

City of Alvin, Texas

Paul Horn, Mayor

Keith Thompson, Mayor Pro-tem, District C
Brad Richards, At Large Pos. 1
Joel Castro, At Large Pos. 2
Scott Reed, District A



Adam Arendell, District B
Glenn Starkey, District D
Gabe Adame, District E

ALVIN CITY COUNCIL AGENDA

THURSDAY JUNE 21, 2018

7:00 P.M.

(Council Chambers)

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

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

NOTICE is hereby given of a Regular Meeting and Executive Session of the City Council of the City of Alvin, Texas, to be held on **Thursday, June 21, 2018** 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. PRESENTATIONS

- A. Check Presentation to Corey Scopel of Scopel's Square (Corey's Kitchen) as the second recipient of the Alvin Downtown Business Incentive Grant.
- B. Proclamation – Kynneddy Flannel Day.
- C. Proclamation – July 2018 as Parks and Recreation Month.
- D. Departmental Presentation – EMS/Emergency Management.

4. PUBLIC COMMENT

5. CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION: An item(s) may be removed from the Consent Agenda for full discussion by the request of a member of Council. Item(s) removed will automatically become the first item up for discussion under Other Business.

- A. Approve minutes of the June 7, 2018 City Council meeting.
- B. 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.
- C. Consider Resolution 18-R-22, suspending the July 5, 2018 effective date of Texas New Mexico Power Company's (TNMP's) requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with other TNMP cities;

hiring Lloyd Gosselink attorneys and consulting services to negotiate with the company and direct any necessary litigation and appeals.

6. OTHER BUSINESS:

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

A. Consider the cancellation of the July 5, 2018 City Council meeting.

7. REPORTS FROM CITY MANAGER

A. Review preliminary list of items for next Council meeting.

8. ITEMS OF COMMUNITY INTEREST

Pursuant to 551.0415 of the Texas Government Code reports or an announcement about items of community interest during a meeting of the governing body. No action will be taken or discussed.

A. Hear announcements concerning items of community interest from the Mayor, Council members, and City staff, for which no action will be discussed or taken.

9. EXECUTIVE SESSION

A. City Council will meet in Executive Session pursuant to Texas Government Code 551.072 – deliberation regarding the purchase, exchange, lease or value of real property.

10. RECONVENE TO OPEN SESSION

A. Take action on Executive Session item if necessary.

11. 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, June 18, 2018 at 4:00 P.M.



Dixie Roberts, City Secretary

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).**

Meeting Information

Objective: Regular Monthly Meeting of City of Alvin Parks and Recreation Board
Date: 05/01/2018 **Location:** CONFERENCE ROOM OF THE PUBLIC SERVICE FACILITY, 1100 W. HIGHWAY 6, ALVIN, TEXAS, 77511
Time: 6:30 PM **Meeting Type:** Regular Monthly Meeting

Facilitator: Dan Kelinske, Director of Parks and Recreation

Note Taker: Carrie Parker

Attendees: Board Members: **Terrie Beasley– Vice Chair Carrie Parker – Secretary, Milton Morgan, Kerry Ulm, Debra Palin, Jamie Vaughn**
Other Attendees: **Dan Kelinske, Director of Parks and Recreation. Michelle Nesrsta, Recreation Manager Joshua Truksa, Alvin Sun-Advertiser**

Not Present: , , **Dwight Rhodes – Chair**

Agenda Items

1. CALL TO ORDER – Called to order by Terrie Beasley 6:28pm
2. ROLL CALL – see above for attendees
3. APPROVAL OF MINUTES – motion to approve by Milton, seconded by Jamie
 - a. April 3, 2018 – Approved
4. PETITIONS/REQUEST FROM THE PUBLIC - NONE
5. CHAIRMAN REPORT – NONE
6. DIRECTOR REPORT
 - a. Update on upcoming events
 - i. Mother daughter sleepover 5/4
 - ii. Great Alvin cleanup 5/5
 1. Keep Alvin Beautiful (KAB) will rally volunteers to clean public ways
 - iii. Art walk 5/5
 - iv. Voting 5/5
 - v. EMS Open House 5/5
 - vi. Depot Market Days 5/19
 - vii. No cook Thursday 5/24
 - viii. Bob Owen Pool opens for public swim 5/25
 - b. Update on park projects/improvements
 1. Status of mustang bayou bank repair – out for selection to engineering firms.

2. Kost detention pond landscaping – purchased 2 new trees, intend to plant this week
3. Prairie dog park – dug up old cistern and backfilled to correct ground falling away

- ii. YTD 2018 enrollments
 1. 3156 General enrollment
 2. 954 Online enrollment
 3. 363 Total withdrawals
 4. 5 Total refund

7. New Business

- i. Discuss Blue Trails Project – Kimley Horn will present to Board at June meeting
 1. Review Kimley Horn proposal/estimate for all 5 sites
- ii. Discuss date for park tour
 1. Dan will consider dates
- iii. Discuss Story Walk
 1. Parks & recreation partnered with Alvin Library to bring together literacy and physical exercise.
 2. Reports of vandalism, intentional removal of the story walk pages from the trees.
- iv. Discuss and recommend update of Athletic facilities Policy
 1. Reviewed – Debra called to approve and Jamie seconded. Passed unanimously.
 2. Will be presented to City Council

8. Items of Community Interest –

- a. Reports of lighting issues at Lions Park. Dan will follow up.

9. ADJOURNMENT – Call to adjourn @ 8:10pm by Milton, second by Carrie.
Unanimously approved

Upcoming meetings:

- Parks and Recreation Board Meeting – June 5, 2018 6:30PM
 - Meet at Public Service Facility
-

MINUTES
ALVIN SENIOR BOARD MEETING
309 W. SEALY ST.
MAY 14, 2018
8:00 A.M.

Call to Order 8:02 a.m.

Roll Call

Board Members Present: Darrell Brady, Betty Hodges, Marie Hodges, Loretta Smith, and Board President, Judy Zavalla. Absent were Beverly Kimbrough, and Nell Shimek on leave of absence.

APPROVAL OF MINUTES

Darrell Brady made a motion to approve April 9, 2018 Senior Board Meeting Minutes, Marie Hodges seconded, all agreed.

PETITIONS/REQUEST FROM THE PUBLIC

There were no petitions/request from the public.

BOARD PRESIDENT REPORT

Condolence letter program

Judy Zavalla mentioned that several of our regular senior citizens have passed away recently and she thought it would be nice for us to send condolence letters to the families. Marie Hodges suggested that since there is a Senior Page in the local Newspaper, that we use that to mention something about the deaths of seniors that patronize the Senior Center.

DIRECTOR REPORT

Update on upcoming events

Update on department projects/improvements

Dan Kelinske gave updates on upcoming events, department projects and improvements. Total registration for City of Alvin activities 3,371 with 1,380 from the Senior Center.

SENIOR CENTER MANAGER REPORT

Update on upcoming events

Update on building and vehicles

Operations

Discussed Sock Hop, Afternoon forum for Candidates. Update on building and vehicles was discussed. Marla is out on medical leave.

OLD BUSINESS

We discussed Volunteer Lunch and it was decided not to have a Volunteer of the Year next year, only have an appreciation luncheon for all volunteers. Also, Judy commented that sometimes when there is a bus trip and a meeting going on at the same time it is difficult for the meetings to hear the speaker or difficult for the bus trip attendees to hear bus driver. Dan suggested getting small tent signs that says, "Quiet Meeting".

New Business

Reviewed Senior Center Mission Statement and Objectives.

Items of Community Interest were discussed.

ADJOURNMENT

Betty Hodges made a Motion to Adjourn and Darrell Brady seconded the Motion, all agreed, meeting was adjourned.

Respectfully submitted by,

Loretta Smith Board Member



AGENDA COMMENTARY

Meeting Date: 6/21/2018

Department: Economic Development

Contact: Larry Buehler, Director

Agenda Item: Check Presentation to Corey Scopel of Scopel's Square and Corey's Kitchen as the second recipient of the Alvin Downtown Business Incentive Grant.

