

# City of Alvin, Texas

Paul Horn, Mayor

Gabe Adame, Mayor Pro-tem, District E  
Brad Richards, At Large Position 1  
Chris Sanger, At Large Position 2  
Scott Reed, District A



Adam Arendell, District B  
Keith Thompson, District C  
Glenn Starkey, District D

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## ALVIN CITY COUNCIL AGENDA THURSDAY, SEPTEMBER 15, 2016

7:00 P.M.

(Council Chambers)

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

*Persons with disabilities who plan to attend this meeting that will require special services please contact the City Clerk's Office at 281-388-4255 or [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, September 15, 2016** at 7:00 p.m. in the Council Chambers at: City Hall, 216 W. Sealy, Alvin, Texas.

### REGULAR MEETING AGENDA

1. **CALL TO ORDER**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENT**
4. **PRESENTATIONS**
  - A. Presentation by McKinstry regarding infrastructure redevelopment.
  - B. Finance/Municipal Court/Information Technology Departmental Update.
5. **CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:** An item(s) may be removed from the Consent Agenda for full discussion by the request of a member of Council. Item(s) removed will automatically become the first item up for discussion under Other Business.
  - A. Approve minutes of the August 30, 2016 City Council workshop.
  - B. Approve minutes of the September 1, 2016 City Council regular meeting.
  - C. Consider Resolution 16-R-24; acknowledging and accepting a sidewalk easement granted to the City of Alvin by Prasert Sananikone and his wife, Saengchan Sananikone.
  - D. Consider Resolution 16-R-25; acknowledging and accepting two (2) sidewalk easements located at 312 and 314 North Ormsby granted to the City of Alvin by Carol Croom.
6. **OTHER BUSINESS:**  
Council may approve, discuss, refer, or postpone items under Other Business.

- A. Consider Ordinance 16-X; adopting the budget for the City of Alvin, Texas for Fiscal Year 2016-2017; directing the City Clerk to post a copy of the budget on the City of Alvin website; and setting forth other provisions related thereto.
- B. Consider Ordinance 16-Y; levying a property tax rate for the year 2016 and to direct the Tax Assessor-Collector to assess, account for, and distribute the property taxes as herein levied.
- C. Accept resignation from Senior Citizen Board member Wanda Garrett and consider appointment to fill the unexpired term.

**7. REPORTS FROM CITY MANAGER**

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

**8. REPORTS FROM COUNCIL MEMBERS**

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

- A. Announcements and requests from Council members.

**9. ADJOURNMENT**

I hereby certify that a copy of this notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City’s website: [www.alvin-tx.gov](http://www.alvin-tx.gov), in compliance with Chapter 551, Texas Government Code on MONDAY, SEPTEMBER 12, 2016 at 4:45 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).**

Minutes of the Alvin Library Board—May 5, 2016 at 6pm

The Alvin Library Board met for its regularly scheduled quarterly meeting at 6:00 pm on Thursday, May 5, 2016

The minutes of the February meeting were read and approved. City volunteers were given an umbrella as a thank you for their service.

Danna reported on the library's plan for the summer reading program (children and adult). There are many exciting things happening in and around the library: Poetry presentation, 3-D art class, special displays, a new mural and book clubs. There will also be a reception in honor of the country's birthday on June 18<sup>th</sup>.

The Library League is celebrating the completion of the chair renovation and working on collecting prizes for the summer reading program. They will also host a half price book sale starting June 2.

David reported an upcoming County book sale, new children's coordinators and bandwidth approval. There will be a Friend's summit in October and they are trying to set up a webpage for them as well.

Judy reported the Brazoria County Library Board will host a luncheon on June 10<sup>th</sup> and work has begun on the logistics for the Author's luncheon.

The Open Meeting Act was read and accepted. The next regular meeting of the Alvin Library Board will be held Thursday, November 3, 2016 at 6pm in the Alvin Library conference room.

Submitted by:

Shandar Hobbs

Secretary, Alvin Library Board



# City of Alvin

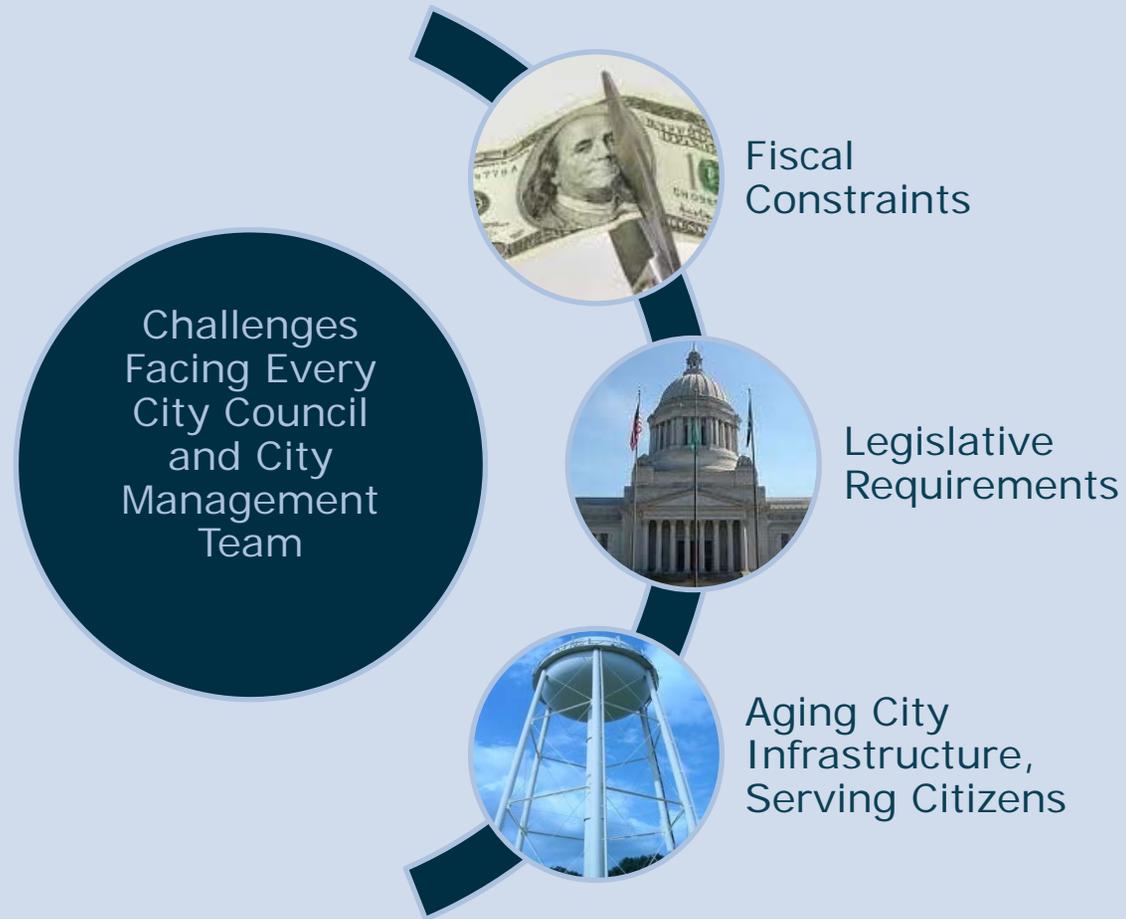
## Self-Funded Infrastructure Redevelopment

*Improving both sides of the financial equation*

*Presented on September 15, 2016*

# Big Issues

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# McKinstry

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- 54 year old energy services/design build company
- Offices in Houston, San Antonio, Dallas
- Serving public sector
- In-house financial, technical, professional engineering, construction management and support services
- Texas municipal clients

City of Sugarland

City of Goliad

City of Woodville

City of Corpus Christi

City of Schertz

Cameron County

Kleberg County

City of Carrollton

City of Duncanville

City of Henrietta

City of McKinney

Nolan County

# Redirect Operating Expenses To Address Infrastructure Needs



# It's about a change in perspective – to meet the needs of the City of Alvin, Texas

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## 1. Funding

- Every capital project has a positive financial impact
- Savings (energy, operations, maintenance) pay for the project

## 2. Legislation: Texas Local Government Code 302

- State of Texas code directs the process
- Risk management – long-term guaranteed results (financial and technical)

## 3. Certainty: Directed by Texas Law

- State Energy Conservation Office technical guidelines
- Independent professional engineering review
- Ongoing measurement and verification

# The McKinstry Solution

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- Design Build solutions with ongoing technical and financial performance
- Project solution paid for by guaranteed energy savings
- Capital budget prioritization and operations planning
- Funding included in the solution
- Successfully navigate regulations and legislation
- Long term relationship

# Background

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July 2016, working with City of Alvin staff, McKinstry performed an onsite inspection of various facilities and performed a utility data analysis of the utility consumption in the City's 12 largest energy consuming facilities

## Buildings:

- Senior Center
- Library
- Police Dept.
- Public Service Facility
- City Hall
- Parks Sports Lighting
- Animal Shelter
- EMS
- Fire Station #1
- Fire Station #2
- Fire Station #3
- Train Depot

# Potential Facility Budget Impact

Estimated annual utility savings of \$125,000 - \$135,000.

Estimated operational and maintenance savings of \$40,000 to \$45,000.

This is estimated to reduce the City's annual operating budget by **\$165,000 to \$180,000** annually

# Facility Upgrades Funded By Guaranteed Savings

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- Heating and air conditioning systems equipment at end of service life – replace with high efficiency systems
- HVAC control systems installation – easy to use, reliable
- Average efficiency interior, lighting fixtures – state of the art LED lighting
- Inefficient exterior lighting fixtures – state of the art LED lighting
- Inefficient sports lighting fixtures – high efficiency, low cost, reliable
- Inefficient water fixtures – replace, recommission fixtures

# Existing Conditions



# Current Trends



## Legislation - Direct Procurement and Process

- **Cities - Texas Local Government Code 302**
- Mandated financial guarantee based on reduced utility usage
- No upfront capital investment by client
- **3rd Party Engineering Review**
- Guaranteed performance for term of the agreement
- Project funded reductions in utility usage, operational and maintenance savings
- **M&V – Ongoing measurement & verification of performance**

# Next Steps

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- Work with City of Alvin to conduct a Directed Energy Study
- Present Directed Energy Study to City staff and City Council

Directed Energy Study includes project opportunities assessed by McKinstry professional engineering team, budget savings, financial analysis and funding model.

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# Questions & Answers

**MINUTES  
CITY OF ALVIN, TEXAS  
216 W. SEALY STREET  
CITY COUNCIL WORKSHOP MEETING  
TUESDAY AUGUST 30, 2016  
6:00 P.M.**

**CALL TO ORDER**

BE IT REMEMBERED that, on the above date, the City Council of the City of Alvin, Texas, met in workshop session at 6:00 P.M. in the Downstairs Conference Room at City Hall, with the following members present: Mayor Paul A. Horn; Mayor Pro-tem Gabe Adame; Council members: Adam Arendell, Scott Reed, Chris Sanger, Glenn Starkey, Keith Thompson, and Brad Richards.

Staff members present: Sereniah Breland, City Manager; Junru Roland, Assistant City Manager/CFO; Bobbi Kacz, City Attorney; Dixie Roberts, City Clerk; Larry Buehler, Director of Economic Development; Dan Kelinske, Director of Parks & Recreation; Robert E. Lee, Police Chief; Michelle Segovia, City Engineer, Julie Siggers, Director of Alvin Convention & Visitor’s Bureau.

**WORKSHOP ITEMS**

Review and discuss the proposed Fiscal Year 2016-17 Annual Budget.

Mr. Roland reviewed the following points:

Myth Busters:

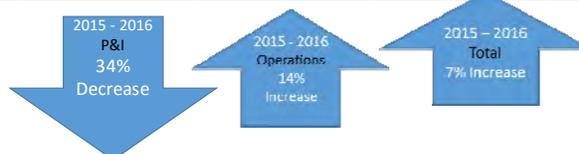
- Certified taxable values have increased by ~~17%~~ 13%.
- Total Tax Revenue will increase approximately ~~14%~~ 7%.
- City is proposing to ~~raise~~ lower the tax rate by \$0.04.

Anatomy of the tax rate:

- Portion mandated by the State to be used to pay the annual principal and interest on outstanding bonds. The Tax Assessor Collector calculates and sets this portion of the tax rate \$0.074393.
- The remainder is established by the City to be used to generate revenue to subsidize the cost of providing city services (such as police, fire, finance, human resource, parks, legal, etc.) \$0.723530.
- Proposed Tax Rate - \$0.7980

As the City’s Debt declines, more tax revenues are available to subsidize the cost of city services.

Tax Year	Taxable Value	Tax Levy to Pay P&I on Outstanding debt	Remaining Tax Levy used to subsidize costs of operations	Total Tax Levy	Tax Rate
2013	959,353,423	\$1,547,437	\$6,545,668	\$8,093,105	\$0.8436
2014	992,713,919	\$1,436,457	\$6,888,442	\$8,324,899	\$0.8386
2015	1,066,991,398	\$1,351,878	\$7,595,912	\$8,947,790	\$0.8386
2016	1,202,111,261	\$894,287	\$8,698,477	\$9,592,848	\$0.7980



Reasons to adopt the City's proposed tax rate of \$0.7980:

- Proposed tax rate produces a balanced budget (revenues=expenditures)
- Steps to proposing a tax rate:
  1. Department Heads submit their requested budgets to the City Manager (CM).
  2. CM "modifies" their requests when necessary.
  3. Revenues (not including property tax revenues) are projected.
  4. Taxable Property Values are received from the Brazoria County Appraisal District.
  5. Rate needed to balance the budget is applied to the property values (i.e. the proposed tax rate).

