

# 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

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## ALVIN CITY COUNCIL AGENDA THURSDAY, OCTOBER 1, 2015 7:00 P.M. - REGULAR MEETING (Downstairs Conference Room)

**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 [droberts@cityofalvin.com](mailto:droberts@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.*

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NOTICE is hereby given of a **Regular** Meeting of the **City Council** of the **City of Alvin**, Texas, to be held on **Thursday, October 1, 2015** at 7:00 p.m. in the **Downstairs Conference Room** at: City Hall, 216 W. Sealy, Alvin, Texas.

### AGENDA

1. **CALL TO ORDER**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
3. **SPECIAL PRESENTATIONS**
  - A. Mayor to present a proclamation declaring November 2-6, 2015 as Municipal Court Week.
  - B. Mayor to present a proclamation to Lyondellbasell Chemical Corporation.
  - C. Economic Development Update – Larry Buehler
4. **APPROVAL OF MINUTES**
  - A. Approve minutes of the September 10, 2015 City Council special meeting.
  - B. Approve minutes of the September 17, 2015 City Council regular meeting.
5. **PETITIONS OR REQUESTS FROM THE PUBLIC**
6. **REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES**
7. **PUBLIC HEARINGS (NONE)**
8. **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.

- A. Consider Ordinance 15-U; amending Chapter 25, Water and Sewers; by amending Article IX, Storm Water Quality; providing for a penalty; and setting forth other provisions related thereto; second reading.

**9. MATTERS REMOVED FROM CONSENT AGENDA**

**10. OTHER BUSINESS:**

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

- A. Consider a variance request from Eric Bateman to waive the sidewalk requirement of Sec. 21-42 of the Code of Ordinances, for the twelve lots (at the northwest corner of W. Willis Street and N. Sixth Street) within Block 43 of Easton's Addition.
- B. Consider a variance request from Michael Weeks, Broker/Owner of Weeks Realty & Investment, to waive the sidewalk requirement of Sec. 21-42 of the Code of Ordinances, for the 14 lots (at the northwest corner of W. Willis Street and N. Hill Street) within the Amended Plat of A.C. Wade's Addition.
- C. Consider Resolution 15-R-20; appointing a new Alvin Emergency Medical Services (EMS) Medical Director in accordance with Chapter 2, Article X of the Alvin Code of Ordinances.
- D. Consider Resolution 15-R-22; approving the Utility Conveyance and Security Agreement accepting the water distribution, waste water collection and storm water facilities to serve Kendall Lakes, Section One, Section Two and Section Five; and authorize the Mayor to sign.
- E. Consider Resolution 15-R-23; designating one representative and one alternate representative to the Houston-Galveston Area Council (H-GAC) General Assembly for 2016.
- F. Consider Resolution 15-R-24; nominating candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District.
- G. Consider award of bid to Petroleum Traders for FY16 vehicle and equipment fuel for city vehicles and equipment, and approve a one (1) year agreement with an option to renew for one (1) year with the same terms and conditions; and authorize the City Manager to sign.
- H. Consider the annual renewal of the Government Service Administration (GSA) Federal Supply Schedule Blanket Purchase Agreement with Verizon Wireless for cellular services in an amount not to exceed \$49,300; and authorize the City Manager to sign the GSA-Federal Supply Schedule Purchase Order.
- I. Consider waiving the requirement in Chapter 2 Article II Section 2-21 of the Code of Ordinances that requires City Council to hold two (2) regular meetings each month, cancelling the regular City Council meeting scheduled for October 15, 2015; or reschedule the October 15, 2015 meeting for Thursday, October 22, 2015.

**11. REPORTS FROM CITY MANAGER**

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

**12. REPORTS FROM COUNCIL MEMBERS**

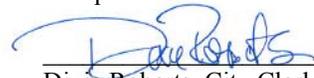
Pursuant to S.B. No. 1182, City Council Members may make a report or an announcement about items of community interest during a meeting of the governing body. No action will be taken or discussed.

- A. Announcements and requests from Council members.

**13. 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](http://www.alvin-tx.gov), in compliance with Chapter 551, Texas Government Code on THURSDAY, September 24, 2015 at 6:00 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,** the Municipal Courts serve as the local justice center for the enforcement of local ordinances and fine-only state offenses that protect the peace and dignity of our community; and
- WHEREAS,** more people, citizens and non-citizens alike, come in personal contact with municipal courts than all other courts combined; and
- WHEREAS,** the Municipal Judges and Clerks continually strive to improve the administration of justice through participation in judicial education programs of their state and local professional organizations.

**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 week of November 2- 6, 2015 as

*Municipal Court Week*

in Alvin, and extend appreciation to the Alvin Municipal Judges and court support personnel for the vital services they perform and their exemplary dedication to our community. I further call upon the residents of Alvin to join with the City Council in recognizing the vital services they perform.

**WITNESS** my hand and seal this  
1st day of October, 2015.

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Paul A. Horn, Mayor



Office of the Mayor, City of Alvin, Texas

*Proclamation*

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**WHEREAS,** Alvin prides itself on strategic partnerships, and has such a relationship with the Lyondellbasell Chemical Corporation, and

**WHEREAS,** the City of Alvin was contacted by Lyondellbasell Chemical Corporation to consider the donation of volunteer labor and all materials for a landscape beautification project, and

**WHEREAS,** the City staff met with Lyondellbasell Chemical Corporation to determine that the Alvin Train Depot would be the focus for the landscape beautification project, and

**WHEREAS,** this beautification project will benefit the citizens and employees within the City of Alvin, and

**NOW, THEREFORE,** I, Paul Horn, on behalf of the Alvin City Council do hereby express appreciation to Lyondellbasell Chemical Corporation for their donation of volunteer labor and landscape materials used to landscape the Alvin Train Depot.

**WITNESS** my hand and seal this  
1st day of October, 2015.

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Paul A. Horn, Mayor

**MINUTES**  
**CITY OF ALVIN, TEXAS**  
**216 W. SEALY STREET**  
**SPECIAL CITY COUNCIL MEETING**  
***THURSDAY SEPTEMBER 10, 2015***  
***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 a Special Session at 7:00 P.M. in the Downstairs Conference Room at City Hall, with the following members present: Mayor Paul A. Horn, Mayor Pro-tem Adam Arendell; Council members: Gabe Adame, Scott Reed, Brad Richards, Roger Stuksa and Keith Thompson.

Staff members present: Junru Roland, Chief Financial Officer; Bobbi Kacz, City Attorney; and Dixie Roberts, City Clerk.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Horn gave the Invocation.

Albert Vallegas with the *Alvin Sun* Newspaper led the Pledge of Allegiance.

Council member Reed led the Pledge to the Texas Flag.

**PETITIONS OR REQUESTS FROM THE PUBLIC**

Mr. Randy Race spoke before City Council regarding concerns he had with the Keep Alvin Beautiful citywide garage sale.

**OTHER BUSINESS**

Consider Ordinance 15-R, adopting the budget for the City of Alvin, Texas for Fiscal Year 2015-2016; directing the City Clerk to post a copy of the budget on the City of Alvin website; and setting forth other provisions related thereto; second reading.

Council member Adame moved to approve Ordinance 15-R, adopting the budget for the City of Alvin, Texas for Fiscal Year 2015-2016; directing the City Clerk to post a copy of the budget on the City of Alvin website; and setting forth other provisions related thereto on second reading. Seconded by Council member Stuksa.

Council member Arendell stated that he spoke with the City Manager about the funding of new positions during the FY16 budget year. He stated that staff would review the possibility of funding new positions halfway through the FY16 budget year and make any recommendations at that time.

Motion carried to approve Ordinance 15-R on a vote of 6 Ayes.

Consider Ordinance 15-S, levying a property tax rate for the year 2015 and to direct the Tax Assessor-Collector to assess, account for, and distribute the property taxes as herein levied; second reading.

Council member Thompson moved to approve Ordinance 15-S, levying a property tax rate for the year 2015 and to direct the Tax Assessor-Collector to assess, account for, and distribute the property taxes as herein levied; second reading. Seconded by Council member Arendell; Mayor Horn called for a roll call vote:

Council member Thompson	Aye	Council member Droege	Absent
Council member Reed	Aye	Council member Adame	Aye
Council member Arendell	Aye	Council member Stuksa	Aye
Council member Richards	Aye		

Motion carried to approve Ordinance 15-S on a vote of 6 Ayes.

**ADJOURNMENT**

Council member Adame moved to adjourn the special meeting at 7:10 p.m. Seconded by Council member Arendell; motion to adjourn carried on a vote of 6 Ayes.

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

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

**MINUTES**  
**CITY OF ALVIN, TEXAS**  
**216 W. SEALY STREET**  
**REGULAR CITY COUNCIL MEETING**  
***THURSDAY SEPTEMBER 17, 2015***  
**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 Downstairs Conference Room at City Hall, with the following members present: Mayor Paul A. Horn, Mayor Pro-tem Terry Droege; Council members: Gabe Adame, Adam Arendell, Brad Richards, Roger Stuksa and Keith Thompson.

Staff members present: Junru Roland, Interim City Manager; Bobbi Kacz, City Attorney; Dixie Roberts, City Clerk; Robert Lee, Police Chief; Dan Kelinske, Parks & Recreation Director.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Council member Adame gave the invocation.

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

Council member Richards led the Pledge to the Texas Flag.

**APPROVAL OF MINUTES**

Approve minutes of the August 27, 2015 City Council workshop meeting.

Council member Adame moved to approve the minutes of the August 27, 2015 City Council workshop meeting. Seconded by Council member Droege; motion to approve carried on a vote of 6 Ayes.

Approve minutes of the September 3, 2015 City Council workshop meeting.

Council member Droege moved to approve the minutes of the September 3, 2015 City Council workshop meeting. Seconded by Council member Arendell; motion to approve carried on a vote of 6 Ayes.

Approve minutes of the September 3, 2015 City Council regular meeting.

Council member Arendell moved to approve the minutes of the September 3, 2015 City Council regular meeting. Seconded by Council member Thompson; motion to approve carried on a vote of 6 Ayes.

**PETITIONS OR REQUESTS FROM THE PUBLIC**

There were no petitions or requests from the public.

**REPORTS FROM CITIZENS BOARDS, COMMISSIONS, AND COMMITTEES**

No reports were given.

**PUBLIC HEARINGS**

There were no public hearings.

**CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION**

Consider street closure request for Alvin Fire Department's Open House on September 26, 2015 from 8:00 a.m. to 3:00 p.m. Streets requested for closure include: W. House Street at S. Taylor

Street and W. House Street at S. Hood Street.

*This street closure is an effort to support the Alvin Fire Department's annual fall open house on September 26, 2015 at Fire Station 1 located at 302 W. House Street. This annual event is a community outreach program to raise awareness about fire prevention and fire safety. Various local police and emergency service agencies will be on hand displaying equipment, providing information and educational material as well as free food and fun activities for community members of all ages.*

Consider street closure request for Alvin High School's Homecoming parade on September 28, 2015 from 4:30 p.m. – 6:00 p.m. or an alternate date due to inclement weather. Streets requested for closure include: College from West Dumble to West Stadium, West Stadium from College to South Johnson, South Johnson from West Stadium to West Adoue, West Adoue from South Johnson to South Second (Yellowjacket Drive), and South Second (Yellowjacket Drive) from West Adoue to the parking lot of Alvin Memorial Stadium.

*This street closure is an effort to support the Alvin High School's Homecoming parade on September 28, 2015. This annual parade raises school spirit and engages our community members in support of our local high school. Alvin Parks Department will change out all street banners to "Jacket Pride" banners which will remain in place throughout the fall sports season then be replaced by holiday banners. In case of inclement weather, AISD requests approval of the street closure for an alternate date.*

Consider street closure request for the annual Blue Santa fundraising event on October 18, 2015 from 6:30 a.m. – 3:30 p.m. at National Oak Park. Streets requested for closure include: E. Sidnor St. at Depot Centre Blvd, E. Sidnor St. at S. Magnolia St., E. Sealy St. at Depot Centre Blvd, Depot Centre parking lot east side exit, Depot Centre at north exit of Parking Lot.

*Alvin Blue Santa, a non-profit organization, requests this street closure for its annual fundraiser event held at National Oak Park which includes a motorcycle ride through Brazoria County. Alvin Blue Santa uses funds raised from this event for various charitable activities; such as scholarships to Angleton Independent School District high school graduates who plan to attend Alvin Community College, the purchase of bikes and toys for children and food for needy families. As an example of their fundraising results, this past summer they gave a gift card donation to an Alvin family who lost their home to a fire.*

Council member Droege moved to approve the consent agenda as presented. Seconded by Council member Thompson; motion to approve carried on a vote of 6 Ayes.

**MATTERS REMOVED FROM CONSENT AGENDA**

No items were removed from the consent agenda.

**OTHER BUSINESS:**Consider Ordinance 15-N, establishing a no parking zone along the north side of Stadium Drive between Dover Circle and College Drive; authorizing staff to provide appropriate signage; providing for a penalty and publication; and setting forth other provisions related thereto; second reading.

*This ordinance is to establish a no parking zone along the north side of Stadium drive between Dover Circle and College Drive. The no parking zone will be marked as a solid red line with white stenciled "NO PARKING" lettering evenly spaced every twenty feet throughout and three "No Parking" signs will be installed with a total estimated cost of \$1,740; \$240 for the signs and \$1,500 for outsourced striping. This ordinance was amended on first reading to restrict parking along that certain portion of Stadium Drive only.*

Council member Thompson moved to approve Ordinance 15-N, establishing a no parking zone along the north side of Stadium Drive between Dover Circle and College Drive; authorizing staff to provide appropriate signage; providing for a penalty and publication; and setting forth other provisions related thereto; second reading. Seconded by Council member Stuksa; motion to approve carried on a vote of 6 Ayes.

Consider Ordinance 15-U amending Chapter 25, Water and Sewers; by amending Article IX, Storm Water Quality; providing for a penalty; and setting forth other provisions related thereto; first reading.