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

Summary: Council approved the creation of the Downtown Business Incentive Grant program that encourages business owners to make improvements to downtown locations. The second allocation was for a 50% match for up to \$18,000. Mr. Scopel submitted his application, and the Grant Award Committee reviewed and approved the project. This project qualified for \$18,000 of the \$25,000 budgeted amount for the 2018 fiscal year award. It consisted of a new perimeter fence, enhanced landscaping, a new driveway, new restrooms, installation of electrical and plumbing services and a new sign. The project was completed with a new Certificate of Occupancy awarded by the City of Alvin Building Department.

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

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

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

Supporting documents attached:

- Pictures of Completed Project

Recommendation: Congratulate Corey Scopel on his successful creation of Scopel's Square located at 319 West Willis Street

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager



McCorey's Kitchen
We Do Catering!
713-702-8653











Office of the Mayor, City of Alvin, Texas

Proclamation

WHEREAS, the City of Alvin is proud to recognize the accomplishments of Kynneddy Flannel; and

WHEREAS, Kynneddy Flannel graduated from Alvin High School in 2018 with 12 consecutive years of perfect attendance. She's a five-time state champion in track in field and state record holder in the long jump; and

WHEREAS, because of her discipline and hard work, she has received many awards including the 2016 Gatorade Track Athlete of the Year; 2017 Houston Chronicle Athlete of the Year and the 2018 Texas Track & Field Coach Association Athlete of the Year; and

WHEREAS, Kynneddy will attend the University of Texas at Austin in the Fall, where she will be an integral part of the Women's Track & Field team.

NOW, THEREFORE, I, Paul A. Horn, as Mayor of the City of Alvin Texas and on behalf of the City Council do hereby proclaim **June 21, 2018** as:

Kynneddy Flannel Day

in the City of Alvin and urge each and every citizen to congratulate Kynneddy for her remarkable accomplishments and to express our pride for representing the City of Alvin on a state level.

WITNESS my hand and seal this
21st day of June 2018.

Paul A. Horn, Mayor



Office of the Mayor, City of Alvin, Texas

Proclamation

WHEREAS, parks and recreation programs are an important part of communities throughout this country; and

WHEREAS, our parks and recreation are extremely important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of our community and region; and

WHEREAS, our parks and natural recreation areas ensure the natural beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

NOW, THEREFORE, I, Paul A. Horn, as Mayor of the City of Alvin, Texas and on behalf of the City Council do hereby proclaim the month of **July 2018** as:

Parks & Recreation Month

in the City of Alvin and urge citizens to take part in the many parks and recreation programs, which help to build a healthy and active community.

WITNESS my hand and seal this
21st day of June 2018.

Paul A. Horn, Mayor

Emergency Medical Services

City of Alvin - Departmental Update



E.M.S. Profile



- Employs 18 full time and 21 part time staff members
- Staffs 2 Mobile Intensive Care Capable Units 24/7 and 1 peak volume unit (10a-10p)
- Operates out of a central 4,700 sq. ft. facility
- Provides community outreach/educational services
- Training site for EMS Education programs
- Active member of the Texas Emergency Medical Task Force