Decline or small increases in other major General Fund Revenues

- Industrial District Agreement (Denbury Onshore) – decline by 47% (\$316,000).
- Sales Tax Revenue – anticipating a 1.5% increase.
- Franchise Tax Revenue – anticipating a 0.8% increase.

Proposed Rate Does Not exceed the Rollback Rate

- The State considers the adoption of the rollback rate or higher as "excessive".
- The Rollback rate is calculated and certified by the County Tax Assessor Collector.
- The rollback rate is the highest tax rate that the City may adopt before voters are entitled to petition for an election to limit (rollback) the adopted rate.
- The City's Rollback Rate is \$0.802706

Tax Rate Stability

Lowering the proposed tax rate without reducing a significant amount of recurring operational expenditures (i.e. non-capital projects) may put the City in a position of having to raise the tax rate in FY18 to cover volatile expenses (insurance, personnel, property maintenance, etc.).

Lower Property Taxes

There are approximately 1,380 property accounts obtained from BCAD whose property values remained the same.

These accounts will pay lower property taxes with the City's proposed rate.

Council discussion was had.

### **ADJOURNMENT**

Mayor Horn adjourned the meeting at 6:55 p.m.

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

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

**MINUTES  
CITY OF ALVIN, TEXAS  
216 W. SEALY STREET  
REGULAR CITY COUNCIL MEETING  
THURSDAY SEPTEMBER 1, 2016  
7:00 P.M.**

**CALL TO ORDER**

BE IT REMEMBERED that, on the above date, the City Council of the City of Alvin, Texas, met in regular session at 7:00 P.M. in the Council Chambers at City Hall, with the following members present: Mayor Paul A. Horn; Mayor Pro-tem Gabe Adame; Council members: Adam Arendell, Scott Reed, Brad Richards, Chris Sanger, Glenn Starkey, and Keith Thompson.

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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Police Department Chaplain, Mary Sanders gave the invocation.

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

Council member Reed led the Pledge to the Texas Flag.

**PUBLIC COMMENT**

Eugene Bauer stated that he would like to see department heads give departmental reports to City Council.

Pat Drachenberg spoke against the placement of a sidewalk on the west side of Mustang Road.

Judy Zavala spoke against the placement of a sidewalk on the west side of Mustang Road.

Mayor Horn stated that there are several comments to be made this evening regarding the collective bargaining agreement and that Mr. Brian Bagley with Olson and Olson wanted to give some comments before moving forward.

Brian Bagley with Olson and Olson, LLP stated that he is currently representing the City of Alvin during the collective bargaining negotiations with the Alvin Police Officer's Association. He stated that in the ground rules adopted to begin the negotiations it was agreed that Association members would not directly lobby Council members regarding this agreement and in turn members of the negotiation team would not directly lobby association members during their voting process. However, City Council does have the option to hear what the members of the Association have to say. This is at City Council's discretion as to who will be allowed to speak and for what length of time.

Motion by Council member Adame to allow remarks from those in attendance regarding the collective bargaining agreement, limiting comments to three (3) minutes; Second by Council member Richards; motion carried with a vote of 7 Ayes.

Michael Rickman asked City Council to consider approval of the collective bargaining contract submitted by the Alvin Police Officer's Association.

Aaron Kincaid offered remarks regarding the Collective Bargaining currently under negotiation and asked that City Council consider approval of the contract submitted by the Alvin Police Officer's Association.

Thomas Garcia stated that law enforcement officers should receive fair compensation for the services they provide to the community. Competitive pay keeps current law enforcement personnel on staff and also makes for easier recruitment.

Darren Shelton stated that the City of Alvin law enforcement officers should be celebrated and rewarded as much as possible and should be compensated equitably as officers in surrounding communities. He stated that officers should not be paid less for being loyal to the City of Alvin. Many officers leave the City of Alvin to go work for neighboring communities for a higher salary.

## **PRESENTATIONS**

### **Presentation of results of the Neighborhood Outreach Program from the Alvin 2035 Comprehensive Plan Implementation Action Plan.**

*The Neighborhood Outreach Program project scope was to pursue multiple ways to maintain communication links to neighborhood leaders and representatives and was identified during the process of the 2035 Comp Plan adopted by City Council. The goal was for residents of neighborhoods to have a better understanding of the City's efforts to maintain quality infrastructure and community development by being better informed of the City's activity.*

*Team members were City Clerk, Dixie Roberts; Assistant to City Manager, Mary Dearing; Development Coordinator, Kristine Schaffner; Vicki Ennis, resident and former Comprehensive Plan Advisory Member.*

*On May 4<sup>th</sup>, a listening session held with community interested citizens and we asked three questions:*

- 1. How can we help build better trust between city government and the residents? Statements shared included it really meant a lot when city staff showed up, better accessibility through a friendlier web site, and provide citizens with more of what's going on in the city. Better cohesiveness, meaning know exactly who to direct the citizen to for help.*
- 2. What information would you like to receive from the city? (Informative, Positive, Urgent, Etc.) Answers included emergency information, information regarding infrastructure to include street closures, bridge closures etc., more information on development activity, but would like the ability to opt out of some information that might not interest a citizen.*
- 3. How do you want to communicate this information to the citizens that you believe will be most efficient? Some would like to see a Frequently Asked Question (FAQ) section on city website, better quality, more information, to be user friendly, provide some general communication in Spanish on the website, allow for easier process of the electronic water bill that includes a hyperlink on the actual bill. The Alvin Community College radio station was also mentioned as a communication source.*

### *Accomplishments and Next Steps*

- Rolled out the new city web site. There is a link to see it in Spanish. Much more user friendly with direct buttons to Parks and Recreation, Online Payments, Public Notices, Calendar of Events, News and Announcements, and drop down menus.*
- Working with our local newspaper to better inform the citizens on city related activity. This includes our public information officer, Dixie Roberts coordinating closer with the reporters to be able to follow up on initial stories.*
- Social Media – Coordinating with department heads to better centralize information on all forms of social media to include Facebook.*
- Exploring the idea of city staff scheduling an event to be available to engage with the public in one setting, possibly including the Mayor and Council.*
- Exploring the creation of short videos of staff sharing public service announcements such as hurricane awareness.*

- *Look at ways staff can be more in the public like attending civic club events, homeowner association meetings, chamber related events.*

### **PUBLIC HEARING**

Public Hearing to receive comment on the proposed tax rate of \$0.7980 per \$100 of valuation for Fiscal Year 2016-2017 (2016 tax year).

Mayor Horn opened the public hearing at 7:36 p.m.

There were no comments.

Mayor Horn closed the public hearing at 7:37 p.m.

Announce that the City Council is scheduled to vote on the proposed tax rate ordinance at the regular City Council meeting on Thursday, September 15, 2016 at 7:00 p.m.

Mayor Horn announced that the City Council is scheduled to vote on the proposed tax rate ordinance at the regular City Council meeting on Thursday, September 15, 2016 at 7:00 p.m.

### **CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION**

Approve minutes of the August 18, 2016 City Council meeting.

Consider a final plat of One Tire or More, being a 5.0 acre tract of land (8192 County Road 128) being all of Lot 6, of Hastings West Section Two, as recorded in volume 18, pages 375-376, plat records, Brazoria County, Texas.

*On August 1, 2016 the Engineering Department received the final plat of One Tire or More for review. The property is located at 8192 County Road 128 in the City of Alvin Extraterritorial Jurisdiction (ETJ) and is being platted in order for the owner of the property to sell Lot 1. The plat complies with all requirements of the City's Subdivision Ordinance. The City Planning Commission unanimously approved the plat at their meeting on August 16, 2016.*

Consider a final plat of Morgan Falls Estate, being a 7.19 acre tract of land (2300 Koster Road) being the same land as recorded in document number 2003053423, official records of real property, Brazoria County, Texas, being out of Lot 7 of the E. J. Biering Subdivision as recorded in Volume 19, Page 147, deed records, Brazoria County, Texas, situated in the H.T.& B. R.R. Company Survey, Section 13, Abstract 225, Brazoria County, Texas.

*On August 1, 2016 the Engineering Department received a final plat of Morgan Falls Estate for review. The property is located at 2300 Koster Road in the City of Alvin and is being platted in order for the owner to be able to sell the commercial business on Lot 1 separate from the residence on Lot 2. This plat complies with all requirements of the City's Subdivision Ordinance. The City Planning Commission unanimously approved the plat at their meeting on August 16, 2016.*

Consider annual windstorm renewal from Victor O. Schinnerer & Company, Inc. in an amount not to exceed \$150,879 for the City's windstorm and hail coverage for FY17; and authorize the City Manager to sign the Proposal Acceptance Form.

*Windstorm insurance is property and casualty insurance that specifically covers loss due to damage by high winds: i.e.: hurricane and hail damage. The City's general 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 include 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 (annual) windstorm policy with VOSCO expires October 1, 2016. For FY17, VOSCO is offering 3 options to the City for windstorm and hail coverage.*

Staff is recommending option #1 due to the coverage value as well as the local regulation. Option #1 (\$150,879) 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. For the current fiscal year, city council approved TWIA as the insurer/carrier. The FY17 proposal is a 2% increase from FY16.

Should council elect not to approve option #1, then staff will propose Option #2 (\$159,349.05) or Option #3 (\$220,798.20), which consist of using AmRisc as the insurer/carrier.

Consider Ordinance 16-T; repealing Ordinance No. 06-III, whereby the City Council adopted the Economic Development Policy for the City of Alvin, Texas; and repealing Ordinance Nos. 11-CCC and 13-Y; whereby the City Council re-adopted the Economic Development Policy of the City of Alvin, Texas.

*This ordinance repeals the ordinances that adopted the City's existing Economic Development Policy since its initial adoption in 2007. The Economic Development Policies were previously adopted by ordinance. There is no state law requirement to use an ordinance to do so, thus, being that this is a policy, it is recommended that Council adopts policy(ies) by resolution. Resolution 16-R-23 provides the current Economic Development Policy for Council's subsequent consideration upon repeal of the relevant ordinances.*

Consider Resolution 16-R-23; adopting the Economic Development Policy for the City of Alvin; including criteria and guidelines governing tax abatement, tax increment reinvestment zones and additional economic incentives within the City; and setting forth related matters thereto.

*The Texas Tax Code, Chapter 312.002(c) recommends cities renew its Economic Development Policy every two (2) years as it relates to tax abatement guidelines. This policy is used by staff as a guideline to work with development projects. No changes are being requested to the comprehensive policy renewed in 2013*

Consider a request from Belleau Wood Homes, on behalf of the Operation Finally Home Program to waive the building permitting fees for the construction of a home at 1995 Brentwood Drive.

*Belleau Wood Homes in conjunction with the Operation Finally Home program has submitted for a permit to construct a home at 1995 Brentwood Drive in the Callaway Crossing Subdivision for a wounded veteran. Aaron Barch, of Belleau Wood Homes, on behalf of Operation Finally Home has requested a waiver of the building permit fees. Permitting fees that are eligible for waiver are as follows:*

<i>Building Permit (Residential):</i>	<i>\$715.00</i>
<i>Driveway Approach Fee:</i>	<i>\$51.60</i>
<i>Plan Review (residential):</i>	<i>\$357.50</i>
<i>Storm Water Permit Fee:</i>	<i>\$45.00</i>
<i>Electrical Permit:</i>	<i>\$208.00</i>
<i>Mechanical Permit:</i>	<i>\$125.75</i>
<i>Plumbing Permit:</i>	<i><u>\$147.50</u></i>
<i>Total Permitting Fees Eligible for Waiver:</i>	<i>\$1,650.35</i>

*Should this waiver be approved, the builder is still required to submit all applicable permits, and pass all applicable inspections associated with these permits.*

*Utility Impact Fees of \$2,500 are not allowed to be waived based on City Ordinance Chapter 25 Article VI. Impact Fee for Water and Sewer which is based on Chapter 395 of the Local Government Code.*

*In the past ten years, one home has been constructed in the Kendall Lakes Subdivision by the Wounded Warrior Program and a waiver of the permitting fees was not requested nor granted.*

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

**OTHER BUSINESS**

**Consider Resolution 16-R-22; accepting the donation of six (6) Automated External Defibrillators (AED's) from Firehouse Subs Public Safety Foundation to Alvin Police Department for use in their patrol units.**

*Firehouse Subs Public Safety Foundation was founded in 2005 in the aftermath of Hurricane Katrina to provide public safety organizations with equipment or funding. Since its inception the Foundation has donated millions of dollars to over 1,400 organizations impacting over 1,000 communities. The Foundation allocates funding in five areas: life-saving equipment, prevention education, scholarships and continued education, support for members of the military and for disaster preparedness and disaster relief. Recently the foundation began a 1,000 AED (Automated External Defibrillator) Gift Campaign. Each Franchisee would receive one (1) AED grant for each of their franchise locations. Bradley Watkins, who has franchise locations in Baytown, Webster, Deer Park, Pearland, League City and the upcoming Alvin location at Hwy 6 and Bypass 35 North decided that a greater community impact would be created by giving all six (6) AED units to a single recipient and chose the Alvin Police Department to receive the units. The same day we submitted the award/grant paperwork, provided by Mr. Watkins, to the Firehouse Subs Public Safety Foundation we were notified of the award and within a week we received shipment confirmation of the AED units.*

*Alvin Police Department has an AED program where each patrol vehicle is equipped with an AED. This has been, and is, a very beneficial program since in most cases the Police Department arrives before EMS. In the last 3 years there have been four (4) instances of officer deploying an AED and saving a life in Alvin. The majority of our current inventory of AEDs is several years old and has reached the stage where some units are failing and others have had the batteries replaced multiple times. The addition of these units will, along with units purchased last year, put a brand new AED in every patrol vehicle.*

*We were given the opportunity to choose which brand/model AED and we chose to receive the Physio-Control LifePak CR which includes 2 sets of electrodes, battery charger, carry case and Ambu Res-Cue Mask Kit. This unit is compatible with equipment our EMS uses allowing for a faster switch between PD and EMS units. Research has shown that this model, as awarded, sells retail for approximately \$1,695.00 each, giving this donation an approx. value of \$10,170.00.*

*\*A gift or donation of property or money with a value of \$5,000 or greater shall be accepted by the City via resolution pursuant to Chapter 2-16 of City Code of Ordinances.*

Council member Adame moved to approve Resolution 16-R-22; accepting the donation of six (6) Automated External Defibrillators (AED's) from Firehouse Subs Public Safety Foundation to Alvin Police Department for use in their patrol units. Seconded by Council member Sanger; motion carried on a vote of 7 Ayes.