*The suggested changes to this ordinance are a result of the revisions the Texas Commission on Environmental Quality (TCEQ) made to the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000 when they renewed it. The TCEQ required all of the entities covered by the permit to amend their existing ordinances to include the new provisions within 2 permit years. Our permit years run from October 1st – September 30th each year and we are currently in the 2nd permit year, which will end on September 30, 2015. The City of Alvin and all other members of the Brazoria County Stormwater Quality Coalition have been tasked to adopt these*

updates.

Council member Stuksa moved to approve Ordinance 15-U amending Chapter 25, Water and Sewers; by amending Article IX, Storm Water Quality; providing for a penalty; and setting forth other provisions related thereto; first reading. Seconded by Council member Arendell; motion to approve carried on a vote of 6 Ayes.

Consider award of bid to Comfort Systems USA (South Central) Inc., for Heating, Venting and Air Conditioning (HVAC) preventative maintenance and repair services of city facilities, and approve a (1) one year contract, with (3) three optional (1) one year renewals; and authorize the City Manager to sign.

*The current Heating Venting and Air Conditioning (HVAC) preventative maintenance & repair contract with Clear the Air expires 10/9/2015 and was made available for public bid beginning 7/20/2015. This bid process generated submittals from Vanderford Air Inc. \$58,559.00, Dr. Cool & Professor Heat \$35,889.00 and Comfort Systems USA South Central \$32,440.92. A walk thru of all City facilities was conducted on 8/4/2015 with all bids being due by 2:00 p.m. on 8/18/2015 and opened at 2:15 p.m. on 8/18/15. On 8/25, staff conducted a site visit to Dr. Cool & Professor Heat and Comfort Systems USA. Upon these visits, Comfort Systems USA has shown to be the best value bidder as they are a national company specializing only in commercial HVAC with references such as Bush International Airport, Houston Hobby Airport and the City of Houston. They possess the qualified workforce and management structure to ensure quality customer service and needed technical expertise to the City of Alvin for HVAC equipment found in the following facilities covered in this contract: City Hall, Public Services Facility, Public Services Facility at Dyche Lane, Library, Senior Center, Museum, Alvin Convention and Visitor's Bureau/Train Depot, Waste Water Treatment Plant, Fire Station 1, 2, 3, EMS Station and the Police Department.*

Council member Arendell moved to award of bid to Comfort Systems USA (South Central) Inc., for Heating, Venting and Air Conditioning (HVAC) preventative maintenance and repair services of city facilities, and approve a (1) one year contract, with (3) three optional (1) one year renewals; and authorize the City Manager to sign. Seconded by Council member Thompson; motion to approve carried on a vote of 6 Ayes.

Consider Interlocal Agreement with Brazoria County for the FY16 Asphalt Improvement Project; and authorize the Mayor to sign.

*The proposed Interlocal Agreement provides the mechanism for the County to provide the City of Alvin with equipment and manpower to make improvements on two miles of asphalt streets in various locations within the city limits of Alvin. Staff will identify specific streets using the Asphalt Street Assessment and monitor the expenditures to ensure sufficient funds are in the budget throughout the course of the project. This agreement has been approved and signed by the Brazoria County Judge, L.M. "Matt" Sebesta.*

Council member Droege moved to approve an Interlocal Agreement with Brazoria County for the FY16 Asphalt Improvement Project; and authorize the Mayor to sign. Seconded by Council member Adame; motion to approve carried on a vote of 6 Ayes.

Consider Windstorm Renewal Proposal option #1 from Victor O. Schinnerer & Company, Inc. in an amount not to exceed \$147,350 for the City's windstorm and hail coverage for FY16; and authorize the City Manager to sign the Proposal Acceptance Form.

*The City's current property and liability insurance provider (Texas Municipal League –Intergovernmental Risk Pool [TMLIRP]) does not provide full windstorm and hail coverage for all City facilities. Currently, TMLIRP only provides windstorm coverage through their Coastal Storm Fund for wind resistive facilities; which includes City Hall, the Alvin Museum, and the Wastewater Treatment Building. However, TMLIRP has an arrangement with Victor O. Schinnerer & Company, Inc. (VOSCO), an underwriting manager of professional liability and specialty insurance, to serve as the City's insurance agent in placing windstorm coverage. VOSCO has written the City's windstorm coverage through various companies since 10/01/2000. The current windstorm policy with VOSCO expires October 1, 2015. For FY16, VOSCO is proposing 3 options to the City for windstorm and hail coverage. Option #1 (\$147,350) utilizes the Texas Windstorm Insurance Association (TWIA) as the insurer/carrier. TWIA is a residual market property insurance company that provides wind and hail insurance for residential and commercial property located within an area designated by the Texas Commissioner of Insurance. This area currently includes 14 first tier coastal counties. A first tier designation is an area subject to catastrophe due to high-winds. Brazoria County is identified as a first tier coastal county. Option #2 (\$153,180.11) and Option #3 (\$201,714.65) consist of using AmRisc as the insurer/carrier. AmRisc is not licensed by the Texas Department of Insurance; and, as a result, is not regulated by the Texas Insurance Commissioner. Staff is recommending option 1 due to the coverage value as well as the local regulation.*

Council member Arendell moved to approve the Windstorm Renewal Proposal option #1 from Victor

O. Schinnerer & Company, Inc. in an amount not to exceed \$147,350 for the City’s windstorm and hail coverage for FY16; and authorize the City Manager to sign the Proposal Acceptance Form. Seconded by Council member Thompson; motion to approve carried on a vote of 6 Ayes.

**REPORTS FROM CITY MANAGER**

Review preliminary list of items for the Council meeting of October 1, 2015.

Ms. Breland reviewed the preliminary list for the June 18, 2015 City Council meeting.

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.

Council member Droege reminded everyone of the playground build day at Morrison Park on October 10<sup>th</sup>.

Council member Stuksa asked for an update on 1900 Rosharon Road.

Mayor Horn stated that members of staff recently met with the Texas Commission on Environmental Quality (TCEQ) regarding the ugly corner. From that meeting it was concluded that the site could be used as the city sees fit.

**ADJOURNMENT**

Council member Adame moved to adjourn the meeting at 7:20 p.m. Seconded by Council member Thompson; motion to adjourn carried on a vote of 6 Ayes.

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

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

**ALVIN SR. BOARD MEETING  
AUGUST 10, 2015**

**CALL TO ORDER**

Barbara Biggers called the meeting to order at 9:05 AM. Board members present were Dale Jones, Betty Hodges, Beverly Kimbrough, Nell Shimek, Barbara Biggers & Darrell Brady. Others present were Dan Kelinske, Director Parks and Recreation, Marla Grigsby Senior Center Manager.

Visitors present were Alice Sloan, Nelva Urick with Keep Alvin Beautiful; Judy Broaddus, Vada de Jongh, Yvette Deaton, Jackie Susce with Alvin Garden Club; and Alvin City Manager Sereniah Breland.

Barbara Biggers invited the visitors to voice their concerns. Yvette Deaton president of the Alvin Garden Club voiced our concern about our meetings being moved. Solutions were discussed and a representative will meet with Marla. Alice Sloan voiced her concern about moving meetings also. Nelva Urick invited us to secure a booth for Historic Trade Days. All proceeds are going to the Alvin Museum. Sereniah Breland introduced herself and sees pride in the City of Alvin by looking at Alvin properties and seeing continued upkeep and improvements.

**Minutes** were read by Nell Shimek and approved as printed.

**REPORTS**

Dan Kelinske said he was looking into a City of Alvin building renovation bond. He reported the need for roof repairs and new air conditioning units. Marla Grigsby said she is offering 2 new classes Healthy Baking Class and Chair Yoga. Also a Genealogy group is being formed. Barbara Biggers is checking on bands, one being the Heartaches. She said if attendance does not pick up dances may have to be canceled. Beverly Kimbrough decorating dates are September 1, 2015 and for the dance September 15, 2015.

**UNFINISHED BUSINESS**

Fall Open House: organizations can come in at noon until 3:45 when everything should be set up. Additional details of the procedures at the sign-up table were discussed. Senior Board pictures remained tabled.

**NEW BUSINESS**

Wall of Honor Veteran's pictures are in the working for the last framed set of pictures. The cost is \$223. Dan thanked Marla Grigsby for taking care of this. Beverly Kimbrough made a motion that the Senior Center is taking no more pictures as they do not have room for more. Betty Hodges seconded motion, motion passed.

Questions about the Center Rules and Regulations and Center trip scheduling were discussed.

A new Senior Board Member roster needs to be done.

**ANNOUNCEMENTS**

Next meeting is September 14, 2015

Open House is August 26, 2015

**ADJOURNMENT** 10:44 AM

Respectfully submitted by,  
Nell Shimek, Senior Board Secretary

**MINUTES  
CITY OF ALVIN, TEXAS  
CITY PLANNING COMMISSION  
August 18, 2015**

**BE IT REMEMBERED**, that on the above date, the Planning Commission met in the First Floor Conference Room, at Public Services Facility, 1100 West Highway 6, Alvin, Texas, at 6:00 P.M. with the following members present, Charles Buckelew, Chair; Missy Jordan, Vice Chair; Robin Revak-Golden; Chris Hartman; Santos Garza; Martin Vela and Randy Reed. Also present were staff members Kristine Schaffner, Development Coordinator; Shana Church, Administrative Assistant; Sereniah Breland, City Manager and Michelle Segovia, City Engineer. Absent was Darrell Dailey, Secretary and Sussie Sutton.

**1. Call To Order.**

Call to order at 6:02 P.M.

**2. Petition and Requests from the Public.**

There were no petitions or requests from the public.

**3. Approve the Minutes of the Planning Commission meeting of July 21, 2015.**

Commission Member Santos Garza motioned to approve the minutes of the regular Planning Commission meeting of July 21, 2015. Seconded by Chris Hartman, the motion carried on a vote of 6 ayes and 0 nays.

**4. Consider a Final Plat of Achille Estate, 2.50 acres located along CR 529 near Cardinal Drive, being out of tracts 48 and 49 of the Wellman Subdivision in Section 25, A.C.H. & B. Company Survey, Abstract 412, Brazoria County, Texas, according to the plat as recorded in Volume 8, Page 622, Deed Records, Brazoria County, Texas.** City Engineer recommends final plat for discussion and approval. Commission Member Vela motioned to recommend for approval to present to City Council. Seconded by Member Reed, the motion carried on a vote of 6 Ayes, 0 Nays.

**5. Consider a Final Plat of Page Estate, 0.425 acres located along the northwest corner of House St. and Hardee St., being all of Lot 1 and 2 and part of Lot 3 and 4, Block 6 of Disney's Addition to Alvin No. 1, according to the plat as recorded in Volume 5, Page 46, Deed Records, Brazoria County, Texas.** City Engineer recommends final plat for discussion and approval. Commission Member Vela motioned to recommend for approval to present to City Council. Seconded by Member Reed, the motion carried on a vote of 6 Ayes, 0 Nays.

**6. Consider a variance request from Hope Clinic to waive the Site Plan and Drainage Plan requirement of Section 21-28; Sidewalks Section 21-42; Non-conforming Structures, Section 35-20 (b); and Building Permit Fees Section 5-4 (b) of the Code of Ordinances, for their nonprofit business located at 3373 E. Highway 6.** City Engineer recommends the variance request from Hope Clinic for

discussion and approval. Commission Member Reed motioned to recommend for approval to present to City Council. Seconded by Member Garza, the motion carried on a vote of 6 Ayes, 0 Nays.

#### **7. Reports or Requests from Commission Members.**

Randy Reed and City Engineer discussed the timeline for completion of the expansion on South 35. Santos Garza mentioned high grass areas and trees blocking the path of pedestrians on a sidewalk. Sereniah Breland discussed updates on the comprehensive plan. Charles Buckelew mentioned trees overhanging several streets in Alvin.

#### **8. Staff Report and Update.**

Michelle Segovia, City Engineer discussed the 2015 Asphalt overlay project, Second St. bridge replacement, and gave an update on Nissan of Alvin.

#### **9. Items for the Next Meeting.**

Michelle Segovia, City Engineer, stated that there may be a variance request for corridor overlay.

#### **10. Adjournment.**

Commission Member Martin Vela motioned to adjourn the meeting, seconded by Member Missy Jordan. The motion carried on a vote of 6 ayes. The meeting ended at 6:55pm.



# AGENDA COMMENTARY

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**Meeting Date:** 10/1/2015

**Department:** Public Services, Code Compliance

**Contact:** Kacey Roman, Code Comp. Supv.

**Agenda Item:** Consider Ordinance 15-U; amending Chapter 25, Water and Sewers; by amending Article IX, Storm Water Quality; providing for a penalty; and setting forth other provisions related thereto; second reading.

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**Type of Item:**  Ordinance 1<sup>st</sup> Reading  Ordinance 2<sup>nd</sup> Reading  Resolution  Public Hearing  Discussion & Direction

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**Summary:** The suggested changes to this ordinance are a result of the revisions the Texas Commission on Environmental Quality (TCEQ) made to the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000 when they renewed it. The TCEQ required all of the entities covered by the permit to amend their existing ordinances to include the new provisions within 2 permit years. Our permit years run from October 1st – September 30th each year and we are currently in the 2nd permit year, which will end on September 30, 2015. The City of Alvin and all other members of the Brazoria County Storm water Quality Coalition have been tasked to adopt these updates.

**Background:** The State of Texas assumed the authority to administer the National Pollutant Discharge Elimination System (NPDES) program in Texas on Sept. 14, 1998. NPDES is a federal regulatory program to control discharges of pollutants to surface waters of the United States. The Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) program now has federal regulatory authority over discharges of pollutants to Texas surface water, with the exception of discharges associated with oil, gas, and geothermal exploration and development activities, which are regulated by the Railroad Commission of Texas.

TPDES General Permit TXR040000 was issued and effective on August 13, 2007, and authorizes the discharge of storm water to surface water in the state from small municipal separate storm sewer systems (MS4s). It was renewed on December 16, 2013.