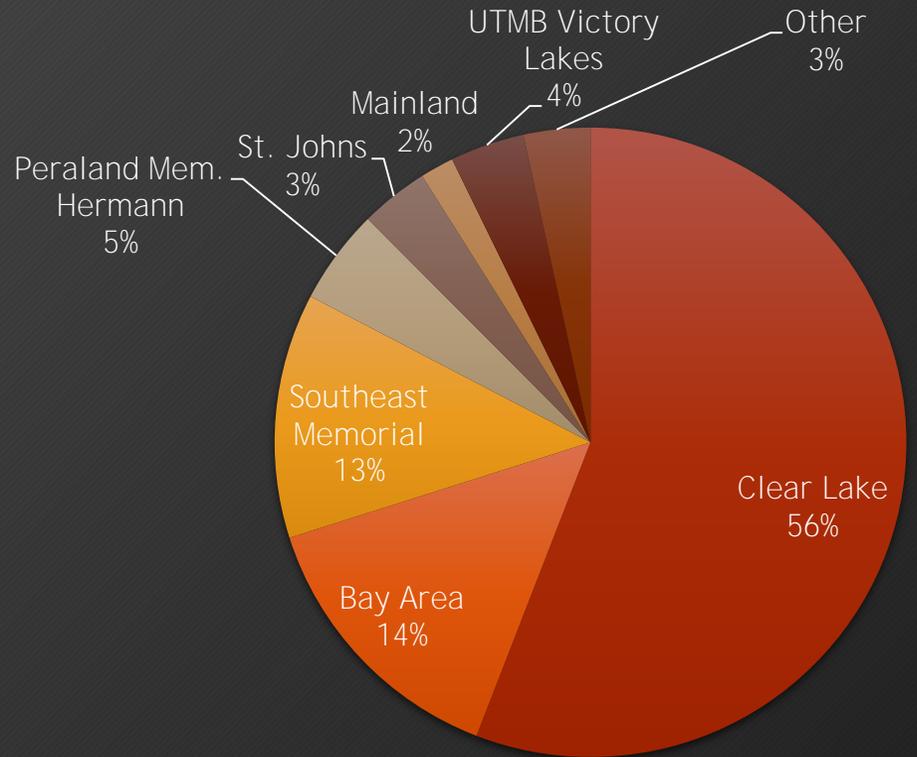


EMS Call Volume & Transports

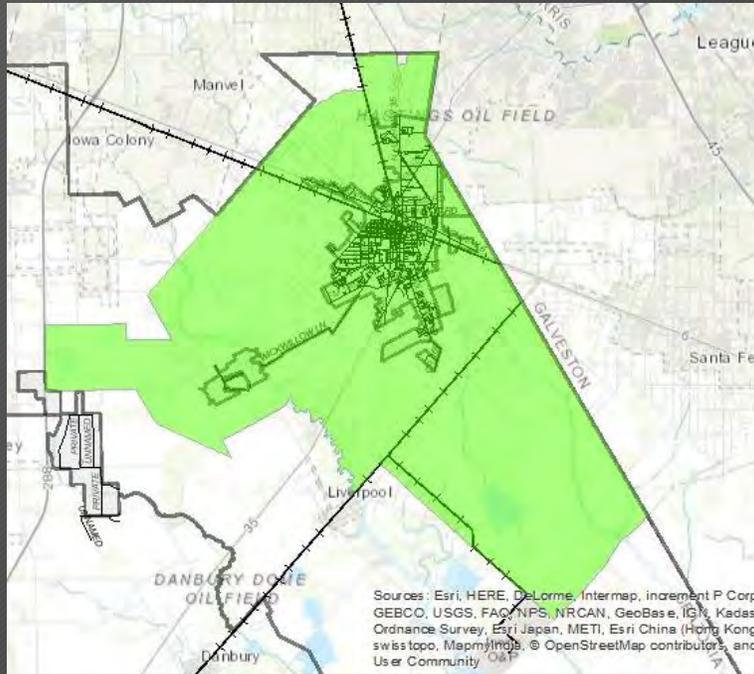
Call Volume



Transport Destinations



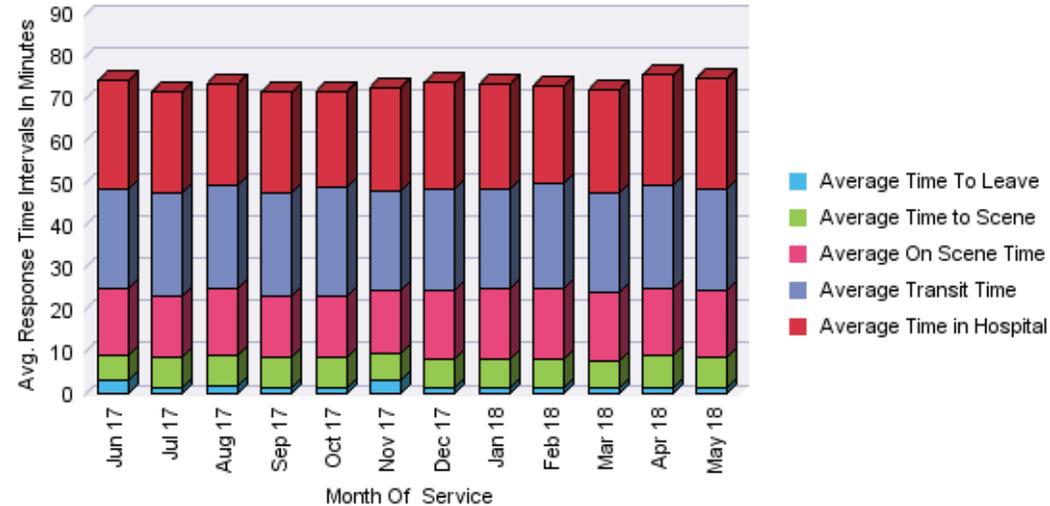
Response Times



Start Date: 6/1/2017 - End Date: 5/31/2018

	Jun 17	Jul 17	Aug 17	Sep 17	Oct 17	Nov 17	Dec 17	Jan 18	Feb 18	Mar 18	Apr 18	May 18	Average
Average time to leave	3	1	2	1	1	3	1	1	1	1	1	2	2
Average time to scene	6	7	8	7	7	7	7	7	7	6	8	7	7
Average on scene time	16	15	16	15	15	15	16	17	17	16	16	16	16
Average transit time	23	24	24	24	26	23	24	24	25	23	24	24	24
Average time in hospital	26	24	24	24	23	25	25	25	23	25	26	26	25
Average total run time	55	59	56	59	58	53	60	59	59	56	64	60	58

Agency Response Time Intervals



E.M.S. Staff



- 7 Emergency Medical Technicians (EMT)
- 11 Paramedics
- 300+ hours of in house accredited Continuing Education (CE) training
- 400+ hours external CE training



Community Outreach



- EMS provides community education and injury prevention
 - Alvin Police Academy - CPR/First Aid
 - ACC Dental School - First Aid
 - Community Emergency Response Team (CERT) - First Aid
 - Alvin ISD - Injury Prevention/Education Program in schools
 - Car Seat Safety Program



Texas Emergency Medical Task Force (EMTF)



- Ambulance Strike Teams
- RN Strike Teams
- Ambus Teams
- Mobile Medical Unit
- High Consequence Infectious Disease / Infectious Disease Response Unit
- Mass Fatality Management



Questions?



Emergency Management

City of Alvin - Departmental Update



Office of Emergency Management



- Sec. 6-1. - Organization.
- There exists the office of Emergency Management Director of the City of Alvin, Texas, which shall be held by the mayor in accordance with state law.
 - (1) An emergency management coordinator may be appointed by and serve at the pleasure of the director;



Emergency Management Duties



- Conduct an on-going survey of actual or potential hazards to the City
- Supervision of the development and approval of an emergency management plan for the City
- Recommend to the Director declarations of local state of disaster
- Coordinate training of staff
- Ensure all local, state and federal requirements are met

Hazard Analysis



NATIONAL WEATHER SERVICE
Tropical Weather Outlook
National Weather Service Houston/Galveston

The disorganized remnants of **TS Harvey** are located over the Yucatan Peninsula and adjacent waters this morning. There is a **90% chance** of Harvey reforming in the hatched red area. A tropical depression is expected to form over the southwestern Gulf of Mexico on Wednesday or Thursday.

Five-Day Graphical Tropical Weather Outlook
National Hurricane Center Miami, Florida

Disturbance 1

8:00 am EDT
Tue Aug 22 2017

Current Disturbances and Five-Day Cyclone Formation Chance: < 40% 40-60% > 60%

Tropical or Sub-Tropical Cyclone: Depression Storm Hurricane

Post-Tropical Cyclone Remnants

Image 8/22/2017
Created 7:21 AM

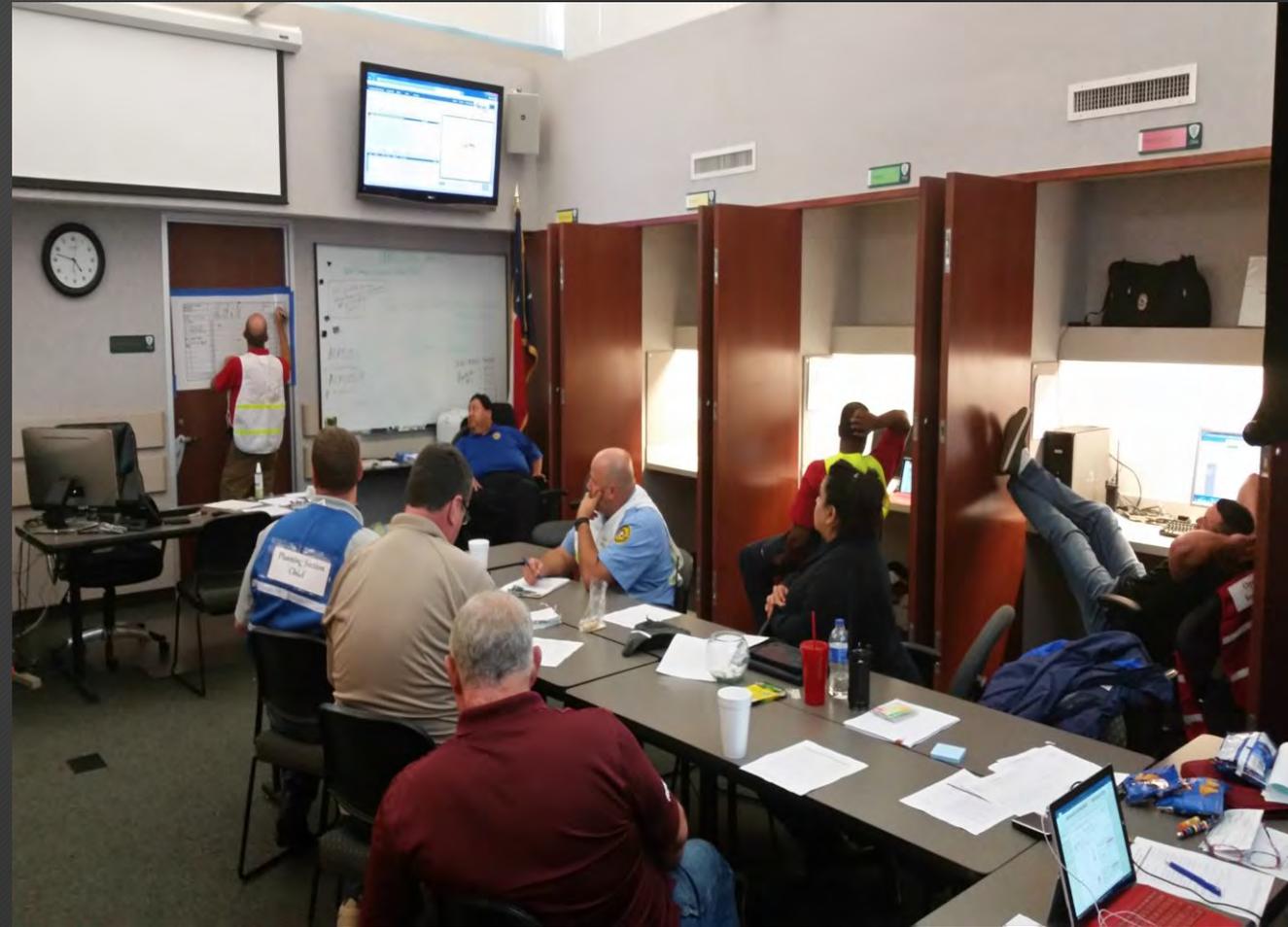
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weather.gov/houston