**Consider Resolution 16-R-20; authorizing Alvin Independent School District's Alvin High School mascot logo and Alvin Community College logo to be placed on the Dyche Lane Elevated Water Storage Tank.**

*In July 2016 City Staff met with representatives of Alvin Independent School District (AISD) and Alvin Community College (ACC) to discuss the possibility of the entities wanting to place their respective logos on the new Dyche Lane Elevated Water Storage Tank that is currently under construction. Each entity showed interest in the idea and have submitted request letters and proposed logos for consideration. In order to cover the cost of painting the logos on the tank each entity is prepared to contribute \$15,000. The current contract for construction of the tank includes the cost to paint the tank with "ALVIN" similar to the existing tank along the Bypass. The Contractor has been given AISD's Alvin High School and ACC logos to review in order to ensure that the logos will look proper on the tank and to give a cost estimate to create the template and paint the tank. Cost estimates for painting logos on the tank, depend on the level of detail required and the number of paint colors to be used.*

*This resolution is another example of the City's continuing partnership, intergovernmental cooperation and community involvement with local political subdivisions.*

Council member Adame moved to approve Resolution 16-R-20; authorizing Alvin Independent School District's Alvin High School mascot logo and Alvin Community College logo to be placed on the Dyche Lane Elevated Water Storage Tank. Seconded by Council member Sanger; motion carried on a vote of 7 Ayes.

Consider a variance request for the property owner at 1009 W. Willis Street to waive the building setback requirement of Chapter 21, Section 37 (a) of the Code of Ordinances.

*Summary:* On August 8, 2016 the Engineering Department received a variance request, from the property owner of 1009 W. Willis Street, for a waiver to the 25' front building setback required by section 21-37(a) of the City Code of Ordinances. The owner is proposing to construct a 14'x 8' covered front porch along the front of the home at 1009 W. Willis Street. The covered porch, as proposed, will encroach 5 feet into the 25' front building setback, however the new porch would only extend 1 foot beyond the footprint of the existing porch structure to be removed. The nearest edge of the proposed porch will still be 45 feet from the edge of the Willis Street pavement. The encroachment of the new porch will not cause any traffic safety concerns and will blend with existing structures in the area.

The Planning Commission unanimously approved this request at their meeting on August 16, 2016.

Numerous variances to the front building setback requirement for similar structures have been approved in the past several years. The most recent one being for a Porte Cochere at 404 Lulac Street in December 2015. In order to reduce the number of variance requests of this type, Staff intends to draft an amendment to Chapter 21 that would allow the City Engineer discretion with regards to minor encroachments of accessory structures (carports, porches, patios, etc.) into the building setback for existing improved properties. It is anticipated that this amendment will be placed on a City Council agenda within the next three months.

Council member Adame moved to approve a variance request for the property owner at 1009 W. Willis Street to waive the building setback requirement of Chapter 21, Section 37 (a) of the Code of Ordinances. Seconded by Council member Thompson; motion to carried on a vote of 7 Ayes.

Reconsider the Mustang Road Improvement Project with Mar-Con Services, LLC, to include the alternate bid item of a sidewalk on the west side of Mustang Road.

On May 31, 2016 bids were opened for the Mustang Road Improvement Project and Mar-Con Services LLC. was the qualified low bidder. The Engineering Department has worked with this contractor before and was highly satisfied with the work performed.

Project Budget:	\$1,500,000.00	
Contract Amount:	\$1,011,872.50	
Alternate Bid Item:	\$38,394.60	(Construction of a new sidewalk along the west side of the road)
5% Contingency:	\$52,513.36	
Total Amount:	\$1,102,780.46	(Project is \$397,219.54 below budget)

The project consists of the removal and replacement of concrete pavement, curb, driveways, sidewalk, storm sewer pipe, inlets, and manholes along the existing alignment of Mustang Road from S. Gordon Street to Bypass 35. The existing Mustang Road intersection with S. Gordon Street will be permanently closed and relocated 650 feet south on currently vacant property that was acquired by the City of Alvin in 1999. This project has been in design for the past three years and has been in the planning stage since 2003.

On January 7, 2016 a City Council workshop was held to discuss the project, as well as, to hear concerns from a resident that lives along Mustang Road regarding the plan to construct a new sidewalk along the west side of the roadway as a part of this project. The Council discussed the proposed sidewalk and the intersection realignment at length and direction was given to staff to bid the sidewalk along the west side of the road as an alternate item that could be included or removed at Council's discretion at the time of bid award.

The Mustang Road and S. Gordon intersection is being relocated in an effort to ease traffic congestion at the S. Gordon and South Street signal controlled intersection. This relocation has been approved/permitted by the Texas Department of Transportation (TXDOT).

The project is scheduled to start in early July and has a construction time of 180 days.

*The \$397,219.54 in excess funds will remain in the Sales Tax Fund, to be used for future street improvements.*

*June 16, 2016, Council voted to not include the sidewalk alternate bid item with the road improvement project. July 7, 2016, Council voted to include the sidewalk alternate bid item. July 21, 2016 Council discussed this item at a council meeting. August 4, 2016 Council discussed this item at a workshop and it was requested that it come back before City Council for further discussion and consideration. The contract as approved includes the alternate bid item.*

Council member Reed moved to not include the alternate bid item of a sidewalk on the west side of Mustang Road. Seconded by Council member Adame; motion failed with Council member's Thompson, Richards, Sanger and Starkey voting No and Council member's Reed, Arendell and Adame voting Aye.

Council member Thompson moved to include the alternate bid item of a sidewalk on the west side of Mustang Road. Second by Council member Sanger; motion carried with Council member's Thompson, Richards, Sanger and Starkey voting Aye and Council member's Reed, Arendell and Adame voting No.

Consider a License Agreement for Exclusive Use of City Property between the City of Alvin and the Alvin Noon Lions for the Steak of the Arts Festival to be held at National Oak Park on September 17, 2016; and authorize the City Manager to sign.

*The Alvin Noon Lions Club has requested the City to issue a license agreement for the purpose of holding a fundraising event, the Steak of the Arts Festival, (on September 17, 2016) in National Oak Park to include food and alcoholic beverages and providing music and other entertainment.*

*The exclusive use agreement outlines operational responsibilities of the City and the Alvin Noon Lions.*

*Alvin Noon Lions Club shall:*

- Adhere to governmental regulations concerning the sale of food and alcohol & obtain appropriate permits*
- Fence the park area & ensure deployment of police for security*
- Maintain the property in clean condition*
- Adhere to City's noise ordinance & obtain appropriate sound/noise permit*
- Notify Chief within 1 week of event if use of portable a/c units and generators are desired*
- Abide by all terms of Community Wide Event Application including insurance requirements*

*The City shall:*

- Provide security (no cost)*
- Provide barricades for street closure (no cost)*
- Provide and install temporary fencing around Rotary Pavilion*
- Waive park user fees*
- Provide a mega tent (including labor to set up and disassemble) (no cost)*
- Provide portable restroom (no cost)*
- Provide dumpsters for trash disposal (no cost)*
- Provide labor and equipment to install signs and banners on Rotary Pavilion*

Council member Thompson moved to approve a License Agreement for Exclusive Use of City Property between the City of Alvin and the Alvin Noon Lions for the Steak of the Arts Festival to be held at National Oak Park on September 17, 2016; and authorize the City Manager to sign. Seconded by Council member Starkey; motion carried on a vote of 7 Ayes.

Consider Addendum No. 13 to the Contract for Refuse Collection and Disposal Services between the City of Alvin and Waste Connections of Texas (formerly Progressive Waste Solutions) to adjust rates paid to Waste Connections of Texas due to the decrease in the revised Consumer Price Index Rate for All Urban Consumers (CPI-U) for the Houston-Galveston-Brazoria, TX area and fuel cost adjustments pursuant to the agreement; and authorize the Mayor to sign.

*The City's contract with IESI (signed August 18, 2005), with a subsequent name change to Progressive Waste Solutions (August 12, 2012), for refuse collection and disposal service contains a provision for an annual adjustment of compensation paid to the contractor.*

*Waste Connections of Texas submitted the annual letter evaluating the CPI-U and fuel adjustments per the contract with the City. Although the CPI-U and fuel adjustment was -3.547%, their operational costs increased by 2.74%, thus, the overall net adjustment is -0.807% to the City's cost. Based on 2015-16 payment, this percentage of decrease in cost to the City is approximately \$17,000. The effective date for the adjustment is October 1, 2016.*

*Addendum #13 includes the annual adjustment of compensation of -0.807% paid to the contractor and the revised notice provision for the new service provider, Waste Connections of Texas.*

Council member Arendell moved to approve Addendum No. 13 to the Contract for Refuse Collection and Disposal Services between the City of Alvin and Waste Connections of Texas (formerly Progressive Waste Solutions) to adjust rates paid to Waste Connections of Texas due to the decrease in the revised Consumer Price Index Rate for All Urban Consumers (CPI-U) for the Houston-Galveston-Brazoria, TX area and fuel cost adjustments pursuant to the agreement; and authorize the Mayor to sign. Seconded by Council member Thompson; motion to approve carried on a vote of 7 Ayes.

Consider Ordinance 16-V; amending Chapter 28, Comprehensive Fee Ordinance for the purpose of revising certain water and sewer fees for residential and commercial customers due to the annual consumer price index rate for all urban consumers (CPI-U) for the Houston-Galveston-Brazoria, Texas area; providing for a ten percent (10%) penalty for late payment; providing for an effective date of October 2016 billing cycles; and setting forth other provisions related thereto.

*The city ordinance requires that water and sewer rates be increased, at minimum, based on the annual consumer price index rate for all urban consumers (CPI-U) for the Houston-Galveston-Brazoria, Texas area. The ordinance also allows the consideration of other factors to determine if an additional increase in water and sewer rates is warranted.*

*The water and sewer rate adjustment is equal to the percentage that the CPI-U has changed over the previous 12-month period. The CPI-U has increased by 1.4%. At this time, staff is recommending the minimum water and sewer rate adjustment of 1.4%, in accordance with the City's water and sewer fee ordinance. This calculates to a \$0.65 monthly increase to the average residential customer, using 5,000 gallons per month.*

*City Council has authorized the appropriation of funds to hire a consultant to study the City's utility revenues and make recommendations to council concerning water and sewer rates; as well as analyze the revenue needs and rates for future years in lieu of the projects identified in the Utility Master Plan. The results of the study will be completed and presented to council in the near future.*

Council member Starkey moved to approve Ordinance 16-V; amending Chapter 28, Comprehensive Fee Ordinance for the purpose of revising certain water and sewer fees for residential and commercial customers due to the annual consumer price index rate for all urban consumers (CPI-U) for the Houston-Galveston-Brazoria, Texas area; providing for a ten percent (10%) penalty for late payment; providing for an effective date of October 2016 billing cycles; and setting forth other provisions related thereto. Seconded by Council member Adame; motion to approve carried on a vote of 7 Ayes.

Consider Ordinance 16-W; amending Chapter 28, Comprehensive Fee Ordinance for the purpose of revising certain solid waste collection and disposal fees for residential, commercial and roll-off containers due to the annual consumer price index rate for all urban consumers (CPI-U) for the Houston-Galveston-Brazoria, Texas area; providing for a ten percent (10%) penalty for late payment; providing for an effective date of October 2016 billing cycles; and setting forth other provisions related thereto.