The Brazoria County Storm water Quality Coalition was formed in August 2007 as an effort by the members to assist one another in complying with Storm water quality regulations established by the TCEQ. The Coalition consists of the City of Alvin, City of Angleton, City of Clute, City of Freeport, City of Lake Jackson, City of Richwood, Brazoria County, Brazoria County C&R District No. 3, Brazoria Drainage District No. 4, Angleton Drainage District, and Velasco Drainage District. The Coalition provides contract storm water inspections for its members, permit issuance, applications, and disseminates all information from the TCEQ to the Coalition members.

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**Budgeted Item:** Yes  No  N/A

**Funding Expected:** Revenue  Expenditure  N/A

Account Number: \_\_\_\_\_ Amount \_\_\_\_\_

Legal Review Required: N/A  Required  Date Completed 9/1/2015

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**Supporting documents attached:**

- Ord. 15- U & Contractor Agreement
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**Recommendation:** Move to approve Ordinance 15-U amending Chapter 25, Water & Sewer, Article IX, Storm Water Quality on second reading.

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Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**ORDINANCE NO. 15-U**

**AN ORDINANCE AMENDING CHAPTER 25, WATER AND SEWERS, OF THE CODE OF ORDINANCES, OF THE CITY OF ALVIN, TEXAS BY AMENDING ARTICLE IX, STORM WATER QUALITY; PROVIDING FOR A PENALTY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

**WHEREAS**, the City staff has recommended amendments to the City's industrial waste regulations in order to better protect the health, safety and general welfare of the citizens of the City of Alvin; and

**WHEREAS**, the City Council has reviewed the proposed changes and is of the opinion that the same are in the best interest of the health, safety and general welfare of the citizens of the City of Alvin; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN:**

**Section 1.** That Chapter 25 of the Code of Ordinances, City of Alvin, Texas; is hereby amended by revising certain sections of Article IX, which said article shall read as follows:

**ARTICLE IX. STORM WATER QUALITY**

**DIVISION 1. GENERAL PROVISIONS**

**“Sec. 25-252. Objectives.**

The objectives of this chapter are as follows:

- (1) To maintain and improve the quality of surface water within the city;
- (2) To prevent or reduce the discharge of contaminated storm water runoff from construction and residential sites into the municipal separate storm sewer system (MS4) and surface waters within the city;
- (3) To facilitate compliance with federal and state rules and regulations by owners, operators, contractors, and subcontractors of construction sites and commercial facilities within the city;
- (4) To enable the city to comply with all federal and state laws and regulations applicable to storm water discharges.

**Sec. 25-253. Administration.**

The City Manager, or designee, is authorized to administer, implement, and enforce the provisions of this chapter.

**Sec. 25-254. Submission of documents.**

All persons required by federal or state regulations or this chapter to submit documents, pertaining to discharges of storm water or accidental discharges into the local MS4, shall submit all applicable documents to the following mailing address:

City of Alvin  
City Manager  
216 W. Sealy  
Alvin, Texas 77511

**Sec. 25-255. Definitions.**

As used in this article:

*Agricultural storm water runoff.* Any storm water runoff from orchards, cultivated crops, pastures, range lands, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR § 122.23 or discharges from concentrated aquatic production facilities as defined in 40 CFR § 122.24.

*Best management practice (BMP).* Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, and other management practices to prevent the pollution of the MS4 and waters in the state. Best management practices also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage areas.

*City.* The City of Alvin, Texas, or any authorized person acting in its behalf.

*Commencement of construction activities.* The initial disturbance of soils associated with clearing, grading or excavation activities, as well as other construction-related activities (e.g. stockpiling of fill material, demolition).

*Common plan of development or sale.* A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities.

*Construction activity.* Construction activities including clearing, grading, and excavating that result in land disturbances of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre of land. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities).

*Contamination.* The presence of or entry into a public water supply system, the MS4 or water in the state, any substance which may be detrimental to the public health and/or the quality of water.

*Contractor.* For the purposes of this chapter, the contractor is the person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with local pollution prevention requirements, although they do not qualify as an operator under the construction permit.

*Conveyance.* Curbs, gutters, manmade channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport storm water runoff.

*Discharge.* To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of any substance, or to cause, allow, permit, or suffer any of these acts or omissions.

*Domestic sewage.* Waterborne human waste and waste from domestic activities, including the use of toilet facilities, washing, bathing, and food preparation.

*Erosion.* The process of land being diminished or worn away due to wind or water. Erosion occurs naturally, but can be intensified by land-disturbing activities such as development, farming, road building, timber harvesting, etc.

*Facility.* Any building, structure, installation, process or activity from which there is or may be a discharge of a pollutant.

*Final stabilization.* A construction site status where any of the following conditions are met:

- (1) All soil disturbing activities at the construction site have been completed and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as riprap, geotextiles, or gabions) have been employed;
- (2) For individual lots in a residential construction site, the homebuilder has completed final stabilization on the individual lot(s) as specified in condition (1) above;
- (3) For construction activities on land used for agricultural purposes (e.g. pipelines across crop or rangeland), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface water and areas, which are not being returned to their preconstruction agricultural use, shall meet the final stabilization conditions of condition (1) above.

*Hazardous substance or materials.* Any substance listed in table 302.4 of 40 CFR Part 302.

*Hazardous waste.* Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

*Illicit connection.* Any manmade conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

*Illicit discharge.* Any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES or TPDES permit and discharges resulting from emergency fire fighting activities.

*Large construction activity.* Construction activities including clearing, grading, and excavating that result in land disturbances of equal to or greater than five acres of land. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five acres of land. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Large construction activity does not include the routine grading of existing dirt roads, asphalt overlays or existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

*Maximum extent practicable (MEP).* The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA §402(p).

*MS4 operator.* The public entity, and/or the entity contracted by the public entity, responsible for management and operation of the municipal separate storm sewer system.

*Municipal separate storm sewer system (MS4).* A separate storm sewer system owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to surface water in the state.

*National Pollutant Discharge Elimination System (NPDES).* The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing requirements of certain sections of the federal Clean Water Act.

*Nonpoint source.* Any source of any discharge of a pollutant that is not a "point source".

*Notice of intent (NOI).* A written submission to TCEQ, from an applicant, requesting coverage under a general permit.

*NPDES permit.* A permit issued by the EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general basis. In the State of Texas, the EPA retains authority for permitting oil and gas exploration activities and Indian Country land.

*Oil.* Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

*Outfall.* A point source at the point where a municipal separate storm sewer discharges to water in the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S.

*Owner.* For the purposes of this chapter, the owner is the person or persons that have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, although they do not qualify as an operator under the construction permit.

*Permit.* Either an NPDES or TPDES permit, whichever is applicable.

*Permittee.* An MS4 operator authorized under an NPDES or TPDES permit.

*Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

*Point source.* (from 40 CFR §122.22) Any discernable, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

*Pollutant.* Dredged spoil, solid waste, incinerator residue, garbage, sewage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland.

*Pollution.* (from Texas Water Code §26.001(14)) The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

*Release.* Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or water in the state.

*Responsible party.* The owner, occupant, developer, builder, or general contractor who has operational control over the site, including the ability to make modifications in specifications, or

who has operational control over day-to-day activities at the site and is able to ensure compliance with plan requirements and permit conditions (e.g., a person who is authorized to direct the conduct of workers at the site). Any person who has filed a Notice of Intent (NOI) or completed a Construction Site Notice is presumed to be a responsible party.

*Riparian.* Any area relating to or located on the bank of a natural watercourse.

*Runoff.* Drainage or flood discharge that leaves an area as surface flow or as pipeline flow.

*Sediment.* Soil, sand, and minerals washed from land into water, usually after rain.

*Separate storm sewer system.* A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, outfalls, or storm drains), designed or used for collecting or conveying storm water; which is not a combined sewer, and which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR §122.2.

*Small construction activity.* Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres of land. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres of land. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Small construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

*Storm drain.* An opening leading to an underground pipe or an open ditch for carrying surface runoff.

*Storm water.* Any flow occurring during or after any form of natural precipitation, including rainfall runoff, snowmelt runoff, and surface runoff and drainage.

*Storm water associated with construction activity.* Storm water runoff from a construction activity where soil disturbing activities (including clearing, grading, and excavating) result in the disturbance of one or more acres of total land area, or are part of a larger common plan of development or sale that will ultimately result in the disturbance of one or more acres of total land area.

*Storm Water Permit.* Authorization issued by the City to conduct construction activities.

*Storm water pollution prevention plan (SWP3).* A plan required by a construction general permit to discharge storm water associated with construction and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with construction at the facility.

*Storm Water Quality Plan.* A plan describing how construction is to be performed and how the site closure is to be accomplished, including post-construction control measures, at a construction site.

*Structural control (or practice).* A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, infiltration basins, storm water wetlands, silt fences, earthen dikes, drainage swales, sediment traps, check dams, stabilized construction entrances, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

*Temporary stabilization.* A condition where exposed soils or disturbed areas are provided a protective cover or other structural control to prevent the migration of pollutants. Temporary stabilization may include temporary seeding, geotextiles, mulches, perimeter controls, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place.

*Texas Pollutant Discharge Elimination System (TPDES).* The state program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing requirements of certain sections of the federal Clean Water Act.

*Texas Commission on Environmental Quality (TCEQ).* The permitting authority for storm water discharges.

*TPDES permit.* A permit issued by the state that authorizes discharges of pollutants to water in the state and waters of the United States, whether the permit is applicable on an individual, group or general basis.

*Water in the state.* Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

*Waters of the United States.* All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR §122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

*Wetland.* An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Sec. 25-256. Citizen Reporting.**

(a) All citizens are encouraged to report any spills, releases, illicit connections, other instances of anyone discharging pollutants ~~in~~to the MS4 or waters of the United States, and any other violation of this article of which they become aware to the City Manager.

(b) Such citizen reports may be made by telephone, in writing, or in person. A written record of each citizen report to the city will be prepared and kept on file for a period of three years, and a copy of the city's record of the report will be furnished to the reporting citizen upon request. Also upon request, the City Manager will inform the reporting citizen of any action undertaken by the city in response to the citizen's report.

**Sec. 25-257. Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants into storm water, the storm drain system, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence. In the event of a release of non-hazardous materials, said person shall notify the City Manager no later than the next working day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall retain an on-site written record of the discharge and the action taken to prevent its recurrence. Such records shall be retained for at least five (5) years.

**Sec. 25-258 - 25-269. Reserved.**

DIVISION 2. ~~ILLCIT DISCHARGES~~STORM WATER SYSTEM

**Sec. 25-270. Illicit Discharge.**

No person shall introduce, cause to be introduced, or allow to be introduced an illicit discharge ~~in~~to the MS4, except those discharges listed in Section 25-~~258~~271. Illicit discharge may result in the termination of the MS4 access by the City Manager.

**Sec. 25-271. Allowable Non-Storm ~~W~~ater Discharges.**

(a) The following non-storm water discharges may be discharged to the MS4, provided that subsection (b) below does not apply:

- (1) A discharge authorized by, and in full compliance with, a TPDES or NPDES permit;
- (2) Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (3) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing uncontaminated sources of potable water, groundwater, or surface water;
- (4) Discharges from a potable water source;
- (5) Diverted stream flows;
- (6) Rising ground waters and springs;
- (7) Uncontaminated ground water infiltration;
- (8) Uncontaminated pumped ground water;
- (9) A discharge from a foundation drain or a footing drain;
- (10) Air conditioning condensate;
- (11) Water from a crawl space pump;
- (12) A discharge from residential car washing and non-commercial car washing events;
- (13) Flows from a riparian habitat or wetland;
- (14) Dechlorinated swimming pool discharges;
- (15) Street wash water;
- (16) Dye testing if verbal notification to the City is given prior to the time of the test;
- (17) A discharge or flow from emergency fire fighting activities; and
- (18) Other similar occasional non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

(b) The city may, on a case-by-case basis, prohibit any of the above listed allowable non-storm water discharges in subsection (a) provided:

- (1) The discharge or flow in question has been determined by the TCEQ or City Manager to be a significant contributor of a pollutant or pollutants to water in the state or the MS4; and
- (2) Written notice of such determination has been provided to the discharger.

(c) *Specific Prohibitions of Construction Related Illicit Discharges.* It is unlawful for a person to intentionally, knowingly, recklessly or with criminal negligence, create, cause, introduce, or contribute to creating, causing or introducing any discharge that causes and/or contributes to a violation of applicable water quality standards, a discharge or flow composed of one or more of the following from construction site:

- (1) Pollutants from equipment, vehicle and/or other wash waters;
- (2) Pollutants from exposed building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste or other similar materials;
- (3) Pollutants from spills and/or leaks;

- (4) Pollutants from washout wastewater, fuels, oils, soaps, solvents, and dewatering activities.

**Sec. 25-272. Illicit connections prohibited.**

It is unlawful for any person to construct, use, maintain, or continue the existence of an illicit connection. Illicit connections may be terminated by order of the City Manager without prior notice.

**Sec. 25-273. Suspension of MS4 Access.**

- (a) The City Manager may, without prior notice, issue an emergency order suspending MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. If the person who receives the suspension order fails to comply, the City Manager may take steps to prevent or minimize damage to the MS4 or to minimize danger to the public.
- (b) Access may not be reinstated without written approval from the City Manger.

**Sec. 25-274 – 25-279. Reserved.**

DIVISION 3. CONSTRUCTION STORM WATER MANAGEMENT-  
POST-CONSTRUCTION STORM WATER MANAGEMENT

**Sec. 25-280. Construction Site.**

(a) A construction site includes all areas where construction activity, which is all or part of a common development or project, are occurring, proposed to occur, or have occurred, irrespective of whether that construction is in compliance with this Chapter, irrespective of whether that construction activity is ongoing or temporarily suspended for any purpose, and irrespective of whether the City Manager has granted authorization to undertake the construction activity. A construction site shall encompass:

- (1) All land and surface water areas where construction activities of any type, including all areas of land surface disturbed by or as a consequence of the construction activities or other activities in support of the construction activities, are undertaken as part of a common plan of development or project;
- (2) All areas of land to be disturbed by construction of a common plan of development or project, irrespective of whether such construction is undertaken or planned to be undertaken in one phase or stage or different phases or stages and irrespective of whether such construction is undertaken or planned to be undertaken at different, separate, or simultaneous times;

- (3) All areas of land where the land is to be disturbed by construction of a common plan of development or project, irrespective of whether undertaken at contiguous or separate locations within the general area encompassed by the common plan of development or project, provided such boundary lies on or is within the boundary of property collectively owned or leased by one or more parties undertaking any or all of the construction activities; and
- (4) All areas of ongoing, temporarily suspended, yet-to-be undertaken, and completed construction encompassing the totality of the construction activities, irrespective of whether any or all the construction activities are within compliance with this chapter.

