

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

ALVIN CITY COUNCIL AGENDA THURSDAY, AUGUST 18, 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 48 hours prior to the meeting time. City Hall is wheel chair accessible and a sloped curb entry is available at the east and west entrances to City Hall.

NOTICE is hereby given of a Regular Meeting of the City Council of the City of Alvin, Texas, to include a Public Hearing and Executive Session to be held on **Thursday, August 18, 2016** at 7:00 p.m. in the Council Chambers at: City Hall, 216 W. Sealy, Alvin, Texas.

REGULAR MEETING AGENDA

1. **CALL TO ORDER**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENT**
4. **PRESENTATIONS**
 - A. Proclamation; National Payroll Week; September 4-10, 2016
 - B. Proclamation; Harby Junior High Sea CRAB Robotics Camp Winners
 - C. Operation Finally Home Presentation
 - D. Alvin Historical Museum Update; Tom Stansel
 - E. EMS/Emergency Management Departmental Update
5. **PUBLIC HEARINGS**
 - A. Public Hearing to receive comment on the Proposed Fiscal Year 16-17 Annual Budget. This proposed budget is estimated to raise more total property taxes than last year's budget by \$938,042 or 14.12% and of that amount \$394,728 is tax revenue to be raised from new property added to the tax roll this year.
 - B. 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).
6. **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 4, 2016 City Council workshop.
- B. Approve minutes of the August 4, 2016 City Council meeting.
- C. Consider Interlocal Agreement with Brazoria County for the Fiscal Year 2016-2017 Asphalt Improvement Project; and authorize the Mayor to sign.

7. OTHER BUSINESS:

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

- A. Consider Ordinance 16-U; amending Chapter 34, Public Storage Facilities/Mini-Warehouses, of the Code of Ordinances, City of Alvin, Texas, for the purpose of amending provisions for existing public storage facilities to expand with certain restrictions; providing for a penalty; and setting forth other provisions related thereto.
- B. Consider Ord. 16-J amending Chapter 28, Comprehensive Fee Ordinance of the Code of Ordinances of the City of Alvin, Texas for the purpose of revising certain Alvin Convention and Visitors Bureau rental fees for the Alvin Depot Centre; Emergency Medical Services fees; Senior Citizen Center rental fees; Streets and Rights-of-Way driveway and culvert permit fees; water and sewer fees for residential and commercial customers; providing for a ten percent (10%) penalty for late payment; providing for publication; providing for an effective date; and setting forth other provisions related thereto.
- C. Accept resignation from 2016 Charter Review Commission member Brenda Smith and consider appointment to fill the unexpired term.

8. REPORTS FROM CITY MANAGER

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

9. 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.

10. EXECUTIVE SESSION

The City Council will convene into a Closed Executive Meeting in accordance with the Texas Government Code, pursuant to the authority contained in:

- A. Section 551.071 of the Government Code: Consultation between governmental body and its attorney to seek advice of attorney about pending or contemplated litigation or a settlement offer or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.
- B. Section 551.072 of the Government Code: Deliberation regarding the purchase, exchange, lease or value or real property.

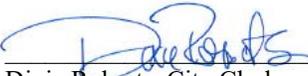
11. RECONVENE TO OPEN SESSION

- A. Consider the sale of real property located at the corner of Hardie St. and Willis St. and authorize the Mayor to sign all necessary documents to effectuate the sale.

12. ADJOURNMENT

I hereby certify that a copy of this notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website: www.alvin-tx.gov, in compliance with Chapter 551, Texas Government Code on MONDAY, AUGUST 15, 2016 at 4:00 P.M.





Dixie Roberts, City Clerk

Removal Date: _____

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

**PARKS AND RECREATION
BOARD MEETING MINUTES
Public Service Facility
July 5, 2016
6:30 pm**

Call to Order: Meeting was called to order at 6:30 pm by Dwight R.

Roll Call: Present: Shala Rios, Dwight Rhodes, Terri Beasley, Cindy DeJongh, Jeanette Stuksa, Milton Morgan

Also present was Parks Director Dan Kelinske

Minutes:

Terri B. made a motion to approve minutes from June meeting
Jeannette S. 2nd the motion. Motion passed

Petitions or Requests from the Public:

- None at this time
-

Report from the Chairman:

- Dwight R. asked Dan to inform the board on what was in the budget for the department for 2016-2017 so board members can be informed. Dan gave the board a short example of the process for submitting his budget for proposal. Dan will bring a copy of what he has proposed to August board meeting.
- **Hike and Bike Trail Phase III-** Dwight suggested getting together a committee for Phase III. Dan suggested letting the Master Plan be the guide. There will be a survey sent out to get citizens views and opinions of Phase III.

Director's Report:

- **Briscoe Playground-**Shade structure was installed July 1, 2016.
- **Summer Movie Series-** There was 195 in attendance for June movie
- **Operation Recreation-** There was 177 in attendance

New Business:

- **Park Land Dedication Ordinance-** It was suggested to change language in certain sections of ordinance. Suggested changes were made to the following articles:

ARTICLE VII:

Section 21-127

D, E

Section 21-132

B

Section 21-130

A, C (2 &3)

Section 21-131

A, B

Cindy D. made a recommendation to accept the Revised Park Land Dedication Ordinance. Terri B. 2nd the motion. Motion passed

- **Sign for CIAP Grant Project @ National Oak Park-** Dan had a meeting with County concerning the project. Construction anticipated to begin July 18, 2016 and should take about 20 days to complete. Name for area was discussed. Cindy D. made a motion to name Nature Observation Area. Terri B. 2nd motion. Motion passed. Sign for project will granite boulder with the following logos: U.S. Fish and Wildlife, City of Alvin, Brazoria County, U.S. Department of Interior. Cindy D. made a recommendation to approve sign design for project. Terri B. 2nd motion. Motion passed.
- **Disc Golf-**Dan informed board that there was interest in installing Disc Golf along Hike and Bike Trail in National Oak Park. Cindy D. recommended installing Disc Golf along Hike and Bike Trail in National Oak Park. Terri B. 2nd motion. Motion to install along Hike and Bike Trail failed 6-0.

Special Presentations

A. Sun Rise Rotary proposed Park Improvement- (Briscoe Park)

Members Robert Vasquez, Nick Droege and Joey Magnison present proposed plans to the board. The following was proposed:

- A. Installation of TruGrid (4 locations)
Power 20'x60'
Tree 24'x62'
Sidewalk 4'x160' Entrance Turn 4'x32'
- B. Increase Entry Way
12' of 18" RCP Culvert
12' wide by 40' long 6" concrete
- C. Install more Water Lines
¾" Underground Water Line with 2 water boxes
- D. Add 40'x 24" HDPE at Pond area and cover with dirt

Cindy D, made a motion to approve items A-D proposed by Sun Rise Rotary for Briscoe Park improvements. Jeannette 2nd the motion. Motion passed.

Announcements or Requests from Board Members:

- **Pearson Park-** Extra dumpsters at park have not been emptied or removed as of meeting time.

Adjournment: A motion to adjourn was made by Cindy D. Terri B. 2nd motion. Motion passed. Meeting was adjourned at 8:30 pm.

Submitted by:

Shala Rios

**MINUTES
CITY OF ALVIN, TEXAS
BUILDING BOARD OF ADJUSTMENTS AND APPEALS
JULY 11, 2016**

1. Call to Order.

The meeting was called to order at 6:00 p.m. Board members Martin Vela, Jeannette Stuksa, Sussie Sutton and James Thompson were present in the First Floor Conference Room at the City of Alvin Public Service Facility, 1100 W. Highway 6. Also present were Building Official, Mike Collins; Plans Examiner, Roy Sosa; and Administrative Assistant, Shana Church.

2. Selection of Vice Chair.

Sussie Sutton motioned to nominate Martin Vela for position of Vice-Chair. Seconded by James Thompson. Martin Vela was elected unanimously.

3. Petitions and requests from the public.

No reports or requests from the public.

4. Approve the minutes of the Building Board of Adjustments and Appeals meeting of August 31, 2015.

James Thompson motioned to approve the minutes of the Building Board of Adjustments and Appeals meeting of August 31, 2015. Seconded by Sussie Sutton, the motion carried on a vote of 2 ayes and 0 nays. Jeannette Stuksa abstained from the vote since she did not attend the August meeting.

5. Appeal hearing – Charles Stagg’s Appeal of Knox Box requirement.

Mr. Stagg presented his variance request to the Building Board along with the Fire Marshal Matt Cornell’s presentation. James Thompson motioned to deny the variance requested by Mr. Stagg. Seconded by Sussie Sutton. The motion carried on a vote of 2 ayes and 1 nay, cast by Jeannette Stuksa.

6. Reports or requests from Board Members.

Sussie Sutton asked if City Ordinance 9-204 is under review for revisions. Staff will consult the Legal department with any proposed ordinance changes.

7. Adjournment.

James Thompson motioned to adjourn the meeting, seconded by Jeannette Stuksa. The motion carried on a vote of 3 ayes. The meeting ended at 6:55 p.m.



Proclamation

WHEREAS, the American Payroll Association and its 22,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system; and

WHEREAS, payroll professionals in Alvin, Texas play a key role in maintaining the economic health of Alvin, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting and depositing; and

WHEREAS, payroll departments collectively spend more than \$15 billion annually complying with federal and state wage and tax laws; and

NOW, THEREFORE, I, Mayor Paul A. Horn, as Mayor of the City of Alvin Texas and on behalf of the City Council do hereby proclaim the week of September 4-10, 2016 as

National Payroll Week

and further give additional support to the efforts of the people who work in Alvin and of the payroll profession.

WITNESS my hand and seal this
18rd day of August, 2016.