*The City's ordinance requires that solid waste rates be increased, at minimum, based on the annual consumer price index rate for all urban consumers (CPI-U) for the Houston-Galveston-Brazoria, Texas area. The ordinance also allows the consideration of other factors to determine if an additional increase in solid waste rates is warranted.*

*The solid waste rate adjustment is equal to the percentage that the CPI-U has changed over the previous 12-month period. The CPI-U has increased by 1.4%. The CPI-U rate adjustment that will be applied to solid waste rates for FY17 would result in a 1.4% increase in solid waste rates for FY17 -- which calculates to a \$0.21 increase in solid waste collection rates for residential customers per month.*

Council member Starkey moved to approve Ordinance 16-W; amending Chapter 28, Comprehensive Fee Ordinance for the purpose of revising certain solid waste collection and disposal fees for residential, commercial and roll-off containers due to the annual consumer price index rate for all urban consumers (CPI-U) for the Houston-Galveston-Brazoria, Texas area; providing for a ten percent (10%) penalty for late payment; providing for an effective date of October 2016 billing cycles; and setting forth other provisions related thereto. Seconded by Council member Richards; motion to approve carried on a vote of 7 Ayes.

Consider casting ballot for the Texas Municipal League Intergovernmental Employee Risk Pool (TMLIRP) Board of Trustees (Places 6-9).

*The TMLIRP is the leading provider of workers' compensation, liability, and property coverage for local governments in Texas. Founded in 1974, TMLIRP is the oldest and largest pool of its type in the United States, serving over 2800 governments and political subdivisions. The Pool's mission is to provide Texas municipalities and other units of local government with a stable source of risk financing and loss prevention services at the lowest cost consistent with sound business practices.*

*This is the official ballot for the election of Places 6-9 of the Board of Trustees for TMLIRP. Each Member of the Pool is entitled to vote for Board of Trustee members. The City of Alvin is a member of the TMLIRP and is allotted one vote for each place. Typically, unless a candidate solicits a vote from our governing body, the City doesn't cast a ballot. Votes have been cast by City Council in year's past.*

*The officials on the ballot have been nominated to serve a six (6) year term on the TMLIRP (Worker's Compensation, Property and Liability) Board of Trustees.*

*Kyle Jung, City of Manvel City Manager was nominated to run for Place 6.*

Council member Arendell moved to cast a ballot for Kyle J. Jung for the Texas Municipal League Intergovernmental Employee Risk Pool (TMLIRP) Board of Trustees Place 6. Seconded by Council member Adame; motion carried on a vote of 7 Ayes.

**REPORTS FROM CITY MANAGER**

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the September 15, 2016 City Council meeting.

Items of Community Interest.

Mrs. Roberts reviewed items of community interest.

**REPORTS FROM COUNCIL MEMBERS**

Announcements and requests from Council members.

Council member Thompson thanked Fire House Subs for their donation to the City. He also thanked those who help keep Alvin beautiful.

Council member Reed thanked the citizens who gave input on the Mustang Road project.

Council member Arendell thanked Fire House Subs for their donation, thanked the police officers who were present and also thanked the citizens who gave input on the Mustang Road project.

Council member Richards thanked Fire House Subs for their donation.

Council member Sanger thanked Fire House Subs for their donation. He also stated that he is for further reducing the tax rate.

Council member Adame stated that John Barron State Farm Insurance Agency will be honored as a member of the Junior Achievement of Brazoria County Business Hall of Fame on September 8<sup>th</sup> at the Lake Jackson Civic Center. He also stated that he is opposed to the City liquidating land. Council member Adame stated that he felt that employee compensation is of great importance.

Council member Starkey thanked Fire House Subs for their donation. He also encouraged citizens to attend the Quannah Parker exhibit at the Alvin Museum. Council member Starkey thanked the Alvin Historical Society for what they do for the community. He also stated that the senior citizens do a lot of great work for the seniors in the community and that he is committed to making sure that the Alvin Senior Center receives the needed building improvements.

Mayor Horn stated that there will be a TxDOT public hearing on October 16, 2016 for the Highway 35 tollway.

### **EXECUTIVE SESSION**

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

- A. Section 551.071(2) Attorney consultation to receive attorney advice and counsel in connection with the city's legal rights, duties, privileges, and obligations related to the ongoing negotiations of a Collective Bargaining Agreement.
- B. Section 551.074 Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing.
  1. Appointment of the Presiding Judge of Municipal Court.

### **RECONVENE TO OPEN SESSION**

Mayor Horn reconvened the meeting into open session at 9:55 p.m.

Consider and take appropriate action, if any, to approve a Collective Bargaining Labor Agreement between the City of Alvin, Texas and the Alvin Police Officer's Association (APOA), and authorize the Mayor to sign.

Council member Adame moved to authorize the City bargaining team to offer Alvin Police Officer's Association's proposal for a collective bargaining agreement with the City. Seconded by Council member Starkey; motion carried on a vote of 7 Ayes.

Consider Resolution No. 16-R-19; approving the appointment of the Municipal Court Judge; and authorize the Mayor to sign the Memorandum of Understanding.

Council member Starkey filled out a conflict of interest affidavit before the meeting and will not be participating in this discussion and or vote.

Council member Arendell moved approve Resolution No. 16-R-19; approving the appointment of the Municipal Court Judge (Donna Starkey); and authorize the Mayor to sign the Memorandum of Understanding. Seconded by Council member Sanger; motion carried on a vote of 6 Ayes.

**ADJOURNMENT**

Council member Adame moved to adjourn the meeting at 9:56 p.m. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

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



# AGENDA COMMENTARY

**Meeting Date:** 9/15/2016

**Department:** City Attorney

**Contact:** Bobbi J. Kacz

**Agenda Item:** Consider Resolution 16-R-24 acknowledging and accepting a sidewalk easement at 514 S. Second Street granted to the City of Alvin by Prasert Sananikone and his wife, Saengchan Sananikone.

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

**Summary:** This resolution formally acknowledges the City's acceptance of this sidewalk easement being granted to the City by Mr. and Mrs. Sananikone. The Sananikones' are required to install a sidewalk as part of the construction of their home on the property located at 514 S. Second Street. There are numerous existing utility structures in the right-of-way forcing the required sidewalk to be placed outside the right-of-way and on the Sananikones' property. The Sananikones have granted a sidewalk easement to the City so that the City can maintain the public sidewalk on their property.

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

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A \_\_\_ Required x **Date Completed:** September 6, 2016

**Supporting documents attached:**

- Resolution 16-R-24
- Sidewalk Easement with exhibits

**Recommendation:** Move to approve Resolution 16-R-24 accepting the sidewalk easement from Mr. and Mrs. Sananikone.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**RESOLUTION 16-R-24**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, ACKNOWLEDGING AND ACCEPTING A SIDEWALK EASEMENT GRANTED TO THE CITY OF ALVIN**

**WHEREAS**, the City of Alvin, Texas desires to acknowledge and accept said SIDEWALK EASEMENT, attached hereto as Exhibit 1, granted to the City by Prasert Sananikone and his wife, Saengchan Sananikone more formally described as follows:

Being a tract of land containing 0.0266 acres (1,159 square feet), being a portion of Tract 2, in Block J, of the H.T.&B.R.R. Survey, Section 14, Abstract 449, in the City of Alvin, Brazoria County, Texas, being part of a tract of land conveyed unto Open Door Church by deed recorded in County Clerk's file No. 2013016872 of the Official Records of Brazoria County, Texas.

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

**Section 1.** That the City Council hereby accepts the Sidewalk Easement granted to the City of Alvin by Prasert Sananikone and his wife, Saengchan Prasert.

**Section 2.** That said Sidewalk Easement shall be recorded in the Deed Records of Brazoria County, Texas.

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

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

**CITY OF ALVIN, TEXAS**

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

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

## SIDEWALK EASEMENT

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

THIS EASEMENT is made and executed this 22<sup>nd</sup> day of August, 2016, by Prasert Sananikone and his wife, Saengchan Sananikone, whose mailing address is 514 South 2<sup>nd</sup> Street, Alvin, Brazoria County, Texas 77511, (hereinafter referred to as the "Grantor"), to the CITY OF ALVIN, a Texas municipal corporation, whose mailing address is 216 W. Sealy, Alvin, Texas 77511, (hereinafter referred to as the "Grantee").

(Wherever used herein, the terms, "Grantor" and "Grantee" shall include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships (including joint ventures), public bodies and quasi-public bodies.)

### WITNESSETH:

**WHEREAS**, the Grantor is the owner of property situate, lying and being in Brazoria County, Texas, and described as follows:

See Exhibit "A" ("Grantor's Land") with accompanying sketch of description attached hereto and made a part hereof; and,

**WHEREAS**, the Grantee desires a perpetual, non-exclusive easement for public use and other appropriate purposes incidental thereto, in, on, over, under, and across that portion of Grantor's Land; and

**WHEREAS**, the Grantor is willing to grant a sidewalk easement on a portion of Grantor's Land to the Grantee.

**WHEREAS**, the Grantor, at its expense, shall cause a sidewalk to be constructed on a portion of Grantor's Land, which portion is more particularly described in the attached Exhibit "B" ("Easement Land") with accompanying sketch of description attached hereto and made a part hereof; and

**WHEREAS**, Grantee, at its expense, shall be responsible for maintaining, replacing, and repairing the sidewalk.

**NOW, THEREFORE**, for and in consideration of mutual covenants each to the other running and Ten Dollars (\$10.00) and other good and valuable considerations, the Grantor does hereby grant unto the Grantee, its successors and assigns, subject to the terms hereof, a sidewalk easement for the public use, in perpetuity, in, on, over, under, and across the Easement Land.

1. Recitals Incorporated. The foregoing recitals are incorporated by reference and made a part of this grant of easement.

2. Grant of Easement. The Grantor hereby grants Grantee a perpetual, non-exclusive easement in, on, over, under, and across the Easement Land described in Exhibit "B" for a public sidewalk, in perpetuity. This grant of easement shall not be construed as a dedication to the public of the underlying fee simple ownership of the Easement Land.

3. Construction of Sidewalk Improvements. At Grantor's sole cost and expense, Grantor shall construct a sidewalk within the Easement Land pursuant to a site plan approved for Grantor's Land.

4. Maintenance of Sidewalk Improvements. At Grantee's sole cost and expense, Grantee shall maintain, replace, and repair the sidewalk as necessary.

5. Title Warranties. Grantor warrants that Grantor has good and indefeasible fee simple title to and possession of the Easement Land and that it has good and lawful right to grant this Easement.

6. Benefits and Burdens Runs with Land. All provisions of this Sidewalk Easement, including the benefits and burdens, run with the Easement Land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

7. Termination/Relocation. Should the Grantee cease using the Easement Land for a public sidewalk for a period of more than twelve (12) months, this easement shall automatically terminate. The Grantee, through its Planning and Development Department, in its reasonable discretion, may approve a request by Grantor to relocate this easement as described in Exhibit "B," to other lands owned by the Grantor.

8. Indemnification. GRANTEE SHALL DEFEND, INDEMNIFY AND HOLD GRANTOR HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, LIABILITY, DAMAGE, LOSS, COST AND EXPENSE OF ANY KIND WHATSOEVER WHICH MAY ACCRUE TO OR BE SUSTAINED BY GRANTOR ARISING OUT OF THIS EASEMENT INCLUDING, WITHOUT LIMITATION, FOR THE DEATH OF OR INJURY TO PERSONS OR DESTRUCTION OF PROPERTY ARISING FROM ANY CAUSE WHATSOEVER, EXCEPT FOR SUCH INJURY, LOSS OR DAMAGE AS SHALL HAVE BEEN CAUSED BY THE WILLFUL OR INTENTIONAL ACT OF THE GRANTOR, ITS AGENTS, GUESTS, INVITEES, FAMILY MEMBERS OR EMPLOYEES. GRANTEE EXPRESSLY AGREES TO INDEMNIFY AND REIMBURSE GRANTOR FOR ANY LEGAL FEES AND EXPENSES INCURRED IN RESISITING OR DEFENDING AGAINST ANY CLAIMS, DEMANDS, ACTIONS OR PROCEEDINGS AND IN SEEKING TO ENFORCE, THROUGH LITIGATION, ARBITRATION, MEDIATION, OR OTHERWISE, GRANTOR'S INDMENTY AND DEFENSE RIGHTS EXCEPT FOR SUCH INJURY, LOSS OR DAMAGE AS SHALL HAVE BEEN CAUSED BY THE WILLFUL OR INTENTIONAL ACT OF THE GRANTOR, ITS AGENTS, GUESTS, INVITEES, FAMILY MEMBERS OR EMPLOYEES.

Grantor: Prasert Sananikone  
Prasert Sananikone

Grantor: Saengchan Sananikone  
Saengchan Sananikone

Accepted by the City of Alvin

By: \_\_\_\_\_

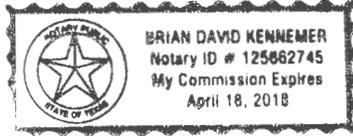
Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on August 22, 2016, by Prasert Sananikone.



Brian David Kenemer

Notary Public, State of Texas

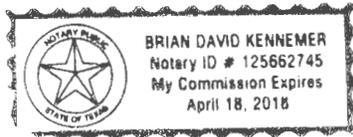
My commission expires:

April 18, 2018

STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on August 22, 2016, by Saengchan Sananikone.