(b) The City Manager shall have the right to redefine, for purposes of compliance with this chapter, the limits of a construction site in extent and amount necessary and sufficient in the judgment of the City Manager to prevent the actual or potential discharge of pollutants from the construction site to the MS4 or waters of the U.S., provided the limits lie on or within the boundary of property collectively owned or leased by one or more operators undertaking any or all of the construction activities at the site.

(c) A construction site shall cease to be a construction site only at such time that all requirements for closure of the construction site as specified by this chapter and in the storm water permit have been met, at which time the storm water permit will automatically terminate.

(d) The storm water permit coverage will automatically terminate two (2) years after the permit issuance date. If a permit is needed beyond the termination or expiration date, a new permit must be issued.

(e) A construction site for which active and ongoing on-site construction activities have halted for a period of twenty-one (21) continuous calendar days and for which proper closure actions as required by this chapter have not been conducted, shall be considered in violation of this chapter, unless the construction site owner and/or operator has demonstrated to the satisfaction of the City Manager that:

- (1) Such lack of active and ongoing on-site construction activity is a result of only temporary suspension of activities; and
- (2) Temporary stabilization practices were initiated no later than fourteen (14) calendar days after the site becoming inactive.

(f) Any and all owners and/or operators of a construction site and any and all other persons undertaking construction activities as a contractor or subcontractor at a construction site shall use best management practices to control, reduce, and prevent, to the maximum extent practicable, the discharge of pollutants to the MS4 and/or waters of the U.S. The discharge of pollutants to the MS4 and/or waters of the U.S. from activities conducted by said operator, contractor, or subcontractor include but is not limited to: sediment, silt, earth, soil, dirt, sand and gravel; lime, liquids, solids, and semi-solids used for soil treatment, preparation, or amendment; concrete, slurries, grout, tar, and asphalt; construction vehicle and/or equipment cleaning wash waters; construction vehicle cleaning and wash waters; construction vehicle maintenance fluids such as

hydraulic fluids, lubricants, fuels, brake fluids, and coolants; hazardous or extremely hazardous materials; materials resulting from repair, renovation, or demolition such as concrete, reinforcing bar, steel, wire, tar paper, roofing materials, sheet rock, plaster, wood, cellar dirt and carpeting; residual and surplus construction materials; paint thinner, paint equipment cleaner and wastewater from the cleaning of painting equipment and supplies; waste construction material packaging and containers; and construction trash, debris, and waste building materials, building products, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, washout waters, spills leaks, solvents, and dewatering activities.

#### **Sec. 25-281. Adoption of the Storm Water Management Guidance Document.**

The Brazoria County Storm Water Quality Coalition MS4 Construction Guidance Document is adopted to ensure storm water entering the navigable waters of the United States from the city's municipal separate storm sewer system does not violate the terms of the city's storm water national pollution discharge elimination system permit. The guidance document contains suggested best management practices that owners, developers, and contractors should consider adopting to help control and reduce pollutants that are transported by storm waters and technical guidance related to erosion and sediment controls and other measures to reduce pollutants from new construction projects. **The manual can be found at <http://www.alvin-tx.gov>.**

#### **Sec. 25-282. Storm Water Permit.**

(a) The owner and/or operator of a construction site must apply for a Storm Water Permit at least ten (10) days prior to the start of any construction activity. Construction must be started no later than (180) calendar days after the date the Storm Water Permit is issued. Failure to begin within 180 calendar days shall render the Storm Water Permit void.

(b) The Storm Water Permit must be posted at the construction site.

(c) The owner and/or operator of a construction site may apply for a change in the date of commencement of construction or the date of termination of construction specified in the Storm Water Permit, this application must be made at least two (2) working days prior to:

- (1) the date of the proposed change for commencement; and/or
- (2) the date of the termination date.

(d) If for any reason the Storm Water Permit is suspended, revoked, terminated, or voided, construction activity at the site shall immediately cease.

(e) Application for amendment to a Storm Water Permit can be made at any time ten (10) or more working days prior to the time identified in the Storm Water Permit for completion of construction activities, provided the person(s) making application is not in violation of this Chapter. An appropriately modified Storm Water Quality Plan shall also be provided at the time of application for amendment to the City Manager. Construction undertaken in accordance with the amended Storm Water Permit shall not commence until the amendment is approved by the City Manager. Approval of such amendment does not relieve the applicant or owner and/or operator from any or all administrative enforcement remedies, judicial enforcement remedies, enforcement actions, or other remedies allowed by law.

(f) In the event that the operator of the construction site changes within ten (10) working days of the change, any and all Storm Water Permits, and Storm Water Quality Plans, permits, plans, or notices must be amended to reflect the name of the new operator.

**Sec. 25-283. Same – contents.**

(a) The Storm Water Permit shall contain the following:

- (1) Storm Water Quality Plan;
- (2) Address or other description of location of the construction site;
- (3) Name, address, and telephone number of the construction site owner and/or operator and the operator's on-site representative, either the property owner or lessee, and name and address of general construction contractor, if different from property owner or lessee;
- (4) Earliest date of commencement of construction activity;
- (5) Proposed dates of termination of construction activity, completion of final stabilization activities, and closure of the site;
- (6) Any other information the City Manager may deem necessary; and
- (7) Certification by the applicant for the Storm Water Permit that the information provided on the Storm Water Permit application is true and accurate.

**Sec. 25-284. Same – exemptions.**

Exemptions from the requirements for a Storm Water Permit and Storm Water Quality Plan shall apply for the following situations or conditions:

- (1) The construction activity is undertaken at a single or multiple family residential property site for the sole purpose of maintenance of the residential property site; and
- (2) The construction is necessary on an emergency basis because of imminent harm or endangerment to the public or environment, in which case the construction may be continued only so long as such imminent harm or endangerment or threat of harm or endangerment exists.

**Sec. 25-285. Same – waiver.**

(a) The City Manager may provide a waiver to the requirement for a Storm Water Permit upon the written request of the owner and/or operator seeking such waiver. The waiver is to be provided only if the construction for which waiver is sought is demonstrated to the satisfaction of the City Manager to meet all of the following conditions:

- (1) The waiver will not contribute to a violation of this Chapter or any permit or license the City may hold to discharge storm water;

- (2) The construction activity is of such size, extent, magnitude, or location as to neither allow, cause, or have potential to cause a significant discharge of sediments or other pollutants to the City's MS4 or waters of the U.S.;
- (3) There is a compelling public interest for issuance of a waiver;
- (4) It is in the general interest of the health and safety of people in the City or protection of the environment that such waiver be provided, such interest not to be based upon cost or economic considerations; and
- (5) Other such conditions the City Manager may deem necessary to ensure that significant discharge of sediment and other pollutants does not occur.

**Sec. 25-286. Storm Water Quality Plan.**

(a) The Storm Water Quality Plan shall be prepared in accordance with the Brazoria County Storm Water Quality Coalition MS4 Construction Guidance Document and Best Management Practices (BMPs). The objective of the plan is to identify potential sources of pollution, including sediment, which will affect the quality of storm water discharges associated with construction and development. The plan must describe the implementation of BMPs that will be used to reduce the pollutants in storm water discharges associated with construction and post-development runoff. Storm Water Quality Plans shall be retained on site during the course of construction and shall be available for inspection by the City upon request.

(b) Contents of Storm Water Quality Plan

(1) Site Description

- a. Total area of the site, and total disturbed area, including off-site staging/storage areas;
- b. A description of the existing vegetation at the site, including coverage;
- c. The location of other sources of pollution, such as vehicle fueling, storage of chemicals, concrete washout areas, etc.; and
- d. The name of the receiving water(s) and description of any outfalls (size, type, and location), if the discharge is to a MS4, the name of the system, the location of the storm sewer discharge, and the ultimate receiving water(s).

(2) Construction Documents

- a. A description of the construction activity;
- b. A copy of the development plans; and
- c. Construction schedule.

(3) Best Management Practices (BMPs)

- a. The BMPs must include locations and descriptions of control measure for each phase of development, including before clearing and grading activities begin; during all phases of construction; and post-construction/post development.

#### (4) Control Measures

- a. Construction phase control measures should include, but are not limited to, the following:

- (1) Temporary Sediment Control Measures

- (a) silt fence
- (b) sand bag berms
- (c) hay bales
- (d) check dams
- (e) interceptor swales/dikes

- (2) Temporary Stabilization Measures

- (a) temporary seeding
- (b) erosion control blankets/matting
- (c) mulch/compost
- (d) temporary sodding

- (3) Final Stabilization Measures

- (a) permanent seeding
- (b) permanent sodding
- (c) impervious surfaces

(c) Post-Construction Phase control measures ~~shall~~ must be incorporated into the Storm Water Quality Plan **where necessary** to preserve pre-development hydrologic regimes. These control measures do not apply to residential home construction. Post-construction phase control measures should include, but are not limited to, the following:

- (1) Velocity Dissipation Measures

- (a) On-Site
  - (i) vegetated swales
  - (ii) check dams
  - (iii) vegetated filter strips
  - (iv) level spreaders
  - (v) velocity dissipation structures
- (b) Off-Site
  - (i) surrounding local topography
  - (ii) concrete-lined drainage channels
  - (iii) low velocity drainage channels

- (2) Pre-development Peak Flow Preservation

- (a) On-Site
  - (i) detention basins/ponds

- (ii) constructed wetlands
- (iii) bio-retention
- (iv) wet basins

(b) Off-Site

- (i) in-line detention
- (ii) outfall pump systems
- (iii) off-site (regional) detention
- (iv) low velocity drainage channels

(3) Non-Structural Controls

- (a) adequate litter trash services/receptacles
- (b) street/parking lot sweeping cleaning as necessary

(d) Long Term Maintenance of On-Site Post-Construction Control Measures.

- (1) For new and significant redevelopment projects that are determined by the City to require on-site control post-construction control measures such as detention ponds, constructed wetlands, bio-retention systems, the developer or the person or persons who will be responsible for the maintenance of the control measures shall execute an affidavit that states that post-construction control measures shall be in place and maintained for as long as required.
- (2) The affidavit must be submitted to the City Manager no later than ten (10) calendar days before the commencement of construction activities and will serve as a legal commitment to the City.
- (3) The City Manager may also require that a Maintenance Bond be issued to ensure the maintenance is performed according to the said legal commitment.

(e) Inspections

The plan shall provide that qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, best management practices shall be modified as appropriate, and as soon as is practicable.

(f) Revisions to Storm Water Quality Plan

- (1) The Storm Water Quality Plan shall accurately reflect site conditions and the construction activities proposed to be undertaken. Revisions necessary to maintain an accurate and up-to-date Storm Water Quality Plan shall be made in a timely fashion but in no case later than two (2) working days after the occurrence of conditions or activities requiring such revisions.
- (2) If the conditions or activities described by a Storm Water Quality Plan revision could be reasonably expected to result in an increase in the actual or potential discharge of pollutants from the site, such revision must be approved by the City Manager prior to implementation of the proposed revision.
- (3) If the City Manager does not approve or reject of the revision within ten (10) working days, the revision(s) shall be assumed to be approved.

**Sec. 25-287. Storm Water Pollution Prevention Plan (SWP3)**

(a) For a construction site that is one (1) or more acres but less than five (5) acres, or is five (5) or more acres and that is required by state or federal regulation to have a SWP3, the SWP3 shall be prepared in accordance with applicable state and federal regulations.

(b) Any SWP3 required by federal or state regulation shall be retained on site during all phases of construction and a copy must be submitted to the city/county. Failure to produce such required SWP3s shall be grounds for issuance of a stop work order.

(c) The City Manager may require additional information, plans, or specifications in a SWP3 for a construction site if the City Manager determines such additional information, plans, or specifications are necessary to prevent the discharge of pollutants to the MS4 or waters of the U.S.

**Sec. 25-288 - 25-295. Reserved.**

DIVISION 4. CIVIL ENFORCEMENT

**Sec. 25-296. Responsibility of other entities.**

(a) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and individually responsible for compliance with the requirements in this section.

(b) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract, for implementing a best management practices control measure, is jointly and individually responsible for any willful or negligent failure on his/her part to adequately implement that control measure.

**Sec. 25-297. Right of Entry.**

The City Manager and/or appointed representative may, where reasonable cause exists, with or without a warrant, enter upon any property for examination of the same to ascertain whether a

violation of the requirements of this chapter exists and shall be exempt from any legal action or liability on account thereof.

**Sec. 25-298. Stop Work Order.**

(a) Whenever the City Manager determines that there is a violation on a construction site of any provision of this chapter, or any order issued hereunder, the City Manager may issue a Stop Work Order (SWO) for that construction site.

(b) Unless express written exception is made by the City Manager, the SWO shall prohibit any and all further construction activity at the site, and shall bar any further inspection or approval by the City of any work associated with a building permit, Storm Water Permit, or any other City approval necessary to commence construction or to assume occupancy at the site.

(c) Issuance of a SWO shall not be a bar against, or a prerequisite for, taking any other action against the construction site owner and/or operator.

**Sec. 25-299. Notification of violation (NOV)**

(a) When the City Manager finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, the City may serve upon that person a written NOV. Within ten (10) calendar days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention of recurrence thereof, including specific required actions, shall be submitted by the alleged violator to the City Manager. If the alleged violator denies that any violation occurred, or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the City Manager within ten (10) calendar days of receipt of the notice.