Paul A. Horn, Mayor



Office of the Mayor, City of Alvin, Texas

Proclamation

WHEREAS, SeaPerch is a competition that challenges junior high and high school students to engineer their very own, custom made remote operated vehicle. This vehicle must be able to run and operate under water; and

WHEREAS, The following students joined forces to create Harby Junior High's Team Sea CRAB: Colby Patterson (8th grade), Rachel Hamilton (6th grade), Anna Wilson (6th grade) and Brian Towne (7th grade). CRAB derived from the initials of their first names; and

WHEREAS, on May 21st these students traveled to LSU's campus in Baton Rouge, Louisiana. After an estimated 500 hours of laborious work, the students competed in the national SeaPerch Challenge; and

WHEREAS, Harby's Team Sea CRAB not only won the overall championship, but swept almost every category with first place finishes; and

WHEREAS, their hard work, good attitude, and good sportsmanship contributed to their victory; and

NOW, THEREFORE, I, Mayor Paul A. Horn, as Mayor of the City of Alvin, Texas and on behalf of the City Council do hereby congratulate the Harby Jr. High Sea CRAB team for their outstanding accomplishment and for representing the City of Alvin on a national level.

WITNESS my hand and seal this
18th day of August, 2016.

Paul A. Horn, Mayor



AGENDA COMMENTARY

Meeting Date: 8/18/2016

Department: City Manager Contact: Sereniah Breland, City Manager

Agenda Item: Public Hearing to receive comment on the Proposed FY16-17 Annual Budget. This proposed budget is estimated to raise more total property taxes than last year's budget by \$938,042 or 14.12% and of that amount \$394,728 is tax revenue to be raised from new property added to the tax roll this year.

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

Summary: City Council is required by State law and Charter to hold a public hearing on the proposed budget to provide citizens the opportunity to comment.

City of Alvin Charter; Article VII - Municipal Finance

Sec. 4. - Notice of public hearing on budget.

At the meeting of the city council at which the budget is submitted, the council shall fix the time and place of a public hearing on the budget and shall cause to be published in the official newspaper of the city, a notice of the hearing setting forth the time and place thereof at least five (5) business days before the date of such hearing.

Sec. 5. - Public hearing on budget.

At the time and place set forth in the notice required by Section 4, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget submitted, and all interested persons shall be given a five-minute opportunity to be heard either for or against any item or the amount of any item therein contained.

Notice of public hearing advertised in the Alvin Sun and the City's website as required.

The ordinance to adopt the FY16-17 budget will be presented at the regularly scheduled City Council meeting on September 15, 2016 at 7:00 p.m.

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: August 10, 2016

Supporting documents attached:

Recommendation: Public Hearing. No action required.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager



AGENDA COMMENTARY

Meeting Date: 8/18/2016

Department: Administration

Contact: Junru Roland, Assistant City Manager/CFO

Agenda Item: 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).

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

Summary: The City's proposed tax rate exceeds the effective tax rate. As a result, the Local Government Code requires the city council to set two public hearings on the proposed tax rate, prior to adoption. The second public hearing may not be held earlier than the third day after the date of the first public hearing.

This is the first of the two required public hearings. The next public hearing will be held at the regularly scheduled City Council meeting on September 1, 2016 at 7:00 p.m.

The City Council will consider adopting the proposed tax rate at the regular meeting of the City Council on September 15, 2016 at 7:00 p.m.

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

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

Legal Review Required: N/A ___ Required x **Date Completed:** August 10, 2016

Supporting documents attached:

Recommendation: Public Hearing. No action required.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
CITY COUNCIL WORKSHOP MEETING
THURSDAY AUGUST 4, 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, CFO/Assistant City Manager; Bobbi Kacz, City Attorney; Larry Buehler, Director of Economic Development; Robert E. Lee, Police Chief; Dixie Roberts, City Clerk; Michelle Segovia, City Engineer and Brian Smith, Director of Public Services.

ITEMS OF DISCUSSION

Discuss the creation of a Proactive Homeownership Board.

A discussion was held on the creation of a Proactive Homeownership Board.

Council directed staff to create a link on the City of Alvin's website to direct those with housing questions to the Brazoria County Housing and Urban Development department website.

Mustang Road Project

Lengthy discussion was had. Ms. Drachenberg spoke before City Council asking them to reconsider the placement of the sidewalk in the Mustang Road project.

Council agreed to bring this item back for consideration at the next meeting of City Council.

ADJOURNMENT

Mayor Horn adjourned the meeting at 6:52 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 AUGUST 4, 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, Chris Sanger, Glenn Starkey, Keith Thompson, and Brad Richards.

Staff members present: Sereniah Breland, City Manager; Bobbi Kacz, City Attorney; Junru Roland, CFO/Assistant City Manager; Dixie Roberts, City Clerk; Robert Lee, Police Chief; Dan Kelinske, Parks Director; Michelle Segovia, City Engineer and Brian Smith, Public Services Director.

INVOCATION AND PLEDGE OF ALLEGIANCE

Judy Zavala, Police Department Chaplain gave the invocation.

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

Council member Reed led the Pledge to the Texas Flag.

PUBLIC COMMENT

Barbara Biggers, Senior Citizen Commission Chairwoman; Yvette Deaton, Alvin Garden Club; Calista Stewart, Daylily Society; John Usrey, Monsanto/Solutia Retirees Club; and Pat Shaw all spoke before City Council against the proposed rate increase for Senior Citizen Organizations at the Alvin Senior Citizen Center.

Ms. Pat Drachenberg addressed City Council asking them to reconsider the installation of the sidewalk along the Mustang Road because of safety concerns.

Mr. Antel Clark, CEO of Iron Flex Sculptured Muscles and Inner-Strength Building Center addressed City Council regarding a program which would help combat childhood obesity and also provide a youth mentorship program.

PRESENTATIONS

Recognition of first responders by the parents of Josh Palin who was injured in a motor vehicle accident.

Mr. and Mrs. Palin thanked Alvin first responders who aided in the motor vehicle accident involving their son.

Nelva Urick Recognition; recipient of the the Keep Texas Beautiful O.P. Schnabel Senior Citizen Award.

Mayor Horn recognized Nelva Urick for receiving the Keep Texas Beautiful O.P. Schnabel Senior Citizen Award.

Keep Alvin Beautiful Recognition; recipient of the Keep Texas Beautiful Gold Star Award.

Mayor Horn recognized members of the Keep Alvin Beautiful for receiving the Keep Texas Beautiful Gold Star Award.

CONSENT AGENDA

Approve minutes of the July 21, 2016 City Council workshop.

Approve minutes of the July 21, 2016 City Council meeting.

Consider Addendum No. 2 for a one (1) year renewal to the Agreement for Manicured Mowing Services with DeLeon & Son Lawn Services, Company for mowing services of various city properties, in an amount not to exceed \$101,085; and authorize the City Manager to sign.

The original agreement was approved by City Council on September 4, 2014 in the amount of \$101,085.00 utilizing the public bid process. The first of three annual renewals was approved September 3, 2015. This renewal request is the second of three annual renewals allowed under the terms of the agreement.

Consider Addendum No. 3 for a one (1) year agreement renewal with LTS Lawn Care for Lawn Maintenance Services of selected city parkland, in an amount not to exceed \$32,227.87; and authorize the City Manager to sign.

The original agreement was approved by City Council on February 20, 2014, in an amount not to exceed \$22,776.46 for lawn maintenance services for the following locations: Talmadge Park, Hike and Bike Trail, Morgan Park, Pearson Park and Marina Park, beginning March 1, 2014 thru September 30, 2014.

The first renewal with LTS Lawn Care was approved August 7, 2014 by City Council in an amount not to exceed \$32,227.87 ending September 30, 2015. The second renewal with LTS Lawn Care was approved September 3, 2015 by City Council in an amount not to exceed \$32,227.87 ending September 30, 2016. This will be the third of four (4) annual renewals with LTS Lawn Care in an amount not to exceed \$32,227.87.

Consider Addendum No. 1 for a one (1) year agreement renewal with Comfort Systems USA South Central for HVAC preventative maintenance and repair services of various city buildings, in an amount not to exceed \$36,400.90; and authorize the City Manager to sign.

Consider a one (1) year renewal of the current HVAC agreement. The original agreement was approved September 17, 2015 in the amount of \$32,440.90 utilizing the public bid process. The following City facilities would continue under this agreement; City Hall, Public Services Facility, Public Services Facility #2 at Dyche Lane, Library, Senior Citizens Center, Museum, Alvin Convention and Visitor's Bureau/Train Depot, Waste Water Treatment Plant, Fire Stations 1, 2 and 3, EMS Station and Police Department.

The Animal Adoption Center HVAC equipment was added into the agreement as an addendum in February, 2016 for an annual amount \$3,960, bringing the total to \$36,400.90. Animal Adoption Center was added per the request of Chief Lee based on the warranty expiring.

The initial term of the agreement is through September 30, 2016 and provides the option of three (3) additional one (1) year renewable terms, subject to the sole option of the City, and upon agreement by the Contractor. Comfort Systems USA submitted a renewal request letter for their first renewal term of October 1, 2016 through September 30, 2017.

Consider awarding bid for the City's Janitorial Services Contract to Oriental Building Services, Inc. in the amount of \$80,780.52 for FY 2016-2017; and authorize the City Manager to sign.

Janitorial Contract bid # B-16-13 opened on July 12, 2016 and advertised on June 27, 2016 and July 4, 2016. The City of Alvin received bids from 5 janitorial companies. OBS submitted the lowest bid. The overall bid amount of OBS's proposed contract exceeds the City's current contract cost due to the City's request to service two additional facilities: the police department facility and the animal adoption center. Excluding the police department facility and the animal adoption center, OBS is proposing a lower cost than the current janitorial company. Staff contacted three (3) references concerning OBS and received positive recommendations from all three references.

The contract's effective date is September 1, 2016, with a one-year term and has the option of one (1) year renewals for a maximum of three (3) renewal terms. Renewal of the contract is at the sole discretion of the City upon City Council approval.

Consider an Interlocal Agreement with the City of Hillcrest Village for use of the Alvin Animal Adoption Center with automatic one (1) year renewal; and authorize the City Manager to sign.

The City of Hillcrest Village wishes to enter into an interlocal agreement for their use of the Alvin Animal Adoption Center. The terms of the agreement are similar to those entered into with the Tri-City agreement which recently went into effect.

Hillcrest Village will be responsible for catching and delivering animals and will be limited to no more than two (2) intakes per day with a maximum monthly intake of twenty (20) dogs and fifteen (15) cats. It is anticipated that actual usage will fall significantly below the maximum allowed monthly intake.