Emergency Management Plan



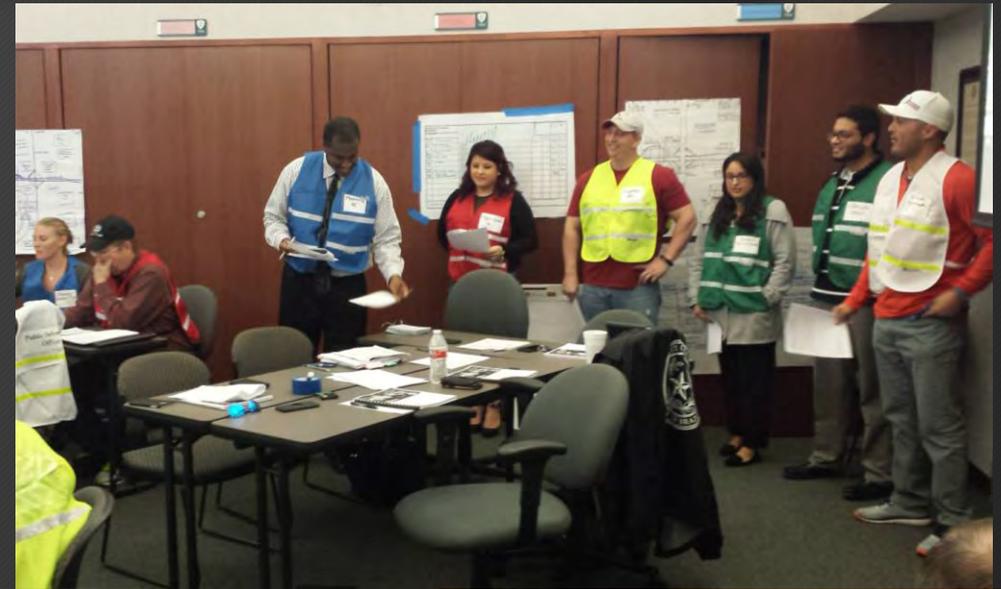
- Basic Plan
 - Authority
 - Organization/Operation
 - Command/Control
 - Plan Development & Maintenance
- 22 Annexes
 - Specific Response Plans & Assignments
- Updated every 5 years
- City of Alvin - Advanced Level Plan



Training



- National Incident Management System (NIMS)
- Incident Command System (ICS)
 - All City Staff
- Exercises / Drills
 - 2 Discussion Based
 - 1 Operations Based
- Position / Function Specific
 - Disaster Finance
 - Shelter Operations
 - Donation Management
 - Public Information Officer
 - Debris Removal Operations



Emergency Management Performance Grant (EMPG)



- Original Application - January 2015
- Received approximately \$100,000
- Program Requirements
 - Maintain Emergency Management Plan at the Advanced Level
 - Complete 3 Exercises / Year
 - Attend Training
 - Complete Quarterly and Semi-Annual Reports

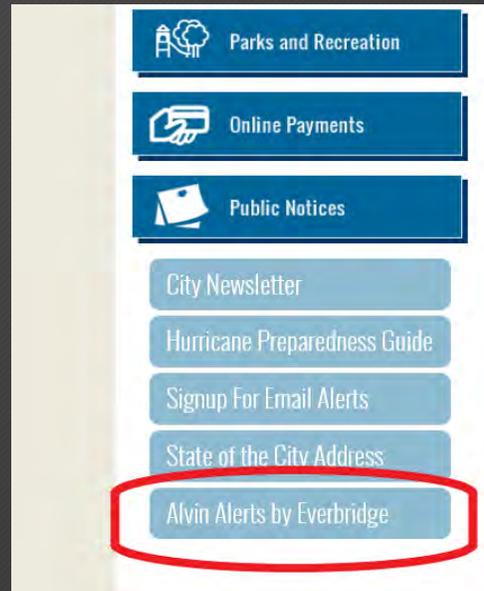
ALVIN ALERTS



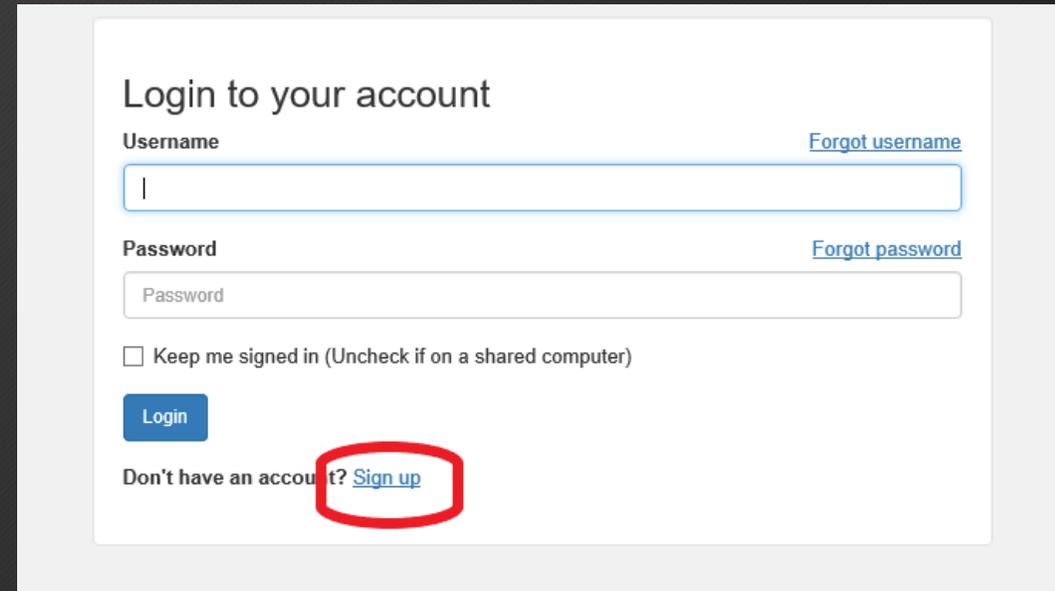
1.

www.alvin-tx.gov

2.



3.



Questions?



Unbeatable Service → Harvey can't break US.

100% water ability
... Sewer ...

No injury/no fatalities

% power failure?

Animal Shelter normal # on Aug 30th

Temporary Shelter established Aug 25 → Aug 30th 600 in/00

Good Samaritan 110 to Saints in Belton

24 hr operational EOC 25th →

PIO. Rocked It

MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY JUNE 7, 2018
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 Keith Thompson; Councilmembers: Gabe Adame, Adam Arendell, Joel Castro, Scott Reed, Glen Starkey, and Keith Thompson.

Staff members present: Sereniah Breland, City Manager; Suzanne Hanneman, City Attorney; Junru Roland, Assistant City Manager/CFO; Dixie Roberts, City Secretary; Michelle Segovia, City Engineer; Larry Buehler, Director of Economic Development; Dan Kelinske, Parks and Recreation Director; and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council member Adame, gave the invocation.

Eagle Scouts Austin Jordan from Troop 400 led the Pledge of Allegiance to the American Flag and Taylor Stewart led the Pledge to the Texas Flag.

PRESENTATIONS

Eagle Scout Recognition.

Mayor and City Council recognized Austin Jordan and Taylor Stewart of Boy Scout Troop 400 for achieving the Eagle Scout Award.

PUBLIC COMMENT

There were no public comments.

CONSENT AGENDA

- A. Approval of the City Council meeting minutes of the May 17, 2018
- B. Consider an award of bid to JDB Services, Inc., for the purchase of stabilized sand for (1) year, in an amount not to exceed \$60,000, with an option to continue for an additional year at the same price and conditions.
Stabilized sand is used as a base material for streets, driveways, setting culverts, and for installation of sewer and water lines. On April 17, 2018, bids were opened to provide stabilized sand for 1 year with option for 1 additional year at the same price and JDB Services was the lowest bidder. Pricing for 1.5 sack stabilized sand to be picked up by the City is \$14.10, and \$18.10 delivered. If ordering a 2.0 sack, the price is \$16.70 if picked up by the City, and \$20.70 delivered. In most cases the City will pick up the material but in some cases the delivery option will be utilized. JDB Services has held the contract for stabilized sand since 2016 with a slight increase in price this bid. Pricing in 2016 for 1.5 sack picked up was \$13.10 vs. \$15.70 delivered and 2.0 sack picked up was \$16.60 vs. \$18.50 delivered. The references for this company have been verified and are satisfactory. The City has used JDB Services for this type of material in the past. Upon approval, an award letter will be sent to the vendor and city departments.
- C. Consider an award of bid to Rodriguez Construction Group, LLC., for the 2018 Concrete Pavement and Drainage Project in an amount not to exceed \$696,356.85; and authorize the City Manager to sign the contract upon legal review.