Brian David Kenemer

Notary Public, State of Texas

My commission expires:

April 18, 2018

STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on August \_\_\_\_\_, 2016, by \_\_\_\_\_ as the \_\_\_\_\_ for the City of Alvin.

\_\_\_\_\_  
Notary Public, State of Texas

My commission expires:  
\_\_\_\_\_

AFTER RECORDING RETURN TO:

City of Alvin  
City Attorney – Bobbi Kacz  
216 W. Sealy  
Alvin, Texas 77511

# Exhibit A

DESCRIPTION OF A TRACT OF LAND CONTAINING  
2.0775 ACRES (90,495 SQUARE FEET) SITUATED  
IN THE H.T.&B.R.R. SURVEY, SECTION 14, ABSTRACT 449  
BRAZORIA COUNTY, TEXAS

Being a tract of land containing 2.0775 acres (90,495 square feet), being a portion of Tract 2, in Block J, of the H.T.&B.R.R. Survey, Section 14, Abstract 449, in the City of Alvin, Brazoria County, Texas, being all of a tract of land conveyed unto Open Door Church by deed recorded in County Clerk's File No. 2013016872 of the Official Records of Brazoria County, Texas. Said 2.0775-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2-inch iron rod at the intersection of the south right-of-way line of West Adoue Street (60.00 feet wide as occupied) with the west right-of-way line of South 2<sup>nd</sup> Street (60.00 feet wide as occupied) for the easterly northeast corner of said tract herein described;

THENCE South 00° 05' 00" West with the west right-of-way line of said South 2<sup>nd</sup> Street, a distance of 289.65 feet to a found 1-inch iron pipe for the northeast corner of a tract of land conveyed unto Rebecca Rand Karstetter by deed recorded in County Clerk's File No. 2008017270 of the Official Records of Brazoria County, Texas, and for the southeast corner of said tract herein described;

THENCE West with the north line of said Karstetter Tract, pass a found 1-inch iron pipe at a distance of 160.00 feet, and continue with the north line of a tract of land conveyed unto Pedro D. Gonzales by deed recorded in Volume 933, Page 828 of the Deed Records of Brazoria County, Texas, for a total distance of 224.80 feet to a found 1/2-inch iron rod with cap marked "Survey-1" for the northwest corner of said Gonzales Tract, in the east line of a tract of land conveyed unto Salvador Rios and Endenia Rios by deed recorded in County Clerk's File No. 2006049968 of the Official Records of Brazoria County, Texas, and for the southerly southwest corner of said tract herein described;

THENCE North with the east line of said Rios Tract, a distance of 120.30 feet (called 126.25 feet) to a found 1/2-inch iron rod for a northeast corner of said Rios Tract, and for an interior corner of said tract herein described;

THENCE West with the north line of said Rios Tract, a distance of 204.88 feet to a found 1-inch iron pipe for an interior corner of said Rios Tract, and for the westerly southwest corner of said tract herein described;

THENCE North with the east line of said Rios Tract, a distance of 169.35 feet (called 163.40 feet) to a set 1/2-inch iron rod with cap marked "Survey-1" in the south right-of-way line of said West Adoue Street for the westerly northwest corner of said tract herein described;

THENCE East with the south right-of-way line of said West Adoue Street, a distance of 175.10 feet to a found 1/2-inch iron rod for the northwest corner of a tract of land conveyed unto Joan Victoria Hall by deed recorded in County Clerk's File No. 1996042852 of the Official Records of Brazoria County, Texas, and for a northeast corner of said tract herein described;

THENCE South with the west line of said Hall Tract, a distance of 125.00 feet to a point, from which a found 1/2-inch iron rod bears South 33° 19' 52" East, a distance of 0.98 feet, said point being the southwest corner of said Hall Tract, and for an interior corner of said tract herein described;

THENCE East with the south line of said Hall Tract, a distance of 75.00 feet to a found 1/2-inch iron rod for the southeast corner of said Hall Tract, and for an interior corner of said tract herein described;

THENCE North with the east line of said Hall Tract, a distance of 125.00 feet to a found 1/2-inch iron rod in the south right-of-way line of said West Adoue Street for the northeast corner of said Hall Tract, and for a northwest corner of said tract herein described;

THENCE East with the south right-of-way line of said West Adoue Street, a distance of 180.00 feet to the POINT OF BEGINNING and containing 2.0775 acres (90,495 square feet), more or less.

*Note: This metes and bounds description is referenced to a survey drawing prepared by Survey 1, Inc. (Firm Registration No. 100758-00) dated May 8, 2015, job number 5-35964-15.*

Survey 1, Inc.  
P.O. Box 2543  
Alvin, TX 77512  
281-393-1382

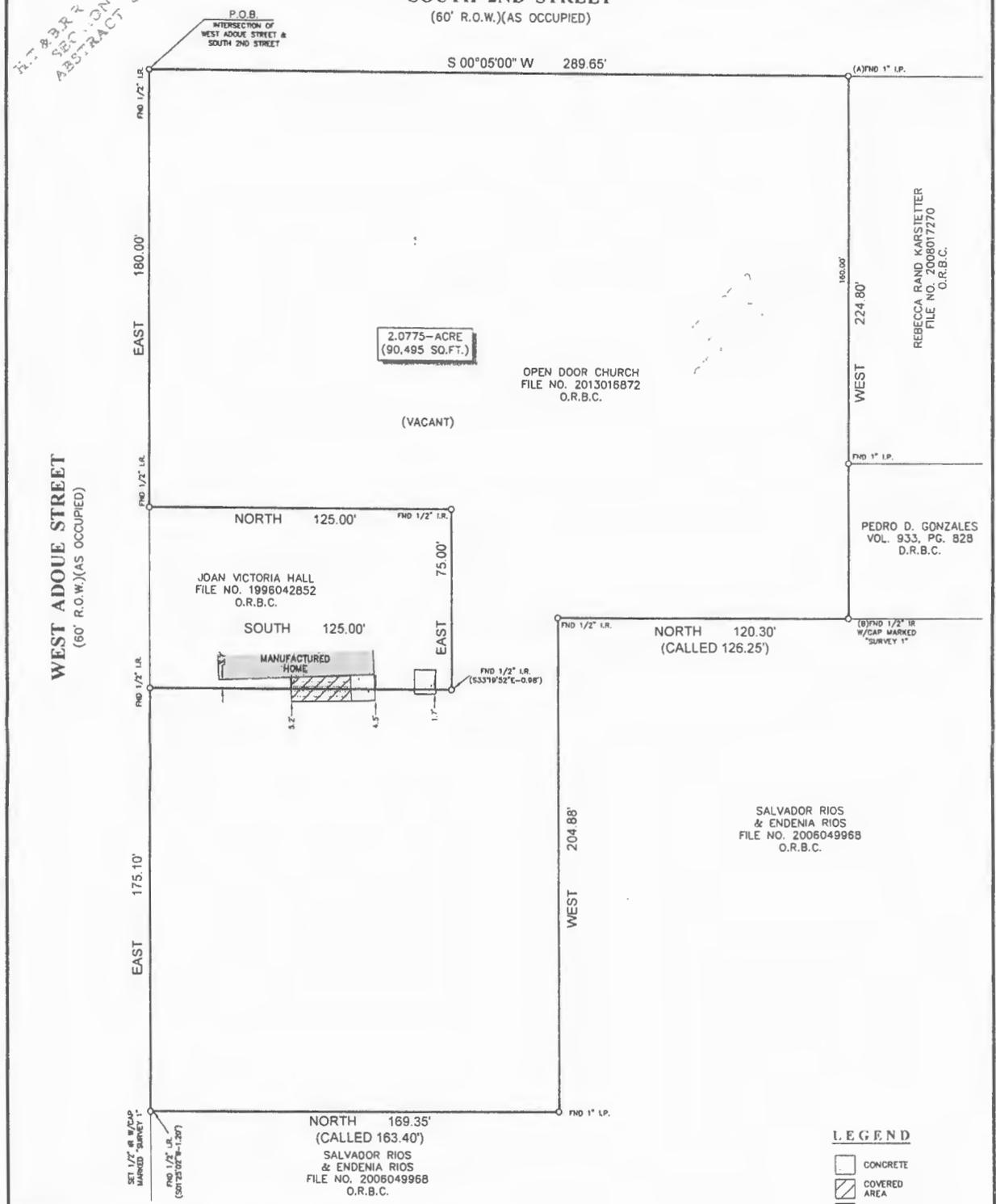


May 8, 2015

H.T. & B.R.R. SURVEY  
SECTION 14  
ABSTRACT 449

SCALE 1" = 40'

**SOUTH 2ND STREET**  
(60' R.O.W.)(AS OCCUPIED)

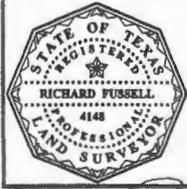


**NOTES**

1. ALL BEARINGS SHOWN HEREON ARE REFERENCED TO A PRIOR DEED CONVEYED UNTO OPEN DOOR CHURCH, RECORDED IN COUNTY CLERK'S FILE NO. 2013016872 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS. POINTS (A) AND (B) WERE HELD FOR HORIZONTAL CONTROL.
2. ABSTRACT INFORMATION FOR THE SUBJECT PROPERTY WAS PROVIDED BY THE TITLE COMPANY LISTED BELOW.
3. THIS SURVEY IS CERTIFIED TO THE TITLE INSURANCE COMPANY LISTED BELOW FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4. ALL EASEMENTS AND BUILDING LINES SHOWN ARE PER THE RECORDED PLAT UNLESS OTHERWISE NOTED.
5. THERE ARE NO NATURAL DRAINAGE COURSES ON SUBJECT PROPERTY.

PROJECT: A LAND TITLE SURVEY OF A TRACT OF LAND CONTAINING 2.0775 ACRE (90,495 SQUARE FEET) SITUATED IN THE H.T.&B.R.R. SURVEY, SECTION 14, ABSTRACT 449, IN THE CITY OF ALVIN BRAZORIA COUNTY, TEXAS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS ATTACHED.

CLIENT: PRASERT SANANIKONE AND SAENGCHAN SANANIKONE ADDRESS: WEST ADUOE STREET



**SURVEYORS CERTIFICATE:**  
IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON MAY 8, 2015 AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, AND THAT THERE ARE NO ENCROACHMENTS OR PROJECTIONS EXCEPT AS SHOWN.

RICHARD FUSSELL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 4148



**Alamo Title Company**

281-331-5275

D.F. # ATCH15050108 ISSUE DATE: 5-8-2015

FIELD CREW:	TECH:	DATE:
JJ	EF	5-8-2015
DRAFTER:	FINAL CHECK:	JOB#
EF	EF	5-35964-15

Prasert Sananikone & Saengchan

REVISED (TITLE): S-12-2015

# Exhibit B

**DESCRIPTION OF A PROPOSED 10-FOOT WIDE  
SIDEWALK EASEMENT CONTAINING  
0.0266 ACRES (1,159 SQUARE FEET) SITUATED  
IN THE H.T.&B.R.R. SURVEY, SECTION 14, ABSTRACT 449  
BRAZORIA COUNTY, TEXAS**

Being a tract of land containing 0.0266 acres (1,159 square feet), being a portion of Tract 2, in Block J, of the H.T.&B.R.R. Survey, Section 14, Abstract 449, in the City of Alvin, Brazoria County, Texas, being part of a tract of land conveyed unto Open Door Church by deed recorded in County Clerk's File No. 2013016872 of the Official Records of Brazoria County, Texas. Said 0.0266-acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2-inch iron rod at the intersection of the south right-of-way line of West Adoue Street (60.00 feet wide as occupied) with the west right-of-way line of South 2<sup>nd</sup> Street (60.00 feet wide as occupied) for the easterly northeast corner of said Open Door Church Tract;

THENCE West with the south right-of-way line of said West Adoue Street and the north line of said Open Door Church Tract, a distance of 2.40 feet to a point for the northeast corner of said tract herein described;

THENCE South 00° 36' 18" East, a distance of 199.38 feet to a point in the west right-of-way line of said South 2<sup>nd</sup> Street, being in the east line of said Open Door Church Tract, and for an angle point in the east line of the said tract herein described;

THENCE South 01° 20' 22" West, a distance of 54.74 feet to a point for an angle point in the east line of the said tract herein described;

THENCE South 00° 05' 00" West, a distance of 35.56 feet to a point in the south line of said Open Door Church Tract, and for the southeast corner of the said tract herein described;

THENCE West, with the south line of said Open Door Church Tract, a distance of 4.00 feet to a point for the southwest corner of the said tract herein described;

THENCE North 00° 05' 00" East, a distance of 35.60 feet to a point for an angle point in the west line of the said tract herein described;

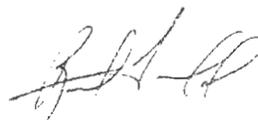
THENCE North 01° 20' 22" East, a distance of 54.71 feet to a point for an angle point in the west line of the said tract herein described;

THENCE North 00° 36' 18" West, a distance of 199.40 feet to a point in the south right-of-way line of said West Adoue Street, being in the north line of said Open Door Church Tract, and for the northwest corner of the said tract herein described;

THENCE East, with said south right-of-way line and the north line of said Open Door Church Tract, a distance of 4.00 feet to the POINT OF BEGINNING and containing 0.0266 acres (1,159 square feet), more or less.