The intake fee will be billed monthly at \$100 per animal accepted at the shelter with any and all associated fees for adoption or animal redemption etc. being retained by the City of Alvin and not deducted or put toward the intake fee. Just as in the current two (2) shelter use agreements, the shelter staff have the right to refuse intakes if there is not sufficient space at the shelter.

The agreement is for one (1) year and includes automatic one (1) year renewal terms.

Consider an Interlocal Agreement with the City of Manvel for use of the Alvin Animal Adoption Center with an automatic one (1) year renewal; and authorize the City Manager to sign.

In 2014 the City of Manvel entered into an interlocal agreement for the 2014-2015 budget year with the City of Alvin for Manvel to use the Alvin Animal Adoption Center. This agreement allowed Manvel to bring up to 250 animals per year to the center for a set fee of \$25,000 which was paid at the beginning of the agreement. Any animals over and above 250 would be billed to Manvel on a monthly basis at a rate of \$100 per animal. Manvel renewed this agreement for the 2015-2016 budget year with the same set fee. Manvel would like to renew this agreement for the 2016-2017 budget year with an automatic renewal for the 2017-2018 budget year. This agreement maintains the same fee and terms as the current agreement in effect.

In 2014-2015 Manvel brought a total of 149 animals to the center and in 2015/2016 to date they have brought in 136 animals. Any associated fees for reclamation of lost animals or adoption fees are kept by the City of Alvin and do not affect the fee paid by Manvel. The current agreement as well as the requested renewal does allow for the center to deny animals for cause, such as no space, but the center has been able to take all animals brought in thus far without issue.

Consider a final plat of Freedom Subdivision (1401 S. Gordon Street), being a 4.42-acre tract of land out of Lot 7, Block D, of the subdivision of the H.T. & B.R.R. Company Survey, Section 14, Abstract 449, Brazoria County, Texas.

On June 30, 2016 the Engineering Department received the final plat of Freedom Subdivision for review. The property is located at 1401 S. Gordon Street in the City of Alvin and is being platted for future development. The City Planning Commission unanimously approved the plat at their meeting on July 19, 2016.

Consider a final plat of Roy Estates (2570 County Road 357), being a 2.75-acre tract of land located in the I. & G.N.R.R. Company Survey, Section 25, Abstract 620 in Brazoria County, Texas.

On June 22, 2016 the Engineering Department received the final plat of Roy Estates for review. The property is located at 2570 County Road 357 in the City of Alvin Extraterritorial Jurisdiction (ETJ) and is being platted in order for the owner of the property to sell Lot 2. The City Planning Commission unanimously approved the plat at their meeting on July 19, 2016.

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

OTHER BUSINESS

Discuss and take a record vote to propose a tax rate of \$0.7980 per \$100 of assessed valuation, which is a tax increase of 3.42% above the effective tax rate, to be adopted at a future meeting.

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

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue from the same properties on the tax roll in both the 2015 tax year (FY16) and the 2016 tax year (FY17). The rollback tax rate is the highest tax rate that the City may adopt before voters are entitled to petition for an election to limit (or rollback) the proposed rate to the rollback rate.

The proposed tax rate is the rate proposed by staff to generate property tax revenues to be used for the general maintenance and operational costs of providing city services; as well as to cover the principal and interest on bonds and other debt secured by property tax revenues.

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

For FY17, staff is proposing to lower the city's current tax rate from \$0.8386 to \$0.7980 per \$100 of assessed valuation. Because the city's proposed tax rate exceeds the lower of the effective tax rate or the rollback tax rate, two public hearings are required to be held before adopting the proposed tax rate.

The city council will consider adopting the city's proposed tax rate at the regular meeting of the city council on September 15, 2016, at 7:00 pm. Should city council adopt the proposed tax rate of \$0.7980 per \$100 of assessed valuation, this will be the third time the city has lowered its property tax rate in the last 4 years.

Mr. Roland presented information relating to the proposed tax rate of \$0.7980 and explained the meaning of the effective and roll back rates. He informed Council and the public that a tax decrease is being proposed for FY 16-17. The rate proposed is a decrease rate adopted in FY 15-16.

Council member Reed moved to propose a tax rate of \$0.7980 per \$100 of assessed valuation which is a 3.42% tax increase above the effective tax rate. Seconded by Council member Arendell; motion carried on a vote of 6 Ayes; with Council member Sanger voting No.

Consider setting two (2) public hearings concerning the proposed tax rate to be held Thursday, August 18, 2016 at 7:00 P.M. and Thursday, September 1, 2016 at 7:00 P.M. in the City Council Chambers, 2nd Floor, City Hall, 216 West Sealy, Alvin, Texas.

The City's proposed tax rate exceeds the effective tax rate. As a result, the Local Government Code requires the city council to set two public hearings on the proposed tax rate, prior to adoption. The second public hearing may not be held earlier than the third day after the date of the first public hearing.

The city council will consider adopting the proposed tax rate at the regular meeting of the City Council on September 15, 2016 at 7:00 pm.

Council member Arendell moved setting two (2) public hearings concerning the proposed tax rate to be held Thursday, August 18, 2016 at 7:00 P.M. and Thursday, September 1, 2016 at 7:00 P.M. in the City Council Chambers, 2nd Floor, City Hall, 216 West Sealy, Alvin, Texas. Seconded by Council member Richards; motion carried on a vote of 7Ayes.

Consider Ordinance 16-P; amending Chapter 24, Traffic, of the Code of Ordinances, City of Alvin, Texas, for the purpose of amending and altering the prima facie speed limits established for vehicles under the provisions of §545.356, Texas Transportation Code, upon the basis of an engineering and traffic investigation, upon certain streets and highways, or parts thereof, within the corporate city limits of the City of Alvin, as set out in this ordinance; providing for a penalty, providing for a repealer clause and severability clause, providing for publication, and effective date; and setting forth other provisions related thereto.

On June 9, 2016 the City received a letter from the Director of Transportation Operations for the Texas Department of Transportation (TXDOT) notifying the City of changes to the posted speed limits along Bypass 35 from Highway 6 to south of the FM 1462 intersection. TXDOT revised these speed limits based on a Speed Zone Study that they conducted. In order for these changes to be enforceable the City must approve an ordinance to amend Chapter 24 Traffic to incorporate these revised speed limits. The Legal Department has created Ord. 16-P that amends Chapter 24 therefore accomplishing this goal. The speed limit changes are as follows:

- 1. Along SH 35, east and west frontage roads, from the intersection of SH 6 to 660 feet south of SH 6, a distance of approximately 0.125 mile, the speed limit shall be 40 MPH (currently posted at 40 MPH on the west frontage road, the east frontage road there is no sign).*
- 2. Along SH 35, two-way east and west frontage roads, from 390 feet north of House Street to 565 feet south of House Street, a distance of approximately 0.181 mile, the speed limit shall be 30 MPH (currently there are no signs posted).*

3. Along SH 35, main lane, from the intersection of SH 6 to 1314 feet north of South Street, a distance of approximately 0.772 mile, the speed limit shall be 55 MPH (Currently posted at 55 MPH).
4. Along SH 35, main lane, from 1314 feet north of South Street to the 1980 feet south of the intersection of FM 1462, a distance of approximately 1.591 miles, the speed limit shall be 45 MPH (Currently posted 55 MPH).

Council member Starkey moved approve Ordinance 16-P; amending Chapter 24, Traffic, of the Code of Ordinances, City of Alvin, Texas, for the purpose of amending and altering the prima facie speed limits established for vehicles under the provisions of §545.356, Texas Transportation Code, upon the basis of an engineering and traffic investigation, upon certain streets and highways, or parts thereof, within the corporate city limits of the City of Alvin, as set out in this ordinance; providing for a penalty, providing for a repealer clause and severability clause, providing for publication, and effective date; and setting forth other provisions related thereto. Seconded by Council member Adame; motion carried on a vote of 7 Ayes.

Discuss proposed amendments to the Alvin Code of Ordinances; Chapter 28 Comprehensive Fees; including Alvin Convention and Visitors Bureau Alvin Depot, Emergency Medical Services, Parks and Recreation Senior Center Rentals, Water & Sewer Fees, Driveway and Culvert Permit Fees.

The main purpose of the proposed fee changes is to recover cost of providing services as well as to put the City in line with industry standards.

Council asked that the ordinance not include the proposed rate increase for senior citizen organizations at the Alvin Senior Citizen's Center.

Consider Ordinance 16-Q; amending Chapter 35, Corridor Land Use Regulations, of the Code of Ordinances, City of Alvin, Texas, by amending certain sections pertaining to the facades within view of the corridor and the screening of certain vehicles displayed for sale or lease adjacent to the corridor; providing for a penalty, providing for a repealer clause and severability clause, providing for publication and effective date; and setting forth other provisions related thereto.

The Ordinance 16-Q would amend Chapter 35 Corridor Land Use Regulations in the following ways:

1. *It would require that 80% of the exterior facade of all building elevations visible from the corridor be constructed of brick, stone, stucco, concrete tilt wall, concrete block, glass curtain walls, or exterior insulation and finish systems (EFIS), therefore allowing 20% of the visible elevations to be constructed out of other material suitable for use as an exterior building covering as defined in the building code. Currently the ordinance requires that 100% of all building elevations visible from the corridor be constructed with facades of the materials listed above. Approval of this amendment would eliminate the need for variance requests like the one that was requested and approved for King's Bierhaus.*
2. *The amendment to Section 35-34 (4) would remove the screening requirement for motorized vehicles and recreational vehicles that are being displayed for sale or lease. Under the current ordinance these vehicles would be required to be completely screened from view of the corridor. Approval of this amendment would eliminate variances similar to those that were previously approved for UV Country, the Used Car Dealership on Highway 6, Mack Trucks, and Nissan.*

The City Planning Commission unanimously approved Ordinance 16-Q at their meeting on July 19, 2016.

Council member Reed moved approve Ordinance 16-Q; amending Chapter 35, Corridor Land Use Regulations, of the Code of Ordinances, City of Alvin, Texas, by amending certain sections pertaining to the facades within view of the corridor and the screening of certain vehicles displayed for sale or lease adjacent to the corridor; providing for a penalty, providing for a repealer clause and severability clause, providing for publication and effective date; and setting forth other provisions related thereto. Seconded by Council member Arendell; motion carried on a vote of 7 Ayes.

