body for the sport, which sanctions competitive events for all skill levels and ages; and provides many player services, such as maintaining a course directory and establishing rules of play. This project is identified in the 2006 Park Master Plan.]*

Council member Adame moved to adopt Ordinance16-G; amending the City of Alvin 2015-16 Fiscal Year (FY16) Mid-Year Budget by increasing (decreasing) certain expenditures and increasing (decreasing) certain revenues to the individual budget accounts in all funds set forth in the attached “Exhibit A”. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

Acknowledge receipt of the Planning Commission’s recommendation for a three (3) year Capital Improvements Plan (CIP) for Parks.

On March 15, 2016 the City Planning Commission considered and unanimously approved a recommendation from the Parks Board for a three year Capital Improvements Plan (CIP) for Parks. As required by the City Charter the Planning Commission shall make a recommendation to Council for at least a 3 year CIP for Parks in April of each year. The City Council may then use this information during the budget process for the upcoming fiscal year. Approval of this plan does not guarantee that funds will be available in the respective fiscal years for implementation.

Council member Droege moved to acknowledge receipt of the Planning Commission’s recommendation for a three (3) year Capital Improvements Plan (CIP) for Parks. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Acknowledge receipt of the Planning Commission’s recommendation for a five (5) year Capital Improvements Plan (CIP) for Public Services.

On March 15, 2016 the City Planning Commission unanimously approved a recommendation by the Public Services Director for a five year Capital Improvements Plan (CIP) for Public Services. As required by the City Charter the Planning Commission shall make a recommendation to the City Council for at least a three year CIP for Public Services in April of each year. The City Council may then use this information during the budget process for the

upcoming fiscal year. Approval of this plan does not guarantee that funds will be available in the respective fiscal years for implementation.

Council member Thompson moved to acknowledge receipt of the Planning Commission's recommendation for a five (5) year Capital Improvements Plan (CIP) for Public Services. Seconded by Council member Adame; motion carried on a vote of 7 Ayes.

REPORTS FROM CITY MANAGER

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the April 21, 2016 City Council meeting. Ms. Breland also introduced Ms. Alexandra Aggor as an addition to city staff. Ms. Aggor will be working on various projects under the supervision of Mr. Roland.

Items of Community Interest.

Mrs. Roberts reviewed items of community interest.

REPORTS FROM COUNCIL MEMBERS

Pursuant to S.B. No. 1182, City Council Members may make a report or an announcement about items of community interest during a meeting of the governing body. No action will be taken or discussed.

Announcements and requests from Council members.

Council member Thompson reported that the Alvin Music Festival was very well attended. He also reported that he has researched disc golf and believes it will be an added benefit to the City's Parks and Recreation program.

Council member Reed welcomed Ms. Aggor to the City. He also thanked city staff for helping make the Alvin Music Festival a success.

Council member Arendell welcomed Ms. Aggor to the City family. He also thanked city staff for helping make the Alvin Music Festival a success. Councilman Arendell recognized City of Alvin Canine Officer Scott Green for his nomination as Officer of the Year by the Brazoria County 100 Club.

Council member Richards welcomed Ms. Aggor to the City. He also reported that the Music Festival was a success.

Council member Droege thanked city for their involvement and support of with the Alvin Music Festival was well attended this past weekend.

Council member Adame stated that he would like to recognize the Stanton Family for being named Brazoria County Philanthropists of the Year, by the Community Foundation of Brazoria County. He also reported that constituents within his district have complained of dirty water after the water meter replacement. Council member Adame also encouraged citizens to research and become educated when voting on May 7th as there are a lot of misconceptions going on out there by those seeking public office.

Council member Stuksa asked everyone to keep Bobbi Kacz's mother in their prayers.

ADJOURNMENT

Council member Adame moved to adjourn the meeting at 8:30 p.m. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

PASSED and APPROVED this _____ day of _____, 2016.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Clerk



AGENDA COMMENTARY

Meeting Date: 4/21/2016

Department: Public Services

Contact: Francesca Ramirez

Agenda Item: Consider awarding a bid to Brenntag Southwest for the purchase of Chlorine for (1) year with an option to continue for an additional year at the same price and conditions.

Type of Item: Ordinance Resolution Contract/Agreement Public Hearing Discussion & Direction

Summary: Chlorine is used at water wells for the disinfection of drinking water before entering into the distribution system for consumption. Chlorine is required by TCEQ for the disinfection of Drinking Water before entering into the distribution system. On March 15, 2016, bids were opened and Brenntag Southwest was the lowest bidder at \$82 per 150lb cylinder and \$620 per ton cylinder. All references have been checked and this company continues to provide satisfactory product and customer service to the City of Alvin. Upon Council approval, an award letter will be sent to the vendor and city departments.

Funding Expected: Revenue ___ Expenditure x N/A ___ Budgeted Item: Yes ___ No ___ N/A ___

Account Number: 211-6001-00-2425 Amount: \$40,000 1295 Form Required? Yes ___ No ___

Legal Review Required: N/A x Required ___ Date Completed: _____

Supporting documents attached:

- Bid Tabulation

Recommendation: Move to award bid to Brenntag Southwest for the purchase of Chlorine for (1) year with an option to continue for an additional year at the same price and conditions.

Reviewed by Department Head, if applicable
Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable
Reviewed by City Manager

**CITY OF ALVIN BID TABULATION
CHLORINE
B-16-07**

| | | | | |
|---|----------------------|--------------------------|------------------------|---------------------|
| DATE OF BID OPENING TUESDAY, MARCH 15, 2016 2:15PM | BIDDER'S NAME | Brenntag Southwest, Inc. | DXI Industries, Inc. | Univar USA |
| | | 1632 Haden Road | 1919 Jacintoport Blvd. | 8201 S. 212th |
| | | Houston, Texas 77015 | Houston, Texas 77015 | Kent, WA 98032-1994 |
| | QUOTED BY | Gayle Tullier | Janel Bakk | Michelle Wick |
| | CONTACT | Gayle Tullier | Janel Bakk | Michelle Wick |
| | TELEPHONE | 713-330-8570 | 281-457-4848 | 253-872-5000 |
| | FAX | 713-450-4699 | 281-457-4807 | 253-572-5041 |
| | | | | |
| 150 lb Cylinder | | \$82.00 | \$85.26 | No Bid |
| Ton Cylinder | | \$620.00 | \$660.00 | No Bid |



AGENDA COMMENTARY

Meeting Date: 4/21/2016

Department: Public Services

Contact: Francesca Ramirez

Agenda Item: Consider awarding a bid to Commercial Chemical Products, Inc. for the purchase of Polyphosphate for (1) year with the option to continue for an additional year at the same price and conditions.

Type of Item: Ordinance Resolution Contract/Agreement Public Hearing Discussion & Direction

Summary: Polyphosphate is used at water wells to help prevent corrosion and natural iron staining contained in groundwater. This chemical is not required by the TCEQ but reduces the amount of brown water calls due to the iron in groundwater. If the city discontinued use of this product other byproducts of the naturally occurring iron could result in permit violations. On March 15, 2016, bids were opened and Commercial Chemical Products was lowest bidder at \$9.75 a gallon. The references for this company have been verified and are satisfactory. Upon approval, an award letter will be sent to the vendor and city departments.