(b) Submission of an explanation or plan in no way relieves the alleged violator of liability for any violations of this Chapter or any state or federal regulation occurring before or after receipt of the NOV.

(c) Nothing in this section shall limit the authority of the City Manager to take any action, including emergency action or any other enforcement action, without first issuing a NOV.

**Sec. 25-300. Consent orders.**

The City Manager may enter into Consent Orders, assurances of voluntary compliance, or other written agreements with the owner and/or operator for noncompliance with any provision in this chapter or any order issued hereunder. Such agreements may include specific action to be taken to correct the noncompliance within a time period specified by the agreement. Such agreements shall have the same force and effect as administrative orders issued pursuant to this chapter and shall be judicially enforceable.

**Sec. 25-301. Compliance order.**

(a) When the City Manager finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, the City Manager may issue a

Compliance Order to the violator directing that the violator come into compliance with this chapter within a specified time limit. Compliance Orders also may contain other requirements to address the noncompliance, including self-monitoring and implementation of best management practices designed to minimize the amount of pollutants discharged to the MS4 and waters of the U.S.

(b) A Compliance Order does not relieve a person of liability for any violation, including any continuing violation.

(c) Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, any other action against the violator.

### **Sec. 25-302. Remediation, abatement and restoration orders.**

(a) When the City Manager finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, and the City Manager has reasonable evidence to suspect that such a violation has adversely affected the MS4 or waters of the U.S., the City Manager may issue a Remediation, Abatement and Restoration Order to the violator directing said violator to undertake and implement any appropriate action the City Manager may designate to remediate or abate any adverse effects of the violation upon the MS4, and to restore any part of the MS4 within the City that has been harmed. Such remediation, abatement, and restoration actions may include but shall not be limited to:

- (1) Monitoring, assessment, and evaluation of the adverse effects and determination of the appropriate remedial, abatement, or restoration actions;
- (2) Confinement, removal, cleanup, treatment, and disposal of any discharged or released pollution or contamination.
- (3) Prevention, minimization, or mitigation of any damage to the public health or the environment that may result from the violation; and
- (4) Restoration or replacement of City property or natural resources damaged by the violation.

(b) The Remediation, Abatement, and Restoration Order may direct that the remediation, abatement, or restoration be accomplished on a specified compliance schedule and be completed within a specified period of time.

(c) The cost for preparation, implementation, construction, and maintenance of any remediation, abatement, or restoration as may be ordered by the City Manager shall be borne by the person to whom the City Manager has issued such order.

(d) An order issued under this subsection does not relieve the violator of liability for any violation, including any continuing violation.

(e) Issuance of an order under this subsection shall not be a bar against, or a prerequisite for, taking any other action against any responsible party.

### **Sec 25-303. Emergency cease and desist orders**

(a) When the City Manager finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the violation(s) has caused or contributed to an actual or threatened discharge to the MS4 or waters of the U.S. which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City Manager may issue an Emergency Cease and Desist Order to the violator directing said violator to immediately cease and desist all such violations and directing the violator to:

- (1) Immediately comply with all Chapter requirements;
- (2) Terminate any discharges which the City Manager determines to present an imminent or substantial endangerment to persons or to the environment; and
- (3) Take such appropriate preventative action as may be needed to properly address a continuing or threatened violation, including immediately halting operations, terminating the discharge or both

(b) Any person to which an Emergency Cease and Desist Order has been directed, shall, upon receipt of such Order, immediately take action to stop or eliminate the endangering discharge. In the event of said person's failure to immediately comply voluntarily with said Order, the City Manager may take such action(s) as deemed necessary to prevent or minimize harm to the MS4 or waters of the U.S. or endangerment to persons or to the environment. Such actions may include, but are not limited to, immediate termination of water supply, sewer connection or other municipal utility service provided to said person; to any facility owned, leased or operated all or in part by said person; or to any site for which said person is all or in part an owner or lessee.

(c) The City Manager shall allow the person to whom an Emergency Cease and Desist Order has been issued to recommence discharges when the City Manager determines that the period of endangerment has passed, unless further termination proceedings are initiated against the person to whom the order was issued.

(d) A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a written statement, in a form as may be acceptable to the City Manager, describing the causes of the harmful discharge and measures taken or to be taken within a timely fashion to prevent any future occurrence, to the City Manager within fourteen (14) calendar days of receipt of the emergency order.

(e) Issuance of an Emergency Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

#### **Sec. 25-304. Appeals**

(a) Any person adversely affected by a decision under this chapter, with the exception of a citation, may appeal the decision to the City Manager or the City Manager's designee within fifteen (15) calendar days from the date of the adverse decision. The appeal must be in writing and set forth specifically why the decision should be considered for relief.

(b) The effect of any order, except for an emergency cease and desist order, shall be stayed pending the appeal unless the City Manager makes a written determination to the contrary. An emergency cease and desist order shall not be stayed pending appeal.

(c) Within fourteen (14) calendar days of the appeal, the City Manager, or designee, shall either (1) grant the petition and withdraw or modify the order; (2) deny the petition if there is no material issue of fact; or (3) schedule a hearing on the petition. Written notice of the hearing shall be sent to the appellant. At the hearing, any interested party may present evidence and testify.

(d) After the hearing, the City Manager shall grant the petition and withdraw or modify the order or deny the petition.

(e) The City Manager's ruling shall be final.

#### DIVISION 5. CRIMINAL PENALTIES

##### **Sec. 25-305. Violations of chapter.**

Any person who violates a provision of this chapter or any order issued hereunder shall be subject to a fine as set forth in Section 1-5 of the City of Alvin Code of Ordinances. No culpable mental state is required.

##### **Sec. 25-306. Public nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisances may be taken.

##### **Sec. 25-307. Remedies not exclusive.**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law.

#### DIVISION 6. FEES

##### **Sec. 25-308. Fees**

(a) The City may adopt reasonable fees for reimbursement of costs of implementing this chapter, which costs may include, but not limited to, the following:

- (1) Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;

- (2) Fees for issuance of permits;
- (3) Fees for review of notices and plans for construction, termination of construction, and storm water pollution prevention control, irrespective of any acceptance or rejection of such notices or plans by the City Manager;
- (4) Fees for conduct of site inspections by the City when requested by an operator of a site or facility, irrespective of whether such inspection is required by this chapter;
- (5) Fees for site inspection by the City pursuant to determination of compliance to conditions of a conditional notice of termination of construction;
- (6) Fees for responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants; and
- (7) Other fees as the City may deem necessary to carry out the requirements contained in this chapter.

(b) The fees shall be those set forth in Chapter 28 of this code.

(c) The storm water permit fees and the fees for spills relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City.

**Section 2.**     **Penalty.** Any person, firm or corporation violating a provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with Section 1-5 of this chapter of the Code of Ordinances.

**Section 3.**     **Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 4.**     **Publication.** The City Clerk of the City of Alvin is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the Charter of the City of Alvin, Texas.

**Section 5.**     **Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of *Chapt. 52, Tex. Loc. Gov't. Code and the City of Alvin Charter.*

**Section 6.**     **Open Meetings Act.** It is hereby officially found and determined that the meeting at which this ordinance 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.*

**PASSED** on the first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED** on the second and final reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

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

### **Contractor Agreement Language**

I hereby acknowledge that I am aware of the storm water management program and standard operating procedures developed by (entity name) in compliance with the TPDES General Permit No. TXR040000. I agree to comply with all applicable best management practices and standard operating procedures while conducting my services for (entity name). I agree to conduct all services in a manner that does not introduce illicit discharges of pollutants to streets, storm water inlets, drainage ditches or any portion of the drainage system. The following materials and/or pollutant sources must not be discharged to the drainage system as a result of any services provided:

1. Grass clippings, leaves, mulch, rocks, sand, dirt or other waste materials resulting from landscaping activities, (except those materials resulting from ditch mowing or maintenance activities)
2. Herbicides, pesticides and/or fertilizers, (except those intended for aquatic use)
3. Detergents, fuels, solvents, oils and/or lubricants, other equipment and/or vehicle fluids,
4. Other hazardous materials including paints, thinners, chemicals or related waste materials,
5. Uncontrolled dewatering discharges, equipment and/or vehicle wash waters,
6. Sanitary waste, trash, debris, or other waste products
7. Wastewater from wet saw machinery,
8. Other pollutants that degrade water quality or pose a threat to human health or the environment.

Furthermore, I agree to notify (entity name) immediately of any issue caused by or identified by (contractor name) that is believed to be an immediate threat to human health or the environment.



# AGENDA COMMENTARY

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**Meeting Date:** 10/1/2015

**Department:** Engineering

**Contact:** Michelle Segovia, City Engineer

**Agenda Item:** Consider a variance request from Eric Bateman to waive the sidewalk requirement of Section 21-42 of the Code of Ordinances, for the twelve lots (at the northwest corner of W. Willis Street and N. Sixth Street) within Block 43 of Easton's Addition.

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**Type of Item:**  Ordinance 1<sup>st</sup> Reading  Ordinance 2<sup>nd</sup> Reading  Resolution  Public Hearing  Discussion & Direction

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**Summary:** On September 9, 2015 the Engineering Department received a variance request from Mr. Eric Bateman, for a waiver to the sidewalk requirement of Section 21-42 of the City Code of Ordinances. Mr. Bateman and his business partner Mr. Todd Horman are proposing to build 12 homes on the previously platted lots in Block 43 of Easton's Addition Subdivision located at the northwest corner of the intersection of W. Willis and N. Sixth Street. As a condition of this development, a four foot wide concrete sidewalk is required to be constructed across all public street frontages. Mr. Bateman is requesting a waiver from the sidewalk requirement due to there being ditches along all street frontages, as well as, large trees along the Willis Street frontage causing the sidewalk to be placed 18'-20' from the edge of the road pavement and well into the front yards of the homes. The nearest existing sidewalks are approximately 5 blocks away along W. Adoue Street.

The City Planning Commission, after considerable discussion, unanimously denied this variance request on September 15, 2015. The Commission's primary reasons for denying the variance were the need for sidewalks in the area due to the amount of pedestrian traffic and the fact that the residents of the twelve new homes being constructed by Mr. Bateman would benefit from having a sidewalk in front of their homes.

The Engineering Department is currently working on a Sidewalk Master Plan that will be presented at a future meeting. On a previously considered matter of the same subject, Council agreed to postpone the sidewalk requirement until the Sidewalk Master Plan is enacted.

\* Even though the Planning Commission denied this variance request, the City's ordinance requires that the matter be brought before the City Council for council consideration.

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**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Account Number:** \_\_\_\_\_ **Amount** \_\_\_\_\_

**Legal Review Required:** N/A  Required  **Date Completed** 9/17/2015

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**Supporting documents attached:**

- Variance Request Letter
  - Aerial Map of the Property
  - Sec. 21-4
- 

**Recommendation:** Move to postpone the sidewalk requirement until the Sidewalk Master Plan is enacted.

Or, move to approve the sidewalk variance as requested by Eric Bateman.

If approving, state City Council’s “Findings” of the probable effect of this variance upon traffic conditions and upon public health, safety, convenience and welfare in the vicinity pursuant to Sec.21-4 of the City Code.

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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

## Request for Variance

### Legal Description of Corner lots:

Lots Block 43, Easton's addition to the City of Alvin, Brazoria County Texas according to the map or plat thereof recorded in Volume 32, Page 26 of the Deed Records of Brazoria County Texas.

September 8, 2015

To City of Alvin  
Michelle H. Segovia, P.E., CFM  
City of Alvin – City Engineer  
1100 W. Highway 6  
Alvin, Texas 77511

We are in final phase of quotes to run utilities to the properties and submitting engineering plans to the City of Alvin to develop 12 lots on the listed property. These homes will be well built, permanent structures to enhance that area of Alvin. These 12 homes will provide an opportunity for those interested in Alvin's established family community to own a nice, affordable, single family home.

### **The request for variance - Sidewalks**

We are requesting approval to omit sidewalks to all 12 lots to block 43, Easton's Addition. It is our understanding that the city ordinance requires that sidewalks be installed at all new construction before a certificate of occupancy will be issued. Please consider the following points for the variance to sidewalks for new constructions as we work to keep the existing trees, conform to the existing area without sidewalks and prevent placing the sidewalks too close to the houses or ditches.

- The homes built on these lots will be facing Willis and Phillips Streets. There are large mature trees along Willis Street. It has been our intent to keep as many of these trees as possible. In order to install sidewalks it would require removing the trees or placing the sidewalk in the middle of the front yards along Phillips Street and would put the sidewalk within feet of the front of the house. The placement of the ditch also prevents the sidewalk from being placed on the other side of the trees. The ditch incline next to the sidewalk could cause continuous maintenance issues, due to erosion and unsafe conditions with the sidewalk.
- In the area of 6<sup>th</sup> and Willis there are no other sidewalks in the surrounding area. This is not a thoroughfare for any pedestrian locations like a school or park and would require sidewalks in an area where none currently exist. See picture below.