Consider Ordinance 16-S; amending Chapter 21, Subdivisions and Property Development, of the Code of Ordinances, City of Alvin, Texas, by adding a new section 21-42.1; allowing for a fee in lieu of sidewalk installation and setting forth other provisions related thereto.

Ordinance 16-S (formally Ord. 15-BB) amends Chapter 21 Subdivisions and Property Development of the City Code by adding Section 21-42.1; allowing for a fee in lieu of sidewalk installation for new infill development with unique construction or site constraints. The addition of this section would give the City Engineer the operational decision making to allow a property owner to pay a fee equivalent to the cost of building the required sidewalk for developments where construction of a sidewalk is not feasible or practical due to site constraints such as open ditch drainage systems, and large mature trees in the right-of-way in the locations where the sidewalk would be the most beneficial (the absence of sidewalks in the area alone would have no bearing on the decision). The fee would be based on the City's most recent annual concrete maintenance contract bid pricing. The fees collected would be deposited in the Sidewalk Fund, as established by this ordinance, and could only be used to build, maintain, or replace sidewalks within the City. In instances where the City Engineer determines that a sidewalk must be constructed versus paying the fee and a Developer disagrees with the decision then the Developer still has the ability to request a variance in accordance with the variance process as outlined in Section 21-4.

Council member Arendell moved to approve Ordinance 16-S; amending Chapter 21, Subdivisions and Property Development, of the Code of Ordinances, City of Alvin, Texas, by adding a new section 21-42.1; allowing for a fee in lieu of sidewalk installation and setting forth other provisions related thereto. Seconded by Council member Sanger; motion carried on a vote of 7 Ayes.

Consider the cancellation of the October 6, 2016 City Council meeting for members of staff and City Council to attend the Texas Municipal League Conference in Austin, Texas.

The Texas Municipal League Conference will be held October 4-7, 2016 in Austin. Members of staff and City Council may be attending the conference; therefore, a quorum of the Council may not be present at the October 6th meeting.

Council member Thompson moved to cancel the October 6, 2016 City Council meeting for members of staff and City Council to attend the Texas Municipal League Conference in Austin, Texas. Seconded by Council Member Arendell; 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 August 18, 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 all of the city's first responders.

Council member Reed thanked all of the local first responders. He also thanked citizens for the thoughtful comments regarding the project that was voted on during the last meeting.

Council member Arendell thanked all of the first responders. He also encouraged city leaders to take the compensation of the city's first responders into consideration during this budget process. He also asked members of staff to look at the high grass at the Heritage South project.

Council member Richards thanked all of the first responders for the job that they do. He also thanked the citizens for coming out to give their input regarding the proposed rate increase for senior citizen organizations at the Alvin Senior Citizen Center.

Council member Sanger thanked the first responders. He also thanked the citizens for making their voice heard regarding the proposed rate increase for use of the Alvin Senior Citizen Center.

Council member Adame thanked everyone for the prayers for his family during the recent birth of his daughter Avery Jewel. He also thanked Mr. Kelinske for the work done on the proposed facility rate increases. He also thanked the senior citizen community for coming out and making their voice heard.

Council member Starkey thanked staff for answering his questions had on the proposed FY17 budget. He also thanked all of the first responders.

Mayor Horn thanked Keep Alvin Beautiful for their donations toward the TxDOT Hwy 6 median road work project.

EXECUTIVE SESSION

Mayor Horn called for an executive session at 8:19 p.m. in accordance to the following:

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.

Section 551.071 of the Government Code: Consultation between governmental body and its attorney to seek advice of attorney about pending or contemplated litigation or a settlement offer or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting into open session at 9:03 p.m.

Consider action(s), if any, on item(s) discussed in Executive Session.

No action taken.

ADJOURNMENT

Council member Adame moved to adjourn the meeting at 9:03 p.m. Seconded by Council member Starkey; motion to adjourn 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: 8/18/2016

Department: Public Services

Contact: Brian Smith, Director of Public Services

Agenda Item: Consider Interlocal Agreement with Brazoria County for the Fiscal Year 2016-2017 Asphalt Improvement Project; and authorize the Mayor to sign.

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

Summary: The proposed Interlocal Agreement between the City and the County provides the mechanisms for the County to provide the City of Alvin with equipment and personnel to assist in the construction, improvement, maintenance and/or repair of two miles of asphalt streets in various locations within the city limits of Alvin. The City of Alvin entered into this partnership with Brazoria County in 1991 and has continued to use the program since that time. This program provides for low cost paving and rehabilitation of asphalt streets and has improved over 30 miles of asphalt streets since the start in 1991. In the last four years the program has achieved the rehabilitation and paving of 49,235 linear feet of asphalt or 9.33 miles, averaging 2.3325 miles per year.

Streets Completed: Nelson Rd., Jephson Lane, Fairway Drive, Rowan Burton, House Street, CR 160, CR 172, Rice Street, Ave. K, Texas, W. Iwo Street, Heights Road, Phillips Street, Victory Lane, South Street, Verhalen Road, Ave E ½, Betsy Ross, Blackstone Street, Coke Lane, Fairway Drive, Hillje Street, McLemore Drive, Meyer Street, South Shirley Street, South Third Street, West Duncan Street, and West George.

Should city council authorize this agreement, staff will make recommendations of streets to be serviced using the Asphalt Street Assessment.

This agreement has already been approved and signed by the Brazoria County Judge, L.M. "Matt" Sebesta.

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

Account Number: 312-5501-00-9011 **Amount:** \$300,000 **1295 Form Required?** Yes ___ No x

Legal Review Required: N/A ___ Required x **Date Completed:** August 10, 2016

Supporting documents attached:

- Interlocal Agreement

Recommendation: Move to approve an Interlocal Agreement with Brazoria County for the Fiscal Year 2016-2017 Asphalt Improvement Project; and authorize the Mayor to sign.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT

This agreement is made at Angleton, Brazoria County, Texas between BRAZORIA COUNTY, TEXAS acting through its Commissioners' Court (hereinafter "COUNTY"), and the CITY OF ALVIN, acting through its Mayor (hereinafter "CITY").

NOW THEREFORE, THE COUNTY AND THE CITY agrees as follows:

1.0 The term of this agreement shall be from October 1, 2016, to September 30, 2017. The AGREEMENT may be renewed annually by the written approval of COUNTY and CITY.

1.1 Pursuant to the Interlocal Cooperation Act, Texas Government Code, Chapter 791 and the Texas Transportation Code, Section 251.012, the COUNTY agrees to provide personnel and equipment at its own expense to assist in the construction, improvement, maintenance and/or repair of a street or alley located within the corporate limits of the CITY OF ALVIN, subject to the approval of the County Engineer as set forth in Section 1.3, including sub grade preparation, base preparation, asphalt paving, culverts and ditch work, herbicide spraying, painting and striping roads, installation of permanent traffic signs, and other routine road maintenance operations. Any work performed on the City's streets and alleys which are not an integral part of, or a connecting link to, other

roads and highways is allowed if such work is determined to be a benefit to the County by Commissioners' Court. The CITY will provide materials, including fuel used by the equipment for these projects. All such materials shall be paid for by the CITY, and may be purchased through the County's suppliers. The CITY shall reimburse the cost of any work performed or obtained by the COUNTY, which is determined to be beyond the scope of this agreement, to the County.

1.2 The county work authorized by this AGREEMENT may be done:

- (1) By the COUNTY through use of county equipment;
- (2) By an independent contractor with whom the COUNTY has contracted for the provision of certain services and materials, conditioned on the CITY providing a purchase order to such independent contractor for the full amount of such services or materials.

1.3 During the term of this AGREEMENT when COUNTY work is requested, the Mayor of the City shall submit a request in writing to the County Engineer. The County Engineer and the Mayor of the City shall agree in writing as to the location and type of assistance to be provided pursuant to this AGREEMENT. It is expressly understood between the parties that the COUNTY shall have no authority or obligation to provide any service or work on any city street or alley not so agreed to in writing. The County Engineer is authorized to sign an acceptance statement for

each project at the appropriate time and authorize the work subject to be completed as the Road and Bridge Department schedules permit.

1.4 The parties intend that the COUNTY in performing such services shall act as an independent contractor and shall have control of the work and the manner in which it is performed. The COUNTY shall not be considered an agent, employee, or borrowed servant of the CITY.

1.5 For and in consideration of the above agreement by the County, the CITY agrees to provide all warning and safety signs and other safety protections as required when such work is being performed by the COUNTY.

1.6 The parties further agree that such work and materials are provided by the COUNTY without warranty of any kind to the CITY or any third party, and that the COUNTY has no obligation to provide any supplemental warranty work after a project's completion. The CITY agrees to provide any engineering or design work required for work done pursuant to this agreement.

II.

2.0 To the extent authorized by law, the CITY hereby agrees to hold harmless the COUNTY, its officers, agents and employees from any and all loss, damage, cost demands or causes of action of any nature or kind for loss or damage to property, or for injury or death to persons, arising in any manner from the performance of the above-referenced work.

2.1 Payment for services or materials under this agreement shall be payable from current revenues available to the paying party.

III.

3.0 Either party may terminate this agreement upon thirty- (30) day's written notice to the other party.

3.1 Nothing herein shall be construed to make either party a purchaser or consumer of goods or services from the other.

3.2 Nothing herein shall be construed to create any rights in third parties.

SIGNED AND ENTERED this the _____ day of _____, 2016.

BRAZORIA COUNTY, TEXAS


By: L.M. "Matt" Sebesta Jr.
Brazoria County Judge

By: Mayor

ATTEST:

CITY SECRETARY



AGENDA COMMENTARY

Meeting Date: 8/18/2016

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider Ordinance 16-U; amending Chapter 34, Public Storage Facilities/Mini-Warehouses, of the Code of Ordinances, City of Alvin, Texas, for the purpose of amending provisions for existing public storage facilities to expand with certain restrictions; providing for a penalty; and setting forth other provisions related thereto.