On May 22, 2018, bids were opened for the 2018 Concrete Pavement and Drainage Project, and Rodriguez Construction Group, LLC was the qualified low bidder. Engineering Staff has verified references for this contractor and all references were highly satisfied with the work performed.

Project Budget: \$797,000

Contract Amount: \$663,197

5% Contingency: \$33,159.85

Total Amount: \$696,356.85 (\$100,643.15 below budget)

The 2018 Concrete Pavement and Drainage Project consists of the total replacement of the concrete pavement and associated storm sewer improvements on Heisse St. (S. Johnson St. to the east end), Richards St. (S. Johnson St. to the east end), and Kings Ln. (Westfield St. to W. South St.). These improvements were based on recommendations in the 2013 Concrete Pavement Assessment by JET Civil Consulting, LLC. More information on this project can be found in the Capital Improvement Program (CIP) Quarterly Report that was distributed to City Council on April 19, 2018

The project is scheduled to start in late June and has a construction time of 120 calendar days.

The \$100,643.15 in excess funds will be returned to the Sales Tax Fund to be used for future street projects. Staff recommends approval.

D. Consider an award of bid to Strand Electric, for the construction of the 2018 Alvin Decorative Street Lighting Project in an amount not to exceed \$85,348.45; and authorize the City Manager to sign the contract upon legal review.

On May 22, 2018, bids were opened for the 2018 Alvin Decorative Street Lighting Project, and Strand Electric, was the qualified low bidder. Staff has verified references for this contractor and all references were highly satisfied with the work performed.

Project Budget:	\$100,000.00
Incurred Design and Bid Preparation	\$ 3,872.46
Balance	\$96,127.54

Contract Amount:	\$77,589.50
10% Contingency:	\$ 7,758.95
Total Amount:	\$85,348.45

The project consists of the installation of nine decorative black metal street lights along the south side of Willis Street from Gordon Street to Taylor Street. These lights will match the existing black metal street lights on the east side of Gordon that are around the Alvin Historic Depot. This is the continuance of the Downtown Revitalization program anchoring Stanton's Retail Center to the Depot.

The project is scheduled to start in June and has a construction time of 60 calendar days. Staff recommends approval.

E. Consider an award of bid to Texas Pride Utilities, LLC., for the South Park Utility Replacement Project in an amount not to exceed \$250,000; and authorize the City Manager to sign the contract upon legal review.

On May 29, 2018, bids were opened for the South Park Utility Replacement Project, and Texas Pride Utilities, LLC was the qualified low bidder. Engineering Staff has verified references for this contractor and all references were highly satisfied with the work performed.

Project Budget: \$250,000.00

Contract Amount: \$221,428.50

Alternate Bid Items: \$ 14,300.00 (Sewer clean-outs, sewer open cut point repair, and fence repair)

Contingency: \$ 14,271.50

Total Amount: \$250,000.00

The South Park Utility Replacement Project consists of the replacement of approximately 2,000 linear feet of existing 2.5" waterline with 6" PVC waterline, along with new fire hydrants, valves, and service leads along South Park Drive. The project will also replace approximately 2,000 linear feet of old 6" clay sanitary sewer line with 6" HDPE pipe and new sanitary

sewer manholes. These water improvements will provide adequate fire protection and water pressure for all residents in the subdivision and the sewer improvements will eliminate inflow and infiltration into the City's system.

The project is scheduled to start in late June and has a construction time of 90 calendar days.

This project will be 100% funded by the Community Development Block Grant (CDBG) that was awarded to the City on January 18, 2018, and was one of the projects identified in the 2015 Utility Master Plan that was done by Freese and Nichols. Staff recommends approval.

F. Consider a 60-Day extension to the Memorandum of Understanding (MOU) between the City of Alvin and Walton Texas, LP., for a proposed master planned development; and authorize the City Manager to sign.

On February 16, 2017, Council approved a Memorandum of Understanding (MOU) between the City of Alvin and Walton Texas, LP., for a proposed master planned development. Walton closed on the final tracts of land and both teams have been working towards a new developer agreement that will come back to City Council for consideration. The MOU is scheduled to end July 16, 2018. This 60-day extension will give a new end date of September 14, 2018.

The steps outlined in the MOU provide a way to allow the project to move forward and have development pay for itself through the Municipal Utility Districts (MUD's), resulting in a fully developed tax base to be annexed by the City in the future.

There are a number of items that are beneficial to the City, the project, and ultimately the residents of the community in the following ways:

- Preserves the City of Alvin's (ETJ) as it currently exists.
- Since the property will continue to be surrounded by City lands, when Alvin is ready to annex, the City can annex from any point, regardless of where development starts.
- Confirm in writing and recorded on title, Alvin's intent to annex the property over time, easily facilitating the annexation in the future.
- Preserve Alvin's ability to share in any sales tax revenues that may be generated on the property.
- Oversight by the Texas Commission on Environmental Quality: The MUD's are overseen by the TCEQ with a rigorous process to ensure that only the appropriate items are reimbursed, that bonds at issue all meet the state requirements, and that all infrastructure that is subject to reimbursement is subject to public bid. This is already in place and would not require additional oversight by the City.
- Allows the MUD's to operate and maintain the following until Annexation:
 - o Wastewater Plant, lines and lift stations (instead of being operated by the City).
 - o Water Treatment Plant, lines and billing (instead of being operated by the City).

Note: This operation and maintenance role will have to be undertaken whether there are 100 homes or 1,000, which may be a burden to Alvin's resources that might be better focused elsewhere.

Walton has noted that within the prior agreements there was a provision for a shared public safety building for use and occupancy. They indicate that they will provide a site for this facility at the appropriate time in the development and include same within the development agreement.

Walton has also expressed that during the planning process for the project that a consideration of placement and accommodation for regional facilities for water and wastewater would be considered. The idea would allow the project to move forward as anticipated, but still allow for connections to other projects in the future (at the time of annexation). This will be further explored in the development agreement.

Approving the 60-day extension to the MOU will allow for more consideration to details that will bring a quality developers agreement to serve the community for now and into the future.

G. Consider Ordinance 18-I, temporarily suspending regulations relating to the placement of recreational vehicles and adopting temporary regulations including but not limited to conditional permits, placement, maintenance, utilities, removal, sanitation, and other related health and safety matters for recreational vehicles located on residential properties in response to widespread damage caused by Hurricane/Tropical Harvey; making various findings and provisions related thereto.

On January 18, 2018, the City Council approved Ordinance 18-D, temporarily suspending regulations relating to the placement of recreational vehicles (RVs) within the City. Ordinance 18-D allows residents to reside in their Recreational

Vehicles on their property while damages to their homes, due to Hurricane Harvey, are repaired. The provisions provided in Ordinance 18-D will expire on July 1, 2018, and it is Staff's recommendation that the expiration date be extended to January 1, 2019. Ordinance 18-I would extend the deadline in the manner described. The first request for placement of an RV was received on January 8, 2018, and was made by FEMA on behalf of an Alvin resident. A second request was made last week by an Alvin resident. Ordinance 18-I does not apply to commercial properties. Staff recommends approval.

H. Consider Resolution 18-R-20, expressing the support for the FM528 extension from Business 35 to State Highway 6, and for approval and funding in the Houston-Galveston Area Council (H-GAC) Transportation Implementation Plan.

The FM 528 Extension project will provide a safe and efficient hurricane route through Alvin. It is included in the City's Thoroughfare Plan and the City is currently engaged in the engineered design of this project. Brazoria County has also committed funds toward this project. The City intends to submit this project this year to the H-GAC Transportation Implementation Plan for full funding. Staff recommends approval of Resolution 18-R-20.