*Note: This metes and bounds description is referenced to a survey drawing prepared by Survey 1, Inc. (Firm Registration No. 100758-00) dated June 1, 2016, job number 5-45738-16.*

Survey 1, Inc.  
P.O. Box 2543  
Alvin, TX 77512  
281-393-1382







# AGENDA COMMENTARY

**Meeting Date:** 9/15/2016

**Department:** City Attorney

**Contact:** Bobbi J. Kacz

**Agenda Item:** Consider Resolution 16-R-25; acknowledging and accepting two (2) sidewalk easements located at 312 and 314 North Ormsby granted to the City of Alvin by Carol Croom.

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

**Summary:** This resolution formally acknowledges the City's acceptance of two (2) sidewalk easements being granted to the City by Carol Croom. Ms. Croom had duplexes constructed on two adjacent lots at 312 and 314 North Ormsby and is required to install a sidewalk as part of the construction of the homes on her properties. There is insufficient room in the City right-of-way for the placement of these sidewalks due to the open ditch drainage system in place, forcing the required sidewalk to be placed outside the right-of-way and on Ms. Croom's properties. Carol Croom has granted these sidewalk easements to the City so that the City can maintain the public sidewalk on her properties.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A \_\_\_ **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A \_\_\_

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A \_\_\_ Required  **Date Completed:** September 12, 2016

**Supporting documents attached:**

- Resolution 16-R-25
- Sidewalk Easement with exhibits

**Recommendation:** Move to approve Resolution 16-R-25 accepting the 2 sidewalk easements from Carol Croom.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**RESOLUTION 16-R-25**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, ACKNOWLEDGING AND ACCEPTING TWO (2) SIDEWALK EASEMENTS GRANTED TO THE CITY OF ALVIN**

**WHEREAS**, the City of Alvin, Texas desires to acknowledge and accept said SIDEWALK EASEMENTS located at 312 and 314 North Ormsby, attached hereto as Exhibit 1, granted to the City by Carol Croom more formally described as follows:

**Tract I:**

Being a tract of land containing 0.0060 acres (260) square feet), being out of Lot 9, in Block 1 of A.E. Bates Live Oak Subdivision, a subdivision recorded in Volume 4, Page 181 of the Plat Records of Brazoria County, Texas.

**Tract II:**

Being a tract of land containing 0.0057 acres (250 square feet), being out of Lot 10, in Block 1 of A.E. Bates Live Oak Subdivision, a subdivision recorded in Volume 4, Page 181 of the Plat Records of Brazoria County, Texas.

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

**Section 1.** That the City Council hereby accepts the two (2) Sidewalk Easements located at 312 and 314 North Ormsby granted to the City of Alvin by Carol Croom.

**Section 2.** That said Sidewalk Easements shall be recorded in the Deed Records of Brazoria County, Texas.

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

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

**CITY OF ALVIN, TEXAS**

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

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

## DEDICATION OF SIDEWALK EASEMENT

THIS EASEMENT is made and executed this 7<sup>th</sup> day of September, 2016, by Carol Croom whose mailing address is 4314 Summerlee Ct., Missouri City, Texas 77459 (hereinafter referred to as the "Grantor"), to the CITY OF ALVIN, a Texas municipal corporation, whose mailing address is 216 W. Sealy, Alvin, Texas 77511, (hereinafter referred to as the "Grantee").

(Wherever used herein, the terms, "Grantor" and "Grantee" shall include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships (including joint ventures), public bodies and quasi-public bodies.)

### WITNESSETH:

**WHEREAS**, the Grantor is the owner of property situate, lying and being in Brazoria County, Texas, and described as follows:

See Exhibit "A" ("Grantor's Land") with accompanying sketch of description attached hereto and made a part hereof; and,

**WHEREAS**, the Grantee desires a perpetual, non-exclusive easement for public use and other appropriate purposes incidental thereto, in, on, over, under, and across that portion of Grantor's Land; and

**WHEREAS**, the Grantor is willing to grant a sidewalk easement on a portion of Grantor's Land to the Grantee.

**WHEREAS**, the Grantor, at its expense, shall cause a sidewalk to be constructed on a portion of Grantor's Land, which portion is more particularly described in the attached Exhibit "B" ("Easement Land") with accompanying sketch of description attached hereto and made a part hereof; and

**WHEREAS**, Grantee, at its expense, shall be responsible for maintaining, replacing, and repairing the sidewalk.

**NOW, THEREFORE**, for and in consideration of mutual covenants each to the other running and Ten Dollars (\$10.00) and other good and valuable considerations, the Grantor does hereby grant unto the Grantee, its successors and assigns, subject to the terms hereof, a sidewalk easement for the public use, in perpetuity, in, on, over, under, and across the Easement Land.

1. Recitals Incorporated. The foregoing recitals are incorporated by reference and made a part of this grant of easement.

2. Grant of Easement. The Grantor hereby grants Grantee a perpetual, non-exclusive easement in, on, over, under, and across the Easement Land described in Exhibit "B" for a public sidewalk, in perpetuity. This grant of easement shall not be construed as a dedication to the public of the underlying fee simple ownership of the Easement Land.

3. Construction of Sidewalk Improvements. At Grantor's sole cost and expense, Grantor shall construct a sidewalk within the Easement Land pursuant to a site plan approved for Grantor's Land.

4. Maintenance of Sidewalk Improvements. At Grantee's sole cost and expense, Grantee shall maintain, replace, and repair the sidewalk as necessary.

5. Title Warranties. Grantor warrants that Grantor has good and indefeasible fee simple title to and possession of the Easement Land and that it has good and lawful right to grant this Easement.

6. Benefits and Burdens Runs with Land. All provisions of this Sidewalk Easement, including the benefits and burdens, run with the Easement Land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

7. Termination/Relocation. Should the Grantee cease using the Easement Land for a public sidewalk for a period of more than twelve (12) months, this easement shall automatically terminate. The Grantee, through its Planning and Development Department, in its reasonable discretion, may approve a request by Grantor to relocate this easement as described in Exhibit "B," to other lands owned by the Grantor.

8. Indemnification. GRANTEE SHALL DEFEND, INDEMNIFY AND HOLD GRANTOR HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, LIABILITY, DAMAGE, LOSS, COST AND EXPENSE OF ANY KIND WHATSOEVER WHICH MAY ACCRUE TO OR BE SUSTAINED BY GRANTOR ARISING OUT OF THIS EASEMENT INCLUDING, WITHOUT LIMITATION, FOR THE DEATH OF OR INJURY TO PERSONS OR DESTRUCTION OF PROPERTY ARISING FROM ANY CAUSE WHATSOEVER, EXCEPT FOR SUCH INJURY, LOSS OR DAMAGE AS SHALL HAVE BEEN CAUSED BY THE WILLFUL OR INTENTIONAL ACT OF THE GRANTOR, ITS AGENTS, GUESTS, INVITEES, FAMILY MEMBERS OR EMPLOYEES. GRANTEE EXPRESSLY AGREES TO INDEMNIFY AND REIMBURSE GRANTOR FOR ANY LEGAL FEES AND EXPENSES INCURRED IN RESISTING OR DEFENDING AGAINST ANY CLAIMS, DEMANDS,

ACTIONS OR PROCEEDINGS AND IN SEEKING TO ENFORCE, THROUGH LITIGATION, ARBITRATION, MEDIATION, OR OTHERWISE, GRANTOR'S INDEMNITY AND DEFENSE RIGHTS EXCEPT FOR SUCH INJURY, LOSS OR DAMAGE AS SHALL HAVE BEEN CAUSED BY THE WILLFUL OR INTENTIONAL ACT OF THE GRANTOR, ITS AGENTS, GUESTS, INVITEES, FAMILY MEMBERS OR EMPLOYEES.

Grantor: Carol Croom

Printed Name: Carol Croom

Accepted by the City of Alvin

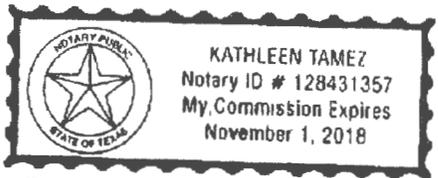
By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZORIA   §

This instrument was acknowledged before me on September 7, 2016, by Carol Croom.



Kathleen Tamez  
Notary Public, State of Texas  
My commission expires: 11/1/2018

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZORIA   §

This instrument was acknowledged before me on \_\_\_\_\_, 2016, by \_\_\_\_\_ as the \_\_\_\_\_ for the City of Alvin.

\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

AFTER RECORDING RETURN TO:  
  
City of Alvin  
City Attorney – Bobbi Kacz  
216 W. Sealy  
Alvin, Texas 77511

Tract I  
Exhibits A & B

**SIDEWALK EASEMENT  
DESCRIPTION OF A TRACT OF LAND CONTAINING  
0.0060 ACRES (260 SQUARE FEET) BEING OUT OF  
LOT 9, IN BLOCK 1 OF A.E. BATES LIVE OAK  
SUBDIVISION**

Being a tract of land containing 0.0060 acres (260 square feet), being out of Lot 9, in Block 1 of A.E. Bates Live Oak Subdivision, a subdivision recorded in Volume 4, Page 181 of the Plat Records of Brazoria County, Texas. Said 0.0060-acre tract being more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of said Lot 9;

THENCE East, along the common line(s) of Lot 8 in said Block 1 and said Lot 9, a distance of 10.00 feet to the southwest corner and POINT OF BEGINNING of the said tract herein described;

THENCE North, a distance of 3.00 feet to a point of curvature in the west line of the said tract herein described;

THENCE with a curve to the left, having a radius of 6.66 feet, an arc length of 5.79 feet, a chord bearing of North 24°54'17" West, and a chord length of 5.61 feet to a point of reverse curvature in the west line of the said tract herein described;

THENCE with a curve to the right, having a radius of 11.66 feet, an arc length of 10.14 feet, a chord bearing of North 24°54'17" West, and a chord length of 9.82 feet to a point of tangency in the west line of the said tract herein described;

THENCE North, a distance of 33.00 feet to the northwest corner of the said tract herein described;

THENCE East, along the common line(s) of Lot 10 in said Block 1 and said Lot 9, a distance of 5.00 feet to the northeast corner of the said tract herein described;

THENCE South, a distance of 33.00 feet to a point of curvature in the east line of the said tract herein described;

THENCE with a curve to the left, having a radius of 6.66 feet, an arc length of 5.79 feet, a chord bearing of South 24°54'17" East, and a chord length of 5.61 feet to a point of reverse curvature of the said tract herein described;

THENCE with a curve to the right, having a radius of 11.66 feet, an arc length of 10.14 feet, a chord bearing of South 24°54'17" East, and a chord length of 9.82 feet to a point of tangency in the east line of the said tract herein described;

THENCE South, a distance of 3.00 feet to the southeast corner of the said tract herein described;

THENCE West, a distance of 5.00 feet to the POINT OF BEGINNING and containing 0.0060 acres (260 square feet), more or less.

*Note: This metes and bounds description is referenced to a survey drawing prepared by Survey 1, Inc. (Firm Registration No. 100758-00) dated August 8, 2016, job number 7-47307B-16.*

Survey 1, Inc.  
P.O. Box 2543  
Alvin, TX 77512  
281-393-1382



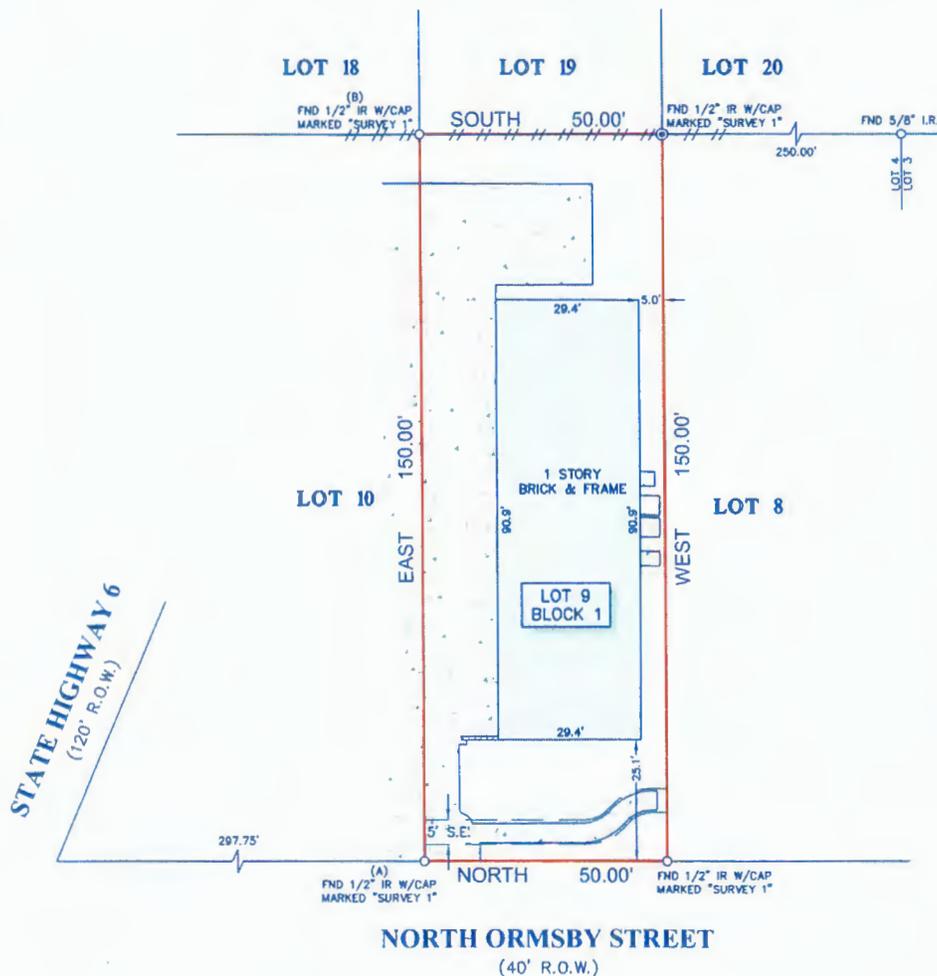
August 8, 2016



# BELLEAU WOOD HOMES, LTD



SCALE 1"=30'