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

Summary: On May 19, 2016 Staff met with representatives of Tri-County Storage located at 2228 FM 528. The owner of the facility is wishing to add a storage unit building on a vacant area of his property located in the middle of the complex. This is the third time that Staff has met to discuss expansion of this facility since Chapter 34 Public Storage / Mini-warehouses went into effect in May 2005. All three requests for expansion of this facility have been denied since the expansion does not meet all requirements of Chapter 34, with Section 34-3 Location Restrictions being the primary restriction that could not be met. In an effort to promote additional development of existing public storage facilities Staff has prepared and is recommending the amendments to Chapter 34 as contained in Ordinance 16-U attached. The amendments exclude existing public storage facilities from having to comply with the following sections of Chapter 34:

1. Section 34-2 Lot requirements- Minimum site area for a facility is 5 acres and the maximum area is 10 acres. This amendment would exempt existing facilities from this requirement. The Tri-County Storage facility is just under 5 acres.
2. Section 34-3 Location restrictions- Prohibits public storage facilities from being located within 500 feet of a single-family residential property. This amendment would exempt existing facilities from this requirement. There are single-family residential properties adjacent to and across the street from Tri-County Storage.
3. Section 34-5 Setback requirements- The minimum front setback line for a public storage facility, including the fence line, is 50 feet. This amendment would exempt existing facilities wishing to expand from the 50' front setback requirement. By default, these facilities would be required to comply with a front building setback of 25 feet as required in Subdivision Ordinance. Tri-County Storage has an existing fence on the front property line and a 50' building setback could not be maintained and still have adequate room to build under the current requirement.

Approval of Ordinance 16-U would allow for the expansion of Tri-County Storage within its existing property boundaries without negatively impacting neighboring properties or negatively effecting the original intent of Chapter 34.

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:** August 10, 2016

Supporting documents attached:

- Ordinance 16-U
-

Recommendation: Move to approve Ordinance 16-U; amending Chapter 34, Public Storage Facilities/Mini-Warehouses, for the purpose of amending provisions for existing public storage facilities to expand with certain restrictions.

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-U

AN ORDINANCE AMENDING CHAPTER 34, PUBLIC STORAGE FACILITIES/MINI-WAREHOUSES, OF THE CODE OF ORDINANCES, CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING PROVISIONS FOR EXISTING PUBLIC STORAGE FACILITIES TO EXPAND WITH CERTAIN RESTRICTIONS; PROVIDING FOR A PENALTY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

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

Section 1. That the Code of Ordinances, City of Alvin, Texas, Chapter 34, Public Storage Facilities/Mini-Warehouses, is hereby amended by allowing existing public storage facilities that meet certain requirements to expand, be exempt from lot and setback requirements and location restrictions, to read as follows:

"Chapter 34

Public Storage Facilities/Mini-Warehouses

Sec. 34-1. Definitions.

The following words, terms and phrases shall have the meanings set forth below except where the context clearly indicates a different meaning:

City means the City of Alvin, Texas.

Major arterial roadways consist of North and South Gordon (Business 35), East and West Highway 6, Highway 35 Bypass, FM 1462, FM 528, South Street, Mustang Road, Johnson Street, and House Street.

Person means an individual, association, corporation, firm, partnership, or any legal entity howsoever formed.

Public storage facility or mini-warehouse means any storage facility containing multiple storage units or rooms which are available for rental to the general public.

Significant redevelopment means the substantial renovation and/or improvement of all existing nonoperational commercial structures on a site to the extent that the structures are returned to operation for a commercial purpose.

Single-family dwelling means a house or any other site built building used for single-family residential purpose(s).

Sec. 34-2. Lot requirements.

(a) The minimum site area for a public storage facility shall be five (5) acre(s) and the maximum site area shall not exceed ten (10) acres. Existing developed sites that meet the definition of significant redevelopment are exempt from this requirement. [Existing public storage facilities wanting to construct additions to their facility, without expanding onto property outside the current facility's property boundary, are exempt from this requirement.](#)

(b) Lot coverage of all structures shall not exceed fifty (50) percent.

Sec. 34-3. Location restrictions.

A public storage facility shall not be located within five hundred (500) feet of a single-family dwelling. The measurement of the distance between the public storage facility and the single-family dwelling shall be in a direct line from the nearest property line of the public storage facility to the nearest property line of the single-family dwelling. Existing developed sites that meet the definition of significant redevelopment [and existing public storage facilities,](#) are exempt from this requirement.

Sec. 34-4. Front facades of buildings.

The facades of all buildings outside the fencing and that are visible from a public street must be constructed of brick or split-faced CMU concrete block. (Hardi-plank is noncompliant with this section).

Sec. 34-5. Setback requirements.

The minimum front setback line for a public storage facility, including the fence line, shall be at least fifty (50) feet. [Existing public storage facilities wanting to construct additions to their facility, without expanding onto property outside the current facility's property boundary, are exempt from this requirement.](#) The minimum side setback line shall be at least ten (10) feet. All setbacks shall include greenspace with landscaping.

Sec. 34-6. Fencing and lighting.

(a) The storage facility shall be fenced.

(b) All fences shall be erected so that the structural supports are not visible from a public roadway or adjacent properties.

(c) Fences must, unless otherwise specified, be constructed of wood, stone, brick, masonry, stucco or concrete. Wire-type fencing such as chain link fence, with or without vertical slats, shall not satisfy the requirements of this section.

(d) All wood fences shall have either a grade beam or rot board along the entire length of the base of the wooden section of the fence. The grade beam or rot board may be partly below grade. All fence posts shall be set in concrete.

(e) The posts and grade beams of all fences shall be designed and constructed using materials and methods expected to last at least twenty (20) years without requiring major repair.

(f) All fences shall be maintained by the owner of record in good condition so that there are no damaged or missing boards or parts, all structural supports are sound and sufficient to maintain the fence in its original upright condition, and any surface treatment, including paint or stucco, is substantially maintained in its original appearance so that there is no noticeable cracking, discoloration, or similar surface blemishes or defects.

(g) Fences shall be at least eight (8) feet in height. Fences that exceed eight (8) feet in height shall be constructed to meet the City's wind load design standards.

(h) Adequate lighting shall be provided within a mini-warehouse site so as to fully illuminate all areas within the development. Such lighting shall be appropriately hooded or otherwise installed to prevent obnoxious or dangerous glare beyond the boundaries of the property.

Sec. 34-7. Height of buildings.

The eave height of all buildings shall not exceed nine (9) feet. The manager's office and/or a single-family dwelling shall not exceed two (2) stories. Existing developed sites that meet the definition of significant redevelopment are exempt from this requirement.

Sec. 34-8. - Maximum size of individual storage units.

The individual storage spaces shall not exceed six hundred (600) square feet in area.

Sec. 34-9. Sidewalks.

Minimum four (4) feet wide concrete sidewalks shall be constructed in the street right-of-way.

Sec. 34-10. - Circulation, parking and loading.

(a) All drives, which include loading lanes, shall not be less than twenty-eight (28) feet in width. Drives without loading lanes shall not be less than twenty-four (24) feet in width and shall be posted to prohibit parking or loading. Public access shall be restricted to a single location along a public street. The public access shall be equipped with a gate which shall be closed during the hours when the business is closed, and the access point shall be fully visible from the manager's office. At least one additional emergency vehicle access point shall be provided which shall be closed to the public.

(b) Customer parking shall be provided at the manager's office calculated on the basis of one space for each four hundred (400) square feet of the manager's office floor area. Two (2) additional parking spaces for employees and/or residents shall be provided at the manager's office.

Sec. 34-11. Storage of flammable materials prohibited.

Storage of flammable liquids, gases or other flammable materials, including, but not limited to, paint, motor oil and gasoline; all explosives, including, but not limited to, dynamite,

ammunition and fireworks; and noxious chemicals, including, but not limited to, common garden and insect sprays is prohibited, unlawful and shall be a criminal offense. This prohibition specifically includes motor oil and gasoline contained in any internal combustion engine or vehicle; any liquid or gas which is contained under pressure; and any of the potentially dangerous chemical compounds commonly associated with maintenance and repair activities.

Sec. 34-12. Maintenance.

The exterior of structures and grounds shall be maintained in a neat, clean and orderly manner.

Commercial dumpsters/trash containers are subject to chapter 11, section 11-12 of the Alvin Code of Ordinances.

Sec. 34-13. Management.

(a) There shall be employed on the premises of any mini-warehouse development a full-time manager of the operation. Such manager may be "live-in", provided that a permanent residence which meets all the requirements of the city for residential occupancy is located on the site.

(b) The lessee of any storage unit or space shall be provided with a document, whether a lease or other writing, which shall, at a minimum, contain a clear statement of all limitations and prohibitions of this chapter. The operator shall require that the lessee acknowledge advisement of the limitations and prohibitions of this chapter.

(c) A copy of this chapter shall be conveniently displayed throughout the premises.

(d) It shall be the joint responsibility of the owner and the manager to ensure that the lessees comply with all applicable provisions of this chapter.

Sec. 34-14. Compliance with other laws.

Public storage facilities must be in compliance with all other city ordinances and regulations not in conflict herewith.

Sec. 34-15. - Special conditions for facilities located on major arterial roadways.

This provision shall apply to all facilities within one hundred fifty (150) feet of the right-of-way of any designated major arterial roadway.

(1) Fencing.

(a) Any fence facing a public street shall be constructed of brick or masonry, and shall be at least eight (8) feet in height.

(b) All vehicles, boats, RV's, etc., kept in "open storage" shall be obscured from view from any public street by fencing or by their location on the storage facility property.

Sec. 34-16. Applicability.

The requirements of this chapter apply to permits for new facilities and additions to existing facilities from the effective date of enactment of this chapter.

Sec. 34-17. - Penalty.

Any person convicted of a violation of any provision, restriction or requirement of this chapter shall be deemed guilty of a misdemeanor and shall be fined as prescribed by section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 2. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 3. Code of Ordinances. It is the intention of the Council that this ordinance shall become a part of the Code of Ordinances of the City of Alvin, Texas, and may be renumbered and codified therein accordingly.

Section 4. Penalty. Any person, firm or corporation violating a provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with the general penalty section 1-5 of the Code of Ordinances.

Section 5. Publication. The City Clerk of the City of Alvin is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by *Chapter 52 of the Texas Local Government Code* and the *City of Alvin Charter*.

Section 6. Effective Date. This ordinance shall take effect immediately after its passage and publication in accordance with the provisions of *Chapt. 52, Tex. Loc. Gov't. Code, and the City of Alvin Charter*.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is 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.

