

City of Alvin, Texas

Paul Horn, Mayor

Glenn Starkey, Mayor Pro-tem, District D
Brad Richards, At Large Pos. 1
Joel Castro, At Large Pos. 2
Martin Vela, District A



Adam Arendell, District B
Keith Thompson, District C
Gabe Adame, District E

ALVIN CITY COUNCIL AGENDA THURSDAY, AUGUST 1, 2019 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 Secretary'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, west, and south 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, AUGUST 1, 2019**, 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. PUBLIC HEARING

- A. Public Hearing to receive comment on the final plat of Mustang Crossing Section 5 (being a Planned Unit Development [PUD] subdivision containing 14.79 acres of land, a partial replat of lots 26 and 27), and a final plat of Mustang Crossing Section 5B (being a PUD subdivision containing 2.9314 acres of land, a partial replat of lots 15 and 26) of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas, located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

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. Consider approval of the July 18, 2019 City Council meeting minutes.
- B. Accept resignation from Planning Commission member, Darrell Dailey.
- C. Consider a final plat of Octavio Estates (located at 2127 County Road 367), being a total of 4.86 acres of land, out of lot 6, block 10, of Hall's Addition as per the plat recorded in volume 14, page 304, O.R.B.C.T., situated in the I.&G.N.R.R. Co. Survey, A-463, Brazoria County, Texas, City of Alvin E.T.J.
- D. Consider a final plat of Perry Holdings Group (located across from 21000 E. Highway 6), being a subdivision of 3.407 acres in the I.&G.N.R.R. Survey, A-622, also being a partial

replat of lot 7, of section 27 of the I.&G.N.R.R. Survey, A-622 as recorded in volume 116, page 297, Deed Records of Brazoria County, Texas.

- E. Consider Resolution 19-R-31, finding that CenterPoint Energy Houston Electric, LLC's requested increase to its electric transmission and distribution rates and charges within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

6. OTHER BUSINESS

- A. Discuss and take a record vote to propose a tax rate of \$0.7780 per \$100 of assessed valuation, which is a tax increase of 2.79% above the Effective Tax Rate, to be adopted at a future meeting.
- B. Consider setting two (2) public hearings concerning the proposed tax rate on Thursday, August 15, 2019, at 7:00 p.m. and Thursday, September 5, 2019, at 7:00 p.m. in the City Council Chambers, City Hall, 216 West Sealy, Alvin, Texas.
- C. Consider the vacation of the final plat of Mustang Crossing Section 5 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 14.79 acres of land located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.
- D. Consider Ordinance 19-Q, an Ordinance of the City of Alvin, Texas, authorizing and approving the exchanges and conveyances of public rights-of-way within the proposed Mustang Crossing Subdivision; making findings of fact; and providing for related matters.
- E. Consider a final plat of Mustang Crossing Section 5 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 14.77 acres of land, being a partial replat of lots 26 and 27 of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas. Located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.
- F. Consider a final plat of Mustang Crossing Section 5B (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 2.9314 acres of land, being a partial replat of lots 15 and 26 of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas. Located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.
- G. Consider a final plat of Rustic Country Acres (located at 2505 County Road 145), being a subdivision of 8.9999 acres in the A.C.H.&B. Railroad Company Survey, A-412, also being a partial replat of lots 18 and 19 out of section 25 of the A.C.H.&B. Railroad Company Survey, Abstract 412 as recorded by volume 8, page 622 of the deed records of Brazoria County, Texas.
- H. Consider Resolution 19-R-32, approving the Utility Conveyance and Security Agreement accepting the water distribution, wastewater collection and storm water facilities to serve Kendall Lakes, Section Seven; and authorize the Mayor to sign the Agreement.

- I. Consider an Engineering Services Agreement with LJA Engineering in an amount not to exceed \$396,250 for engineering design services for the Waterline Improvements Phase 2 Project; and authorize the City Manager to sign the Agreement upon legal review.

7. REPORTS FROM CITY MANAGER

- A. Items of Community Interest and 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 - City Council will meet in Executive Session pursuant to:

- A. **Section 551.071(2)** of the Government Code: 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.

10. RECONVENE TO OPEN SESSION

- A. Consider and take appropriate action, if any, regarding the proposed Collective Bargaining Labor Agreement between the City of Alvin, Texas and the Alvin Police Officer's Association (APOA).

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, July 29, 2019 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).**

**MINUTES
CITY OF ALVIN, TEXAS
CITY PLANNING COMMISSION
June 18, 2019**

BE IT REMEMBERED, that on the above date, the Planning Commission met in the First Floor Conference Room, at Public Services Facility, 1100 West Highway 6, Alvin, Texas, at 6:00 P.M. with the following members present, Jake Starkey, Chair; Nicole Kelinske, Secretary; Charles Buckelew; Richard Garivey; Santos Garza; Chris Hartman; Carrie Parker and Randy Reed. Also present were staff members Michelle Segovia, City Engineer and Shana Church, Executive Secretary. Ashley Davis and Darrell Dailey were absent.

Call To Order

Call to order at 6:01 p.m.

Petition and Requests from the Public

There were no petitions or requests from the public.

Approve the Minutes of the Planning Commission meeting of May 21, 2019.

Commission Member Santos Garza motioned to approve the minutes of the regular Planning Commission meeting of May 21, 2019. Seconded by Richard Garivey, the motion carried on a vote of 8 ayes and 0 nays.

Consider a final plat of Saldivar Estates, being 3.999 acres located in the Amos Pollard survey, A-359, Brazoria County, Texas.

The City Engineer recommends final plat for discussion and approval. Commission Member Garivey motioned to recommend for approval to City Council. Seconded by Member Parker, the motion carried on a vote of 8 ayes, 0 nays.

Items of Community Interest.

Chris Hartman commented he attended the June 6th City Council meeting when the Alvin RV plat was on the agenda. Randy Reed discussed his concern of the congestion at Mustang and Nelson Road and suggested one of the driveways in the shopping center on Mustang be closed to reroute traffic.

Staff report and update.

Michelle Segovia stated the tentative date for the joint Planning Commission and City Council Workshop is July 16th at the Senior Center. The Planning Commission discussed the tentative date and decided to propose a workshop on July 30th if possible, so that Chair Jake Starkey could attend.

Items for the next meeting.

Michelle Segovia stated there are currently two plats out on review.

Adjournment

Commission Member Hartman motioned to adjourn the meeting, seconded by Member Reed. The motion carried on a vote of 8 ayes. The meeting ended at 6:40 p.m.



AGENDA COMMENTARY

Meeting Date: 8/1/2019

Department: City Attorney

Contact: Suzanne L. Hanneman, City Attorney

Agenda Item: Public Hearing to receive comment on the final plat of Mustang Crossing Section 5 (being a Planned Unit Development [PUD] subdivision containing 14.79 acres of land, a partial replat of lots 26 and 27), and a final plat of Mustang Crossing Section 5B (being a PUD subdivision containing 2.9314 acres of land, a partial replat of lots 15 and 26) of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas, located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

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

Summary: Although not required by statute, this public hearing was requested on behalf of the Developer in an abundance of caution for Mustang Crossing Section 5 and Section 5B. On July 16, 2019, the Planning Commission unanimously approved the plat vacation and the plats for Section 5 and 5B.

A Notice of Public Hearing advertisement ran in the Alvin Sun on July 21, 2019, and was placed on the City's [website](#).

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:** 7/29/2019 SLH

Supporting documents attached:

Recommendation: N/A

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

**MINUTES
CITY OF ALVIN, TEXAS
216 W. SEALY STREET
REGULAR CITY COUNCIL MEETING
THURSDAY JULY 18, 2019
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 Glenn Starkey; Councilmembers: Gabe Adame, Adam Arendell, Joel Castro, Brad Richards, Keith Thompson and Martin Vela.

Staff members present: Junru Roland, City Manager; Suzanne Hanneman, City Attorney; Dixie Roberts, City Secretary; Michael Higgins, Chief Financial Officer; Priya Bhakta, Convention and Visitor's Bureau; Michelle Segovia, City Engineer; Ron Schmitz, EMS Director/Emergency Management Coordinator and Robert E. Lee, Police Chief.

INVOCATION AND PLEDGE OF ALLEGIANCE

Al Perry with South Park Baptist Church gave the invocation.

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

PRESENTATIONS

Associated Credit Union of Texas Presentation of Tour de Braz 2019 Title Sponsorship.

Cathy Woitena, of Associated Credit Union of Texas presented Mayor Horn a sponsor check from the Tour de Braz Bike Ride. Priya Bhakta, Director of Convention and Visitor's Bureau gave a report on the 2019 Tour de Braz bike ride. There were 320 registered riders. \$13,000 was received in sponsorship of which \$10,000 was received in monetary and in-kind donations from Associated Credit Union. The platinum sponsor was Del Papa Distribution. The gold sponsorships were: Ron Carter, Webster Bicycle, Freberg's Farm and Ascend Performance Materials. Sun and Ski were the silver sponsors. The Alvin Volunteer Fire Department received \$6,000 from the Tour de Braz Bike Ride.

Presentation of the City of Alvin Municipal Court Fines and Delinquent Tax Collections Report by Mike Darlow of Perdue Brandon Fielder Collins & Mott, LLP.