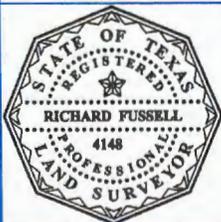
### LEGEND



### NOTES

1. ALL BEARINGS SHOWN HEREON ARE REFERENCED TO THE SUBDIVISION PLAT NAMED BELOW. POINTS (A) AND (B) WERE HELD FOR HORIZONTAL CONTROL.
2. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF INFORMATION CONTAINED IN A TITLE REPORT PER THE REQUEST OF THE BUYER.
3. THIS SURVEY IS CERTIFIED TO BELLEAU WOOD HOMES, LTD. FOR THIS TRANSACTION ONLY; IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4. ALL EASEMENTS AND BUILDING LINES SHOWN ARE PER THE RECORDED PLAT UNLESS OTHERWISE NOTED.
5. THERE ARE NO NATURAL DRAINAGE COURSES ON SUBJECT PROPERTY.

LEGAL DESCRIPTION: LOT 9, IN BLOCK 1, OF A.E. BATES LIVE OAK SUBDIVISION, A SUBDIVISION IN BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 181 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.



SURVEYORS CERTIFICATE:  
IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON FEBRUARY 25, 2018 AND THAT THE PLAT SUBSTANTIALLY COMPLES WITH THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING; AND THAT THERE ARE NO ENCROACHMENTS OR PROTRUSIONS EXCEPT AS SHOWN.

RICHARD FUSSELL  
RPLS# 4148

CLIENT: TBD

ADDRESS: 312 NORTH ORMSBY STREET

www.survey1inc.com  
survey1@survey1inc.com  
**Survey 1, Inc.**  
Your Land Survey Company  
Firm Registration No. 100758-00  
P.O. Box 2543 | Alvin, TX 77512 | (281)393-1382

FIELD CREW: JR	TECH: SB/RG
DRAFTER: RG/NM	FINAL CHECK:
DATE: 8-3-16	
JOB# 7-47307B-16	

## **DEDICATION OF SIDEWALK EASEMENT**

THIS EASEMENT is made and executed this 7<sup>th</sup> day of September, 2016, by Carol Croom whose mailing address is 4314 Summerlee Ct., Missouri City, Texas 77459 (hereinafter referred to as the "Grantor"), to the CITY OF ALVIN, a Texas municipal corporation, whose mailing address is 216 W. Sealy, Alvin, Texas 77511, (hereinafter referred to as the "Grantee").

(Wherever used herein, the terms, "Grantor" and "Grantee" shall include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships (including joint ventures), public bodies and quasi-public bodies.)

### **WITNESSETH:**

**WHEREAS**, the Grantor is the owner of property situate, lying and being in Brazoria County, Texas, and described as follows:

See Exhibit "A" ("Grantor's Land") with accompanying sketch of description attached hereto and made a part hereof; and,

**WHEREAS**, the Grantee desires a perpetual, non-exclusive easement for public use and other appropriate purposes incidental thereto, in, on, over, under, and across that portion of Grantor's Land; and

**WHEREAS**, the Grantor is willing to grant a sidewalk easement on a portion of Grantor's Land to the Grantee.

**WHEREAS**, the Grantor, at its expense, shall cause a sidewalk to be constructed on a portion of Grantor's Land, which portion is more particularly described in the attached Exhibit "B" ("Easement Land") with accompanying sketch of description attached hereto and made a part hereof; and

**WHEREAS**, Grantee, at its expense, shall be responsible for maintaining, replacing, and repairing the sidewalk.

**NOW, THEREFORE**, for and in consideration of mutual covenants each to the other running and Ten Dollars (\$10.00) and other good and valuable considerations, the Grantor does hereby grant unto the Grantee, its successors and assigns, subject to the terms hereof, a sidewalk easement for the public use, in perpetuity, in, on, over, under, and across the Easement Land.

1. Recitals Incorporated. The foregoing recitals are incorporated by reference and made a part of this grant of easement.

2. Grant of Easement. The Grantor hereby grants Grantee a perpetual, non-exclusive easement in, on, over, under, and across the Easement Land described in Exhibit "B" for a public sidewalk, in perpetuity. This grant of easement shall not be construed as a dedication to the public of the underlying fee simple ownership of the Easement Land.

3. Construction of Sidewalk Improvements. At Grantor's sole cost and expense, Grantor shall construct a sidewalk within the Easement Land pursuant to a site plan approved for Grantor's Land.

4. Maintenance of Sidewalk Improvements. At Grantee's sole cost and expense, Grantee shall maintain, replace, and repair the sidewalk as necessary.

5. Title Warranties. Grantor warrants that Grantor has good and indefeasible fee simple title to and possession of the Easement Land and that it has good and lawful right to grant this Easement.

6. Benefits and Burdens Run with Land. All provisions of this Sidewalk Easement, including the benefits and burdens, run with the Easement Land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

7. Termination/Relocation. Should the Grantee cease using the Easement Land for a public sidewalk for a period of more than twelve (12) months, this easement shall automatically terminate. The Grantee, through its Planning and Development Department, in its reasonable discretion, may approve a request by Grantor to relocate this easement as described in Exhibit "B," to other lands owned by the Grantor.

8. Indemnification. GRANTEE SHALL DEFEND, INDEMNIFY AND HOLD GRANTOR HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, LIABILITY, DAMAGE, LOSS, COST AND EXPENSE OF ANY KIND WHATSOEVER WHICH MAY ACCRUE TO OR BE SUSTAINED BY GRANTOR ARISING OUT OF THIS EASEMENT INCLUDING, WITHOUT LIMITATION, FOR THE DEATH OF OR INJURY TO PERSONS OR DESTRUCTION OF PROPERTY ARISING FROM ANY CAUSE WHATSOEVER, EXCEPT FOR SUCH INJURY, LOSS OR DAMAGE AS SHALL HAVE BEEN CAUSED BY THE WILLFUL OR INTENTIONAL ACT OF THE GRANTOR, ITS AGENTS, GUESTS, INVITEES, FAMILY MEMBERS OR EMPLOYEES. GRANTEE EXPRESSLY AGREES TO INDEMNIFY AND REIMBURSE GRANTOR FOR ANY LEGAL FEES AND EXPENSES INCURRED IN RESISTING OR DEFENDING AGAINST ANY CLAIMS, DEMANDS,

ACTIONS OR PROCEEDINGS AND IN SEEKING TO ENFORCE, THROUGH LITIGATION, ARBITRATION, MEDIATION, OR OTHERWISE, GRANTOR'S INDEMNITY AND DEFENSE RIGHTS EXCEPT FOR SUCH INJURY, LOSS OR DAMAGE AS SHALL HAVE BEEN CAUSED BY THE WILLFUL OR INTENTIONAL ACT OF THE GRANTOR, ITS AGENTS, GUESTS, INVITEES, FAMILY MEMBERS OR EMPLOYEES.

Grantor: Carol Cram

Printed Name: CAROL CRAM

Accepted by the City of Alvin

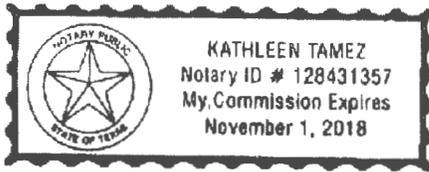
By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZORIA   §

This instrument was acknowledged before me on September 7, 2016, by Carol Croom.



Kathleen Tamez  
Notary Public, State of Texas  
My commission expires: 11/1/2018

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZORIA   §

This instrument was acknowledged before me on \_\_\_\_\_, 2016, by \_\_\_\_\_ as the \_\_\_\_\_ for the City of Alvin.

\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

AFTER RECORDING RETURN TO:  
  
City of Alvin  
City Attorney – Bobbi Kacz  
216 W. Sealy  
Alvin, Texas 77511

Tract II  
Exhibits A & B

**SIDEWALK EASEMENT  
DESCRIPTION OF A TRACT OF LAND CONTAINING  
0.0057 ACRES (250 SQUARE FEET) BEING OUT OF  
LOT 10, IN BLOCK 1 OF A.E. BATES LIVE OAK  
SUBDIVISION**

Being a tract of land containing 0.0057 acres (250 square feet), being out of Lot 10, in Block 1 of A.E. Bates Live Oak Subdivision, a subdivision recorded in Volume 4, Page 181 of the Plat Records of Brazoria County, Texas Said 0.0057-acre tract being more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of said Lot 10;

THENCE East, along the common line(s) of Lot 9 in said Block 1 and said Lot 10, a distance of 3.50 feet to the southwest corner and POINT OF BEGINNING of the said tract herein described;

THENCE North, a distance of 50.00 feet to the northwest corner of the said tract herein described;

THENCE East, a distance of 5.00 feet to the northeast corner of the said tract herein described;

THENCE South, a distance of 50.00 feet to the southeast corner of the said tract herein described;

THENCE West, a distance of 5.00 feet to the POINT OF BEGINNING and containing 0.0057 acres (250 square feet), more or less.

*Note: This metes and bounds description is referenced to a survey drawing prepared by Survey 1, Inc. (Firm Registration No. 100758-00) dated August 8, 2016, job number 7-47307B-16.*

Survey 1, Inc.  
P.O. Box 2543  
Alvin, TX 77512  
281-393-1382

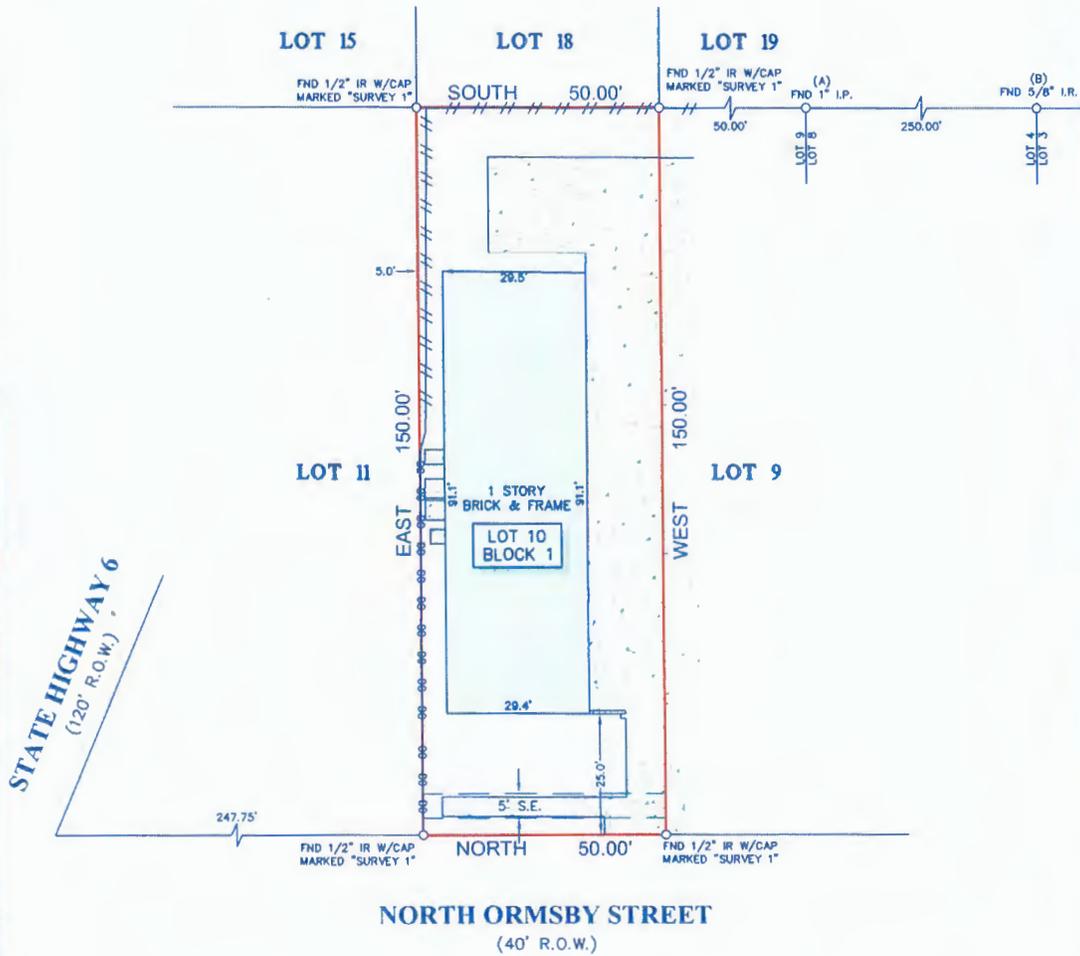




# BELLEAU WOOD HOMES, LTD



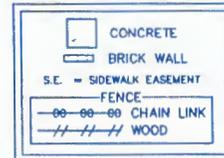
SCALE 1"=30'



**NOTES**

1. ALL BEARINGS SHOWN HEREON ARE REFERENCED TO THE SUBDIVISION PLAT NAMED BELOW, POINTS (A) AND (B) WERE HELD FOR HORIZONTAL CONTROL.
2. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF INFORMATION CONTAINED IN A TITLE REPORT PER THE REQUEST OF THE BUYER.
3. THIS SURVEY IS CERTIFIED TO BELLEAU WOOD HOMES, LTD. FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4. ALL EASEMENTS AND BUILDING LINES SHOWN ARE PER THE RECORDED PLAT UNLESS OTHERWISE NOTED.
5. THERE ARE NO NATURAL DRAINAGE COURSES ON SUBJECT PROPERTY.