PASSED AND APPROVED on first and final reading on the _____ day of _____, 2016.

ATTEST:

CITY OF ALVIN, TEXAS:

By: _____
Dixie Roberts, City Clerk

By: _____
Paul A. Horn, Mayor



AGENDA COMMENTARY

Meeting Date: 8/18/2016

Department: Legal Department

Contact: Bobbi J. Kacz, City Attorney

Agenda Item: Consider Ord. 16-J amending Chapter 28, Comprehensive Fee Ordinance of the Code of Ordinances of the City of Alvin, Texas for the purpose of revising certain Alvin Convention and Visitors Bureau rental fees for the Alvin Depot Centre; Emergency Medical Services fees; Senior Citizen Center rental fees; Streets and Rights-of-Way driveway and culvert permit fees; water and sewer fees for residential and commercial customers; providing for a ten percent (10%) penalty for late payment; providing for publication; providing for an effective date; and setting forth other provisions related thereto.

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

Summary: On Thursday, July 21, 2016, a city council workshop was held where staff presented proposed fee changes to various departments. The main purpose of the proposed fee changes is to recover cost of providing services as well as to put the City in line with industry standards. August 4, 2016, the proposed fee changes were discussed again at the City Council meeting. Staff has amended the proposal slightly from the data submitted to Council at their meeting held on August 4, 2016, pursuant to Council’s discussion and recommendations.

Depot Centre

Description	Current Fee Ordinance	Proposed	Purpose
Refundable Rental Deposit	\$300	\$150	Encourage rental of facility
Rental Fee (Mon – Thursday); additional hour	\$40	\$75	Cost recovery/ Industry Standard
Rental Fee (Friday – Sunday); additional hour	\$50	\$75	Cost recovery/Industry Standard
Hourly Rental (one-hour minimum)	\$0	\$100	Recover cost incurred from renters who need the depot

Emergency Medical Services

Description	Current Fee Ordinance	Proposed	Purpose
Monthly Voluntary Contribution to Residents	\$5	\$7	Recover cost of providing services, and provides
Annual Voluntary Contribution – Non Residents	\$120	\$168	Recover cost of providing services, and provides
Monthly Voluntary Contribution for Commercial Business	\$5	\$10	Recover cost of providing services, and provides

Utilities

Description	Current Fee Ordinance	Proposed	Purpose
Temporary Service	\$15	\$25	Cost Recovery / Industry
Fire Hydrant meter refundable deposit	\$500	\$1,400	Secure resources for potential damages /
Monthly Fire Hydrant Rental fee	\$20	\$100	Recover cost of providing services and encourage tap
Fire Hydrant Handling Fee	\$50	\$100	Cost Recovery / Industry Standard
Service restoration outside normal business hours.	\$40	\$75	Cost Recovery / Industry Standard
Tampering Fee	\$0	\$100	Cost Recovery / Industry Standard
Meter Removal	\$0	\$100	Cost Recovery / Industry Standard
Returned Check Fee	\$25	\$35	Discourage NSF payments /Recover cost to staff for additional work associated
Meter reread request (if initial read is accurate)	\$0	\$25	Cost Recovery/Industry Standard
Driveway and Culvert Permit	\$12/foot of pipe	\$75	Shift responsibility to the customer

Senior Citizen Center

Description	Current Fee Ordinance	Proposed	Purpose
Eastside Exercise Room: Business Hours, Resident Group	\$0	\$40/hour	Recover costs of utilizing facility
Eastside Exercise Room Business Hours, Non Resident Group	\$0	\$50/hour	Recover costs of utilizing facility
Eastside Exercise Room: After Business Hours, Resident Group	\$0	\$50/hour	Recover costs of utilizing facility
Eastside Exercise Room: After Business Hours, Non Resident Group	\$0	\$60/hour	Recover costs of utilizing facility after business hours
Rental of East & West Rooms Refundable Deposit, Clean-up Damage Deposit (\$100 per room)	\$150	\$200	Secure resources for potential cleanup and damage to facility.
Rental for Non-Profit Organization/501c-3	\$0	\$45/hour per room anytime	Cost Recovery / Industry Standard

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:** August 10, 2016

Supporting documents attached:

- Ordinance 16-J

Recommendation: Move to approve Ord. 16-J amending Chapter 28, revising certain rental fees for Alvin Depot Centre; Emergency Medical Services fees; Senior Citizen Center rental fees; Streets and Rights-of-Way driveway and culvert permit fees; water and sewer fees for residential and commercial customers; and providing for a ten percent (10%) penalty for late payment.

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-J

AN ORDINANCE AMENDING CHAPTER 28, COMPREHENSIVE FEE ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS FOR THE PURPOSE OF REVISING VARIOUS FEES INCLUDING CERTAIN ALVIN CONVENTION AND VISITORS BUREAU RENTAL FEES FOR THE ALVIN DEPOT CENTRE; EMERGENCY MEDICAL SERVICES FEES; SENIOR CITIZEN CENTER RENTAL FEES; STREETS AND RIGHTS-OF-WAY DRIVEWAY AND CULVERT PERMIT FEES; VARIOUS WATER AND SEWER FEES FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS; PROVIDING FOR A TEN PERCENT (10%) PENALTY FOR LATE PAYMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

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

Section 1. That Section 28-2 of the Code of Ordinances of the City of Alvin, Texas is hereby amended by revising certain fees for the Alvin Convention and Visitors Bureau Alvin Depot Centre rental fees; Emergency Medical Services Fees; Senior Citizen Center Rental fees; Streets and Rights-of-Way Driveway and Culvert Permit Fees; and various Water and Sewer fees for residential and commercial customers as follows:

“Sec. 28-2. In General.

...

ALVIN CONVENTION AND VISITORS BUREAU

Alvin Depot Centre:

Rental deposit fee~~\$100.00~~150.00

~~Cleaning deposit~~~~\$200.00~~

Rental fees:

Monday—Thursday for four (4) hours (four-hour minimum)\$275.00

Each additional hour\$~~40.00~~75.00

Friday—Sunday for four (4) hours (four-hour minimum)\$375.00

Each additional hour\$~~50.00~~75.00

Hourly rentals \$100.00 per hour
(One-hour minimum)

The director of the Alvin Convention and Visitor’s Bureau may waive rental fees for non-profit 501(c)(3) organizations with approval by the city manager.

The director of the Alvin Convention and Visitor's Bureau may donate up to five (5) – four (4) hour rentals as auction items to community groups each fiscal year up to a maximum of twenty (20) hours.

The director of the Alvin Convention and Visitor's Bureau may also negotiate fees based on economic impact using guidelines from the Hotel-Motel Lodging Association criteria and requires approval by the city manager.

...

EMERGENCY MEDICAL SERVICES

- (1) Emergency ambulance transport:
 - (a) Resident, per transport: Reasonable and customary charges
 - (b) Nonresident, per transport: Reasonable and customary charges

- (2) Voluntary and elective contribution for emergency medical service:
 - (a) Resident, per month for each individual ~~\$.50~~7.00
Or per year (annual lump sum payment) ~~\$60.00~~84.00
 - (b) Nonresident, per year ~~\$120.00~~168.00

 - (c) Apartment complex or mobile home park serviced by a master meter
Per each occupied unit \$5.00

 - (d) Commercial business \$10.00

- (3) Disposable supplies: Reasonable and customary charges

- (4) Mileage fee for emergency ambulance transport (residents and nonresidents), per mile: Reasonable and customary charges

- (5) Nontransport fee: Reasonable and customary charges

- (6) Transport ambulance permit:
 - (a) Initial and renewal application fee\$200.00
 - (b) Annual inspection fee for each transport ambulance\$ 50.00

...

SENIOR CITIZEN CENTER

~~Damage deposit:~~
~~For use of either west or east side\$100.00~~
~~Entire building\$150.00~~

Rental fee(s) west side:

- ~~Per hour during working hours (resident)\$70.00~~
- ~~Per hour during working hours (non resident)\$80.00~~
- ~~Per hour after working hours (resident)\$80.00~~
- ~~Per hour after working hours (non resident)\$90.00~~

Rental fee(s) (east side):

- ~~Per hour during working hours (resident)\$50.00~~
- ~~Per hour during working hours (non resident)\$60.00~~
- ~~Per hour after working hours\$60.00~~
- ~~Per hour after working hours (non resident)\$70.00~~

Rental fee(s) (both sides):

- ~~Per hour during working hours (resident)\$ 90.00~~
- ~~Per hour during working hours (nonresident)\$ 95.00~~
- ~~Per hour after working hours (resident)\$100.00~~
- ~~Per hour after working hours (non resident)\$105.00~~

Craft or Board room:

- ~~Per hour (resident)\$35.00~~
- ~~Per hour (non resident)\$45.00~~
- ~~Refund processing fee\$25.00~~
- ~~Cancellation fee within two (2) weeks of reservation\$75.00~~

Rental of West Side Assembly Room: (West Occupancy 229)

<u>Refundable Deposit - Clean-up/Damage Deposit</u>	<u>\$ 100.00</u>
<u>Assembly Room (Business Hours*)</u>	<u>Per/Hr.</u>
<u>Resident/Resident Group</u>	<u>70.00</u>
<u>Nonresident/Nonresident Group</u>	<u>80.00</u>
<u>Assembly Room (After Business Hours)</u>	
<u>Resident/Resident Group</u>	<u>80.00</u>
<u>Nonresident/Nonresident Group</u>	<u>90.00</u>

Rental of East Side with Kitchen: (Occupancy 80)

<u>Refundable Deposit - Clean-up/Damage Deposit</u>	<u>\$100.00</u>
<u>Assembly Room (Business Hours)</u>	<u>Per/Hr.</u>
<u>Resident/Resident Group</u>	<u>50.00</u>

	<u>Nonresident/Nonresident Group</u>	<u>60.00</u>
<u>Assembly Room (After Business Hours)</u>		
	<u>Resident/Resident Group</u>	<u>60.00</u>
	<u>Nonresident/Nonresident Group</u>	<u>70.00</u>

Rental of East Side Exercise Room (Occupancy 150) Per/Hr.