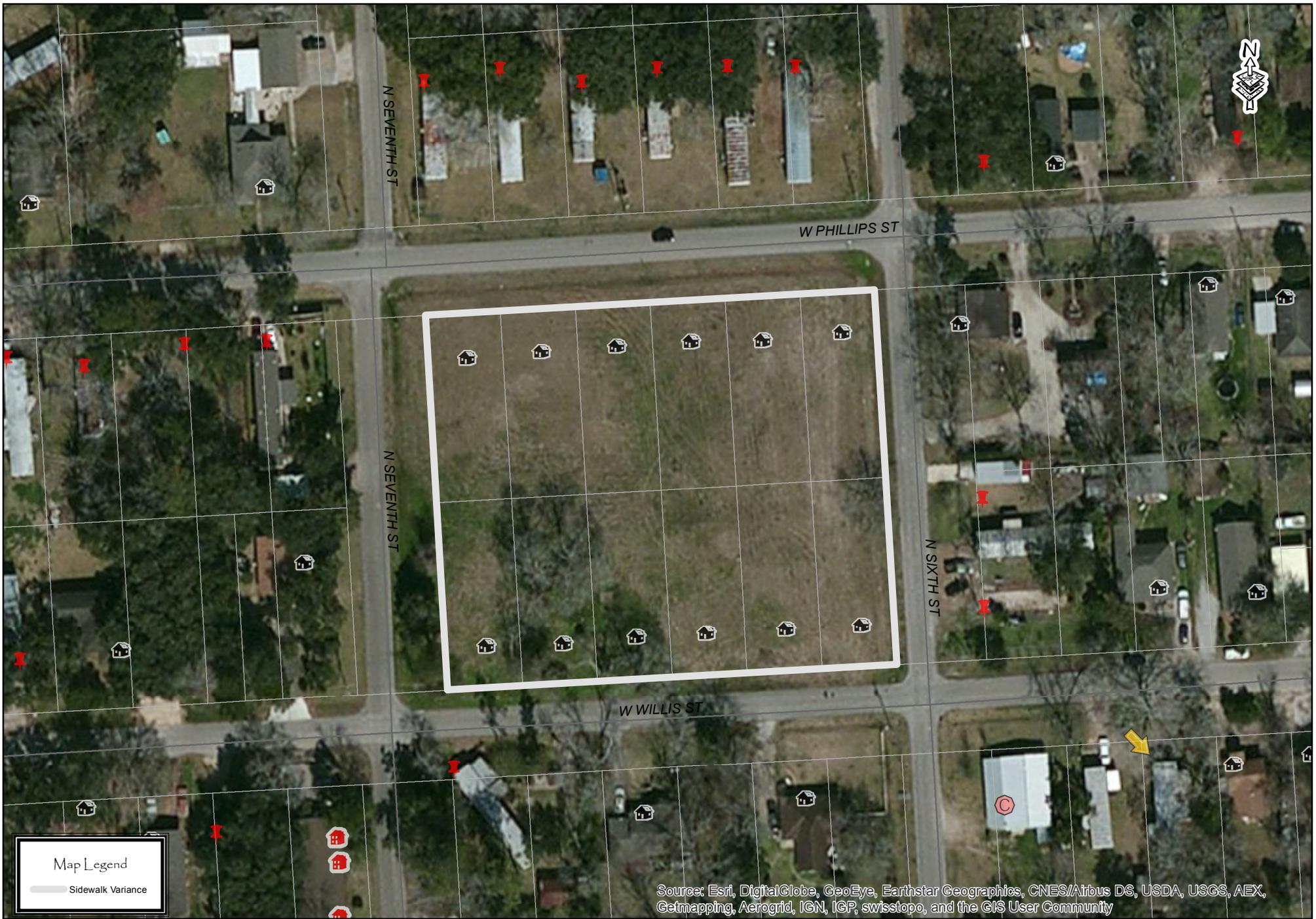


time of submission, but is not a personal guarantee to the accuracy of the information contained in this request for variance.

Please direct all questions or concerns to the following:

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Todd Horman or Eric Bateman  
Managing Partners  
Goal line investments, LLC  
281-513-8299  
tjhorman@gmail.com



*W Phillips St & W Willis St @ N Sixth St & N Seventh St Development  
Sidewalk Variance*

Sec. 21-4. - Variances.

Upon written request, city council may authorize a variance from this chapter. An applicant for a variance shall pay a non-refundable fee, in an amount provided for in the fee schedule in chapter 28.

In granting a variance, the council shall prescribe those conditions it deems necessary or desirable to the public interest. In making the findings hereinabove required, the council shall take into account the nature of the proposed use of the land involved, the existing use of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon public health, safety, convenience and welfare in the vicinity.

Any variance request shall first be reviewed by the planning commission, with a recommendation to city council.

(Ord. No. 02-AA, § 1, 6-20-02; Ord. No. 06-WW, § 3, 12-21-06; Ord. No. 12-UU, § 2, 11-1-12)



# AGENDA COMMENTARY

**Meeting Date:** 10/1/2015

**Department:** Engineering

**Contact:** Michelle Segovia, City Engineer

**Agenda Item:** Consider a variance request from Michael Weeks, Broker/Owner of Weeks Realty & Investment, to waive the sidewalk requirement of Section 21-42 of the Code of Ordinances, for the 14 lots (at the northwest corner of W. Willis Street and N. Hill Street) within the Amended Plat of A.C. Wade's Addition.

**Type of Item:**  Ordinance 1<sup>st</sup> Reading  Ordinance 2<sup>nd</sup> Reading  Resolution  Public Hearing  Discussion & Direction

**Summary:** On August 31, 2015 the Engineering Department received a variance request from Mr. Michael Weeks, for a waiver to the sidewalk requirement of Section 21-42 of the City Code of Ordinances. Mr. Weeks is currently building 14 homes on the previously platted lots in the amended plat of A.C. Wade's Addition located at the northwest corner of the intersection of W. Willis and N. Hill Streets. As a condition of this development, a four foot wide concrete sidewalk is required to be constructed across all public street frontages. Mr. Weeks is requesting a waiver from the sidewalk requirement due to there being ditches along all street frontages, as well as, large trees along the Willis and Phillips Street frontages causing the sidewalk to be placed 20' from the edge of the road, well into the front yards of the homes. There are currently sidewalks on the south side of W. Willis Street across from these lots.

The City Planning Commission, after considerable discussion, unanimously denied this variance request on September 15, 2015. The Commission's primary reasons for denying the variance were the need for sidewalks in the area due to the amount of pedestrian traffic and the fact that the residents of the fourteen new homes being constructed by Mr. Weeks would benefit from having a sidewalk in front of their homes.

The Engineering Department is currently working on a Sidewalk Master Plan that will be presented at a future meeting. On a previously considered matter of the same subject, Council agreed to postpone the sidewalk requirement until the Sidewalk Master Plan is enacted.

\* Even though the Planning Commission denied this variance request, the City's ordinance requires that the matter be brought before the City Council for council consideration.

**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Account Number:** \_\_\_\_\_ **Amount** \_\_\_\_\_

**Legal Review Required:** N/A  Required  **Date Completed** 9/17/2015

**Supporting documents attached:**

- Variance Request Letter
  - Aerial Map of the Property
  - Sec. 21-4
- 

**Recommendation:** Move to postpone the sidewalk requirement until the Sidewalk Master Plan is enacted.

Or move to approve the sidewalk variance as requested by Michael Weeks.

If approving, state City Council’s “Findings” of the probable effect of this variance upon traffic conditions and upon public health, safety, convenience and welfare in the vicinity pursuant to Sec.21-4 of the City Code.

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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

**REQUEST FOR VARIANCE**

Legal Descriptions of LOTS:

Lots 3 – 10, Block 4, and Lots 1 – 6, Block 7, AMENDED PLAT of A.C. WADE'S ADDITION, a subdivision in Brazoria County, TX according to the map or plat thereof recorded in Volume 2, Page 55, of the Map Records of Brazoria County, TX

August 28th, 2015

TO: City of Alvin  
Michelle H. Segovia, P.E., CFM  
*City of Alvin – City Engineer*  
1100 W. Highway 6  
Alvin, Texas 77511

We are currently in the process of building fourteen (14) single-family 3/2/1 homes on the lots mentioned above. These homes will be attractive, well built, requiring very low maintenance, and an asset to the community and city of Alvin. Our goal is to represent to others that the City of Alvin is an attractive opportunity for anyone interested in a high quality single family home, in a friendly living environment, and within a wonderfully established family community.

This request for variance is for approval to not install new sidewalks along these 14 new homes. For the reasons that will be described below, we believe it is infeasible to add sidewalks. It is our understanding from reading the Code of Ordinances City of Alvin, Texas that sidewalks are required to be installed at all new construction inside the City limits before a Certificate of Occupancy will be issued.

We are proposing to allow a variance for these 14 lots. There are several issues dictating this need for variance, as shown and listed below.

- The homes built on these lots will be facing Willis and Phillips Streets. Looking at the pictures below, it is evident there are many beautiful oak trees and other trees that line Willis and Phillips. It has been our intent to keep as many of these beautiful trees as possible. The problem though is that to keep these trees, it would require that the new sidewalks be installed in the middle of the front yard of these new homes, a mere few feet from the front door. Looking at Figure 1 below which is a picture of Phillips street taken from Lee street facing East, you can see that almost immediately after you step off the edge of the street, the ditch begins. Then, as soon as the ditch rises again on the other side to flat land, the row of trees exists. There is not enough space here to install sidewalks and any attempt to install the sidewalks along the ditch incline would result in constant soil erosion and the sidewalks falling off and would require constant maintenance by the city. Therefore, the only option is to install the sidewalks on the backside of the trees. Looking again at Figure 1 you can see this results in a sidewalk in the middle of the front yard. It is our belief that this would not be a practical or aesthetically pleasing location for the new sidewalks.



Figure 1 - Phillips Street

Figure 2 below shows the same situation along Willis Street as well. Standing on Willis Street and Lee Street facing east, you can see the same situation would exist here as well.



Figure 2 - Willis Street

- Another aspect worthy to note is that none of the surrounding residences have sidewalks in this area. As Figure 3 below shows, standing on Lee Street and Phillips facing west, you can see the same issue discussed above with regards to the ditch, but you can also see that none of the surrounding homes have sidewalks either. The location of these homes is set back near the train tracks and not near any schools or parks. Therefore, there is not a flux of people walking along the streets here.



Figure 3 - No existing Sidewalks

Therefore, based on the reasons stated above, we would like to request a variance.

The information and request stated above, is a representation of all applicable information made available to variance applicant at the time of its submission, and relating to the properties listed above. This information contained herein is believed to be truthful and accurate to best of my knowledge at the time of submission, but is in no way a personal guarantee as to the accuracy of the information contained herein.

Please direct all questions and concerns to the following, as listed and signed to below.

---

**Michael Weeks, PhD**

**Broker & Owner**

Weeks Realty & Investment Co., LLC

112 S. Gordon

Alvin, TX 77511

[Michael@WeeksRIC.com](mailto:Michael@WeeksRIC.com)

(832) 651-7409 Direct



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

*N. Hill St & W. Willis St Development  
Sidewalk Variance*

Sec. 21-4. - Variances.

Upon written request, city council may authorize a variance from this chapter. An applicant for a variance shall pay a non-refundable fee, in an amount provided for in the fee schedule in chapter 28.

In granting a variance, the council shall prescribe those conditions it deems necessary or desirable to the public interest. In making the findings hereinabove required, the council shall take into account the nature of the proposed use of the land involved, the existing use of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon public health, safety, convenience and welfare in the vicinity.

Any variance request shall first be reviewed by the planning commission, with a recommendation to city council.

(Ord. No. 02-AA, § 1, 6-20-02; Ord. No. 06-WW, § 3, 12-21-06; Ord. No. 12-UU, § 2, 11-1-12)



# AGENDA COMMENTARY

**Meeting Date:** 10/1/2015

**Department:** EMS

**Contact:** Ron Schmitz

**Agenda Item:** Consider Resolution 15-R-20; appointing a new Alvin Emergency Medical Services (EMS) Medical Director in accordance with Chapter 2, Article X of the Alvin Code of Ordinances.

**Type of Item:**  Ordinance 1<sup>st</sup> Reading  Ordinance 2<sup>nd</sup> Reading  Resolution  Public Hearing  Discussion & Direction

**Summary:** The Texas Department of State Health Services requires all EMS providers to retain the services of a board certified physician to act as their Medical Director. The Medical Director's role is to provide oversight and guidance regarding medical care and protocol development. Dr. Abel Longoria has served in this role with distinction since 2002. Due to increasing demands in other endeavors, Dr. Longoria is finding it more difficult to meet the time needed to continue to serve as our Medical Director. Aware of our situation, Dr. Safi Madain eagerly offered his services to the City of Alvin. After many conversations, the EMS staff agrees that Dr. Madain would be an excellent fit as the City's new Medical Director. Dr. Madain is a board certified Emergency Physician and is currently the Medical Director for Adult and Pediatric Emergency Services at Clear Lake Regional Medical Center. He is familiar with our staff and patient care abilities and is excited at the prospect of being the Medical Director for Alvin EMS. His willingness to provide medical guidance, follow-up patient care, and increased training will help Alvin EMS provide the best medical care possible to the community. Mr. Madain's resume is available upon request.

**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Account Number:** 213-3503-00-3160 Amount \$6,000.00 per year

**Legal Review Required:** N/A  Required  Date Completed 9/17/2015

**Supporting documents attached:**

- Resolution 15-R-20
- Chapter 2, Article X

**Recommendation:** Move to approve Resolution 15-R-20; appointing Dr. Safi Madain as the Alvin Emergency Medical Service's (EMS) Medical Director in accordance with Chapter 2, Article X of the Alvin Code of Ordinances.

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. 15-R-20**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS APPOINTING DR. SAFI MADAIN AS THE CITY OF ALVIN'S EMERGENCY MEDICAL SERVICES MEDICAL DIRECTOR**

**WHEREAS**, according to Chapter 2 Article X of the City Code of Ordinances, the Emergency Medical Services Medical Director is a physician, appointed for two-year terms, and is responsible for establishing patient care protocols, overseeing and coordinating, in-service training to EMS personnel;

**WHEREAS**, the EMS medical director must be a licensed physician under the Medical Practice Act (~~Vernon's Ann. Civ. St. art. 4495b~~(Texas Occupations Code, Chapter 151) in good standing with the Texas State Board of Medical Examiners;

**WHEREAS**, the EMS medical director must have prior experience as either an emergency medical services medical director or hospital emergency room physician and

**WHEREAS**, this governing body desires to exercise its right to appoint Dr. Safi Madain as the City of Alvin's Emergency Medical Services Medical Director; **NOW, THEREFORE,**

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

**Section 1.** That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

**Section 2.** That the following individual be, and is hereby, appointed as the City of Alvin's Emergency Medical Service Medical Director.

\_\_\_\_\_  
Dr. Safi Madain  
\_\_\_\_\_  
4615 Miramar Dr.  
\_\_\_\_\_  
League City, Texas 77573  
\_\_\_\_\_

**Section 3.** That this resolution shall take effect immediately from and after its passage, in accordance with the provisions of the State Statutes of the State of Texas.