A presentation was given on the municipal court fines and delinquent tax collections by Mike Darlow of Purdue Brandon Fielder Collins and Moffit, LLP.

Engineering Departmental Update.

Michelle Segovia, City Engineer gave a departmental update.

PUBLIC COMMENT

John Burkey, expressed concerns to the Council on the proposed Ordinance 19-S, temporary outdoor encampment regarding the impact of encampments being too close to businesses and residents; site screening not able to contain odors from portable restrooms; residences refusing to leave when the encampments are shut down; the increase in calls to the Police Department and/or the EMS for assistance and how are the management of encampments will be able to verify the background of residents.

Judy Scott expressed concerns on the proposed Ordinance 19-S, temporary outdoor encampments that included the ordinance doesn't merit for what it is intended and needs to be thoroughly studied; inquiring on how neighboring cities are addressing the homeless issue; addressing e safety and hygiene concerns. She recommended a committee be formed to study the homeless issue.

CONSENT AGENDA

Consider approval of the June 20, 2019 City Council meeting minutes.

Acknowledge receipt of the quarterly Fiscal Year 2019 Capital Improvement Projects Report and the Comprehensive Plan Implementation Report.

Staff continues to carry out actions on budgeted projects as defined in the 2019 Capital Improvements Plan (CIP). This report is an update as to the progress of each project year to date. Staff also continues to deliver on implementation and completion of high priority projects defined in the Comprehensive Plan 2035. This report is an update as to work completed year to date.

Acknowledge receipt of the Financial and Quarterly Investment reports ending June 30, 2019.

Acknowledge receipt of the 2018 Delinquent Tax Roll.

Section 30, Article VII of the City's Charter requires that a copy of the delinquent tax roll be provided to each member of the City Council at a meeting in July of each year. The document is a copy of the outstanding taxes for the tax year 2018 as of July 1, 2019.

Consider a final plat of Saldivar Estates (located at 10925 Cory Lane), being a subdivision of 3.999 acres located in the Amos Pollard survey, A-359, Brazoria County, Texas.

On May 30, 2019, the Engineering Department received the final plat of Saldivar Estates for review. The property is located at 10925 Cory Lane in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and is being platted into two lots for conveyance. This plat complies with all requirements of the City's Subdivision Ordinance. The City Planning Commission unanimously approved the plat at their meeting on June 18, 2019. Staff recommends approval.

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

OTHER BUSINESS

Consider a variance request to Chapter 30 ½ Regulation of Sex Offender Residency, of the City of Alvin Code of Ordinances, from Ray Lopez, 306 Cambridge Street.

On June 18, 2019, the City received a written request for a variance from Ray Lopez. Mr. Lopez's request is based upon the Sex Offender Residency Requirements, or prohibitions, in Chapter 30 ½ of the City's Code of Ordinances.

The Code of Ordinances, Chapter 30 ½ -3 provides if a person is required to register on the department of public safety's sex offender database because of a violation involving a victim who was less than seventeen (17) years of age, it is unlawful for that person to establish a permanent residence or temporary residence within one thousand (1,000) feet of any premise where children commonly gather. Premise where children commonly gather includes parks and playgrounds. For purposes of determining distance, the requirement is measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather.

In 1997, at the age of 32, Mr. Lopez was convicted of Aggravated Sexual Assault of a Child and was sentenced to five (5) years in the Texas Department of Criminal Justice – Institutional Division. Mr. Lopez is required to register for life as a Sex Offender. Mr. Lopez is now 53 years old and was approximately 32 years old at the time of the offenses.

Mr. Lopez's variance request lists his residence at 306 Cambridge Street. This residence is approximately 800 feet from Hugh Adams Park. Staff does not recommend approval of the variance.

Council member Castro moved to deny a variance request to Chapter 30 ½ Regulation of Sex Offender Residency, of the City of Alvin Code of Ordinances, from Ray Lopez, 306 Cambridge Street. Seconded by Council member Richards; motion carried on a vote of 7 Ayes.

Consider Ordinance 19-S, adopting a new Chapter 36 to the City of Alvin Code of Ordinances, Temporary Outdoor Encampments, providing for administration and regulation of tent encampments; providing for an effective date; providing penalties; and making other relevant provisions thereto.

In order to promote the safety and welfare of our homeless citizens, while maintaining community and quality of life standards, the City of Alvin has established this Ordinance to facilitate and allow for the creation of temporary outdoor encampments organized and managed by faith-based or nonprofit organizations. The intent of this Ordinance is not to prohibit temporary tent encampments, but to ensure that residents of such a facility have access to quality of life items (potable water, properly prepared food, restrooms, showers, electricity, etc.). This Ordinance also ensures that residents, businesses and economic development will incur minimal impact from a temporary outdoor encampment by mandating sight screening and minimum distances from businesses, multifamily and single-family dwellings, and including minimum distances along the City's highway corridors. Privately owned or for-profit managed/owned facilities are not permitted. Tent encampments permits are valid for 6-months and may be renewed only once. No temporary encampment may exceed twelve (12) months duration at any location. Staff recommends approval of Ordinance 19-S.

Members of Council had some concerns regarding the proximity of the encampments to residential and commercial businesses as stated in the ordinance, and also concern with background verification of those staying in the encampments. City Council suggested holding another workshop to discuss this topic and asked Ms. Hanneman to reach out to an outside attorney to come and give input on the drafting of this ordinance.

Council member Starkey moved to table and send to workshop Ordinance 19-S, adopting a new Chapter 36 to the City of Alvin Code of Ordinances, Temporary Outdoor Encampments, providing for administration and regulation of tent encampments; providing for an effective date; providing penalties; and making other relevant provisions thereto. Seconded by Council member Vela; motion carried on a vote of 7 Ayes.

Consider a five (5) year Lease Agreement with Stephen F. Austin for the Stephen F. Austin Community Health Center, and authorize the Mayor to sign, subject to legal review.

In 2009, the City entered into the first Lease Agreement with Stephen F. Austin, for the Stephen F. Austin Community Health Center, located at 1111 W. Adoue Street. The Stephen F. Austin Community Health Center provides free or reduced priced medical and social services to the residents of Brazoria County, and has been fully operational at this location since the 2009 lease agreement. This lease agreement contains the same terms and conditions, and will run for five (5) years, with an additional five (5) year renewal. Staff recommended approval of said lease agreement.

Council member Arendell moved to approve a five (5) year Lease Agreement with Stephen F. Austin for the Stephen F. Austin Community Health Center, and authorize the Mayor to sign, subject to legal review. Seconded by Council member Starkey; motion carried on a vote of 7 Ayes.

Consider Resolution 19-R-30, amending the City Personnel Policy Manual, updating Section IV (Pay and Benefits) and Section VII (City Equipment); and providing for other related matters thereto.

It is essential that the City's Personnel Policy Manual be reviewed periodically to ascertain that the City is maintaining a personnel system that will promote a fair and effective means of employee evaluations, as well as provide guidelines and criteria regarding the use of equipment, with the ultimate objective of maintaining an effective and responsible work force.

The City's Personnel Policy Manual requires that policy amendments be adopted by resolution. The major revisions to the current personnel policy are as follows:

- 1.) *Section IV, Rule 17-A (Longevity Pay) – This Ordinance No. 12-II was adopted by Council in 2012 adding the Longevity Pay section to the personnel policy. This ordinance is currently being followed by the City. Upon my review of the personnel policy, I noticed that this section had been inadvertently removed from the personnel policy, possibly while amending the personnel policy in previous years. As a result, I am only “re-adding” the policy (as stated in Ordinance No. 12-II) back into the personnel policy.*
- 2.) *Section IV, Rule 21-A (Merit Compensation) – Currently employee pay is not tied to the results of performance evaluations. To incentivize and reward “outstanding” employees, this section would allow the City Manager to*

implement performance/merit increase guidelines which are contingent on the current budget, fiscal constraints, other considerations, and the compensation plan approved by City Council.

- 3.) *Section VII, Rule 40 A-H (Cell Phone) – The purpose of this section is to provide guidelines and criteria regarding the approval and use of a monthly cell phone stipend or use of a City issued Cell phone. The major recaps from this section are as follows:*
- a. Stipend for eligible personnel who elect not to use a City issued cell phone.*
 - b. Each Department is responsible for managing cell phone inventory*
 - c. Eligible Employees are classified in 2 tiers:*
 - i. Essential (Mayor, City Manager, Department Heads, Police Captains, I.T. Manager)*
 - ii. Priority Employees (recommended by Department Head and approved by the City Manager)*
 - d. Employees classified as “essential” are required to subscribe to a cell phone provider authorized by the City of Alvin.*
 - e. The employee is responsible for charges resulting from abuse of minutes, texts, etc.*

Council member Thompson moved to approve Resolution 19-R-30, amending the City Personnel Policy Manual, updating Section IV (Pay and Benefits) and Section VII (City Equipment); and providing for other related matters thereto. Seconded by Council member Arendell; motion carried on a vote of 7 Ayes.

Receive and acknowledge receipt of the proposed City of Alvin Annual Budget for the Fiscal Year 2019-2020 (FY20), receive presentation of a summary of the budget, and set a public hearing to receive comments on the proposed FY20 Annual Budget for the regular City Council meeting scheduled for Thursday, August 15, 2019 at 7:00 p.m.