I. Consider Resolution 18-R-21, acknowledging, and accepting a sidewalk easement granted to the City of Alvin, located at 1901 Rosharon Road, Alvin, Texas.

Section 21-42 - Sidewalks, ADA ramps, driveways and driveway approaches of the City's Code of Ordinances provides that sidewalks, Americans with Disabilities Act (ADA) compliant ramps, driveways and driveway approaches shall be required and shall be constructed in accordance with the City's design criteria. This means the builder/owner is required to install a sidewalk as part of the process. Once constructed, the City will be responsible for the maintenance and repair of the sidewalk. This property is located at 1901 Rosharon Road. This resolution formally acknowledges the City's acceptance of this sidewalk easement being granted to the City by Dy Chhoeun. Staff recommends approval.

J. Consider a final plat of St. John the Baptist Catholic Church (located at 110 E. South Street), being 14.952 acres in the H.T. & B.R.R. Co. survey, section 13, abstract no. 225, in the City of Alvin, Brazoria County, Texas.

On May 1, 2018, the Engineering Department received the final plat of St. John the Baptist Catholic Church for review. The property is located at 110 E. South Street and is being platted for future expansion of the church. This plat complies with all requirements of the City's Subdivision Ordinance. The City Planning Commission unanimously approved the plat at their meeting on May 15, 2018. Staff recommends approval.

K. Consider a final plat of Pierce Business Park (located near the southeast corner of FM1462 and Rosharon Road), being a subdivision of 16.608 acres, being a portion of the subdivision of the Hooper and Wade section 18 survey, A-488, as per the plat recorded in vol. 32, pg. 2, O.R.B.C.T., City of Alvin, Brazoria County, Texas.

On May 1, 2018, the Engineering Department received the final plat of Pierce Business Park for review. The property is located near the southeast corner of the FM 1462 and Rosharon Road intersection and is being platted for future commercial development. This plat complies with all requirements of the City's Subdivision Ordinance. The Planning Commission unanimously approved the plat at their meeting on May 15, 2018. Staff recommends approval.

Item(s) C, E & K were removed from the Consent Agenda by Mayor Horn.

Council member Arendell moved to approve the remaining items on the consent agenda, excluding Items C, E & K. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

OTHER BUSINESS

Consider an award of bid to Rodriguez Construction Group, LLC., for the 2018 Concrete Pavement and Drainage Project in an amount not to exceed \$696,356.85; and authorize the City Manager to sign the contract upon legal review.

Mayor Horn explained that the concrete and drainage project is an annual ongoing project. The City Manager explained that the status of capital improvement projects is listed on the city's website.

Council member Arendell moved to approve award of bid to Rodriguez Construction Group, LLC., for the 2018 Concrete Pavement and Drainage Project in an amount not to exceed \$696,356.85; and authorize

the City Manager to sign the contract upon legal review. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Consider an award of bid to Texas Pride Utilities, LLC., for the South Park Utility Replacement Project in an amount not to exceed \$250,000; and authorize the City Manager to sign the contract upon legal review.

Mayor Horn explained that the South Park Utility Replacement Project is a budgeted item. Council member Reed moved to award bid to Texas Pride Utilities, LLC., for the South Park Utility Replacement Project in an amount not to exceed \$250,000; and authorize the City Manager to sign the contract upon legal review. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

Consider a final plat of Pierce Business Park (located near the southeast corner of FM1462 and Rosharon Road), being a subdivision of 16.608 acres, being a portion of the subdivision of the Hooper and Wade section 18 survey, A-488, as per the plat recorded in vol. 32, pg. 2, O.R.B.C.T., City of Alvin, Brazoria County, Texas.

Mayor Horn explained that this project is located near southeast corner of FM1462 and Rosharon Road.

Council member Thompson moved to approve a final plat of Pierce Business Park (located near the southeast corner of FM1462 and Rosharon Road), being a subdivision of 16.608 acres, being a portion of the subdivision of the Hooper and Wade section 18 survey, A-488, as per the plat recorded in vol. 32, pg. 2, O.R.B.C.T., City of Alvin, Brazoria County, Texas. Seconded by Council member Reed; motion carried on a vote of 7 Ayes.

Consider an Agreement with Horizon International Group, LLC through the BuyBoard Cooperative Purchasing Network in the amount of \$150,902.48 for improvement to the Alvin Museum; and authorize the City Manager to sign upon legal review.

On June 15, 2017, the Museum Society presented to City Council a proposal to enclose the loading dock at the museum to serve as a new storage room which would create additional space for a new permanent Nolan Ryan exhibit, along with enhancing the exhibit space for the Children’s area, as well as build new exhibit cabinets. The cost for these enhancements was estimated at \$130,000. Not included in the proposal was an estimated cost of \$16,925 to replace approximately 39 outdated (T-12 style) light fixtures located in the accession room of the museum. These fixtures were budgeted for replacement in the FY16 museum operations budget, but not completed, in anticipation to include in the upcoming dock enclosure project. The unused funds were returned to the general fund.

During the FY18 budget process, City Council appropriated \$130,000 from the Hotel Occupancy Tax funds to complete the Museum building dock enclosure project based on the estimate. Staff utilized Buy Board Cooperative Purchasing Network and engaged the services of Horizon International Group, LLC for a proposal for the museum dock enclosure project to include light fixture replacement in the accession room. Horizon’s proposal totaled \$150,902.48.*

The scope of work includes:

<i>Demo existing wall, doors, ladders, loading dock ceiling and handrails</i>	<i>Install new GFCI receptacles per plans</i>
<i>Infill existing steps with concrete to make level with existing loading dock</i>	<i>Install new 3-ton HVAC rooftop unit and new duct work per plans</i>
<i>Build new exterior walls with drywall interior and plaster exterior</i>	<i>Install new doors and egress hardware per plans</i>
<i>Demo existing plumbing floor drains and fill floor solid</i>	<i>Install new coiling door at loading dock existing opening</i>
<i>Demo piping and cap off pipe</i>	<i>Research electrical circuitry and combine existing circuit as needed in museum to gain power for new lighting</i>
<i>Demo ceiling in new exhibit area to allow for new electrical to be installed</i>	<i>Demo brick column and use existing brick to repair wall and match as close as possible to existing brick</i>
<i>Fur out wall as talked about in walkthrough for loading dock area and exhibit area as needed</i>	<i>Paint new interior walls for loading dock and exhibit room</i>
<i>Install new lighting and switching per plans</i>	<i>Leave loading dock ceiling exposed but paint ceiling metal</i>

Paint exhibit room ceiling	Install new drop ceiling in exhibit room to cover existing plumbing pipes
Construct 4 cabinets	

Should council approve the agreement with Horizon International Group, LLC, a formal budget amendment will be presented to council to appropriate the additional \$20,902.48 at the end of the fiscal year.

*Advantages of using Buy Board Cooperative Purchasing Network:

- 1.) Fast track procurement process
- 2.) Lower procurement and administrative costs
- 3.) Fewer change orders and claims
- 4.) Competitively bid local pricing in a lump sum proposal
- 5.) Ability to accomplish a substantial number of individual projects with a competitively bid contract
- 6.) Oversight through the Gordian Group which audits the accuracy of all job order contract proposals

In order for local vendors to be considered for this project, local vendors must meet horizon International Group LLC's insurance requirements, expected quality of work; and competitively submit a bid. Horizon has completed several building interior renovation

Council member Starkey moved to approve an agreement with Horizon International Group, LLC through the Buy Board Cooperative Purchasing Network in the amount of \$150,902.48 for improvements to the Alvin Museum; and authorize the City Manager to sign upon legal review. Seconded by Council member Arendell; motion carried on vote of 7 Ayes.

Consider Ordinance 18-H, amending Chapter 5 Buildings, of the Code of Ordinances, City of Alvin, Texas, for the purpose of amending the definition of the Central Business District; providing a severability clause; providing a savings clause; providing an effective date, and setting forth other provisions related thereto.