**Section 4. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and public notice of the time, place and

purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

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

ARTICLE X. - EMERGENCY MEDICAL SERVICES MEDICAL DIRECTOR<sup>[9]</sup>

Footnotes:

--- (9) ---

**Cross reference**— *Emergency medical services, Ch. 8½.*

## Sec. 2-160. - Term of appointment.

The emergency medical services medical director ("EMS medical director") shall be appointed for a term of two (2) years. Notwithstanding the foregoing, the city council may terminate the services of the EMS medical director at any time without cause upon thirty (30) days' notice to the EMS medical director. Furthermore, the EMS medical director may resign his/her position upon thirty (30) days' advance written notice to the city council.

(Ord. No. 96-FFFF, § 2, 11-7-96)

## Sec. 2-161. - Qualifications.

The EMS medical director must be a licensed physician under the Medical Practice Act (Vernon's Ann. Civ. St. art. 4495b) in good standing with the Texas State Board of Medical Examiners. Additionally, the EMS medical director must have prior experience as either an emergency medical services medical director or hospital emergency room physician.

(Ord. No. 96-FFFF, § 2, 11-7-96)

## Sec. 2-162. - Services performed by emergency medical services medical director.

The services of the EMS medical director shall be administrative and supervisory only and will include the following:

- (1) Establishing patient care protocol;
- (2) Overseeing and coordinating, as necessary, the providing of in-service training to EMS personnel; and
- (3) Overseeing and coordinating, as necessary, the testing of paramedic skills of EMS personnel.

All such services shall be provided within the sound discretion of the EMS medical director.

(Ord. No. 96-FFFF, § 2, 11-7-96)

## Sec. 2-163. - Compensation.

The council shall set the compensation to be paid to the EMS medical director.

(Ord. No. 96-FFFF, § 2, 11-7-96)

## Sec. 2-164. - Limitation on liability.

Decisions made by the EMS medical director in performance of the services prescribed by section 2-162 are within the sound discretion of the EMS medical director. In performing such services, the EMS medical director shall be entitled to the immunities and exceptions for liability established in state law for city officers.

(Ord. No. 96-FFFF, § 2, 11-7-96)



# AGENDA COMMENTARY

**Meeting Date:** 10/1/2015

**Department:** City Attorney

**Contact:** Bobbi J. Kacz

**Agenda Item:** Consider approval of Resolution No. 15-R-22 approving the Utility Conveyance and Security Agreement accepting the water distribution, wastewater collection and storm water facilities to serve Kendall Lakes, Sections One, Two and Five and authorize the Mayor to sign.

**Type of Item:**  Ordinance 1<sup>st</sup> Reading  Ordinance 2<sup>nd</sup> Reading  Resolution  Public Hearing  Discussion & Direction

**Summary:** This conveyance is part of the initial agreement dated Aug. 5, 2004, with the developer (Skymark). Skymark contracted with the City to obtain water supply and wastewater treatment services for their MUD district (Kendall Lakes). Developer provided for the construction and financing of the water and wastewater facilities to serve the MUD district. These services (water supply and wastewater treatment services) are to be transferred to the City for ownership, operation, and maintenance after completion. The City will now have these facilities in their City System and shall bill and collect for services from its customers within the District. All revenues from these facilities shall be the property of the City.

**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Account Number:** \_\_\_\_\_ **Amount** \_\_\_\_\_

**Legal Review Required:** N/A  Required  **Date Completed** 9/17/2015

**Supporting documents attached:** Utility Conveyance and Security Agreement

**Recommendation:** Move to approve Resolution No. 15-R-22 approving the Utility Conveyance and Security Agreement and authorize the Mayor to sign.

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

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

**RESOLUTION 15-R-22**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, APPROVING THE UTILITY CONVEYANCE AND SECURITY AGREEMENT ACCEPTING THE WATER DISTRIBUTION, WASTEWATER COLLECTION AND STORM WATER FACILITIES THAT SERVE KENDALL LAKES, SECTIONS ONE, TWO AND FIVE AND AUTHORIZE THE MAYOR TO SIGN**

**WHEREAS**, Brazoria County Municipal Utility District No. 36 (the “District”) has acquired certain improvements, structures, and facilities designed to provide water and wastewater to serve areas within the District’s boundaries and the boundaries of the City of Alvin, Texas;

**WHEREAS**, certain facilities were constructed by or on behalf of the District pursuant to a construction contract dated November 13, 2006 for the water distribution, wastewater collection, and storm water facilities to serve Kendall Lakes, Section One and Two;

**WHEREAS**, certain facilities were constructed by or on behalf of the District pursuant to a construction contract dated March 23, 2011 for the water distribution, wastewater collection, and storm water facilities to serve Kendall Lakes, Section Five;

**WHEREAS**, the District has constructed the facilities and is conveying the facilities to the City pursuant to the Utility Services Contract, dated August 5, 2004, which was assumed by the District on June 9, 2005; and

**WHEREAS**, this conveyance is made subject to the terms of that Agreement; **NOW THEREFORE**,

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

**Section 1.** That the City Council hereby approves this resolution approving the Utility Conveyance and Security Agreement regarding Kendall Lakes, Sections One, Two and Five.

**Section 2.** That the Utility Conveyance and Security Agreement shall be signed by the Mayor.

**Section 3.** That this Resolution shall take effect immediately upon its passage.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

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

UTILITY CONVEYANCE AND SECURITY AGREEMENT

STATE OF TEXAS                   §  
  §       KNOW ALL BY THESE PRESENTS  
COUNTY OF BRAZORIA         §

Brazoria County Municipal Utility District No. 36 (the "District") has acquired certain improvements, structures, and facilities designed to provide water and wastewater to serve areas within the District's boundaries and the boundaries of the City of Alvin, Texas (the "City"). For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the District hereby conveys, transfers, and delivers to the City, its successors and assigns, subject to a security interest therein, those certain facilities described as follows:

Those certain facilities constructed by or on behalf of the District pursuant to the construction contract with Reddico Construction Company, Inc., dated November 13, 2006, for the water distribution, wastewater collection, and storm water facilities to serve Kendall Lakes, Section One, and Kendall Lakes, Section Two, and the construction contract with Paskey Incorporated, dated March 23, 2011, for the water distribution, wastewater collection, and storm water facilities to serve Kendall Lakes, Section Five, and together with any improvements, structures, storm sewer mains, plants, service pumps, storage reservoirs, electrical equipment, plant equipment, distribution lines, collection lines, water mains, lift stations, meters, valves, pipes, fittings, connections, meter boxes, laterals, easements, rights-of-way, licenses, operating rights and all other property therein whether real, personal or mixed, owned by the District in connection with the facilities being conveyed hereby, SAVE AND EXCEPT detention facilities (the "Facilities"). The detention facilities shall be owned and maintained by either the District or a property owners association.

The District has constructed the Facilities and is conveying the Facilities to the City pursuant to the Utility Services Contract, dated August 5, 2004, between the City, and Skymark Land Development, Inc., on behalf of Themselves and Proposed Brazoria County Municipal Utility District No. 36, which was assumed by the District on June 9, 2005 (the "Agreement"). This conveyance is made subject to the terms of the Agreement. The District hereby reserves (and the City grants) a security interest in the Facilities to secure the capacity reserved to the District in the Facilities under the Agreement.

The District hereby assigns to the City all rights, maintenance bonds, warranties and manufacturer's warranties, if any, owned or acquired by the District for the Facilities.





# AGENDA COMMENTARY

**Meeting Date:** 10/1/2015

**Department:** City Clerk

**Contact:** Dixie Roberts

**Agenda Item:** Consider Resolution 15-R-23 designating one representative and one alternate representative to the Houston-Galveston Area Council (H-GAC) General Assembly for 2016.

**Type of Item:**  Ordinance 1<sup>st</sup> Reading  Ordinance 2<sup>nd</sup> Reading  Resolution  Public Hearing  Discussion & Direction

**Summary:** H-GAC's bylaws provide that each Home Rule city member with a population under 25,000 as of the last (2010) Federal Census, is entitled to designate one representative and one alternate to serve on the H-GAC General Assembly.

The names of the representatives appointed by City Council must be submitted to H-GAC no later than October 10, 2015.

Resolution 14-R-35 was adopted on October 2, 2014 designating Council member Adame to serve as representative and Council member Thompson as the alternate for 2015.

**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Account Number:** \_\_\_\_\_ **Amount** \_\_\_\_\_

**Legal Review Required:** N/A  Required  **Date Completed** 9/22/2015

**Supporting documents attached:**

- Resolution 15-R-23

**Recommendation:** Move to designate \_\_\_\_\_ to serve as the representative and \_\_\_\_\_ to serve as the alternate representative on the HGAC General Assembly for 2016.

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. 15-R-23**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS DESIGNATING ONE REPRESENTATIVE AND ONE ALTERNATE REPRESENTATIVE TO THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) GENERAL ASSEMBLY FOR 2016**

**WHEREAS**, H-GAC's Bylaws provide that each member Home Rule City with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one (1) representative and one (1) alternate to the 2016 H-GAC General Assembly;

**WHEREAS**, this governing body desires to exercise its right to designate the said representative and alternate representative to the 2016 H-GAC General Assembly; **NOW, THEREFORE**,

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

**Section 1.** That the facts and recitations set forth in the preamble of this resolution are hereby, adopted, ratified, and confirmed.

**Section 2.** That \_\_\_\_\_ is hereby designated as City of Alvin's Representative for the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2016.

**Section 3.** That the Official Alternate authorized to serve as the voting representative should the above named representative become ineligible, or resign, is \_\_\_\_\_.

**Section 4.** That the Executive Director of the Houston-Galveston Area Council be notified of the designation of the above named representative and alternate.

**Section 5.** That this resolution shall take effect immediately from and after its passage, in accordance with the provisions of the State Statutes of the State of Texas.

**Section 6. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

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

**Section 4.** That this resolution shall take effect immediately from and after its passage, in accordance with the provisions of the State Statutes of the State of Texas.

**Section 5. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

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



# AGENDA COMMENTARY

**Meeting Date:** 10/1/2015

**Department:** City Clerk

**Contact:** Dixie Roberts, City Clerk

**Agenda Item:** Consider Resolution 15-R-24; nominating candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District.

**Type of Item:**  Ordinance 1<sup>st</sup> Reading  Ordinance 2<sup>nd</sup> Reading  Resolution  Public Hearing  Discussion & Direction

**Summary:** This resolution is to nominate a candidate(s) to serve on the Brazoria County Appraisal Districts (BCAD) Board of Directors. Cities, school districts, and counties may nominate one or more persons to serve on the Board. The board is composed of five members who serve two-year terms, all of which expire December 31, 2015. Nominations must be made by resolution and received by the Chief Appraiser by October 15, 2015. In December, City Council will cast votes for various nominees by resolution. The Chief Appraiser will then count the votes, declare the results, and notify the five candidates who received the largest vote totals before December 31, 2015.

In 2013 the City of Alvin nominated and cast their votes for William Hasse. Mr. Hasse serves as a current member of the Board. Mayor Horn contacted Mr. Hasse, he does not wish to continue his service. However, Mr. Tommy King has expressed interest in submitting his name for nomination. Mayor Horn is making contact with Mr. King. Staff is not aware of any other interests.

**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Account Number:** \_\_\_\_\_ **Amount** \_\_\_\_\_

**Legal Review Required:** N/A  Required  **Date Completed** 9/22/2015

**Supporting documents attached:**

- Resolution 15-R-24
- Memo from BCAD Chief Appraiser

**Recommendation:** Move to approve Resolution 15-R-24; nominating \_\_\_\_\_ for a position on the Board of Directors of the Brazoria County Appraisal District.

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. 15-R-24**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS NOMINATING A CANDIDATE(S) FOR A POSITION ON THE BOARD OF DIRECTORS OF THE BRAZORIA COUNTY APPRAISAL DISTRICT**

**WHEREAS**, those eligible taxing units participating in the Brazoria County Appraisal District have the right and responsibility to nominate from one to five candidate(s) to fill the five (5) positions of the Board of Directors of the Brazoria County Appraisal District for a term of office commencing on January 1, 2016 and extending through December 31, 2017; and

**WHEREAS**, this governing body desires to exercise its right to nominate the said candidate(s) for such position on said board of directors; **NOW, THEREFORE**,

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

**Section 1.** That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

**Section 2.** That the following individuals be, and are hereby, nominated as candidate(s) for positions on the board of directors of the Brazoria County Appraisal District to be filled by those eligible taxing units participating in the Brazoria County Appraisal District for a two year term of office commencing on January 1, 2016.

\_\_\_\_\_, **if he does not wish to serve** \_\_\_\_\_

**Section 3.** That the presiding officer of the governing body of this taxing unit be, and that he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Brazoria County Appraisal District on or before October 15, 2015.

**Section 4.** That this resolution shall take effect immediately from and after its passage, in accordance with the provisions of the State Statutes of the State of Texas.

**Section 5. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

**CITY OF ALVIN, TEXAS**

By: \_\_\_\_\_  
Dixie Roberts, City Clerk

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



# AGENDA COMMENTARY

**Meeting Date:** 10/1/2015

**Department:** Public Services

**Contact:** Brian Smith

**Agenda Item:** Consider award of bid to Petroleum Traders for FY16 vehicle and equipment fuel for city vehicles and equipment, and approve a one (1) year agreement with an option to renew for one (1) year with the same terms and conditions; and authorize the City Manager to sign.

**Type of Item:**  Ordinance 1<sup>st</sup> Reading  Ordinance 2<sup>nd</sup> Reading  Resolution  Public Hearing  Discussion & Direction

**Summary:** The Public Services Department is responsible for providing fuel for the City's vehicles and equipment. In FY15, the City purchased \$222,877.63 in unleaded and diesel fuel from Petroleum Traders. For FY16 Public Services projects a need to purchase approximately \$250,000 worth of fuel. The City competitively bid out the purchase of fuel for FY16 needs. Bids were opened on September 1, 2015 after bidding documents were made available through newspaper advertisement and electronic mail. Petroleum Traders was the lowest bidder at \$+0.0019 per gallon for unleaded gasoline and +0.0128 per gallon for diesel fuel based on Oil Price Information Services (OPIS) Daily Rack Average. Petroleum Traders currently holds the agreement for Motor Vehicle & Equipment Fuel and staff is satisfied with their services. The Motor Vehicle & Equipment Fuel agreement is for one (1) year with an option to renew for one (1) year with the same terms and conditions.