Per the City Charter, the City Manager, between sixty (60) and ninety (90) days prior to the beginning of each fiscal year, shall submit to the City Council a proposed budget, which shall provide a complete financial plan for the fiscal year. The Charter also states that at the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget.

Council member Vela moved to receive and acknowledge receipt of the proposed City of Alvin Annual Budget for the Fiscal Year 2019-2020 (FY20), receive presentation of a summary of the budget, and set a public hearing to receive comments on the proposed FY20 Annual Budget for the regular City Council meeting scheduled for Thursday, August 15, 2019 at 7:00 p.m. Seconded by Council member Thompson; motion carried on a vote of 7 Ayes.

REPORTS FROM CITY MANAGER

Items of Community Interest and review preliminary list of items for next Council meeting.

Mr. Roland announced that a group of representatives including Mayor Horn, Larry Buehler, Economic Development Director and himself will be going to Austin the following week to advocate for the continuance of the placement of the Grand Parkway in the 2020 TxDOT United Transportation Plan. The public comment period started July 12 and will end on August 12, 2019.

Mr. Junru Roland reviewed the preliminary list for the August 1, 2019 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.

Ms. Roberts stated that the City of Alvin will submit an application for a community development block grant Hurricane Harvey disaster recovery program for improvements to Water Well No 4, Water Plant, Water Well No 8, wastewater treatment plant and the public services facility. A public notice has been posted for a 30-day comment period on this application – it is located on the outside bulletin board where public notices are posted near the west employee entrance on the outside of city hall.

Council member Thompson thanked the Chief Financial Officer and staff for preparation of the proposed FY 20 budget.

Council member Vela thanked the Chief Financial Officer, and staff for preparation of the proposed FY 20 budget, and he also thanked for the City Engineer for the departmental update presentation.

Council member Starkey thanked the city employees who contributed to the preparation of the budget; he warned of the heat wave and reminded city employees to stay hydrated. He wished his wife a happy 44th wedding anniversary.

Mayor Horn commented that the City is working diligently in keeping the Grand Parkway project alive.

ADJOURNMENT

Mayor Horn adjourned the meeting at 8:18 p.m.

PASSED and APPROVED the _____ day of _____ 2019.

Paul A. Horn, Mayor

ATTEST: _____
Dixie Roberts, City Secretary



AGENDA COMMENTARY

Meeting Date: 8/1/2019

Department: City Secretary

Contact: Dixie Roberts, City Secretary

Agenda Item: Accept resignation from Planning Commission member, Darrell Dailey.

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

Summary: Darrell Dailey submitted his resignation from the Planning Commission for his term ending on December 31, 2019. This agenda item is the formal acceptance of his resignation.

With the resignation of Mr. Dailey, there are now nine (9) members on this Commission. The Charter states that there must be at least five (5) no more than eleven (11) residents serving on this board.

City Council will consider board appointments in December 2019. There are no current applicants for service on the Planning Commission. Advertisements for volunteers will begin the end of October.

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:** 7/29/2019 SLH

Supporting documents attached:

- Resignation letter from Mr. Dailey

Recommendation: Move to accept the resignation from Planning Commission member, Darrell Dailey.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

Dixie Roberts

From: Darrell Dailey <ddailey1127@gmail.com>
Sent: Tuesday, July 16, 2019 8:53 AM
To: Dixie Roberts
Subject: Planning Commission

Good morning Dixie. I am resigning from the Planning Commission board affective today, with my schedule and time I feel I am not fulfilling my duties to the the City or the Board as I should.

Thanks,
Darrell

Sent from my iPhone



AGENDA COMMENTARY

Meeting Date: 8/1/2019

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider a final plat of Octavio Estates (located at 2127 County Road 367), being a total of 4.86 acres of land, out of lot 6, block 10, of Hall's Addition as per the plat recorded in volume 14, page 304, O.R.B.C.T., situated in the I.&G.N.R.R. Co. Survey, A-463, Brazoria County, Texas, City of Alvin E.T.J.

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

Summary: On July 1, 2019, the Engineering Department received the final plat of Octavio Estates for review. The property is located at 2127 County Road 367, in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and is being platted into three lots for conveyance. This plat complies with all requirements of the City's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting on July 16, 2019. Staff recommends approval.

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:** 7/29/2019 SLH

Supporting documents attached:

- [Click HERE to view Final Plat of Octavio Estates](#)

Recommendation: Move to approve the final plat of Octavio Estates (located at 2127 County Road 367), being a total of 4.86 acres of land, out of lot 6, block 10, of Hall's Addition as per the plat recorded in volume 14, page 304, O.R.B.C.T., situated in the I.&G.N.R.R. Co. survey, A-463, Brazoria County, Texas, City of Alvin E.T.J.

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: 8/1/2019

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider a final plat of Perry Holdings Group (located across from 21000 E. Highway 6), being a subdivision of 3.407 acres in the I.&G.N.R.R. Survey, A-622, also being a partial replat of lot 7, of section 27 of the I.&G.N.R.R. Survey, A-622 as recorded in volume 116, page 297, Deed Records of Brazoria County, Texas.

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

Summary: On July 1, 2019, the Engineering Department received the final plat of Perry Holdings Group for review. The property is located on the south side of Highway 6 across the highway from Waste Management (21000 E. Highway 6), in the City of Alvin's Extraterritorial Jurisdiction (ETJ) and is being platted into three lots for conveyance. This plat complies with all requirements of the City's Subdivision Ordinance.

The City Planning Commission unanimously approved the plat at their meeting on July 16, 2019. Staff recommends approval.

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:** 7/29/2019 SLH

Supporting documents attached:

- [Click Here to view Final Plat of Perry Holdings Group](#)

Recommendation: Move to approve the final plat of Perry Holdings Group (located across from 21000 E. Highway 6), being a subdivision of 3.407 acres in the I.&G.N.R.R. Survey, A-622, also being a partial replat of lot 7, of section 27 of the I.&G.N.R.R. Survey, A-622 as recorded in volume 116, page 297, Deed Records of Brazoria County, Texas.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager



AGENDA COMMENTARY

Meeting Date: 8/1/2019

Department: City Attorney

Contact: Suzanne L. Hanneman, City Attorney

Agenda Item: Consider Resolution 19-R-31, finding that CenterPoint Energy Houston Electric, LLC's requested increase to its electric transmission and distribution rates and charges within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

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

Summary: CenterPoint Energy Houston **Electric**, LLC ("CenterPoint" or "Company") filed an application on April 5, 2019 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$161 million per year. The Company asks the City to approve an increase in \$154 million in retail transmission and distribution rates (an increase of about 7.4%) and \$6.8 million in wholesale transmission rates (an increase of about 1.8%). According to CenterPoint, the impact on an average residential customer would be an increase of about \$2.38 per month.

The Council passed Resolution 19-R-19 on May 2, 2019, which suspended the May 10, 2019 effective date of the Company's rate increase for the maximum period permitted by law (90-days). This time period has permitted the City, through its participation with the Gulf Coast Coalition of Cities ("GCCC"), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of experts engaged by GCCC, CenterPoint's request for a rate increase should be denied.

The City of Alvin is a member of a coalition of political subdivisions in the Greater Houston area known as the Gulf Coast Coalition of Cities ("GCCC"). The Coalition has been in existence since the early 1990s. The GCCC represents the interests of its members on gas and electric utility matters before the Public Utility Commission, the Railroad Commission, the Electric Reliability Council of Texas and the courts. For the past 20 years, GCCC has protected the authority of municipalities over monopoly electric and natural gas providers and has defended the interests of the residential and small commercial customers within the cities. Cities are often the only consumer advocates that work to keep utility rates reasonable. The work undertaken by GCCC has saved ratepayers millions of dollars in unreasonable charges. The GCCC has previously approved the hiring of Thomas Brocato and Chris Brewster of the Lloyd Gosselink law firm and consultants to intervene in matters related to the electric utility rate case filings, representing GCCC members' interests.

Current members include the following 39 cities: Alvin, Brazos Country, Brookshire, Bunker Hill Village, Clear Lake Shores, Deer Park, Dickinson, Friendswood, Fulshear, Galveston, Hedwig Village, Hilshire Village, Hunters Creek, Iowa Colony, Jersey Village, Kemah, Lake Jackson, La Marque, Manvel, Missouri City, Mont Belvieu, Morgan's Point, Nassau Bay, Oyster Creek, Piney Point Village, Pleak, Rosenberg,

Santa Fe, Seabrook, Sealy, Simonton, South Houston, Spring Valley Village, Sugar Land, Taylor Lake Village, Texas City, Tiki Island, Webster, and Weston Lakes.