**LEGEND**



LEGAL DESCRIPTION: LOT 10, IN BLOCK 1, OF A.E. BATES LIVE OAK SUBDIVISION, A SUBDIVISION IN BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4, PAGE 181 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.



SURVEYORS CERTIFICATE:  
IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON FEBRUARY 25, 2016 AND THAT THIS PLAT SUBSTANTIALLY COMPLES WITH THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, AND THAT THERE ARE NO ENCROACHMENTS OR PROTRUSIONS EXCEPT AS SHOWN.

*Richard Fusell*  
RICHARD FUSSELL  
SWS 4148

CLIENT: TBD

ADDRESS: 314 NORTH ORMSBY STREET

www.survey1inc.com  
survey1@survey1inc.com  
**Survey 1, Inc.**  
Your Land Survey Company  
Firm Registration No. 100758-00  
P.O. Box 2543 | Alvin, TX 77512 | (281)393-1382

FIELD CREW: JR	TECH: RG/SB
DRAFTER: RG/NM	FINAL CHECK:
DATE: 8-3-16	
JOB# 7-47307A-16	



# AGENDA COMMENTARY

**Meeting Date:** 9/15/2016

**Department:** Finance

**Contact:** Junru Roland, Asst. City Manager/CFO

**Agenda Item:** Consider Ordinance 16-X; adopting the budget for the City of Alvin, Texas for Fiscal Year 2016-2017; directing the City Clerk to post a copy of the budget on the City of Alvin website; and setting forth other provisions related thereto.

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

## Summary:

On July 21, 2016, the City Manager presented the FY 2016-17 proposed budget to City Council. Subsequently, two budget workshops were held: August 23, 2016 and August 30, 2016 whereby City Council and staff reviewed the proposed budget.

State law and the City's Charter require that the City enact an annual budget. The City Charter requires that an ordinance to establish appropriation must be approved by a favorable vote of a majority of the members of the City Council.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A \_\_\_ **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A \_\_\_

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A \_\_\_ Required  **Date Completed:** September 8, 2016

## Supporting documents attached:

- Ordinance 15-X

**Recommendation:** Move to approve Ordinance 16-X; adopting the budget for the City of Alvin, Texas for Fiscal Year 2016-2017; directing the City Clerk to post a copy of the budget on the City of Alvin website; and setting forth other provisions related thereto.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

**ORDINANCE NO. 16-X**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS ADOPTING THE BUDGET FOR THE CITY OF ALVIN, TEXAS FOR FISCAL YEAR 2016-17; DIRECTING THE CITY CLERK TO POST A COPY OF THE BUDGET ON THE CITY OF ALVIN WEBSITE; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

**WHEREAS**, State Law and the City's Home Rule Charter require that the City enact an annual budget: and

**WHEREAS**, the City desires to comply with sound budgetary principles and protect the citizens of the City by maintaining a fund balance adequate to cover the needs of the City during fiscal year 2016-17; and

**WHEREAS**, the budget for fiscal year 2016-17 reflects Council's best efforts at providing a balanced budget and maintaining the necessary fund balance to meet the City's needs; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS;**

**Section 1.** That the City Council hereby adopts the recitals and findings set forth in the preamble hereof.

**Section 2.** That the City Council hereby adopts the City of Alvin Annual Budget for fiscal year 2016-17, a copy of which is attached hereto and incorporated herein by reference. Such budget is adopted by the favorable vote of a majority of the members of the City Council of the City of Alvin in a Council meeting duly assembled in accordance with Article VII of the Home-Rule Charter of the City of Alvin, Texas.

**Section 3.** That the City Council files the budget with the City Clerk and directs the City Clerk to post a copy of the budget on the City of Alvin website.

**Section 4. 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 AND APPROVED** on the \_\_\_\_ day of \_\_\_\_\_, 2016.

**ATTEST:**

**CITY OF ALVIN:**

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

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



# AGENDA COMMENTARY

**Meeting Date:** 9/15/2016

**Department:** Finance

**Contact:** Junru Roland, Asst. City Manager/CFO

**Agenda Item:** Consider Ordinance 16-Y; levying a property tax rate for tax year 2016 and to direct the Tax Assessor-Collector to assess, account for, and distribute the property taxes as herein levied.

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

**Summary:** A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget.

For a taxing unit other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order.

According to Property Tax Code 26.05(b), a motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent increase in the tax rate."

For Tax Year 2016, staff is proposing that city council adopt a tax rate of \$0.7980 per \$100 of taxable assessed value.

Property Tax Rate Comparison

	<b>Tax Year 2016</b>	<b>Tax Year 2015</b>
Property Tax Rate:	\$0.798000/100	\$0.838600/100
M&O Tax Rate:	\$0.723530/100	\$0.711880/100
Debt Rate:	\$0.074393/100	\$0.126720/100
Effective Tax Rate:	\$0.771576/100	\$0.793642/100
Effective M&O Tax Rate:	\$0.661136/100	\$0.661681/100
Rollback Tax Rate:	\$0.802706/100	\$0.857071/100

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A \_\_\_ **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A \_\_\_

**Account Number:** \_\_\_ **Amount:** \_\_\_ **1295 Form Required?** Yes \_\_\_ No \_\_\_

**Legal Review Required:** N/A \_\_\_ Required  **Date Completed:** September 8, 2016

**Supporting documents attached:**

- Ordinance 16-Y
- 5-year Property Tax Rate History

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**Recommendation:** Move to approve Ordinance 16-Y; that the property tax rate be increased by the adoption of a tax rate of \$0.7980, which is effectively a 3.42 percent increase in the tax rate; and direct the Tax Assessor-Collector to access, account for, and distribute the property taxes as herein levied.

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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. 16-Y**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, LEVYING A PROPERTY TAX RATE FOR THE YEAR 2016; DIRECTING THE TAX ASSESSOR-COLLECTOR TO ASSESS, ACCOUNT FOR, AND DISTRIBUTE THE PROPERTY TAXES AS HEREIN LEVIED.**

**WHEREAS**, Section 26.05 (a) of the Tax Code requires taxing authorities to adopt a property tax rate by September 30 of each year or within sixty (60) days after receipt of the certified appraisal roll; and

**WHEREAS**, Section 26.05 (a) of the Tax Code requires the total property tax rate be approved in two components: (1) Maintenance and Operations; and (2) Debt Service; and

**WHEREAS**, Section 26.05 (b) of the Tax Code requires that if the ordinance sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must include in the ordinance in type larger than the type used in any other portion of the ordinance the following statement; "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and if the tax rate exceeds the effective maintenance and operations rate, include the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(INSERT AMOUNT)."

**WHEREAS**, Section 26.05 (b) of the Tax Code is applicable this year because the tax rate to be adopted exceeds the effective tax rate, and exceeds the effective maintenance and operations rate. **NOW, THEREFORE;**

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

That there be and is hereby levied for the year 2016 on all real and personal property within the City limits of the City of Alvin, Texas, except so much thereof as may be exempt by the Constitution and laws of the State of Texas and of the United States the following:

**Section 1.** An ad valorem tax of and at the rate of \$0.723607 on the One Hundred Dollars valuation of the real and personal property and mineral royalties owned within the City limits of Alvin on the first day of January 2016 to provide for the current expenses of the City of Alvin, Texas (General Fund).

**Section 2.** An ad valorem tax of and at the rate of \$0.01414669 on the One Hundred Dollars valuation of the real and personal property situated and owned within the City limits of Alvin on the first day of January 2016 to pay current interest and to provide a Sinking Fund on the General Obligation Refunding Bonds, Series 2012.

**Section 3.** An ad valorem tax of and at the rate of \$0.01682049 on the One Hundred Dollars valuation of the real and personal property situated and owned within the City limits of Alvin on the first day of January 2016 to pay current interest and to provide a Sinking Fund on the General Obligation Refunding Bonds, Series 2011.

**Section 4.** An ad valorem tax of and at the rate of \$0.02787462 on the One Hundred Dollars valuation of the real and personal property situated and owned within the City limits of Alvin on the first day of January 2016 to pay current interest and to provide a Sinking Fund on the Certificate of Obligations, Series 2011.

**Section 5.** An ad valorem tax of and at the rate of \$0.01555164 on the One Hundred Dollars valuation of the real and personal property situated and owned within the City limits of Alvin on the first day of January 2016 to pay current interest and to provide a Sinking Fund on the Tax Anticipation Note, Series 2013.

**Section 6.** Taxes are to be calculated on the basis of one hundred percent (100%) of assessed value for the 2016 tax year.

**THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

**THE TAX RATE WILL EFFECTIVELY BE RAISED BY 9.44 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$11.06.**

A total tax rate of all property was set at \$0.798000 per One Hundred Dollars valuation, and such total tax rate was adopted by favorable majority of the members of the City Council of the City of Alvin, Texas in a Council meeting duly assembled in accordance with the Home-Rule Charter of the City of Alvin, Texas and such action is hereby ratified, confirmed and affirmed.

**Section 7.** That the recorded vote of the City Council on this ordinance is:

Council Members voting FOR adoption:

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Council Members voting AGAINST adoption:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Council Members absent:

\_\_\_\_\_

**Section 8.** This ordinance is adopted in compliance with Article VII of the City Charter.

**Section 9. 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 AND APPROVED** on the \_\_\_\_\_ day of \_\_\_\_\_ 2016.

**ATTEST:**

**CITY OF ALVIN, TEXAS:**

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

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

# CITY OF ALVIN PROPERTY TAX RATE HISTORY





# AGENDA COMMENTARY

**Meeting Date:** 9/15/2016

**Department:** City Clerk

**Contact:** Dixie Roberts, City Clerk

**Agenda Item:** Accept resignation from Senior Citizen Board member Wanda Garrett and consider appointment to fill the unexpired term.

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

**Summary:** Wanda Garrett has served on the Senior Citizen's Board since 2008. In December, 2015 she was appointed to serve a 2-year term thorough December, 2017. On August 1, 2016 Ms. Garrett submitted her resignation to be effective after the board's September 12<sup>th</sup> meeting.

This vacancy has been advertised on all of the city's social media accounts.

Section 2-20.3 states that the Senior's Board shall consist of seven (7) members. Members of the board shall be appointed by the mayor subject to the approval of the council by a majority vote. Vacancies on the board shall be filled according to the same procedure.

The current board members are: Barbara Biggers, Brenda Maust, Betty Hodges, Beverly Kimbrough, Nell Shimek, and Darrell Brady.

Judy Zavala has submitted a Consent and Willingness to Serve Form to specifically serve on the Senior Citizen's Board.

A spreadsheet of applicant information is included in your packet.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A  **Budgeted Item:** Yes \_\_\_ No \_\_\_ N/A

**Account Number:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes \_\_\_ No

**Legal Review Required:** N/A \_\_\_ Required \_\_\_ **Date Completed:** September 8, 2016

## Supporting documents attached:

- Resignation Letter
- Spreadsheet of applicant information

**Recommendation:** Move to accept resignation from Senior Citizen Board member Wanda Garrett and appoint \_\_\_\_\_ to fill the unexpired term.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

**Sent:** Monday, August 1, 2016 11:04 AM  
**To:** Marla Grigsby  
**Subject:** Board member

Good morning Marla;

Just a heads up, September will be my last month on the Senior Board. I have enjoyed being on the board. Thanks for the opportunity.

Thank you,

Wanda Garrett

## Senior Citizen Board - Applicant Information 9/15/16

First Name	Last Name	Employment	Occupation	Resident of Alvin	Past Boards Served on	Notes Provided on Consent and Willingness to Serve Form
Judy	Zavala	Retired	Alvin Sun	Many Years	Library Board, Comp Plan Committee	<i>Applied 08/09/16</i> - I am very active in Senior Center trips and events. Serve on the Brazoria County CPS Board, Volunteer Chaplain for the Alvin Police Department, serve on the Brazoria County Library Board and has served as a member of Keep Alvin Beautiful.