Ordinance 18-H amends Chapter 5 Buildings, of the Code of Ordinances, by revising Section 5-9 (4)(b) by changing the boundary of the "Central Business District" so that it includes two (2) additional blocks of the downtown area. This change would allow for the potential development of properties within this area without the need to provide off-street parking, but would enable them to use on-street parking or public parking in the vicinity. The current "Central Business District" is shown on the attached map as a red line and includes the area bounded by Willis Street, Hood Street, Sidnor Street, and Disney Street. The revised "Central Business District" is shown as a yellow dashed line on the map and is the area bounded by Willis Street, Taylor Street, Sidnor Street, and Depot Centre Boulevard (formerly Disney Street). Staff recommends approval.

Council member Adame moved to approve Ordinance 18-H, amending Chapter 5 Buildings, of the Code of Ordinances, City of Alvin, Texas, for the purpose of amending the definition of the Central Business District; providing a severability clause; providing a savings clause; providing an effective date, and setting forth other provisions related thereto. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Discuss and give direction to staff regarding overnight trespassing on public property.

A lengthy discussion was had on overnight trespassing on public property. Staff will continue to monitor areas for needed debris and trash collection.

REPORTS FROM CITY MANAGER

Review preliminary list of items for next Council meeting.

Ms. Breland reviewed the preliminary list for the June 21, 2018 City Council meeting.

ITEMS OF COMMUNITY INTEREST

Hear announcements concerning items of community interest from the Mayor, Council members, and City staff, for which no action will be discussed or taken.

Mrs. Roberts reviewed items of community interest.

Council member Thompson cautioned that school is out for the summer and encouraged all to watch out for children.

Council member Reed thanked Alvin ISD and the City for showing support to Santa Fe High School.

EXECUTIVE SESSION

Mayor Horn called for an executive session at 7:40 p.m. in accordance to the following:

Section 551.074 of the Government Code: Deliberation on the appointment, employment, evaluation, reassignment, duties, or discipline of a public officer or employee or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

1. City Manager Annual Performance Evaluation.

RECONVENE TO OPEN SESSION

Mayor Horn reconvened the meeting into open session at 9:31 p.m.

ADJOURNMENT

Mayor Horn adjourned the meeting at 9:31 p.m.

PASSED and APPROVED this _____ day of _____, 2018.

Paul A. Horn, Mayor

ATTEST:

Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 6/21/2018

Department: Police (Animal Shelter) **Contact:** Chief Robert E Lee

Agenda Item: 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.

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

Summary: In 2014 the City of Manvel (Manvel) first entered into an inter-local agreement with the City of Alvin (Alvin) for Manvel to use the Alvin Animal Adoption Center (AAAC). This agreement allowed Manvel to bring up to 250 animals per year to AAAC 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 at a rate of \$100 per animal. Manvel has renewed this agreement each budget year with the same set fee and would like to renew this agreement for the 2018-2019 budget year. The agreement contains an automatic renewal for the 2019-2020 budget year. This agreement maintains the same fee and terms as the current and previous agreements.

In 2016-2017 Manvel brought a total of 156 animals to the shelter and in 2017-2018 to date they have brought in 79 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 shelter to deny animal intake from Manvel for cause, such as no space available, but the shelter has been able to accommodate all animals brought in thus far without issue.

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:** _____

Supporting documents attached:

- Interlocal Agreement for Manvel use of Alvin Animal Adoption Center

Recommendation: Move to approve 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.

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

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

**INTERLOCAL COOPERATION AGREEMENT BETWEEN
CITY OF MANVEL AND CITY OF ALVIN
FOR USE OF THE
ALVIN ANIMAL ADOPTION CENTER**

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

THIS AGREEMENT is made and entered into by and between the City of Alvin, Texas, a home rule city organized and existing under the laws of the State of Texas (hereinafter referred to as “Alvin”), and the City of Manvel, Texas, a home rule city organized and existing under the laws of the State of Texas (hereinafter referred to as “Manvel”).

WHEREAS, Alvin owns and operates the Alvin Animal Adoption Center located at 550 West State Highway 6, Alvin, Texas, such facility being hereinafter referred to as the “Animal Shelter;” and

WHEREAS, Manvel desires that Alvin assist it in the shelter, maintenance, and disposition of certain animals impounded by Manvel in the enforcement of Manvel’s animal control regulations; and

WHEREAS, Alvin desires to assist Manvel in the shelter, maintenance, and disposition of animals impounded by Manvel; and

WHEREAS, the governing bodies of Alvin and Manvel have duly authorized this Agreement; and

WHEREAS, this Agreement is made pursuant to and under the provisions of the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code;

NOW THEREFORE, in consideration of the mutual promises, obligations, and benefits hereinafter set forth, Alvin and Manvel hereby agree as follows:

I. TERM

1.01. The term of this Agreement shall be for a one (1) year period beginning on October 1, 2018, and terminating on September 30, 2019.

1.02. This Agreement shall automatically renew for an additional one (1) year period from October 1, 2019, and terminating September 30, 2020, if no changes or objections are raised by either party.

1.03. Either party may terminate this Agreement by giving thirty (30) days advance written notice thereof to the other.

1.04. This Agreement may be terminated in ten (10) days for default that remains uncured as per section 5.10 of this Agreement.

II. PURPOSE OF AGREEMENT

2.01 In accordance with and pursuant to the terms and conditions hereof, Alvin shall permit Manvel the right to use the Animal Shelter to house animals impounded by Manvel in the enforcement of its animal control regulations. For the purposes of this Agreement, “animal” shall mean a dog, cat, or other small (not exceeding one hundred fifty pounds) warm-blooded animal capable of contracting rabies.

III. CITY OF ALVIN’S OBLIGATIONS

3.01 Alvin shall:

- (a) submit to Manvel on a monthly basis an “Impoundment Receipt” for each animal received from Manvel;
- (b) care for all seriously sick or injured animals as soon after arrival as possible;
- (c) give food, water and other reasonable care needed for all animals impounded;
- (d) maintain proper pen facilities and care for animals brought in by Manvel authorized representatives for a minimum of ninety-six (96) hours, except as otherwise provided herein;
- (e) hold all animals that have an ID or Microchip brought in by Manvel authorized representatives for a minimum of ten (10) business days in order to locate and contact the owner, and shall attempt to locate and contact the owner;
- (f) advise the person to whom an animal is released of the “Manvel Regulations” for maintaining an animal within the City of Manvel;
- (g) maintain Certified Quarantine Cages for animals suspected of having rabies and hold such animals for the time specified by the Brazoria County Health District;
- (h) have the right to determine when an animal is to be euthanized. All euthanizations shall be conducted by humane methods and in accordance with guidelines of the State Health District Director;
- (i) have the right to collect fees, as provided for in the City of Alvin Code of Ordinances from the owner of an animal reclaiming same; and
- (j) submit to Manvel on a monthly basis an invoice for all fees and charges for any and all animals over the number of 250 impounded during the term of the Agreement. Animals over this amount will be billed at \$100 per animal. Payment is due within thirty (30)

days of date of invoice.

3.02. In cases where an animal is suspected of rabies, Alvin shall hold the rabies suspect in a Certified Quarantine Cage for a period of ten (10) days, or euthanize the rabies suspect, based on the condition of the animal, and submit the remains to the Health Department for examination. When a rabies suspect succumbs during the ten (10) day quarantine period, Alvin shall immediately notify the Health Department of such death and cause the remains to be refrigerated until it can be submitted to the State Health Department Laboratory for laboratory examination for rabies. If after the ten (10) day quarantine period the animal is examined by a licensed veterinarian or certified Animal Control Officer and declared not to have rabies, the animal shall be handled as any other animal not suspected of rabies. Any costs incurred for required veterinary services shall be borne by Alvin.

IV. CITY OF MANVEL'S OBLIGATIONS

4.01. All deliveries of stray or unwanted animals to the Animal Shelter shall be permitted through the Manvel Police Chief, any Manvel Police Officer, or the Manvel Police Chief's authorized designee.