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:** 7/29/2019 SLH

Supporting documents attached:

- Res. 19-R-31

Recommendation: Move to approve Resolution 19-R-31, finding that CenterPoint Energy Houston Electric, LLC's requested increase to its electric transmission and distribution rates and charges within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

RESOLUTION 19-R-31

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, FINDING THAT CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about April 5, 2019, CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company"), pursuant to the Public Utilities Regulatory Authority (PURA) §§33.001 and 36.001 filed with the City of Alvin, Texas ("City"), a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective May 10, 2019; and

WHEREAS, the City is an electric utility customer of CenterPoint and a regulatory authority with exclusive original jurisdiction over the rates and charges of CenterPoint within the City; and

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

WHEREAS, GCCC is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review CenterPoint's filing; and

WHEREAS, the City, in a reasonably noticed meeting that was open to the public, considered the Company's application; and

WHEREAS, pursuant to its exclusive original jurisdiction over CenterPoint's rates and operations within city limits, the City previously suspended the effective date of the Company's requested rate increase; and

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

WHEREAS, the City's attorneys and consultants recommend that the City deny the application.

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

Section 1. That the rates proposed by CenterPoint in an application submitted to the City by CenterPoint on or about April 5, 2019, are hereby found to be unreasonable, and are denied.

Section 2. That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the City.

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

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

Section 5. A copy of this Resolution shall be sent to CenterPoint, care of Patrick Peters, CenterPoint Energy, Inc., 1005 Congress Avenue, Suite 650, Austin, Texas 78701 (patrick.peters@centerpointenergy.com), and to Chris Brewster at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (cbrewster@lglawfirm.com).

PASSED AND APPROVED on this the 1st day of August 2019.

CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

APPROVED AS TO FORM:

Suzanne L. Hanneman, City Attorney



AGENDA COMMENTARY

Meeting Date: 8/1/2019

Department: City Manager

Contact: Junru Roland, City Manager

Agenda Item: Discuss and take a record vote to propose a tax rate of \$0.7780 per \$100 of assessed valuation, which is a tax increase of 2.79% above the Effective Tax Rate, to be adopted at a future meeting.

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

Summary: 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* (\$0.756909 per \$100 of assessed valuation) is a hypothetical benchmark tax rate. It is used to calculate 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 2018 tax year (FY19) and the 2019 tax year (FY20).

The *rollback tax rate* (\$0.837548 per \$100 of assessed valuation) 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* (\$0.778000 per \$100 of assessed valuation) is the rate proposed to generate property tax revenues to be used for the general maintenance and operational costs of providing city services; and paying the annual principal and interest on bonds and other debt secured by property tax revenues. The additional revenue (above the effective tax rate) that will be generated is proposed to be used for the following projects and operational costs up for your consideration in FY20:

- Funding additional public safety personnel (Patrol Officer & Fire Administrator Assistant)
- Extending the scope of the Business Incentive Program
- Funding the City's portion of the Senior Citizen transportation vehicle
- Funding various projects:
 - Wayfinding Signage
 - Improving various city facilities such as HVAC and roof replacements
 - Upgrading information technology equipment along with added network storage

According to the Local Government Code, when a city initially 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 FY20, staff is proposing to lower the City's current tax rate by 1 (one) cent – from \$0.7880 per \$100 of taxable assessed valuation to \$0.7780 per \$100 of taxable assessed valuation. Because the City's proposed tax rate exceeds the lower of the effective tax rate or the rollback tax rate, two (2) public hearings are required to be held before adopting the proposed tax rate.

The City Council will consider adopting the city's "final" tax rate at the regular meeting of the City Council on September 19, 2019, at 7:00 p.m.

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:** 7/29/2019 SLH

Supporting documents attached:

- Tax rate notice

Recommendation: Move to propose a tax rate of \$0.7780 per \$100 of assessed valuation, which is a tax increase of 2.79% above the effective tax rate, to be adopted at a future meeting.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

NOTICE OF 2019 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF ALVIN

A tax rate of \$0.778000 per \$100 valuation has been proposed for adoption by the governing body of CITY OF ALVIN. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of CITY OF ALVIN proposes to use revenue attributable to the tax rate increase for the purpose of hiring an additional patrol officer, adding funding for a business incentive program, to purchase a senior citizen transportation vehicle, and to fund various governmental projects such as enhanced citywide street signage, improving various city facilities such as HVAC and roof replacements, and upgrading information technology equipment along with added network storage .

PROPOSED TAX RATE	\$0.778000 per \$100
PRECEDING YEAR'S TAX RATE	\$0.788000 per \$100
EFFECTIVE TAX RATE	\$0.756909 per \$100
ROLLBACK TAX RATE	\$0.864044 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for CITY OF ALVIN from the same properties in both the 2018 tax year and the 2019 tax year.

The rollback tax rate is the highest tax rate that CITY OF ALVIN may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Ro'Vin Garrett, PCC
Brazoria County Tax Assessor-Collector
451 N Velasco Rm 150 in Angleton, Texas 77515
281-756-1838
roving@brazoria-county.com
<https://brazoriacountytx.gov/departments/tax-office>

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 15, 2019 at 7:00pm at the Council Chambers located at 216 W Sealy in Alvin, Texas 77511.

Second Hearing: September 5, 2019 at 7:00pm at the Council Chambers located at 216 W Sealy in Alvin, Texas 77511.



AGENDA COMMENTARY

Meeting Date: 8/1/2019

Department: City Manager

Contact: Junru Roland, City Manager

Agenda Item: Consider setting two (2) public hearings concerning the proposed tax rate on Thursday, August 15, 2019, at 7:00 p.m., and Thursday, September 5, 2019, at 7:00 p.m. in the City Council Chambers, City Hall, 216 West Sealy, Alvin, Texas.

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

Summary: The City's proposed tax rate exceeds the effective tax rate. As a result, the Local Government Code requires City Council to set two (2) 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 final tax rate at the regular meeting of the City Council on September 19, 2019, at 7:00 p.m.

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:** 7/29/2019 SLH

Supporting documents attached:

•

Recommendation: Move to set two (2) public hearings concerning the proposed tax rate on Thursday, August 15, 2019 at 7:00 p.m. and Thursday, September 5, 2019 at 7:00 p.m. in the City Council Chambers, City Hall, 216 West Sealy, Alvin, Texas.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager



AGENDA COMMENTARY

Meeting Date: 8/1/2019

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider the vacation of the final plat of Mustang Crossing Section 5 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 14.79 acres of land located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

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

Summary: On May 30, 2019, the Engineering Department received a request from M/I Homes of Houston, LLC for the vacation of the final plat of Mustang Crossing Section 5 that was recorded on March 25, 2019. M/I Homes of Houston, LLC. still owns all lots that are contained within the Section 5 plat and is requesting that the plat be vacated so that preexisting unimproved road easements through the property can be formally acknowledged and exchanged by ordinance (Ord. 19-Q).

The property is located at the northwest corner of the intersection of FM 1462 and Mustang Crossing Boulevard. This section consists of sixty-seven (67) single-family lots, two (2) reserves, and three (3) blocks.

This plat vacation complies with all requirements of the City's Subdivision Ordinance.

The Planning Commission unanimously approved the plat vacation at their meeting on July 16, 2019. Staff recommends approval.

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:** 7/11/2019 SLH _____

Supporting documents attached:

- [Click HERE to view Recorded Final Plat of Mustang Crossing Section 5](#)
- [Click HERE to view Plat Vacation Instrument from M/I Homes of Houston, LLC.](#)

Recommendation: Move to approve the vacation of the final plat of Mustang Crossing Section 5 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 14.79 acres of land located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

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: 8/1/2019

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider Ordinance 19-Q, an Ordinance of the City of Alvin, Texas, authorizing and approving the exchanges and conveyances of public rights-of-way within the proposed Mustang Crossing Subdivision; making findings of fact; and providing for related matters.

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

Summary: Ordinance 19-Q authorizes the exchange/conveyance of 0.6371 acres of unimproved platted roadway (rights-of-way) within the Mustang Crossing Subdivision for 3.34 acres of improved road rights-of-way within Mustang Crossing Sections 5 and 5B to serve the proposed lots. The rights-of-way being abandoned are further described in Exhibits A and B of Ordinance 19-Q.

Section 272.001 of the Texas Local Government Code enables the City to exchange public rights-of-way for other land to be used for public rights-of-way without a public sale.

The Planning Commission unanimously approved Ordinance 19-Q at their meeting on July 16, 2019. Staff recommends approval of Ordinance 19-Q.