**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Account Number:** 611-103205 **Amount** \$250,000

**Legal Review Required:** N/A  Required  **Date Completed** 9/22/2015

**Supporting documents attached:** Bid Tabulation and Agreement

**Recommendation:** Move to award bid to Petroleum Traders for FY16 vehicle and equipment fuel for city vehicles and equipment, and approve a one (1) year agreement with an option to renew for one (1) year with the same terms and conditions; and authorize the City Manager to sign.

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  
MOTOR VEHICLE/EQUIPMENT FUEL  
B-15-13**

<b>DATE OF BID OPENING Tuesday, September 1, 2015  2:15PM</b>	<b>BIDDER'S NAME</b>	Petroleum Traders	Southern Counties Oil Partnership	O'Rourke Petroleum	Sun Coast Resources, Inc.
		7120 Pointe Inverness Way Fort Wayne, IN 46804	PO Box 4159 Orange, CA 92863- 4159	223 McCarty St. Houston, TX 77029	6405 Cavalcade, Bldg 1 Houston, TX 77026
	<b>QUOTED BY</b>	Gayle Newton	Karen Kolp	Crystal Pickens	Terri Bateman
	<b>CONTACT</b>	Gayle Newton	Karen Kolp	Crystal Pickens	Terri Bateman
	<b>TELEPHONE</b>	800-348-3705x1002	805-389-3550	713-672-4501	713-429-6702
	<b>FAX</b>	260-207-6347	805-389-3554	713-672-9425	713-969-3383
<b>BID PRICE PER GALLON</b>					
	Unleaded Gasoline (89 Octane or higher)	+0.0019 OPIS Daily Rack Average	0.0150081	+.05 OPIS Average	+.1998
	#2 Diesel Fuel – Ultra low sulfur	+0.0128 OPIS Daily Rack Average	0.0188583	+.05 OPIS Average	+.1998



**CITY OF ALVIN**

1100 West Highway 6 ♦ Alvin, Texas 77511 ♦ (281) 388-4325 ♦ FAX (281) 388-4340

**Public Services**

October 1, 2015

Gayle Newton  
Petroleum Traders Corporation  
7120 Pointe Inverness Way  
Fort Wayne, IN 46804

RE: Motor Vehicle/Equipment Fuel Bid Agreement

This agreement shall be for one (1) year from the award date, with an option to renew this contract for an additional one (1) year term at the same terms and conditions.

Terms are as follows:

- The City of Alvin will pay \$+0.0019 per gallon for unleaded gasoline and +0.0128 per gallon for diesel fuel needed. Payment will be 30 days net invoice.
- A PAD3 report for Houston, Texas shall be provided with each invoice.
- Deliveries shall be delivered within 48 hours (maximum) after notification by the City of Alvin. If not delivered within 48 hours, City of Alvin reserves the right to purchase motor fuel from the secondary vendor.
- Insurance requirements must be submitted with agreement.  
Commercial General Liability –bodily injury \$500,000 per occurrence and property damage \$100,000 per occurrence  
Excess and umbrella liability insurance to cover excess damage of the specific coverage’s above with a limit of no less than \$2,000,000

\_\_\_\_\_  
Sereniah Breland, City Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gayle Newton, Petroleum Traders

\_\_\_\_\_  
Date



# AGENDA COMMENTARY

**Meeting Date:** 10/1/2015

**Department:** Finance

**Contact:** Junru Roland (Gabe Simpson)

**Agenda Item:** Consider the annual renewal of the Government Service Administration (GSA) Federal Supply Schedule Blanket Purchase Agreement with Verizon Wireless for cellular services in an amount not to exceed \$49,300; and authorize the City Manager to sign the GSA-Federal Supply Schedule Purchase Order.

**Type of Item:**  Ordinance 1<sup>st</sup> Reading  Ordinance 2<sup>nd</sup> Reading  Resolution  Public Hearing  Discussion & Direction

**Summary:** A Blanket Purchase Agreement is a simplified method of filling anticipated repetitive needs for supplies or services by establishing charge accounts with qualified sources of supply. The City's current contract with Verizon Wireless includes a provision for the City to participate in the General Service Administration Federal Supply Program. This program enables the city to purchase Verizon Wireless products and services at a negotiated discount rate.

The proposed Verizon Wireless GSA Federal Supply Schedule Blanket Purchase Agreement commences on October 1, 2015 and ends September 30, 2016; and would allow the City to purchase up to \$49,300 in cellular products and services. The FY16 maximum allowance (\$49,300) is based on the City's estimated number of access lines and equipment charges. The City currently has 78 units and this would allow for a maximum of 85 units. Early termination fees are waived if the City reduces the amount of equipment or services. For FY15 the maximum allowance was \$66,000.

**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Account Number:** Departmental Communication  
account numbers. Amount Not to exceed \$49,300

**Legal Review Required:** N/A  Required  Date Completed 9/17/2015

**Supporting documents attached:**

- GSA Federal Supply Schedule Purchase Order
- Federal Government Contract Summary

**Recommendation:** | Move to approve the renewal of the Government Service Administration Federal

Supply Schedule Blanket Purchase Agreement with Verizon Wireless for cellular services in an amount not to exceed \$49,300; and authorize the City Manager to sign the GSA-Federal Supply Schedule Purchase Order.

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Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager



### GSA-Federal Supply Schedule Purchase Order

Date:	September 24, 2015
Vendor:	Verizon Wireless
Address:	7600 Montpelier Road Laurel, MD 20723
Email:	<a href="mailto:VZWFederal.Implementations@VerizonWireless.com">VZWFederal.Implementations@VerizonWireless.com</a>
Phone:	1.800.561.6227
FAX:	713-219-8807
Authorized By:	Signature of Authorized Official: _____  Printed or typed name: <b>Gabriel Simpson</b> _____  Printed or typed title: <b>Information Technology Manager</b> _____
Contact Information:	Email address: <a href="mailto:gsimpson@cityhall.cityofalvin.com">gsimpson@cityhall.cityofalvin.com</a>  Phone number: (281) 388-4313                      FAX number: _____
Billing Information:	216 W Sealy Street Alvin, TX 77511 _____ _____ _____
Payment Terms:	Net 30
Description of Goods/Services; Pricing:	Cellular service on the accounts listed below (or attached) totaling 85 units in accordance with the rate plans and terms and conditions now or in the future applicable to each of such lines pursuant to GSA Federal Supply Schedule Number GS-35F-0119P, Rate Plan(s): <b>various</b> Equipment: <b>various</b>
Term:	10 /01, 2015 for 12 months through 2016 (month) (day)                      (#)                      (year)
Funds Authorized:	Monthly Access Fees for service on 85 Lines (Estimated)    \$3400 Equipment charge(s) on 85 Lines (Estimates)            \$8500 Total Access and Equipment Fees on 85 lines (Estimate)    \$49300 Plus applicable fees, taxes and charges
Contract #:	GSA Federal Supply Schedule Contract Number GS-35F-0119P
Equipment (Open Market):	None of the equipment listed are products listed on GSA Federal Supply Schedule Contract No. GS-35F-0119P. All devices and or accessories are "Open Market" items. <b>various</b>
Miscellaneous:	Specify Phones, Delivery, Etc.: <b>various, account number 0520180082-00001 &amp; 00002</b>
Customer Acceptance:	Signature: _____ Date: _____



## FEDERAL GOVERNMENT CONTRACT SUMMARY

**Contract Name:** **GSA Federal Supply Schedule (FSS)**  
**Contract #:** **GSA – FSS (GS-35F- 0119P)**  
**Contract Description:** **Nationwide – Government Agency Liability Only**

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**Federal Supply Schedules Program:**

The Federal Supply Schedules Program closely mirrors commercial buying practices. It provides ordering activities with literally millions of state-of-the-art; high-quality commercial products and services at volume discount pricing on a direct delivery basis. Ordering activities place orders directly with vendors. All ordering activities, large or small, even those in remote locations, are provided with the same services, convenience, and pricing. The Federal Supply Schedules Program also offers the benefits of shorter lead-times, lower administrative costs, and reduced inventories.

**Contract Term:** *5 years plus 3 options (potential 20yrs)  
Extension through 11/22/2015*

**Issue Date:** 12/03

**Schedule:** Group 70 I/T

**SIN:** 132-53

**Web Site:** [www.gsaadvantage.gov](http://www.gsaadvantage.gov)  
(Enter contract number GS-35F-0119P in the “Search/Browse” section and click “Go!”)

**Pricing:** *19%-25% access discount for eligible promotional or non-promotional pricing plans of \$34.99 and above*

*Equipment discount: (Open Market Government pricing)*

*Accessory discount: 25%*

**Product/Services Offering:** *Wireless Voice and Data Service  
America’s Choice for Business, America’s Choice for Business with PTT, IN Calling, PTT Unlimited, NationalAccess/Broadband Access and GlobalAccess, Field Force Manager, Fleet Administrator, QSec, WPS, Telemetry, RIM Blackberry®, Smart Phone PDA, Picture Messaging, Global voice and data plans, National and Regional voice and data pooling options, Nationwide calling plans*

**ETF Y/N:** No

**Activation Fee:** No

**Billing Options:** *Direct Bill, My Biz or VEC billing is available*



Employee line eligible: No

## FEDERAL GOVERNMENT CONTRACT SUMMARY

### **Federal Acquisitions Regulation**

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**FAR 8.4 Compliant:** Orders placed against a GSA Multiple Award Schedule (MAS) contract are **considered to be issued using full and open competition** (see FAR 6.102(d)(3)). Ordering offices need not seek further competition, synopsise the requirement, make a separate determination of fair and reasonable pricing, or consider small business programs. By placing an order against a GSA Schedule contract using the procedures in this section, the ordering office has concluded that the order represents the best value and results in the lowest overall cost alternative (considering price, special features, administrative costs, etc.) to meet the government's needs. Note: Certain additional requirements and limitations may exist for DOD customers.

**FAR Web Site:** [http://www.arnet.gov/far/current/html/Subpart\\_8\\_4.html#1046478](http://www.arnet.gov/far/current/html/Subpart_8_4.html#1046478)

**Eligible Customers:**

- (1) Executive agencies including non-appropriated fund
- (2) Government contractors authorized in writing by a Federal agency;
- (3) Mixed ownership Government corporations
- (4) Federal Agencies, including establishments in the legislative or judicial branch of government
- (5) The Government of the District of Columbia;
- (6) Authorized Tribal governments
- (7) Qualified Nonprofit Agencies;
- (8) Organizations authorized by GSA pursuant to statute or regulation to use GSA as a source of supply; and
- (9) State, local, regional or tribal governments or any instrumentality thereof (including any local educational agency or institution of higher learning)

**VZW Contract Administrator:** Clover Franklin, 240-568-2101  
Clover.Franklin@verizonwireless.com

**VZW Federal Supply Schedule Support Line:** 1-800-561-6227  
Monday – Friday / 7:00AM – 9:00PM EST

**Purchase Cards accepted:** Yes

**BPA's:** Yes (must be reviewed/approved by VZW contracts Federal Government Contracts team)

### **Cooperative Purchasing:**

Under Cooperative Purchasing, state and local entities may purchase a variety of information technology (IT) from contracts awarded under GSA Federal Supply Schedule 70, Information Technology, as well as from contracts under the Corporate Schedule containing IT special item numbers.

### **GSA- Federal Supply Schedule – Cooperative Purchasing FAQ Link:**

[http://www.gsa.gov/Portal/gsa/ep/contentView.do?faq=yes&pageTypeId=8199&contentId=8125&contentType=GSA\\_OVERVIEW](http://www.gsa.gov/Portal/gsa/ep/contentView.do?faq=yes&pageTypeId=8199&contentId=8125&contentType=GSA_OVERVIEW)



# AGENDA COMMENTARY

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**Meeting Date:** 10/1/2015

**Department:** City Clerk

**Contact:** Dixie Roberts, City Clerk

**Agenda Item:** Consider waiving the requirement in Chapter 2 Article II Section 2-21 of the Code of Ordinances that requires City Council to hold two (2) regular meetings each month, cancelling the regular City Council meeting scheduled for October 15, 2015; or reschedule the October 15, 2015 meeting for Thursday, October 22, 2015.

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**Type of Item:**  Ordinance 1<sup>st</sup> Reading  Ordinance 2<sup>nd</sup> Reading  Resolution  Public Hearing  Discussion & Direction

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**Summary:** The Brazoria County Fair will be held October 9-17, 2015. Several members of City Council are actively involved in the week long festivities. City Council is scheduled to meet in regular session on October 15, 2015. In order to circumvent a lack of a quorum, staff requests to either cancel the 2<sup>nd</sup> meeting in October, or move the October 15<sup>th</sup> meeting to October 22<sup>nd</sup>. City Council has held a meeting/special session or workshop every Thursday since July 23, 2015.

In order to cancel a meeting, City Council must waive the requirement in Chapter 2 Article II Section 2-21 of the Code of Ordinances that requires two regular City Council meetings each month. The next regular meeting is scheduled for Thursday, November 5, 2015. There are no pressing items for consideration that cannot be postponed until the November 5<sup>th</sup> meeting.

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**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Account Number:** \_\_\_\_\_ **Amount** \_\_\_\_\_

**Legal Review Required:** N/A  Required  **Date Completed** 9/17/2015

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**Supporting documents attached:**

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**Recommendation:** Move to waive the requirement of Chapter 2 Article II Section 2-21 of the Code of Ordinances requiring two (2) regular council meetings each month, cancelling the regular City Council meeting scheduled for October 15, 2015; or

Move to reschedule the regular City Council meeting scheduled for Thursday, October 15, 2015 to Thursday, October 22, 2015.

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

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