<u>Assembly Room (Business Hours)</u>		
	<u>Resident Group</u>	<u>\$40.00</u>
	<u>Nonresident/Nonresident Group</u>	<u>\$50.00</u>
<u>Assembly Room (After Business Hours)</u>		
	<u>Resident Group</u>	<u>\$50.00</u>
	<u>Nonresident/Nonresident Group</u>	<u>\$60.00</u>

Rental East and West Side Rooms: (Occupancy 309)

<u>Refundable Deposit - Clean-up/Damage Deposit</u>		<u>\$200.00</u>
<u>Assembly Room (Business Hours*)</u>		<u>Per/Hr</u>
	<u>Resident/Resident Group</u>	<u>\$90.00</u>
	<u>Nonresident/Nonresident Group</u>	<u>\$95.00</u>
<u>Assembly Room (After Business Hours)</u>		
	<u>Resident/ Resident Group</u>	<u>\$100.00</u>
	<u>Nonresident/ Nonresident Group</u>	<u>\$105.00</u>

Rental of Craft Room or Board Room: (Occupancy 25 ea. Room)

<u>Refundable Deposit – Clean-up/ Damage Deposit</u>		<u>\$100.00</u>
		<u>Per/Hr</u>
	<u>Resident/ Resident Group</u>	<u>\$35.00</u>
	<u>Nonresident/ Nonresident Group</u>	<u>\$45.00</u>

Rental for Non-Profit Organizations/501C-3

<u>Deposit is Waived</u>		
	<u>Resident/ Non Resident Group</u>	<u>\$45.00</u>

Cancellation

<u>Cancellation fee within two weeks</u>	<u>\$75.00</u>
<u>Refund Processing Fee</u>	<u>\$25.00</u>

STREETS AND RIGHTS-OF-WAY

- | | | |
|-----|--|--|
| (1) | Permit fee for construction, replacement or installation of facilities in public rights-of-way | \$50.00 plus \$0.10 per linear foot of the facility |
| (2) | Driveway and culvert permits | \$12.00 per linear foot of pipe (owner to furnish the materials) <u>\$75.00</u> |
| (3) | Rental fee (electric and gas utilities) | 2% of the gross receipts received from business conducted in the city limits |

...

WATER AND SEWER

The water and sewer inspection fees and deposits as required under [Chapter 28-2](#), Water and Sewer, Section 2(1)—(4) shall be waived for the subject properties for the property owners as of May 6, 2004. The subject properties are those with existing structures that have road frontage served by utilities from the East Highway 6 Water and Sewer Improvements Project Phase I and Phase II and the West Highway 6 Water and sewer Improvements Project Phase I and Phase II. This waiver also applies to the properties that were disannexed and agree to voluntary annexation on or before December 31, 2004.

- (1) Water meter(s) Actual cost plus 15%
- (2) Water and sewer deposits:
 - (a) Single-family residences and multifamily dwellings with individually metered units—\$100.00 per residence or unit.
 - (b) *Commercial properties with prior accounts*—An amount equal to twice the average monthly service charge calculated based on the preceding calendar year for the property.
 - (c) *New commercial properties (no prior accounts)*—An amount equal to twice the average monthly service charge for properties within the same class, calculated based on the preceding calendar year for property within the same class (in cases involving multifamily dwellings the property used for calculation purposes shall be that with the closest number of units to the new multifamily dwelling).

In cases where a new commercial property does not fit within any particular class, then the city shall use available comparative data to identify the class of property which the new commercial property most closely resembles and such class of property shall be used as a basis in determining the deposit amount.

Persons who require temporary service for a period no longer than ten days in order to repair or clean property for rental purposes may pay a nonrefundable deposit of ~~\$15.00~~ \$25.00 to receive service if the person has had no more than one delinquent payment within the preceding 12-month period. Otherwise, the person shall be required to pay the deposit amount established in above.

In addition to the utility deposit required above, a request for temporary service for a fire hydrant meter shall require a ~~\$500.00~~ \$1,400.00 deposit to cover the costs of the meter and the fittings and a \$100 non-refundable deposit to cover costs of utility service. The ~~\$500.00~~ \$1,400.00 deposit will be forfeited to the city if the meter and/or fittings are not returned or not returned in good condition after the project is complete. The person utilizing a fire hydrant meter must provide the city with a list of the locations where and time periods in which the meter is proposed to be used. The meter must be made available at prearranged locations for monthly readings. Failure to comply with the monthly reading schedule shall entitle the city to take back the meter and discontinue the person's use of the meter. Additionally, the city may apply all or part of the utility deposit to the payment of a delinquent utility bill. In such cases the amount shall be determined by the preceding month's usage.

Rental of fire hydrants, per month	\$20.00 <u>\$100</u>
Handling fee fire hydrant meters	\$50.00 <u>\$100</u>

- (3) Water and wastewater tap inspection fee \$50.00
- (4) Water and wastewater reinspection fee, per occurrence \$25.00
- (5) Water main taps made on water mains located within state highway rights-of-way:

The water tap inspection and street cut fees shall apply. In addition, the city shall obtain the permit(s) necessary for the construction of the casing required within the state highway rights-of-way and shall cause the construction to be done. A proportionate share of the actual costs incurred by the city for state-imposed casing requirements shall be allocated as set forth herein. The city shall construct a three-inch casing for water taps within the state right-of-way which shall be extended to the common property line between two adjacent properties. Each property owner or occupant of the adjacent properties (other than vacant property) then shall be responsible for paying one-third of the actual costs for such three-inch casing. The city shall bear the remaining one-third share of the costs, except in cases where one of the adjacent properties is vacant, in which case the city shall bear two-thirds of the actual costs. Actual costs shall include contractor, material and any other related costs. In cases where a property owner or occupant of property desires a tap size which would require a casing larger than the three-inch casing provided by the city (taking into account the standard tap size of the adjacent property), then such property owner or occupant, in addition to the one-third shared cost, shall be responsible for the total amount of the difference between the actual costs of a three-inch casing and the actual costs of the larger casing size. Such property owner or occupant may share the additional cost of the larger casing with the adjacent property owner or occupant if that property owner or occupant agrees with the larger casing size. If neither of the adjacent property owners or occupants desires a three-inch casing and cannot agree on a larger casing size, then a water

tap may be extended to each individual property and in such cases each property owner or occupant shall be responsible for the total amount of the costs associated with the state-imposed casing requirements. The city shall retain responsibility solely for construction of the state-imposed casing.

- (6) Inspection of street cut (water and wastewater) - Included in water tap inspection fee
- (7) Reinspection of street cut (water and wastewater), per occurrence \$25.00
- (8) Wastewater and main taps made on wastewater mains located within state highway rights-of-way:

The wastewater tap inspection and street cut fees shall apply. In addition, the city shall obtain the permit(s) necessary for the construction of the casing required within state highway rights-of-way and shall cause the construction to be done. A proportionate share of the actual costs incurred by the city for state-imposed casing requirements shall be allocated as set forth herein. The city shall construct a ten-inch casing for sewer taps within the state right-of-way which shall be extended to the common property line between two adjacent properties. Each property owner or occupant of the adjacent properties (other than vacant property) then shall be responsible for paying one-third of the actual costs for such ten-inch casing. The city shall bear the remaining one-third share of the costs, except in cases where one of the adjacent properties is vacant, in which case the city shall bear two-thirds of actual costs. In cases where a property owner or occupant of property desires a tap size which would require a casing larger than the ten-inch casing provided by the city (taking into account the standard tap size of the adjacent property), then such property owner or occupant, in addition to the one-third shared cost, shall be responsible for the total amount of the difference between the actual costs of a ten-inch casing and the actual costs of the larger casing size. Such property owner or occupant may share the additional cost of the larger casing with the adjacent property owner or occupant if that property owner or occupant agrees with the larger casing size. If neither of the adjacent property owners or occupants desires a ten-inch casing and cannot agree on a larger casing size, then a sewer tap may be extended to each individual property and in such cases each property owner or occupant shall be responsible for the total amount of the costs associated with the state-imposed casing requirements. The city shall retain responsibility solely for construction of the state-imposed casing requirements.

- (9) Water rates (monthly charges):

Inside the city limits:

For the first increment of water usage up to and including 2,000 gallons, minimum rate:

- (a) For residential and multi-family users \$11.30
- (b) For commercial users \$11.86
- For the second increment of water usage from 2,001 - 7,000 gallons of water,
per 1,000 gallons \$2.89
- For the third increment of water usage from 7,001 gallons and above,
per 1,000 gallons \$4.41

Outside the city limits:

One and one-half times the charge applied inside the city limits for the same water usage.

Malfunctioning water meter that fails to register consumption - Average daily consumption as shown when meter operating properly.

Brazoria County Groundwater Conservation District user fee:

For the first increment of water usage up to and including 2,000 gallons, minimum rate	\$0.08
For the second increment of water usage, from 2,001 gallons of water, per 1,000 gallons	\$0.04
TCEQ (Texas Commission on Environmental Quality) user fee:	\$0.50

(10) Sewer rates (monthly charges):

Inside the city limits (for residents with water and sewer service):

For the first increment of water usage up to and including 2,000 gallons of water,
minimum rate:

(a) For residential and multi-family users	\$17.52
(b) For commercial users	\$18.03

For the additional incremental water usage in excess of 2,000 gallons, per 1,000 gallons	\$2.89
---	--------

Inside the city limits (for residents with city sewer service only):

Monthly charge	\$40.69
--------------------------	---------

Unless determined by the director of public works that the usage would greatly exceed that normally used by a standard commercial business or residence. In that case, an appropriate charge shall be determined by the director of public works on the basis of a comparable use in the city.

Outside the city limits:

One and one-half times the charge applied inside the city limits for the same usage.

(11) Winter averaging:

From and after the first billing cycle in June, 1999, the city shall utilize a winter averaging methodology to determine water consumption in connection with single-family residential sewer rates. The city shall average the consumer's water usage for

the billing periods in the months of December, January and February to determine the amount of (number of gallons) of water usage. That average shall constitute the water usage for purposes of billing for single-family residential sewer rates. The winter average for consumers who have no account history during the preceding December, January and February months will be based on 5,600 gallons of water usage. Such amount constitutes the average of water usage for single-family residential consumers for such winter months. Commencing with the first billing cycle in June, 1999, and up until the first billing cycle in April, 2000, the city shall use the winter average of water usage for the billing periods in December, 1998, and January and February, 1999. Thereafter, with and from the first billing cycles in April, 2000, the city shall use the average of water usage for the immediately preceding December, January and February months. Such average shall be used for all the billing cycles for single-family residential sewer rates until the first billing cycle of the following April.

(12) Basis for billing multifamily complexes:

(a) All multifamily complexes, including apartment complexes and mobile home parks, shall be charged a minimum two thousand (2,000) gallons consumption for water and sewer service for each occupied apartment or mobile home served within the complex or park. If a master meter is used to provide service to the apartment complex or park, then the billing will allow a 2,000-gallon minimum usage per unit followed by five thousand (5,000) additional gallons per unit usage at the second increment rates for each occupied apartment or mobile home within the complex or park before additional consumption charges will be levied. If no master meter is used, then each apartment or mobile home shall be treated as a single-family dwelling.

(b) For purposes of this subsection, an "occupied apartment unit or mobile home" shall include any laundry facility, office, swimming pool or the like within a complex or park.

(c) In master-metered, multifamily complexes or parks, actual number of occupied units shall be determined for billing purposes by procedures established, maintained, and exercised by the city manager, staff and designees. However, such determination of actual number of occupied units must be made at least quarterly on each January 1, April 1, July 1 and October 1. Further, such determination of actual number of occupied units must be generally based upon the number of operating electrical meters where possible or equitable. In instances where actual number of occupied units cannot be fairly determined on such basis, then the number of occupied units shall be determined by verifiable occupancy records and data to be provided by owners and/or managers of apartment complexes or mobile home parks. If such verifiable occupancy records and data are not voluntarily provided, then billing shall be based upon 100 percent occupancy.

(13) Basis for billing camp facilities owned and operated by nonprofit corporations; In cases involving camp facilities, the nonprofit corporation shall be charged a minimum 2,000 gallons consumption for water and sewer service for each individual meter.

(14) Basis for billing multi-commercial complexes:

(a) All multi-commercial business parks and complexes shall be charged a minimum 2,000 gallons consumption for water and sewer service for each occupied commercial space served within the complex or business park. If a master meter is used to provide service to the complex or park, then the billing will allow a 2,000 gallons minimum usage for each business occupying space within the complex or park before additional consumption charges will be levied. If no master meter is used, then each space or business shall be treated as a single commercial establishment.

(b) In master-metered, commercial complexes or parks, actual number of occupied units shall be determined for billing purposes by procedures established, maintained, and exercised by the city manager, staff and designees. Further, such determination of actual number of occupied units must be generally based upon the number of operating electrical meters where possible or equitable. In instances where actual number of occupied units cannot be fairly determined on such basis, then the number of occupied units shall be determined by verifiable occupancy records and data to be provided by owners and/or managers of business parks or complexes. If such verifiable occupancy records and data are not voluntarily provided, then billing shall be based upon 100 percent occupancy.

(15) Basis for billing multiunit residential/commercial account:

Accounts with both residential and commercial purpose will be billed at the commercial rate.

(16) Beginning with the December 1, 2005, billing dates, the water and sewer rates as set forth above shall be increased. Beginning with the October 1, 2006, billing dates, and each year thereafter, the water and sewer rates as set forth above shall be adjusted incrementally on an annual basis in accordance with the CPI-U change. As used herein, "CPI-U" shall mean the revised consumer price index rate for all urban consumers (all items included) for the Houston-Galveston-Brazoria, TX area, based on the latest available figures from the Department of Labor's Bureau of Labor Statistics (the "bureau"). The rates, set in subsections (10) and (11) above, shall be automatically adjusted with the October 1 billing dates of each year by an amount equal to the percentage that the CPI-U has changed over the previous 12-month period.

(17)	<u>Disconnect / reconnection of water and/or sewer services during normal business hours</u> <u>fee (water and sewer)</u>	\$20.00 <u>\$50.00</u>
(18)	Restoration of service after normal working hours	\$40.00 <u>\$75.00</u>
(19)	Returned check fee	\$25.00 <u>\$35.00</u>
(20)	Ten (10) percent penalty for late payment.	
(21)	<u>Unauthorized connection or tampering fee (consumption of, or damages resulting from,</u> <u>unauthorized connection, tampering or theft of water, sewer, or garbage collection</u> <u>services in the amount established plus the actual cost of the service consumed and/or</u> <u>actual cost of repair for damages</u>	<u>\$100.00</u>
(22)	<u>Utility meter removal/pulled meter fee</u>	<u>\$100.00</u>

(23) Antenna replacement due to tampering or cut wire Actual cost, plus 15%

(22) Extension of water/sewer lines pursuant to extension policy (front foot charge):

Inside city limits:

Water, per front foot	\$9.00
Sewer, per front foot for sewer	\$7.50

Outside city limits:

Water, per front foot	\$10.50
Sewer, per front foot.	\$9.00

(23) Front-foot charge for singly platted tract capable of later division:

Inside city limits: Minimal front foot basis paid on larger of sixty (60) feet or width of land occupied by main structure plus ten (10) feet plus any additional side yard frontage not divisible into additional lots.

Outside city limits: Front-foot charge without reduction.

(24) Water extension to person with existing well system (inside city limits): Sixty (60) percent of front foot charge.

(25) Sewer extension to person with existing septic system (inside city limits): Sixty (60) percent of front foot charge.

(26) Water extension to person with existing well system (outside city limits): Front foot charge without reduction.

(27) Sewer extension to person with existing septic system (outside city limits): Front foot charge without reduction.

(28) Indirect dischargers of hauled waste.

Waste disposal fees:

(a) For loads having a ph of not less than 7 or greater than 8.5 standard units and ammonia levels not greater than 9.9 mg/l, per gallon \$0.03

(b) For loads having a ph of 6 to 6.9 or 8.6 to 8.9 standard units and ammonia levels of 10 to 14.9 mg/l, per gallon \$0.05

(29) Storm water permit fees:

On-time application for storm water permit:

Minimum amount	\$45.00
Incremental amount for each full or partial acre site, in excess of one acre	\$45.00
Penalty for late filing of application for storm water permit:	
Minimum amount	\$90.00
Incremental amount for each full or partial acre site, in excess of one acre	\$90.00
On-time amendment of storm water permit:	
(with no net increase in site acreage)	
Minimum amount	\$45.00
Late amendment of storm water permit, (with no net increase in site acreage):	
Minimum amount	\$90.00
On-time amendment of stormwater permit, (with net increase in site acreage):	
Unit rate applies only to the increase in acreage:	
Minimum amount	\$45.00
Incremental amount for each full or partial acre site, in excess of one acre	\$45.00
Late amendment of storm water permit (with net increase in site acreage):	
Unit rate applies only to the increase in acreage:	
Minimum amount	\$90.00
Incremental amount for each full or partial acre site, in excess of one acre	\$90.00
Lifting of stop work order:	
Minimum amount	\$25.00
Incremental amount for each full or partial acre site, in excess of one acre	\$25.00
Other fees:	
City response to spill: Direct cost plus ten (10) percent of direct cost	

...”

Section 2. That except as specifically amended herein all other provisions of Chapter 28 of the Code of Ordinances, City of Alvin, Texas shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control. That all rights and remedies which have accrued in favor of the City under Chapter 28 and any amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability Clause. If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Publication. The City Clerk of the City of Alvin is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by *Chapter 52 of the Texas Local Government Code* and the *City of Alvin Charter*.

Section 5. Proper Notice and Meeting. 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, *Chapter 551 of the Texas Government Code*. Notice was also provided as required by *Chapter 52 of the Texas Local Government Code and the City of Alvin Charter*.

Section 6. Effective Date. This ordinance shall take effect after its passage in accordance with the provisions of *Chapt. 52, Tex. Loc. Gov't. Code* and the *City of Alvin Charter*.

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

ATTEST:

CITY OF ALVIN, TEXAS

By: _____
Dixie Roberts, City Clerk

By: _____
Paul A. Horn, Mayor

Charter Review Commission - Applicant Information 8/18/16

First Name	Last Name	Employment	Occupation	Resident of Alvin	Past Boards Served on	Notes Provided on Consent and Willingness to Serve Form
Terry	Droege	TDEC Inc.	Business Owner	24 years	Former member of Council	<i>Applied 06/06/16</i> - "I just want to help and serve the community. Involved in Alvin Rotary, Alvin Sunrise Rotary, YMCA, Meals on Wheels, AISD Foundation and ACC Foundation. Served as a member of City Council, Planning Commission and Electrical Board. Also served on the San Jacinto College Electrical Board".
Missy	Jordan	Bunky and Son Construction, LLC	Business Owner	5 years	Planning Commission, 2035 Comp Plan, Downtown Revitalization Committee	<i>Applied 04/26/16</i> - "Own and operate small family construction business for the past 20 years which has provided me with good construction, management experience where planning is concerned. I enjoy living in Alvin. The City of Alvin has good, family/friendly qualities and had the potential for other awesome areas of growth. From working on the committees, I have learned the growth of Alvin is important to the community. I have enjoyed serving on the Planning Commission and meeting city staff. I would enjoy working on the Charter Commission and feel it would be a good option for me to continue community service after working on the committees I've been on".
Debra	McDonald	Sr. Project Accountant	Bechtel Corp.	27 years	Library Board	<i>Applied 06/06/16</i> - "Currently serve on the Library Board. Work for a corporation that has 55,000 worldwide employees - so I have a great understanding of cultural diversity. Also attend intensive ethics and compliance training yearly. Lead the American Cancer Society Relay for Live of Alvin-Manvel from 2013 to 2015. I have served on the Library Board since July, 2014. I would like to serve on the Charter Review Commission".
Tommy	Peebles	Retired	City of Alvin - City Clerk	68 years	Charter	<i>Applied 04/19/16</i> - " Retired 40 year employee of the City of Alvin, served 16 years as City Clerk and served and met with several Charter Review Commissions in the past. Former president of Alvin Museum Society. Member and past president of Alvin Noon Lions Club. Past President of Alvin High School Alumni Society".
Roger	Stuksa	Retired		60 years	Former member of Council	<i>Applied 05/03/16</i> - Former member of City Council for 9 years (3 terms). I would like to serve as a member of the Charter Review Commission.