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:** 7/11/2019 SLH

Supporting documents attached:

- Ordinance 19-Q

Recommendation: Move to approve Ordinance 19-Q, an Ordinance of the City of Alvin, Texas, authorizing and approving the exchanges and conveyances of public rights-of-way within the proposed Mustang Crossing Subdivision; making findings of fact; and providing for related matters.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

ORDINANCE NO. 19-Q

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AUTHORIZING AND APPROVING EXCHANGES AND CONVEYANCES OF PUBLIC RIGHTS-OF-WAY WITHIN THE PROPOSED MUSTANG CROSSING SUBDIVISION; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, M/I Homes of Houston, LLC., the owner of the property being developed as the Mustang Crossing subdivision (the “Developer”), desires to plat the lots in Sections 5 and 5B of said subdivision and to realign the undeveloped roadways as appropriate to serve the platted lots; and

WHEREAS, the proposed plat and layout of Mustang Crossing would require the City of Alvin, Texas (the “City”) to abandon 0.6371 acres, more or less, of public rights-of-way more particularly described herein; and

WHEREAS, the Developer proposes to dedicate 3.34 acres to the City for use as public right-of-way in exchange for the City’s abandonment of the 0.6371 acres;

WHEREAS, the Developer owns the property abutting both sides of the 0.6371 acres of public right-of-way to be abandoned;

WHEREAS, the 0.6371 acres of public right-of-way is not being used and will not be necessary for use by the City as a street or roadway upon platting of the Mustang Crossing subdivision, Section 5 and Section 5B;

WHEREAS, the City is authorized by the Section 272.001 of the Texas Local Government Code to exchange public rights-of-way for other land to be used for public rights-of-way without a public sale;

WHEREAS, the City finds that it is in the public interest and necessary to the planning and layout of the City to abandon the 0.6371 acres of public right-of-way and to accept the dedication of 3.34 acres of public right-of-way from the Developer, which will more appropriately serve the platted subdivision;

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

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

Section 2. Abandonment of Right-of-Way. The 0.3754 acres of public right-of-way, situated in Brazoria County, Texas, as described in Exhibit “A,” attached hereto and incorporated for all purposes, and the 0.2617 acres of public-right-of-way, situated in Brazoria County, Texas, as

described in Exhibit "B," attached hereto and incorporated for all purposes, shall be permanently closed, vacated, and abandoned by the City and the general public upon the City's acceptance of the dedication of 3.34 acres to the City as public right-of-way by the Developer as set forth in Section 3.

Section 3. Recordable Instruments.

(a) The City Council hereby authorizes and directs the Mayor of the City to execute a Special Warranty Deed conveying the rights and interests of the City in the abandoned and vacated portions of the rights-of-way as described in Section 2 above and Exhibits "A" and "B" to the Developer, in exchange for a properly executed and legally sufficient final plat of Mustang Crossing, Section 5, which dedicates 2.97 acres of land, more or less, as depicted on the Mustang Crossing, Section 5 subdivision plat; and a properly executed and legally sufficient final plat of Mustang Crossing, Section 5B, which dedicates 0.37 acres of land, more or less, as depicted on the Mustang Crossing Section 5B subdivision plat, to the City for use as a public right-of-way.

(b) The City Council further authorizes the Mayor to hold the Special Warranty Deed in escrow until such time as the final plat of Mustang Crossing, Section 5 and Section 5B, dedicating 3.34 acres of public right-of-way to the City is accepted by the City. After the City Manager or Mayor determines that the 3.34 acres of public right of way has been dedicated to and accepted by the City by the Developer, the Mayor will cause and direct the Special Warranty Deed to be recorded in the Brazoria County Deed Records.

Section 4. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

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

PASSED AND APPROVED on this _____ day of _____, 2019.

CITY OF ALVIN, TEXAS

ATTEST:

By: _____
Paul A. Horn
Mayor

By: _____
Dixie Roberts
City Secretary

EXHIBIT A

Exhibit__ Page 1 of 3 Pages

County: Brazoria
Project: Mustang Crossing- 30' Road Abandonment
C.I. No.: 1171-19
Job Number: 2017-250-114

METES AND BOUNDS FOR 0.3754 ACRES

Being a 0.3754 acre tract of land located in the subdivision of the Hooper and Wade Survey, Section 18, Abstract 488, in Brazoria County, Texas and recorded in Volume 6, Page 152 and Volume 32, Page 2 of the Deed Records of Brazoria County (D.R.B.C.); said 0.3754 acre tract being a portion of Lots 26 and 27 of said subdivision and a portion of a call 55.14 acre tract of land recorded in Clerk's File No. 2017064035 of the Official Public Records of Brazoria County (O.P.R.B.C.); said 0.3754 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to northwesterly line of said call 55.14 acre tract and the Texas Coordinate System, South Central Zone, NAD 1983):

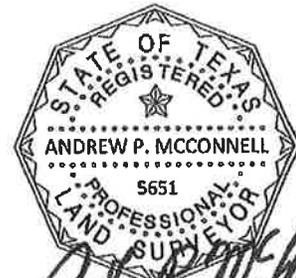
Commencing at a 1/2-inch iron rod found at the north corner of Lot 26, the west corner of Lot 27, the south corner of Lot 28, the east corner of Lot 25 of said Hooper and Wade subdivision, being the east corner of a call 9.99 acre tract of land conveyed to Frank C. Planka and wife, Marjorie A. Planka recorded in Clerk's File No. 2002-020054 of the O.P.R.B.C.;

Thence, with the northwest line of said Lot 26 common with the southeast line of said Lot 25, South 59 degrees 47 minutes 40 seconds West, a distance of 15.00 feet to the southwest line of a 30 feet wide road shown on aforesaid map recorded in Volume 6, Page 152 of the D.R.B.C.;

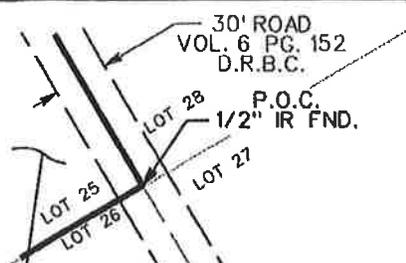
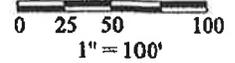
Thence, across said Lot 26 and aforesaid call 55.14 acre tract, with said southwest line, South 30 degrees 10 minutes 55 seconds East, a distance of 377.10 feet to the **Point of Beginning** of the herein described tract;

1. Thence, leaving said southwest line, 32.33 feet along the arc of a curve to the right, said curve having a central angle of 37 degrees 03 minutes 10 seconds, a radius of 50.00 feet and a chord that bears North 40 degrees 34 minutes 51 seconds East, a distance of 31.77 feet to the northeast line of aforesaid 30 feet wide road;
2. Thence, across aforesaid Lot 27 and aforesaid call 55.14 acre tract, with said northeast line, South 30 degrees 10 minutes 55 seconds East, a distance of 554.49 feet to the south line of of said call 55.14 acre tract and north Right-of-Way line of FM 1462 (150 feet wide) recorded in Volume 959, Page 400 of the D.R.B.C.;

3. Thence, with the north Right-of-Way line of said FM 1462 common with the south line said call 55.14 acre tract, 32.40 feet along the arc of a curve to the right, said curve having a central angle of 01 degrees 00 minutes 41 seconds, a radius of 1,835.08 feet and a chord that bears South 81 degrees 59 minutes 19 seconds West, a distance of 32.40 feet to the southwest line of aforesaid 30 feet wide road;
4. Thence across said call 55.14 acre tract and aforesaid Lot 26, with said southwest line, North 30 degrees 10 minutes 55 seconds West, a distance of 531.80 feet to the **Point of Beginning** and containing 0.3754 acres of land.



Andrew P. McConnell
5-23-19



55.14 ACRES
BEING ALL OF A
CALL 55.14 ACRE TRACT
CONVEYED TO
M.I. HOMES, L.L.C.
(TRACT 1) RECORDED IN
C.F. NO. 2017064035 O.P.R.B.C.

CALL 9.99 ACRES
FRANK C. PLANKA
AND WIFE,
MARJORIE A. PLANKA
C.F. NO. 2002-020054
O.P.R.B.C.

SUBDIVISION OF THE
HOOPER AND WADE SURVEY
SECTION 18
VOL. 6, PG. 152
VOL. 32, PG. 2
D.R.B.C.

P.O.B.
1171-19

FUTURE
COLT CANYON DRIVE

FUTURE
MUSTANG CROSSING
SECTION 5

0.3754 ACRES
M&B NO. 1171-19

FUTURE
STEED BLUFF DRIVE

NOTES

1. P.O.B.: POINT OF BEGINNING
P.O.C.: POINT OF COMMENCING
VOL.: VOLUME PG.: PAGE
O.P.R.B.C.: OFFICIAL PUBLIC
RECORDS OF BRAZORIA COUNTY

Costello



Engineering and Surveying
9990 Richmond Avenue, Suite 460 N
Houston, Texas 77042
(713) 783-7788 (713) 783-3580, Fax
TBPE FIRM REG. No. 280
TBPLS FIRM REG. No. 100486

EXHIBIT OF 30' WIDE ROAD
ABANDONMENT AT
MUSTANG CROSSING SECTION 5

FM 1462 (150' WIDE)
VOL. 959, PG. 400
D.R.B.C.

S:\NEW\Mustang Crossing\2017250 BC MUD 73114 MUD Map\117119.dgn
5/23/2019 9:24:14 AM

EXHIBIT B

Exhibit__ Page 1 of 3 Pages

County: Brazoria
Project: Mustang Crossing- 40' Road Abandonment
C.I. No.: 1172-19
Job Number: 2017-250-114

METES AND BOUNDS FOR 0.2617 ACRES

Being a 0.2617 acre tract of land located in the subdivision of the Hooper and Wade Survey, Section 18, Abstract 488, in Brazoria County, Texas and recorded in Volume 6, Page 152 and Volume 32, Page 2 of the Deed Records of Brazoria County (D.R.B.C.); said 0.2617 acre tract being a portion of Lots 15 and 26 of said Hooper and Wade subdivision and a portion of a call 55.14 acre tract of land recorded in Clerk's File No. 2017064035 of the Official Public Records of Brazoria County (O.P.R.B.C.); said 0.2617 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the northwesterly line of the 55.14 acre tract and the Texas Coordinate System, South Central Zone, NAD 1983):

Commencing at a 1/2-inch iron rod found at the north corner of said Lot 15, the west corner of Lot 26, the south corner of Lot 25 and the east corner of Lot 16 of said Hooper and Wade subdivision, said Lot 16 being conveyed to Alvin Evangelical Church in Clerk's File No. 1994-042297 of the O.P.R.B.C. and said Lot 25 being conveyed to Frank C. Planka and wife, Marjorie A. Planka recorded in Clerk's File No. 2002-020054 of the O.P.R.B.C.;

Thence, with the northeast line of said Lot 15 common with the southwest line of said Lot 26, South 30 degrees 06 minutes 48 seconds East, a distance of 172.67 feet to the **Point of Beginning** of the herein described tract;

1. Thence, across said Lot 26, South 74 degrees 40 minutes 50 seconds East, a distance of 28.50 feet to the northeast line of a 40 feet wide road shown on aforesaid map recorded in Volume 32, Page 2 of the D.R.B.C.;
2. Thence, with said northeast line, South 30 degrees 06 minutes 48 seconds East, a distance of 285.00 feet to the south line of aforesaid call 55.14 acre tract common with the north Right-of-Way line of FM 1462 (150 feet wide) recorded in Volume 959, Page 400 of the D.R.B.C.;
3. Thence, across said Lot 26 and aforesaid Lot 15, with the south line of aforesaid call 55.14 acre tract common with the north Right-of-Way line of said FM 1462, North 74 degrees 40 minutes 50 seconds West, a distance of 57.00 feet to the southwest line of aforesaid 40 feet wide road;

Exhibit__ Page 2 of 3 Pages

4. Thence across said Lot 15 and said call 55.14 acre tract, with said southwest line, North 30 degrees 06 minutes 48 seconds West, a distance of 285.00 feet;
5. Thence, leaving said southwest line, across said Lot 15 and said call 55.14 acre tract, South 74 degrees 40 minutes 50 seconds East, a distance of 28.50 feet to the **Point of Beginning** and containing 0.2617 acres of land.



Andrew P. McConnell
5-23-19

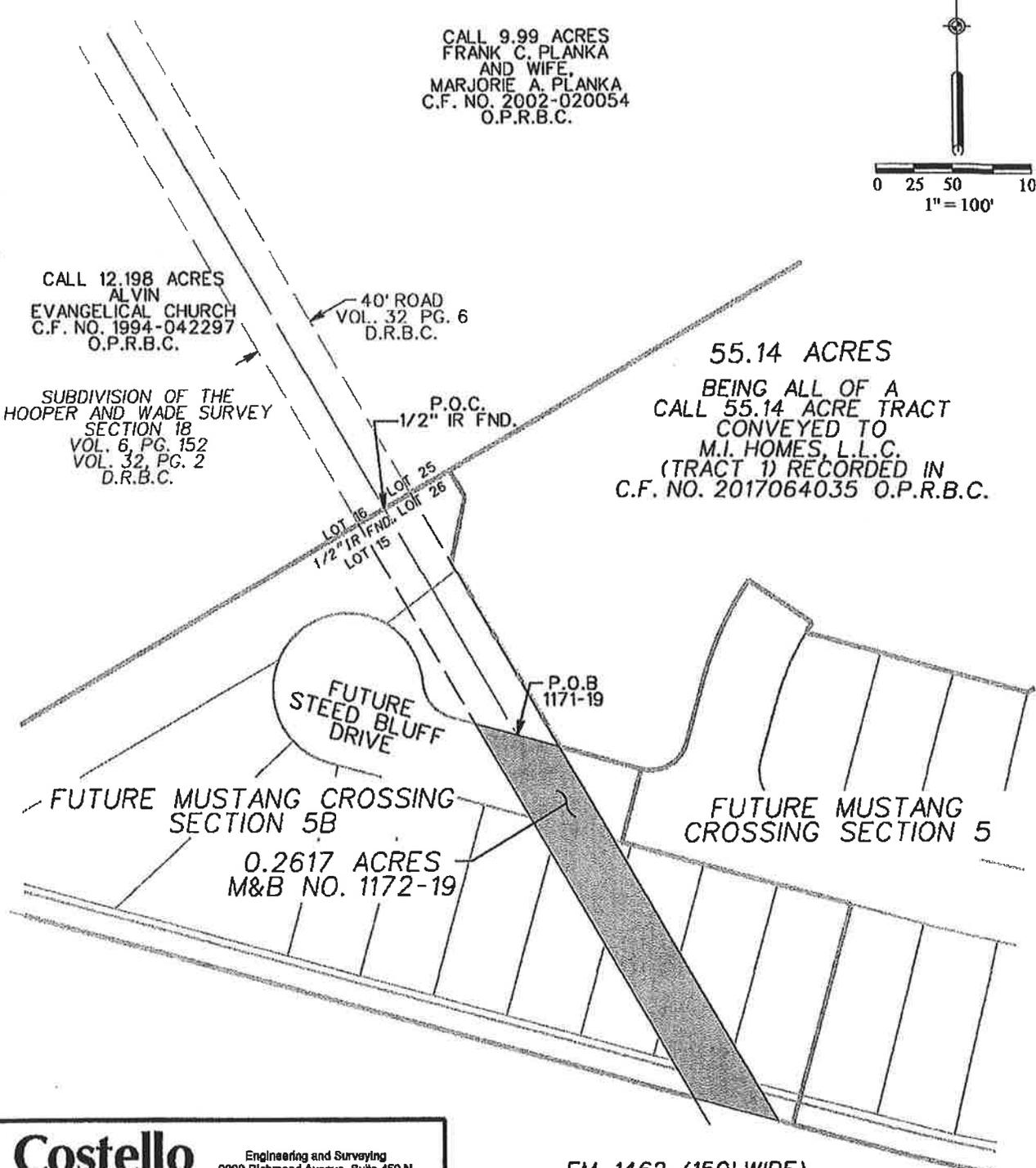


CALL 9.99 ACRES
FRANK C. PLANKA
AND WIFE,
MARJORIE A. PLANKA
C.F. NO. 2002-020054
O.P.R.B.C.

CALL 12.198 ACRES
ALVIN
EVANGELICAL CHURCH
C.F. NO. 1994-042297
O.P.R.B.C.

SUBDIVISION OF THE
HOOPER AND WADE SURVEY
SECTION 18
VOL. 6, PG. 152
VOL. 32, PG. 2
D.R.B.C.

55.14 ACRES
BEING ALL OF A
CALL 55.14 ACRE TRACT
CONVEYED TO
M.I. HOMES, L.L.C.
(TRACT 1) RECORDED IN
C.F. NO. 2017064035 O.P.R.B.C.



Costello



Engineering and Surveying
9990 Richmond Avenue, Suite 450 N
Houston, Texas 77042
(713) 783-7788 (713) 783-3680, Fax
TBPE FIRM REG. No. 280
TBPLS FIRM REG. No. 100488

FM 1462 (150' WIDE)
VOL. 959, PG. 400
D.R.B.C.

NOTES

1. P.O.B.: POINT OF BEGINNING
P.O.C.: POINT OF COMMENCING
VOL.: VOLUME, PG.: PAGE
O.P.R.B.C.: OFFICIAL PUBLIC
RECORDS OF BRAZORIA COUNTY

EXHIBIT OF 40' WIDE ROAD
ABANDONMENT AT
MUSTANG CROSSING SECTION 5

JOB NO.: 2017-250-114 | DATE: 5-20-2019 | EXHIBIT NO.: 117219.DGN

S:\NEW\Mustang Crossing\2017250 BC MUD 73114 MUD Map\117219.dgn
5/23/2019 9:58:46 AM



AGENDA COMMENTARY

Meeting Date: 8/1/2019

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider a final plat of Mustang Crossing Section 5 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 14.77 acres of land, being a partial replat of lots 26 and 27 of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas. Located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

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

Summary: On May 30, 2019, the Engineering Department received the revised final plat of Mustang Crossing Section 5 for review. The property is located at the northwest corner of the intersection of FM 1462 and Mustang Crossing Boulevard. This section consists of sixty-seven (67) single-family lots, two (2) reserves, and three (3) blocks. The Mustang Crossing Subdivision currently consists of three previously platted sections containing 204 single-family residential lots of which approximately 196 have homes on them. This plat complies with all requirements of the City's Subdivision Ordinance.

The Planning Commission unanimously approved the Final Plat of Mustang Crossing Section 5 at their meeting on July 16, 2019. Staff recommends approval.

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:** 7/11/2019 SLH

Supporting documents attached:

- [Click HERE to view Final Plat of Mustang Crossing Section 5](#)

Recommendation: Move to approve the final plat of Mustang Crossing Section 5 (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 14.77 acres of land, being a partial replat of lots 26 and 27 of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas. Located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

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: 8/1/2019

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider a final plat of Mustang Crossing Section 5B (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a Planned Unit Development (PUD) subdivision containing 2.9314 acres of land, being a partial replat of lots 15 and 26 of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas. Located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

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

Summary: On May 30, 2019, the Engineering Department received the final plat of Mustang Crossing Section 5B for review. The property is located at the northwest corner of the intersection of FM 1462 and Mustang Crossing Boulevard. This section consists of nine (9) single-family lots, three (3) reserves, and one (1) block. The Mustang Crossing Subdivision currently consists of three previously platted sections containing 204 single-family residential lots of which approximately 196 have homes on them. This plat complies with all requirements of the City's Subdivision Ordinance.

The Planning Commission unanimously approved the plat at their meeting on July 16, 2019. Staff recommends approval.

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:** 7/11/2019 SLH

Supporting documents attached:

- [Click HERE to view Final Plat of Mustang Crossing Section 5B](#)

Recommendation: Move to approve the final plat of Mustang Crossing Section 5B (located northwest of the intersection of FM 1462 and Mustang Crossing Boulevard), being a PUD subdivision containing 2.9314 acres of land, being a partial replat of lots 15 and 26 of Section 18, Hooper & Wade Survey, recorded in volume 6, page 152 and volume 32, page 2, all of the Deed Records of Brazoria County, Texas. Located in the Hooper & Wade Survey, Abstract 488, in the City of Alvin, Brazoria County, Texas.

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: 8/1/2019

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider a final plat of Rustic Country Acres (located at 2505 County Road 145), being a subdivision of 8.9999 acres in the A.C.H.&B. Railroad Company Survey, A-412, also being a partial replat of lots 18 and 19 out of section 25 of the A.C.H.&B. Railroad Company Survey, Abstract 412 as recorded by volume 8, page 622 of the deed records of Brazoria County, Texas.

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

Summary: On July 1, 2019, the Engineering Department received the final plat of Rustic Country Acres for review. The property is located at 2505 County Road 145, in the City of Alvin's Extraterritorial Jurisdiction (ETJ). Lot 2 was previously conveyed, in error, by Metes and Bounds Description without platting through the City of Alvin as required. The subdivision of this property without platting was discovered when the new owner of lot 2 applied to have electrical service to the property. Mr. Durr, the original owner of the entire property, is requesting a variance to the 60' lot width requirement and requesting that a lot width of 40' for lot 2 be approved. A lot width of 40' for lot 2 is the maximum width that can be attained and still keep all utilities that service Mr. Durr's home within lot 1 where his home is located.

The City Planning Commission unanimously approved the plat with the variance to lot width at their meeting on July 16, 2019. Staff recommends approval.

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:** 7/29/2019 SLH

Supporting documents attached:

- [Click HERE to view Final Plat of Rustic Country Acres](#)

Recommendation: Move to approve the final plat of Rustic Country Acres (located at 2505 County Road 145), being a subdivision of 8.9999 acres in the A.C.H.&B. Railroad Company Survey, A-412, also being a partial replat of lots 18 and 19 out of section 25 of the A.C.H.&B. Railroad Company Survey, Abstract 412 as recorded by volume 8, page 622 of the deed records of Brazoria County, Texas.

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: 8/1/2019

Department: City Attorney

Contact: Suzanne L. Hanneman, City Attorney

Agenda Item: Consider Resolution 19-R-32, approving the Utility Conveyance and Security Agreement accepting the water distribution, wastewater collection and storm water facilities to serve Kendall Lakes, Section Seven; and authorize the Mayor to sign the Agreement.

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

Summary: This conveyance of utility facilities conforms with the initial Utility Services Contract dated August 5, 2004, with the developer, Skymark Land Development, Inc. Skymark contracted with the City to obtain water supply and wastewater treatment services for Municipal Utility District (MUD) No. 36 serving Kendall Lakes. The District contracted with Clearwater Utilities, Inc., in January 2017 for the water distribution, wastewater collection, and storm water facilities to serve Kendall Lakes, Section Seven. These services (water supply and wastewater treatment services) are now to be transferred to the City for ownership, operation, and maintenance

Staff recommends approval of the Resolution and acceptance of the Utility Conveyance.

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:** 7/29/2019 SLH

Supporting documents attached:

- Resolution 19-R-32
- Utility Conveyance and Security Agreement

Recommendation: Move to approve Resolution No. 19-R-32, approving the Utility Conveyance and Security Agreement accepting the water distribution, wastewater collection and storm water facilities to serve Kendall Lakes, Section Seven, and authorize the Mayor to sign the Agreement.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

RESOLUTION 19-R-32

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

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

WHEREAS, certain facilities were constructed by or on behalf of the District pursuant to a construction contract dated January 17, 2017, for the water distribution, wastewater collection, and storm water facilities to serve Kendall Lakes, Section Seven; and

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

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

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

Section 1. That the City Council hereby approves the Utility Conveyance and Security Agreement for Kendall Lakes, Section Seven.

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

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

PASSED AND APPROVED on this the 1st day of August 2019.

CITY OF ALVIN, TEXAS

ATTEST:

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

UTILITY CONVEYANCE AND SECURITY AGREEMENT

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

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

Those certain facilities constructed by or on behalf of the District pursuant to the construction contract with Clearwater Utilities, Inc., dated January 17, 2017, for the water distribution, wastewater collection, and storm water facilities to serve Kendall Lakes, Section Seven, together with any improvements, structures, storm sewer mains, plants, service pumps, storage reservoirs, electrical equipment, plant equipment, distribution lines, collection lines, water mains, lift stations, meters, valves, pipes, fittings, connections, meter boxes, laterals, easements, rights-of-way, licenses, operating rights and all other property therein whether real, personal or mixed, owned by the District in connection with the facilities being conveyed hereby, SAVE AND EXCEPT detention facilities (the "Facilities"). The detention facilities shall be owned and maintained by either the District or a property owners association.

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

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

The City hereby agrees by its acceptance of this conveyance to operate and maintain the Facilities in accordance with the terms of the Agreement.



AGENDA COMMENTARY

Meeting Date: 8/1/2019

Department: Engineering

Contact: Michelle Segovia, City Engineer

Agenda Item: Consider an Engineering Services Agreement with LJA Engineering in an amount not to exceed \$396,250 for engineering design services for the Waterline Improvements Phase 2 Project; and authorize the City Manager to sign the Agreement upon legal review.

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

Summary: The Waterline Improvements Phase 2 Project was identified in the 2015 Utility Master Plan that was approved by City Council on March 3, 2016, and consists of the replacement/addition of approximately 15,200 linear feet of waterline in the area generally bounded by Highway 6, Bypass 35, Sealy Street, and Second Street.

The Engineering Services Agreement being considered will provide surveying and geotechnical data, preliminary and final engineering design, complete plan set with bid package, and construction phase services for this important water system rehabilitation CIP project. It is proposed that design services culminating in a final bid package will be complete in a period of eight months. Approval of this Agreement will ensure that construction plans are available and ready for bid in April 2020.

This project is being funded by the 2019 Revenue Bonds that were authorized and approved by City Council on May 16, 2019. Staff recommends approval of this Agreement.

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

Funding Account: 237-6001-00-9078 **Amount:** \$396,250 **1295 Form Required?** Yes No

Legal Review Required: N/A Required **Date Completed:** 7/29/2019 SLH

Supporting documents attached:

- LJA Proposal for the Waterline Improvements Phase 2 Design

Recommendation: Move to approve an Engineering Services Agreement with LJA Engineering in an amount not to exceed \$396,250 for engineering design services for the Waterline Improvements Phase 2 Project; and authorize the City Manager to sign the Agreement upon legal review.

Reviewed by Department Head, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Attorney, if applicable

Reviewed by City Manager

July 18, 2019

Mayor and City Council
City of Alvin
216 West Sealy
Alvin, Texas 77511

Re: Proposal for Engineering and Construction Services for Waterline Improvements
Phase II
LJA Proposal No. 19-02585

Dear Mayor and City Council:

LJA Engineering, Inc. (LJA) is pleased to submit this proposal to provide engineering and construction services associated with the waterline improvements along Lobitt Street, Snyder Street, Durant Street, Beaureguard Street, Johnson Street, Willis Street, Phillips Street, Lee Street, Hardie Street, Gordon Street, Old Galveston Road, Shirley Street, and Michael Street. Approximately 15,200 linear feet of waterlines will be replaced with larger waterlines. This proposal does not include any acquisition of any additional property or easements. We propose the following services and corresponding fees for this project.

SCOPE OF SERVICES

A. Preliminary and Design Phase

1. Attend Preliminary Conference with the City and other interested parties regarding the project.
2. Review all reports/plans regarding the existing waterlines.
3. Establish the scope of any topographical surveys and geotechnical investigations which, in the opinion of the Engineer, may be required.
4. Prepare detailed specifications, contract documents and contract drawings.
5. Submit final contract specifications and drawings to the required agencies for review and approval.

B. Bidding Phase

1. Assist the City in the advertisements of the project for bids.
2. Respond to questions regarding the project during the bidding process. If required, issue addendums to clarify any questions regarding the project.

3. Conduct a Pre-bid Conference between the Engineer, prospective bidders, suppliers, etc., to make certain that the scope of the work is fully understood.
4. Assist the City in the opening of bids for construction of the project. Tabulate and evaluate bids, and prepare a recommendation letter for Mayor and Council action.
5. Prepare final contract documents for execution by the Contractor and the City.

C. Construction Phase

1. Conduct a Pre-Construction Conference between the City, Engineer and Contractor.
2. Issue a work order with dates, approved by the City.
3. Make periodic visits to the project site to observe work with regard to general compliance with the plans and specifications.
4. Review samples, schedules, shop drawings, and other data which the Contractor submits.
5. Preparation for execution of the necessary progress documents including work order, payment estimates, change orders, time extensions, and other correspondence required to achieve the intended finished project.
6. Conduct final inspection in conjunction with the City, Contractor and Engineer. Prepare all closing documents to finalize the contract.

D. Additional Services

1. Topographical Surveys: Provide field surveys of existing structures, lines, site conditions, and other features required for the preparation of final construction.
2. Geotechnical Investigations: Provide field investigation of the geotechnical conditions to determine design. Determine ground water conditions and need for dewatering during construction.
3. Testing: Provide as required testing, field and laboratory, of construction materials.
4. TxDOT Permitting: Coordinate multiple waterline crossings within the ROW of HWY 35/Gordon Street with TxDOT and obtain utility permit approvals through the TxDOT UIR process.

5. **Project Representative: Provide on-site Resident Project Representation.** This will include periodic site visits (typically 10-15 hours a week) to review progress of contractor's work. These visits will be performed on an as needed basis during certain phases of construction. The Resident Project Representative will make his best effort to be on-site during critical phases of work.

It is agreed that the Engineer does not underwrite, guarantee or ensure the work done by the contractors. Since it is the contractor's responsibility to perform the work in accordance with the Contract Documents, the Engineer is not responsible or liable for the contractors' failure to do so. Failure by any Resident Project Representative or other personnel engaged in on the site observation to discover defects or deficiencies in the work of the contractors shall never relieve the contractors for liability or subject the Engineer to any liability for any such defect or deficiencies.

6. **Record Drawings:** Upon completion of the project, the contract drawings will be revised to reflect all field changes. The completed "record drawings" will be delivered to the Owner.

BASIS OF COMPENSATION

For the accomplishment of the above tasks and additional services, we propose that our compensation be based on the Scope of Services for each Phase and include a combination of Lump Sum Fees and Estimated Fees.

- A. **Preliminary and Design Phases:** Based on the scope of services, our fee will be a lump sum amount of \$152,920.00.
- B. **Bidding Phase:** Based on the scope of services, our fee will be a lump sum amount of \$9,560.00.
- C. **Construction Phase:** Based on the scope of services, our fee will be a lump sum amount of \$28,670.00.
- D. **Additional Services:**
 1. **Topographical Surveys:** Based on the scope of services, our fee will be a lump sum amount of \$91,200.00.
 2. **Geotechnical Investigations:** Based on the scope of services, we estimate the geotechnical investigations cost to be approximately \$20,500.00 (Billed as Time & Materials).
 3. **Testing:** Based on the scope of services, we estimate the construction materials testing cost to be approximately \$25,500.00 (Billed as Time & Materials).

4. TxDOT Permitting: Based on the scope of services, we estimate the TxDOT Permitting cost to be approximately \$10,000.00 (Billed as Time & Materials).
5. Project Representative: Based on the scope of services, we estimate the project representative cost to be approximately \$50,400.00 (Billed as Time & Materials).
6. Record Drawings: Based on the scope of services, our fee will be a lump sum amount of \$2,500.00.

The above fees do not include reimbursable expenses (advertising, reproduction, deliveries, travel/mileage, printing, permit fees, filing fees, recording fees, and long distance phone charges). We recommend a budget of \$5,000.00 be set for the actual reimbursable expenses incurred on the project.

If this proposal meets with your approval, please execute both copies (below), returning one original signed copy to our office and keeping the other for your records. Your signature will be sufficient authorization to immediately commence the stated work.

We appreciate the opportunity to be involved in your project. If you have any questions, please feel free to call me at 713.657.6013.

Sincerely,



Jimmy C. Flowers, PE
Project Manager

JCF/msg

Enclosure (s)

Proposal Accepted By:
CITY OF ALVIN
Junru Roland, City Manager

By: _____

Name: _____

Date: _____

**CITY OF ALVIN
WATER REHABILITATION CIP PROJECTS
WATERLINE IMPROVEMENTS - PHASE 2**

Item No.	Quantity	Unit	Description	Unit Cost	Total Cost
1	500	LF	10" Waterline (Open Cut Construction)	\$60.00	\$30,000.00
2	500	LF	10" Waterline (Augered Construction)	\$65.00	\$32,500.00
3	4,800	LF	8" Waterline (Open Cut Construction)	\$50.00	\$240,000.00
4	4,800	LF	8" Waterline (Augered Construction)	\$55.00	\$264,000.00
5	200	LF	8" Waterline (Augered & Encased Construction)	\$125.00	\$25,000.00
6	2,300	LF	6" Waterline (Open Cut Construction)	\$45.00	\$103,500.00
7	2,300	LF	6" Waterline (Augered Construction)	\$50.00	\$115,000.00
8	60	LF	6" Waterline (Augered & Encased Construction)	\$110.00	\$6,600.00
9	1	LS	8" Waterline Mustang Bayou Crossing - Attached to Bridge	\$70,000.00	\$70,000.00
10	5	EA	10" Gate Valve w/ Box	\$2,000.00	\$10,000.00
11	35	EA	8" Gate Valve w/ Box	\$1,500.00	\$52,500.00
12	35	EA	6" Gate Valve w/ Box	\$1,200.00	\$42,000.00
13	2	EA	12" Wet Connection	\$3,500.00	\$7,000.00
14	15	EA	8" Wet Connection	\$2,500.00	\$37,500.00
15	20	EA	6" Wet Connection	\$2,000.00	\$40,000.00
16	45	EA	Fire Hydrant Assembly	\$4,000.00	\$180,000.00
17	45	VF	Extra Depth Bury for Fire Hydrant	\$150.00	\$6,750.00
18	20	EA	Fire Hydrant Removal & Salvage	\$275.00	\$5,500.00
19	10	EA	Cut & Plug Exist. Waterline	\$750.00	\$7,500.00
20	35	EA	Close Exist. Valve, Remove Box, Pug Operator	\$300.00	\$10,500.00
21	7,600	LF	Trench Safety System	\$2.00	\$15,200.00
22	1	LS	Traffic Control	\$25,000.00	\$25,000.00
23	2	AC	Turf Establishment, Hydro-mulch Seeding	\$2,000.00	\$4,000.00
24	1,000	SY	Surface Restoration, Asphalt Surface	\$65.00	\$65,000.00
25	500	SY	Surface Restoration, Concrete Surface	\$100.00	\$50,000.00
26	100	SY	Surface Restoration, Unpaved Surface (Gravel or Shell)	\$40.00	\$4,000.00
27	7,600	LF	SWPP, Reinforced Filter Fabric Barrier	\$2.00	\$15,200.00
28	65	EA	New Short Side Single Service Connection (3/4" to 1")	\$500.00	\$32,500.00
29	70	EA	New Long Side Single Service Connection (3/4" to 1")	\$750.00	\$52,500.00
30	10	EA	New Short Side Single Service Connection (2")	\$1,200.00	\$12,000.00
31	15	EA	New Long Side Single Service Connection (2")	\$1,500.00	\$22,500.00
Supplementary Items					
32	1,200	LF	"Extra" Well Point Dewatering System	\$50.00	\$60,000.00
33	1,200	CY	"Extra" Bedding and Backfill for Wet Sand Construction	\$10.00	\$12,000.00
34	100	CY	"Extra" Bank Sand	\$10.00	\$1,000.00
35	50	CY	"Extra" Crushed Limestone	\$25.00	\$1,250.00
36	10	TON	"Extra" Cement Stabilized Sand, 2.0 Sacks per Ton	\$30.00	\$300.00
37	25	CY	"Extra" Class A Concrete	\$100.00	\$2,500.00
38	500	LB	"Extra" Reinforcing Steel	\$1.00	\$500.00
39	500	TON	"Extra" Crushed Concrete, 1" to 2" Gradation	\$18.00	\$9,000.00
40	1,000	SY	"Extra" Turf Establishment, Full Sodding	\$3.00	\$3,000.00
41	1	EA	"Extra" 8" Insertion Valve	\$7,500.00	\$7,500.00
42	1	EA	"Extra" 6" Insertion Valve	\$6,500.00	\$6,500.00
43	30	EA	"Extra" DFW Water Meter Box with LLDPE Body & HDPE Lid	\$60.00	\$1,800.00
SubTotal Estimated Construction Cost					\$1,689,100.00
Contingency (20%)					\$337,820.00
Probable Construction Cost					\$2,026,920.00
Basic Engineering Fees (9.43%)					\$191,150.00
Preliminary and Design Phase (80%)					\$152,920.00
Bidding Phase (5%)					\$9,560.00
Construction Phase (15%)					\$28,670.00
Additional Services Fees					\$205,100.00
Project Survey					\$91,200.00
Geotechnical Investigation					\$20,500.00
Construction Materials Testing					\$25,500.00
TXDOT Permitting					\$10,000.00
Project Representation					\$50,400.00
Record Drawings					\$2,500.00
Reimbursable Expenses					\$5,000.00
Total Estimated Engineering & Additional Service Fees					\$396,250.00
Total Probable Project Cost					\$2,423,170.00

City of Alvin Water Line Improvements Phase 2