Funding Expected: Revenue ___ Expenditure x N/A ___ **Budgeted Item:** Yes x No ___ N/A ___

Account Number: 211-6001-00-2425 **Amount:** \$75,000 **1295 Form Required?** Yes ___ No ___

Legal Review Required: N/A x Required ___ **Date Completed:** _____

Supporting documents attached:

- Bid Tabulation

Recommendation: Move to award bid to Commercial Chemical Products, Inc. for the purchase of Polyphosphate for (1) year with the option to continue for an additional year at the same price and conditions.

Reviewed by Department Head, if applicable
Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable
Reviewed by City Manager

**CITY OF ALVIN BID TABULATION
POLYPHOSPHATE
B-16-08**

| | | | | | | |
|---|--------------------------|--|---------------------|-------------------|-----------------------------|---------------------|
| DATE OF BID OPENING TUESDAY, MARCH 15, 2016 2:15PM | BIDDER'S NAME | Commerical Chemical Products, Inc. dba Purify | Napco Chemical | Shannon Chemical | Brenntag Southwest, Inc. | Univar USA Inc |
| | | 1707 Townhurst Drive | PO Box 1239 | PO Box 376 | 1632 Haden Road | 8201 S. 212th |
| | | Houston, Texas 77043 | Spring, Texas 77388 | Malvern, PA 19355 | Houston, Texas 77015 | Kent, WA 98032-1994 |
| | QUOTED BY | Alan Falik | Jay Judge | Daniel Flynn | Gayle Tullier | Michelle Wick |
| | CONTACT | Alan Falik | Jay Judge | Daniel Flynn | Gayle Tullier | Michelle Wick |
| | TELEPHONE | 713-683-6406 | 281-651-6800 | 610-363-9090 | 713-330-8570 | 253-872-5000 |
| | FAX | 832-436-4709 | 281-651-6868 | 610-524-6050 | 713-450-4699 | 253-572-5041 |
| | | | | | | |
| BID PRICE | | \$9.75/gallon | \$12.00/ gallon | \$10.87/gallon | No Bid | No Bid |



AGENDA COMMENTARY

Meeting Date: 4/21/2016

Department: Public Services

Contact: Francesca Ramirez

Agenda Item: Consider awarding a bid to Brenntag Southwest for the purchase of Sodium Hypochlorite for (1) year with an option to continue for an additional year at the same price and conditions.

Type of Item: Ordinance Resolution Contract/Agreement Public Hearing Discussion & Direction

Summary: Sodium Hypochlorite is the chemical used to disinfect effluent from the city's wastewater treatment plant. This chemical is a TCEQ requirement to disinfect treated wastewater before entering into its endpoint. On March 15, 2016 bids were opened and Brenntag Southwest was the lowest bidder at \$0.69 per gallon. All references have been checked and this company continues to provide satisfactory product and customer service to the City of Alvin. Upon approval, an award letter will be sent to the vendor and city departments.

Funding Expected: Revenue ___ Expenditure x N/A ___ **Budgeted Item:** Yes x No ___ N/A ___

Account Number: 211-6003-00-2425 **Amount:** \$65,000 **1295 Form Required?** Yes ___ No ___

Legal Review Required: N/A x Required ___ **Date Completed:** _____

Supporting documents attached:

- Bid Tabulation

Recommendation: Move to award a bid to Brenntag Southwest for the purchase of Sodium Hypochlorite for (1) year with an option to continue for an additional year at the same price and conditions.

Reviewed by Department Head, if applicable
Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable
Reviewed by City Manager

**CITY OF ALVIN BID TABULATION
SODIUM HYPOCHLORITE
B-16-06**

| | | | | |
|---|----------------------|--------------------------|------------------------|---------------------------|
| DATE OF BID OPENING TUESDAY, MARCH 15, 2016 2:15PM | BIDDER'S NAME | Brenntag Southwest, Inc. | DXI Industries, Inc. | Univar USA |
| | | 1632 Haden Road | 1919 Jacintoport blvd. | 8201 S. 212 th |
| | | Houston, Texas 77015 | Houston, Texas 77015 | Kent, WA 98032-1994 |
| | QUOTED BY | Gayle Tullier | Janel Bakk | Michelle Wick |
| | CONTACT | Gayle Tullier | Janel Bakk | Michelle Wick |
| | TELEPHONE | 713-330-8570 | 281-457-4848 | 253-872-5000 |
| | FAX | 713-450-4699 | 281-457-4807 | 253-572-5041 |
| | | | | |
| BID PRICE | | \$.69 / gallon | \$.867 / gallon | No Bid |
| DELIVERY TIME | | 2-4 days | 2-3 days | No Bid |



AGENDA COMMENTARY

Meeting Date: 4/21/2016

Department: Public Services - Streets

Contact: Francesca Ramirez

Agenda Item: Consider awarding a bid to JDB Services, Inc., as the primary vendor and Cherry Crush Concrete as a secondary vendor for the purchase of stabilized sand for (1) year with an option to continue for an additional year at the same price and conditions.

Type of Item: Ordinance Resolution Contract/Agreement Public Hearing Discussion & Direction

Summary: Stabilized sand is used as a base material for streets, driveways, setting culverts, and for installation of sewer and water lines. On March 15, 2016 bids were opened and JDB Services was the lowest bidder. In the event of equipment breakdown at the primary vendor plant a secondary vendor is being included on an emergency basis. Each company's references were checked and past experience of working with both companies is satisfactory. Upon Council approval, an award letter will be sent to the vendor and city departments.

Funding Expected: Revenue ___ Expenditure x N/A ___ **Budgeted Item:** Yes x No ___ N/A ___

312-5501-00-2375,
211-6001-00-2500,

Account Number: 211-6002-00-2500 **Amount:** \$45,000 **1295 Form Required?** Yes ___ No ___

Legal Review Required: N/A x Required ___ **Date Completed:** _____

Supporting documents attached:

- Bid Tabulation

Recommendation: Move to award bid to JDB Services, Inc., as the primary vendor and to Cherry Crush Concrete as a secondary vendor for the purchase of stabilized sand for (1) year with an option to continue for an additional year at the same price and conditions.

Reviewed by Department Head, if applicable
Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable
Reviewed by City Manager

**CITY OF ALVIN BID TABULATION
STABILIZE SAND
B-16-05**

| | | | | | |
|---|----------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|
| DATE OF BID OPENING TUESDAY, MARCH 15, 2016 2:15PM | BIDDER'S NAME | JDB Services, Inc. | | Cherry Crush Concrete | |
| | | 3418 Bliss Meadows | | 6131 Selinsky | |
| | | Pasadena, Texas 77505 | | Houston, Texas 77048 | |
| | QUOTED BY | Jason Beam | | John Conyer | |
| | CONTACT | Jason Beam | | John Conyer | |
| | TELEPHONE | 281-331-0927 | | 281-692-1900 | |
| | FAX | 281-331-0006 | | 281-692-1804 | |
| PRODUCT | | COST PER UNIT PICKED UP | COST PER UNIT DELIVERED | COST PER UNIT PICKED UP | COST PER UNIT DELIVERED |
| STABILIZED SAND 1.5 | | \$13.10 | \$16.60 | \$16.50 | \$16.50+1.50+.50 PER MILE |
| STABILIZED SAND 2.0 | | \$15.70 | \$19.20 | \$18.50 | \$18.00+1.50+.50 PER MILE |



AGENDA COMMENTARY

Meeting Date: 4/21/2016

Department: Economic Development **Contact:** Larry Buehler, Economic Development Director

Agenda Item: Consider Resolution 16-R-07; supporting an improved statutory procedure that provides for unitization of depleted Texas gulf coast oil fields.

Type of Item: Ordinance Resolution Contract/Agreement Public Hearing Discussion & Direction

Summary: To support full field re-development of older, depleted oil fields, there is a statutory unitization procedure necessary in order to utilize enhanced oil recovery via carbon dioxide injection (CO2 EOR). Unitization provides for the exploration and development of an area so that drilling and production may proceed in the most efficient and economic manner.

Brazoria County Commissioners Court passed a resolution of support on this effort. The City of Alvin has received direct benefit from CO2 EOR projects such as: job growth, capital investment, and overall improvement to our local economy. In 2014, City Council adopted a similar resolution (14-R-46).

Funding Expected: Revenue ___ Expenditure ___ N/A x **Budgeted Item:** Yes ___ No ___ N/A x

Account Number: _____ **Amount:** _____ **1295 Form Required?** Yes ___ No ___

Legal Review Required: N/A ___ Required ___ **Date Completed:** April 6, 2016

Supporting documents attached:

- Resolution 16-R-07
- Resolution 14-R-46

Recommendation: Move to approve Resolution 16-R-07 supporting an improved statutory procedure that provides for unitization of depleted Texas gulf coast oil fields.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

RESOLUTION NO. 16-R-07

A RESOLUTION OF THE CITY OF ALVIN, TEXAS, SUPPORTING AN IMPROVED STATUTORY PROCEDURE THAT PROVIDES FOR UNITIZATION OF DEPLETED TEXAS GULF COAST OIL FIELDS FOR PURPOSES; AND SETTING FORTH RELATED MATTERS THERETO

WHEREAS, the City of Alvin is desiring to establish additional capital investment and the creation of new jobs that will benefit all residents of Alvin, Texas; and

WHEREAS, the State of Texas leads the nation in advanced technology to revive depleting legacy oilfields through tertiary enhanced oil recovery via carbon dioxide injection (CO₂ EOR); and

WHEREAS, the Texas Gulf Coast region has more than two billion barrels of recoverable stranded oil reserves that can only be produced through CO₂ EOR; and

WHEREAS, CO₂ EOR offers an important means to achieve U.S. energy independence and also provides significant environmental benefits through the associated long term storage of CO₂ that would otherwise be vented into the atmosphere; and

WHEREAS, encouraging CO₂ EOR projects in the Texas Gulf Coast will also encourage new industry that can partner with the oilfield to provide new capital investment, high wage jobs and result in a broader tax base through new services, materials sales and field environmental improvements that support our communities; and

WHEREAS, Texas is the only top-ten U.S. oil and gas producing state that requires 100 percent approval of new field operations units on a voluntary basis, and

WHEREAS, a statutory unitization procedure to support full field tertiary re-development of older, depleted oilfields is necessary in order to utilize CO₂ EOR; and

WHEREAS, the lack of a statutory unitization procedure that protects the correlative rights of mineral interest and royalty owners inhibits CO₂ EOR development; and

WHEREAS, Texas energy and conservation policy should support such a procedure that honors the development wishes of a supermajority of interest owners; and

WHEREAS, the City of Alvin has received direct benefit from CO₂ EOR projects, creating jobs, capital investment, and overall improvement to our local economy; and

WHEREAS, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Tex. Gov' t Code.

Section 3. Effective Date. This resolution shall take effect upon its adoption.

PASSED AND APPROVED on this the _____ day of _____, 2016

ATTEST:

CITY OF ALVIN, TEXAS

By: _____
Dixie Roberts, City Clerk

By: _____
Paul A. Horn, Mayor

RESOLUTION 14-R-46

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, SUPPORTING AN IMPROVED STATUTORY PROCEDURE THAT PROVIDES FOR UNITIZATION OF DEPLETED TEXAS GULF COAST OIL FIELDS; AND SETTING FORTH RELATED MATTERS THERETO.

WHEREAS, the City of Alvin is desiring to establish additional capital investment and the creation of new jobs that will benefit all residents of Alvin, Texas, and

WHEREAS, the State of Texas leads the nation in advanced technology to revive depleting legacy oilfields through tertiary enhanced oil recovery via carbon dioxide injection (CO₂ EOR), and

WHEREAS, the Texas Gulf Coast region has more than two billion barrels of recoverable stranded oil reserves that can only be produced through CO₂ EOR, and

WHEREAS, CO₂ EOR offers an important means to achieve U.S. energy independence and also provides significant environmental benefits through the associated long term storage of CO₂ that would otherwise be vented into the atmosphere, and

WHEREAS, encouraging CO₂ EOR projects in the Texas Gulf Coast will also encourage new industry that can partner with the oilfield to provide new capital investment, high wage jobs and result in a broader tax base through new services, materials sales and field environmental improvements that support our communities, and

WHEREAS, Texas is the only top-ten U.S. oil and gas producing state that requires 100 percent approval of new field operations units on a voluntary basis, and

WHEREAS, a statutory unitization procedure to support full field tertiary re-development of older, depleted oilfields is necessary in order to utilize CO₂ EOR, and

WHEREAS, the lack of a statutory unitization procedure that protects the correlative rights of mineral interest and royalty owners inhibits CO₂ EOR development, and

WHEREAS, Texas energy and conservation policy should support such a procedure that honors the development wishes of a supermajority of interest owners, and

WHEREAS, the City of Alvin has received direct benefit from CO₂ EOR projects, creating jobs, capital investment, and overall improvement to our local economy, and

WHEREAS, the City Council has considered the matter and deems it in the public interest to authorize this action, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

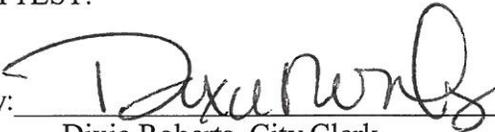
Section 2. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Tex. Gov't Code.

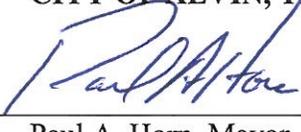
Section 3. Effective Date. This resolution shall take effect upon its adoption.

PASSED AND APPROVED on this the 18 day of December, 2014.

ATTEST:

CITY OF ALVIN, TEXAS

By: 
Dixie Roberts, City Clerk

By: 
Paul A. Horn, Mayor



AGENDA COMMENTARY

Meeting Date: 4/21/2016

Department: City Attorney

Contact: Bobbi Kacz, City Attorney

Agenda Item: Consider Resolution 16-R-08 finding that CenterPoint Energy Houston Electric, LLC's Application for Approval to amend its Distribution Cost Recovery Factor (DCRF) pursuant to 16 Tex. Admin. Code § 25.243 and to reconcile Docket No. 44572 revenues to increase distribution rates 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.

Type of Item: Ordinance Resolution Contract/Agreement Public Hearing Discussion & Direction

Summary: The Distribution Cost Recovery Factor (DCRF) is an interim rate adjustment allowed by Texas statute; that allows electric utilities to implement new rates as a result of changes in a electric utility's distribution costs. To implement a DCRF, an electric utility must first file an application for the DCRF with all regulatory authorities having original jurisdiction over the electric utility's distribution service area.

On April 4, 2016, CenterPoint filed an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF") Pursuant to 16 Tex. Admin. Code § 25.243 and to Reconcile Docket No. 44572 Revenues to increase distribution rates with each of the cities in their service area that has retained jurisdiction over CenterPoint's rates. CenterPoint asserts that it is seeking an increase in distribution revenues of \$49,351,913 for the period of September 1, 2016 to August 31, 2017, and increasing to \$60,596,164 thereafter. All electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted.

The Gulf Coast Coalition of Cities ("GCCC"), of which the City of Alvin is a member, has engaged the services of a consultant, Mr. Karl Nalepa, to review the Company's filing. GCCC's attorney recommends that all GCCC members adopt the Resolution denying the rate change. Once the Resolution is adopted, CenterPoint will have 30 days to appeal the decision to the Public Utility Commission.

Funding Expected: Revenue ___ Expenditure ___ N/A x **Budgeted Item:** Yes ___ No ___ N/A x

Account Number: _____ **Amount:** _____ **1295 Form Required?** Yes ___ No ___

Legal Review Required: N/A ___ Required x **Date Completed:** April 13, 2016

Supporting documents attached:

- Res. 16-R-08
- City Attorney Memo

Recommendation: Move to approve Resolution 16-R-08.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

RESOLUTION NO. 16-R-08

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS FINDING THAT CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 AND TO RECONCILE DOCKET NO. 44572 REVENUES TO INCREASE DISTRIBUTION RATES 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.

WHEREAS, the City of Alvin, Texas ("City") is an electric utility customer of CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company"), and a regulatory authority with an interest in the rates and charges of CenterPoint; and

WHEREAS, the City is a member of the Gulf Coast Coalition of Cities ("GCCC") (such participating cities are referred to herein as "GCCC"), a coalition of similarly situated cities served by CenterPoint that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in CenterPoint's service area; and

WHEREAS, on or about April 4, 2016 CenterPoint filed with the City an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF") Pursuant to 16 Tex. Admin. Code § 25.243 and to Reconcile Docket No. 44572 Revenues seeking to increase electric distribution rates by \$49,351,913 for the period of September 1, 2016 to August 31, 2017, and increasing to \$60,596,164 thereafter; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, GCCC is coordinating its review of CenterPoint's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, the GCCC's members and attorneys recommend that GCCC members deny the DCRF; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. That the rates proposed by CenterPoint to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 2. That the Company shall continue to charge its existing rates to customers within the City.

Section 3. That the City's reasonable rate case expenses shall be reimbursed in full by CenterPoint within 30 days of presentation of an invoice to CenterPoint.

Section 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 5. That a copy of this Resolution shall be sent to Denise Gaw, CenterPoint Energy Service Company, LLC, 1111 Louisiana Street, Houston, Texas 77002 and to Thomas Brocato, General Counsel to the Gulf Coast Coalition of Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED on the ____ day of _____, 2016.

ATTEST:

CITY OF ALVIN, TEXAS

By: _____
Dixie Roberts, City Clerk

By: _____
Paul A. Horn, Mayor

APPROVED AS TO FORM:

By: _____
Bobbi Kacz, City Attorney



Memo

To: **HONORABLE MAYOR and COUNCIL MEMBERS**

From: **BOBBI KACZ, CITY ATTORNEY**

Date: April 7, 2016

REPORT REGARDING CENTERPOINT'S DISTRIBUTION COST RECOVERY FACTOR FILING

The City of Alvin, along with approximately 25 other cities served by CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company") is a member of the Gulf Coast Coalition of Cities ("GCCC"). The coalition has been in existence since the early 1990s. GCCC has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for over 20 years.

On April 4, 2016, CenterPoint filed an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF") Pursuant to 16 Tex. Admin. Code § 25.243 and to Reconcile Docket No. 44572 Revenues to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of \$49,351,913 for the period of September 1, 2016 to August 31, 2017, and increasing to \$60,596,164 thereafter.

GCCC has engaged the services of a consultant, Mr. Karl Nalepa, to review the Company's filing. GCCC's attorney recommends that all GCCC members adopt the Resolution denying the rate change. Once the Resolution is adopted, CenterPoint will have 30 days to appeal the decision to the Public Utility Commission where the appeal will be consolidated with CenterPoint's filing for the environs and those cities that have relinquished their original jurisdiction currently pending at the Commission.

Purpose of the Resolution:

The purpose of the Resolution is to deny the DCRF application proposed by CenterPoint.

Explanation of “Be It Resolved” Paragraphs:

1. This paragraph finds that the Company’s application is unreasonable and should be denied.
2. This section states that the Company’s current rates shall not be changed.
3. The Company will reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by the Cities will submit monthly invoices that will be forwarded to CenterPoint for reimbursement.
4. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.
5. This section provides CenterPoint and counsel for the cities will be notified of the City’s action by sending a copy of the approved and signed Resolution to counsel.



AGENDA COMMENTARY

Meeting Date: 4/21/2016

Department: City Clerk

Contact: Dixie Roberts, City Clerk

Agenda Item: Consider Resolution 16-R-05 adopting rules and regulations for the City of Alvin Oak Park Cemetery.

Type of Item: Ordinance Resolution Contract/Agreement Public Hearing Discussion & Direction

Summary: This resolution will update the rules and regulations for Oak Park Cemetery, last updated in 2008. Main points of revision:

| Issue | Proposed Recommendation |
|--|---|
| Flowers and plants are placed at ground level. As a result, upkeep of the cemetery is delayed as staff has to mow around the “grounded” flowers/plants. | Allow for the placement of a shepherds hook to give citizens the opportunity to hang plants and flowers. This would remove the plants/flowers from ground level, and ultimately increase efficiency in cemetery lawn maintenance. However, lot owners without an approved marker with a vase are permitted to put flowers on the grave space during the list of holidays; 7 days preceding and 7 days following the holiday. Staff will remove items after said time has expired. |
| There are 6 tracts within the cemetery (Original Cemetery through Tract 5). Currently, there are 2 sets of rules in place for the Original Cemetery through Tract 4; Tract 5 being the newest section. Under the current set of rules the older sections of the cemetery allow for the placement of grave coverings (i.e. mulch) as well as the placement of borders around the gravesite. | Makes the rules uniform across all sections of the cemetery. Borders/grave coverings will not be removed by city personnel in the older sections of the cemetery unless items are in a dilapidated state, creating a hazardous condition. Once items are removed, replacement of such will not be allowed. |
| There are no written rules in place for the planting of trees within the cemetery. | Allow for the placement of trees in designated areas (not on top of grave spaces) with prior approval of the Parks Director and City Clerk. |
| Temporary displays for grave decorating are not defined in the current regulations. As a result, the City cannot regulate the types of items displayed. | Grave decorating will be limited to flowers/plants both natural and artificial. |

| | |
|---|---|
| <p>The rules do not clearly define how many cremains (human ashes) can go in a Columbaria Niche. A Columbaria niche is the area within the cemetery designed to hold a funeral urn containing the ashes of the cremated dead. Each niche area is 11x11x9 inches deep.</p> | <p>Allow for the placement of 2 cremains per niche.</p> |
|---|---|

Funding Expected: Revenue ___ Expenditure ___ N/A x **Budgeted Item:** Yes ___ No ___ N/A x

Account Number: _____ **Amount:** _____

Legal Review Required: N/A ___ Required x **Date Completed:** April 13, 2016

Supporting documents attached:

- Resolution 16-R-05
- Exhibit A Rules and Regulations; redlined
- Exhibit A Rules and Regulations; final
- Columbaria Niche Picture

Recommendation: Move to approve Resolution 16-R-05 adopting rules and regulations for the City of Alvin Oak Park Cemetery.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

RESOLUTION NO. 16-R-05

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS ADOPTING RULES AND REGULATIONS FOR THE CITY OF ALVIN OAK PARK CEMETERY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City of Alvin Cemetery is an important public service for which rules and regulations are needed to keep an attractive appearance and the ability to properly maintain the cemetery; and

WHEREAS, establishing the Rules and Regulations for the City of Alvin to control the use, planning, and maintenance of the City of Alvin Oak Park Cemetery in a practical manner is warranted; and

WHEREAS, the Rules and Regulations for the City of Alvin Oak Park Cemetery are attached hereto as Exhibit "A" and incorporated herein by reference, and upon review and consideration by the City Council, are authorized and deemed to be in the public interest; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVIN:

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. That the Rules and Regulations for the City of Alvin Oak Park Cemetery attached hereto as Exhibit "A" are hereby adopted.

Section 3. This Resolution shall be effective on the date of passage.

PASSED AND APPROVED on the ____ day of _____, 2016.

ATTEST:

CITY OF ALVIN, TEXAS

By: _____
Dixie Roberts, City Clerk

By: _____
Paul A. Horn, Mayor



CITY OF ALVIN OAK PARK CEMETERY RULES AND REGULATIONS

The Oak Park Cemetery provides an atmosphere where all can enjoy and respect the aesthetic qualities and quietude free from distractions.

The rules and regulations are intended as a protective measure for all who use the Cemetery. The nature of all improvements, good appearance of the grounds and buildings, and respectful observance of the sacredness of the place requires adherence to the rules and regulations for the good of all.

We ask all owners and visitors to remember that the grounds of Oak Park Cemetery are sacredly devoted to the burial of the dead. Respect for the deceased, their surviving family and loved ones will be first and foremost along with maintaining the peace and serenity of the grounds.

The following rules and regulations shall apply to all tracts within the Cemetery:

The Cemetery gates will be opened at sunrise and closed at sundown.

At the time of interment grave mounds shall not exceed four inches (4") in height in the center and shall slope to the edges so as to permit mowers to more easily pass over the mound. ~~All grave mounds shall be oval shaped and sodded.~~

City personnel will remove flowers and wreaths from the gravesite 7 days after interment. Persons desiring to retain flowers, plants, containers, wire racks or similar objects, shall pick them up within seventy-two (72) hours after burial services.

Flowers must be placed in vase receptacles that are permanently attached on the surface of the monument or marker. No detached vases or plant or floral receptacles shall be permanently placed on a lot/grave space.

Lot Owners without an approved marker with a vase are permitted to put flowers on the grave space during specified holidays for 7 days preceding and 7 days following. Flowers will be removed soon thereafter. Specified holidays are: *Mother's Day, Easter, Father's Day, All Saints' Day, Thanksgiving Day, Christmas Day, Presidents' Day, Memorial Day, Flag Day, Independence Day, Labor Day, and Veterans' Day.*

Artificial flowers that no longer look natural having a weathered appearance will be removed. Oak Park Cemetery assumes no responsibility for the loss or damage of the flowers.

The lot/space owner shall not plant any flowers, shrubs, trees, plants, or any other type of vegetation; or construct additional mounds or flowerbeds over grave spaces.

Oak Park Cemetery assumes no responsibility for the loss or damage of the flowers.

Ornaments, ~~glass cases~~, glass objects of any kind, toys, ~~lighting~~, ~~metal designs~~, and other similar articles are not allowed on grave spaces, and the City shall have the right to remove any of them without prior notice. The City shall not be responsible for loss or damage of any kind associated with removal of any similar article.

~~No glass objects of any kind are permitted on grave spaces or lots.~~

The City will not be responsible for loss and /or damage to articles placed upon lots or graves.

No fencing, railing, hedging, curbing, coping, borders, gravel, commercial ground cover, or trellises of any kind are allowed to be placed around grave spaces or lots. In the older sections of the cemetery (original cemetery through tract 4) borders and grave coverings were allowed prior to the adoption of these rules. Grave spaces within this area will be considered “grandfathered” until said items are removed for any reason, in which the replacement of such shall not be permitted.

The City shall have the right to remove all objects placed in violation of these Rules and Regulations and discard such objects.

The City shall have the right to plant and mow grass on any lot or grave; ~~The City~~ and shall have the right to remove and/or destroy all diseased, dead, unsightly, or undesirable trees, shrubs, or plants.

The City is not and shall not be responsible for the loss of or damage to trees, shrubs, or plants caused by the digging of graves.

One shepherds hook (single or double) will be allowed per gravesite. Plants may be placed in hanging basket from the shepherds hook. No other items may be attached to the hook.

Maintenance of the lawn is continuous, thus, placement of flowers and all other decorations on ground level will be removed. The placement of items on the ground level impedes the mowing process.

All boundary/corner markers shall not be disturbed.

The grade of lots shall not be changed without the prior approval of the City.

No walkways of any kind are allowed on any lot or grave space.

No signs of any kind are allowed in the Cemetery.

No alcoholic beverages or container that once housed alcoholic beverages are allowed in the Cemetery. ~~Persons who violate this are subject to Section 3-3 of the Code of Ordinances, City of Alvin, Texas.~~

No pets shall be allowed in the Cemetery. ~~and any pets on the premises of the Cemetery are subject to Section 4-7 of the Code of Ordinances, City of Alvin, Texas.~~

The City shall have the right to perform maintenance activities it determines to be necessary.

All grave markers must meet the requirements as specified in the Code of Ordinances. Application for placement of grave marker/monument must be approved before placement of such.

The placement of permanent benches, ~~or settees shall not be~~ is allowed after obtaining an approved permit through the City Clerk’s office. ~~without the written prior approval of the City. Included in the written approval is acknowledgement that the chairs, benches, or settees will be removed if they become a maintenance problem.~~ (Benches must be made of granite or marble and be placed upon an engineered foundation.

Approved trees may be planted within the cemetery (not directly on top of a lot/space) only with the approval of the Parks Director. The care and maintenance will be the responsibility of the space owner. A request for a tree must be in writing and submitted to the City Clerk.

Each columbaria niche area dedicated to hold cremains is 11x11x9 inches deep; 2 cremains per niche is allowed as long as containers fit within said dimensions.

~~and shall be allowed for seven (7) days preceding and following Easter, Mother's Day, Father's Day, All Saints' Day, Thanksgiving Day, Christmas, Presidents' Day, Memorial Day, Flag Day, Independence Day, Labor Day, and Veterans' Day.~~

~~The following rules and regulations shall apply to Tract 5 of the Cemetery:~~

Cemetery rules in both English and Spanish shall be posted in the Cemetery.

(These Rules and Regulations shall be attached to the form signed by the purchaser of any lot/space in the Cemetery.)

**CODE OF ORDINANCES
CITY OF ALVIN, TEXAS**

“Sec. 5½ -3. Requirements regarding columbaria niches and lots/spaces.

(a) Price schedule.

With the exception of grave spaces designated for infants, each grave (measuring approximately 4.5 feet by 10 feet) in the Oak Park Cemetery shall be sold for fee(s) set forth in chapter 28 of this Code. Grave spaces specifically designated for infants (measuring approximately 4.5 feet by 5 feet) shall be sold for the fee(s) set forth in chapter 28 of this Code. Burial lots (measuring approximately 18 feet by 10 feet) shall be sold for the fee(s) as set forth in chapter 28 of the Code. Such sales prices include purchase of the grave space/lots itself, the cost of processing gravesite application, the cost of marking the gravesite, and the costs of recording and flagging the gravesite at time of actual interment. Fees for columbaria niches shall be those set forth in chapter 28 of this code.

(b) Additional fee schedule.

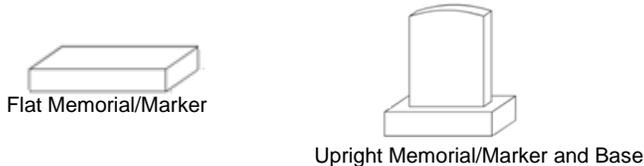
The fee(s) set forth in chapter 28 of this Code shall be charged for each repeat flagging of a gravesite.

(c) Interment requirements.

Outer containers of concrete, steel or bronze shall be required of all burials with the exception of the following: (i) burial spaces located in that portion of Oak Park Cemetery set aside for indigent residents of Alvin; and (ii) intact burial spaces in which a combination polypropylene or fiberglass casket is used. The top of the container shall be placed according to Chapter 714 of the Health and Safety Code. Only one grave space shall be allowed per each interment with the exception of cremations. Four (4) cremains will be allowed in a single space if no casket burial is in the grave space. A combination of one casket burial and one cremain shall be allowed in a single space as long as the casket burial precedes the cremains being placed in the space. The directing funeral home or its designee shall be responsible for digging the grave spaces after the city's approval of the application for the burial permit.

(d) Placement of Memorials/Markers

- 1. A permit must be approved by the city engineer or appointee before placement of memorial/marker. *See Section (h) Permit Required.*
- 2. Flat and upright grave memorials/markers will be allowed in all sections of Oak Park Cemetery.



- 3. Flat grave markers/memorials shall be composed of (pure) granite, marble, bronze; or combination thereof.
- 4. All grave markers/memorials must be installed on a concrete foundation. *See Section (e) Foundation Requirements.*
- 5. Upright grave markers/memorials within Section 5 shall not exceed the following dimensions: forty-two (42) inches in width (left to right); and forty-two (42) inches in height (top to bottom) including the base.



- 6. Upright memorials shall be placed at the top, or head of grave space.
- 7. One upright memorial or flat memorial and one foot marker will be permitted per single grave space.
- 8. A bench may be used as an upright memorial/marker.
- 9. It is not permitted to have both an upright memorial/marker and a bench on grave space. A companion memorial may be placed upon two grave spaces and may not exceed the following dimensions: ninety-

eight (98) inches in width (left to right); and sixty (60) inches in height (top to bottom), including the base.

10. Upright memorials must be permanently adhered atop a base made of (pure) marble or granite and must be no less than its length (left to right) plus six inches and its width (front to back) plus six inches, unless said upright is at least 10 inches in width. If an upright memorial is 10 inches in width (front to back) or larger, a base is not required.
11. All markers are to be constructed in such a manner as to permit the mowing, trimming and other care of the lawn and foliage in the cemetery.

(e) Foundation Requirements

1. A permit must be approved by the City Engineer or appointee before the foundation is poured. *See Section (h) Permit Required.*
2. Foundation size and construction will be no less than the length and width of the marker/memorial or base of such, and a minimum of 4 inches thick.
3. Foundation should be formed with (1x4 or 2x4) lumber with an inside dimension of that form at least the size of the marker or monument's base, and no larger than 1" longer or 1" wider than said base.
4. Within the foundation, there will be one concrete pier for every two feet of length of the foundation, (i.e. a 1'-3" foundation has one pier, 3' 1"-5" foundation will have two piers, etc.). Each pier will be 6"- 8" in diameter, a minimum of 24" deep from the bottom of the foundation and with straight or bellbottom sides; Piers may be shallower only if they rest completely atop the concrete burial vault.
5. All foundations will contain steel reinforcing rods or mesh and piers will be connected to the foundation with at least one reinforcing rod, but not more than three.
6. Foundation must be square and level before and after concrete pour.
7. Foundation concrete must cure a minimum of 24 hours before setting the monument.
8. The installer must remove all forms and excess concrete before memorial installation and all gaps and voids between the existing ground and new foundation filled after memorial installation is completed.

(f) Placement of Benches

1. The permanent placement of benches shall be allowed upon approval of permit. *See Section (h) Permit Required.*
2. Bench dimensions and placement upon said gravesite must be approved by City Clerk. Benches used as an upright memorial must be placed at the top or head of the grave.
3. The City reserves the right to refuse permission to place benches if it determines that a bench or its placement does not conform to cemetery requirements or in a position that will impede maintenance equipment. The City accepts no responsibility for the benches should they be damaged, broken or stolen.
4. Benches must be made of (pure) marble or granite and erected upon a concrete engineered foundation.
5. Only one bench per gravesite is allowed.
6. Benches may be no wider (from left to right) than the grave space they mark, less 12 inches and no taller (top to bottom) than 36 inches.
7. Benches currently in the cemetery will be evaluated and removed if determined to be dilapidated, a menace to the safety of persons within the cemetery, or interfere with landscaping maintenance.

(g) Foot Markers.

Foot markers shall not exceed twelve (12) inches in width and twenty-four (24) inches in length. It must be placed at the lower end or foot of grave space and be flush with the ground. Corner markers shall not be allowed.

(h) Permit required.

Prior to any foundation, grave marker/memorial or bench being set in the Oak Park Cemetery, a permit must be obtained from the city engineer by the organization or individual placing the marker. Permit applications may be obtained from the city clerk's office. Each permit application shall be accompanied by the drawings and dimensions for each foundation, grave maker/memorial or bench. A permit shall not be issued until all applicable fees have been paid and a certification made as to the conformity of all requirements of the city. Foundations, grave markers/memorials or benches set in a manner contrary to the city's requirements may be removed by the city at the sole expense of the space/lot owner and shall not be reset until the space/lot owner complies with the city's requirements.

(i) Transfer of spaces/lots.

Grave spaces/lots that have been purchased from the city may be transferred to another person only upon filing an affidavit of transfer with the city clerk's office and payment of a transfer fee per space/lot as set forth in chapter 28 of this Code. Grave spaces/lots that have been purchased from the city may be sold and transferred to the city upon the city's payment of the original purchase price less the transfer fee per space as set forth in chapter 28 of this Code.

(j) Penalty for violation.

Any person who violates a provision of this section shall be guilty of a misdemeanor and shall be subject to a fine in accordance with section 1-5 of this Code of Ordinances.

**CODE OF ORDINANCES
CITY OF ALVIN, TEXAS**

CHAPTER 28, CEMETERY FEES

(1) Fee for each gravesite in the Oak Park Cemetery:

- (a) Infant grave spaces..... \$ 500.00
- (b) All other grave spaces..... \$1,200.00

(2) Fee for burial lot (measuring 18"by 10 '), per lot..... \$4,000.00

(3) Repeat flagging of gravesite, each..... \$ 50.00

(4) Transfer fee per grave space/lot..... \$ 50.00

(5 Columbaria niches:

- (a) Bottom row (first row from ground level)..... \$ 600.00
- (b) Second and third rows from ground level..... \$ 800.00
- (c) Fourth row from ground level..... \$ 500.00

ACKNOWLEDGEMENT

I, _____, do hereby acknowledge that the burial space(s) that I have selected in Tract 5 of the Oak Park Cemetery has (have) restrictions that have been explained to me. Grave markers in Tract 5 shall meet the requirements as prescribed by said ordinance. I, also, acknowledge that I have been issued a copy of the City of Alvin Oak Park Cemetery, Rules and Regulations adopted in October, 1996 and revised on February 21, 2008, *Chapter 5 1/2 Section 3. Requirements regarding columbaria niches and lot/spaces and Chapter 28, Cemetery Fees.*

In selecting a burial space in said tract of said cemetery, I hereby agree to abide by the restrictions as set forth herein.

Date: _____

Signature: _____

Witness: _____



OAK PARK CEMETERY RULES AND REGULATIONS

The Oak Park Cemetery provides an atmosphere where all can enjoy and respect the aesthetic qualities and quietude free from distractions.

The rules and regulations are intended as a protective measure for all who use the Cemetery. The nature of all improvements, good appearance of the grounds and buildings, and respectful observance of the sacredness of the place requires adherence to the rules and regulations for the good of all.

We ask all owners and visitors to remember that the grounds of Oak Park Cemetery are sacredly devoted to the burial of the dead. Respect for the deceased and their surviving family and loved ones will be first and foremost along with maintaining the peace and serenity of the grounds.

The following rules and regulations shall apply to all tracts within the Cemetery:

The Cemetery gates will be opened at sunrise and closed at sundown.

At the time of interment grave mounds shall not exceed four inches (4") in height in the center and shall slope to the edges so as to permit mowers to more easily pass over the mound.

City personnel will remove flowers and wreaths from the gravesite 7 days after interment. Persons desiring to retain flowers, plants, containers, wire racks or similar objects, shall pick them up within seventy-two (72) hours after burial services.

Flowers must be placed in vase receptacles that are permanently attached on the surface of the monument or marker. No detached vases or plant or floral receptacles shall be permanently placed on a lot/grave space.

Lot/space owners without an approved marker with a vase are permitted to put flowers on the grave space during holidays; 7 days preceding the holiday, and 7 days following the holiday. Flowers will be removed soon thereafter. *Mother's Day, Father's Day, All Saints' Day, Thanksgiving Day, Christmas Day, Presidents' Day, Memorial Day, Flag Day, Independence Day, Labor Day, and Veterans' Day.*

Artificial flowers that no longer look natural having a weathered appearance will be removed. Oak Park Cemetery assumes no responsibility for the loss or damage of the flowers.

The lot/space owner shall not plant any flowers, shrubs, trees, plants, or any other type of vegetation; or construct additional mounds or flowerbeds over grave spaces.

Ornaments, glass objects of any kind, toys, lighting, metal designs, and other similar articles are not allowed on grave spaces. The City shall have the right to remove any of them without prior notice. The City shall not be responsible for loss or damage of any kind associated with removal of any similar article.

The City will not be responsible for loss and /or damage to articles placed upon lots or graves.

No fencing, railing, hedging, curbing, coping, borders, gravel, commercial ground cover, or trellises of any kind are allowed to be placed around grave spaces or lots. In the older sections of the cemetery (original cemetery through tract 4) borders and grave coverings were allowed prior to the adoption of these rules.

Grave spaces within this area will be considered “grandfathered” until said items are removed for any reason; in which the replacement of such shall not be permitted.

The City shall have the right to remove all objects placed in violation of these Rules and Regulations and discard of such objects.

The City shall have the right to plant and mow grass on any lot or grave; and shall have the right to remove and/or destroy all diseased, dead, unsightly, or undesirable trees, shrubs, or plants.

The City is not and shall not be responsible for the loss of or damage to trees, shrubs, or plants caused by the digging of graves.

One shepherds hook (single or double) will be allowed per grave space. Plants may be placed in hanging basket from the shepherds hook. No other items may be attached to the hook.

Maintenance of the lawn is continuous, placement of flowers and all other decorations on ground level will be removed. The placement of items on the ground level impedes the mowing process.

All boundary/corner markers shall not be disturbed.

The grade of lots shall not be changed without the prior approval of the City.

No walkways of any kind are allowed on any lot or grave space.

No signs of any kind are allowed in the Cemetery.

The City shall have the right to perform maintenance activities it determines to be necessary.

No alcoholic beverages or container that once housed alcoholic beverages are allowed in the Cemetery.

No pets shall be allowed in the Cemetery.

All grave markers must meet the requirements as specified in the Code of Ordinances. Application for placement of grave marker/monument must be approved before placement of such.

The placement of permanent benches is allowed after obtaining an approved permit through the City Clerk’s office. Benches must be made of granite or marble and be placed upon an engineered foundation.

Columbarium Niche area – No more than two cremains can be placed in each niche, depending on urn size. The size of each niche is 9” deep, 11” wide and 11” high.

Trees may be planted within the cemetery (not directly on top of a lot/space) only with the approval of the Parks Director. The care and maintenance will be the responsibility of the space owner. A request for a tree must be in writing and submitted to the City Clerk.

Each columbaria niche area dedicated to hold cremains is 11x11x9 inches deep; 2 cremains per niche is allowed as long as containers fit within said dimensions.

Cemetery rules in both English and Spanish shall be posted in the Cemetery.

(These Rules and Regulations shall be attached to the form signed by the purchaser of any lot/space in the Cemetery.)

**CODE OF ORDINANCES
CITY OF ALVIN, TEXAS**

“Sec. 5½ -3. Requirements regarding columbaria niches and lots/spaces.

(a) Price schedule.

With the exception of grave spaces designated for infants, each grave (measuring approximately 4.5 feet by 10 feet) in the Oak Park Cemetery shall be sold for fee(s) set forth in chapter 28 of this Code. Grave spaces specifically designated for infants (measuring approximately 4.5 feet by 5 feet) shall be sold for the fee(s) set forth in chapter 28 of this Code. Burial lots (measuring approximately 18 feet by 10 feet) shall be sold for the fee(s) as set forth in chapter 28 of the Code. Such sales prices include purchase of the grave space/lots itself, the cost of processing gravesite application, the cost of marking the gravesite, and the costs of recording and flagging the gravesite at time of actual interment. Fees for columbaria niches shall be those set forth in chapter 28 of this code.

(b) Additional fee schedule.

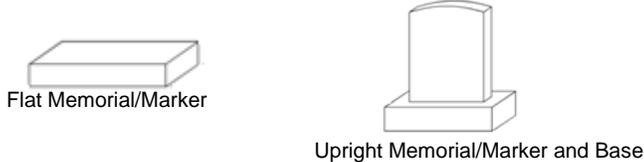
The fee(s) set forth in chapter 28 of this Code shall be charged for each repeat flagging of a gravesite.

(c) Interment requirements.

Outer containers of concrete, steel or bronze shall be required of all burials with the exception of the following: (i) burial spaces located in that portion of Oak Park Cemetery set aside for indigent residents of Alvin; and (ii) intact burial spaces in which a combination polypropylene or fiberglass casket is used. The top of the container shall be placed according to Chapter 714 of the Health and Safety Code. Only one grave space shall be allowed per each interment with the exception of cremations. Four (4) cremains will be allowed in a single space if no casket burial is in the grave space. A combination of one casket burial and one cremain shall be allowed in a single space as long as the casket burial precedes the cremains being placed in the space. The directing funeral home or its designee shall be responsible for digging the grave spaces after the city's approval of the application for the burial permit.

(d) Placement of Memorials/Markers

1. A permit must be approved by the city engineer or appointee before placement of memorial/marker. *See Section (h) Permit Required.*
2. Flat and upright grave memorials/markers will be allowed in all sections of Oak Park Cemetery.



3. Flat grave markers/memorials shall be composed of (pure) granite, marble, bronze; or combination thereof.
4. All grave markers/memorials must be installed on a concrete foundation. *See Section (e) Foundation Requirements.*
5. Upright grave markers/memorials within Section 5 shall not exceed the following dimensions: forty-two (42) inches in width (left to right); and forty-two (42) inches in height (top to bottom) including the base.



6. Upright memorials shall be placed at the top, or head of grave space.
7. One upright memorial **or** flat memorial **and** one foot marker will be permitted per single grave space.
8. A bench may be used as an upright memorial/marker.
9. It is not permitted to have both an upright memorial/marker and a bench on grave space. A companion memorial may be placed upon two grave spaces and may not exceed the following dimensions: ninety-eight (98) inches in width (left to right); and sixty (60) inches in height (top to bottom), including the base.

10. Upright memorials must be permanently adhered atop a base made of (pure) marble or granite and must be no less than its length (left to right) plus six inches and its width (front to back) plus six inches, unless said upright is at least 10 inches in width. If an upright memorial is 10 inches in width (front to back) or larger, a base is not required.
11. All markers are to be constructed in such a manner as to permit the mowing, trimming and other care of the lawn and foliage in the cemetery.

(e) Foundation Requirements

1. A permit must be approved by the City Engineer or appointee before the foundation is poured. *See Section (h) Permit Required.*
2. Foundation size and construction will be no less than the length and width of the marker/memorial or base of such, and a minimum of 4 inches thick.
3. Foundation should be formed with (1x4 or 2x4) lumber with an inside dimension of that form at least the size of the marker or monument's base, and no larger than 1" longer or 1" wider than said base.
4. Within the foundation, there will be one concrete pier for every two feet of length of the foundation, (i.e. a 1'-3" foundation has one pier, 3'1"-5" foundation will have two piers, etc.). Each pier will be 6"- 8" in diameter, a minimum of 24" deep from the bottom of the foundation and with straight or bellbottom sides; Piers may be shallower only if they rest completely atop the concrete burial vault.
5. All foundations will contain steel reinforcing rods or mesh and piers will be connected to the foundation with at least one reinforcing rod, but not more than three.
6. Foundation must be square and level before and after concrete pour.
7. Foundation concrete must cure a minimum of 24 hours before setting the monument.
8. The installer must remove all forms and excess concrete before memorial installation and all gaps and voids between the existing ground and new foundation filled after memorial installation is completed.

(f) Placement of Benches

1. The permanent placement of benches shall be allowed upon approval of permit. *See Section (h) Permit Required.*
2. Bench dimensions and placement upon said gravesite must be approved by City Clerk. Benches used as an upright memorial must be placed at the top or head of the grave.
3. The City reserves the right to refuse permission to place benches if it determines that a bench or its placement does not conform to cemetery requirements or in a position that will impede maintenance equipment. The City accepts no responsibility for the benches should they be damaged, broken or stolen.
4. Benches must be made of (pure) marble or granite and erected upon a concrete engineered foundation.
5. Only one bench per gravesite is allowed.
6. Benches may be no wider (from left to right) than the grave space they mark, less 12 inches and no taller (top to bottom) than 36 inches.
7. Benches currently in the cemetery will be evaluated and removed if determined to be dilapidated, a menace to the safety of persons within the cemetery, or interfere with landscaping maintenance.

(g) Foot Markers.

Foot markers shall not exceed twelve (12) inches in width and twenty-four (24) inches in length. It must be placed at the lower end or foot of grave space and be flush with the ground. Corner markers shall not be allowed.

(h) Permit required.

Prior to any foundation, grave marker/memorial or bench being set in the Oak Park Cemetery, a permit must be obtained from the city engineer by the organization or individual placing the marker. Permit applications may be obtained from the city clerk's office. Each permit application shall be accompanied by the drawings and dimensions for each foundation, grave maker/memorial or bench. A permit shall not be issued until all applicable fees have been paid and a certification made as to the conformity of all requirements of the city. Foundations, grave markers/memorials or benches set in a manner contrary to the city's requirements may be removed by the city at the sole expense of the space/lot owner and shall not be reset until the space/lot owner complies with the city's requirements.

(i) Transfer of spaces/lots.

Grave spaces/lots that have been purchased from the city may be transferred to another person only upon filing an affidavit of transfer with the city clerk's office and payment of a transfer fee per space/lot as set forth in chapter 28

of this Code. Grave spaces/lots that have been purchased from the city may be sold and transferred to the city upon the city's payment of the original purchase price less the transfer fee per space as set forth in chapter 28 of this Code.

(j) Penalty for violation.

Any person who violates a provision of this section shall be guilty of a misdemeanor and shall be subject to a fine in accordance with section 1-5 of this Code of Ordinances.

**CODE OF ORDINANCES
CITY OF ALVIN, TEXAS**

CHAPTER 28, CEMETERY FEES

(1) Fee for each gravesite in the Oak Park Cemetery:

| | | |
|-----|-----------------------------|------------|
| (a) | Infant grave spaces..... | \$ 500.00 |
| (b) | All other grave spaces..... | \$1,200.00 |

(2) Fee for burial lot (measuring 18"by 10 '), per lot..... \$4,000.00

(3) Repeat flagging of gravesite, each..... \$ 50.00

(4) Transfer fee per grave space/lot..... \$ 50.00

(5 Columbaria niches:

| | | |
|-----|---|-----------|
| (a) | Bottom row (first row from ground level)..... | \$ 600.00 |
| (b) | Second and third rows from ground level..... | \$ 800.00 |
| (c) | Fourth row from ground level..... | \$ 500.00 |

ACKNOWLEDGEMENT

I, _____, do hereby acknowledge that the burial space(s) that I have selected in Tract 5 of the Oak Park Cemetery has (have) restrictions that have been explained to me. Grave markers in Tract 5 shall meet the requirements as prescribed by said ordinance. I, also, acknowledge that I have been issued a copy of the City of Alvin Oak Park Cemetery, Rules and Regulations adopted in October, 1996 and revised on February 21, 2008, *Chapter 5 1/2 Section 3. Requirements regarding columbaria niches and lot/spaces and Chapter 28, Cemetery Fees.*

In selecting a burial space in said tract of said cemetery, I hereby agree to abide by the restrictions as set forth herein.

Date: _____

Signature: _____

Witness: _____

Columbaria Niche Area within Oak Park Cemetery