4.02. Manvel shall provide Alvin information pertaining to all animals delivered to the Animal Shelter, including the name of the owner, if known, the approximate time and location where an animal was picked up, and other pertinent information such as needs for medical care or special attention.

4.03. As consideration for the services provided herein, Manvel agrees to pay Alvin an annual fee of \$25,000.00 on or before October 31, 2018, for budget year 2018-2019.

4.04. Should the automatic renewal take effect for year 2019-2020, and as consideration for the services provided herein, Manvel agrees to pay Alvin an annual fee of \$25,000.00 on or before October 31, 2019, for budget year 2019-2020.

4.04. Manvel shall allow Alvin to keep all fees for care permitted by the City of Alvin Code of Ordinances that are collected from owners as per section 3.01(i). Such payments shall be recorded and shall be considered additional consideration to the City of Alvin for services rendered Manvel.

V. GENERAL TERMS

5.01. Solutions to problems encountered shall follow each respective City's chain of command.

5.02. Manvel agrees to hold Alvin harmless from and against any and all claims or suits brought or made for or on account of any injuries or damages received or sustained by any person, persons, or

property arising out of, or occasioned by, the acts or omissions of Manvel or its officers or employees relating to Manvel's use of the Animal Shelter pursuant to this Agreement.

5.03. All expenditures herein shall be made from current revenues.

5.04. Entire Agreement. This Agreement expresses the entire agreement between the parties hereto regarding the subject matter contained herein, and may not be modified or amended, except by written agreement duly executed by both parties.

5.05. Authority to Execute. This Agreement has been duly and properly approved by each party's governing body and constitutes a binding obligation on each party.

5.06. Venue. This Agreement shall be construed in accordance with the laws of the State of Texas and venue for all purposes hereunder shall be in Brazoria County, Texas.

5.07. Notice. Any notice hereunder shall be given in writing to the party for whom it is intended, in person or by certified mail, return receipt requested, at the following addresses or at such future address as may be designated in writing:

If to MANVEL: City Manager
 City of Manvel
 20025 Morris Avenue (Highway 6)
 Manvel, Texas 77578

If to ALVIN: City Manager
 City of Alvin
 216 West Sealy
 Alvin, Texas 77511

Notice shall be deemed received upon actual receipt or upon refusal of receipt.

5.08. Severability. If any provisions hereof are determined by any court of competent jurisdiction to be invalid, illegal, or unenforceable, such provision shall be fully severable here from and this Agreement shall be construed and enforced as if such invalid, illegal, or unenforceable provision never comprised a part hereof; and the remaining provisions shall continue in full force and effect.

5.09. Waiver. This Agreement is not intended to extend the liability of the parties beyond that provided by law. Neither City waives any immunity or defense that would otherwise be available to it against claims by third parties.

5.10. Default. In addition to any and all other rights a party may have available according to law or this Agreement, if a party defaults by failing to substantially perform any provision, term

or condition of this Agreement (including without limitation the failure to make a monetary payment when due), the other party may terminate the Agreement by providing ten (10) days written notice to the defaulting party. This notice shall describe with sufficient detail the nature of the default. The party receiving such notice have ten (10) days from the effective date of such notice to cure the default(s). Unless waived by a party providing notice, the failure to cure the default(s) within such time period shall result in the termination of this Agreement.

5.11. Force Majeure. If performance of this Agreement or any obligation under this Agreement is prevented, restricted, or interfered with by causes beyond either party’s reasonable control (“Force Majeure”), and if the party unable to carry out its obligations gives the other party written notice of such event, then the obligations of the party invoking this provision shall be suspended to the extent necessary by such event. The term Force Majeure shall include, without limitation, acts of God, fire, explosion, vandalism, storm or other similar occurrence, orders or acts of military or civil authority, or by national emergencies, insurrections, riots, or wars, or strikes, lock-outs, work stoppages, or other labor disputes, or supplier failures. The excused party shall use reasonable efforts under the circumstances to avoid or remove such causes of non-performance and shall proceed to perform with reasonable dispatch whenever such causes are removed or ceased. An act or omission shall be deemed within the reasonable control of a party if committed, omitted, or caused by such party, or its employees, officers, agents, or affiliates.

Executed as of the _____ day of _____, 2018, by the City of Manvel.

ATTEST:

CITY OF MANVEL, TEXAS

Tammy Bell, City Secretary

Kyle Jung, City Manager

Executed as of the _____ day of _____, 2018, by the City of Alvin.

ATTEST:

CITY OF ALVIN, TEXAS

Dixie Roberts, City Secretary

Sereniah Breland, City Manager



AGENDA COMMENTARY

Meeting Date: 6/21/2018

Department: City Attorney

Contact: Suzanne L. Hanneman, City Attorney

Agenda Item: Consider Resolution 18-R-22, suspending the July 5, 2018 effective date of Texas New Mexico Power Company's (TNMP's) requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with other TNMP cities; hiring Lloyd Gosselink attorneys and consulting services to negotiate with the company and direct any necessary litigation and appeals.

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

Summary: The City of Alvin is served by Texas New Mexico Power (TNMP). Texas-New Mexico Power Company (TNMP or the Company) filed an application on May 30, 2018 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$33.3 million. The Company asks the City to approve a 23.4% increase in residential rates and a 11.8% increase in street lighting rates. **Monthly rates would increase by approximately \$12.21 for an average residential customer.**

The resolution suspends the July 5, 2018 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with other cities served by TNMP, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, TNMP's rate request is deemed approved.**

The City of Alvin is a member of Gulf Coast Coalition of Cities (GCCC), a coalition of cities known alternatively as the Cities Served by TNMP and the Gulf Coast Coalition of Cities (TNMP Cities). The Coalition has been in existence since the early 1990s. TNMP Cities have been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for over 20 years.

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

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

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

Supporting documents attached:

- Res. 18-R-22

Recommendation: Move to approve Resolution 18-R-22, suspending the July 5, 2018 effective date of TNMP's requested rate change.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

RESOLUTION NO. 18-R-22

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, SUSPENDING THE JULY 5, 2018 EFFECTIVE DATE OF TEXAS-NEW MEXICO POWER COMPANY'S (TNMP'S) REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER TNMP CITIES; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about May 30, 2018, Texas-New Mexico Power Company (TNMP), pursuant to the Texas Public Utility Regulatory Act ("PURA") §§33.001 and 36.001 filed with the City of Alvin, Texas a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area effective July 5, 2018; and

WHEREAS, the City of Alvin, Texas is a member of the coalition of TNMP Cities and will cooperate with the other similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, PURA §36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA §33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the July 5, 2018, effective date of the rate request submitted by TNMP on or about May 30, 2018, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. That the City is authorized to cooperate with other cities served by TNMP to coordinate efforts to protect the interests of the City and protect the interests of TNMP's end-use customers residing and conducting business within municipal limits.

3. Subject to the right to terminate employment at any time, the City of Alvin, Texas, hereby authorizes the hiring of Thomas Brocato and Christopher Brewster of the law firm

of Lloyd Gosselink and consultants to negotiate with TNMP, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

4. That the City's reasonable rate case expenses shall be reimbursed by TNMP.

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

6. A copy of this Resolution shall be sent to TNMP, care of Scott Seamster, Corporate Counsel, 225 E. John Carpenter Freeway, Suite 1500, Irving, Texas 75062-2282 and to Thomas Brocato, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED on this _____ day of _____ 2018.

CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

APPROVED AS TO FORM:

By: _____
Suzanne L. Hanneman, City Attorney



AGENDA COMMENTARY

Meeting Date: 6/21/2018

Department: City Manager

Contact: Sereniah Breland, City Manager

Agenda Item: Consider the cancellation of the July 5, 2018 City Council meeting.

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

Summary: There are no tentative items for consideration for the regular City Council meeting scheduled for July 5, 2018. The cancellation of said meeting will also give members of council and staff extra time to spend with family and friends during the July 4th Holiday. Wednesday July 4th is a City Holiday for non-emergency services personnel.

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

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

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

Supporting documents attached:

Recommendation: Move to approve the cancellation of the July 5, 2018 City Council meeting.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager